

Legislative Council

Tuesday, the 14th November, 1978

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

QUESTIONS

Questions were taken at this stage.

CONSERVATION AND THE ENVIRONMENT: STAR SWAMP AREA

Flora and Fauna Reserve: Motion

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.48 p.m.]: I move—

That the Members of the Legislative Council support the efforts of citizens of the Trigg Marmion and Waterman localities to have set aside a reserve of 100 hectares in the area bounded by Beach Road-Marmion Avenue-North Beach Road and Hope Street, as a permanent natural bush and passive recreation/nature study area or such lesser area as will ensure that Star Swamp and its surrounding bushland will be protected from degradation and recognising—

- (a) that the Star Swamp bush area is one of the few remaining locations of natural vegetation typical of the Swan coastal plain left in the Perth metropolitan area;
- (b) its value for recreational and educational purposes;
- (c) the classification of Star Swamp by the National Trust of W.A. for environmental and historical reasons;
- (d) that Star Swamp is one of the few metropolitan wetlands free of salmonella infection;
- (e) the area is being increasingly used as a refuge for plants, birds and animals which are being displaced from the surrounding housing developments;
- (f) the area contains an array of plant communities;
- (g) that none of the land in question is privately owned;

urges the Government to reserve the area as requested and facilitate any land transfers and/or exchanges necessary to achieve these purposes.

The area of land which is the subject of this motion has received very extensive support from, and coverage by *The West Australian* since last year when it became a matter of public debate. The people in the district are very satisfied that the Press has taken up their cause in this way.

It would have been very difficult for the local people to have made the progress they did make, without the support of the Press. But that is not the only source from which support for the proposal to reserve the land in question has been received. The Stirling City Council, in whose district the land is located, on several occasions already has indicated its full support for the reservation of the land. The politicians representing the district—Mr Viner, MHR, and Mr Jim Clarko MLA—have both come out publicly to indicate their support. A petition containing 7 000 signatures of people resident in the district has been tabled in the Legislative Assembly by Mr Clarko, MLA, in support of the proposal.

The educators in the district have confirmed their full support for the proposal, because it fulfills certain needs for their students. Scientists—or I should say, zoologists, more specifically—have shown support for the proposal. The Environmental Protection Authority has indicated its support to a limited extent, but the local people would like to see it increased; that authority recommended an area less than that being sought by the local people.

The Australian Labor Party—through myself and through its shadow Minister for Conservation and the Environment, Mr Skidmore—has indicated its support. Support has come from the National Country Party, through Mr Lockyer, who was present at a meeting in the district recently. There has been a recommendation from the National Trust, and the swamp has been listed as an area of environmental and historical importance.

So, it can be seen there is very solid community support for this proposal; and that support covers the whole spectrum of the community and all political parties. The former Minister for Conservation and the Environment, Mr Graham MacKinnon, was reported in the Press as being in support of what I am proposing. I think he would be one who would be sympathetic to the motion.

In August last year the former Minister was reported in both the *Daily News* and *The West Australian* at the time when a report was issued on the guidelines for the protection of coastal wetlands. In the *Daily News* of the 4th August, a

report under the heading, "Half wetlands have been lost", in part said—

He hoped legislation would not be necessary to protect the wetlands. "Perhaps with these guidelines we may be able to avoid enforcement, but that's up to the people."

Here we have a case where the people very much are doing their bit in order to protect their piece of local wetlands. Those remarks were further elaborated in *The West Australian* of the 4th August, also under a similar heading, "Minister: Half wetlands lost." Among other things, the Minister said that wetlands, such as swamps, rivers, and estuaries, were one of the State's scarcest natural resources. I will elaborate more on that aspect with respect to Star Swamp. The then Minister also said the public should recognise that water and wetlands are essential to the natural environment, as well as to individuals. I stress these words, "to the natural environment, as well as to individuals". He went on to say that the State had an international obligation to conserve wetlands for the use of migratory creatures which came here from the northern hemisphere. Star Swamp is one of those areas used by migratory birds. So, we expect the Minister to have some sympathy for the feelings of people who are attempting to preserve this particular area of natural bush in the northern suburbs.

Various Ministers have indicated that the swamp itself—a particularly small area—is not in question as far as being threatened by development. There is already in existence a very small reserve which covers the actual water area, and the Government has indicated that it is prepared to extend the reserve further in line with the recommendations of the Environmental Protection Authority. As I have said, the question of the preservation of the lake itself is not the point at issue; the question is the size of the area that should be reserved. I trust members here will take note of my remarks in support of preserving a larger area, rather than the smaller section suggested by the EPA.

For members who may be unaware of the locality of this particular swamp, I do have with me a map which I will hold up in order to indicate the area. Since the map cannot be recorded in *Hansard*, I will not take that action unless any member particularly wants me to do so. The area is situated almost directly inland from the marine laboratory at Marmion, and just north of North Beach Road in North Beach.

The Hon. R. G. Pike: Speak up; we cannot hear you.

The Hon. R. F. CLAUGHTON: My voice sounds particularly loud. I would not like Mr Pike to miss any of these pearls of wisdom that I am casting.

The Hon. R. G. Pike: You certainly are not casting your pearls before swine!

The Hon. V. J. Ferry: Diamonds are the in thing.

The Hon. R. F. CLAUGHTON: I hope members are listening with some interest to my remarks. In general the area is located a short distance inland from the marine laboratory at Marmion, and already between the swamp and the coast the land has been almost completely developed for residential purposes.

Moving inland eastwards from the lake, at present undeveloped land extends through to Marmion Avenue, and it is this section that the people hope will be reserved. That land is bounded by the roads designated in my motion—that is, Mary Street, Marmion Avenue, Hope Street on the west, and North Beach Road on the south—and none of it is privately owned; it is all held by one Government department or another, and one area is vested in the Stirling City Council.

The map I am holding in my hand indicates the land concerned. The larger portion on the eastern side is held by the Education Department, which has no specific plans for its use. The larger portion on the western half is held by the State Housing Commission. On the south an area is set aside for a recreation reserve, and there is an area of Crown land on the north. So in the main the land is held by Government departments, and we would not have to deal with private owners. The Government should have little difficulty in arranging to transfer the land required.

As the Education Department has no specific plans for the area it holds, probably it would be quite happy with land of a comparable size anywhere else in the metropolitan area. A slightly different problem would arise in regard to the land held by the State Housing Commission, because the commission would need as large an area of land to replace what it would relinquish here. It is becoming rather difficult to find such a large area of land within the metropolitan area, but it is still not impossible.

The Hon. J. C. Tozer: Could you inform us how this area came to be known as Star Swamp?

The Hon. R. F. CLAUGHTON: I will come to that a little later. I believe it was given the name of Star Swamp by a surveyor back in about 1869 but I do not know why.

The land slopes from the east to the west towards the swamp with the contours running down from the north-east and the south-east. There is a drainage basin at that point as the land usually drains to the lowest point; that is, the swamp. On the map I am now holding a red line indicates the critical 20-metre contour line below which the land drains to the swamp. The drainage problem is not so important to the east of that 20-metre line. One of the proposals is that at least the land should be reserved up to that 20-metre contour line to ensure that no drainage from development flows down into the lake as such drainage could lead to its contamination.

One of the reasons for seeking the reservation of the whole area is that it contains an assemblage of plant communities. There is more than just one plant community type there. On the lake itself there is the ti-tree swamp community.

I have here an article which was prepared by a Mr Tom Jenkins. Unfortunately I do not have recorded the name of the publication, but I believe it appeared in the *Hamersley Gazette*. As well as the article there is a map illustrating the various plant communities and their location across the land reserve. There are four distinct plant community types within the area, and it is the desire of the people that an attempt should be made to preserve these plant communities, because they are now almost unique in the metropolitan region. In fact, one of the major points in the submission for the reservation of such a large area is that these plant communities are almost extinct on the coastal plain in the Perth metropolitan region.

The ti-tree swamp community merges into a tuart assembly. Moving up the slope towards Marmion Avenue there is more open land, and a heath type of vegetation is growing on the limestone outcrops. North and south of the heath is a banksia community. Already 215 different plant species have been identified in this area, and this is a very large number of different species in such a small region of approximately 100 hectares.

As well as the plant life, over 40 different types of birds have been sighted there. For those members who are bird watchers, I will name a few of these. The first nine species listed are as follows—

- White necked heron.
- Blue crane.
- Large egret.
- Black duck.
- Kestrel.

Moorhen.

Dab chick—that is, a grebe.

Spotted dove.

White tailed black cockatoo.

That is a very large number, for such a small piece of land. That variety of bird species exists in that area, because of the different plant communities found there. Each one would attract a different species of bird. This area also provides for the change between an open foraging area and the different forms of trees which different types of birds prefer for nesting and protection. All these things taken together provide the necessary environment.

The Hon. G. W. Berry: Is there permanent water?

The Hon. R. F. CLAUGHTON: Yes, Star Swamp appears to provide permanent water. At the end of last summer, which was the driest summer for a long time, there was still water, but it was at a reduced level.

In this area are to be found a number of fauna species. Among those sighted are brush wallabies, grey kangaroos, bats, snakes, goannas, and so on. There is a rich variety of fauna to be found. I could list the lot, because I have the material before me. I could supply the list to any member who is interested in that aspect of the debate.

To reinforce what I have been saying, I shall quote from a letter by Dr David Bell, who is a lecturer in plant ecology in the department of botany at the University of Western Australia. He describes himself as a zoologist.

I would like to read this letter almost in full, because Dr Bell has some very pertinent things to say. He is not an amateur in this field; because of his learning he understands what he is talking about. In his letter of the 16th March, 1978, addressed to the Mayor, the councillors, and the ratepayers of the City of Stirling, he had this to say—

I teach Plant Ecology and do research on the eco-physiology and plant sociology of the plant communities of the Darling Scarp and the Swan Coastal Plain.

This past Spring my third year Plant Ecology class spent 5 laboratory days studying aspects of the ecology of Star Swamp bushland. In addition, I personally have spent approximately 10 additional days adding to the data collected in September and October to prepare a paper on the plant communities of the Star Swamp bushland for the Department of Fisheries and Wildlife. Also I currently am directing the Honour's

Year research project of Miss Linda Watson on further aspects of the plant ecology of this region. I am, I think, well qualified to speak on behalf of the vegetation of the area and I would like you to consider recommending that the entire area of the Star Swamp Bushland bounded by Beach Road, Hope Street, North Beach Road and Marmion Avenue be included in a flora and fauna reserve to be protected from future housing development.

This area is much more than just the lake at the bottom of the watershed, it is a series of plant communities forming concentric rings of vegetation with increasing elevation above the level of maximum water levels.

