

Legislative Council

Tuesday, 6 November 1984

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

BILLS (5): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Metropolitan Market Amendment Bill.
2. Stock (Brands and Movement) Amendment Bill.
3. State Engineering Works Bill.
4. Ord River Dam Catchment Area (Straying Cattle) Amendment Bill.
5. Explosives and Dangerous Goods Amendment Bill.

ELECTORAL: REFORM

Petition

The following petition bearing the signatures of 194 persons was presented by Hon. Mark Nevill—

The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

WE, the undersigned citizens of Western Australia request the following electoral reforms:

1. The right of each elector to cast a vote equal in value to each other vote cast in elections of Members of State Parliament.
2. That Legislative Councillors be elected to represent regions using a system of proportional representation such is used in Senate elections.
3. The retirement of half of the members of the Legislative Council from each region at every election. (ie: simultaneous elections).

And that the above reforms be decided by the people voting at a referendum.

Your Petitioners therefore humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

(See paper No. 252.)

COMMERCIAL TRIBUNAL BILL

Reference to Standing Committee on Government Agencies: Report

HON. JOHN WILLIAMS (Metropolitan) [4.37 p.m.]: I wish to present a report from the Standing Committee on Government Agencies in relation to the Commercial Tribunal Bill.

On 11 October 1984, the House resolved in favour of the following motion—

(1) That immediately following its second reading the Commercial Tribunal Bill be referred to the Standing Committee on Government Agencies;

(2) That the Committee have power, incidental to its Inquiry, to consider any related proposed law;

(3) That the Committee report the Bill to the House not later than 8 November 1984.

At its meetings on 25 October and 1 November 1984, the committee considered the Commercial Tribunal Bill. The committee is appreciative of the co-operation of the Minister for Consumer Affairs and Mr P. Glanville of his department, both of whom appeared and gave evidence at the committee's meeting on 1 November 1984.

As a result of the committee's inquiry into the Commercial Tribunal Bill 1984, the committee recommends as follows—

- (a) that, subject to the recommendations contained in this report, the Commercial Tribunal of Western Australia be established and be established as a statutory agency;
- (b) that the Government adopt, as soon as possible, a programme of legislative amendments to abolish existing regulatory agencies and vest their functions in the Commercial Tribunal;
- (c) that the Government give full consideration to ensuring that whenever the Commercial Tribunal is given jurisdiction over applications for a licence or registration, applicants should be required to satisfy a substantially uniform set of criteria;
- (d) that clause 16 of the Commercial Tribunal Bill 1984 be amended by the inclusion of a new sub-clause (7), along the lines of sub-clause 39(7) of the Credit (Administration) Bill 1984, as follows:

“(7) Information and answers given by a person pursuant to a requirement under sub-section (1) are

not admissible in evidence against the person in any civil or criminal proceedings other than proceedings for perjury or for an offence under section 17.”;

- (e) that clause 18 of the Commercial Tribunal Bill 1984 be amended by extending the time in which a party may make a request for written reasons, from the Tribunal, from seven to fourteen days;

The PRESIDENT: Order! Honourable members will come to order. There is far too much audible conversation, indicating that members are totally disregarding the rules of the House. I ask honourable members to obey the rules and to listen to the honourable member on his feet.

Hon. JOHN WILLIAMS: To continue—

- (f) that the Commercial Tribunal Bill 1984 be amended, so as to require the Commercial Tribunal to submit an annual report, by the inclusion of a new clause 24A as follows—

“24A (1) The Chairman shall, on behalf of the Tribunal, not later than 3 months after the expiration of the period of 12 months ending on June 30 in each year, submit to the Minister a report on the activities of the Tribunal during that period of 12 months.

(2) The Minister shall cause the report to be laid on the Table of each House of Parliament within 14 days of its receipt, or if at that time Parliament is not in session, then within 14 days of the commencement of the next session of Parliament.”; and

- (g) that the Commercial Tribunal Bill 1984 be amended so as to empower the Tribunal to submit reports to the Minister from time to time concerning the operation of the tribunal and the effectiveness or otherwise of legislation administered by the tribunal, by the inclusion of a new clause 24B as follows—

24B The Tribunal may, from time to time, submit a report to the Minister as to the opinion of the Tribunal on the operations, functions, jurisdiction and powers of the Tribunal.

I move—

That the report do lie upon the Table and be printed.

Question put and passed.

The report was tabled (see paper No. 269).

BILLS (2): THIRD READING

1. Credit Bill.

Bill read a third time, on motion by Hon. Peter Dowding (Minister for Consumer Affairs), and transmitted to the Assembly.

2. District Court of Western Australia Amendment Bill.

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and transmitted to the Assembly.

ROAD TRAFFIC AMENDMENT BILL

Second Reading

Debate resumed from 23 October.

HON. D. J. WORDSWORTH (South) [4.44 p.m.]: The main object of the Bill is to enable firefighting equipment to use roads to get to grass and forest fires and, if need be, to fight the fires from the roadsides themselves.

Farmers have long been concerned about having to take vehicles along roads to get to fires in spite of the fact that those vehicles were not registered. While the police have turned a blind eye to the lack of registration, there still remained the considerable concern over lack of third-party insurance and what would happen if a serious accident occurred. A farmer could well lose the entire value of his farm, which has probably taken generations of his family to build up. Yet, undoubtedly, if there is a fire, farmers do not hesitate to take all the useful equipment they have to that fire for, after all, fire has been one of the major menaces to farming communities since the white man came to Australia.

Interestingly enough, another Bill is before the House, and that Bill will force people to answer the call to go to a forest fire or a fire in a reserve. I am referring to the Conservation and Land Management Bill. That to me is a very strange requirement indeed, but taking it for what it is worth, I believe that farmers, in their wish to conform to that requirement to go to a fire, should not run the risk of travelling without third-party coverage on their firefighting equipment.

A lot of effort, considerable correspondence, and much lobbying has gone towards getting the Road Traffic Act amended to legalise fire trailers

and firefighting equipment being taken on public roads, but to date all that effort has been in vain. It was not until I obtained a copy of the police report that I saw documented just why Ministers for Police have always been advised against amending the Road Traffic Act to make a firefighting trailer fall within the definition of an "agricultural implement". Section 5 of the Road Traffic Act provides a definition of "agricultural implement", and I quote as follows—

an implement or machine designed and used for ploughing, cultivation, spreading fertiliser, sowing seed, spraying, harvesting, chaff cutting, or any other agricultural operation whether the implement or machine is hauled or towed by animal or mechanical power;

That is a fairly wide definition, but unfortunately it does not cover a firefighting trailer; therefore any such trailer must be registered.

I should point out that an agricultural implement does not need to have separate third-party insurance; it takes its coverage from the motivating power. Section 15(2) of the Road Traffic Act exempts an agricultural implement being towed by another vehicle from the requirement to be licensed, provided the towing vehicle is licensed or the subject of a permit.

I do not feel that it would be out of place for me to quote from the document I requested to be tabled in this House last week. It was written and prepared by Sergeant B. M. Martin of the Police Force, and it is headed "Farm Firefighting Trailer" and the date given is 12 April 1984.

The document contains arguments against firefighting equipment coming under the definition of an agricultural implement. I will quote the document—

A Private Member's Bill introduced by the Member for Stirling, Mr M Stephens, sought to amend this definition by adding the expression "including firefighting" after the word "operation".

The Bill, which was opposed by both the Government and the Opposition, was defeated as it failed to pay cognisance to the questions of road safety and Third Party Insurance.

Whilst it is universally accepted that farmers perform an essential community service in the combat of bushfires, it is essential that both the public and the farmer should be protected by ensuring that the vehicle is both roadworthy and adequately covered by Third Party Insurance.

It has often been argued that a firefighting trailer is essentially the same as such agricultural implements as boom sprays, and the use of these vehicles on the road is unrestricted; what then is the difference that should lead to restrictions being placed on these trailers?

• There are three points on which this argument fails. Firstly, agricultural implements are designed by their manufacturers for specific purposes, and considerable cognisance is paid to safety features that are required to ensure the safe movement of these vehicles on roads. Farm firefighting trailers, on the other hand, are often home-made constructions manufactured from parts salvaged from old farm vehicles.

Secondly, agricultural implements are usually towed over short distances, e.g., between paddocks, and under optimum conditions. Farm firefighting trailers, on the other hand, are used in "emergency" situations, often some distance from the owner's farm, where a degree of urgency and tension is involved. This, when coupled with adverse conditions such as smoke and dust, creates a real danger to both the farmer and other road users, and greatly increases the probability of road accident.

Thirdly, whilst agricultural implements are currently permitted to be towed on roads subject to the compliance with the conditions contained in the Direction of the Chief Executive Officer of the then Road Traffic Authority, published in the Government Gazette of June 20, 1980, concern has been expressed as to their safety.

The towing of agricultural implements is currently under review, and any extension of this classification of vehicle or their use should be opposed.

Whether farmers will agree with these three reasons being sufficient to argue that a firefighting trailer should not be an agricultural implement will depend upon their viewpoint. Many may doubt that a plough or a root rake is an implement. A root rake weighs many tonnes, can be 15 feet wide and has been designed with much thought as to its passage along a public road. Also, because it was classified as an agricultural implement it could only travel short distances. Often one sees machinery agents delivering such equipment behind a four-wheel drive vehicle to a farmer's property some distance from the town.

At the time that Mr Stephens was presenting his Bill to include a firefighting implement under the definition of agricultural implements, I

warned farmers not to press their luck. I said, "If one is not careful in expanding this definition of an agricultural implement, one could endanger a provision that would enable a farmer to take such implements along the road without a licence". This report confirms my worst fears that the Police Force will review this matter.

I point out to the Traffic Board the importance of allowing farm equipment to be taken along roads. The only alternative would be to put that equipment on a truck or a low loader. The cost to a farmer of delivering equipment such as a root rack, plough, or a large cultivator would be immense. Not only would one have the problem of hiring such a vehicle, but also one would have to get the equipment on and off the loader. It would involve lifting many heavy pieces of equipment, and the financial burden to the farmer would be disastrous.

Farmers should not overdo this provision. It is an historic provision which is perhaps being strained today by our wide and heavy equipment. However, I implore the Government to allow this provision to continue.

This Bill is designed to overcome two difficulties concerning firefighting equipment. The first is that of a farm truck which has farm plates, and the second is a farm trailer which is pulled by a tractor, and which is similarly licensed. The first difficulty is overcome by clause 2 of the Bill which will amend section 19 of the principal Act—the section which deals with fees. It seems to me an odd place in which to start placing conditions on firefighting equipment.

Section 15 of the Act deals with registration and would seem a far more suitable place for this provision. I will not argue on that point; however, when one looks at the Road Traffic Act, one finds that section 19 deals with fees and concessions, and that subsection (5), dealing with concessions states—

(5) The Authority shall issue a vehicle licence without requiring the payment of a licence fee where the vehicle—

- (a) belongs to the Crown;
- (b) belongs to a local authority;
- (c) belongs to the Western Australian Fire Brigades Board, or any other fire brigade, if the vehicle is used exclusively for purposes connected with the prevention and extinguishing of fires;
- (d) is used exclusively as an ambulance;

This is the effective part. It states—

- (f) is not a tractor referred to in subsection (15) of this section and is owned by a

person who carries on the business of farming or grazing and is used solely on his farm or pastoral holding and is not used on a road otherwise than in passing from one portion of the farm or holding to another portion of the farm or holding.

In the rural industry, a licence under this concession is known as a farm plate. I will continue to use that terminology because I think many people will understand it.

[Questions taken.]

Hon. D. J. WORDSWORTH: I was informing the House that there are some 3 000 vehicles licensed with farm plates in Western Australia. The Minister failed to tell me, in answer to my question, how many of those vehicles fell under the various categories of trucks under seven tonnes, trucks over seven tonnes, tractors, trailers, four-wheel drives, and utilities, because he said it would be too difficult to find. Quite frankly, I would have thought that any reasonable sort of computer programme would show those sorts of figures. However, there would appear to be 3 000 vehicles registered. They have the benefit of third-party insurance should they be travelling from one portion of a farm or holding to another portion of a farm or holding.

The Minister, in his second reading speech, said—

Doubts have arisen over the interpretation of this provision, and in order to remove those doubts, redrafting has been undertaken to clarify the original intention to permit travel between portions of a holding, which but for a physical barrier such as a road, river, pipeline or similar, would be contiguous.

I request the Minister to produce his argument for supporting that statement.

I have been through all the speeches on the Road Traffic Act appearing in *Hansard* and I can find no such difficulty in interpretation. I think it was obvious in 1974 to those who passed the current Road Traffic Act; they knew exactly what they were doing. There was no debate on the matter whatsoever other than when Mr Tom Hartrey sought to enlarge the definition so that farmers could take their farm plate vehicles to the closest farm to get them repaired. The Minister at the time said that he felt that was not necessary; that the farmers could travel under a permit to go into the town. There was no doubt about what those members felt about moving from one portion of a holding to another portion but, fortunately, being a former Minister for Lands and Surveys, and having had the opportunity to work with the Land

Act, I believe I am able to indicate to the House where we obtained the definition of or the understanding about a holding. I will read from section 47 of the Land Act which says—

Land declared open for selection under this Part of this Act may be disposed of subject to the following condition:—

- (1) (a) A person shall not be competent to acquire either as lessee or transferee, an area of land exceeding in the aggregate five thousand acres; but on the recommendation of the Minister and with the approval of the Governor, it shall be competent for a person to acquire an area of land in one or more parcels exceeding five thousand acres, but not in any event exceeding ten thousand acres, in any case where the Minister is satisfied that a holding requires an area greater than five thousand acres in order to be of a standard deemed by the Minister an economic farm unit.

To explain this further to members, under the legislation a limit was placed on how much an individual could take from the Crown on conditional purchase. The Government considered 5 000 acres was the aggregate that a person could have as a holding. It says here that the land could be in more than one parcel. If the intention at the time had been that the closer definition now being used in this Bill was intended, the Government would have described such land other than as a holding. I will read to the House the new definition which states—

- (A) in passing from one portion to another portion of the owner's farm or pastoral holding that but for a road, railway line, pipeline, river or other similar physical barrier would be contiguous to the firstmentioned portion;

That is to be the new definition and it is a long way from the old definition. I have explained how the usage of the word "holding" arose out of the requirement that no-one could lease more than 5 000 acres. It is interesting that when one looks at the definitions contained in the Land Act, while there is no definition of the word "holding" there is a definition of the word "adjoining". I now quote from the interpretation which appears in section 3—

In this Act, subject to the context—

"Adjoining" when used with respect to holdings under this Act, or any Act

hereby repealed, extends to holdings which are only separated by a road or roads, or by a railway, or by a water-course or other natural feature of such a character as to be insufficient to prevent the passage of stock.

That is very close to the Attorney's new definition.

Hon. J. M. Berinson: Mr Wordsworth, you are not suggesting that a definition in one Act can be imported, on implication, into another Act?

Hon. D. J. WORDSWORTH: Yes, I am. I would like the Attorney General to suggest some other way that we could come to a conclusion as to what a "holding" is. I am presenting my version and I would like him to consider what he believes a holding to be and why he considers his definition is correct. I am referring to the Land Act and there is nothing more definite about land in Western Australia than the Land Act. I suppose the Minister is going to quote from *Collins Dictionary* or some other English abbreviated copy and say that is his idea of the word "holding".

Hon. J. M. Berinson: I promise not to do that.

Hon. D. J. WORDSWORTH: Thank you, Sir. To continue my argument: Had it been intended, when the Road Traffic Act was proclaimed in 1974, that such a definition as we are now placing into this Act was meant, then the word "adjoining" would have been used because that would have given the definition now requested. The Act did not refer to "adjoining holding", it just used the word "holding". A "holding" in Western Australia is considered to be an amount of land up to 5 000 acres.

Many farmers today have several farms in their holdings, and the holdings can be kilometres apart. If we are to delete the old definition and introduce a new one, many farmers will be affected. They will suffer considerable hardship because of it. I repeat: The Minister to date has not shown that there has been in the past any doubt as to what a holding comprises. Today many farmers have a home property and a separate area without buildings, and they cannot fertilise and seed backwards and forwards between the two. In the past farmers have been able to use farm plates to register a truck or trailer at no cost to service those outside farms.

I would like to draw the Government's attention to the fact that, under the clearing ban legislation, we confiscated land from various farmers in the south of this State. We gave them non-contiguous land and expected them to farm it just as well as they did when they had a contiguous area. I ask how are they going to operate under the new definition of the word "holding"? I believe they will

be greatly affected, as will the viability of their farms.

Hon. H. W. Gayfer: Are you supporting the legislation? I am not too sure.

Hon. D. J. WORDSWORTH: The member can come to a conclusion on that when I have finished. I am giving the Minister the benefit of my research on the subject. It can be said that he is trying to overcome a problem. However, we shall know at the end of my summation whether the Minister has succeeded.

Hon. H. W. Gayfer: You are giving him the benefit of your ministerial experience.

Hon. D. J. WORDSWORTH: Perhaps it could be put that way.

The Minister referred continually to "firefighting trailers" in his second reading speech. I wonder whether he realised that, as a result of the Bill, not only will trailers be able to go to a fire, but also any farm plated vehicle will be able to do so. I am surprised that the Minister did not refer to that in his second reading speech, because farmers throughout the south-west have been requesting that they should be able to take the firefighting equipment situated on the back of a truck to a fire. The Minister has achieved that without realising it. I will not question it, but the Minister has introduced a Bill into this House which will allow any vehicle registered with farm plates to go to a fire. That is exactly what the provisions of clause 2 state.

Hon. J. M. Berinson: You are not suggesting that result is accidental just because it is not referred to in the second reading speech, are you?

Hon. D. J. WORDSWORTH: I most definitely am.

Hon. J. M. Berinson: That is the most uncharitable view one could possibly take and it is also quite mistaken.

Hon. D. J. WORDSWORTH: I just want the Minister to appreciate that that will happen.

Sergeant Martin realised that that would happen, and I quote from page four of his report—

... this would extend to all vehicles, e.g., farm utilities that are licensed under this provision. The extension to those other vehicles is not seen as inappropriate, considering the function for which they are to be used, and their compliance with safety standards as prescribed herein.

That is a plus for this Bill.

I note that in the Mt. Barker district there are 250 firefighting units, 190 of which are tractor drawn; so I can almost assume that another 60 will

enjoy the provision, provided they are vehicles licensed as farm vehicles.

As I said previously, I was somewhat surprised to find that these amendments were being made to section 19 which relates to fees, and not to section 15 which relates to registrations. In spite of the fact that this section allows for a free licence, I hasten to point out to members that it only means a free licence and not free registration. It will still cost quite a lot of money to register with farm plates.

Originally the category of farm plates was introduced to encourage farmers to register their vehicles and thereby be protected by third-party insurance, but if a truck under seven tonnes is to be given farm plates, it still costs \$62 to register. However, that is quite a saving when it is borne in mind that \$300 could well be the total fee should the farmer not enjoy that concession. Tractors cannot be given farm plates, because they are explicitly excluded.

In question 359 I asked the Minister how many tractors would fall into the classification of farm vehicles. The Minister replied—

Tractors cannot be licensed with farm plates under section 19(5)(f) of the Road Traffic Act.

Hon. H. W. Gayfer: What are they licensed under?

Hon. D. J. WORDSWORTH: They are licensed under subsection (15) of the same section.

Hon. J. M. Berinson: Section 19(15).

