will not—and this is a tragedy—accept graduates from our Institute of Technology because the associateship in social work at our institute has not been recognised by the Australian Institute of Social Workers.

I do not know why these people are a law unto themselves. Certain standards must be accepted by institutes of professional people, but surely it can be demonstrated that the course at our institute is worthy of acceptance. As the Mental Health Services is a State department, I believe it should be informed by the Government that the course at the institute is worthy of acceptance and that these graduates should be employed by the Mental Health Services in the professional division.

In conclusion, I submit this argument to the Minister and hope he will consider the proposition. It is not something new as it is already in the Victorian Act and I therefore hope he will give it the consideration it deserves.

Debate adjourned, on motion by Mr. Rushton.

House adjourned at 10.49 p.m.

Thursday, the 17th October, 1968

Legislative Council

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

QUESTIONS (4): ON NOTICE

1. *This question was postponed.*

SOUTH KALGOORLIE SCHOOL
Classroom Accommodation

2. The Hon. J. J. GARRIGAN asked the Minister for Mines:

(1) Because of the shortage of classroom accommodation at the South Kalgoorlie School, are children being transported daily to the annexe at Boulder Central School?

(2) If the answer to (1) is "Yes," will the Government undertake to examine the situation and ensure that sufficient accommodation is available in future at the South Kalgoorlie School?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Tenders have been called for the erection of one extra room.

SHOPPING CENTRE
Calista

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

(1) In view of the extensive home building programme at Calista now extending southwards to Wellard Road, are there any plans for a shopping area to be developed to serve the citizens who now have to shop in Medina?

(2) Are the plans, if any, sufficiently advanced that a copy may be laid on the Table of the House?

(3) If the answer to (1) is "Yes," when will a commencement be made on the building of the centre?

(4) Is the site to be sold by—

(a) auction;

(b) tender;

(c) allocation to developers; or

(d) on a leasehold basis?

(5) (a) If by auction—on what date is the auction proposed to be held; or

(b) if by tender—when will tenders close?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) to (5) As a result of recent agreement with the local authority, the commission is now preparing brochures for the invitation of freehold or leasehold propositions by way of public tender for the development of a small group of shops and a service station on a site located on Calista Avenue, Bright Street, and Sawyer Road at Calista, which was recently zoned for this purpose. On current indications, tenders will be invited in November, 1968, and will allow three months for investors to undertake the necessary preliminaries for a commission decision in February, 1969.

HOLLYWOOD HIGH SCHOOL
Additional Work: Tender Price

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

(1) What was the accepted tender price for additional work now nearing completion at the Hollywood High School?

(2) When were plans approved?

(3) When was work commenced?

(4) What is the expected completion date?

(5) What additional buildings are in the plans, and for what purpose will they be used?

The Hon. A. F. GRIFFITH replied:

(1) The work at present in progress is the hall. The tender accepted was $114,773.

(2) Plans were approved on the 13th March, 1968.

(3) The contract was let on the 23rd August, 1968.

(4) The 24th January, 1969.

(5) No additional buildings are planned, but work was recently completed on a Commonwealth science laboratory and additional art and craft rooms.

BILLS (2): THIRD READING

1. Western Australian Marine Act Amendment Bill.

   Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

2. Health Act Amendment Bill.
   Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and transmitted to the Assembly.

TRAFFIC ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.38 p.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this Bill will come into operation progressively as proclaimed because some of them, which will be given effect to by regulation, cannot start to operate until the requisite regulations have been drawn up and gazetted.

A revised interpretation of "district" is inserted in the Act because, where regional traffic councils are formed under the Local Government Act, there is no authority for the council to appoint traffic inspectors. Therefore, at present, they have to be appointed by the Minister. This is not a satisfactory procedure, because inspectors appointed by the Minister are not subject to the authority of the regional traffic council. These councils are not recognised at present under the Traffic Act, so the amendment now proposed will rectify an anomaly and obviate a difficulty in the appointment of traffic inspectors.

Because the existing definition of "vehicle" has doubtful coverage in respect of machinery which is not used for conveying passengers or goods, a new definition is desirable in order that all types of objects using or likely to use public roads be brought within the scope of the Traffic Act.

The amendment in clause 4 is proposed, because the transfer of a vehicle must be effected as soon as fees are paid under the Traffic Act. But there is the further obligation of licensing authorities to collect stamp duty under the Stamp Act and it is considered the transfer should not be given effect until this duty is paid. The amendment has been drafted to enable the authority to refuse transfer until the duty required under the Stamp Act has also been paid. Otherwise a person who requires a transfer can obtain this by paying the requisite fee but avoid, at that stage, paying the stamp duty.

Clause 5 re-enacts section 25A to empower the Commissioner of Police to issue learners' permits in certain circumstances to learner drivers under the age of 17 years.

The new proposals provide for the issue of a learner's permit for a period of 12 months to a person who has reached the age of 16 years, to enable that person to take part in a driver-education course conducted by the National Safety Council. The council requested that this procedure be introduced as a means of extending its youth driver-education courses, as it is expected that the council's high schools' driver-training scheme will progressively cover a greater number of young drivers in the future. Under existing provisions, persons who have not reached the qualifying age of 17 years, cannot undertake a full course in driver-training. Yet it is held that early instruction in safe driving methods would have a beneficial effect on road safety in the future.

To clarify the point, I would mention that, while under age students can be taught on private property, they cannot go out on public roads, even when accompanied by qualified instructors, unless they are licensed to do so—such aspects as third party insurance are involved. The full 12 months of tuition is provided for, rather than cram the few months preceding the scholastic examinations.

There is, however, the additional provision in the clause which will enable persons having attained the age of 16 years and 9 months to take out learners' permits for the three months prior to their 17th birthday, when they will be eligible for a driver's license. These permits will however be confined to instruction by qualified professional driving instructors.

It is not intended to reduce the age at which a person can obtain a learner's permit for instruction by a private person; and this will remain at 17 years of age as at present. Furthermore, private persons desiring to be instructors, will, in future, need to have at least four years of driving experience before they can give such instruction. In a manner of speaking, this is no different from the existing provisions for the reason that all new drivers are now on probation for three

years and are required to drive for an additional 12 months before being considered experienced enough to pass on instruction to learner drivers.

Clause 6 will double the penalty for refusing information under section 34 of the Traffic Act. The new penalties will be a fine not exceeding $100 for a first offence and $200 for any subsequent offence. This amendment has been inserted in response to representations from the Shire Councils' Association because there were three cases in the country which were brought to the notice of the association recently which involved serious traffic offences, with the owners of the vehicles refusing to give the names of the drivers at the time of the offences. Fines up to $30 were inflicted in these cases, when the owners were subsequently charged, but they did not lose their licenses, nor were the real culprits punished at all. A repetition of this situation could lead to a serious state of affairs, and it is hoped that the increased penalty will provide a greater deterrent and be a means of bringing the real offenders before a court to be dealt with in a suitable manner.

Clauses 7 and 8 strengthen the Act in respect of the entitlement of persons visiting this State to drive on a license issued in another State or country. The weakness in the existing sections 35 and 36 lies in the ambiguity of the term "temporarily within this State." It is thought that the original intention of that provision was to benefit holiday visitors and tourists. With a greater influx of persons on working holidays, exchange duties, visiting students, and Army personnel, overseas servicemen, and others who remain not for a few weeks or months' holiday but over a period of many years, there are many, among these categories, who should be required to take out a Western Australian driver's license and possess a good knowledge of Western Australian traffic laws.

It is therefore proposed to amend the sections to provide that an out-of-State license shall be valid only for the term of its currency or for a period of 12 months, whichever occurs first. It is not considered realistic that persons coming from other States to work, say, in the northern areas on mining projects, or in any other areas, for that matter, and who possess a license which was taken out for five years in Queensland or elsewhere, should be allowed to retain that license and not have to take out a license locally.

Clause 9 contains an amendment which arises out of an appeal in the Supreme Court recently, when the Honourable Justice Jackson ruled in effect that where, for example, a motorist is stopped by a police officer and gives his name and address and later the police officer does not identify him in court, then the statement of name and address given by the driver of the vehicle cannot be used in evidence against the defendant, who is charged, even though the name and address coincide.

One result of this decision is that, if a defendant chooses to appear not in person but by counsel and cannot be identified—for the reason he is not in court—the prosecution could not prove identity. This is suggested because of His Honour's view that the statement that the driver of the vehicle made concerning his name and address could not be used against the person charged. A similar result occurs where the police officer cannot identify a person actually present in court. This occurs frequently in traffic prosecutions for the reason that most police officers see the driver of the vehicle only briefly, sometimes in a bad light, and it would be rare indeed that in three months' time, in the courtroom, he could identify that driver again.

A police officer might well submit up to 15 traffic briefs during an afternoon shift, apart from warning about the same number of offenders and it is not hard to imagine that this presents the officer with an almost insurmountable problem of identification to be resolved when the cases are heard in court at a later date.