In other words, the land slopes upwards. To continue with the letter—

The wetland swamp and Paperback communities at the water's edge deserve preservation because of the relative rarity in the metropolitan and Western Australian area. The continued existence of these communities, however, depend upon the vegetation in the watershed above. Without the transpiration of water by an intact vegetation in the upper portion of the watershed, lake levels will rise, flooding areas of the Paperback Woodland for periods of time in excess of their tolerance to flooding. Ultimately this situation will lead to the death of the Paperback trees just as the death of Tuarts in the swamp areas has already occurred. Lake Claremont is a good local example of what can happen when a drainage basin is altered by housing development. Increased lake levels suffocate the roots of fringing vegetation and a ring of dead trees results. If the upper elevations of the Star Swamp bushland are protected, this situation could be arrested. With continued development the Swamp will continue to deteriorate.

In addition to the role in the protection of the swamp the upland areas have much to recommend them in their own right. Of the more than 200 species of plants collected in the bushland this last Spring more than 95% were collected in the Tuart Woodland and Banksia Woodland communities. Of the 14 species of Orchids collected in the area, 11 were restricted to the upland areas. The swamp may be the most interesting to the zoologists but the upland areas are vastly more interesting to the botanists. Without these upland communities much of the natural history and diversity of the area is

lost. In my opinion without the entire upland area added to the Star Swamp Reserve there is little to recommend the area for reserve status.

Dr Bell goes on to make the point that management of the area would be a very important consideration. He suggests that management should lie with the City of Stirling, and the Department of Fisheries and Wildlife. I have read that letter almost in full, because I believe Dr Bell has made a very important point—that it is not just the Star Swamp area that needs to be reserved. As he indicated, 95 per cent of the native plants, including 14 species of orchids, are found in the land slopes. Unless the whole of the area is reserved those plant species will disappear in time.

Dr Bell is saying that once we remove the trees which, through transpiration, keep the water table of the swamp down, then the water level will rise and flooding will suffocate the roots of the trees on the swamp and its fringes. We would then end up with something which is less than what we are trying to achieve. It will almost be a hazard to the community if the health of the swamp cannot be preserved. This area is one of the few localities of natural vegetation which is typical of the swan coastal plain—which is a statement I made earlier.

Recently some of us visited the wildlife reserve at Mullaloo on the occasion of the opening of the new buildings. Many of us remarked on the great variety of native plants that are found on that reserve. However, that assembly is completely different from the assemblies on the Star Swamp reserve. It is no good saying that because we have a reserve like this at Mullaloo we do not need another at North Beach. We need the one at North Beach, because it is completely different, and the types of trees and the assemblies of them are now almost unique in the metropolitan region.

We will find tuarts, ti-tree, or melaleucas growing elsewhere, but not in the same way as they grow in the Star Swamp area—in an almost undisturbed and natural state. That is what is unique about the Star Swamp area.

If we do not set aside that area as a reserve we will place at risk the water table in the lake, the raising of which will lead to the degradation of the whole reserve. Whilst the EPA has looked into this matter and has recommended a certain size to be set aside, quite obviously it is not sufficient. That is why the people of the area are getting upset.

Located around the Star Swamp area are a number of schools. Immediately to the south is

North Beach Primary School; just to the north is Marmion Primary School; to the west is Our Lady of Grace Convent, located at 5 Kitchener Street, North Beach; to the east again and beyond the boundaries of the map before me is Carine High School.

Each of those schools has written to indicate that there is a need for the preservation of the swamp so as to meet the educational needs of the children. The letters also indicate the manner in which the reserve would be used. The principal of Carine High School has written a very detailed letter outlining the importance of biology studies, ecological studies, and the relationship to other subjects within the curriculum of the school. He pointed out why it was necessary to have an area such as Star Swamp in order to conduct these studies.

I shall read a couple of paragraphs from his letter which is dated the 23rd August. Before doing so I wish to point out that east of Carine High School there is Lake Carine which is set in a reserve comprising 280 acres, if I remember correctly. Uncontrolled development has been allowed around this swamp. In his letter the principal of Carine High School had this to say—

Until now this school (to my knowledge) has not used the Star Swamp Area. Instead we have used the bush adjoining the school, and the Carine Lakes mainly because of their accessibility and the fact that until now they have been fairly suitable.

However, both of these areas are rapidly being degraded by general human interference and development for housing and other uses. For example, the 11th year Biology students this year had considerable problems completing their Bushland Community Study because of outside interference.

Further on in his letter he had this to say—

It should be added that the Star Swamp area is immensely suited to teaching purposes because of the variety of biological communities in it. This is not simply because of the swamp and the Tuarts, but because of the general variety of plant communities in the area—which far exceeds that in most other places in the region.

The Education Department has issued, through the director general's office, a policy document No. 8 of August, 1977, which is entitled, "Environmental Education". That document sets out for the guidance of schools the importance in the school curriculum of environmental and ecological studies. The document makes reference

to a 1976 meeting of UNESCO which adopted a document known as the Belgrade Charter as a framework for environmental education. The policy statement reads as follows—

In the Charter it is stated that there is evidence of increasing deterioration of the environment in some forms on a world-wide scale.

That applies to the wetlands of our coast. I have other comments to make in relation to that general question. The policy statement sets out the general objectives of an environmental curriculum. It makes the point that schools should make use of practical studies in the field to give the students the benefit of seeing the situation in its raw state.

At August, 1977, the North Beach Primary School had 700 students regularly using the swamp area in their studies. The Marmion Primary School indicated its support for the preservation of the swamp, and it recognised its value.

There are a number of other organisations in the district that use the swamp area. There are the Cubs and Scouts, Brownies and Girl Guides, the Trigg art group, church youth groups, and children's holiday activities groups which conduct nature study walks, and so on. There is a fairly wide use of the swamp area already. There is a potential use as development continues in the area when further cutting back of undeveloped bushland close to the existing areas of settlement takes place. When that happens, the swamp will assume greater importance.

The National Trust has accepted the site for classification. I do not have a copy of the report of the National Trust, but there is mention of it in a report in *The Sunday Times* of the 2nd June, which reads as follows—

Star Swamp in the Waterman area is classified under the heading of natural environment.

In addition, the swamp has a historical background. It was surveyed in approximately 1869. The Hamersley family had beach cottages or holiday cottages in the area. One of those cottages, which was named "The Lodge", was built about 1865. It subsequently became the Castle Hotel, and was used by the drovers coming down from Dongara. Cattle were watered in the Star Swamp itself. A fact that I had not been aware of is that there was a whaling station on the beach—Marmion Chimney. I did not become aware of that until I was researching for this speech.

The Hon. D. J. Wordsworth: You would not like to be associated with whaling, would you?

The Hon. R. F. CLAUGHTON: I am not precisely sure where the whaling factory was; but it was in that region. During the Second World War, the West Australian Light Horse used the swamp prior to embarkation for the Middle East. Members will realise that the swamp has a history of more than 100 years.

The Hon. J. C. Tozer: One would have expected the cattle walking in there and the light horses using it would have destroyed the ecology, anyway.

The Hon. R. F. CLAUGHTON: That would have had some effect.

It is also thought the area was a favourite camping place for Aborigines. All these things have had their effect.

The Hon. G. C. MacKinnon: Do you say the Light Horse went to the Second World War?

The Hon. R. F. CLAUGHTON: That was the information I received.

The Hon. G. C. MacKinnon: Did they take their horses, too?

The Hon. R. F. CLAUGHTON: I am simply quoting the information given to me. I raised my eyebrows in relation to that; it may be a typographical mistake.

The Hon. Grace Vaughan: No, it is not. There was a Light Horse Regiment in the Second World War.

The Hon. R. F. CLAUGHTON: There is no question that the regiment was located there. We might dispute the war concerned.

The EPA report recommended an extension of the reserved area. However, that report dealt rather harshly with the swamp itself.

In relation to salmonella, a claim has been made that this swamp is one of the few remaining which are free of salmonella infection. The EPA said that it is not the only one. It was not claimed to be the only one in the first place. That is not a fair attack to make—

The Hon. G. C. MacKinnon: Would that be an attack by the EPA, or just a statement—

The Hon. R. F. CLAUGHTON: It was a criticism of evidence given in support of a proposal to preserve and extend the swamp reserve. This is one of the swamps free of salmonella infection. It is free because it has been kept in its natural state, without a great deal of degradation by human activity.

The EPA report made reference to the fact that since settlement the water level had risen by

about one metre. That statement is not questioned. If people continue to clear the land and develop the area, that level will rise even further. That is the inevitable consequence. Lake Claremont is a fairly stark example of the sort of thing that happens.

The Hon. M. McAleer: What is the actual size of the swamp?

The Hon. R. F. CLAUGHTON: It is about four hectares. That is the original reservation of the lake. It is not large by comparison with Lake Monger or Perry Lakes. It is a different sort of lake altogether, because it has not been developed in the way that those other lakes have.

The EPA report deals with the invasion of exotic plants. It is not denied that there are exotic plants in the area. It is clear there is a minimal invasion of grasses and lupins, and so on. The local people have conducted several drives to remove the lupins. Their actions seems to be proving effective. The community has been extremely active in caring for this land.

The report of the EPA commented on the fact that the tuarts are diseased. Members would be hard pressed to travel anywhere and not find a tuart that is not diseased. It seems that every tuart I see is affected by the bug that damages them. Although the tuarts in this area are not in a perfect condition, they will be there for a long time.

The people of the community made the point that when the EPA inspected the locality a fire had recently been through it. It was not a good time to inspect such an area. At that time, it did not appear in as good a condition as when I inspected it with Mr Viner and others. We walked over the area to see the wildflowers growing.

It was stated there was a lack of understorey. That is not a correct picture of the area because, at the time the EPA made its inspection, much of the area had been burned out. Recently there has been very strong regrowth of the understorey.

There has been vehicle damage in the swamp area. There are tracks in it at present. I do think the damage is excessive or of a nature that would lead people not to preserve what is there. Of course, while the area is open and unprotected, it is difficult to prevent off-road vehicles being used in the reserve.

The EPA report was rather unfair in its description of the area. Perhaps the EPA was looking for justification to make recommendations which did not go as far as the community wished.

The EPA suggested its recommendations would give adequate protection to the area. It said that the protection would be carried out in a realistic manner. Those are just so many words. The protection is neither adequate nor realistic, for the reasons I have outlined.

The area is valued by the people as native bushland. They do not want it grassed for playing fields or other similar development, nor do they want it used by trail bikes. They desire it to be left as native bushland to allow the perpetuation of the species which abound there and which we have a responsibility as legislators to preserve for future generations.

The question of salmonella infection is important.

[Resolved: That motions be continued.]

The Hon. R. F. CLAUGHTON: I have available a table which shows the relative degrees of salmonella infection in various swamps and other water areas in the metropolitan region, but I will not go through them because I have been speaking already for an hour. However, I can make the table available to any interested members.