Hon. D. J. WORDSWORTH: I wonder about the English that is used here. The following paragraph refers to the concession given to farmers—

(f) is not a tractor referred to in subsection (15) of this section and is owned by a person who carries on the business of farming or grazing and is used solely on his farm or pastoral holding . . .

Bearing in mind that wording, I would have thought one could still register a tractor under that concession. I would have thought one would be given the option of registering a tractor under that section if, for instance, one only wanted to go to one's holding. Alternatively it could be done under subsection (15) which will read as follows—

(15) On payment of a licence fee of \$4 per annum, the Board shall issue a licence for a tractor or tractor plant, other than a prime mover, that is owned by a person carrying on the business of farming or grazing and that is used, or during the currency of the licence will be used, solely in connection with the owner's business of farming or grazing . . .

I would have thought one would still have the option of either registering the tractor for \$4 and taking it on the open road, or of paying nothing to register it and only using it to travel to one's holding. I would have thought that was the original intention of the provision, but the police do not interpret it in that way and they will not register a tractor under paragraph (f).

However, paragraph (f) does not say "not a tractor", but rather refers to "not a tractor referred to in subsection (15)". Perhaps we could deal with that in Committee.

Hon. J. M. Berinson: I do not think subsection (15) changes the character of a tractor. It just says how much it will cost you if you want to get that sort of licence. Subsection (5) does not refer to a tractor that is licensed, but to a tractor that is referred to in subsection (15).

Hon. D. J. WORDSWORTH: I thank the Minister for his interjection. Perhaps we could deal with that matter in Committee.

In my farming operation I have very little use for farm plates. I would sooner pay the extra amount required to register a light truck or four-wheel drive vehicle and have the freedom of the open road. However, there are definite savings in the case of a heavy truck or trailer, and if it is intended to tighten up the areas where such vehicles may go, considerable difficulties will be experienced in the future.

Perhaps the Minister could explain how, in the future, the farmer will be expected to register a farm trailer. The type of trailer to which I am referring, as country members would be well aware, is the vehicle created when a farmer buys an old truck chassis, cuts off the forward end of it, puts a drawer on it, and uses it behind a tractor. That type of tractor-trailer is on most Western Australian farms.

• *The Pastoralist and Grazier* magazine listed for the benefit of its members the agricultural plant which comes under the definition of "implement". The article explained that trailers did not fall within the definition of "implement" and should be registered under section 19(5)(f) of the Road Traffic Act. The authors did not fabricate those statements; they obtained them from the authority. What is the use of registering the vehicle under this concession if it can only be taken across a road? A farmer may well have to drive to Joe Smith's farm down the road to pick up some seed or something and, of course, if he does that he will not be covered by third-party insurance. That is both dangerous for the farmer and for people who use the roads.

I refer again to questions which I have asked in this House of the Attorney-General about third-party insurance cover. One of his replies was, "If a farmer or grazier breaches section 19(5)(f) of the Road Traffic Act he also is in breach of the warranties of the MVIT policy of insurance". In other words, if one takes a vehicle with farm plates from one's front gate and travels other than across to one's adjacent property, one's third-party insurance cover is void.

Hon. J. M. Berinson: Does that not really answer your question about the trailer?

Hon. D. J. WORDSWORTH: No. I am concerned that we must find a way to register trailers owned by farmers having farms five miles up a road.

Hon. J. M. Berinson: They can only be registered under the general rules.

Hon. D. J. WORDSWORTH: That is right. The general rules are such that a trailer weighing 2 500 kilograms—that is a pretty typical weight for that type of trailer—will cost \$217 to register. Quite frankly, no farmer will spend \$217 registering a farm trailer which is worth probably only twice that amount of money anyway. We now have the situation where farm tractors and trailers are travelling on roads without their being covered by third-party insurance.

Hon. J. M. Berinson: Is that any different from the current position, though?

Hon. D. J. WORDSWORTH: The current position is such that at least if one has another holding somewhere, one can say one is travelling to the other holding.

Hon. J. M. Berinson: That is the point of difference, is it?

Hon. D. J. WORDSWORTH: I am trying to be constructive. Proposed new subsection (15) provides that the board shall issue a licence for a tractor or tractor plant, other than a prime mover that is owned by a person who carries on the business of farming or grazing and that is used solely in connection with the owner's business of farming or grazing. In my opinion, consideration should be given to include in that subsection the words "a tractor trailer". In other words, we should allow the farmer to register the trailer for \$4, as he does a tractor. I think that will overcome the problem. I will not move an amendment to that effect, but serious consideration should be given to that matter so we can try to get all vehicles on the road covered by third party insurance. That is one of the major goals we have.

I am concerned about its becoming too expensive to register heavy trailers, if a farmer cannot

use his farm plates to travel beyond his front gate. Obviously different classes of licences will have to be given for these sorts of farm trailers. I am not referring to firefighting trailers, but to the common tractor-trailer. There is no sense in setting them up with flashing lights because no tractor has the provision to make flashing lights work. One must rely upon the person in the tractor giving hand signals. There is a need for a "B"-class licence, preferably a cheap licence costing—for example, \$4—which does not require indicator lights or tail lights, but rather a condition requiring that the trailer be used only during daylight hours. That condition is usually placed upon a tractor licence registered under section 19(15).

Returning to the intentions of this Bill, I have explained how all vehicles with farm plates can attend a fire. The next part of clause 2 of the Bill explains how a tractor licensed by a farmer could also attend a fire. That provision seemingly allows the farmer to pull the fire cart which will have its own registration and which will have been passed by the police.

To support my argument that there should be some way to license farm tractors cheaply—we have seen the need to register tractors cheaply—subsection (15) allows a tractor weighing 6 500 kilograms, about the middle of the range, to be licensed for \$20 whereas without this provision it would cost \$250. That is a very sensible provision. It says that if one has a front-end loader, rather interestingly, it does not cost \$250; it costs \$65. I do not know why that is so. Perhaps the Minister could enlighten me on that. However, I do not intend to go into the intricacies of the Road Traffic Act. The Act seems to me to be ridiculous enough as it stands without starting to explain the details of it.

It is intended that lower standards will be laid down for these fire carts. An individual examiner will make a decision about the particular trailer which is presented for registration. The practice in regard to a normal "A"-class licence for which any citizen would need to apply is that a trailer having a tare of over 500 kilograms must have brakes. If the aggregate mass is over a tonne, it must have efficient brakes working on all wheels, or if it is over two tonnes, the brakes must work automatically if the trailer breaks away from the towing implement. The intention of the legislation is that there shall be a "B"-class licence which will allow for a fire trailer with an aggregate weight of less than four tonnes not to have brakes, but it must be towed by a vehicle weighing not less than 1.5 times the trailer weight. However, it must not be towed at a speed exceeding 40 kilometres per hour; safety chains will be required; reflectors will

be required; flashing lights will not be necessary, including turning indicators, provided the trailer is only used in daylight hours and the tractor driver's hand signals are visible.

A flashing amber warning light will be required if smoke is present. I understand that will require an amendment to the Traffic Code. I guess all our vehicles will end up looking like police vehicles if we have amber lights on board. The lights require a 12-volt battery system, so a fire trailer will need a battery to make the amber light work. The Traffic Board has agreed to amend the Traffic Code to permit persons to ride on a firefighting trailer while they are engaged in fighting fires. However, the equipment will be required to have some sort of wheel guards to prevent such persons or the hose they are using from coming into contact with the wheels. The trailer will almost have to be fitted out like a normal vehicle. Firefighting organisations have pointed out to the Minister that mud guards are dangerous on trailers. A stump only has to get caught between the guard and the tractor for the wheel to be blocked and the vehicle either is overturned or cannot be moved. That can be quite dangerous when there is an oncoming fire.

It has taken years to incubate this Bill. It will enable some firefighting equipment to be registered; but while we have gained in that direction, we have lost heavily from the tightening up of the definition of a holding. I doubt very much that the provisions of the Bill are any good at all. I think farmers will continue to do as they have in the past—to take the risk, or dismantle the equipment, throw it away, and say, "What the devil; we will not go to the fires; let the Government look after the fires".

While it is possible to register equipment under this proposed amendment, it is not probable that it will be done. I hope various fire brigade boards will get together in the winter and organise working bees to get their equipment to pass the qualifications contained in the Bill. The Traffic Board has obviously tried to lower the standards to meet their requests, but farmers are peculiar people. One could say it is not impossible now to register without these provisions. This Bill will make it easier, but not as easy as it would be if a firefighting trailer were as adequately insured and as easy to take to a fire as when one hitches on one's plough. I do not know that this Bill will have the desired effect.

The Bill covers matters other than those concerning firefighting trailers. I will refer to them now as I believe they should be looked at by the Opposition. The Bill will require commercial passenger vehicle licence holders to have regular medi-

cal checkups. They are already required to have an initial test, and they will now be required, as the Minister said in his second reading speech, to have them at regular intervals. He has listed the requirements, and they are as follows: Every five years up to age 45, thereafter every two years to age 65, and annually after that. When one reads the Bill one sees the provisions go further than that because the medical practitioner can recommend to the board that checks be carried out at short intervals.

I thought perhaps the requirement for a medical check under this clause would be similar to that for our older folk seeking ordinary driving licences. I tried to get from the Minister some information about the difference between a person of 65 who is required to drive himself from A to B and a person who drives a passenger vehicle which, of course, covers school buses and anyone licensed for the commercial carriage of passengers for hire or profit. The Minister's answer was as follows—

Specific areas of health listed on the application form as requiring medical examination are:

- Fits
- Fainting
- Epilepsy
- Giddiness
- Diabetes
- Any physical or mental disability
- Any complaint or disease for which drugs are taken.

As far as I can gather, the only extra requirement will be that a person shall not be issued with a licence if he has vision in only one eye or a medical history of epilepsy. I do not know that that will make things a lot safer, but it is nice to know that in future taxi drivers will not be one-eyed.

Hon. H. W. Gayfer: A few blokes in this House would not qualify for that!

Hon. D. J. WORDSWORTH: Right. The next provision requires those who had moped drivers' licences granted to them when they were 16 to go through the same probationary period as other people when they get their drivers' licences at 18. They will not get the licence automatically, and that would seem reasonable enough.

The Bill also changes the manner in which a person who has incurred 12 demerit points actually loses his licence. An example was given in another place of a person who went to court, lost his licence, and was unable to get his vehicle home. No provision is made in this Bill for a person who loses his licence to be able to get home,

but I suppose it is not much of a hardship. I am not sure that the provision to lose a licence automatically is not already in effect because, if one reads the notice from the Police Department sent to drivers who lose a demerit point, one sees it is now possible. The notice states that, if a person is the holder of a driver's licence on probation, the disqualification will bring automatic cancellation of such licence. I do not know what they mean by "automatic cancellation of such licence" because that is what this clause in the Bill is all about. How is that automatic licence cancellation determined? Previously it was a requirement of the Act that the notice I read out be sent to the person so he knew his 12 demerit points were gone. The police had to prove in court that the notice had been sent out.

The police now tell us they cannot prove it has gone out, so the requirement is being removed. The Bill states—

- (4) Subject to this Act, disqualification shall take effect when notice thereof has been personally served on the person and no sooner."

I do not know whether serving a notice on a person when he has lost his 12 demerit points is any different from serving a summons. To serve a summons, one can go to that person's address and, if a person of 16 years or more comes to the door, a notice can be left with that person, and such summons is deemed to be served upon the person named on the summons. I hope that when we say in this clause "personally served" that it means the policeman has to hand the notice to the person to whom it is addressed, and who has lost his 12 points; in other words, the notice must go from policeman to driver. If that is not done, the driver could go on driving although the notice had been served at his residence, and if he had an accident, any third party involved would not be covered by his insurance. I would like the Minister to clear up exactly what is meant by the phrase "personally serving the notice". If the particular person is not at the address given, there should be a requirement that he report to the police station where he can be served with the notification, and he then would know he had actually lost his licence.

The other interesting point—it was not mentioned in the Minister's speech, probably because it is a minor point only—is that previously one could report accidents to the nearest police station or to an office of the board. This applied not only to an accident involving injury, but if one damaged a bridge or a culvert, one had to report it also to the closest police station or office of the board. In these days of rapid communication, we have radios and a good telephone system, but we

must refer an accident to the nearest police station. One cannot refer an accident to some other office of the board because, for some unknown reason, a person involved in an accident must report it to the police station nearest to where the accident occurred. It is strange that for so long—even in the days of the horse and buggy—it was quite all right to report an accident to the office of the board, but now it has to be reported to the nearest police station.

Incidentally, if a member of the public does damage a bridge, he must place a conspicuous warning sign on the bridge. That provision is included in this Bill. I hope every member has such a warning sign in the back of his car! To my knowledge there are only one or two types of motor car which carry that equipment.

I am sorry I have taken so long over this matter of firefighting trailers, but it is a very vexed question, particularly in the Mt. Barker area. I can say only that I know people in that area are disappointed with this Bill. The Primary Industry Association has already indicated to the Minister that it feels the provisions in this Bill are not very helpful, and that it would have been far better to permit firefighting trailers to be towed behind a normal tractor, covered by the third-party insurance applicable to that tractor, rather than try to ensure that every firefighting trailer is licensed separately with its own third-party insurance.

HON. TOM McNEIL (Upper West) [5.55 p.m.]: Like the former speaker, while welcoming some action in regard to this very vexing problem, I feel that the Bill does have some inadequacies and I am hopeful that during the Committee stage I can get some support for two proposed amendments which I have placed on the Notice Paper.

The main purpose of the Bill is to provide a formal basis for farm firefighting units to travel on public roads in order to help the control of bushfires. As the former speaker has mentioned, this matter has been on the minds of farmers for some time. This is a large State and it has an enormous farming community. In the past that community has, without thought, gone to the assistance of neighbours or districts to fight bushfires. This has cost the farmers a great deal of money, time, and energy, and they have placed their equipment, and possibly even their lives, in danger. They have done that without question, and for some time, both here and in another place, we have been trying to have legislation brought forward to afford these people some protection when they are fighting fires to assist the community at large.

Although the Road Traffic Act covers agricultural implements, it does not make provision for farm trailers. Under the Act itself, farmers were excluded from using main arterial roads. Hon. David Wordsworth has suggested that he is not too sure whether this is a plus or a minus for farmers! In a lot of respects, I believe it is a minus unless the Bill is amended to give a farmer some authority to travel on the roads. Consideration must also be given as to whether portions of a farm may be contiguous.

Without touching too much on that matter at this juncture, let me get back to the subject of agricultural implements and the current situation which would allow a farmer to tow a trailer with a boom spray. It has been suggested that that is an acceptable mode of transport on a road, but it is not if one is hauling a farm firefighting trailer. If a farmer takes off the boom spray—and we can only assume that by doing that the implement becomes much less wildy on the road and takes up much less room—and retains the pumps, tanks, and hoses, that is not acceptable. That seems to me to be an adequate provision.

If a farmer claimed that he was on his way to jet sheep, what sort of situation would he be in then? Having removed the boom spray and retained the pumps, tanks, and hoses, it could be a nice old argument as to whether he was legally moving that along the road to jet his sheep, and he was using it strictly as a jetting outfit. While I am supporting the Bill at this stage, it is only with the provision that at a later stage I will move amendments which I feel will take care of the problem facing farmers, particularly in regard to the contiguous land situation. I believe this Bill, in its current form, would restrict farmers. As the previous speaker said, I believe farmers would continue with the old operation—they would continue to break the law in order to serve the community. I would be interested to hear the Minister's reply in due course to that situation.

It had been suggested in another place, and also in this House, that it had taken a long time to get some action in this direction. I direct the Minister to page 11 of the Road Traffic Act, which demonstrates the reticence of the Minister to act on behalf of and provide safeguards for farmers. Section 11(2) reads—

The Authority shall give effect to any direction, not inconsistent with this or any other Act, that may, from time to time, be given to it by the Minister.

Under that particular section the Minister has had the right to introduce regulations which would have provided a safeguard for the farmers under-

taking the community service. Even if that section does not cover the situation, I refer the Minister to section 19(4) of the Road Traffic Act which says—

Where, in the opinion of the Authority, exceptional circumstances require it, and the Authority has obtained the approval of the Minister to do so, it may grant a vehicle licence subject to such conditions as it attaches to the vehicle licence, to the owner of the vehicle without requiring payment of the appropriate fee for that vehicle licence.

Sitting suspended from 6.00 to 7.30 p.m.

Hon. TOM McNEIL: Prior to the suspension I was making the point that I felt the legislation before us was easing the restrictions regarding firefighting trailers, but it was not helping the farmers sufficiently.

In the second reading speech the Minister said—

The fact that firefighting trailers will be licensed places beyond doubt, the lawfulness of their use on public roads for purposes related to bushfire control, including organised bushfire prevention operations. The Bill places the requirement of addressing such matters as—

- (a) brakes;
- (b) speed restrictions;
- (c) lights;
- (d) mudguards;
- (e) fitment and use of towing chains and;
- (f) proving the legitimacy of the use of firefighting trailers.

Because of the amendments I have on the Notice Paper, and in order not to speak to those amendments which I believe will improve the Bill and safeguard farmers using their equipment on the road, I state at this stage that I do not intend to oppose the second reading.

HON. H. W. GAYFER (Central) [7.32 p.m.]: I do not know whether anybody in this Chamber has ever witnessed a bushfire or a crop fire or any other fire of great intensity in the agricultural areas. When that fire is going, it does not matter what one has as long as it carries water and as long as it is available. It does not matter what the law says or anything else. There is just one big, mad scramble to get everything which is capable of getting that fire under control to the scene of the fire. Any obstacles placed by the law against that sort of thing being used, in my opinion, will result in further problems as far as quenching any of those flames is concerned.

I will admit that some of these thoughts from David Wordsworth are aimed at mitigating third party and public risk. Nevertheless, we must make it as easy as possible for the farmer to pick up whatever has water in it and go like steam to that fire, because he might be the very person who saves the whole situation.

I have watched those fires. This is a very dicey piece of legislation to do what is considered to be the best thing in order to quell a fire, yet on the other hand preserve some sort of protection for the owners of the agricultural trailers which might be moving down the road. I am in favour of what Hon. Tom McNeil is endeavouring to do. I only hope the Minister will accept it in due course.

HON. MARK NEVILL (South-East) [7.34 p.m.]: I commend the Government for bringing forward this measure which will allow firefighting units to travel on public roads for the purpose of bushfire control. This summer will be particularly hazardous because of the good season in the rural areas.

I am particularly pleased that when those firefighting units are licensed, the farmers who will fight these bushfires will be covered by third-party insurance to protect them against public liability. I am sure this Bill will be welcomed by most people in the rural and semi-rural areas. I shall be pleased to see it passed through the House before summer is fully upon us.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [7.35 p.m.]: I thank the speakers who have contributed to this debate. I welcome the indication that there is general support for the provisions in this Bill. As has been indicated, the Bill sets out to do a number of things—about six in all—but one of them seems to have monopolised the discussion. That relates to the new provision to clarify the position of farmers using certain equipment in the course of attending fires and for similar purposes. I believe it is correct to say that that has been generally welcomed.

I should stress in reply to some of the criticisms which have been offered by Hon. David Wordsworth and Hon. Tom McNeil that this Bill is a response to pressing requests which have languished for a number of years from farmers, from their representative organisations, and from shires which are interested in representing the interests of their areas in this respect. Again it is true to say that on the whole the Bill, in the form in which it is presented to the House, has been welcomed by all these groups. The position of the Government is that the legislation should be implemented in the way that it has been presented.