An even more difficult problem faces the officer taking traffic reports. In taking up to 20 or 30 reports and witnessing the person's signature, he could not be expected, in three or four weeks' time, to identify a particular person in the court as the one making the report and as the one who was the driver of the vehicle which had been involved in the accident reported.

It is provided in the Bill, therefore, that the onus of proof shall be on the person charged that he is not, in fact, the person who gave that name at the time or shortly after the offence was committed. This involves a presumption rebuttable by evidence to the contrary to be produced by the person charged, otherwise his identity will be assumed as having been established.

One of the biggest problems of the department is to make the most effective use of the manpower that is available, particularly with a view to the availability of police to spend more time on the road on enforcement duties. Of importance in the resolving of this problem, are the amendments contained in clause 10, which will introduce statutory fixed penalties with an infringement notice which will describe the offence and the penalty appertaining to it, and rather than defend the action in court, the offender may, if he so desires, pay the penalty within a certain period. A wide range of traffic offences is intended to be covered by this procedure, and the penalties will range from $2 up to $40. It is hoped it will be given a trial,

for the time being at least, to ascertain if the scheme brings about the benefits hoped for.

In the case of minor parking infringement offences, notices may be addressed to the registered owner of the vehicle when the driver is not present, and left affixed to the vehicle. If the money is not paid within a prescribed time, then action will be taken to bring the offender to court to be dealt with at the discretion of a magistrate. The proposal is, in a manner of speaking, an extension of the existing minor offence regulations but it covers a much wider range of offences and with appropriately higher penalties. The intention is that it will operate throughout the length and breadth of the State, and so the proposal will be put into effect by country traffic authorities as well as by the Police Department in the metropolitan area.

The offences and penalties themselves will be prescribed by regulation. A schedule has already been drawn up for eventual incorporation in the regulations. It should be noted that the offences will not include any of those carrying mandatory suspension of licenses.

I am advised that similar schemes operate in other States and their introduction has saved the police a good deal of time on traffic offence matters, such as in having to appear in court, and enabled their services to be put to better use.

A similar scheme operating in New York is believed to have saved one of the police departments in that city 17,000 man-hours over a matter of a few months.

An estimate has been made that, with the use of streamlined report forms and modern techniques used in processing, the actual time police could spend on patrol would be doubled.

The beneficial effects will extend beyond the Police Force itself, as it is expected that the provisions now to be inserted in the Act will relieve the courts of the duty of hearing many trivial offences. With an effectual saving in clerical work, there should be a reduction of the time lapse between the date of the offence and completion of the action, while still preserving the right of any defendant to have his case heard in court as at present.

Clause 11 introduces a points demerit system similar to that operating successfully in some States of the United States of America, and also in Queensland. The Premier, during his election policy speech, mentioned his intention to bring such a system into operation here. An essential feature of the scheme is the grading of traffic offences, mostly according to their likelihood to produce accidents. Each offence is assigned a certain number of points. A person guilty of committing any of these offences will be debited with the prescribed number of points and, if he is a chronic offender, these will accumulate on his record. When the total accumulates to certain levels, the offender will be warned or disqualified automatically. We have in mind a figure of 12. For instance, a person can reach the stage where once he has accumulated a certain number or points he is warned, and when he reaches a total of 12 points he has his license cancelled automatically.

It is believed the introduction of such a scheme will make drivers more traffic-conscious and aware of their responsibilities on the road. A driver will be well aware that having accumulated a certain number of points, the addition of but a few more will place him in the position of losing his license.

It is proposed that the points will be counted over a three-year period. When a driver is in his fourth year, the points for the first year will be dropped and he will be debited only with those points he has accumulated during the three-year period. The process will be worked out by computer at the Police Department and the results will be recorded on the driver's license. I mentioned earlier that he will be informed as to the number of points he has accumulated over a certain period. Any person will be granted the opportunity to make a check on the points debited.

In more detail, I advise that if a person accumulates six points he will receive a warning letter from the Commissioner of Police. On accumulating nine points, he will receive a second letter of warning, and on accumulating 12 points the automatic suspension of the license for three months will take place.

Examples of the application of the points system are as follows:—

For the offence of—	Points
Failing to stop after an accident	9
Exceeding the speed limit by 30 m.p.h. or more	5
Exceeding the speed limit by more than 10 m.p.h. but less than 30 m.p.h.	3
Failing to give right of way—	
(a) If an accident occurs	4
(b) If no accident occurs	2

On the initial debiting being made, the driver will be given written advice and with the progressive total of points being marked on his driver's license, he will be continually aware of his position in relation to his convictions and his points score. The scheme is regarded as one of the best measures for the promotion of greater road safety that has so far been put forward in this State.

It is not always easy to apportion the blame in some accidents but some blame must certainly fall on the individual concerned and he must be educated to accept greater responsibility. Excessive speed and excessive liquor consumption are taking a heavy toll on our roads and provide the

greatest dangers with which other motorists have to contend. I commend this Bill to members, confident in the belief of a general awareness of the necessity to take the most effective legislative action possible to stem the tide of the tremendous toll being taken by traffic tragedies.

Debate adjourned, on motion by The Hon. J. Dolan.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Section 36 amended—

The Hon. L. A. LOGAN: Members will appreciate that the amendments which now appear on the notice paper are different from those which were on the notice paper for some time. When I originally placed the amendments on the notice paper, I acted in a hurry as a result of discussion during the second reading stage of the Bill. However, when I saw the amendments in print I was not satisfied and I have deliberately kept the Bill down on the notice paper so that the position could be studied further.

The amendments now on the notice paper are somewhat tidier, and I think they will fulfil all the requirements of those members who spoke to the second reading of this measure. At present, under the provisions of section 36 of the Metropolitan Region Town Planning Scheme Act, the authority has the right, where there is a claim for injurious affection, to purchase the land if it refuses to allow development to take place.

Under the provisions of the amendments in the Bill, the authority must, within three months, notify the owner in writing that it intends to acquire the land. Having agreed to acquire the land, and having notified the owner, the authority can then be approached by the owner and negotiations can take place.

The day on which the authority elects to purchase, rather than pay injurious affection, is the day on which the valuation is then made. If the owner and the authority do not agree on a valuation, after negotiation, the owner then has the right to go to arbitration in accordance with the Arbitration Act. The owner has the right to make application to the local court.

Some members may wonder why the amount of $1,000 is mentioned. I know the amount seems to be low, but this is the amount provided under the Local Courts Act and I am unable to make it higher.

Failing that, an owner has the right to approach the Supreme Court, or use any other means agreed to by the authority—which means can be very wide and varied. They can work it out among themselves; they can approach the court; they can appoint a valuer or two assessors, or, in fact, do what they like.

The owner has four courses to follow in trying to force the authority into paying a value which he thinks is equitable. So I think the proposed amendments will tie the authority down to fixing a time which it will have to pass on to the owner. They will also lay down the date on which the valuation is made, which I think is somewhat better than the previous provision which provided for the date of refusal to develop. Then the owner can follow any one of the four courses to approach the authority if he cannot obtain satisfaction. I believe this is a simple explanation of what the proposed amendments seek to provide. I move an amendment—

> Page 2, line 5—Insert the following paragraphs:—
>
> (a) by adding after the subsection designation "(2)", the paragraph designation "(a)";
>
> (b) by adding to subsection (2) a paragraph as follows:—
>
> (b) The Authority shall, within three months of the claim for injurious affection being made, or where such a claim is made before the date of the coming into operation of the Metropolitan Region Town Planning Scheme Act Amendment Act, 1968, within three months of that date, by notice in writing given to the claimant, either elect to acquire the land or advise that it does not intend to acquire the land;

The Hon. R. THOMPSON: I feel the Minister has taken full consideration of the queries raised, particularly by Mr. Medcalf, Mr. Griffiths, and myself, because I think the amendment will give effect to the opinions expressed. I therefore have no objection to the amendment.

The Hon. C. E. GRIFFITHS: I also agree that, with this amendment, the Minister has shown he wishes to make great progress towards making this Act more acceptable to people in general. The first part of the amendment is equitable both to members of the general public and to the authority. The period of three months is reasonable for the authority to reach a decision on a matter such as this. I do not think anybody could complain if the Committee agrees to the amendment. Therefore, I have much pleasure in supporting it.

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment—

Page 2—Delete proposed new subsection (2b) and substitute the following:—

(2b) The value of the land referred to in subsection (2a) of this section shall be the value thereof on the date the Authority elects to acquire the land under that subsection, and that value shall be determined—

(a) by arbitration in accordance with the Arbitration Act, 1895; or

(b) on the application of the owner of the land, made in the prescribed manner—

(i) by a Local Court, sitting at a place nearest to where the land lies—if the value of the land claimed by the owner thereof is not more than one thousand dollars; or

(ii) by the Supreme Court—if the value of the land claimed by the owner thereof is more than one thousand dollars;

or

(c) by some other method agreed upon by the Authority and the owner of the land,

and that value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part of the Scheme.