The table shows quite clearly that Star Swamp is free of salmonella infection which has repercussions on humans. When it affects food, stomach illnesses result. The proponents for the reserve claim that the swamp would be a useful monitor of the wetlands system, because variations in the infection would be evident in the swamp and give early warning of the need to take corrective action.

The reservation of the area became a matter of public controversy when the SHC published a proposal for development of the area in association with a private developer. If that proposal had gone ahead an extra 2 000 people would have been placed in the area and the swamp would have had to be maintained on an area a quarter of its present size. It is quite unrealistic to expect another 2 000 people to live in the area, thus reducing the open land around the swamp by three-quarters, and to expect the swamp to survive. If the degree of development proposed is allowed, there is no way in which the swamp and its surrounds could be adequately protected from degradation. The whole area must be set aside.

We know a petition was tabled by Mr Clarko in another place. It was signed by 7 000 people in the area, indicating very strong community support for the preservation of the swamp.

I would like to point out to members that in the northern suburbs in general there is a lack of

topographical features which are so important in the southern suburbs and which are penetrated by the Canning River. The river, of course, provides the topographical variation to the mass of urban development located there. We do not have the corresponding variation in the topography in the northern suburbs to provide a break in the urban, residential, and industrial development. Consequently, there is an important difference in the situations in the north and in the south of the city. To compensate for that particular factor we should ensure that sufficient land spaces are set aside. That system should be based on the wetlands.

I would have liked to see a continuous system of reserves in the northern suburbs connecting the various lakes, but I know that would not be realistic. We can achieve our objective only piecemeal in the way proposed for Star Swamp. That is a fault in our regional planning which occurred in the 1960s and 1970s when we were not aware of the difficulties or the consequences which would flow from uninhibited development of open land.

I remind members that in 1974 there was a debate similar to the present one, and it related to Perry Lakes and Reabold Hill. At that time almost all members from this Chamber and from another place travelled by bus, hired for the purpose, to study the area under dispute. It was once known as Bold Park.

On that occasion a situation similar to the present one prevailed. Members of all parties supported what was proposed and there was a dispute between the authorities which wanted the residential zoning to proceed, and the local people who believed they had a right to expect the land to be reserved as open space.

I appeal to members to show the same sort of courtesy to the people of North Beach which they showed to the residents of City Beach and Floreat Park in 1974, almost four years ago. We went there in about October, 1974. I urge members to demonstrate their concern for and interest in the people around North Beach, Triggs, and Watermans Bay who have strongly expressed the desire to have this land set aside. If an invitation is issued, I hope all members will visit and inspect the land in order to gain a better understanding of what the people are requesting.

After a great deal of discussion had ensued on a similar motion in another place, the motion did not go to a vote, but was eventually withdrawn. As all political parties or representatives have indicated their support for the proposal under discussion, I hope we will be able to proceed in a

similar way and not be forced to take political sides on the question. This is of great importance to the people involved and I have brought it to the attention of the House in an effort to assist the moves they are making.

Today they delivered a submission to the Stirling City Council with a request that a copy be forwarded to the Minister for Urban Development and Town Planning (Mrs Craig) for her further consideration. I hope that, while interested members might speak on the matter now, the motion will not be taken to a vote until the Minister has had time to examine the matter and perhaps, with our assistance, reach a different decision.

I hope members will support the motion and, if an invitation is issued, take the trouble to examine the area under discussion and give their support to the people of the district.

Debate adjourned, on motion by the Hon. G. E. Masters.

CONTROL OF VEHICLES (OFF-ROAD AREAS) BILL

Second Reading

Debate resumed from the 9th November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.44 p.m.]: The subject matter of the Bill before us has had a very difficult career in Parliament. Similar Bills have been introduced and withdrawn, and debated all over the place. Finally the same parent has given birth to another offspring.

I must confess I devoted my study to one of the forebears of this Bill and did not realise my mistake until the Chamber met this afternoon, which makes debate a little difficult.

On previous occasions when Bills dealing with this matter were introduced the Government was at pains to ensure adequate time was given for discussion. The previous Bills were circulated in the community for extended periods so that no-one could say he did not have time to study them and understand their implications. For some reason debate on the present Bill was resumed less than a week after it was introduced in the Assembly, and it was rushed through in one sitting which finished in the early hours of the morning.

After the Bill was introduced the Labor Party made the most extensive inquiries it could among the local authorities to see whether they had had a chance to look at the new Bill, either as it was presented to Parliament or in draft form. Many of

the local authorities had received a copy of the Bill by that time but very few of them had had a chance to consider it. That is very unfortunate, because this Bill can be very easily confused with the previous Bills.

The Australian Labor Party has from the beginning supported the principle the Government is attempting to incorporate in the legislation, which is control of the use of off-road vehicles such as trail bikes, mini bikes, beach buggies, and so on. No matter where one lives there has been some form of complaint about the way those vehicles have been used. In my electorate the complaints have generally been related to noise. The vehicles have been used in areas such as Star Swamp, causing great noise nuisance to the people living in the vicinity and also causing damage to the sand dunes in the area, which are fragile and very easily damaged because the sand is quite loose.

The Australian Labor Party therefore supports the principle for which the Government is attempting to legislate but it objects to some of the means by which it is being achieved in this Bill. Our objections are largely directed to clauses 38 and 42 and we will deal with those in more detail in the Committee stage.

Very wide powers seem to be given to all sorts of people to apprehend and take possession of the vehicles in a way to which most Australians would have taken exception in the past. Besides the usual law enforcement officers in the Police Force and the Road Traffic Authority, local government officers, wildlife inspectors, fisheries inspectors, elected members of council who have no other policing authority, and a whole host of other people will have extensive powers which we would not normally expect them to have. They can approach the rider of a vehicle and demand access to it in order to test drive it, without being required to explain their reasons for doing so. No protection is provided to the owner of the vehicle in the event that damage ensues.

We consider the powers given to a variety of individuals are too extensive and are unwarranted for the purposes to be achieved. For example, a vehicle can be impounded and held for 12 months. That is unbelievable authority to give to people who are not police or RTA officers.

A child of eight years or over will be permitted to drive these vehicles but there does not seem to be any restriction on the size or power of the vehicles they can drive. One of the ways we can inculcate better driving skills and responsibility is to allow people to start driving at an earlier age. Young people are much more amenable to

accepting advice on correct approaches to the use of machinery. I think there is real value in allowing young people to use these vehicles but I would want very strict control and supervision to be exercised in relation to the power of the vehicles they are allowed to drive. The Bill does not contain any such limitations.

In relation to permitted areas, it would have been helpful had the Government indicated some of the areas it has in mind. The provisions in this respect are the reverse of those contained in the earlier Bills, which stated that off-road vehicles were prohibited in all but proclaimed permitted areas. The Government now says it will proclaim permitted and protected areas and not impose a general ban at all.

The Hon. I. G. Medcalf: The word used in the Bill is "prohibited".

The Hon. R. F. CLAUGHTON: The import is the same. It would have been helpful to people who want to use these vehicles to know which permitted areas the Government intends to proclaim. Although I criticise that deficiency, I can see the necessity for it. Fishermen must be able to get down to the beach through prohibited areas along the sea front where there are frontal dunes which it is desired to protect. As the Minister mentioned in his second reading speech, there would be tracks down to the beach which are already used by fishermen, and these will be exempted from the prohibited areas. In other words, they will be designated permitted areas.

The Hon. T. Knight: That is allowed for. There will be roads through the prohibited areas for the use of fishermen and so on.

The Hon. R. F. CLAUGHTON: I agree that is desirable. There are many amateur fishing enthusiasts in my electorate.

The Hon. T. Knight: And in mine.

The Hon. R. F. CLAUGHTON: Many of those in Mr Knight's electorate would probably come from mine. Many people from the city organise angling clubs and have fishing competitions at various points on the south and north coasts. Fishermen were very concerned that under the original legislation they would not be able to get down to the beach on their old tracks, because the whole beach front was a prohibited area. Because of their interest in fishing they claim to be very strongly environmentally minded. They ensure their members do not leave litter around or harm the environment.

The Hon. T. Knight: I think the matter has been well looked into in the interests of all the people we are concerned about. That is the idea of the Bill.

The Hon. R. F. CLAUGHTON: As I have already indicated, we support those provisions. However, we are critical of the policing powers which are being given to all sorts of people in the community who are neither policemen nor RTA officers.

The Hon. T. Knight: It says that the only person who can impound a vehicle considered to be dangerous is a police officer.

The Hon. R. F. CLAUGHTON: I think the honourable member is referring to clause 38. We can deal with that aspect in the Committee stage.

Sitting suspended from 6.01 to 7.30 p.m.

The Hon. R. F. CLAUGHTON: The Bill does not make provision for payment to councils of the cost of administering the legislation. As I understand it, the Minister responsible for the Bill in another place indicated no guarantee could be given that local authorities would be reimbursed the costs of administration incurred in respect of the operation of the Act. That is a matter of some concern also, because fairly extensive responsibilities are imposed upon local authorities by the Bill. Combined with that is the fact that local authorities have been given an inadequate period of time in which to study and respond to the Bill. In that respect the Government has left itself open to criticism.

When opening my remarks on this Bill I said that on previous occasions extended periods were made available to enable people to comment on draft Bills. I see little reason that the same courtesy could not have been extended on this occasion, particularly in the case of local authorities which are having a very heavy responsibility laid upon them by the Bill.

I wish to make one further point. The Bill contains no provision for third party insurance. One can envisage a number of situations in which members of the public could be placed at considerable risk. Bear in mind the Bill does give a degree of authority to people to operate off-road vehicles—authority that has not applied up to this time. People are to be given, through the licensing authority, the legal right to operate these vehicles. It is a matter of some concern that provision is not made in the licensing measures for third party insurance. I understand the Government claims it has studied this matter and decided not to include third party insurance in the Bill. I believe this will cause a lot of dispute when the Bill comes into operation.

THE HON. R. THOMPSON (South Metropolitan) [7.35 p.m.]: I support the Bill wholeheartedly. It is legislation that has been kicked around by the various political parties for

the past seven or so years. I compliment the draftsman of the Bill; the first Bill presented to the Parliament met with a lot of objection from local authorities and various other organisations.

I disagree with Mr Claughton's statement that insufficient time has been allowed for discussion on the Bill. All the submissions received from many organisations and many local authorities were given due consideration; and as a result of that consideration we now have a first-class piece of legislation. I do not say the Bill is faultless, because I feel this type of legislation must be reconsidered and amended from time to time until we arrive at a workable and satisfactory result.

The Bill does contain measures of which one could be critical; however, generally it meets the needs of local authorities and the people who are being pestered by off-road vehicles. It also introduces a standard of safety for the users of off-road vehicles.