Much of the difference which has emerged in this debate comes down, in the last resort, to differing views on the meaning of section 19 (5) of the Act. It is the position of the Government that the Bill clarifies both the present intention and the present effect of section 19 (5).

Hon. David Wordsworth, on the other hand, asserts that the Bill would restrict the position which we already have. With due respect to the honourable member, the arguments which he advanced in support of his proposition were somewhat strained. He rested in the main on definitions and provisions in the Land Act. When I interjected to ask whether he was taking a definition from one Act and importing it for the purposes of the other, he was good and frank enough to say, "Yes".

We just have to part company at that point. The fact is that one cannot import definitions into one Act from another, and for that I do not rely on *Collins English Dictionary*, as Hon. David Wordsworth thought I might; I rely on general principles of statutory construction. More than that, I rely on the terminology of interpretation clauses themselves.

To go no further than the Road Traffic Act itself, section 5 of it is the interpretation section, the preamble of which is in these terms, "In this Act, unless the contrary intention appears", then certain words mean certain things. That means what it says: In this Act, but not necessarily in any other Act. If, as is the case, words like "farm" or "holding" are not defined in the Road Traffic Act, the position is not going to be advanced in any way by saying, "But they are defined in the Land Act, and it is just a matter of shunting them across". We cannot do that and it is just as well that we cannot, otherwise in all sorts of areas of the law we would be getting into terrible trouble. We need only consider words like "wife" and "husband" which in some Acts are defined so as to include *de facto* spouses. Try importing that definition into Acts like the Marriage Act and the Family Law Act and we would enter into quicksand or a minefield, whichever comparison attracts the member most. The end result could be that we would end up in a mess, and we will end up in the same sort of mess any time we try to strain an argument with an approach of this kind. So that approach really will not work and does not help us here.

The question was asked, "If this is the effect of the present Bill, why not just leave things alone and just add a provision for firefighting equipment?" The fact is that although there has been no doubt on the part of the authorities that this is the effect and has been the effect, the question has been raised often enough and a practice has devel-

oped so widely contrary to this provision, that it is thought desirable to put the question beyond all doubt and in language that everyone can clearly understand.

It follows from what I have said that the amendments which have been listed cannot be supported by the Government, but I will not go into further detail now; that can be left to the Committee stage. In advance of the Committee stage though, let me put this proposition to the House: As I said at the outset, this Bill represents a response to interested groups which have been concerned for many years about the lack of protection involving vehicles used for firefighting. On the whole the Bill as drafted has been well received by these affected groups. To the extent that some further problems may arise in the future, we can face them as they emerge; but on all sides it is agreed that this is a desirable advance on the present position. I therefore suggest that we ought to give it a go in its present form and not rely on prophecies of doom or prophecies that it will not achieve its end. The Government believes that this Bill will achieve the end which concerned farmers have been setting out to achieve. The Administration will be anxious to ensure that it does work, and some detail has already been given in advance of the measures to relax certain requirements in order to facilitate that result.

In summary, this is a Bill for which a lot of people have been waiting a long time and we ought not to delay or to attempt to change it at this time.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon. P. H. Lockyer) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 19 amended—

Hon. TOM McNEIL: I move an amendment—

Page 2—Insert after subparagraph (A) the following new subparagraph to stand as subparagraph (AA)—

(AA) in passing from one of the owner's farms or pastoral holdings to another where the two are being farmed in conjunction and are not further than 30 kilometres in distance from each other, or if at a greater distance, and the Police Superintendent in charge of the region in which each of the owner's farms or pastoral holdings is situated has given his approval; or

I do not expect to match the eloquence of the Attorney General in supporting my amendment; he is cold, concise, and usually very exact.

Hon. J. M. Berinson: "Cold"! I couldn't believe my ears and had to ask if I had heard correctly.

Hon. TOM McNEIL: As my colleague, Hon. Mick Gayfer, has said, when there is a bushfire in a country area, farmers are not worried about whether they meet the requirements of the Road Traffic Act, the Police Act, or any other Act when they go to help a neighbour who is in trouble. When they realise a farmer has a catastrophe on his hands, his neighbours try to get to the scene of the fire whatever units are available to combat the menace. Hon. David Wordsworth said he believed that in such a crisis farmers would revert to the old situation where they would ignore what was legal and take across whatever help they could to the scene of the fire. I agree entirely. Farmers have never bothered about whether it was legal; they have just taken over whatever farm trailers, pumps, hoses, and so on that would be of help. We have to accept that. Nothing the Attorney could say could convince me otherwise. They are providing a community service at a time of great need.

Although the Attorney feels that at some future time we could lessen the restrictions on farm trailers or amend the legislation dealing with firefighting units, I do not think that is sufficient.

Hon. J. M. Berinson: Do you agree that it is an improvement?

Hon. H. W. Gayfer: But this would be better.

Hon. TOM McNEIL: We concede that it is an improvement. We have been waiting a long time for something to be done. I said before that the Minister has had two sections under which he could act—I am going back 12 months now to the time when amendments were moved in another place. The Minister could have acted to legalise what was happening in the Mt. Barker and Denmark areas, but he did not take that opportunity. The members in another place decided for whatever reason to reject that amendment to the Act.

I have moved an amendment that I consider to be of vital importance to farmers. Let us consider the viability of farmers who have been involved in a drought and have tried to keep their sons on the land. In order to remain viable they have had to try to buy adjoining properties. The idea of contiguous areas no longer applies because farmers have had to go some kilometres away in order to buy land they need to continue farming.

Hon. David Wordsworth quoted a section of the Land Act which was applicable to his viewpoint. I wish to quote another section of the Land Act. I

believe this section is in line with what we are discussing. Under the heading "PART V—AGRICULTURAL AND GRAZING LAND, *Division (1)—Conditional Purchase*" section 46(1) states—

The Minister may, by notice in the *Gazette*, declare any Crown land as open for selection under and subject to the provisions of this Part of this Act; and may, in like manner, withdraw any such land from being open for selection:

Provided, that in the case of lands which do not exceed five hundred acres in extent the applications may be restricted at the discretion of the Minister to persons who are the holders of a leasehold estate in adjoining lands under the provisions of Part V. of this Act or an estate in fee simple in such adjoining lands.

This is the important part—

In this proviso the term "adjoining lands" includes not only such lands as are actually adjacent to the lands open for selection but land which may be separated therefrom by any public road or way and also land which is so situated in relation to the lands open for selection that the Minister is of opinion that the land and lands open for selection may be conveniently worked as one holding.

(2) An incorporated company is not eligible to select or acquire any lands under this Division of this Part of this Act.

With the legislation before us we are saying that unless the land owned by the farmer is contiguous with his other land or is divided only by a bridge, pipeline, or whatever, farm equipment cannot be utilised in that manner. What I am saying with this amendment is that we want a realistic appraisal of that situation, and where farmers have bought adjoining properties and have the equipment to be utilised on those properties, in an emergency, if it is manageable, farmers should be given the right to utilise that machinery.

I agree with Hon. D. J. Wordsworth that farmers are not likely to stop to discuss what is right and what is wrong if a neighbour is in trouble. They will leap up and go to the scene to help.

This amendment would take away the restriction on farmers in such a situation. I do not think that asking for the support of members for that amendment is asking for something untoward. We all recognise the needs of farmers in times of crisis. Hon. J. M. Brown would be aware of that, and I hope he will see the wisdom of this amendment.

The Bill as it stands is even more restrictive than the Act, because of the conditions placed on the farmer by the use of the word "contiguous". That word makes the provision unacceptable to the farmers.

I do not know what percentage of farmers have land that could not be described as contiguous at present, but there must be a great number of them. If we are going to provide that a certain number of farmers are unable to assist in an emergency, we are asking for trouble. We will cause trouble for the people prepared to offer their equipment, time, and perhaps lives, to help in a crisis because of this very restriction. As Mr Wordsworth has said, farmers will ignore the regulations and will go to a fire, regardless of the likely penalty, and they will perform a civic duty.

If the Minister will not exercise the powers under the provisions of the Act, then members should support this amendment to give the farmers the right to carry out the function of performing those duties required in a time of urgency. This amendment will take care of that.

Hon. D. J. WORDSWORTH: I do not wish to speak at any length on this amendment because I feel that I made my position quite clear during the second reading stage. I did make the suggestion that perhaps the Attorney General might prefer an amendment under proposed subsection 15 rather than under section 19(5) (f). He could do so under the circumstances if he wished. If he is not willing to do that, I will be willing to support the amendment proposed by Hon. Tom McNeil.

Hon. J. M. BERINSON: I oppose the amendment, and it goes without saying that I do that in the warmest possible way. This clause will permit farm vehicles, including firefighting trailers and farm tractors, where issued with that special licence under section 19 of the Act, to travel to and return from the scene of a firefighting or fire prevention operation.

The clause will also clarify the meaning of the terms "farm" or "holding". At the risk of repeating my earlier comments, I stress that from its inception, the intention of this proposed subsection was to permit farmers to use motor vehicles which are used exclusively on the farm to travel on roads between adjacent parts of their properties without requiring them to pay a licence fee. It is only on this basis that the issue of what might be called a free licence can be justified.

I take up the most recent comments of Hon. Tom McNeil. I will not repeat the argument about the impossibility, for practical purposes, of moving concepts from one Act into another Act. He has largely repeated the argument of Hon. David

Wordsworth who tried to encourage us to take the standards of the Land Act and bring them into the Road Traffic Act. I will not repeat the theoretical argument, but I invite members to consider the practical aspects of this question, and these involve some consideration of the purposes of the respective Acts.

The Land Act deals with questions related to the economic viability of farm operations. In that context it is perfectly reasonable to accept that it may be necessary to accept that within one holding or even one grant of land, as the case may be, the area required for economic viability should be shared between two areas which are not contiguous. The purpose of that exercise is to get an economic unit.

The method of getting it is by allowing parcels of land which are separated by some distance to be worked together as though they were one. That makes perfectly good sense, even to someone like me who does not have the advantage of Hon. Mick Gayfer in respect of knowledge of rural industry. On the face of it, it seems perfectly reasonable, but I ask members to accept the fact that we are not talking now about units required for the economic viability of farm operations; we are talking about the licensing of vehicles.

We are providing a particular concession or advantage to certain vehicles for certain reasons. The reason, historically, has been that if one has no more use of a road than to cross it in a vehicle to reach another paddock it is unfair that one should be lumped with the same costs as a person who uses a vehicle on the road in the normal way. Apart from anything else, if we look, in the first place, at questions of third-party liability, the time in which one is putting anybody at risk by just crossing a 10-metre strip is so small when compared with the risks that arise from ordinary usage of the road that it can well be said that it is unfair to lump a person in that position with the full cost of third-party insurance and so on.

However, when one reaches, as one does with Hon. Tom McNeil's amendment, a question where a person can be using a vehicle for 30 kilometres, one is really moving past that point. One has every opportunity and every risk, in 30 kilometres, of having an accident. It is desirable, once one reaches the level of road usage that is envisaged by this amendment, that the safety standards and other standards should not be relaxed as much as they can reasonably be relaxed when all one is doing is nicking across the road.

Hon. Tom McNeil: It is with the Police Commissioner's approval. If you have an emergency, you need his approval to travel that 30 kilometres.

Hon. J. M. BERINSON: Yes, but the problem is that this amendment is not directed at emergency use. This amendment, as I read it, is directed to ordinary farm usage. I am suggesting that, in those circumstances, where distances and risks of that order are involved, the standards of safety—with questions of licensing and insurance premiums—are no longer appropriately dealt with under the concessional arrangements of section 19(5). I guess that is what it really comes to.

I do not believe that much can be added to that. I repeat that the Government opposes the amendment and I urge the Committee to reject it.

Could I again repeat myself by saying that we have the agreement, I think, of even Hon. Tom McNeil, by way of interjection, that this Bill certainly represents an improvement on the current position? I believe that the Chamber should be content to take the Bill and implement it.

Hon. H. W. GAYFER: The Attorney just said that we are not talking about viable units of farmland; we are talking about the licensing of vehicles. I do not even believe that we are talking about licensing of vehicles. We are talking about bushfires and the prevention of those bushfires. Nothing will convince me that the safety attached to bushfires is not paramount to the safety of travelling along a road. I do not know how many members of the Government have ever fought bushfires. However, if a crop fire occurs with a hot, howling north-westerly wind behind it, everything that is available to carry water is used to fight that fire. We have to realise that it is safety in another sense that we are fighting.

Hon. Garry Kelly interjected.

Hon. H. W. GAYFER: I do not know how many fires Hon. Garry Kelly has fought, but he should let me continue with my train of thought. All we are saying is that if an agricultural implement is put behind a licensed motor vehicle, it is automatically covered by third-party insurance. If firefighting equipment is put behind a licensed vehicle it should be covered by third-party insurance also. That is the simple way out. However, there is no way that that can be done; we are not attempting to do the simple thing. We have to go about this the difficult way and introduce provisions relating to 30 kilometres, contiguous land, and other things.

All this sounds to me like a well-known court case which recently occurred. The court was trying to work out what the term "adjacent" meant. After four years of battle, the verdict was brought down that it meant "in the vicinity of". This is quite the same sort of argument.

Hon. J. M. Berinson: I did not say "30 kilometres", did I?

Hon. H. W. GAYFER: The 30 kilometres is very real because it gives one a chance to go and fight a fire and to do something positive. I do not much like the idea of having to ring up the Commissioner of Police or his representatives to find out whether one can get to that fire. In a holocaust, the lines come down, houses are burnt, and there are no phones.

We have lived through bushfires and nobody worries about restrictions at those times. Nobody worries about anything. Everybody takes risks. All we are saying is that, even though the Government has done a good job with this legislation, it could be improved to cater for events in which people will grab anything that will carry water to fight a fire. If Mr Berinson visited a bushfire he would be surprised at what happens. Everybody moves. People do not worry whether gear is strapped down. They go hell for leather for the fire. I am not being dramatic, I am being factual. A person does not even have time to put on his boots and socks. They go out in thongs. They vow, after they have gone out in thongs, that they will never do it again, but as soon as the next fire occurs, they do.

I am being realistic. I am not worrying about academic arguments. This is a question of realism. This Bill should be altered to cater for what would occur in the case of a calamity. I think that we should consider what could happen this year in particular. I have never seen so much wild oats between the road verges and paddocks. It is six feet high in some places. It only needs some irresponsible person to throw a cigarette butt out of a window for a blaze to start that would take hundreds of people to put out. Those conditions apply right through my area and up through Mr Brown's area and beyond. If this is not dealt with now, and if we have a calamity in future, we will never forgive ourselves.

Hon. Garry Kelly interjected.

Hon. H. W. GAYFER: The member can get up and speak himself. A school teacher ought to be able to contribute some ideas to this debate.

I am talking about practical experience, Mr Berinson. I am telling the Attorney that no matter what provisions are in force, one will get to a fire the best way one can. For God's sake, let us do something to protect people who are doing their best to prevent those sorts of catastrophies by going a little further than the Government has gone with the legislation which is before us.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): I remind people in the gallery that they

must sit down during the debate if they are not leaving or entering the gallery.

Hon. J. M. BERINSON: With due respect to Mr Gayfer's comments, I cannot avoid the impression that there is a significant element of confusion now entering into the debate. As I understand Mr Gayfer's comments, they relate to the special emergency situations of fire and the need for vehicles to turn out for that purpose. The Bill itself places no limitations at all on the distance which a vehicle, licensed under subsection 19 (5), can go for that purpose. The fact of the matter is that the question of using these vehicles for firefighting purposes is irrelevant to the amendment which Hon. Tom McNeil has moved. That amendment will not affect in any way a farmer's ability to use a vehicle during a fire. It is directed solely at extending the licence concession to vehicles which might travel as far as 30 kilometres at a time on a public road.

It seems that these are two separate issues and that they have started to become confused in the course of debate. I have no argument against Mr Gayfer's view on the seriousness of bushfires and the need to bring all possible aid to bear in an emergency situation. There is no argument with that. The argument centres on the ability of the owners of these particular vehicles to have a concessional rate in non-emergency situations where they are using the roads for up to 30 kilometres at a time.

Hon. TOM McNEIL: The crux of my amendment comes down to one thing and one thing only; with this legislation the Government is disadvantaging farmers who have a property that is not composed of contiguous parts.

Hon. J. M. Berinson: You agree that is irrelevant to the firefighting situation?

Hon. TOM McNEIL: No, absolutely not. In the case of a fire, we do not know in which part of a particular shire the fire may have broken out. Let us assume the farmer has his equipment located in several holdings in the district, and that the equipment is licensed as a firefighting trailer. The farmer may have a licensed farm trailer with pump, water storage tanks, and a hose on the back of the vehicle, and in that situation, are we saying that he cannot take his vehicle onto the road?

Last year there was a major problem in Denmark and Mt. Barker. Who gave permission on that occasion for the farmers to attend the fire with such equipment? Who told them to take the equipment off the farm and to go and fight the fire? It was a case of every farmer getting out and fighting the fire, and they did that for three days. There was no rule of thumb procedure whereby

they were legally able to take their equipment on the road. It was a case of a problem arising in the area and everyone trying to fight the fire.

Hon. J. M. Berinson: That is provided for in the Bill.

Hon. TOM McNEIL: It is not. The Bill provides for properties which are contiguous.

Hon. J. M. Berinson: But not for the purposes of firefighting.

Hon. TOM McNEIL: We are talking about farm trailers. We are saying that since the Government will not make provision for these to be treated as farm implements using the road, and saying that it is legal for a boom spray, but not legal to take a jetting spray on the back of the vehicle, that this is creating problems. The Government has covered the third party insurance problem for owners where the property is contiguous and divided by a bridge, main road, or gas pipeline. It has said that people are not entitled to move such a vehicle or a trailer onto the road to fight a fire.

Hon. J. M. Berinson: Where does it say that?

Hon. TOM McNEIL: It is in the definition and it is quite clear.

Hon. J. M. Berinson: In the definition of what?

Hon. TOM McNEIL: We are saying that the Government should remove the provision relating to the contiguous portions and allow farmers with adjoining properties—under the definition contained in the Lands Act and not under the definition of his Bill—to be subject to the same rules. If a farmer has properties which are five kilometres apart, the restrictions should be removed to allow him to move his equipment from one property to another.

Hon. J. M. Berinson: That is a vehicle.

Hon. TOM McNEIL: It is a farm trailer. Why is it suggested that it is legal to take a boom spray on the road and illegal to take tanks, hoses, etc.—equipment which the farmer can pull to the fire.

Hon. J. M. Berinson: That is a different argument. We are getting to the argument of what is a vehicle and what is a farm implement. It is an argument that neither the Bill nor the amendment addresses.

Hon. TOM McNEIL: We have been waiting for this type of legislation to be introduced for a number of years. It was initiated in another place, but it was defeated for some reason.

I ask the Government to give these farmers a chance by removing the contiguous restriction on farmers' holdings and allowing them to do the jobs

they will do anyway, except they should be allowed to do them legally. Order!

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Order! I remind Hon. Tom McNeil that only one person can control the Chamber, and my remarks include Hon. Graham Edwards.