The Hon. R. THOMPSON: The point the Minister made in explanation of these amendments was that he felt some members of the Committee might consider the amount of $1,000 to be too low. As he stated, the amount comes within the jurisdiction of the Local Courts Act. However, I hope we can get over this difficulty in some way, because the degree of injurious affection, amounting to $1,000, would be practically nothing.

The Hon. A. F. Griffith: You are talking of value in relation to jurisdiction?

The Hon. R. THOMPSON: Yes. With the rise in values, I cannot see why people should have to approach the Supreme Court in regard to a valuation in excess of $1,000. This is an extravagance, and possibly it would be a waste of the time of the judiciary if a matter involving the excising of several feet from the frontage of a residential block or a business site were to be considered by them, even though the compensation to be made would probably be far in excess of $1,000.

The Hon. A. F. Griffith: If we altered the jurisdiction of the local court in respect of this matter, then such altered jurisdiction would apply to other matters also.

The Hon. R. THOMPSON: I qualify what I have said; we should look for some method to overcome this. Not many people will avail themselves of the use of the Supreme Court, and we will get back to the argument that people cannot afford to apply to that court. This is a matter of a dwelling being affected by roads, and I cannot see that the owner can afford the finance to take a case to the Supreme Court. Would it be possible to provide in the future for a special court to hear cases involving claims of up to $10,000?

The Hon. I. G. MEDCALF: I appreciate the point that has been taken by the honourable member. I feel it might be based upon a slight misunderstanding of what is the subject of such a claim when the case actually goes before the court. At this stage the claim is in respect of the land, and not in respect of compensation for injurious affection. The compensation for injurious affection is what the owner of the land claims against the authority. When the owner makes a claim for compensation for injurious affection he makes it against the authority under section 36 (2) of the Act. Then the authority may elect to acquire the land, and at that stage it is a different claim altogether.

Firstly, the landowner has a claim for compensation, because his land has been injuriously affected; then the authority elects to acquire the land; then we come to the second stage where the owner, instead of having a claim for compensation for injurious affection, has a claim for compensation for the land taken.

Unless I misunderstood Mr. Ron Thompson, this amendment relates to a claim for land that has been taken, and not for compensation for injurious affection. Therefore in most cases the value of the land that has been taken will exceed the jurisdiction of the local court. There would be few cases in which the amount involved was less than $1,000.

The Hon. A. F. Griffith: The point made by Mr. Ron. Thompson was that perhaps the jurisdiction of the local court could be extended.

The Hon. I. G. MEDCALF: I appreciate that. It would be wrong to depart from the jurisdiction of the local court. Normally its jurisdiction involves claims up to $1,000, but this jurisdiction applies to many matters including land. This court settles disputes in relation to other types of property, and to rents. If we are to change the jurisdiction of the court in one case, then we will have to consider changing it in other cases.

Here we are dealing with isolated problems arising out of the Metropolitan Region Town Planning Scheme under which

an election to acquire land is provided. We should stick to the principle that the jurisdiction of the local court shall not exceed $1,000.

The Hon. L. A. Logan: Can you give us an idea of the cost for taking a case to the Supreme Court?

The Hon. I. G. MEDCALF: The cost of creating, firstly, a special court was mentioned. I hark back to the Compensation Court which has been established as a special court under the Public Works Act. This court normally consists of a judge and two assessors. The fees of the two assessors, as well as the ordinary court fees, have to be paid. I think that the Minister acted wisely in omitting the Compensation Court. He has decided to take the cheapest way out, and to provide a court that has already been established by the State.

It is not a loss to any citizen to have to take a case to the Supreme Court. Although I cast no reflection on the magistracy, such a person would have the advantage of having his case—involving property which to him is very substantial and worth in excess of $1,000—heard by a judge of the Supreme Court who is highly qualified. In my opinion, the magistrates do a fine job, but nevertheless a judge is more highly qualified. Further, the parties do not have to pay the cost of calling in the judge.

The Hon. W. F. WILLESEE: Could the Minister elaborate on the words appearing in the last four lines of the amendment—"and that value shall be determined without regard to any increase or decrease, if any, in value attributable wholly or in part to the Scheme"?

The Hon. L. A. LOGAN: That is the wording which appears in both the Metropolitan Region Town Planning Scheme Act and the Town Planning and Development Act. When the authority elects to purchase —and the date of purchase is laid down—the value is based on the current market price. Just because a town planning scheme exists, the value is not increased or decreased; the value is based on the current market price.

The Hon. C. E. GRIFFITHS: I refer to new subsection (2b) in clause 3 (a) on page 2 of the Bill, which deals with the date on which the arbitrators are to fix the valuation. I took exception to that provision in the Bill, because the period—from the date of refusal of permission to develop, to the date when a decision is made as to price—could in some cases be a year or longer.

I am pleased to see that the Minister has moved the amendment which appears on the notice paper to alter the date of valuation to the date on which the authority decides to acquire the land. I thank the Minister for the time and consideration he has given in arriving at the amendments.

Those affected by this Act will have reason to commend the Government and the Minister for making the position clear that the date on which the value is to be fixed is definitely the date on which the authority decides to purchase. I think that this amendment takes care of some of the arguments I have raised in the past and the displeasure expressed by other members over the years. The proposed new paragraph (b) should overcome the problem once and for all, and will make people more likely to accept the provisions in general in the Act.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4: Amendment to section 36B—

The Hon. R. THOMPSON: Section 36B is causing considerable anxiety at present. Although the Board of Valuers carries out valuations and sets the minimum price at which houses and land can be sold, with a guarantee of compensation to the original owner, a number of properties have been on the market for some time and people just do not seem to be interested in them. But the properties I have in mind at the moment are the ones which will not be required by the authority for 10 to 15 years. This period has now been reduced to about five years.

I was amazed a fortnight ago when a person approached me about a house he had agreed to buy for $16,000 and on which he had paid a deposit of $500. I thought he was foolish in the extreme to enter into such a contract before utilising the provisions of section 36 of this Act. Strange, but true, the agent, who I believe is a member of the "A"-class planning committee, and is also a city councillor and a land and estate agent, when questioned told me he did not know of the existence of the provisions of section 36. I did not have the Act in front of me, but I told him the general way of going about things to protect both the owner and the purchaser.

I come back to the point I mentioned earlier. People do not understand this Act—not even estate agents—and they could be running the authority into a lot of expense.

I am not going to disagree with this clause, but I do feel that the provisions of the legislation could be widely publicised, particularly among those whose land will be affected.

A number of people want to sell their land for private reasons, but the authority refuses to buy because it will not be required for another five years. This tends to depress the values in an area. I know we cannot have it both ways, but I think that when a person requests the authority to purchase the property, and the person can substantiate the claim, then I think the authority should purchase rather than leave the person concerned at a complete disadvantage. This applies particularly to

those owners whose properties will eventually be resumed for the East Fremantle traffic bridge.

The Hon. L. A. LOGAN: I am amazed to learn that an estate agent did not know what was in this Act because the authority and the officers of the Town Planning Department have dealt with the senior officials of the Real Estate Institute of Western Australia and discussed this matter, otherwise this Bill would not be worth the paper on which it is written. One of the reasons for utilising this procedure was because with many types of businesses, and so on, it is far preferable that they be continued. After all, it is not the authority's job to run a business. If three or four such businesses were affected in one area, and the authority was forced to buy them and had to close them down, prices in the area would immediately be depressed.

The Hon. R. Thompson: I was not talking about businesses; only houses.

The Hon. L. A. LOGAN: There are all types of properties. If I were a young man with a few dollars I would buy all these properties which will be affected because I guarantee that in 10 years, unless there is a depression, the capital value will be doubled. This happens a lot in Sydney.

We work on the affected and unaffected value and the difference between the two is paid to the present owner. The percentage has to be within reason. We do not want it to be any more than 25 per cent.

The Hon. R. Thompson: That does not solve the problem when no-one will buy.

The Hon. L. A. LOGAN: I realise that is a difficulty. We have dealt with the R.E.I.W.A. on this matter, trying to get it to persuade people to purchase. We have not succeeded in a great many cases, but we have in some. I will make sure that the rest of the agents know about it, now I have been informed that at least one does not.

The Hon. F. R. H. LAVERY: The Minister will remember that previously this session I asked him a question in regard to a property in Leederville.

The Hon. L. A. Logan: I have the honourable member's note on the table in my office.

The Hon. F. R. H. LAVERY: The person concerned went to a land agent in order to sell his property. He wanted $12,000 but was offered $11,500, then $11,250 and then $11,300. Each time the person took steps to ascertain the position he found there was an interim order over the area. It was suggested that the owner used section 36 to his own advantage. The land agents concerned in Mt. Hawthorn are not small and they sent me a letter so that I might do something about it. My remarks follow on from what Mr. Ron Thompson said. The land agents do not seem to know the position and I hope the Minister will give consideration to altering it.

Clause put and passed.

Title put and passed.

Bill reported with amendments.

KEWDALE LANDS DEVELOPMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [3.32 p.m.]: To some extent the Bill before the House extends the authority of the Kewdale Development Authority and the amount of land which already comes under its control. When the Minister introduced the Bill he clearly demonstrated what was involved in the amendments and his remarks were supported by a very clear plan.