It is not my intention to criticise the Bill at this stage. One local authority has written to me and raised several points in connection with the matter. However, I feel they are not of great magnitude and if the local authority desires amendments to the Bill it should take up the matter with the Local Government Association. Then a united approach could be made to the Minister, and I think he would be receptive to it.

My one criticism of the Bill is that it contains no provision for third party insurance. In his speech the Minister said third party insurance provisions would result in great cost and probably would be hard to enforce.

If it is the intention of the Government not to proceed with compulsory third party insurance, then I think it should be a condition of licensing of a vehicle—and this could be done by regulation—that the owner, who must be over the age of 18 years, take out some indemnity against injury to another person whilst the vehicle is in operation.

Possibly when the committee is formed it could consider some form of group insurance to protect innocent people who have access to declared areas—and such areas include beach fronts, Government land, municipal land, and private property. The public who have access to such declared areas are entitled to protection. It is not good enough to say that a person who is sitting on the beach and is injured by an off-road vehicle which crashes over a sand dune should have no recourse other than in common law. We have an obligation to protect the public. I trust if this cannot be done by regulation, the Minister will consider the inclusion of a provision with a view to

making insurance cover a condition of licensing. I do not want to see people involved in great expense, but at least some protection should be afforded to the general public.

Mr Claughton referred to the whole host of people who could be inspectors or authorised officers under the legislation. I disagree with him. Only a limited number of people may be appointed. If Mr Claughton cares for them to look at clause 5(5) he will see it states that a council may employ under and subject to the Local Government Act fit and proper persons to be authorised officers. The same argument applies to objections which may be raised to clauses 38 and 42, because councils are obliged to employ fit and proper persons. It is necessary for them to do this, because we are not dealing simply with municipalities; we are dealing also with places such as Gnowangerup. I imagine Mr Wordsworth will correct me if I am wrong, but I consider the most beautiful part of the Gnowangerup Shire—that is, Bremer Bay—is something like 150 miles from Gnowangerup.

The Hon. D. J. Wordsworth: It is not quite that far, but it is a long way.

The Hon. T. Knight: It is about 115 miles.

The Hon. R. THOMPSON: Perhaps I was thinking of kilometres. However, Bremer Bay is a long distance from Gnowangerup and it is not serviced by the RTA to any great degree.

Knowing the outlook of the Gnowangerup Shire Council and the respect it holds for places such as Bremer Bay, I imagine it would employ an officer to ensure the area is controlled and the legislation is effective. We just cannot allow people to do a considerable amount of damage to that region. Usually such people do not travel singly but often in dozens and they have trailers and all types of off-road vehicles. The damage they can do in one weekend or even one hour could take 30 or 40 weeks to be corrected. Therefore it is necessary that local authorities have power to appoint people to ensure the letter of the law is carried out in the prescribed areas where vehicles may not be driven.

Provision for the appointment of honorary wardens is good. Under many Statutes we empower Ministers to appoint honorary wardens. I do not think there would be any argument from anyone in the Chamber about honorary wardens who police, very effectively, our flora and fauna. We should encourage community involvement to see that our ecology is maintained the way we want it maintained.

As I have said, clause 11 sets out the procedure to be taken in respect of damage, injury, or death.

I would like the Minister in reply to tell me more about the meaning of the clause if he considers I am on the wrong track.

The ministerial power granted under clause 13 is something over which the Minister could find himself in hot water. Under this clause the Minister can do a host of things as far as the declaration of areas is concerned. It could be argued that clause 16 overrides clause 13 to a degree. However, I do not think the Minister should have the authority to allow private land to be declared a permitted area for off-road vehicles. Before he takes any action at all he should consult with the local authorities. This should be so even if the land is public land.

As an instance I cite land near Mayor Road in Munster, or as most people call it, Coogee, where the area concerned is owned by the Department of Industrial Development. The land has been leased to a club whose members hold rallies there on weekends. These rallies have caused a considerable amount of noise to the nearby residents. In the near future this area will become part of the Town of Cockburn's Packham town planning scheme.

If the Minister is to be given this authority without consultation with the local authorities he could be creating a nuisance to residents and the authorities could have no say in the matter. I think this is wrong. Under all circumstances local authorities should be advised and the Minister should not come out and make a unilateral declaration.

Clause 13 reads as follows—

The Minister may, with the consent of the Governor, within three months of the coming into operation of this section of this Act exercise the power conferred by subsection (1) of section 12 of this Act to declare an area to be a permitted area notwithstanding that the initial proposal was not published or was not referred to the Committee, the council of any municipality, any public authority, or other person or body likely to be affected and that no recommendation in relation thereto was received from the Committee, but subsequent to the initial declaration of the area the provisions of section 12 of this Act shall apply to and in relation to any intended variation or cancellation of that permitted area.

Clause 12 deals with permitted areas.

The authorities I contacted wanted the penalties to be set penalties. The penalties in the Bill are maximums which the local authorities did not want. They wanted the minimum penalty to

be the maximum penalty. We have all heard a lot recently about people on parole, breaking bail, and so on. We have all heard about the tendency of some courts to be lenient when imposing fines. I would like to see any person infringing the provisions of this legislation taken to court and brought into line so as to deter people from breaking the law. This would help people to respect the law. It seems to be the only way this can be done.

The Hon. Neil McNeill: Is that to suggest courts should have no discretion?

The Hon. R. THOMPSON: That is what the local authorities said. They did not want a maximum fine; they wanted a set penalty.

The Hon. Neil McNeill: Was that to be mandatory?

The Hon. R. THOMPSON: Yes.

Several months ago a Fremantle hotelier's wife phoned me in a state of anguish in respect of her young 14-year-old son who, with his own money and some of his friend's money, had gone to a reputable motorcycle dealer in Fremantle and purchased a registered motor bike. It was not a low powered motor bike. This dealer, whom I consider to be quite reputable, gave the lad the transfer papers and the young boy proceeded to ride the motor bike from the shop to his parents' hotel. Fortunately he was stopped by a policeman who directed him to wheel the bike home to his mother and father. The motor bike had been bought without the permission of his parents, and the police could not take any action whatsoever against the dealer. According to the police and the solicitor the woman contacted there is nothing in the law stating that one has to be over a certain age to buy a vehicle.

The Hon. J. G. Medcalf: Did the boy pay cash for the motor bike?

The Hon. R. THOMPSON: Yes. The Minister should have a look at this and consider amendments to the Motor Vehicle Dealers Act. Although it has nothing to do with this legislation at the moment it could have in the future. We could find that children—I say children, because to be able to drive one of these vehicles one has only to be eight years of age—could be purchasing many of these vehicles. I believe the registered owner of such a vehicle must be at least 18 years of age so that he can be dealt with in the courts rather than the Children's Court. We should consider amending the law to make it an offence for any minor to be sold a motor vehicle without written permission of a parent or guardian.

Thankfully the policeman who apprehended this lad was human enough to ask if his mother or father knew about his purchase. It was very fortunate for the lad that he was caught within a minute of leaving the motor vehicle dealer's premises.

In the area in which I live there are a large number of old people's homes. We have Nazareth House and the Silver Chain Nursing Home where people confined to their beds are accommodated. We also have a group of perhaps 40 pensioner flats. Many members would know the area of Melville Camp, which was an Army training camp during the war. I live about 100 yards from these institutions.

Hardly a Sunday goes past without these elderly people suffering discomfort as a result of people riding trail bikes. The riders are not necessarily juniors, as grown men who should know better are also involved. They can be seen riding these bikes at 5.00 a.m. or 6.00 a.m. of a summer's morning and seven o'clock or eight o'clock at night. One lad met with a very unfortunate accident after some irate person had stretched wire between two trees. The lad almost had his head taken off when he hit the wire.

I walk my dogs through this area quite frequently. I give full marks to the police, but the moment someone appears the bikes take off. The police do not have the vehicles to apprehend them.

The Hon. H. W. Gayfer: And the dogs cannot run fast enough!

The Hon. R. THOMPSON: These are some of the reasons the legislation is necessary. It is necessary to protect old people who are confined to institutions such as those I have mentioned. The people who ride these trail bikes have no thought whatsoever for the health and well-being of other people. They all know the institutions are there.

I congratulate the Government on bringing this legislation forward. It is not hastily prepared legislation; it has been given consideration and has come about after examination of submissions from interested parties.

I support the Bill.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [8.00 p.m.]: The Opposition supports this Bill in principle. Similar legislation has been before Parliament previously. It was withdrawn because there was not general agreement. I do not agree with all the detail in the Bill and I refer specifically to the draconian detail which the last speaker seemed to laud.

I intend to oppose continually the infliction of more and more penalties on the general public by Government legislation which seems to remove not only the rights of the people, but also, through the appointment of honorary wardens and such people, the powers of the police.

No-one will deny that legislation such as this is desirable; but it is rather overstating the case to quote all of the damage that has been done to the environment, because we are talking about beach buggies, trail bikes, and other such vehicles. If one refers to the kind of vandalism that occurs in the name of progress, where we see a powerline going through the countryside around which half a mile of bush is cleared for some unknown reason, or a new road being constructed where four times the area needed is cleared, one will view the matter in a different light. I could go a little further than that and refer to the bauxite mining industry. We are taking a punt as to whether or not the forest devastated by that industry will, in fact, be reafforested.

I have seen plenty of damage caused by these types of vehicles, but the amount of damage is minute when compared with the other examples I have given. No-one has suggested in the case of the damage caused as a result of those other activities that some kind of draconian power should be given to a State elitist stormtrooper force which will ride around the countryside apprehending people left, right, and centre.

The statement was made, and I stand corrected if I am wrong, that somehow or other the only way we will teach people to obey the law is to apply further penalties. Let us have a look at the ineffectiveness of the RTA. Despite all the apparatus, training, and vehicles, it is not doing a very good job of instilling into the general public the need to obey the law. In the Committee stage I shall talk about the rather harsh penalties imposed under this legislation and the *modus operandi* of the people mentioned in clause 38 and, in particular, in clause 42. I object strongly to those parts of the Bill.

Of course, the law must be applied. Last but not least, it has been suggested a similar Bill was before Parliament previously and people have had ample opportunity to examine the legislation. When I knew the Bill was to be debated in the other place last week, I asked my office to telephone 24 local authorities. The answers received from those authorities were wide and varied. Some had not seen the new Bill and other authorities had received it and were bewildered. They had not had it in their possession long enough to find out the differences between the new Bill and the old one. One local authority in

the area I and the last speaker represent had such clear thoughts on the Bill that it rushed a copy of their feelings on the matter to my office.

For those reasons I believe we must be extremely cautious. I agree the rights of people must be protected; but surely we should not proceed further down the trail—and we are proceeding further down the trail—in the interests of a few, putting untold power into the hands of people when at a future stage of our development the Government could change and this could mean a despot or tyrant could wield this power without moving away from the Constitution of this State. I know that is a very long bow.