Hon. TOM McNEIL: The Minister handling the Bill should take cognisance of the fact that there are restrictions under the provisions of this Bill which disadvantage farmers who may wish to co-operate and help a neighbour in trouble. The necessary firefighting equipment on a farm trailer may be on a property which is not contiguous and the movement of the equipment will be restricted. That is the sole purpose of this amendment. Under the amendment the farmer will have the right to take his equipment on the road. The restriction is being placed on farmers unfairly, and I request the support of the Chamber for this amendment.

Hon. J. M. BERINSON: I will do no more than read proposed subsection 19(5) in its relevant parts as it would appear on the enactment of this Bill. I will leave out irrelevant words.

The DEPUTY CHAIRMAN: Order! There is far too much audible conversation. Hon. Tom McNeil has already called "Order" himself. In all fairness to the legislation, please pay attention to the debate. It is very important. If members wish to converse among themselves, they should do so in another part of the building.

Hon. J. M. BERINSON: On the enactment of this Bill, paragraph 19(5)(f), leaving out irrelevant words, would provide as follows—

The Board shall issue a vehicle licence without requiring the payment of a licence fee where the vehicle is owned by a person who carries on the business of farming or grazing and the vehicle is not used on a road otherwise than in a journey from the owner's farm or pastoral holding to the location of a fire for the purpose of controlling or extinguishing the fire.

That is what it provides and there is no distance limitation in it. The question of contiguity of lots does not arise and the question of distance does not arise. That is the plain English of it. The board shall issue a licence without fee, where the vehicle belongs to a farmer and is not used on a road otherwise than in journeying from the farm to a fire. That is the plain reading of the proposed new subsection and the plain meaning of it.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Hon. Tom Stephens.

Hon. Tom Stephens: You are a buffoon at times.

Withdrawal of Remark

The DEPUTY CHAIRMAN: The honourable member will withdraw that comment.

Hon. TOM STEPHENS: I will withdraw in deference to the Chair.

The DEPUTY CHAIRMAN: The member will withdraw without any equivocation now.

Hon. TOM STEPHENS: I withdraw.

Committee Resumed

Amendment put and a division taken with the following result—

Ayes 16

Hon. C. J. Bell	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. P. G. Pandal
Hon. H. W. Gayfer	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. W. N. Stretch
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. John Williams
Hon. Tom McNeil	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. Margaret McAleer

(Teller)

Noes 11

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. Garry Kelly
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Peter Dowding	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. Kay Hallahan	

(Teller)

Pairs

<i>Ayes</i>	<i>Noes</i>
Hon. Tom Knight	Hon. Fred McKenzie
Hon. I. G. Medcalf	Hon. Lyla Elliott

Amendment thus passed.

Hon. TOM McNEIL: I move an amendment—

Page 2, line 34—Insert after the word "of" the words "organised bush fire brigade meeting at which fire equipment is checked or".

The reason for this amendment is very simple: Prior to the commencement of every season the farmers in the farming community invariably meet to have their firefighting equipment—their farm trailers or whatever it might be with that firefighting equipment on it—checked. They must have the equipment in a certain locality in order to ensure that it meets the requirements and that everything is in order. In accordance with the provisions of the legislation before us, those farmers are not protected in any way.

This amendment is simple. It suggests that, when farmers produce their firefighting equipment to be checked, they be covered so that they are not likely to be at fault. I ask members to support the amendment.

Hon. J. M. BERINSON: The checking of equipment has not given rise to any discernible difficulties in the past and the Government does not support this amendment.

Amendment put and a division taken with the following result—

Ayes 16	
Hon. C. J. Bell	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. P. G. Pandal
Hon. H. W. Gayfer	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. W. N. Stretch
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. John Williams
Hon. Tom McNeil	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. Margaret McAleer

(Teller)

Noes 11	
Hon. J. M. Berinson	Hon. Robert Hetherington
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Hon. D. K. Dans	Hon. Mark Nevill
Hon. Peter Dowding	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. Kay Hallahan	

(Teller)

Pairs

Ayes	Noes
Hon. Tom Knight	Hon. Fred McKenzie
Hon. I. G. Medcalf	Hon. Lyla Elliott

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 3 to 5 put and passed.

Clause 6: Section 84 amended—

Hon. D. J. WORDSWORTH: I ask the Attorney General to tell us why he feels the office of the board has to be detailed in this case.

Hon. J. M. BERINSON: This clause will rectify an anomaly which currently exists in the Act. The board does not maintain offices and the responsibilities in respect of its position are discharged by the Commissioner of Police.

Hon. D. J. WORDSWORTH: I thank the Attorney General for his reply. It would now appear that an incident must be reported to the nearest police station. I was under the assumption that any police station was the office of the board, but perhaps the Attorney is correct and now one has to report a traffic incident to the nearest police station regardless. This requirement could cause difficulty. As I said before, this clause applies when a person damages a culvert or a bridge. If one happened to be travelling between Port Hedland and Broome, one might have a long journey back to the nearest police station.

Clause put and passed.

Clause 7: Section 103 amended—

Hon. D. J. WORDSWORTH: Once again, I ask the Attorney General if a notice is to be served personally from a policeman to a driver.

Hon. J. M. BERINSON: Yes.

Clause put and passed.

Clauses 8 and 9 put and passed.

Title put and passed.

Bill reported with amendments.

BILLS (2): RETURNED

1. Acts Amendment and Repeal (Disqualification for Parliament) Bill.
Bill returned from the Assembly without amendment.
2. Stamp Amendment Bill.
Bill returned from the Assembly with amendments.

BUILDING SOCIETIES AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Peter Dowding (Minister for Planning), read a first time.

Second Reading

HON. PETER DOWDING (North—Minister for Planning) [8.47 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House is designed to allow permanent building societies to diversify their activities so that they can remain competitive with banks and other financial institutions.

The permanent building society industry, which has traditionally supplied the great bulk of mortgage loans for house purchases in Western Australia, is experiencing a new level of competition as a result of deregulation of the Australian financial system following the acceptance of many of the recommendations of the Campbell and Martin reports. Permanent building societies must provide a wider variety of financial services to their members, and take full advantage of rapid technological change which is emerging as a major issue for financial institutions in Western Australia, as a result of deregulation of the Australian financial system following the acceptance of competition. Permanent building societies must provide a wider variety of financial services to their members, and take full advantage of rapid technological change, which is emerging as a major issue for financial institutions. The amendments in the Bill, while introducing new powers for building societies, maintain the protection and safety devices to inspire investor confidence.

The Western Australian Permanent Building Societies Association first presented proposals for amendments to the Building Societies Act in July 1982. From these proposals, the building societies advisory committee recommended a set of amendments which are incorporated in this Bill and fully supported by the building society industry.

The Australian Association of Permanent Building Societies, through its legislative review committee, issued a report which commented in

the main on asset and liability diversification, alternative corporate and capital structures, and competitive neutrality generally. Recommendations from this report were considered by the Western Australian advisory committee when formulating changes, and the amendments incorporated in this Bill do not conflict with those proposed by the national committee.

As a consequence of Government initiatives and falling interest rates, the demand for housing loans has increased considerably over the past 18 months, and for 1983-84 the aggregate loan approvals by permanent building societies of \$450 million set a record. This high demand is expected to continue, and these amendments which will allow building societies to meet the challenges in the changing financial world will ensure that they have a constant cash flow to meet the basic objective of building societies in the provision of housing loans for owner occupiers.

With assets of \$2 400 million, the eight Western Australian permanent building societies are a major force in the financial and social fabric of the State. To a lesser extent, though of greater assistance to families with low to moderate incomes, the terminating building societies administered under the same Act now have assets in excess of \$200 million.

In the Bill there are provisions for permanent building societies to diversify their activities for any purpose, either direct or specifically through subsidiaries with the approval of the registrar, provided a capital adequacy requirement is met. The present emphasis placed on the reserve account is to be replaced with a net worth requirement, net worth being the sum of permanent capital, undistributed profits and realised reserves, subordinated loans to the society, reserves established by the annual revaluation of real property, and other items which may be prescribed.

A permanent building society will need to retain a base net worth equal to two per cent of aggregate assets, phased in over a three-year transition period. As net worth is provided to protect savers against any loss that may be incurred on the asset side of the balance sheet, net worth is to be increased as building societies diversify their activities.

General reserves are expected to be the largest component of permanent building societies' net worth. However, so that societies may have an incentive to attract permanent capital and subordinated loans should they so wish, provision has been made to increase the borrowing ratios on various types of components of net worth.

The borrowing ratio for fully paid share capital, share capital, and subordinated loans which have a three-year maturity period, and general reserves is to be 40:1. For reserves established by the annual revaluation of real estate the ratio is 20:1, and for redeemable share capital the ratio is to remain at 4:1.

Building societies in addition to their present borrowing powers will be able to obtain funds by the issue of promissory notes.

To further encourage the introduction of fixed capital so as to increase the net worth, the restriction whereby the aggregate of shares held beneficially by corporate bodies is not to exceed 50 per cent of the total of subscribed capital has been removed. However, the need for a permanent society to obtain the registrar's approval for shares to be issued to one person or corporation in excess of 20 per cent has been retained.

Permanent societies meeting the capital adequacy test will be able to provide traditional type consumer loans through subsidiaries, while "line of credit loans", which can be drawn progressively, and "revolving credit loans" which have the overdraft operation approach will be able to be made direct to members by the societies.

These two types of loans are defined in the Bill under "continuing credit arrangement", and the changes will allow members of building societies to use a cheque issuing facility, and to use credit cards such as "Visa".

In line with the national approach the minimum liquidity requirement is to be increased from 10 per cent of withdrawable funds to 12½ per cent and the two-year maturity limit for liquid funds invested in Government securities is to be deleted. The change in the calculation of liquidity investments at market value rather than the present provision of the lower of cost or market value meets the requirements of modern accounting practices.

Building societies will be able to participate in the operations of a secondary mortgage market by buying or selling mortgages or mortgage backed securities, and will be permitted to provide as agent services to their members.

To be able to meet the main purpose of the amendments to the Act, being for building societies to diversify their activities, all references to special advances are to be removed.

A special advance is described as an advance to any corporation, an advance to an individual exceeding \$110 000, or an advance on vacant land exceeding \$32 500, and the concept of special advances has relevance as a prudential guideline where it applies against an excessive portion of a

society's loans being made against a single asset or to a single member.

To guard against this happening a provision is included in the Bill which prohibits a person or corporate body from becoming indebted to a permanent society by an amount which exceeds 2½ per cent of the aggregate assets of that society.

With regard to the registration of a new permanent society, the requirements are to be strengthened so that at least \$2 million of capital, rather than \$1 million as at present, is available before registration can be effected. Each building society registered under the Act is to be required to use the words "building society" in its name, and before a building society is registered a feasibility study concerning the commercial viability of a proposed building society will be required to be undertaken.

Building societies will be able to make advances on the security over real estate throughout Australia, and the restriction on acquiring freehold or leasehold property for their own purposes equivalent to five per cent of their liabilities is to be removed.

Dependent on capital adequacy, building societies will be able to purchase or acquire properties for their own use, or for other purposes. They will be able to develop land, and as an example, they could have flats of their own for rental purposes.

Provision is to be made for every member of a society to be entitled to a vote at a meeting; the rules, however, may provide that a member may need to hold a prescribed number of shares, a class of shares, or be a member for a set period of time before using the entitlement.

The registrar is to be empowered to appoint a director should a vacancy not be filled after 60 days if the number of directors is less than the statutory requirement, and the provisions regarding the disclosure of interests by directors have been changed to bring them into line with those under the Companies Code.

Approval of the sale of land or property owned by a director or officer with a building society is to require a resolution of the board rather than a special resolution of the society, and the restriction requiring a special resolution for a director to borrow for his principal place of residence has been removed. A special resolution is still to be obtained for a director to obtain other types of loans.

The provisions regarding the removal of auditors are to be changed so that an auditor can be removed by special resolution as in the Companies Code, and the Bill has new provisions empowering

the registrar with ministerial approval to appoint an administrator of a society and, again with ministerial approval, to direct a society to transfer its engagements.

The Act at present prohibits any person from receiving a fee, commission, or reward for obtaining a loan for any other person from a building society. The Institute of Finance Brokers of WA Ltd. believes this provision is not warranted in respect of commercial type transactions, and an amendment in the Bill allows brokers licensed under the Finance Brokers Control Act 1975 to receive a fee for services rendered in obtaining loans other than those used for financing the purchase of a principal place of residence for the person obtaining the loan.

Following provisions incorporated in the New South Wales Building Societies Act, provisions included in the Bill will allow a permanent society by special resolution to convert itself into a corporate entity under the Companies Code. This new provision has been included to give building societies, should they desire, the opportunity to further widen their activities under another jurisdiction which is more appropriate for a fully commercially oriented corporation.

The Bill authorises the Australian Building Societies Share and Deposit Insurance Corporation Limited, which was recently registered in the Australian Capital Territory, to use the words "Building Societies" in its name.

The various amendments in the Bill before the House giving the building societies new powers to diversify their functions will allow them to look forward to fuller and freer competition for financial services, and to enter into new and challenging areas.

The primary, rather than the sole objectives, will be to give mortgages on residential properties and the cost of loans for housing should be able to be maintained at an affordable level as a result of societies being able to offer a complete range of financial services to customers.

I commend the Bill to the House.

Hon. G. C. MacKinnon: Congratulations.

The PRESIDENT: Order!

Debate adjourned, on motion by Hon. Neil Oliver.

Hon. G. C. MacKinnon interjected.

The PRESIDENT: Order!

Hon. Peter Dowding interjected.

The PRESIDENT: Order! Would the Minister take note of my call for order, together with Hon. G. C. MacKinnon, who ought to know better.

EQUAL OPPORTUNITY BILL

Assembly's Message

Message from the Assembly received and read, notifying that it had agreed to the amendments made by the Council.

CONSERVATION AND LAND MANAGEMENT BILL

Second Reading

Debate resumed from 25 October.

HON. V. J. FERRY (South-West) [8.50 p.m.]: This legislation involves the repeal of the Forests Act and the National Parks Authority Act and involves consequential amendments to the Wildlife Conservation Act. In so doing, new proposals are contained in the package of the Bill which is before us.

Few of us will disagree with the good intentions of the proposed legislation. However, notwithstanding the effort that has gone into the proposals, many in the community believe that the Bill before us is inappropriate because it does not effectively provide the answers.

I believe that the Government has had strong approaches made to it by responsible people in the community to withdraw the Bill. They feel that a longer time is needed to consider the implications of the measure. I therefore ask the Government to withdraw the Bill. I guess the Government is committed to a course of action to proceed with it, but I suggest that it would do a great service, not only to itself as a Government, but also to the State as a whole, if the Bill were deferred for at least three months to give people the opportunity to consider it.

I have a considerable file on my desk which includes correspondence from many people and also the results of interviews with people who have discussed this matter with me. I have no doubt that the Government has also received many approaches in a similar vein. I believe, therefore, that there is every justification for the Government not to proceed at this time, because this measure is important.

It was stated in the Minister's second reading speech that this Bill is a very important change of direction and it is important that it be considered for the better management of land and wildlife conservation. If that is the case—I do not doubt it at all—I hope that there will be more time available for us to thoroughly investigate the far-reaching and long-range implications of what is proposed.

There are many unanswered questions. I cannot give any assurances that the Opposition will sup-

port the Bill because so many members have queries in their own minds as to the ultimate effect of what is contained in it.

The Minister handling the Bill, in his second reading speech, said that errors have been made in the past in respect of land management and conservation measures in this State. I guess that statement is fairly factual, because no-one is perfect. Governments are far from perfect and no system is perfect. Given that mistakes have been made in the past, if this Bill proceeds and becomes law, it is very likely that it will perpetrate another grave error upon the State, because it may not be the ultimate answer to what we are seeking to do. It could be a modern-day error, a gross error, and a blot on Western Australia's history.

If we acknowledge that there is a need for a better way, then we should consider other ideas than are contained in this legislation.

I will quickly mention some of the items contained in the Minister's second reading speech. I concur thoroughly with a lot of them. There is a problem of soil erosion throughout Western Australia. There is a need for greater control in some areas than in other areas.

We all understand that we have an erosion problem in this dry continent of ours. We have erosion problems along the whole of our coastline. That is not something new; it has been with us for a long time and we acknowledge that. However, the Minister mentioned that if we do not provide appropriate legislation and the appropriate administrative arrangements and resources, the system of management will suffer. One question is the methods by which we should manage these things and the use of funds and resources. I will come to matters relating to funding in a moment.

The Minister said that public land management was controversial. Here, again, one could only agree with that. I refer to what I said a few moments ago that one would expect that, in the future, there will always be controversy in respect of land management. There is nothing new in that. I hope that we do not make it worse than it is at the present time.

The Minister mentioned also that management has been grossly underresourced by successive Governments for decades. Again, I would certainly concur. However, there is no surety that, under the proposal before the House, adequate funds will be available because the job is a gigantic task.

Hon. J. M. Berinson: I interrupt the member to refer him to the Budget provisions. There he will find a very significant increase in funds for additional staffing, and in funds generally. Those

decisions have been made already in anticipation of the Bill.

Hon. V. J. FERRY: I acknowledge that. I thank the Attorney for his comments and assurances as far as they go. However, I refer again to what I said prior to his interjecting, that there never will be adequate funds to do everything necessary in this vast State of ours. I am delighted to think that the Government recognises the need and is prepared to provide more funds. Again, the provision of those funds under the new system proposed may not prove to be the ultimate solution. We need to be careful in that regard.

The problem mentioned by the Minister is that the present system of public land management is grossly inefficient. Again, it is a matter of degree, I guess. I suppose we have to accept that, in every system, there are efficiencies and inefficiencies. However, to say that the present system is grossly inefficient is wrong. I think that that casts some sort of slur on the people who have been charged with the responsibility, up to this time, under the existing system. They would not like being labelled "grossly inefficient" by the Government.

Hon. J. M. Berinson: Again, we are not saying that the people are inefficient; we are saying that the system is inefficient. That mainly arises through the duplication of the same funding in three different bodies.

Hon. V. J. FERRY: That may be the Attorney's interpretation. People have to interpret the provisions and use their judgment in relation to management matters, make decisions, and take advice from other humans. I challenge that point because it may not be "grossly inefficient" as is suggested by the Government. I would suggest that many areas exist in this State in which there is tremendous efficiency. I suggest that the Forests Department is a very efficient department in every respect, and I do not agree with the Government's making sweeping charges—as I have just mentioned.

We know that the task force on land use has carried out its charter; it has come up with an interim report and then a final report. The report was comprehensive; there is no question about that. I do not wish to denigrate, in any shape or form, the three gentlemen charged with the responsibility of producing that report, and who have appended their names to it. They are excellent men in their respective fields. However, they should be categorised more as research officers than as managers of enterprise.

I do not say that in an unkind way because they are valuable in their respective fields of expertise, but we are dealing with land resource manage-

ment in this Bill, and it relates to many other aspects of management. There is a vast difference in being expert in enterprise, whether it be commerce, industry, Government, or whatever, compared with being expert in one particular field. As a result of this report, there could be some flaws in the assessment, based on human frailty. It is a fact of life that management has a different outlook and approach.

The Bill before the House is said to be an initial phase for other steps to follow. That is one of the great concerns I have about this Bill. It will lead to other matters of control throughout the State, whether it be in land management, forestry, conservation, the pastoral industry, or bushfires. We have not been told by the Government what the next step will be. Parliament has suffered a disservice, and it has not been given the benefit of knowing the ultimate total plan proposed by the Government. That is the reason this Bill should be looked at carefully. It should be ascertained if it is the correct approach to take, because management issues will be launched from it.