I understand that the two local authorites concerned with the development in the area have expressed their appreciation of the legislation and the scope it proposes to encompass. It seems to me that the further extensions will not involve the problems which the original proposals involved, whereby so much personal dealing was necessary with resident owners. In this case it will probably not be necessary to deal with individual owners other than companies which are prepared to stay in the area, and perhaps Government instrumentalities and the like. Consequently it would appear to be a much simpler exercise than the original one.

In passing, I would like to know whether all the claims have now been cleared with regard to the original takeover. I mentioned this to the Minister recently and he was of the opinion that most of them had been cleared and, if they had not been satisfactorily arrived at, then at least some settlement had been effected.

The disappointment and frustration of the people who were endeavouring to obtain the prices they wanted for their land and the work which has taken place in the area with the development of the scheme are very different matters. The development of the scheme itself has been rapid and there is no doubt a completely new look is being given to the area. In the ultimate the whole area will have to become industrial. The railway has now been established and with the Commonwealth aerodrome, and the availability of so much of the same type of land—in many places, undulating, marshy, lowlying, or sand hills—it would seem that industry is the only type of development which would be the most realistic. In addition, by the extension proposed by this legislation, we will reach almost a dead-end as to what might be done with some of the adjoining land, or land that might be caught up in a pincer movement.

If we look to the alternative of housing land and compare it with the price of the industrial land which is now being offered under this legislation, we would be inclined to think the whole area might well be taken over for industrial purposes. That would not be a new idea. It has been mooted previously and, possibly, it is being looked at even at this stage in many forms; namely, from the point of view of representation to the Minister and from the point of view of suggestions by other people.

Of course there are difficulties because this programme has been what might be termed a crash programme and has resulted in what I consider is surprisingly cheap industrial land. I cannot see that a price from $11,000 to $12,500 per acre is extraordinarily high or, indeed, high at all when we take into consideration the prices being obtained throughout the State for quite small parcels of land. This applies particularly in recent times where some quite startling figures have been paid for land.

It would seem that the opportunity still exists for quite big companies to go in and buy large areas of land at a reasonable price, having regard to all the facilities which are now available. These facilities are not programmed and are not being thought of; they are already there.

Of course some problems do exist. It is a difficult area to drain and the local authorities experience difficulty with some road-making projects. However those problems are being overcome and when one has regard for the fact that the scheme has been of such short duration, one will realise much has been done in a short time.

One interesting point in connection with the scheme is that it does not cost the Government any money in the ultimate. In this way it is somewhat unique. From the point of view of the authority, overall it must be a very satisfactory process of land development.

I feel that some of the original owners in the area were unfortunate in that they did not receive more for their land, particularly when one has regard for the surrounding circumstances which apply when people are forced to move out. However, I think the overall size of the scheme, the great potential it opens up, and the fact that it has not by any means reached fruition, must be considered. We must realise that we can only do the best we can under existing circumstances.

Perhaps the greatest problem experienced by the individual was in the negotiation for the land. Land prices are so high that they might be described as unrealistic and there was no alternative to the people concerned but to move into areas where land was available. In addition, when some people realised they had a buyer, who was being forced to leave another area, they gave them very little quarter with regard to price.

I support the Bill, because I feel that one could hardly do otherwise. I would like to add the thought that in the end result possibly we will see the authority continue until it reaches the point of taking over all the land in question and we will have a clear demarcation within the area as to what is industrial land and what, in turn, can be built upon for housing purposes.

THE HON. F. R. H. LAVERY (South Metropolitan) [3.40 p.m.]: One day last week, through the good graces of the Minister for Railways, an inspection of the area covered by this Bill was made by members of Parliament, and for those who had not been in that district for some years, or prior to the taking over of the land for the purposes envisaged, the inspection was a revelation. On behalf of those who attended, I wish to express appreciation. Mr. Graham, the Deputy Leader of the Opposition in another place, thanked the officers who came with us to describe what was to take place, and I would like to thank those who made it possible for us to make the tour of inspection.

I suggest to the Government that it could give consideration to a similar idea in regard to the area which Mr. Ron Thompson and I represent. Arrangements could be made for members to inspect the Kwinana area and I am sure country members, particularly, who may not have seen the industrial complex at Kwinana in recent years, would be most interested.

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [3.42 p.m.]: I thank both Mr. Willesee and Mr. Lavery for their comments, and I have taken note of the suggestion made by Mr. Lavery regarding a tour of the Kwinana area. I think the suggestion is a good one because the last tour was made some time ago and since then there have been many changes in that district. Those who had not been to Kewdale for some time would also have seen many changes.

As far as I can ascertain, Mr. Willesee, only one small property has not really been purchased and resumption orders were placed over 10 properties in March. Whether those cases have been finalised through the Arbitration Court, I do not know. Many of them will still finish up being purchased after negotiation instead of the matter being taken to the court. However, as far as the authority is concerned, once resumption orders have been issued the properties are considered to have been purchased, although in some cases negotiations could still be proceeding—I do not know.

The area mentioned by Mr. Willesee has been somewhat of a headache to me and my planners. After giving some thought to the matter, and to the development that is taking place there, I suggest to the owners that perhaps if they have a little patience they could be far better off in the long run—far better off than if they act hastily. With the development of the Kewdale area, and the industrial complex which is envisaged by this Bill, and the plans that have been drawn up for the land, it will be of great value. Because of that I suggest to the owners that they have a little patience because I am sure in the long run they will be a lot better off.

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. L. A. Logan (Minister for Local Government), and passed.

Sitting suspended from 3.46 to 4.5 p.m.

AERIAL SPRAYING CONTROL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th October.

THE HON. J. DOLAN (South-East Metropolitan) [4.5 p.m.]: This Bill comes as no surprise to me. When the Aerial Spraying Control Act was being debated in 1966, I spoke at some length on the measure and made a number of comments. It might be appropriate if I read a few of those comments from *Hansard* No. 3 of 1966, because they will indicate what I thought then. Some of the suggestions I made at that time are now included in the amending Bill before us.

I have no objection whatever to the amendments, just as I have no objection whatever to the Act. But I did feel then, just as I feel now, that it will take a long time to get the measure off the ground.

The Hon. A. F. Griffith: Are you talking about the planes or the Bill?

The Hon. J. DOLAN: It will be far more difficult to get the Bill off the ground than it will be to get the planes off the ground. I think it is very important that this activity should be controlled. I would now like to read a few of the comments that appeared in *The West Australian* of the 15th October, 1968. They are as follows:—

> Canberra, Mon.: Aerial spraying of insecticides and pesticides should be carefully controlled, an assistant director-general of the World Health Organisation, Dr. N. F. Izmerov, said today. Dr. Izmerov is in Australia for talks with Federal and State Government officials.

I would also quote a question that was asked in the Senate some time ago of the Minister representing the Minister for Civil Aviation. It concerned crop-dusting aircraft and read as follows:—

> Is the Minister aware that this year 10 agricultural pilots have lost their lives in accidents that occurred while crop dusting?

The senator in charge said that he was aware of the fact, and that something would have to be done urgently about the matter, because of the danger involved. There is something associated with this occupation which indicates that it is hazardous; that it is a matter which must be treated carefully. I would like to refer to some of the comments I made at the time the legislation was before us previously. It was introduced on the 18th August, 1966, but it never reached us until the end of the year. It was finally assented to in December. In 1966 I had this to say—

> I might digress here and say that this Bill was introduced in another place on the 18th August. Since it had its first reading on that date it has been down on the notice paper, then up, and then down again. There has been a lot of shillyshallying around with it. This was because the Government was not sure of it.

The Minister said, "You are not sure of that."

The Hon. A. F. Griffith: I was going to ask you whether there was an interjection.

The Hon. J. DOLAN: I then said—

> I have the feeling that no worthwhile thought has been put into the provisions of this Bill, I would say those two particular clauses—the one permitting the insurer to inspect the damage and the one to make the director's report available to the insuring company—should have been included in the measure, just as they have been in the Victorian Act. If uniformity is desired, I suggest they be put into the Bill.

These provisions were not put into that Bill; they were excluded; but we find they are in this Bill now—a couple of years later.

I also referred to the keeping of records and said it was a little unjust; that the onus, to a great extent, rested on the owner. I continued by saying—

> I feel I have said enough to indicate I have very grave doubts whether this Bill will be effective. There is an associated problem, and that is the problem of ground sprayers and I

believe the two Bills should have been presented together so that both operations were brought under control. I realise how important it is that this legislation be finally passed.

I have not altered my opinion, because I feel that legislation of this type is most desirable. I then went on to say—

> It is necessary legislation and I have no quibble whatever with the principle of it. It must come but it has to be just and fair to everybody and I feel, in the light of the problems I have disclosed to the House, it is not fair. It is legislation which has been hurriedly conceived and it should not be brought into operation.