The Hon. D. J. Wordsworth: So do we.

The Hon. D. K. DANS: It is not likely to happen, but there is always this possibility and at least I like to be consistent. Flora and fauna legislation and other types of legislation give powers to these people which the Police Force would dearly like to have. If we read the Police Act and see the powers of arrest and the actions to be taken by a constable to prove his point, and then read this Bill and a few others which refer to honorary wardens and suchlike, I am tempted to ask why we do not go the whole hog and suggest to Parliament that we have a "Dob-him-in Bill" so that everyone can go around spying and reporting on one another.

I suggested in this Chamber recently, and I liken it to Gulliver—I do not want to repeat it—that I know what happens to people who become complacent. This is very good and timely legislation; but it is brought into Parliament in a manner similar to that displayed on the introduction of other Bills. The Government relies wholly on its majority, rather than on its thought processes and its responsibility to the State.

The Hon. R. Hetherington: It has not got much of that.

The Hon. D. K. DANS: I agree with the honourable member. The Government brings in a Bill which is very wide and all-embracing in its application and, without any thought whatsoever, the Bill is passed and becomes law.

I am convinced firmly that the punitive clauses in the Bill need to be looked at very carefully in the Committee stage. I am sure the numbers will be used to push through the Bill; but for goodness sake, in trying to preserve the rights of a few, the Government should not penalise many.

THE HON. G. E. MASTERS (West) [8.08 p.m.]: I feel bound to say a few words on this Bill, because I along with many of my colleagues have over a period of time urged the Government to

bring such measures before us. I commend the Government for the steps it has taken.

I am surprised the Hon. Des Dans has adopted his particular attitude and has decried the Bill as being draconian.

The Hon. D. K. DAns: I said that some of the penalties are draconian.

The Hon. G. E. MASTERS: He suggested we do not pay due consideration to the public.

The Hon. D. K. DAns: You do not.

The Hon. G. E. MASTERS: I believe the honourable member said something like that. He said also we did not consider all the objections.

The Hon. D. K. DAns: You do not pay due respect to the Bills which are brought in.

The Hon. D. W. Cooley: You use your numbers instead of your brains.

The Hon. G. E. MASTERS: I should like to tell the honourable member who has just interjected that I believe we will have the support of most of the members on his side of the House for this Bill. Certainly one or two independent members have recognised the Bill as a good and acceptable one.

The Hon. D. K. DAns: I said that the principle of the Bill is good.

The Hon. G. E. MASTERS: There is no suggestion we are trying to force through this Bill. It is unfortunate that the honourable member has suggested we are forcing or rushing through the Bill.

The Hon. R. Hetherington: You forced it through in another place.

The Hon. G. E. MASTERS: We have conducted numerous investigations and have had consultations. The Bill has been brought forward in good faith and after consideration of all the comments and representations that have been made to us.

The Hon. D. K. DAns: I cannot accept that.

The Hon. G. E. MASTERS: To suggest the Bill is being rushed through is, to say the least, an irresponsible remark as far as I am concerned.

The Hon. D. K. DAns: That is my opinion.

The Hon. G. E. MASTERS: I am surprised the first speaker from the Opposition benches, Mr Cloughton, displayed some lack of knowledge of the Bill. He made some comments which I have no doubt the Minister dealing with the Bill will correct. It seemed to me Mr Cloughton lacked a certain amount of knowledge about the matter and perhaps he is suggesting the Bill is being rushed through because he has not had the opportunity to consider it. Quite frankly,

members on this side of the House have had the opportunity to consider it and have had consultations with local authorities.

The Hon. R. F. Claughton: Perhaps you can give specific instances where I showed a lack of knowledge.

The Hon. G. E. MASTERS: I shall do so. I picked up one or two areas which were easily recognisable where the honourable member lacked knowledge.

This Bill is the result of extensive and intensive investigation by the Government and members on this side of the House and I would imagine by members opposite also.

The Hon. D. K. Dans: I have not been going around driving a beach buggy.

The Hon. G. E. MASTERS: Most of us have canvassed and consulted our local authorities. Certainly we are not suggesting we have solved all the problems; but at least we are making a start and I for one consider such legislation to be imperative. It should be passed as soon as possible, because I have problems in my area and I have no doubt most members have problems in their areas also.

The Hon. D. K. Dans: Why do you not move an amendment to have concentration camps and gas ovens?

The Hon. G. E. MASTERS: We have heard the speeches made by the Leader of the Opposition on other occasions. He usually sounds the bells of doom and he seems to be hell-bent on suggesting to the public they should be worried which, quite frankly, is a very irresponsible attitude. I cannot understand why the Leader of the Opposition should try to frighten the public. As the shadow Minister for Police and Traffic he has made all sorts of suggestions and criticisms in regard to that force.

The Hon. D. K. Dans: Trying to frighten the public?

The Hon. G. E. MASTERS: The Leader of the Opposition is trying to frighten someone.

The Hon. D. K. Dans: I have never made a statement about trying to frighten the public.

The Hon. G. E. MASTERS: This is a local government Bill. It has been introduced in response to approaches from local authorities all over the State. They have not been able to deal with the problem which has been growing over a period of years. Most members of this House at some time or other have expressed concern about the matter.

The Hon. D. K. Dans: Where will they get the money to deal with it now?

The Hon. G. E. MASTERS: Mr Cooley seemed to say it should be pushed aside as something unimportant; but I should like to tell the honourable member that it is an important matter to the people in my electorate.

The Hon. D. W. Cooley: I work 65 hours a week.

The Hon. G. E. MASTERS: We should not talk about how long people work. I work rather hard, as do we all; and if the honourable member works 65 hours a week and I work 70 hours a week, we will not argue about it. We are talking about this legislation. We are talking about members who have been to see the local authorities and groups involved.

The Hon. R. F. Claughton: When are you going to talk about the Bill?

The Hon. G. E. MASTERS: I am trying to put right members opposite. This is a responsible Bill. It has not been rushed in and we have no intention of rushing it through the House.

The Hon. R. Hetherington: It has been rushed through.

The Hon. G. E. MASTERS: The people who live in the hills area have been plagued for a number of years by off-road vehicles. It is a difficult matter and it has been impossible to control.

The Hon. D. K. Dans: It is a very good Bill; but I do not like the penalties in it.

The Hon. G. E. MASTERS: Claims have been made that the Bill is not good and fright techniques have been used. I repeat I am not suggesting it is a perfect Bill. I have the Bill in my hand and I believe I have read more of it than it appears Mr Claughton has read from the speech he made. I will point out one or two matters where Mr Claughton was incorrect.

The Hon. R. F. Claughton: I would like to hear you do that.

The Hon. R. Hetherington: We wait with bated breath.

The Hon. G. E. MASTERS: We hope the Bill will be accepted recognising the fact that dozens of objections have been received; but we cannot satisfy everyone. We have considered all the points to try to arrive at a Bill which is acceptable to the community and will at least make an attempt to solve the problems.

The Hon. D. K. Dans: I bet you never saw this Bill until it came from the Parliamentary Draftsman.

The Hon. G. E. MASTERS: I suggest to the honourable member we have needed this sort of

legislation for a number of years. It has been improved gradually and we have given consideration to certain aspects.

The Hon. R. F. Claughton: You have made some progress.

The Hon. G. E. MASTERS: We have made a great deal of progress, because this Bill will go through supported by most of the members of this House and I am sure the honourable member who has just interjected will support the second reading. He would not be game enough to oppose it.

The Hon. R. F. Claughton: Did I say I would?

The Hon. G. E. MASTERS: The honourable member would not be game enough to go to his local authority and say he opposed the Bill.

The Hon. R. F. Claughton: I am game enough to oppose anything.

The Hon. G. E. MASTERS: There is a massive increase in the number of the type of vehicle we are talking about.

The Hon. D. K. Dans: What is "massive"? How many?

The Hon. G. E. MASTERS: Many thousands of such vehicles have been purchased over the past few years; let me put it that way. I would be guessing if I were to say the figure was 1 000, 2 000, or 3 000.

The Hon. D. K. Dans: You could not say that is massive, could you?

The Hon. G. E. MASTERS: There has been a massive increase in the number of the type of vehicle which is used in this sort of activity.

The Hon. D. K. Dans: It is very extravagant to say "massive".

The Hon. G. E. MASTERS: I suppose—without being put off by Mr Dans—this is the result of the affluence of our society.

The Hon. D. K. Dans: I am trying to help you.

The Hon. G. E. MASTERS: More and more people are able to afford this type of vehicle. Fathers and mothers, instead of buying their child a set of roller skates, now tend to buy that child a small bike.

The Hon. F. E. McKenzie: Were able to!

The Hon. G. E. MASTERS: They are able to. Talking to the Bill, members opposite know as well as I do that it is quite possible for people to be able to afford these sorts of vehicles.

The Hon. R. F. Claughton: I thought you were to talk to the Bill.

The Hon. G. E. MASTERS: I am giving the reasons for the Bill.

The Hon. R. F. Claughton: We know all the reasons.

The Hon. G. E. MASTERS: The reason for the Bill is to make provision for these vehicles which are so easily procurable, and which many people can afford to buy.

The Hon. D. K. Dans: Which are the worst; the trail bikes or the beach buggies?

The Hon. G. E. MASTERS: That depends on where one lives. For instance, in my area certainly the trail bikes are the worst. They cause a great deal of damage and nuisance.

The Hon. D. K. Dans: Granted.

The Hon. G. E. MASTERS: I do not think we should joke about this sort of legislation.

The Hon. D. K. Dans: I am not joking; I do not like the penalties.

The Hon. G. E. MASTERS: I think Mr Dans has to accept that penalties are necessary in a Bill as serious as this one in order to make it worth while. Do not forget they are maximum penalties.

The Hon. D. K. Dans: I know they are maximum penalties. I do not like them.

The Hon. G. E. MASTERS: The penalties would not be unduly harsh on eight-year-old children.

The Hon. D. K. Dans: I do not like the provision which sets out the people who will be able to catch offenders.

The Hon. G. E. MASTERS: I do not think too many of them will be out simply to catch people. The purpose of this Bill is to provide areas for use by these vehicles. This is a very good move, and, if any member has taken the trouble to observe the small clubs which operate in controlled areas, he will have seen the benefits not just for the youngsters at the present time, but in the future.

The Hon. D. K. Dans: I could not support you more.

The Hon. R. F. Claughton: When will you talk about the Bill?

The Hon. G. E. MASTERS: I am telling members opposite what the Bill does.

The Hon. R. F. Claughton: We know all about that.

The Hon. G. E. MASTERS: The legislation will provide for areas to be set aside so that they can be used by youngsters of eight and nine years of age. They need some training.