I fear that in the future there could be some legislation before this House which will be related to this Bill, and we will be concerned about the consequences of that legislation if we are not satisfied with its base and, in the Government's words, this is the base for other things to come.

The proposals in the Bill are directly related to reserves, forests, parks, and marine parks. There are provisions in the Bill for legislative procedures for administration mechanisms—as the Attorney has outlined—and they provide for additional resources, by way of funding, which has been promised by the Government.

One thing that concerns me is that Parliament has certainly been bypassed in the planning of this review. Obviously, a lot of work has been undertaken by the Public Service Board and other agencies of Government in order to implement the proposals contained in the measure before us. One would have thought that it would be profitable, and certainly proper, that the proposed legislation should firstly be presented to the Parliament in order to ascertain the best way to implement this concept. Again, we are putting the cart in front of the horse and Parliament is being relegated to an inferior position as the supreme law-making body of this State. One would have thought that it would be necessary to pass appropriate legislation first before the community is inflicted with moves which may, or may not, eventuate.

I refer to the suggested appointment of people to the Public Service or in a departmental situation. It is my considered guess that there may be

many people within the Forests Department or the National Parks Authority who are quite apprehensive as to their future in the service, or whether, in fact, there will be a position for them. It has been suggested to them by the Public Service Board or agencies of the Government that they may have to follow another course in their career. It must be extremely upsetting to them to be given this information before the legislation has passed through this Parliament. A grave injustice has been inflicted on the staff involved.

The Bill provides for three statutory bodies. One is the Lands and Forest Commission, another is the National Parks and Nature Conservation Authority, and the third is the Forest Production Council. It is proposed that these authorities be under the one director who, in turn, will be under the Minister. One questions the wisdom of placing these authorities under the control of one Minister.

At the present time the various departments have access to their own Minister and to departmental heads. They all operate under their own administration and they have their own expertise which amounts to an efficient department or section. There is no question about that. I relate my remarks to the Forests Department because I have had a close association with it over many years and that association goes back to the time before I became a member of Parliament. I have a great regard for the way in which it operates both administratively and through its expertise in various fields.

Under the proposals before us it seems that no-one will be satisfied. The Bill has been designed for so-called consensus, and where one gets consensus one gets the best of a bad job. I believe that in management a positive job must be done.

I guess the Government will argue that with consensus the best job will be done. I cannot see it, and there needs to be an examination of the Bill in order to ascertain its ramifications. I question the merit in having the structure which is to be set up under this Bill. In the notes which accompanied this legislation it shows clearly that the Director of Forests will have little room in which to manoeuvre. In fact, he will be quite ineffectual. Whether he is to have a title that is an incorrect label or whether there needs to be some adjustment, I do not know. However, as I see it, I do not believe the Director of Forests will have that much authority whereas, at the present time, the Conservator of Forests, under the Forests Act, has clear-cut and powerful lines to exercise his authority for the benefit of forestry matters throughout the State.

Hon. J. M. Berinson: Do you say that you read the Bill as providing the Director of Forests with less power than the Conservator of Forests has?

Hon. V. J. FERRY: Yes, he will certainly have less authority than the conservator because the authority under this Bill is vested in the executive director.

The proposed department has been referred to as a megadepartment. I do not use that term in regard to the number of people who will be employed by that department. It may employ 1 200, 1 400, or 1 500, but the Forests Department employs 1 200 people. In terms of numbers it will not be a megadepartment, but when one considers the power that this authority will have, one can understand where the term "megadepartment" has come in.

It is a very powerful authority which is proposed to be set up, and it will affect the length and breadth of Western Australia. It is interesting that the task force, when first given its terms of reference, was requested to look only at the south-west corner of the State, to use that description very loosely. That was its original charter. It was not long before it was realised, because of the interlocking nature of so many facets of our community, that it was necessary to review the State as a whole.

One wonders how that error occurred in the first instance, because clearly, whatever happens in one part of Western Australia, particularly when dealing with land matters, it invariably affects many other regions. That was a weakness right from the start. When we talk about being more efficient and having more benefits to the State, that was one error which crept in right at the beginning and which was corrected. There may be plenty of other errors down the track.

The Forests Act of 1919, as amended, arose out of a deliberate decision of this Parliament to ensure that forestry matters were taken out of the hands of politicians to a large degree. Certainly the conservator is responsible to his Minister of the day, but under the Forests Act the conservator has very great powers. That was done in recognition of the situation affecting the forestry and timber reserves a long way back. I have checked on *Hansard* back to 1919 and before that. There are plenty of facts on record to indicate that members of Parliament and members of this Legislature were concerned for some time about the best way to deal with forestry and timber matters in this State.

When we talk of forestry matters we do not speak merely of indigenous hardwoods. The sandalwood industry was a very real one in the early

days, and it is still important in those areas where sandalwood is still growing. I understand there is a rehabilitation programme to ensure that it does not die out.

Members of Parliament over the years have agreed that there should be a special Statute for dealing with these matters, and they were dealt with in under what is known as the Forests Act. This was done deliberately so that forestry could not be tampered with by politicians granting favours to others, or perhaps someone leaning on the Minister for Forests of the day to give political favours or make the Government popular in some respects, perhaps not in the best interests of the State.

I return to the Bill before us. The Government is saying that this Bill is the best for the State. Many people in the community question that statement.

I believe very firmly that the Forests Department, under the Forests Act at the present time, is still serving the State extremely well. The role of the Forests Department in conservation matters has been a notable one.

Some say foresters are not conservationists. Of course that is completely incorrect. Foresters are conservationists, because that is their field and they farm the forest, cultivate it, and guard it to the best of their expert knowledge, for the use of the land on which they create water resources and the like.

Theirs is a package deal; they are very concerned with conservation, but they need to act rather more independently and a little apart from the proposal which this Bill before us contains.

I am aware that a great number of people who call themselves conservationists, or people who are very concerned with conservation—a whole range of people in that particular category—say they are not at all happy with the Bill before the House. In many cases they believe that this Bill will provide the mechanism whereby forests override the best interests of conservation, and certainly the best interests of national parks. They say it could also override the best interests of wildlife.

Hon. J. M. Berinson: Is that your view? Do you agree with that view?

Hon. V. J. FERRY: The whole matter should be reassessed. I would like the Government to withdraw the Bill to allow more time for examination in the public arena. It has far-reaching effects.

If one looks at the Forests Act, it goes back to 1919, but the Parliament was talking about placing legislation on the Statute book long before

that. Discussion goes back to 1903 or thereabouts. It took the legislators several years to come up with an appropriate Act, but they got there, and I believe it has served the State extremely well.

However, we have this Bill before the House and I suppose it was born out of the report of the task force on land resources management in Western Australia, January 1984 and, coupled with that, the Government's policy on land management and conservation.

Hon. Garry Kelly: There has been a fair bit of input.

Hon. V. J. FERRY: There has been, but it is such a wide subject I doubt whether the result we now have as a Bill is acceptable to the community at large. It is one thing to have a report, but what we are dealing with is a Bill which, if and when passed, will become law.

Hon. Garry Kelly: In how long would you say? In two years?

Hon. V. J. FERRY: No, three or four months would be very handy to allow more input.

Hon. P. G. Pendal: Mr Burke would not give us three months last year, so you are being unduly optimistic.

Hon. V. J. FERRY: That may be, but it is my view and the view of many people in the community who are concerned in more than one direction—they are wildlife people, the fisheries department, and the fishermen themselves. I have letters on file from people who are very concerned about the wildlife provisions and very concerned about the marine parks. The fishing industry wishes to have this Bill deferred until such time as there has been more opportunity to examine its ramifications.

A number of things have been mentioned. I have already touched on the savings suggested by the Minister's second reading speech: the savings proposed in manpower accounting systems, the use of computers, mapping and so on. These problems are not insurmountable if they are arranged in a different way in the existing system. I am not convinced that this proposal will not be any better than, say, the present mapping situation available through the Forests Department, or perhaps through the Lands and Surveys Department. Perhaps there should be greater utilisation of those resources which are now in place. There is nothing wrong with one department contracting to do work for another. This area should be more thoroughly examined.

I am anticipating the Government's saying this has already been examined. I am not satisfied, as

others are not, that that is sufficient reason to proceed at the present time.

Another matter which has been mentioned is the question of training forestry workers and national parks rangers in fire control. I am very keen on people being proficient in whatever their calling may be, whether they are forestry officers or national parks rangers. Surely members must be aware that these officers should be competent without lumping them all together under one roof. They already have a degree of expertise, and that can be upgraded.

Training is an ongoing thing. Changing technology is not an insurmountable problem; but I am yet to be convinced that this new system will improve things to any great extent.

Another question raised was that of the most efficient utilisation of equipment and vehicles, and an example was given where one department quite unnecessarily sent some equipment to deal with a fire in an area when another department had nearby equipment which could have done the job just as well. In the world today there are frequent examples of these errors, these instances of lack of communication. They result generally from a lack of co-ordination between departments or organisations. I question the wisdom of introducing this sort of legislation, because there is no guarantee that, with the passing of this Bill, that sort of error will not continue to creep in. Human frailties mean that it is likely to happen in the future.

One notable response from the public was a letter addressed to the Premier and written by two very competent gentlemen, one being Professor Martin J. Webb, foundation professor of geography at the University of WA, and the other being Allan Harris, a former Conservator of Forests who retired several years ago. These are most responsible people and they saw it as being incumbent on them, even at this late stage, to write directly to the Premier to express their concern about the Bill with which we are now dealing. Their letter is dated 24 October 1984 and for the sake of the record I will read it—

Dear Premier

We are writing to you at this seemingly late hour to ask your Government to reconsider the Conservation and Land Management Bill now before the House by withdrawing it for further discussion by the parties concerned. The reasons why we made this urgent last minute request are as follows:

1. The management of the public lands of Western Australia should and must be above party politics and party political

considerations since it concerns all Western Australians.

2. The proposed Department of Conservation and Land Management through its very size and composition will prove in the event not only unwieldy in operation, but will inevitably prove to be technically inefficient, requiring a large injection of resources merely to bolster and in effect cover up its deficiencies.
3. Similarly, we believe that the proposed department will diminish, if not destroy, the carefully established professional commitment and professional and department expertise which the existing government departments have built up over the years.
4. We are also of the opinion that the proposed office of Executive Director to the Department would have such strong powers and such a wide range of duties that it would not only be doubtful whether we could find persons adequately qualified to fill the position but also whether any government of the day could or should brook the existence of such a powerful office within the Public Service.
5. Furthermore, we are strongly of the opinion that the proposals embodied in the Bill have moved away from the giving of advice to the Government as to the best management of the public lands of Western Australia, to the implementation of policies made within a Department virtually free from governmental authority.
6. Since one of the major criticisms levelled against the existing authorities, including the Forests Department, is that they do not respond to criticism from outside, we find it difficult to see how a single monolithic body such as proposed in the Bill will in any way improve matters: indeed, quite the opposite.

There are many detailed objections to the Bill which we believe should be attended to, and might be appropriately dealt with by a joint Parliamentary Committee, however, what especially disappointed us is the dropping of perhaps the most important single proposal of the Task Force on Land Resource Management in Western Australia. (January, 1983. PP43-44).

This concerns the establishment of a Land Resources Council. We believe that this is

what the Bill should be concerned with rather than the essentially and highly questionable administrative arrangements with which the Bill is really concerned.

There is no doubt, that as the state's largest landholder the Government does need (and often may have suffered in the past from a lack of) independent advice on its land policies. We are also prepared to admit that under the present departmental arrangements the Government is required to make decisions and resolve inter-departmental conflicts on land management matters on which it has no other advice than that coming from the respective departmental heads through their respective Ministers.

However, while it may seem administratively better to force matters through a single Department of Conservation and Land Management, it will in effect obscure what the essentials of the conflict are and therefore compound the problem.

An independent properly serviced Land Resource Policy Council would, in our opinion enable the Government to have all that it needs to make sound land management decisions, without going to the extreme measures as outlined in the Bill.

We appreciate that you are motivated by a sincere desire to find the best way to ensure greater coordination of public land policies for the good of the State, but we can assure you that there is a widespread unease and strong feelings against implementing this particular legislation.

We would be pleased to meet you and your Ministers to further discuss these matters.

In view of the public importance which we believe is attached to this issue, we are taking (at least for us) the usual step in releasing this letter to the Opposition as well as to the Press.

From the force of that letter, one can see the underlying concerns that are basic to what we are about today. I have many such letters. I have here a copy of the response to that letter from the Premier, and as it is a rather long letter I do not propose to read it out.

Hon. J. M. Berinson: Do you have Professor Webb's further response to the Premier? I think that presents a rather different view from the letter you have just read into the record.

Hon. V. J. FERRY: The second letter from those two gentlemen was dated 26 October 1984, and it reads as follows—

Dear Premier,

Thank you for the courtesy of a prompt and full explanatory letter in reply to our "last ditch" letter to yourself. Although the Task Force report had been available for some time, until the Bill was actually promulgated in more concrete form in Parliament, it was not possible for us to critically examine it. Also, at the time of its introduction, Mr. Harris was away in Europe on an extended tour, involving forestry matters and has only recently returned and had the Bill and *Hansard* records of the debate brought to his notice. Part of the reason for the delay was that we agonised for far too long on what to do once we began fully to appreciate the significance of the Bill. We should have come to you sooner, but another part of the reason for the delay was, that having made virtually the same points to the officers at the meeting to which you refer, we had concluded, perhaps wrongly, that we were dealing with a lost cause.

Had, for example, the Land Resource Policy Council been built into the Bill, as we had hoped, then our position could have been a lot different.

We are obviously pleased that Cabinet has decided to do something about creating such a council, but would it again be too late to ask that this is included as part of the Bill when it goes to the Upper House? We think the Opposition might present less resistance to the Bill if this safeguard were built into the legislation. As the bill stands, it is still largely administrative in its thrust—and in this regard we cannot but applaud you for increasing the total budget allocation to this aspect of your responsibilities.

We believe that a well thought out proposal (for a Land Resource Council) along the lines set out in the Land Management Report would also do a great deal to develop public land policies for Western Australia: something with which we feel you are in total agreement.

For the sake of the record, and to get the matter straight I read both letters from those gentlemen. Members can see there has been great concern about this matter.

I have many other letters which I could refer to, but I do not wish to take up the time of the House unduly. One letter I received was from The Tree Society, WA Field and Game Association, Amateur Canoe Association of WA conservation committee, WA Speleological Research Group, West-

ern Australian National Parks and Reserves Association, Denmark Environmental Group, and South-West Forests Defence Foundation Inc., a coalition formed on 28 October 1984. This group wrote—

There are many reasons why the people of Western Australia do not support the amalgamation of the Forests Department with the National Parks Authority and the Wildlife Section of the Department of Fisheries and Wildlife proposed in the bill. We consider the following six points to be some of the most important reasons to oppose the legislation.

First, the bill combines any agency primarily concerned with timber production with agencies primarily concerned with nature conservation. The public interest demands that the different functions should remain apart and that conservation and timber production should speak with separate voices.

Second, the philosophy and expertise of foresters will dominate the proposed department. Foresters, with their specific training in production forestry, are inadequately prepared to manage national parks and wildlife reserves.

Third, the amalgamation will destroy small, cohesive agencies whose staffs have their own *esprits de corps*.

Fourth, there was inadequate consultation with the public over the the proposed restructuring.

- * At most stages, critics of the proposed amalgamation were not allowed sufficient time to consider the Task Force reports,
- * The Government accepted minor changes to the Task Force proposal, but remained intransigent about the principle of amalgamating production and conservation agencies, and
- * The Task Force ignored the majority recommendations by the public and by professional staff in government agencies, most of whom preferred a National Parks and Wildlife Service.

Fifth, the Task Force itself did not have enough time to thoroughly research such a major restructuring.

Sixth, the arguments of efficiency and economy, used to promote the amalgamation do not stand up to scrutiny. Shared use of resources between the existing departments can occur without amalgamation. Duplication of services between the existing depart-

ments has been alleged, but not demonstrated. No cost benefit analysis has been published of the alleged economies.

We, the eight conservation groups listed above, and many other people, still hope that the amalgamation will not proceed. Consequently, we respectfully urge you to consider the points we raise and to do whatever possible to prevent the establishment of this unworkable department and work towards the formation of a National Parks and Wildlife Service in Western Australia.

Yours sincerely,

Caroline Hooper

COALITION SECRETARY

I do not propose to read any more letters. I read that as being typical of the concern within the community. The people who support the forestry side of things are not completely happy about this legislation; the people who support conservation are not happy about it; and the people who support national parks and wildlife are not terribly happy about this legislation either. Rather than going forward with these doubts, I would like the Government to withdraw the Bill to allow more time to consider it.

HON. P. G. PENDAL (South Central Metropolitan) [9.35 p.m.]: I will make a brief contribution to the second reading debate, albeit in a fairly generalised way to follow on from the period last year I had as the Opposition spokesman on land resources, at a time when the interim report was published.

One of the last acts of Hon. Vic Ferry before resuming his seat was to read out some criticism that has been offered in response to the failure of the Government to make any attempt to subject the interim report, the final report, and more particularly the major restructuring of Government departments and agencies, to any form of serious cost benefit analysis. That was a comment made by Mr Ferry just prior to resuming his seat; and the Opposition offered that criticism as early as December last year, after the interim report had been released.

I put it to the Government and to other members of the House that that criticism of last year is as valid today as it was then. What we are being asked to support today, in passing this legislation, is no minor readjustment of Government departments and agencies. We are being asked to give parliamentary sanction to a major and thorough reorganisation of Government resources.

It may well be that much of what the Government wants to do is a good thing; but I put it to members that if it is a good thing it is largely luck

and guesswork on the part of the Government as distinct from any serious and deep study.

No public company in this country would be permitted, by its shareholders, to make the sort of major restructuring of that company without subjecting the changes to a fundamental scrutiny in terms of the impact of those changes on future costs. No shareholders would tolerate that occurring, yet, in this Parliament the Government is asking the shareholders of the State—that is, the taxpayers—to permit a major restructuring of this kind on the flimsiest of evidence.

In the course of this debate we have heard here and in another place much comment from the Government about efficiency, good management, and sound business principles. We heard the same arguments in relation to the Government's efforts in restructuring the department of tourism about this time last year. No-one challenged the Government's objectives, but plenty of people were prepared to challenge the Government's methods. We were given assurances, for example, about the middle of last year, in relation to the major restructuring of the department of tourism, that that restructuring would bring about a saving of some \$600 000 to the taxpayers of this State. On the surface, that was a reasonable argument for supporting the legislation, but no evidence was ever brought forward to show that \$1 would be saved, let alone \$600 000 as was mentioned.

The same arguments are being mounted in the case of this new super department as were mounted 18 months ago in relation to the old department of tourism. Therefore I finish my contribution on the first point: The taxpayers of this State—effectively the shareholders of the Government—are being asked to blindly agree to a major reorganisation and relocation of Government resources on some very flimsy evidence indeed.

The evidence of that is that it is very hard to find very much widespread support for what the Government is doing. That leads one to the conclusion that we really are dealing with a hotch-potch of unprofessional decisions on the part of the Government. Unfortunately, that pattern has been established as early as the middle of last year in relation to the decision to reorganise the Department of Tourism.

It is a great pity that there is a measure of amateurishness—

Hon. Kay Hallahan: Come on!