Some of the matters to which I referred were mentioned in debate. One of these referred to a clause where the owner was considered to be responsible, even if he happened to be in Victoria and did not know where the spraying operation was being carried out in this State. The person who was doing the spraying might have taken another contract and continued with some other work, but the owner in Victoria was to be held responsible for the damage. I recall that Mr. Watson said, during the debate, that it seemed to strike at the roots of justice that man should be prosecuted when he had no idea what was going on. That aspect has been remedied by the provisions of this Bill, and I hope they will prove worth while.

I think in 1966 I expressed the opinion that no attempt had been made to control ground spraying. I understand that to a large extent there is still no control of ground spraying, and I am still of the opinion that there is danger, not to the crop of the person who is doing the spraying, but to his neighbour's crop.

Differing views were expressed. I do not know whether one of the farming members of the community had in mind his own interests or the interests of the farmers generally, when he said that no restrictions should be placed on them.

There are, however, plenty of restrictions placed on the fellow who is doing aerial spraying. In the first place he must be a certificated pilot, very often with a class 1 certificate. He must also have a very good knowledge of chemicals. For example, if I remember rightly, he must have a certificate for his knowledge of the chemical rating manual, which contains all the chemicals he uses, their effect, and so on.

In addition to this, he must keep a log of his operations. For the benefit of those members who were not here when this legislation was introduced originally, I gave some idea of the type of log that must be kept by an operator.

I do not often get lost when I am looking for a reference, and I will find this in a moment. To give an example of the type of log that must be kept I quote—

> Job No.; Nearest Town; Type of Crop or Vegetation; Type of Fertiliser, Insecticide, or Herbicide; Acres Treated; Tons Spread; Seed Type; Total Seed Used; No. of Hours Flown; Stage Flights; Pilot; Driver; Client; Strip; Strip Class; Application Rate; Date Commenced; Date Finish; Price Surcharge; Invoice No.; Remarks.

That is typical of what the aerial operator must contend with. At the time I said that the ground operator was required to do none of these things. He does not have to be a certified man—though he is a practical man, I will admit, particularly when he goes about his job.

The Hon. S. T. J. Thompson: The difference is that one is doing it for himself while the other is a contractor.

The Hon. J. DOLAN: The fellow who is doing it for himself does not have to worry where the spray goes, or what will happen when it carries on to an adjoining farmer's property. It is all very well to say that these people are neighbours, that they are friendly, and that sort of thing; but I would point out that some of these sprays are often carried for 25 miles, and are still able to do damage.

The Hon. A. F. Griffith: Are you suggesting that the crop sprayer would be entirely free from liability?

The Hon. J. DOLAN: This is where the trouble comes in, as I will explain to the Minister in a moment. There are two kinds of sprayers—the aerial sprayer and the ground sprayer. The insurance companies are very wary, and this will be one of the difficulties in getting the legislation off the ground. The insurance companies are controlled by hard-headed businessmen and they want to know just what they are insuring.

If the companies are insuring in the case of aerial spraying, and there is damage to a crop away from where the job is being done—say, on the next farm—and a claim is made against the company, it wants to know who was responsible for the damage. Everyone would know that at a certain time a plane flew over carrying out spraying operations. Members will recall that under the parent Act a long period was stipulated before a farmer need report damage to his crop. This report could be made on the same day or perhaps a week or more later; and a claim could be made against the insurance company. There would be no hope of the company being able to pinpoint the fact that a plane operating at a certain period was responsible for the damage. No record has to be kept by the farmer who may have been the cause of someone's crop being damaged. This is a position which will have to be faced up to.

When aerial operators wish to insure, there is a certain amount of financial liability. I think it was a $40,000 maximum in connection with each operation and the operators had to insure for this amount. I read a letter from Stenhouse (W.A.) Limited in 1966, which said the best insurance coverage it could find was $250 per aircraft per annum.

Aerial spraying has become big business in Western Australia; and I think over the last few years over 1,000,000 acres per annum have been sprayed. There is an enormous amount of territory involved.

When I spoke two years ago, the total of claims made for crop damage was just a little over $2,000. There could be a company with 10 or 12 planes; and if it is operating those planes individually, a premium of $250 or so per annum has to be paid for each plane. With 10 planes operating, the total premium over a considerable number of years would be a large amount; and it is a poor proposition from the aerial sprayer's point of view. It is also a poor proposition from the point of view of the insurance companies, when one has regard to the situation. We were aware of some of the difficulties associated with aerial spraying when the previous Bill—it is now the Act, but it has not been proclaimed—was before the House. I then mentioned one of the clauses which provoked quite a lot of debate. It reads as follows:—

> (1) Subject to subsection (2) of this section, a person shall not, on or after a date three months from the coming into operation of this Act, knowingly and wilfully carry out or cause or permit to be carried out any aerial spraying unless the pilot in command of the aircraft from which the spraying is carried out is a holder of a certificate.
>
> (2) Where the person charged with an offence against subsection (1) of this section is the owner of the aircraft from which the aerial spraying from which the offence relates was carried out, that person may be convicted of that offence notwithstanding that the aerial spraying was carried out without his knowledge or consent.

The man who owned the plane may have been out of the State at the time his operator did some aerial spraying, but he is held responsible for any damage caused and can be charged. Mr. Watson shared my view, as we did not think this was fair, though somebody must accept responsibility.

That subsection (2) is to be repealed and we are now putting more responsibility onto the man who is operating the plane. I have no intention of going into details, but there is a new interpretation of the word "owner"; and the new interpretation in the Bill adds certain words. The previous interpretation was—

> "owner" used in relation to an aircraft that is the subject of a hire-purchase agreement means the person in possession of the aircraft under that agreement;

That definition has been liberalised by this Bill, and it reads as follows:—

> "Owner" used in relation to an aircraft the subject of a hire purchase agreement, a hiring agreement or a bill of sale, means the person in possession of the aircraft under the hire purchase or hiring agreement or the person by whom the bill of sale was made or given; .

The amendment increases the scope of the interpretation.

There are difficulties to which I would like to refer, because I feel they will have to be faced up to before this measure gets off the ground. At the present time aerial spraying has become highly competitive to the extent that some of the owners have found themselves in financial difficulties. Very often the pilots are highly paid; and there are certain expenses associated with the upkeep of planes, dangers, insurance, and so on. All these things make operations difficult, and these people are having their troubles. I am of the opinion that they will require a clearer picture of what is involved before they can continue.

I suggest that consideration be given to restricting the licenses for operators. I never wish to interfere with people who desire to enter private industry of any particular nature, but it looks to me as though this industry is being gradually crowded out because of the difficulties it has to overcome in order to remain in operation. Quite a number of operators have gone to the wall; and unless the licenses are controlled in some way—as has been done with other industries, such as crayfishing, prawning, and so on—the industry will remain in trouble.

The Hon. R. Thompson: And taxis.

The Hon. J. DOLAN: Limits are placed on lots of things; and some sort of investigation will have to be made otherwise we will experience trouble in making this measure acceptable to farmers. Might I add that I am a little bit in their corner as they have to produce in the interests of the State, and we need to help them as much as we can because they are going to be at the wrong end of the stick unless the Minister —before he proclaims the Act after these amendments are passed—gives them a solid guarantee that the Act will be to their advantage.

As I said at the beginning of my speech, I support the amendments as they improve the Act, which has not yet been proclaimed. Perhaps I could give a rough sort

of analogy: Imagine a broken-down fence. Something has to be done about it so here and there we put in new posts. However, when the job is finished, the fence is still not satisfactory. I feel that will be the position with this Act, even if these amendments are passed. A lot of work will have to be done before we can say the Act is ready for proclamation.

THE HON. J. HEITMAN (Upper West) [4.24 p.m.]: In 1966, when the previous Bill came before the House, I spoke after Mr. Dolan on that occasion. I agree with most of what he has had to say; and I think the new amendments will make a great deal of difference. In the first place, they will prove that someone does own the aircraft and that someone is responsible for their operation. When I spoke on the previous occasion, I thought that Bill should have gone as far as that.

The aerial spraying companies should guarantee more of their work than they do. When speaking to the previous measure I said that on many occasions the contracts signed by the farmers were not worth the paper they were written on. The fact that operators could fly over paddocks, use any type of spray, and do any sort of a job did not matter. They were paid for the job, but there was no guarantee that their work would be first class. Over the past two years, many of these contractors found it hard to obtain the amount of work they had previously, despite the fact that today there is much more work for the aeroplane in the farming community. Urea is spread to a great extent by planes; more top-dressing is used; and superphosphate is spread by planes. In addition, more spraying is carried out in connection with wild oats, which is quite a recent innovation. This all helps to give the operators much more work than they had when the original measure was passed by Parliament in 1966.

Although the previous measure has not been proclaimed, it has made many of the larger companies take stock of themselves and ensure that their pilots were more efficient than had been the case previously. Quite a few of the larger companies employ ground personnel who go around and sign the contracts. They also have a look at the stage of the growth in the paddocks to be sprayed. With all the new sprays now being used, it is important that they be sprayed at the two-leaf stage of the plant. By doing this the sprayers can guarantee a better kill of the weeds.