The Hon. D. K. Dans: Tell me about clauses 38 and 42.

The Hon. V. J. Ferry: During Committee!

The Hon. G. E. MASTERS: The areas will be used to properly train youngsters in riding rules, safety precautions, and the use and maintenance of their bikes or vehicles.

The Hon. R. F. Claughton: What has that to do with the Bill?

The Hon. G. E. MASTERS: I am telling the member that areas will be set aside for the training of youngsters.

The Hon. D. K. Dans: Are these clubs not operating now?

The Hon. G. E. MASTERS: Youngsters will receive efficient training, which could lead to the saving of their lives in the future.

The Hon. D. K. Dans: Are these clubs not operating now?

The Hon. G. E. MASTERS: We are not talking about the penalties, but about people who will be able to enjoy themselves in controlled areas. They will become efficient, then they will reach the moped stage, and then they will phase into bigger vehicles. They will gain a great deal from the provisions of this Bill. That is one area in which this Bill will benefit the community.

The powers which have been suggested by Mr Dans—

The Hon. D. K. Dans: Not suggested; I actually read the Bill.

The Hon. G. E. MASTERS: I will read the particular provision for Mr Dans. Mr Claughton referred to clause 38 and said that any number of people were to be given authority to take steps against persons who offended against the Act.

The Hon. D. K. Dans: Vigilantes.

The Hon. R. F. Claughton: How many thousand vehicles would you guess are involved?

The Hon. G. E. MASTERS: Neither Mr Claughton nor I could guess the number. We must consider the reasons for the introduction of this sort of legislation.

The Hon. D. K. Dans: Surely there is a massive number of people, to use your own figures.

The Hon. G. E. MASTERS: I will refer to my own area which, perhaps, I know much better than Mr Dans would know his area. I take the trouble to find out what the people want in this particular aspect. One of the reasons for enabling the people mentioned to charge offenders is that in the Kalamunda region, for example, approximately 70 per cent of the land comprises water catchment areas. Large tracts of land are forestry areas, shire reserves, MRPA reserves, etc.

The Hon. D. K. Dans: With very few people living there.

The Hon. G. E. MASTERS: There are no people living in the forestry reserves.

The Hon. D. K. Dans: It is very easy for people to get around the area on a trail bike.

The Hon. G. E. MASTERS: The situation at the moment is that these types of vehicles can be used on reserves, and they are able to travel from one area to another. No-one has the authority to go into the forests or the water catchment areas to control them. It is quite impossible for these people to be pulled up and fined, or taken into custody. They roam as free as the birds and no-one can do much about it.

The provisions of this Bill will allow officers in those areas to take action in some way. They will be forestry officers, or an inspector from the Department of Conservation and Environment, or a ranger, and so I could go on. That is the reason for the Bill; it is simply to ensure that officers who protect the areas as we want them protected will have authority to take some action. I am not suggesting there will be hordes or hundreds of wardens all over the State scouring the bush and looking for people driving or riding off-road vehicles. That is ridiculous.

The Hon. D. K. Dans: I did not say that.

The Hon. G. E. MASTERS: It is necessary to have this type of legislation to enable inspectors to take some action.

The Hon. D. K. Dans: We will come to that in the Committee stage.

The Hon. G. E. MASTERS: I say that is not a fair criticism of the Bill. A weakness in the past has been the RTA has not had the authority to go into these areas. This situation will change, and there is nothing wrong with that.

The Hon. R. F. Claughton: I did not say there was anything wrong in this regard.

The Hon. G. E. MASTERS: Mr Dans had something to say about the RTA. This general authority is needed, and it is right for us, as a Government, and members opposite, as an Opposition, to support it. It is the only way to efficiently control the present situation.

The Hon. R. F. Claughton: You are saying we should support anything brought forward simply because you say it is good.

The Hon. G. E. MASTERS: I am saying that the member opposite is far too responsible to oppose this Bill, as it was opposed and blockaded in another place.

The Hon. F. E. McKenzie: Why should power be given to someone to take the keys from a vehicle? Surely that is a function of the RTA?

The Hon. G. E. MASTERS: It is necessary to have these people. The member opposite can come to my area, and I will take him out on one of these bikes so that he may see for himself the damage which has been caused. The member opposite lives in a little section of the metropolitan area where he probably does not have this problem. We spend our time worrying about these things, and hence the reason for this type of legislation.

The Hon. D. K. Dans: Be careful; you know what happens to people who tell fibs; they get blisters on their tongues.

The PRESIDENT: Order!

The Hon. G. E. MASTERS: I do not tell fibs. It has been suggested that due regard has been given to the age at which children can drive or ride these machines. The minimum age is eight years but it was suggested that no attention had been given to the power of the vehicles. I do not see how it is possible to put in the Bill a control on power. Surely, that is the responsibility of the registered owner.

The Hon. R. F. Claughton: Did the Government give any consideration as to how it might be done?

The Hon. G. E. MASTERS: Of course, the Government did. The member opposite is not suggesting we would bring in a Bill of this nature without having given due regard to all possibilities.

The Hon. D. K. Dans: Yes, we do. I will remind you of a recent amendment to the Road Traffic Act.

The Hon. G. E. MASTERS: That is a terrible thing to say. Of course, the Government gave consideration to this matter, but it is not possible to control the power of the vehicles. What we have done is to make a person over the age of 18 years responsible for the vehicle as the registered owner.

The Hon. D. K. Dans: You did it in an amendment to the Road Traffic Act.

The Hon. G. E. MASTERS: We are now talking about this Bill. Of course, it is acceptable to suggest an amendment to the Road Traffic Act, but this is a different debate and we are talking about a different situation. Are members opposite suggesting that eight-year-olds should be confined to 10cc motor bikes, nine-year-olds to 15cc motor bikes, and so on? It just cannot be done. What we have done is to make a person over the age of 18 years, an adult, responsible for the vehicle. Most people, who are the registered owners and responsible for the vehicles, would be

the parents of the children. Surely, parents will not allow eight and nine-year-old youngsters to ride 500cc motor cycles? Of course, they will not. That is the difference between the amendment to the Road Traffic Act and the Bill we are debating. The people concerned in the amendment to the Road Traffic Act were adults and those 16 years of age. The amendment in the case of 16-year-olds, of course, applied to mopeds. That is totally different again. We are suggesting that the adults will be responsible for these vehicles of which she or he is the registered owner. That is set out quite clearly in clause 11 of the Bill, to which both Mr Dans and Mr Claughton have referred. The clause appears on page 9 and is headed "Responsibility of Owners".

The Hon. R. F. Claughton: I have read that clause.

The Hon. G. E. MASTERS: Obviously, the member did not understand it. The clause reads—

11. (1) Subject to the provisions of subsection (2) of this section, the owner of any vehicle which is—

(a) required to be registered under this Act; or

(b) a vehicle licensed under the Road Traffic Act, 1974, used otherwise than on a road,

shall in all proceedings in respect of damage, injury or death arising from the use of any such vehicle, be liable as though he had formed a common intention and acted jointly with that other person in respect of the probable consequences of the driving or use of that vehicle, otherwise than on private land by consent, by a person under the age of eighteen years and lawfully in possession of the vehicle.

The Hon. D. W. Cooley: Now read the other page.

The Hon. G. E. MASTERS: Perhaps Mr Cooley would like to stand up and explain where I am wrong. I am talking about responsibility. I am surprised that members opposite have shown an inclination to criticise the Bill. The Bill is probably as good a piece of legislation as any that has been introduced into this place, or another place, for many years. It is the result of an approach by many local groups and individuals to members of Parliament, and they expressed what they wanted. We have put forward a responsible Bill in good faith, and I support it.

THE HON. V. J. FERRY (South-West) [8.29 p.m.]: I am truly surprised at the attitude of the Opposition towards this legislation. It seems to me that members opposite do themselves little credit

in the attitude they have adopted. So far they have either shown crass ignorance of the legislation, or they have treated it flippantly through ignorance of another kind.

I am very disappointed, because on the one hand members opposite have supported the Bill, but on the other hand they have condemned it. I wonder where Mr Dans stands, because he was extravagant in his language and talked about jackboots, and things like that. That is quite wrong in the context of the legislation.

This is legislation of a refreshing nature, and it will handle a situation which is relatively new to Western Australia and Australia; that is, the control of off-road vehicles.

Vehicles registered under the Road Traffic Act can operate in all sorts of places and localities in the State at the present time. Therefore it is refreshing legislation, because we have an opportunity to fashion something which will be reasonable in all situations in dealing with what is now a very real social problem.

Off-road vehicles are of many kinds. There are four-wheel-drive vehicles and motor bikes which can, in fact, be registered under the Road Traffic Act and travel along the highways and roads, and also be used in off-road situations. So we have a combination of these things.

I am pleased to see the requirement for off-road vehicles to be registered and to display a registration number. If we are to control the activities of these vehicles in remote areas, or indeed in other places, the vehicles need to be identified. Accordingly any legislation would be completely useless without a means to identify an offending vehicle.

The Hon. D. K. Dans: That is a very good idea.

The Hon. V. J. FERRY: I am glad Mr Dans agrees with that. I am sorry that he couched his comments to the Bill in such extravagant language—

The Hon. D. K. Dans: Only the punitive sections.

The Hon. V. J. FERRY: —rather than treating the matter seriously. I am glad to hear him now say, by implication, that he supports the Bill.

So far in the debate we have heard a great deal about the role of the authorised officers in controlling vehicles in off-road situations. Let me say I was surprised to hear members of this House being critical of this provision. We must have regard for the wide expanse of land to be covered in Western Australia, and as Mr Dans and others well know, police and Road Traffic Authority officers, because of their commitment

to law enforcement generally, cannot physically be everywhere at the one time. Therefore, the legislation contains a provision to appoint such people as forestry officers, national park rangers, officers appointed by local authorities, and others throughout the State as guardians of the environment.

Only two days ago I was travelling back from my electorate in the south-west, and, coming along the highway near Wattleup, south of Coogee, I saw a young boy riding a trail bike on an embankment alongside the main road. I estimate that this boy was approximately 10 years of age, and the driving wheel of his machine was spinning around and ripping out vegetation on the embankment. He had already created a gutter there. These embankments are built up at public expense and are established alongside the roadway for very good reasons; no citizen has the right to destroy a public work of that nature.

That was just one minor incident, and, as Mr Ron Thompson mentioned, not all offenders are juveniles. In fact, quite a number of them are adults who should know better.

This legislation sets the pattern for us to come up with something to benefit the community and our social existence. In the main trail bikes and off-road vehicles are used for pleasure, although some of them are used in industry. The Bill contains provision for those in the fishing industry to use off-road vehicles in designated areas for access to the coast, whereas other vehicles may not be allowed that privilege. That is a reasonable provision, and it is the way it should be. We do not want to stifle industry, but we want to protect the environment.