Hon. P. G. PENDAL: —and a measure of superficiality involving the implementation of the report and this subsequent legislation that arose out of it. Hon. Kay Hallahan may well interject and say "Come on".

Hon. Garry Kelly: When did your legislation, when in Government, get the scrutiny that this legislation has received?

Hon. P. G. PENDAL: If the previous Government's legislation did not receive the scrutiny that this legislation receives, then the blame lies with the members of the Australian Labor Party, both in this Chamber and in the other Chamber. They have the same opportunity as do members on this side of the House to put the Government's legislation to the utmost scrutiny. I am entitled to say what I believe, based on the evidence that we have before us in the report, and based on the experience that we have had in relation to the creation of the Tourism Commission. The Government's decision is based very much on amateurishness and a great deal of superficiality.

Hon. Kay Hallahan: That is most unfair.

Hon. Garry Kelly: It is also wrong.

Hon. P. G. PENDAL: Whether it is unfair is really irrelevant. Whether it is accurate is the linchpin of the whole argument.

Hon. J. M. Berinson: It is because it is inaccurate that it is unfair.

Hon. P. G. PENDAL: That is entirely the Minister's opinion, an opinion which I suggest is not based on any of the evidence, whether we are talking about a restructuring of the Department of Tourism or a restructuring of the departments involved in land management in Western Australia. I am saying that the evidence is there and people with better minds than mine have noted that evidence.

One point that the Opposition made some months after the release of the interim report was to lament the fact that the Government was effectively undoing—I am not necessarily suggesting that it was being done deliberately—what previous Governments, including the Tonkin Labor Government, had spent 20 years to build up. In this State, in the 1960s and 1970s, we saw a period of unprecedented growth and unprecedented industrial and mineral development. Towards the end of the 1960s and the beginning of the 1970s, this community also saw a rising awareness of the need to protect the environment. It became incumbent on Governments of the day in the early 1970s to try to strike that very careful and very delicate balance between the development aims and aspirations of the State, on the one hand, and the need to conserve and protect the environment on the other.

Governments, including politicians and civil servants, spent a lot of time and energy, in those days, in order to find where that balance might properly lie. People now believe that that balance

will be effectively destroyed as a result of this legislation.

I will grant the Government the point that, of course, the conservationists in this matter believe that the new department will be dominated too much by commercial or forests interests. Other people, of course, made the reverse criticism. They believe that the commercial pursuits will become part of or will be dominated by the conservation-side within the new megadepartment.

Clearly, both those streams of arguments cannot be right; only one can be accurate. However, the very fact that both sides, if one likes, of the argument, claim that that delicate balance will be upset after it has been carefully put into place for the past 20 years is, in itself, an indictment of the Bill and, if it is not an indictment of the Bill, then most certainly it is an indictment of the Government's capacity to have adequately explained the contents of its own legislation.

I recall as well that, around this time last year, one of the other fears was that the Government would act on one of the other recommendations of the interim report which was, if I recall correctly, for such bodies as the Kings Park Board, the Waterways Commission, the WA Herbarium, and the National Parks Authority, all to be incorporated under the one super megadepartment. The Government has at least been prepared to tell us openly what has been the outcome so far as the National Parks Authority is concerned and as far as other bodies are concerned.

What we do not know, from my reading of the second reading speech, is, for example, whether the Government has made decisions either yet to be implemented or whether those decisions are part of this package in relation to the Kings Park Board and the Waterways Commission. I put the point to the Government that, even if the interim report recommended—I can find no reference to those bodies as being part of the amalgamation—that those bodies become incorporated in the new department, that, in itself, is good grounds for us to be very suspicious of some, if not all, of the recommendations of the interim report. I say that for the simple reason that it is plain and clear, even to blind Freddy, that a body such as the Waterways Commission, for example, a body which essentially has a conservation role, and a body such as the Kings Park Board which has certainly a great deal to do within a conservation role, have nothing in common. Yet, it was originally envisaged, as I remember, that they would be incorporated in the one super department. In fairness to the Government, I can find no evidence that those bodies will be involved in the current reshuffle and reorganisation. However, I would

like to know from the Minister, in his response to the second reading debate, whether or not that is merely some interim omission on the Government's part and whether or not we can expect to see those bodies incorporated in the new department, either in the near future or, for that matter, whether they will be incorporated at all.

There was also what I thought was a helpful suggestion made by the Opposition at the time. It was that the whole of the contents of the interim report and then, subsequently, the final report, be made available for some form of independent and expert analysis, perhaps by a panel of three assessors who could quite easily have been drawn from other parts of Australia in which the expertise existed, and where experience from other parts of the State might have been drawn.

That would appear to be another suggestion that fell on deaf ears. At the time, as now, the report was not merely being condemned by those engaged in commercial exploitation, or by people engaged in mining, or by people engaged in the conservation lobbies in all their forms; it was being condemned by all those people and that condemnation lasts to this day. People of all kinds, representing all interest groups in Western Australia, believed that their interests were being ignored by the Government and that, indeed, the Government somehow knew it all. Therefore, it was one of those sad occurrences during the public debate of both the report and the Bill that so many people made so many suggestions and found that those suggestions fell on deaf ears.

A number of suggestions have been made by the Government, by academics, by the Opposition, and by others on the rather critical question of co-ordinating the role and function of some particular body. I think the words used by Mr Ferry a few minutes ago were, "the land resources co-ordinating council". I put it to the Government that the sort of structure it is proposing may well be the most cumbersome and inefficient of all and, if that turns out to be true, it will very much undermine the philosophy of the report which suggests that it is interested in co-ordinating all those things in the interests of good management and efficient use of the fairly limited resources that are available to the Western Australian Government.

Perhaps we should concentrate more on a non-statutory body; that is, a body drawn from Civil Service expertise and, if necessary, the expertise that exists from both sides of the fence—broadly speaking, conservationists on the one side and those engaged in commercial ventures on the other.

Apart from setting up more statutory bodies—and this Bill sets up three more that I can see, which is in direct contravention to the Government's commitment prior to the election when it suggested that the widespread growth of QANGOs should be reined in by whichever Government won the election—there is another danger in the sort of approach that the Government is adopting. It is my view that any co-ordination should have occurred on a non-statutory basis; and the advice should be co-ordinated by some central council or co-ordinating body whose deliberations should be made available to the Cabinet of the day. I can see the situation arising when the decision-making capacity of the Cabinet—indeed the political responsibility of the Cabinet—is interfered with or watered down as a result of the fairly cumbersome and powerful co-ordinating role that the council is intended to have. If that does happen, either by accident or design, it would be undesirable because in the final analysis decisions have to be made by the Government of the day, which effectively means the Cabinet of the day. If any decisions are to be avoided, or if it is to be possible to push off political decisions in the Cabinet to an unelected body—possibly an unrepresentative body in the Civil Service—which wields great power, I suggest that is a bad day for the sort of government we have become accustomed to in this State, whether under Labor or non-Labor parties.

There has been considerable emphasis on the efficient and wise use of limited resources. I quote from page seven of the Minister's speech when he said—

Land management was being carried out by several different Government agencies with little co-ordination and duplication of functions.

The argument is, and I guess to some extent it is valid, that the departments intended to be co-ordinated currently have two weaknesses; firstly, they do not have much co-ordination between them, and secondly, they duplicate each other's functions. That in itself does not make them inefficient and, therefore, it is one of those all-embracing statements that the Government is apt to make nowadays implying that if it says something it is automatically sacred writ. There is nothing to back up the statement, no figures provided and no examples given to suggest that the lack of co-ordination is inefficient. In fact, it can be a very healthy thing for a Government, or indeed a Minister presiding over one department, to get conflicting advice from two separate agencies when it needs to make a decision. I have not been a Minis-

ter, but I suggest that that might be a darned good thing.

Hon. D. J. Wordsworth interjected.

Hon. P. G. PENDAL: Mr Wordsworth, who has been a Minister, suggests that it is.

Hon. D. J. Wordsworth: And not uncommon.

Hon. P. G. PENDAL: And it is not uncommon. Mr Wordsworth is drawing on his experience in a number of portfolios. Surely it is a good thing for a variety of opinions to be served up to a Minister, even if they are mutually exclusive and the Minister must totally reject one stream of thought—or at least take to Cabinet a recommendation to reject it—and accept something else. Yet in the name of co-ordination and the avoidance of duplication we are being told that this centralisation of many activities is desirable. If it is desirable in this area the Government could well argue, for example in the field of transport, that we shall need some sort of superficial throwing together of a dozen different agencies and bodies so that we have one super-duper transport department. That in itself may be desirable.

Hon. D. J. Wordsworth interjected.

Hon. P. G. PENDAL: Mr Wordsworth would know better than most as a former Minister for Transport. There is a wide range of transport departments, statutory bodies and agencies that at the moment go their own way. I suggest there is safety in numbers in those diversified opinions and in the internal tension that probably occurs when, perhaps, the Taxi Control Board wants to do something that Westrail or the MTT do not want to do.

In the final analysis, the position is resolved by the Cabinet of the day. I am not saying that such things will be written out of practice as a result of this Bill. However, I am saying that very little thought appears to have been put in so far as the second reading speech was concerned and so far as these matters affect the future good government of the State.

Hon. J. M. Berinson: Have you picked up that the council, the authority, and the commission will all have direct access to the Minister?

Hon. P. G. PENDAL: Yes, I have picked that up; and I acknowledge that I have seen the lovely little chart with which we were provided. It will be good for a colouring-in competition for the children, if it is not of much value to us.

I acknowledge what the Attorney General said. When I made my criticism a few minutes ago, I pointed out it was not necessarily the case that the Government was ignoring this matter entirely; but I am suggesting that the way in which it has been

tackled by the Government may well come back to haunt it in the short time it will remain in Government.

Another regret I have is that the Minister told us that the task force produced its interim report in October last year and its final report in February this year. I will say what I have said elsewhere: It is a great pity that there was an unseemly rush on the part of the Government—for what reason, I do not know—to close off the public discussion and input into this matter. At the time, the Opposition actually asked for an extension of time so it could have a look at the interim report. It asked for a mere three months, until March. Not only was that request denied, but the Opposition was also denied the chance of re-examining the interim report up to and including March this year. We then found that in February this year, the Government had turned the interim report into the final report. Therefore, the allegation of unseemly haste is not unfair, if the time span that the Government gave for the public debate is taken into account.

I will make one other brief comment before I resume my seat. In the Minister's second reading speech, there are many matters worthy of discussion, and I am sure other members will deal with them; but the one that tantalised me read as follows—

This Bill does not change the security of purpose or tenure of any public land.

I accept that it does not change the security of purpose of any public land so far as the contents of the interim report, the final report, or the Bill are concerned; but let me deal with the land which I have brought to the attention of this House on many occasions this year—the land within the boundaries of Burswood Island. That land is as important to the metropolitan area and its residents as the pastoral land in the north-east of the State, or the dairying land in the south-west of the State, is to the people who live there. However, the alteration of the designated use of Burswood Island is at variance with what is suggested in this Bill for other land. The Government says that this Bill does not change the security of purpose of tenure of any public land; yet sadly I repeat what I have said 100 times in this House: That is what the Government will do so far as publicly-owned land on Burswood Island is concerned, land which has the designation “regional reserve for parks”. As members know, that designation will be changed by the Government to accommodate the casino lobby of this State.

I do not know how the Government can reconcile, barefacedly, without any explanation, the

rather pious contents of that report with the Burswood Island situation. If anyone else were to make that sort of irreconcilable statement, at least that person would have a red face; but not one Minister of the Government or one member on the backbench of the Government side has a red face about that duplicity and that double standard.

It is for that reason that I opened my remarks—I was growled at by Mrs Hallahan—by saying that I thought the Government was taking an amateurish and superficial approach. The Government has a naive belief that one can walk into a room and throw together a few agencies and Government departments, and that whatever comes out in the wash is an acceptable form of co-ordination of the land reserves of this State.

Hon. Kay Hallahan: That is what your Government did.

Hon. P. G. PENDAL: No, that is what the present Government is doing. I regret it is happening, because even the Government would acknowledge that, while it is difficult to find common ground, much of the land usage and rehabilitation of land in this State is as much the concern of the farmer, the forester, and the miner, as it is of the conservationist or the Burke Government.

Therefore, before this Bill passes, the Government must tell us much more than it has told us at the moment. It has merely dished up a speech which, in itself, looks reasonably impressive because of its 33 pages; but that is not to say that it contains any sensible explanations. The duplicity, the amateurishness, and the lack of thought about which I have spoken are many of the reasons which suggest to me that the Government has a long way to go before it can ask the Parliament to pass the Bill in its present form.

HON. W. N. STRETCH (Lower Central) [10.08 p.m.]: I oppose the concept of this Bill because it strikes at the heart of my electorate, which contains the district of Manjimup and virtually the bulk of the timber industry in Western Australia. I oppose the Bill because of the basic fallacies behind it.

Before I deal with that matter, note should be taken of the way in which the Government has treated the Parliament. In bringing this Bill forward, the Government has treated the Parliament with the utmost disdain, if not contempt.

Hon. Kay Hallahan: You are using the same tune.

Hon. W. N. STRETCH: It is obvious, Mrs Hallahan, that anybody could pick up the tune very quickly.

Several members interjected.

The PRESIDENT: Order! I ask the two members interjecting to stop it; and I suggest to Hon. W. N. Stretch that the member is "Hon. Kay Hallahan" and not "Mrs Hallahan".

Hon. W. N. STRETCH: As ever, Mr President, I defer to your advice.

I believe that this House and, indeed, the Parliament have been treated with contempt in that the organisation for this amalgamation of departments has taken place virtually without reference to the Parliament, and we are now placed in the invidious position of asking, "What do we do with these people, some of whom have made arrangements to change jobs and move into this new department, when Parliament has not even sanctioned the whole organisation as it is being put before us?"

Hon. J. M. Berinson: On what do you base that?

Hon. W. N. STRETCH: We have plenty of evidence of that, but I shall continue with my speech.

The aspect which concerns me most is that which I mentioned earlier, the false basis for the whole of this Bill. I take members back to the genesis of this appalling piece of legislation. We turn to *The West Australian* of 30 August 1982 and the report of the ALP conference under the headline, "Battle over Shannon Park". It reads as follows—

The conservation lobby in the ALP yesterday vigorously opposed attempts to downgrade the party's commitments to a 500 square kilometre national park in the Shannon River basin.

The conservationists consider that only by declaring the area a national park will the natural forest be adequately safeguarded.

Debate on the issue started yesterday afternoon after intense lobbying and was adjourned till this morning.

I suppose members of the ALP here heard all of that, but it should be written into *Hansard* for the sake of this debate. To continue—

ALP policy since 1980 provides for the national park and yesterday Mr Neil Bartholomaeus told the conference that the argument that the policy was electorally unacceptable—because it threatened jobs in the timber industry—was not true.

The party's policy should include a guarantee that the resource base of the timber industry was maintained in line with Forests Department projections guaranteeing that no

jobs would be lost as a result of the national park.

It was unacceptable to strip valuable assets from the party's policy just because the issue was considered electorally sensitive.

The Federal Opposition spokesman on education, Mr John Dawkins, sought a compromise amendment.

I remind members this is in Hon. Sandy Lewis' and my electorate. To continue—

This calls on a Labor government to ensure that the special value of the Shannon basin is recognised and that the reserved area in the basin is extended.

I ask members how many people at the ALP conference had any deep knowledge of the Shannon basin. One drives through it on the South-West Highway, and very little of that magnificent timber is actually in the Shannon basin. If one studies one's map, one will find that probably the best of it is in the Weld.

I have lived next to the timber industry for 30 years. If one travels through that area, one will know that much of the Shannon basin is degraded and fire damaged, and is badly in need of regeneration. The decision to carry through a policy like that would have left the ALP on the horns of a dilemma. The then Leader of the Opposition (Mr Burke) knew that and Mr Evans, the local member, knew it also, and yet they were overruled on the day. As *The West Australian* of 31 August says under the heading "Labor firm on Shannon River Policy"—

The ALP's conservation lobby had a significant victory yesterday when it defeated moves to water down the party's commitment to a 500 square-kilometre national park in the Shannon River basin.

The conservationists won support to retain current policy when the issue was debated at the party's State conference.

The result was a setback to the State Parliamentary Labor Party, which supported changes to the policy considered electorally safer in the South-West.

In other words, one sees from these articles that it was a matter of political expediency and not forest management that guided that decision.

An interesting paragraph now follows—

Immediately after the decision, Mr David Evans, whose key marginal electorate of Warren covers the Shannon River basin, left the conference and returned to his Manjimup home.

Party officials denied rumours that Mr Evans was planning to resign from the ALP.

I hope that is all sinking in. Members should not forget that we are building a new Bill and a new department on this debate. To continue—

Mr Evans said at his Manjimup home last night that he was not very happy about the conference's decision.

As a man who had served the Warren electorate faithfully and well for many years, who would expect him to be happy? Many of Mr Evans' constituents are timber workers and they see the timber industry going down the drain, to what purpose? It is going down the drain for a down-graded, fire-damaged piece of forest which, for political expediency, the ALP says should be preserved for posterity.

I suggest members have another look at the area and a good walk through it. If they do so, they will see that what the Forests Department had planned for the Shannon was going to be in the best interests of the entire population of Western Australia. I shall turn to the Forests Department's plan in a moment.

Hon. Kay Hallahan: Have you been through the area?

Hon. W. N. STRETCH: Yes, I have walked through it and travelled through it extensively; and I suggest that Government members do the same. To continue—

But he would not comment on reports that he was considering resigning from the ALP in protest.

Debate on the issue started after several days of intense lobbying.

I do not blame Mr Evans for taking that stand; it was the honourable thing to do, and I am only sorry that he changed his mind.

We now wonder where Mr Bartholomaeus is in all this, because now the Conservation Foundation is on our side. It has realised that the Labor Party has broken away from what it intended to do for the forests; it has reneged on that and has left the whole of the Forests Department in the lowest state of morale that I have ever known.

Another significant article appeared in the *Daily News* of 31 August 1982, which reads, in part, as follows—

EVANS WARNS ON TIMBER JOBS, S-W WAGE LOSS

Turning the Shannon River Basin into a national park would cost up to 300 timber jobs, a Labor MLA warned today.

Mr Dave Evans (Warren) added: "This would result in a wage loss of something like \$3 million in the Manjimup region alone.

"There would be flow-on consequences to business, including transport.

"The reductions would be in addition to those already planned in the Forest Department's working plan of 1982.

"This all would bring about unacceptable dislocation socially, economically and environmentally."

It then repeats the following—

Mr Evans walked out of the ALP State conference yesterday after it affirmed its policy to declare a 50,000 hectare Shannon River national park.

So members will see that there we have the beginning of this reorganisation of the timber industry in Western Australia. I submit that is not a sound basis on which to start building a new Bill and a new department.

Strangely enough, the editorial in *The West Australian* of 1 September agreed. Under the heading, "Trees and votes", it said—

The Labor Party in WA was up the Shannon River without a paddle when its State conference took a decision on Monday to retain a hardline conservationist stand on the river basin.

It continued in similar vein to the articles I have read previously.

I might say, except when the Shannon River is in spate, one has a great deal of trouble putting a canoe into it. Members should recall that this is the river which is going to be the great recreational haven of the south-west. That is not true. The only part of the Shannon where one can have a decent paddle around in a canoe is the part that is dammed near the old Shannon mill townsite and which was much photographed by the conservation lobby when it was not on our side.