Before the spraying is done the pilot is told that the wind must be blowing at a certain number of miles per hour from a defined direction, and the paddock must not be sprayed unless these conditions obtain. This enables a much better job to be done than hitherto. If there is a central place from which the planes can take off, they are able to spray paddocks where the wind is suitable and by this means they are able to do a 100 per cent. job.

I think aerial spraying has been going on for 10 or 12 years now; the sprayers are learning more every year, and are finding they can do a better job. If these amendments are passed and the Act is proclaimed we should be getting closer to having a perfect Act, if that is possible. There is more interest in aerial spraying of phosphates, urea, and chemicals of all descriptions than there was a few years ago. For this reason, if the Act as amended is proclaimed, I think we will see a tightening up of the programme carried out by aerial spray operators. If there are any anomalies in the Act, it can later be amended in order to obtain more co-operation.

The Hon. J. Dolan: What do you think of the limiting of the number of licenses?

The Hon. J. HEITMAN: That might be a good thing, although I think the amount of work limits the number of licenses. There are two aerial spray operators in the northern areas. One is at Carnamah and the other at Wubin. These two chaps are doing a mighty job. They have their own hangars and overhaul all private planes within a hundred miles of their own place at Carnamah.

They have given such efficient service over the last couple of years that it would be hard for anyone to break into the business in that area. Other operators do go up there periodically, when the work is more constant, but they only fill in when the local operators are unable to complete a job. So I do not think it would help, to a great extent, to limit the licenses. It is the type of job where one gets a good name which keeps him in business.

There is a limit to the amount of work available, and those who give a good service will get the work. I think we can support this Bill with safety and look forward to an increase in the efficiency of the aerial spraying companies.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.31 p.m.]: I think it is important for me, in thanking Mr. Dolan and Mr. Heitman for their remarks in connection with the Bill, to recognise particularly the comments made by Mr. Dolan. It must be of some satisfaction to him to know that the suggestions he made a couple of years ago are incorporated in the Bill.

The Hon. J. Dolan: It is very encouraging.

The Hon. A. F. GRIFFITH: I am pleased to see Mr. Dolan smile so broadly. It is also important to note that the Australian Agricultural Council requested Victoria to arrange a conference which, according to the second reading speech made in another

place, was attended by a Western Australian member of the staff of the Department of Agriculture.

The conference agreed on uniform amendments which should be made to all the State Acts to bring uniformity to the aerial spraying legislation. I know that haste has been made slowly in this matter because it was referred to the Standing Committee of Attorneys-General some time ago. Even since then, progress has been slow.

Nevertheless, I can only say that I will draw the attention of the Minister for Agriculture to the remarks made by Mr. Dolan. Mr. Heitman has been less cautious in his approach to the matter and he thinks that benefit will come from the amendments which are proposed, without having the effect which Mr. Dolan thought might be the case. I commend 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. A. F. Griffith (Minister for Mines), and passed.

ARGENTINE ANT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

FIREARMS AND GUNS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.38 p.m.]: A Bill of this type usually generates fairly long and lively debate. However, I can assure the House that I do not intend to be too lengthy in my comments.

The Bill is set out in two parts, and the first section proposes to stagger the registration date of gun licenses by means of mechanisation. Guns will be licensed at any time, when they are purchased. This seems to me to be a good idea. The system has been adopted successfully by commerce, and is used in Government departments. For instance, in the case of licensing a motor vehicle it is much better to receive the license paper and be advised beforehand that it has to be renewed, rather than have to rely on one's memory and then have to stand in a queue for possibly some time to renew the license. I think this system eliminates the time spent by those who issue the licenses, and a considerable amount of time will be saved by the people who wish to renew licenses.

The next point covered by the Bill is somewhat more contentious and controversial because it proposes to license the rifles of those who are members of rifle clubs. According to the Minister the reason for this procedure is that there has been a breakdown in negotiations which existed between the rifle clubs, as such, and the Police Department. That breakdown has caused the Police Department to take action, and the issue was so important that we now have this legislation before us.

Perhaps it is a good thing that rifles throughout the State should be licensed. If an interim system is not completely effective then I think this is the only alternative. Two points arise in connection with this part of the Bill. The first is in connection with Federal legislation, because this amendment to our Act might clash with the Defence Act; which covers servicemen and rifle club members. I understand that discussions were to take place in Canberra during the week and I am wondering whether the Minister might have some knowledge of the result.

Another point is that next year rifle club members throughout the Commonwealth will meet in Western Australia, so we can anticipate representation from all the States of Australia. That raises the question of whether the anticipated 200 participants, who are rifle owners, will be forced to register their rifles if this legislation has become law by that time.

I believe the Minister in another place gave an undertaking to look into this matter, and whilst he believed that the probability was that those visiting rifle club members would have to license their rifles in this State, he appreciated the point that had been made and was prepared to have an amendment made in this House if that were necessary.

I have raised the point and I suggest to the Minister that it might be timely not to take the Committee stage of this Bill this afternoon. I am rather pleased that the Bill is here, and that it is possible that it will be amended. I notice that an amendment was passed in another place, but it has been sent to this House for correction.

THE HON. G. W. BERRY (Lower North) [4.43 p.m.]: I would like to comment briefly on the necessity to have firearms brought under some sort of control. If I might be permitted. I will quote from *The West Australian Rifle News*, of July, 1968, at page 4, as follows:—

> Efforts are still being made to locate the vast quantity of .303 in., rifles belonging to ex-members throughout the

State. Despite the fact that this matter has been referred to repeatedly in the Rifle News I must again bring it to your attention as it is one of the greatest importance.

If you know of any ex-member who still has his rifle or rifles do him a favour and acquaint him of his position. He can rejoin a club or sell his rifle to a current club member or simply hand it in to the club. If he continues to hold it he runs the risk of a heavy fine and confiscation of the weapon.

When speaking to ex-members of rifle clubs at different times, one member informed me that probably almost every second person in one town owned a .303 rifle which he had procured when he was a member of a rifle club. It had never been handed in but has been used for sporting purposes.

It is obvious that the undertaking the association gave has broken down, and that in furnishing returns it has been concerned only with those who are members of the association and who are therefore under its control. This Bill at least will bring under control all those rifles that are now lying loose around the State, and it is a step in the right direction.

THE HON. T. O. PERRY (Lower Central) [4.46 p.m.]: As Mr. Willesee has said, this Bill deals with two aspects and the first is the proposal to stagger licenses so that the issuing can be dealt with by computers. This is largely an administrative matter, and if the Police Department thinks it will simplify the work of the department in issuing licenses then I have nothing against it.

The second part of the Bill proposes to remove the exemption now granted to rifle clubs regarding rifles held by club members, which rifles are used on the ranges. I have been a member of a rifle club for 38 years, and during that period I have held every executive position in the club. I have been the captain, secretary, handicapper, selector, and in any other position that there is in a club.

The Hon. F. R. H. Lavery: Marker?

The Hon. T. O. PERRY: Most members of rifle clubs are fairly responsible people and when we realise that there are in excess of 200 rifle clubs throughout Western Australia, with a total membership, I think, in excess of 2,000, it is only reasonable to assume that the clubs will have among their members some irresponsible people.

If one goes to a football match in the metropolitan area on a Saturday afternoon, and there is a crowd of 30,000 people in attendance, I would say that of that number 29,000 people would be responsible, but there would probably be 1,000 irresponsible persons, and it would need only one of them to throw a bottle, or a punch, and the whole crowd would get out of control.

I have been approached by individual members of rifle clubs to oppose this legislation. Also, I have a letter which was written to me by the Secretary of the West Australian Rifle Association asking me to oppose the Bill. I should like to read one stentence of that letter. It is as follows:—

> To the best of its ability this Association has given the utmost cooperation to the Firearms Branch of the Police Department at all times and, as we assured the Minister, will continue to do so. We are not aware that we have fallen down on the job.

I feel that probably the parent body has not fallen down on the job. To the best of its ability it has tried to impress upon the rifle clubs, and particularly the captains of those clubs, the necessity to keep records of rifles that are issued to members. Mr. Berry covered that point and dealt with ex-members of clubs. However, I can assure the House that a number of rifles have fallen into the hands of people who have never been members of rifle clubs. That sort of thing does happen.

The Hon. G. W. Berry: I am fully aware of that.

The Hon. T. O. PERRY: The West Australian Rifle Association bought from the British Army a large quantity of .303 rifles. They were almost new, packed in grease, and when bought were in good condition. Those rifles were purchased for $1 each, and they were sold to the clubs, usually in cases of eight. They were sold to the club members for $1.75 each.

It is necessary to know something about the intricacies of bedding a rifle. A rifle can be put into a vice and over a distance of 900 yards it will spread the bullets as far apart as the two walls of this Chamber. However, if that same rifle is bedded by an expert, and held by a competent rifleman, at a distance of 900 yards he will get a grouping of nine or 10 shots within a few inches. I have seen that happen, as no doubt other members have seen it happen. When a rifle is not shooting accurately, or has not been bedded by an expert, very often it is discarded and, as a result, falls into the hands of people who are not members of rifle clubs.