I am quite happy with the proposal to set up an advisory committee comprising five members. Except in the case of the chairman, there is provision to appoint deputies. In my opinion the strength of the committee is that it will contain two representatives of local authorities, and under other sections of the legislation there is provision for departmental advisers to appear before the committee and offer advice in the fields of their expertise. However, the committee itself is charged with the responsibility for making decisions. To me this is good legislation; we will have a relatively small responsible committee making decisions in a responsible way. Therefore, I feel the Bill has every chance of success and it has every chance of being implemented with a great deal of compassion and common sense.

In the main this legislation will affect areas which are quite remote from the main population centres of our State. Indeed, I can envisage that a

number of areas of the State will be exempted from the provisions of it. I have knowledge that at least one local authority in the State will seek to have its whole shire exempted from the provisions of the Bill. In this case I am inclined to agree with the shire that it has no need for this type of legislation. The local authority is satisfied that it is able to control all vehicles, whether off-road or on-road vehicles, to its satisfaction, without damage to the environment in this particular community. There is provision in the legislation for such an exemption, and so it is not a blanket cover over the whole State.

This is very sensible legislation. As mentioned by Mr Masters when he addressed the Chamber, a tremendous amount of research had been carried out over a long period before this measure was presented to the House. Other legislation has been considered, and in fact introduced into the House for the reaction of the public generally. As members are aware there has been a great deal of reaction, and some very good submissions have been put forward by local authorities, other bodies, and individuals throughout the whole State. Those submissions formed the guidelines for the Bill we are discussing now, and the submissions came from the people throughout the community who will have to live with this legislation. As a Parliament we have a duty to consider it very seriously indeed, and I am surprised that the Opposition treated it so flippantly. The Bill has my support.

THE HON. T. KNIGHT (South) [8.37 p.m.]: I rise very briefly to support the Bill. I do this because this legislation is of great concern to the people in my electorate which members know covers the whole of the south coast.

Over a period of time genuine fishermen, amateur fishermen who belong to four-wheel-drive clubs, and people who use four-wheel-drive vehicles for pleasure in parks and forests, were very concerned that the Government intended to bring down legislation to take away all their rights in regard to the use of their four-wheel-drive vehicles.

Legislation to control off-road vehicles was necessary because of an irresponsible section of people who used the vehicles in our parks and in other areas that need to be protected. In particular, on the south coast near Albany we have the area of Nanarup. There are massive sand dunes around this area, although I use that word "massive" in fear of contradiction from the Leader of the Opposition! Many beach buggies, hot rods, and motorcycles roar over these massive sand dunes without consideration for the people or for the environment. I interjected earlier in the

debate this evening, because I have had complaints from parents who are fearful that their small children will suffer injury on these sand dunes. These vehicles are driven full tilt up one side of the sand dune, and roar down the other side. Of course, as they come to the crest, they do not know what is on the other side.

I thought that when legislation to control off-road vehicles was introduced, it would be so stringent that it would affect the people who used these vehicles for a pastime and for pleasure, with full regard for the environmental aspects of our countryside.

I was particularly concerned about the matter of motorcycles and off-road vehicles on private property but I notice this matter is covered in clauses 16 and 17 of the Bill. Last year I received a complaint from a man whose wife was emotionally disturbed because of the excessive use of the vacant land adjoining their property by these off-road vehicles. This woman had been prescribed very heavy sedatives by her doctor for her condition.

After receiving this complaint, I approached the company which owned the land. This company is engaged in the heavy haulage industry, and it is holding the land for future extensions. The company had given permission for the two children of one family to use the area to ride their mini bikes. Of course, gradually the number of children using the area built up, until at the time of the complaint approximately 15 to 20 children were riding their vehicles there from about 3.30 p.m. after school until dark, and from the crack of dawn on a Saturday morning to the last ray of light on a Sunday evening.

My next step was to contact the Police Force and I was told that the police could do nothing because the children using the area had the permission of the owner of the land to do so. I then approached the proprietors of the company and, out of concern for the lady involved, they agreed to prohibit the use of the land for this pursuit in the future. At my request a "trespassers prosecuted" sign was erected, and the parents of the first two children were contacted. The parents said that they would stop their children using the area, but wondered what would happen about the other children involved. Of course, the other children continued to use the area, and I again contacted the police. A patrol car was sent to the area, but as soon as a blue and white van is seen in the area the children disappear in all directions. There is no chance of apprehending anyone, let alone prosecuting them.

I then took the problem up with a Perth lawyer, and his advice was that the only recourse for the people suffering from this noise pollution was to contact a solicitor and under the Noise Abatement Act prosecute the company owning the land. The company would then have to take action against the parents of the children who were using the land.

Subclause (5) of clause 16 reads as follows—

(5) The Minister shall not exercise the power conferred by subsection (1) of this section in relation to any private land without the consent of the owner and of any lawful occupier of that land unless it is the opinion of the Minister that the public interest so requires by reason of—

And then paragraph (c) states—

the proximity of any land used for residential purposes, or for purposes likely to be incompatible with the use of vehicles in the vicinity;

This is a good move. Then in clause 17 we find the following provision—

It shall be the general duty of the Committee to advise the Minister on matters relating to the use of land by vehicles, as to private and other land to which it is proposed that the provisions of this Act should be applied—

I am very pleased about that provision because, although on the surface it appears that people who own land should have the right to say what is done on that land, when that land is of residential size in the middle of a built up area it should not be used in such a way that people are disturbed.

I know Mr Dans said that the Government had not used a great deal of thought in the preparation of this Bill, but I assure him that is not so. I referred many aspects of this Bill to the local authorities in my area, and I held discussions with them. I approached the Minister and the various committees, and I said what my thoughts were in the interests of the people I represent. I know that the local authorities in my area support the Bill fully, and they support the conservation principles embodied in it. However, they believe as I do that we should not penalise the people who use these vehicles for family pleasure and for sporting pursuits. This is how it should be.

I also agree that it should be up to the local authorities to designate the land which will be used in this way and whether or not the legislation will be imposed in the area under their

jurisdiction. I do not like the idea of the "jackboots" system mentioned by the Opposition. However, in some of these isolated places it is obvious that irresponsible people could destroy the environment or create excessive noise, and yet no member of the Police Force would be in a position to apprehend them.

It is only natural that after five or six such incidents, a person living in the immediate vicinity should want the right to go to the relevant authority and say, "Vehicle No. so-and-so has been in the vicinity of my house, in a banned area, disturbing the peace and the environment for the last six weekends." Without registration, it would be completely impossible to ascertain who owned the vehicle—in other words, to describe the vehicle carrying out the acts of vandalism or whatever. So, I support that concept of the Bill as well.

The Minister stated that the Bill was designed to prohibit the use of vehicles in certain places, to make provision as to the use of vehicles otherwise than on a road, to provide for areas where the use of off-road vehicles shall be permitted, and to provide for the registration of off-road vehicles. They are all admirable objectives, and the points which are covered are good points, and should be covered.

I have entered the debate tonight because I wanted my constituents to know I had spoken in support of a Bill which they favour so highly. I support the Bill.

THE HON. D. W. COOLEY (North-East Metropolitan) [8.46 p.m.]: We are all in agreement with respect to the principle of the Bill. We on this side believe that people should share their rights in this land in which we live. If it is good enough to cut out a big area and make a football field—to tear down the environment, if one likes—to enable people to play football, we should set aside certain areas to give people the right to ride motor bikes and other off-road vehicles.

We also agree in principle that people's rights to privacy should be preserved. If people are making excessive noise by driving off-road vehicles in close proximity to residential areas and to people who do not like noise, the rights of those residents should be preserved, and off-road vehicles should be banned from that area.

However, I am amazed at the attitude adopted by members opposite. They seem to believe that, because we support those sorts of principles, we have no right to oppose any portion of the Bill when, in fact, there are certain parts of the legislation which we believe are not altogether

desirable in respect of human rights and the laws of our country.

The Hon. G. E. Masters: No-one said that.

The Hon. D. W. COOLEY: Mr Ferry said it.

The Hon. V. J. Ferry: You are misinterpreting what I said.

The Hon. D. W. COOLEY: Mr Ferry said he was surprised at the attitude of the Opposition. It is easy for members opposite to adopt this attitude; they have had this Bill in their keeping for some time now and have had the opportunity to examine it. The Opposition has had the Bill only since last Thursday night, when the second reading was moved.

This is a so-called House of Review. It amazes me that members opposite can support with unanimity a proposition such as the one outlined in clause 38 of the Bill. It would appear members opposite can see nothing wrong with this clause. In fact, some members—I was surprised to see that Mr Thompson was one of them—went so far as to say that many Acts provided this sort of power. I would like to see another Act which gives individuals the sort of power conferred by clause 38 of this Bill.

The Hon. I. G. Pratt: Tell us what is wrong with it.

The Hon. D. W. COOLEY: The Government is giving to pettifogging bureaucrats an opportunity to have power almost to arrest people; certainly, they will be able to apprehend civilians in a manner completely foreign to our way of life.

I do not know whether Mr Pratt comes from a country area, but I have heard country people complaining about the activities of the Road Traffic Authority. Mr Gayfer has pointed this out on many occasions, giving us the example of trucks carrying a little extra wheat being stopped by the RTA. There is something wrong with the system when that sort of practice is allowed to continue. However, at least it is a member of the Police Force or the Road Traffic Authority stopping the trucks.

Under clause 38, at least eight categories of people may be classified as authorised officers, with all the powers pursuant thereto. An authorised officer will be any member of the Police Force, and any person appointed pursuant to subclause (2). Subclause (2) lays down eight categories of people who may be appointed authorised officers. An authorised officer also may be any person appointed pursuant to subclause (3) of clause 38, which includes officers of a local council or, in fact, any member of that council.

The Hon. G. E. Masters: Do you suggest we should establish a separate Police Force? These people are already acting officers and have such powers.

The Hon. D. W. COOLEY: They do not have the same powers as will be granted to them by this legislation. Mr Masters should visit some of our metropolitan hotels at night and hear the young hoodlums tearing up the bitumen and annoying residents in the vicinity.

The Hon. H. W. Gayfer: The drunken sons of rich farmers!

The Hon. D. W. COOLEY: Some would be in that category, but others would be metropolitan people, scaring the daylighters out of the resident in these areas. When this legislation comes into being, will it mean that a member of the Main Roads Department who assisted in constructing that road can take the keys from these young people? Of course it does not. The only people who can do that are members of the Police Force or the RTA.

The Hon. I. G. Pratt: Who do you think should do the job?