Hon. Kay Hallahan: Do you mean it is on your side now?

Hon. W. N. STRETCH: The conservation lobby is on our side now; it is sick of the ALP. If one ever wants a picture of misleading and deceptive advertising though, one should obtain that documentary on the Shannon which only shows the wide stretch of river which is the dam by the old townsite. Incidentally, that dam was made by a private company.

The West Australian of 1 September 1982 carried the following article—

Mr Dave Evans will make a decision on his political future after he knows the final outcome of the ALP State Conference . . .

It later remarked that Mr Evans walked out of that conference.

Hon. Kay Hallahan: It was a significant walk.

Hon. W. N. STRETCH: It was a significant walk, but fortunately for the Labor Party and to the relief of many of his supporters in Warren who have great respect for Mr Evans—I must admit I too have great respect for him—we find the following headline in the *Daily News* of 1 September 1982—

Evans will stay with Labor team.

In other words, the ALP knew when it had a good man and was able to adjust its policies accordingly. The policies are very flexible. The article continued—

Labor MLA for Warren, Mr Dave Evans, will stay with the ALP.

It is believed he has told the Leader of the Opposition, Mr Burke, he would not quit the party.

Mr Evans (57) angrily walked out of the ALP State Conference on Monday after it reaffirmed a policy to declare a Shannon River basin national park.

He immediately sent a letter to Mr Burke saying he was seriously considering his future position.

Mr Evans' letter sparked a flurry of activity and speculation that he had quit.

Urgent negotiations were carried out behind closed doors to find a compromise, and yesterday the State Conference passed a conciliatory amendment to its industrial development policy.

I will not read any further. There is a large file on this subject in the Parliamentary Library and I suggest that members who want to really understand the background of this Bill should go to the library and read that file. I am not standing here making political capital out of this Bill. I am discussing this subject because I have lived with the forest for 30 years and I believe it is a very important part of our electorate and a very important part of Western Australia.

The Government has brought about severe dislocation and distress to the Forests Department which is a very professional, highly qualified, and well-renowned body. The real crunch comes when we consider where to get the resources for the timber industry. We have already established that the Government had to compromise on the supply

of timber. It cut off the Shannon resource, a very valuable one which was being progressively logged and regenerated.

A lot more heated argument and ignorance has been heard about clear felling and karri regeneration than I care to bring up here; I will leave that management regime until later. The regime carried out by the Forests Department is planned approximately 100 years ahead on a very carefully considered basis. A few things must be understood about karri. The first is that for the first 25 years it is very susceptible to fire, and therefore fire control is an essential part of their planning.

Another point which I perhaps should have mentioned earlier is that we must stop talking about the forest as a static cathedral-like group of trees soaring forever to the heavens. The forest, as any thinking person knows, is not static; it is a cycling microcosm of life with trees growing, dying, rotting, and carrying on. Having understood that and understanding that karri only regenerates when it is free of competition and open to light, we start to see a picture of the reason it is necessary to clear fell areas like the Shannon.

We all love those trees. I love them as much as anybody, and probably know trees more intimately than do most members of Parliament, but simply put, trees do not remain forever. I understand, and my learned friend down the back, no doubt, can correct me if I am wrong, that the oldest karri tree is in the vicinity of 600 years of age and the best of them are 300 to 400 years old.

So we are not talking about trees which were mere seedlings at the time of Christ or anything like that. Let us not get carried away with emotion of this subject. The forest is a living, dying thing. It is a resource which can be managed profitably and well for the benefit of the economy of this State and for the good of the forest and the individual trees.

Members must understand that forestry is a very long-term industry. Members might think we are being flippant about this Bill but the decisions we make tonight will have effects in approximately 130 to 150 years' time when we come to harvest those trees. It will be considerably longer before the better trees are harvested.

I urge members not to take this matter lightly; I am sure the Government does not mean to take it lightly, but I urge the Government to consider the overall effect and the make-up of the forest in its deliberations.

What will this new department do with the forests? We have already established that a very effective regime is working in this area. Some extreme people have cast aspersions on the Forests

Department management. This is almost inevitable, because just as it is not possible to always reach consensus on how to bring up children, nor is it possible to do so in regard to a forest and its management.

Hon. J. M. Berinson: Why do you think this new structure would be less effective?

Hon. W. N. STRETCH: I will get onto that matter later. The Forests Department under its current management was run very effectively, until the shameful reshuffle that took place two years ago.

I do not believe members would find very much informed opinion which could level valid criticism at the clearfelling and regeneration of the karri forest in the south-west. This is a regime brought about by the Forests Department. It has been researched by excellent officers who have looked at forests all over the world and have used their knowledge in the system's general application.

The Attorney General asked me why this will not be the same under the new department. I believe the Government is meeting with and talking to people who know and who have worked the forests for several generations—or at least their forebears have done so—and those inquiries reveal that the general management of the forest is best vested with the Forests Department. Those people are very concerned that it should be the body controlling the heavy timber industry in WA.

It has also taken under its aegis many of the areas which are not yet ready to yield millable timber; so recreation reserves and a whole multitude of multi-use areas in the forests already come under the Forests Department's management. I submit that those areas are being at least as well-managed now as they ever have been in the past and it is very difficult to envisage better management in the future. I admit that there are problems in the overlapping of the management of some national parks because, as I said earlier, the key to good forestry is fire control and the various multiple management problems have different needs. Birdlife, ground life, small marsupials, young trees, etc. have to be protected from fire. To do this the Forests Department must have a system of buffer zones for fire control and escape zones for birds so they can get across into safe, cool areas. The same situation applies to ground animals which can run away from fire into safe cool areas.

There are also buffer zones of burnt timber around the regeneration areas so that they are kept safe. If any member has fought fires in woodlands he will know that the only safe way to stop

fires is to run them into recently burnt areas. That is the only way that they will cause no more problems. One can pour all the water on them that one likes and one can build firebreaks with bulldozers until one is red in the face, but one cannot safely say that a fire is out or under control until it has burnt into an area that has recently been control-burnt.

What applies to the forests necessarily has to apply to national parks. The difficulty involved with controlling fires in national parks to date has been the availability of firefighting equipment. No-one will deny that the Forests Department has top fire control staff and pretty good equipment. It also has an enormous amount of expertise. It has proved that time and time again. As a farmer, I have to admit that many fires that escape into State forests do not begin in those forests. I am afraid that many land-owners have a lot to answer for. However, it is usually the Forests Department that has to help put those fires out. When fires escape into Forests Department lands, its officers move in and take over that fire.

Walpole is surrounded by national parks and heavily timbered, beautiful country. However, it is very dangerous country. Only last summer there was a threat from a fire hazard that could have wiped out the entire township. Fire control is very difficult there because of the weather conditions which prevailed at the time and also because of human factors.

After many representations were made by local members, the National Parks Authority agreed to burn some buffer areas with the assistance of the Forests Department. This turned out to be most timely, because fire escaped some weeks later and was only stopped when it was run into this recently burned area. Otherwise Walpole could have been our Mt. Macedon.

The Minister might say that this makes a good argument for the amalgamation of the departments as is proposed by this legislation. However, those organisations are co-operating now. We do not believe that we will improve that situation at all by breaking—

Hon. J. M. Berinson: What makes you think it will be worse? I know I am getting back to my last question. What you have said indicates your satisfaction with what the Forests Department now does. I have heard you give no reason for saying that it will do less well under the new management.

Hon. W. N. STRETCH: If I were convinced that the Forests Department would be the kingpin in the new organisation and that its officers would sit down with those of the National Parks Auth-

ority to work out what areas will be burnt and to which areas resources will be allocated, I would certainly agree.

However, I go back to those articles that I quoted. I do not want to be political, but this new organisation will be subjected to more political control than it has been subjected to in the past. The Forests Department has been controlled by a strong conservator since time immemorial, or so it seems to me.

Hon. J. M. Berinson: Presumably, now it will have a strong executive director.

Hon. W. N. STRETCH: But it will be more subject to political control. We saw what happened to this stable, well-organised department when the conservation lobby took control of forest management. I hold the timber industry very dear to my heart. I have no association with the timber industry at all. However, I have great respect for it. I am just very concerned at what is happening in the Lower Central Province because I believe that the emphasis on forest management is in danger of being swallowed.

Hon. J. M. Berinson: Are you saying that you are concerned with what is happening now?

Hon. W. N. STRETCH: Yes, and with the proposals included in this Bill. Until the last conservator left, the department operated efficiently. Mr Beggs is no longer the conservator. Since then Mr McNamara has been in the Forests Department as acting conservator. There is no conservator and the morale of the department is very low. I believe that that department is too important for us to allow for that to happen. I have placed a lot of emphasis on the timber industry and I make no apology for it; it is a big producer, and a big employer.

Hon. G. C. MacKinnon: You are not speaking only about low morale in the Forests Department, are you?

Hon. W. N. STRETCH: I am directing my remarks to the Forests Department. I know that there is a low morale in other departments. However, I will leave that for other speakers to comment on. I believe the Forests Department is the one most concerned because until now it has involved professional and experienced people. These three departments are now looking down the barrel of an amalgamation. Naturally the foresters are concerned because they have a lot to lose. I believe, also, that the State has a lot to lose. I cannot see any commonsense in making the Forests Department responsible for managing national parks 150 or 200 kms east of Esperance. There is very little marketable timber in that area.

However, under this legislation, it will be responsible for fire control in that area. Will an office of the Forests Department be set up in Esperance to handle fires? Will that same department handle fires, say, in the Cape Arid National Park? Anybody who goes out there knows how difficult it is to get into that area and knows what it would be like to try to control fires in that area. An area of 10 000 hectares was burnt out there recently, I understand.

I do not believe that amalgamating the departments is the way to go about solving this problem. If the Minister wants my suggestion—I am not sure that he will not—I believe that the best concept of national park management is to get the people on site to help manage them.

Local volunteer bushfire brigades turn out to control-burn fires in Crown lands and in reserves near my home on behalf of the State Government. This is a very sensible approach to the whole thing because some local fire brigades get a small fee for doing that work. The brigades welcome the income as it helps them to upgrade their equipment. The department is happy having those local brigades to carry out that work because they have the local expertise and are on call 24 hours a day. They are interested because if there is a fire, it occurs at their own back door.

I think the Government has to again consider very closely which department ends up with national parks management. Governments cannot go on providing resources for firefighting on the scale that we now have in the south-west; it is not on. I believe that the community is willing to help take on that extra task. I believe that the cheapest way out for the Government is for it to involve the local communities, because people who manage and care for their own environment, such as the farmers surrounding the park, will take the best care of it. Once they have a feeling of responsibility for that land, the Government will get the best possible managers of it. That idea could be overseen by the National Parks Authority. I believe, in that way, better use will be made of underutilised resources available.

I do believe that we will not gain by going along with this contradictory piece of legislation. I refer to the Minister's second reading speech, which is an excellent document, but a lot of which is irrelevant.

We hear a lot about Australian land being some of the most ancient in the world. We are told that the State's fauna is at risk. I do not know whether the Attorney General is aware of the concern about the well-being of the woylie or the tammar. A few days ago, Mr Lewis asked a question about

the tammars in the Collie reserve and I do not think the members on the Government benches knew what he was talking about. The Minister said in his second reading speech that the numbat, which is the State's fauna emblem, is at risk. I suppose the Minister was aware that the major research being undertaken into the future of the numbat is in the Perup reserve and in the Dryandra State Forest, which comes under the auspices of the State Forests Department. The department is managing adequately to cope with conserving the fauna in the forest now. It is part of the Forests Department's umbrella.

One of the concerns in the regenerated karri forest was that some of the young birds could not fly out of the regenerated coups to make nests. The Forests Department constructed artificial nests and put them 30 feet up the saplings to see if that would help the birds. From what I can gather from a research officer, it was not necessary, but it made everyone feel better, especially the critics. The birds mostly chose to fly off to the carefully planned buffer zones that had been dotted through the forest so that the birds would have nesting areas. A lot of these can be found along road and stream reserves, but we then come to the crunch.

Hon. D. J. Wordsworth: But now these reserves are being cut, are they not?

Hon. W. N. STRETCH: That is correct. They excluded the Shannon basin from the millable resource for the timber industry!

Mr Burke and Mr Evans, in their largess and with their anxiety to placate the conservation movement at that conference, gave an undertaking to the timber industry and to timber workers particularly, that they were not to worry because the Government would guarantee their resources. God help me, do members know where that resource now is? I would like the Minister to listen to this because I would appreciate an explanation from him. The replacement resource is in the road reserves, the stream reserves, and the fire buffer zones that have been carefully set aside so that the numbats, the birds, and, above all, the young karri seedlings, are protected from the menace of fire.

I cannot understand the logic of it, nor can I understand the irresponsibility of a Government which does that. I stand here because I care about those forests, and it distresses me greatly to see that risk of fire increased for pure political expediency.

Hon. D. J. Wordsworth: What would have happened if one of those trees had been cut down under a Liberal Government?

Hon. W. N. STRETCH: I detect a heartfelt meaning in the words of the ex-Minister for For-

ests! I fully understand what he means. I even heard that at one stage a forester was asked to remove a dangerous dead tree which was on a corner of a road reserve in the forest. He arranged for it to be bulldozed down and, no sooner had it been done, an irate lady rang and said, "I hope you feel happy with yourself because it was my favourite tree." Even a dead tree cannot be removed under a Liberal Government without someone getting a belt in the ear. I cannot find the words to express my feelings about a Government that goes ahead and takes those steps for political expediency. I do not believe it did so through carelessness, so it must have done it through ignorance. There must be people who care enough about that electorate. I know that Mr Evans cares; he cared enough to threaten to resign.

Hon. D. J. Wordsworth: What happened to Bartholomaeus?

Hon. W. N. STRETCH: He has gone strangely quiet, but no doubt we will hear from him later on because he is a man with a great deal of intelligence and has a lot to contribute in many fields.

Hon. A. A. Lewis: He may be the executive director!

Hon. W. N. STRETCH: I think there is a queue from here to Marble Bar to be the executive director.

Several members interjected.

Hon. W. N. STRETCH: I thank members for their assistance.

The Minister said it would be unfair and incorrect to blame any sector of our society for the land degradation that has occurred. I thought that degradation came under the Soil and Land Conservation Act. I think the Minister's speech was probably written when it was envisaged that the Soil and Land Conservation Act and the Department of Agriculture would be part of this happy family.

Hon. A. A. Lewis: No doubt they plan that it will be!

Hon. W. N. STRETCH: It could well be down the track, but it would certainly be like some of the other decisions about which Mr Evans was resigning—it was not politically expedient at the time.

The soil conservation advisory committee operates under the Department of Agriculture, and under a different Act. We do know that some degradation occurs in the forest, but mostly many farmers receive the blame for salinity. However, Mr Lewis, Mr Evans, or I, could take members to parts of the State forest in the south-west and show them salinity emerging among natural green

timber. Do not blame it all on the farmers, because they have contributed a lot more to this State than they have taken out of it.

The Minister said that 53 per cent of the land surface of this State is public land, and that the land is clearly the responsibility of the Government or, more accurately, the collective responsibility of the people of Western Australia. Does this mean that later the Lands and Surveys Department is to be involved as well? When it was first envisaged, I gather that anything to do with any public land would be involved, but then, bit by bit, it has dropped off because the Government has suddenly realised it has bitten off far more than it could chew, or that it has been politically inexpedient, until we get down to this unfortunate three.

I have demonstrated that wildlife is being adequately cared for under the systems of management priority areas of the Forests Department. In its wisdom, the department accepted long ago that the forest is not static and, therefore, it realises that what is a majestic tree today will become a decaying old stag tree in 20 to 50 years' time. Should it be left to fall to the ground and rot, or is it better to mill it and regenerate the area—replace the trees for future generations with healthy young trees?

I cannot see anything irresponsible in that clear felling and regeneration scheme. It is not, as some people believe, that the entire south-west is being razed and defaced, and exclusively regenerated with sapling karri without a thing growing under it! As those members who understand will know, the forest regenerates very quickly; the undergrowth establishes itself so quickly that, in five to 10 years, it is difficult to get through it, and in 20 years' time it is virtually impossible to do so.

Let us not believe that with clear-felling we downgrade to a standard, average tree, because once established, the natural selection of species system takes over, and the dominant trees assert themselves and dominate the skyline. So some of the stories one hears are put about by people who have not taken the trouble to travel through the area extensively, or to be taken through by members of the Forests Department, or even to go off the roads. If that ALP conference had adjourned and members had taken a fleet of buses down to the area and walked through it, they would have made a much more informed decision in 1982, and we would not be here debating this amazing piece of legislation.

I do not think there is any question but that national parks will need more funding in the fu-

ture, but I do not think it can be done at the expense of the Forests Department.

We then come to the contradictory nature of the Bill. On the one hand the Premier talks to people in the city saying this department will save a lot of money, it will save duplication and overlapping of jobs so fewer people will be needed and less taxes will be necessary to run it. But when he gets down to Manjimup, where the people know the forest and cannot be fobbed off, his story changes. The Government will create more jobs with greatly increased funding under their new department!

Hon. J. M. Berinson: That is because the functions will expand.

Hon. W. N. STRETCH: I know, but the function is understood differently when one talks to people in Perth and when one talks to the people in Manjimup. One gets two stories.

Hon. J. M. Berinson: The areas which have been neglected will now be catered for.

Hon. W. N. STRETCH: We are talking about the same department, but different people. In Perth it is one story, and in the bush another, when he talks to people who know what they are talking about.

I agree with the previous speakers that the task force report was a little hasty. It took people by surprise, and I think they believed it looked like a good idea, and that the task force members, in their wisdom, would come down on the side of common sense. What they did not know was that the basis behind that report goes back to this wretched ALP conference decision.

Hon. J. M. Berinson: What about the report objectively?

Hon. W. N. STRETCH: If one closes off the resources, what is one going to do to replace them? This has led to a bad decision being made to give the new department a power to go about acquiring land. We come back to that promise to replace the resource. We find we cannot replace the resources from the hardwood forest, we have already moved cutting into the buffer zones, into our road reserves, and into our stream reserves, which were not only sacrosanct but set aside for the birds and animals—not for forest industries.

What do we do? We dream up a plan for a pine plantation scheme. That is an excellent idea, but there are a couple of comments which I have picked up through various conferences and many meetings. At one of those conferences in Bunbury there was a talk on forestry. I quote from the comments of Mr E. A. Sprengel, Manager, Planning and Developments, Bunning Bros. This is a very good article; it was a very good conference

and it added a lot to the understanding of the role of softwoods in Australia.

On page four of that document Mr Sprengel made some very interesting observations. He says—

One of the other causes of the changes has been a reduction in native hardwood sawlog availability.

We all accept that there was overcutting in the past. Our Government saw the writing on the wall and there has been a progressive reduction in intake. He goes on—

The sawlog yields from native forests have been significantly reduced in recent years to a level closer to that sustainable by their growth rates. Increased areas of native production forests are also more recently being managed as reserves only.

Note that they are being managed as reserves by the Forests Department. To continue—

A third factor that has increased pine consumption has been the successful marketing of sawn plantation pine as structural products.

Plantation pine did not present a real competitive alternative to hardwood structural uses until it was seasoned machined and graded.

As a consequence Australia has an abundance of suitable framing material from its plantations.

It then goes on—

Australia is also a natural market for timber exporters from other nearby countries.