When it is realised that a person can buy a rifle for $1.75 members can see what happens. The person who buys the rifle with fiddle about with the fore-end in an endeavour to get the rifle shooting as accurately as possible. He will use a chisel and he will fool around and quite often destroy the fore-end to such an extent that it is no longer of any use and it is cheaper for him to buy a new rifle through the association than to buy a new fore-end.

So quite frequently a person will buy four or five rifles in his efforts to get one which will shoot accurately. That sort of thing does happen. These rifles are rather cumbersome things, unlike sporting rifles, and one has to work on them to get a good rifle. However, as I said, quite often they are discarded. That is how they fall into the hands of people who are not members of clubs.

I honestly believe that in the South-West Land Division of Western Australia there are not hundreds, but thousands of unlicensed .303 rifles, and I can appreciate the concern expressed by the Police Department over this matter. I would also like to draw members' attention to the fact that next year the West Australian Rifle Association expects to run out of .303 ammunition. Then, of course, the association will use the new 7.62 rifle.

I know of members of rifle clubs who have as many as six .303 rifles. I have three of them and I suppose the average would be two or three to each member. Possibly there would be 6,000 or 7,000 of these rifles held by riflemen throughout Western Australia, and in many cases those rifles would not be used. So long as I can I shall remain a member of a rifle club, but there will come a time when, through failing eyesight, or for some other reason, I will probably play bowls, like many other members of this Chamber. What will I do with my rifle then? I certainly would not like to part with it, or destroy it, if I am no longer a member of a club. I have won over 100 trophies for shooting; I have them in a cabinet. Like the boxer who retires and hangs up his gloves, or the retired jockey who hangs up his whip, I would like to retain my rifle for the same sentimental reasons. However, at the moment, there is no provision in Western Australia for a collector's license to be issued in respect of rifles.

I would like the Minister to give consideration to this aspect. I know a man from South Australia who owns a very valuable collection of antique rifles, which collection has been handed down from father to son. He claims he has left that collection in South Australia because he is unable to obtain a collector's license in Western Australia. I believe that that collection is in Western Australia, hidden away in a cupboard, or an attic, even though there is no record of it in Western Australia. I am confident that that man has brought it to this State. If one has a valuable collection of rifles—one that is worth possibly $500 or $1,000—one certainly would not destroy it. However, in this instance I believe the collection is stored away and there is no record of it.

For that reason I ask the Minister to give consideration to the provision of a collector's license in respect of rifles. It would overcome some of the problems to which I have referred.

I am disappointed that members of rifle clubs have approached me and tried to pressurise me into opposing the Bill. I am also sorry that the secretary of the association has seen fit to write to me regarding the matter; because I believe I would be irresponsible if I bowed to their wishes and opposed the measure. I think it is a good Bill.

Members will recall that it is not many years ago that a man roamed the streets of this city and on one night shot several people. A young boy who was sleeping in somebody else's bed was shot and that lad was a friend of my son. That killing caused great grief in our home. Also, at about the same time, a young girl University student was baby-sitting and she was shot. All this happened in the metropolitan area.

Although this legislation possibly will not prevent that sort of thing happening, at least the police will have a record of those who hold rifles in their possession, and the department will know where guns are held. In 1931, when legislation regarding firearms was introduced to provide that a person must hold a licence to possess a firearm, I was opposed to it. I remember a good deal of the argument that was put forward in opposition to that measure. However, in looking back over the years I find it has caused me no inconvenience and therefore I really had no reason to oppose it.

I have several valuable rifles licensed and when I want to buy ammunition I do not buy a few rounds at a time. I buy 500 rounds of .303 ammunition, or 500 rounds of .22 ammunition, so that I have no difficulty in that regard. The police are not trying to prevent people from owning rifles. The department is trying to establish an accurate record of who owns rifles and where they are located. I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan) [4.56 p.m.]: I shall not keep the House for long on this Bill, but I would like to say a few words in regard to it. When I was a young fellow I used to love shooting with a shotgun. We used to go out every weekend shooting poor harmless rabbits. However, it was a good healthy occupation and we enjoyed it. Consequently, I have a good deal of sympathy for people who really love shooting.

I recently read an article in *The Australian* which deals with this subject and it was headed "Uniform Gun Law Urged." All members will know, of course, that a great deal of research has been undertaken in the United States in an endeavour to legislate to control the number of guns. I think there are almost three guns to every person in that country. I suppose it is traditional in the U.S.A. to own a gun because, in the early days of settlement, it was necessary to carry a gun for protection from the dangers that existed.

The same thing probably occurred in our early days, but that is not the position today.

According to the latest issue of the *Australian and New Zealand Journal of Criminology*, which is a very reliable and worth-while journal, in dealing with the subject which is now before us, Commonwealth action was needed to achieve effective firearm control in Australia. The editorial of that journal called for Commonwealth legislation, or pressure from the Commonwealth so that the States would pass uniform legislation.

It seems strange to me that there should be different legislation in each State with regard to firearms. If anyone takes a trip through the north, and carries a rifle to do a little shooting, once he passes over the border into another State he is in trouble because of the different legislation. That leaves a nasty taste in his mouth. This article in *The Australian*, which dealt with the editorial in the *Australian and New Zealand Journal of Criminology*, went on to state—

> State Governments should review present legislation and improve it to produce tighter control. And this should be done pending Commonwealth legislation, or agreement on uniform legislation, says the journal.
>
> The editorial suggests five measures to be considered as a basis for uniform legislation. These are:
>
> REGISTRATION of all firearms (firearm licensing laws vary from State to State).

That aspect is covered in the second amendment in the Bill. To continue—

> RESTRICTION on the possession of all firearms to people over 18.
>
> STRICTER requirements on the issue of pistol licenses, perhaps with the necessity to show cause before a stipendiary magistrate when asking for a pistol license.
>
> LIMITING the use of shotguns to approved people only—such as farmers or members of gun clubs.

I know the members of one gun club and they are very responsible people who perform a useful service in the community. I have seen these people at Leighton and on the wharves shooting the pigeons and other birds that cause a nuisance. They are also used when Ceylon crows are found. Very often the first people called upon are members of a gun club and they get rid of these pests which could do untold harm to the farming community. To continue—

> UNIFORM firearm laws in all States.
>
> The journal says one of the problems before legislators in Australia is the lack of statistics.

As Mr. Berry indicated, it is almost impossible to ascertain how many rifles there are throughout the State, because of the lack of statistics. It would seem, therefore, that the amendment is a necessary adjunct to the legislation. The concluding paragraph of this newspaper article is as follows:—

> . . . that under New South Wales law a person can buy a sporting version of the Armalite rifle on reaching his 16th birthday.

The legislation has everything to commend it, and I support it.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.1 p.m.]: In my mind there is no doubt that firearms should be registered, and I think the reasons for this are fairly obvious. There was a time in the history of this State, not so very long ago, when the police looked long and hard for a particular firearm. I well remember, having a .22 rifle in my possession, someone knocking on my door early one morning, and requesting me to produce my rifle, which I did. He fired a shot from it, took the spent cartridge from the rifle, and went on his way. That person was a member of the Police Force who was trying to find a certain rifle.

If we have a provision which calls for the licensing of firearms, that will be a basic start towards making a necessary check by a police officer, when such a check is required. I also agree wholeheartedly that if it is possible to achieve uniformity among the States in regard to this legislation, this is also desirable. The matter was mentioned at one of the meetings of the Standing Committee of Attorneys-General some time ago with a view to gaining some uniformity for the very reasons I have just expressed, and also for the reasons that have been expressed by Mr. Dolan. I still hope we can reach that point where legislation for the registration and use of firearms in Western Australia is no different from that in any other part of the Commonwealth.

If a criminal wants to commit a crime in Western Australia he can secure a firearm from a State with less effective legislation than ours; it may be a State where the registration of firearms is not necessary. A criminal could bring a firearm to this State and use it for any purpose he so desired.

Upon the two points that have been raised, I have been advised that a departmental officer under the jurisdiction of the Minister for Police has spoken to the Commonwealth authorities and they have advised it is very likely that this Bill, if passed, may be *ultra vires* the Commonwealth legislation—the Commonwealth legislation having more authority, of course. Nevertheless the advice I have is that the Commonwealth considers we

should go ahead with the Bill, following which a Ministers' conference may have to be held to iron out some of the problems. A short time ago the Minister for Police told me he considered it may even be necessary to bring forward some further amendments to our Firearms and Guns Act.

The other point that was raised dealt with the question of whether a person visiting this State would have to register his firearm in accordance with the State law. The simple answer to that is "yes," but the Commissioner of Police could grant an exemption to an individual, or perhaps to a rifle club executive to cover those persons who are visiting this State to participate in a rifle shoot for a limited period. The important feature is that the State police would be aware that a firearm or firearms had been brought to Western Australia for a specific purpose.