It is located on the edge of the Pacific basin with its ever increasing surplus of softwood (Elliott 1982). It has the capacity to pay and domestic timber prices are high enough for well organised exporters to operate profitably. In a year of depression for example in 1982 imports increased some 100 m³ from these areas (Timber Supply Review 1982).

I ask members to bear that paragraph in mind—

It is located on the edge of the Pacific basin with its ever increasing surplus of softwood.

Members' views on forest softwoods may differ from those of Mr Sprengel. I do not quote him as the ultimate authority, but I do quote him as a man with many years' experience in the timber industry. We must bear this in mind when we think about setting up another timber industry in Manjimup to cure the ills caused by the closing of the Shannon basin.

I would like the Minister, when he replies, to explain to me, bearing in mind pines take approximately 30 years to reach sufficient size to support a milling industry in Manjimup, where we are to find the softwood resources near Manjimup to replace the milling capacity lost by the closing of the Shannon and the ultimate closing down of hardwood milling. That is the problem we see down the line.

I would like the Minister to explain where the jobs will come from while we are waiting for these areas to develop. We have a moratorium on purchasing private land for two years, as the Premier told us last week. We have releases of Crown land, we understand, in the Northcliffe area. We want to know how suitable they are for pine; how much better they are than the so-called Donnybrook sunklands, which are nowhere near Donnybrook at all, but informed members know the area I am talking about. We want to know why the Forests Department walked over those many years ago and said that if a quick-growing resource in the south-west was required, the only place which could give a sustainable yield of pine in the time available was the Donnybrook sunklands area.

In our new-found wisdom, the Burke Government has closed down planting in the Donnybrook sunklands, but now is to start up a new resource base somewhere to the south-west of Manjimup. I want to know why, when the department is geared up for the sunklands planting, it is suddenly shifted to what will, I believe, prove an inferior resource near Manjimup.

I say it is an inferior resource, because if it had been better, the Forests Department, in its wisdom, would have selected it earlier.

I see the adviser scratching his head and I hope he is picking up the answers and not disagreeing with me, because in time I think he will find that I am right.

Hon. J. M. Berinson: I think he may be having difficulty relating many of your comments to the Bill which refers to the administrative structure.

Several members interjected.

Hon. H. W. Gayfer: That is your job, not your adviser's.

Hon. W. N. STRETCH: I have no doubt that is why the Government picked an adviser of such intelligence. He can sort out the wheat from the chaff and no doubt give us the benefit of his skilled advice later on.

There are many questions about this legislation. I am by no means satisfied that we will achieve a better timber industry as a result of this amalga-

mation. Rather we will get a demoralised and more thinly stretched Forests Department.

I hope now I can draw my conclusions together for the benefit of the Attorney General and point out that I have demonstrated that the Forests Department, in itself, is now acting exactly as somebody—I do not know who—envisages this new, bigger department should work. I do not say, "megadepartment", because I am advised it will have only 800 or so people.

Hon. J. M. Berinson: It will have 1 400 people.

Hon. W. N. STRETCH: It will have 1 400 people, not 14 000 or 18 000 as do the Health Department or the Education Department; so it is not a megadepartment, but it will still be a large department.

We have demonstrated that the Forests Department is virtually doing just that: It is managing wildlife; it is burning national parks in a controlled, co-operative way; and it is enabling the use of Her Majesty's forests for recreation, camping, canoeing, walking, and the like. If one names it, the Forests Department is doing it. If one wants evidence of that, one need only turn to some of these recreation guides. This one is a ripper. If one wants to do all sorts of things in the northern jarrah forests, the guide tells one how to recreate, procreate, or do whatever one likes in the forests. The guide is published by the Forests Department; therefore, it can be seen that the department is already managing the forests as a recreational as well as a timber resource.

The Forests Department has been managing the estate in the south-west extremely well. The MPA system of rotating reserves is the only sensible way in which to manage a forest. It is absolutely hopeless to shut up an area of 100 000 hectares and say, "That will remain as God created it". That cannot happen. We may as well harvest our resources, manage our forests, take off the financial benefits for the people of Western Australia, and return the forests to a better state than they were in when we got them. I believe that is what the Forests Department has done and that is what it can do in the future.

I do not believe this Bill represents any better way in which to manage the estate, Crown lands, or anything else in Western Australia. I have outlined ways in which national parks can be better managed. There is only one department with the expertise and knowledge to handle heavy timber reserves; that is the Forests Department, and that department must manage national parks in co-operation with the authority.

The Government will not achieve anything with this Bill. I have attended many meetings dealing

with this matter. It involves my electorate and I care very deeply about what has happened to the Forests Department in the last couple of years. One of the meetings was addressed by one of the people who wrote the report of the task force on land resource management. He said, "Don't worry about it. The Forests Department will not be interfered with. It will do everything in exactly the same way that it did before."

That man then said to the national parks people, "Don't worry, nothing has changed". I do not know what he said to the wildlife people. These people said to him, "That is not the story we get. Why do we have a Bill if nothing will be changed?" He replied, "All that we will do is put a big umbrella over the three departments and you will all operate independently as you did before". Being reasonable, sensible, and practical people they said, "Well, what do we want the umbrella for when it isn't raining?" Members should recall that this man was one of the members of the three-man task force. He said, "It will co-ordinate it". This discussion occurred at a combined shire council conference. Those people said, "That is happening now. They do not need anyone else to hold a big, expensive umbrella over them." The man said, "It need not necessarily be an expensive umbrella". They then said, "We don't want one at all".

I do not believe the Government has convinced the people of Western Australia; it certainly has not convinced me. Therefore, I believe the Government will run into more difficulties than it had previously. The Government must start to build bridges now in the Forests Department. I do not know what it must do in respect of national parks. I gather the people involved there would be reasonably happy, because they are the ones who will receive the greatest increase in resources.

The Government bought off the timber workers with the promise of a softwood mill at Manjimup X number of years down the track. Now some of the people in that area believe that is a feasible proposition. I hope it is, because I would dearly like to see a softwood industry in Manjimup.

In my electorate I would like to see any progress which gives more jobs to our young people, because they need them now. However, I do not believe it was fair to close down an operating resource base in the Shannon and dangle before the people the carrot of the softwood industry which has to be 25 years down the track anyway.

I do not believe the average person swallows it. I hope we get a softwood industry, but I do not believe it is a valid employment alternative. I am sure that when other people think about it, they

will wonder also, and perhaps they will make their worries known at the next election.

My colleague, Hon. A. A. Lewis, has served for many more years than I, looking after the interests of the forests. I do not think anyone in this Chamber knows more about the practical side of forest management than he does. Therefore, I do not intend to speak much further on this matter.

I simply repeat that I have deep misgivings about this Bill. I do not believe it will achieve what it has been designed to do, nor do I believe it will meet its target. In its wisdom, the Government should adjourn this debate, think about the matter, do its figures, and assess the cost-benefits which will accrue from the amalgamation, because I assure members, from where we stand living next to the forests and knowing them intimately, we do not believe the Government will achieve the results it is aiming for.

Hon. J. M. Berinson: Have you done a cost-benefit analysis to indicate anything contrary to what we are suggesting?

Hon. W. N. STRETCH: I could deal with a couple of reports, but I do not necessarily believe such things can be done from my position, and that an accurate picture can be obtained. However, I give the Attorney General the gut reaction of someone who has lived in the area for 30 years and has seen what has happened lately.

I do not believe the Government is offering the forests anything. The present regime of forest management is working extremely well. It has been changed for a base political reason. Politics intruded into the ALP conference in a way that took everyone by surprise. The Attorney's own leader (Mr Brian Burke) had to scurry around trying to appease the conference and his own representative in that area. The Premier talked him out of resigning, although he felt his electorate was being sold down the drain. That is a pretty solid analysis of the situation.

Hon. Robert Hetherington: You were not there, you do not know what happened.

Hon. W. N. STRETCH: No, I was not invited to the ALP conference, but if the member wishes me to address it some time about the forest industry, I will.

Hon. G. C. MacKinnon interjected.

Hon. W. N. STRETCH: The local member, Mr Evans, was not in favour of it. The Premier was not in favour of it. I just believe the basis of this legislation is wrong. The implementation is wrong and I do not believe that the people of Western Australia should be asked to pick up the tab, especially for a base political decision.

Debate adjourned, on motion by Hon. J. M. Brown.

LAND TAX ASSESSMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [11.12 p.m.]: I move—

That the Bill be now read a second time.

When the Land Tax Assessment Act was enacted in 1976, provision was made for exemption from land tax of property which was occupied by its owner as his ordinary place of residence. The Act required all owners of a property to reside on that property in order to obtain exemption.

Provision was made also for exemption where property was owned partly by an exempt proprietary company and partly by natural persons, provided that all the owners who were natural persons resided on the property in question.

The Commissioner of State Taxation, to comply with the spirit of the Act, has granted exemptions which a strict interpretation of the Act would not allow.

For example, in the case of land which is jointly owned by spouses, exemption has been allowed where one of the spouses has ceased to reside on the property.

Where land has been owned jointly by a number of persons who are not spouses and only some of those persons reside on the land, a *pro rata* exemption has been allowed.

Exemption has been allowed also in respect of land where a person has been registered as a joint owner in order to meet the requirements of a lending institution. In some cases, the institution insists that a person who acts as a guarantor for money advanced on the security of the land be registered as an owner. Exemption has been granted in these circumstances even though the guarantor does not reside on the property.

In addition, on a strict interpretation of the Act, residential land should be exempt only where the owner resides on it at the commencement of the year of assessment. However, in practice, an exemption has been allowed where a person who owns land at the start of the year takes up residence during the course of the year, provided that person was not entitled to exemption in respect of another residential property.

Although required by the Act, it has been found inappropriate to compel everyone who is entitled to exemption to make formal application. The State Taxation Department's access to computer-stored particulars of land titles has enabled it to identify most entitlements to exemption without the need for application from owners.

The Government supports the principles on which these land tax concessions and exemptions have been allowed. It believes these principles should be contained in the Act itself.

The provisions of this Bill have been built around the concept that a person who lives in his or her own home should not have to bear the burden of land tax.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

House adjourned at 11.15 p.m.

QUESTIONS ON NOTICE

FIRES: FIREFIGHTING EQUIPMENT

Esperance

369. Hon. D. J. WORDSWORTH, to the Attorney General representing the Minister for Police and Emergency Services:

In view of the warnings given by Ministers and the executive staff of the WA Fire Brigades Board and Bush Fires Board on the risk of fire to country towns in this a bumper grass and scrub growth—

- (1) (a) What equipment is available to fight fires in the Town of Esperance;
- (b) what numbers of staff and volunteers are available; and
- (c) what expenditure has been made on firebreaks and other preventative measures?
- (2) Has a master plan been made regarding Esperance townsite for—
 - (a) firebreaks;
 - (b) disposal of equipment; and
 - (c) communications;
 in case of a serious outbreak of fire?
- (3) Has there been a report made on this fire risk?
- (4) Is the Government satisfied that adequate preparation for such an emergency is in hand?
- (5) If not, why not?

Hon. J. M. BERINSON replied:

- (1) (a) and (b) The Esperance fire district is protected by a volunteer fire brigade consisting of 19 active members, 3 reserve members, and 4 probationary members. The brigade is equipped with an International D1610 4 x 4 fire appliance with a water carrying capacity of 2 225 litres;
- (c) costs of firebreaks and other fire prevention measures are the responsibility of the owners/occupiers of property. The extent of expenditure is not known.
- (2) (a) to (c) The local authority has powers under the Bush Fires Act to direct the provision of firebreaks. In the case of a serious fire in the fire district, the volunteer fire brigade would respond under

the direction of its officers. Mutual aid operates between the Bush Fires Brigades under control of the local authority and the volunteer fire brigade, but the latter's prime responsibility is for the fire district.

- (3) The Western Australian Fire Brigades Board's district officer visited Esperance on 9th October, 1984 and discussed the general fire hazards with officers of the Esperance Shire.

Having regard to the season, the risks were not abnormal and the shire is reluctant to undertake burning off operations as experience has shown this could lead to soil erosion.

No report of abnormal fire risk was made to the Western Australian Fire Brigades Board.

The Chief Officer of the Western Australian Fire Brigades Board issued a direction on 31 October 1984 to all country permanent and volunteer fire brigades requiring a survey of risks within fire districts and co-operative effort with the local authority for the reduction of fire hazards.

- (4) Yes.

- (5) Answered by (4).

EDUCATION

Four-Term School Year

372. Hon. P. G. PENDAL, to the Minister for Planning representing the Minister for Education:

- (1) Does the change to a four-term school year require legislation?
- (2) How far advanced is the implementation of the proposal?
- (3) Is he aware of the uncertainty among some, even many, teachers as to the benefits and disadvantages of a four-term year?
- (4) Would he consider conducting, sponsoring, or encouraging regional seminars of parents and teachers to inform them of such benefits or disadvantages?

Hon. PETER DOWDING replied:

- (1) Changes would be made to the Education Act regulations which refer to term dates if a four-term year were to be introduced.

- (2) Preliminary discussions are being held. Submissions from interested parties have been invited before the end of November.
- (3) The State School Teachers' Union of WA (Inc.) has been involved in discussions of the concept of the four-term year with the Education Department. Other key parties including the parents' organisations and employers' groups will be consulted before a decision is reached.
- (4) When the public submissions on the four-term year have been analysed, and if a four-term year is to be introduced, appropriate action will be taken to provide details to all interested parties.

TRANSPORT: RAILWAYS

Freight: Dongara

373. Hon. MARGARET McALEER, to the Minister for Planning representing the Minister for Transport:

- (1) What is the total tonnage of all freight handled by the Dongara railway station?
- (2) For what other purpose is the station used?

Hon. PETER DOWDING replied:

- (1) 1 625 tonnes of paying freight and 6 447 tonnes of departmental traffic which mainly consisted of railway ballast, rails, and sleepers, for the 12 months ended 30 June 1984.
- (2) Dongara is a junction station for the Encabba line and is used for train crossings. It is also a receival point for Total Western Transport Pty. Ltd.

GAMBLING: LOTTERIES

Instant: Distributions

374. Hon. TOM McNEIL, to the Minister for Administrative Services:

With reference to paragraph 5 of the report of the Auditor General on the accounts of the Lotteries Commission dated 27 September 1984, would the Minister advise how the \$6 million paid into the sports-culture Instant Lottery account for the year ended 30 June 1984, was disbursed?

Hon. D. K. DANS replied:

Disbursement to sporting and cultural bodies is explained in page 28 of the Auditor General's report on the

Treasurer's statements of public accounts for the financial year ended 30 June 1984.

TOURISM: KALBARRI

Gorges: Closure to Buses

375. Hon. MARGARET McALEER, to the Attorney General representing the Minister for the Environment:

- (1) Is the Minister aware that the National Parks Authority has closed (to large tourist buses) the roads leading to certain picturesque gorges on the Murchison River?
- (2) Is he further aware that, because tour packages include visits to these gorges, tour bus companies have had to make other arrangements to enable their clients to see the gorges, which entails additional expense for the companies and dissatisfaction among clients?
- (3) Is the Minister also aware that, because of this, it is suggested that Kalbarri will be omitted from future tour packages?

Hon. J. M. BERINSON replied:

- (1) to (3) I draw the member's attention to the answer given by the Premier to a question without notice from Mr Tubby, M.L.A., in the Legislative Assembly on Thursday, 1 November 1984.

QUESTIONS WITHOUT NOTICE

INDUSTRIAL RELATIONS: DISPUTES

Mr Minniti

152. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Has the Minister been officially advised of the Minniti building site dispute?
- (2) If so, has he had the opportunity to study the matter and, more particularly, to meet with Mr Minniti or somebody representing his company?

Hon. D. K. DANS replied:

- (1) and (2) No, at this stage we have had no official approach on behalf of Mr Minniti. Yesterday, I met Mr Minniti, who had sought a meeting with the Premier. As the Leader of the Opposition probably knows, I returned from overseas early only yesterday morning. I went along with the Premier and in company, later, with a member of the

Housing Industry Association of Australia. I called Mr Bill Ethell to my office this morning and heard the other side of the story.

I am hopeful that I can get the two parties together in an endeavour to resolve a dispute that, in my opinion, has got out of hand.

INDUSTRIAL RELATIONS: DISPUTES

Mr Minniti

153. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Has the Minister been advised that scaffolding was interfered with and damaged on that building site over last weekend?
- (2) Has the Minister carried out any investigation into the matter?

Hon. D. K. DANS replied:

- (1) and (2) Mr Minniti made no reference, nor did the person from the Housing Industry Association, to any scaffolding that had been damaged on the building site over the weekend. There was a complaint that scaffolding was not up to standard. Inspectors were sent to the site and it was found that there was a split in a plank. That was replaced. It was found that a plate was faulty. That was rectified. There was another complaint that 44-gallon drums were being used incorrectly as scaffolding. The inspectors found that that was not so. There were some complaints about health matters. Those have been examined by officers of the Health Department.

INDUSTRIAL RELATIONS: DISPUTES

Mr Minniti

154. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Has the Minister been made aware that a threat was made to Mr Minniti by Mr Bill Ethell that any bricks laid in contravention of the black ban would be pulled down one by one?

Hon. D. K. DANS replied:

Mr Minniti made that statement very emotionally yesterday. I told him that that would not occur, and it has not oc-

curred. If it does occur, we will deal with the situation at that time.

One of the problems with this dispute is that Mr Minniti finds himself in a very difficult position because the dispute has not been one dealing only with industrial matters but has been turned into a political football. He finds himself like the ham in the sandwich. I do not think that the people with whom I spoke yesterday would dispute that.

I say to the Leader of the Opposition that I still have not had, in real terms, an official complaint. Mr Minniti, after my talking with him yesterday, solicited some sympathy from me. I put some things in motion. There are two sides to every story. I heard the other side of the story this morning.

It is my intention to get Mr Minniti and Mr Ethell into my office to have a discussion about this matter and to see whether there is a point at which the dispute—not the politics of the dispute—can be resolved.

INDUSTRIAL RELATIONS: DISPUTES

Mr Minniti

155. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Would the Minister consider that a stone thrown through a window and the report that there was a bomb under a house were threats and not allegations made to be used as a political football? They are much more than that because there was a great danger to Mr Minniti's family?
- (2) Does the Minister consider that those sorts of threats and actions are part of his accusation that this matter was being used as a political football?

Hon. D. K. DANS replied:

- (1) and (2) I do not know whether I should pursue this matter any further. There was a report that a stone was thrown through Mr Minniti's window. I was not in Western Australia at the time. I discussed the matter with the Commissioner of Police. He does not know whether it was a stone or anything else; no projectile could be found.

Hon. G. E. Masters: It could not be a political football.

Hon. D. K. DANS: I am answering the question. I said that this dispute had got out of hand. A number of allegations have been made about loaded guns being carried by Mr Minniti.

Hon. G. E. Masters: That is rubbish.

Hon. D. K. DANS: If that is rubbish, I suppose the bomb under the house is also rubbish.

Hon. G. E. Masters: The police searched the house. Mr Minniti and his family were standing on the lawn worried to death.

Hon. D. K. DANS: There have been allegations that Mr Minniti had a loaded gun—I am saying just allegations. I do not think that the airing of these kinds of political allegations, either by me or by the Leader of the Opposition, goes any way towards solving a bad dispute that would never have got out of hand had the Leader of the Opposition and Mr Court stayed out of it. They used Mr Minniti.

I will answer no further questions on this matter.