The point that was raised in regard to the individual being required to license a rifle rather than its being licensed in the name of a particular rifle club is appreciated, but the need for such a provision has become increasingly obvious. There are many well conducted rifle clubs throughout the State under the control of efficient office-bearers, but there are also some members of these clubs who do not obey the law as they should.

The Hon. T. O. Perry: There is also the fact that rifles are carried from one part of the State to another and it is difficult to keep track of them.

The Hon. A. F. GRIFFITH: That is correct. During the debate on the Bill in another place, the Acting Minister for Police cited an instance of a rifle being discharged in a certain town, but when an investigation was made it was discovered it was registered in the name of a rifle club many miles distant from the spot where the rifle had been discharged. It is felt, therefore, that the Bill will effect more efficient control of firearms throughout the State if it is provided that the individual rather than the rifle club itself is required to register the firearm. I feel sure members will be satisfied to leave the matter at that.

It is realised that some difficulty in regard to this legislation lies ahead; but, being aware of it, there is time to take steps to resolve the problem.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 9 amended—

The Hon. A. F. GRIFFITH: During the debate on the second reading, Mr. Willesee mentioned that in another place an amendment was moved to clause 3 by one of the members of that place and was accepted by the Committee. As Mr. Willesee pointed out, it was then found that the provision in the amendment needed some tidying up.

The Hon. W. F. Willesee: To say the least.

The Hon. A. F. GRIFFITH: Yes. So the purpose of the amendment I have on the notice paper will be quite clear. Therefore, to put the matter in order, I move an amendment—

> Page 2, lines 30 to 35, inclusive—Delete all words and substitute the following—
>
> (b) by adding, after paragraph (f), the following paragraph—
>
> (fa) using—
>
> (i) a rifle that is the property of, or of a member of, a rifle club affiliated with the body known as the West Australian Rifle Association or the body known and incorporated as the West Australian Smallbore Rifle Association; or
>
> (ii) a pistol that is the property of, or of a member of, a pistol club that is affiliated with the body known and incorporated as the West Australian Pistol Association,
>
> on a properly constructed range approved by the relevant body; .

The Hon. T. O. PERRY: I would like to ask the Minister a question. If the Bill is agreed to, can the rifles owned by members of a rifle club be added to existing licenses held by them with a notation that those rifles are to be used for range purposes only, or must a separate license be issued for each rifle? At the moment I hold licenses for high-powered rifles, low-powered rifles, and shotguns. Can these rifles be used for range purposes only by making a notation on the existing license, or must I obtain a separate license for each of these firearms?

The Hon. A. F. GRIFFITH: To me, that sounds a very technical question. The important point is that the individual rifle will have to be licensed. Therefore I think the individual rifle could be added to the license held by a person for other rifles,

bearing in mind he holds a firearm license upon which is recorded the firearm which requires registration. He then could have other firearms in his possession—because he is a member of a rifle club—which are not registered. They could be added to the license he holds. The owner of such rifles would be covered so long as they are used for a lawful purpose. If the advice I have given to the honourable member is found to be incorrect, I will advise him accordingly at the third reading of the Bill.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

TIMBER INDUSTRY REGULATION ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.15 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been drafted with a view to safeguarding and protecting those persons engaged in the sawmilling and other associated industries.

The parent Act was promulgated in 1926. It provided for the inspection and regulation of the timber industry and was a means of introducing safety precautions in respect of persons employed in it. In 1937, an amendment was passed, making provision for the registration of sawmills; and later on, in 1946 and 1950, the definition of "timber holding" was amended progressively to include timber yards and workshops associated with such timber yards.

There has been no other amendment to the parent Act until now, but with the introduction of this measure further safeguards are proposed to cover the operation of new processes and machines.

As with other industrial processing, the timber industry has undergone some major changes in the past 40 years. For instance, felling by axe and handsaw has been replaced progessively by felling timber by power saw and now by chain saw. Loading by bulldozer and the transporting of logs by motor truck has revolutionised the methods of logging. Originally, sawing and hewing were the only methods of treating logs. Hewing is now no longer carried out; and has been replaced by other methods, such as peeling, slicing, chipping, and pulping, which, in turn, have become effective through the introduction of advanced types of machinery.

In the sphere of sawmilling, great changes have taken place in the search for higher efficiency with the introduction of modern carriage-fed benches and multiple saws, and the electrification of mills with independent motors for each bench has been of considerable importance in this direction. The establishment of preservative treatment plants has increased the uses to which different kinds of timber may be put.

Though the Act and regulations as they now stand do not cover some of the new processes and machines, the number of fatal accidents in the industry has been reduced, due to the work of inspectors and the close co-operation of the sawmilling companies. Whereas in the 10-year period, from 1948 to 1957, there were 64 fatal accidents; there were only 24 in the next 10 years, and 1967 was free of fatalities—the first fatality-free year.

I believe that some amendments have been suggested by a committee set up to redraft the Act and regulations. This committee was composed of officers from the Forests Department and the timber industry, the district inspector, members of the sawmilling industry, and officials of the Timber Workers Union.

It is proposed, under the amendments, that the workmen's inspector be appointed by a panel comprising the controlling officer, who is the Conservator of Forests, the district inspector, and a nominee of the Timber Workers Union. The workmen's inspector has been elected in the past by the workmen, but upon election, was no longer responsible to them or to the union. The controlling officer, at present, is responsible for supervising the duties of the workmen's inspector and paying his salary, but has no say in his appointment.

The revision of the Act now proposed will improve its operation by giving the workmen's inspector greater responsibility, so it is most important that these duties be in the hands of the most capable person available. The Timber Workers Union is happy with the new proposals and has signified its agreement to that effect to the Conservator of Forests.

Under another amendment, it is proposed that section 47 of the Factories and Shops Act shall not apply in respect of timber holdings. Were this section to apply to the Timber Industry Regulation Act, it would completely override section 21 of that Act, which provides for the immediate stopping of any unsafe machinery. This would mean that the inspectors could only act with the sanction of the Factories Welfare Board, and any delay could cause loss of life or serious injury.

The committee, in its deliberations, concluded that section 47 of the Factories and Shops Act was not introduced with an intention of hindering or nullifying the workings of the Timber Industry Regulation Act and that, therefore, it should not apply in that direction. The purpose of the appropriate amendment in this Bill is to effectuate this decision.

Having explained the main provisions in this measure, before resuming my seat I would like to say that workers in the timber industry are deserving of the highest praise for the manner in which they work consistently, and without recourse to industrial strife. The close employer-employee relationship has guided the industry through a trouble-free period for more than half a century and this is a tremendous record of accord. I believe the passing of this measure will mean an even greater measure of protection of the employees in the industry. It was designed just for that purpose in collaboration with all sections of the industry, so I commend the Bill to the house.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

House adjourned at 5.21 p.m.

Legislative Assembly

Thursday, the 17th October, 1968

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

BILLS (2): INTRODUCTION AND FIRST READING

1. Builders' Registration Act Amendment Bill.

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

2. State Housing Act Amendment Bill.

   Bill introduced, on motion by Mr. O'Neil (Minister for Housing), and read a first time.

QUESTIONS (16): ON NOTICE

HOUSING

Murray Electorate: Cost of Construction

1. Mr. RUNCIMAN asked the Minister for Housing:

   (1) What is the approximate cost of erecting an average type State Housing Commission rental home in—

   (a) Mandurah;

   (b) Pinjarra?

   (2) What would be the approximate cost of a similar type of home in the same areas built of brick?

   Mr. O'NEIL replied:

   (1) (a) $7,440.
   (b) $7,710.

   (2) Mandurah—$9,450.
   Pinjarra—$10,020.

Maintenance Costs

2. Mr. RUNCIMAN asked the Minister for Housing:

   What would be the average maintenance costs for a State Housing Commission timber asbestos home as compared with a brick home?

   Mr. O'NEIL replied:

   Taking into account the many varying factors and districts concerned, the average maintenance costs of State Housing Commission houses have been calculated as follows:—

   Timber asbestos home—$89.00 per annum.

   Brick or brick veneer home—$79.00 per annum.

RAPID TRANSIT SYSTEM

Extension to Armadale

3. Mr. BATEMAN asked the Minister for Railways:

   (1) Has any definite decision been reached in connection with the location of the proposed rapid transit terminal, Kenwick-Armadale area?

   (2) If not, when can a decision be expected?

   Mr. O'CONNOR replied:

   (1) and (2) No. A decision will be taken in the light of transport requirements in this area and on experience gained from the co-ordinated system at Midland.

4. *This question was postponed.*

GOSNELLS PRIMARY SCHOOL

Extensions

5. Mr. BATEMAN asked the Minister for Education:

   In view of the increased housing development in the Gosnells area, can he advise—

   (1) When is it anticipated the two additional classrooms already approved will be ready for occupation at the Gosnells Primary School?

   (2) Has the Education Department plans for further extensions at the school?

   (3) If the answer to (2) is "Yes," when can it be expected that building will commence?

   Mr. LEWIS replied:

   (1) For the reopening of schools in February, 1969.