The Hon. D. W. COOLEY: I have no objection to authorised officers approaching people driving off-road vehicles in remote areas and saying, "You are doing the wrong thing. You have an unlicensed vehicle. What is your name and address? You are doing something in contravention of the Act I am authorised to administer." In some way or other, they can create a situation where the offenders can be controlled. I do not say such a situation would be perfect.

Clause 38 provides that an authorised officer may be a member of the staff of the Museum, or an honorary warden under the Aboriginal Heritage Act. Can that person require a suspected offender to unlock his vehicle—

The Hon. G. E. Masters: If he is an authorised officer, yes.

The Hon. D. W. COOLEY: Can a member of the staff of the Museum come up to me and ask for my keys, and drive my vehicle away?

The Hon. G. E. Masters: Do you have an off-road vehicle?

The Hon. D. W. COOLEY: I may have; Mr Masters would not know what I have. An honorary warden under the Aboriginal Heritage Act may come up and test my vehicle and say that it is not roadworthy.

They are the sorts of things to which the Opposition is opposed and to which we believe the Government should give serious attention. The

Government claims to support the concept of democracy; however, this is not democracy; it is getting back to the fascist days when people in Germany were frightened to do anything for fear of being apprehended by their neighbours or bureaucrats.

The Hon. D. K. Dans: It is worse than Germany.

The Hon. D. W. COOLEY: What qualification has a person who may be an honorary warden or a member of the staff of the Museum to test drive a vehicle? He may not know the first thing about the vehicle. This legislation will give that person the power to order a vehicle off the road.

If this really is a House of Review, the Government should be reviewing some of the provisions of the Bill about which the Opposition is complaining. The Opposition supports the principle of the Bill; in fact, most parts of it are quite in order. We do not oppose—as some members have said—the penalties provided for under the legislation. But we do object to civilians being empowered to apprehend other civilians and actually take away their property.

The Hon. I. G. Pratt: Do you think that should be a policeman's job?

The Hon. D. W. COOLEY: Yes, the final action should be taken by the police or by someone else in authority.

I opposed the principle of putting a uniform and a cap on a person, calling him a parking officer, and authorising him to walk the streets of Perth and impose fines on people committing parking offences. I realise it is necessary to have such people employed in that capacity otherwise we would tie up the Police Force. However, it is not a desirable situation to empower a civilian to go out and do all sorts of things in respect of the policing of an Act.

I suppose a member of the staff of the Museum or an honorary warden may wear some insignia which would identify him, and can then come up to a person and impound his vehicle. He can get in and drive it away, and he might not even be able to drive the damned thing properly! This is the whole weakness of the legislation.

We support the Bill in principle. However, I suggest that when it reaches the Committee stage the Government should have a serious look at clauses 38 and 42.

THE HON. O. N. B. OLIVER (West) [8.47 p.m.]: After listening to the speech by Mr Cooley in support of the Bill one would have the impression that many of the people acting in the

role of rangers, protecting our national parks and the like, are acting irresponsibly.

This legislation is two-sided. Firstly, it will protect the rights of the ordinary person to live peacefully on his property. Secondly, it will enable us to allocate selected areas which can be used by mini bikes and other off-road vehicles.

I support the Bill, because there has been considerable concern in my province about the noise created by these recreational vehicles.

However, I take exception to the claim of the Opposition that we have not had sufficient time to examine the legislation. The Bill was introduced in another place on the 9th May.

The Hon. R. F. Claughton: Not this Bill.

The Hon. O. N. B. OLIVER: It was reported in *The West Australian*—

The Hon. Grace Vaughan: Not this Bill.

The Hon. O. N. B. OLIVER: Well, an amended version. The second reading of the Bill was moved on the 9th May; the stated objective of the Bill was to draw comment and suggested amendments; in fact, they were welcomed by the Minister. The first public report of the legislation appeared in *The West Australian* of Friday, the 5th May, with an article headed "Government brings in off-roads Bill".

The Hon. F. E. McKenzie: That was the original Bill.

The Hon. O. N. B. OLIVER: That is correct.

The Hon. R. F. Claughton: No, it was not the original Bill but a follow-up to the original Bill which was introduced a couple of years ago.

The Hon. O. N. B. OLIVER: Another article appeared in *The West Australian* of the 10th May and was headed "Bill to cover off-road cars". There was a Press statement in *The West Australian* on the 22nd June which was headed, "Few comments on off-road Bill".

The Hon. D. W. Cooley interjected.

The Hon. O. N. B. OLIVER: I am talking about the fact that the Opposition says there has been insufficient public debate. In fact, there were further Press statements. I feel a little like the Hon. Des Dans who had a sheaf of Press statements when he was speaking on the Howard Budget. However, there was a Press statement on the 5th May which emanated from the Minister for Local Government calling for comment and asking various interested bodies to come forward and give their views on the proposed legislation.

The first item drawn to my attention in respect of off-road vehicles was an initial inquiry by the House of Representatives Standing Committee on

Environment and Conservation on the 11th September, 1975. This was the first committee of inquiry into off-road vehicles.

There was a further inquiry on the 17th March, 1976. I am surprised that some of the local authorities in Mr Dans' area—

The Hon. D. K. Dans: There are 24 of them and some of them may be in your area.

The Hon. O. N. B. OLIVER:—were not aware of it. Mr R. F. Coffey, Secretary of the Local Government Association of Western Australia and of the Country Shire Councils' Association, gave evidence to that inquiry.

The Hon. D. K. Dans: They were well aware of the previous Bill. I made that quite clear.

The Hon. O. N. B. OLIVER: The Hon. Des Dans may be correct; but from my point of view dating back to June, and subsequently in August, public meetings were held in the various shire halls in my area. Over 150 people attended one of these public meetings at which I was present on an extremely cold night. I was sitting near the shire clerk and as the meeting proceeded I was anxious to see how representative the audience was.

The meeting was held in Mundaring and I wanted to know whether the people attending were local residents particularly concerned with the disruption resulting from the use of off-road vehicles in the locality of their own houses, whether they were lone drivers—one person who operates singly or with a friend—or whether they were members of various clubs or organisations.

I asked the chairman of the meeting whether the 150 people could signify their involvement. It was interesting to see that the 150 people were divided equally between people who were interested in preserving the environment and who wanted to live quietly in the area, and people who belonged to trail bike associations. There were one or two loners also.

At that meeting we examined the proposed legislation and it was approved almost unanimously. To my knowledge not one person in the hall spoke against it. The meeting was representative of various shires, particularly Mundaring and Toodyay. These shires have been experiencing disruption as a result of trail bikes and they are in complete agreement with the legislation.

The representatives of the trail bike associations with whom I have spoken are in complete agreement with it also. In order to see whether there were any doubts about the matter in the minds of people in my electorate, I

mentioned the matter in my weekly column in the local newspaper. The people in my area are very conscious of the environment, being situated in the Darling Range. I should like to add, for the benefit of the Leader of the Opposition, that they are equally conscious of matters relating to bauxite mining.

The Hon. D. K. Dans: I have not heard you say anything about that in this Chamber.

The Hon. O. N. B. OLIVER: I received no adverse comment as a result of my remarks in that column. I am certainly not keen on the noise that trail bikes make when they come together. In fact, if one is in a national park and one hears a group of trail bikes operating, it can be most unpleasant. I have seen trail bikes operating in the Collie area. I often travel to Collie for a quiet weekend and I keep my fingers crossed that the trail bike association will not be there on that occasion. With the assistance of the Shire of Collie it is now possible to go into the lower dam area where one does not hear the trail bikes, because they are behind the transmitter hill in an area from which the sound does not travel.

The Hon. R. G. Pike: My brother is trying to get them to use the land opposite the golf course.

The Hon. O. N. B. OLIVER: Because I am in favour of people enjoying harmless fun, provided it is within the guidelines proposed in this legislation, of everyone having a fair go, and of the environment being protected, I support the Bill.

THE HON. W. M. PIESSE (Lower Central) [9.07 p.m.]: I will not delay the House very long, but as the only member of the National Country Party able to be in the House at the present time, I feel I must signify the support of my party to this legislation. I believe it has been well circulated. It is a far cry from the original Bill which was placed before the House at an earlier date. A great deal of anxiety was expressed in many country areas when the first Bill was introduced; but I feel the new legislation will prove to be satisfactory, although we may need to amend it from time to time. It is very difficult to introduce a perfect piece of legislation the first time round.

Most of the anxiety expressed in country areas has been covered. It is only when the Bill is put into practice that we will find the problems. I am pleased to say much of the responsibility for the legislation has been placed in the hands of local authorities. Indeed, it is mandatory that they take up that responsibility; but a request may be made that a particular shire, or part of a shire, be not included in the affected area. It will be included

then only if the Minister and the committee find for some specific reason a part of the shire needs to be incorporated.

One aspect of the Bill about which anxiety was expressed in country areas related to the restriction on the use of farm vehicles. This is a very real anxiety, because many farming people have unregistered vehicles which they use only on their own properties. They use them to round up the stock or for easy transport from one paddock to another. They do not take them onto the roads. These vehicles are used very often by the children of the farmer who takes full responsibility for them.

I should like to mention briefly the matter of third party insurance. Comments have been made from both sides of the House as to whether the Bill should or should not embrace third party insurance. I believe it should not and the right action has been taken in the Bill. It would be a very expensive process. At the same time we must become increasingly aware that people should be responsible for their own actions and for the actions of their children.

Mr Dans has said a great deal about the penalties involved. We will begin to realise whether or not penalties are the answer as time goes by. This Bill gives the opportunity for entertainment and training to young people. As has been mentioned already, it gives the opportunity for young people to be trained in the responsible handling of motor bikes and vehicles. This is very important, particularly in the age in which we now live. Rarely do we walk anywhere; we go almost everywhere by motor transport.

It is true that as young people reach the age of 17 or 18 they often become the owners of a vehicle which is a lethal weapon and they have very little idea of how to control or manage it. I hope the Bill will have some effect in encouraging children to learn to control these vehicles from an early age. Farm children very often have this opportunity. They learn to control vehicles in skids. They learn to ride over rough areas, and this is a very important part of their training.

Although the owner of the bike or vehicle must be 18, I must emphasise that the responsibility for under-age drivers must be with the parents. In the case of children who are using farm vehicles, the parents take responsibility for their actions.

It is possible for anyone over the age of 18 to take out a personal accident insurance policy. This is not beyond the reach of a person who is able to afford one of these vehicles. Such a policy would afford them a degree of cover.

The Hon. D. W. Cooley: It does not cover personal injury though, does it?

The Hon. W. M. PIESSE: If the person who is injured has his own personal accident policy, he will be covered also. A person could fall off a horse and he must be covered by a personal accident policy, because nobody made him ride the horse.

The Hon. D. W. Cooley: You cannot get damages from an eight-year-old child, and eight-year-old children ride these bikes.

The Hon. W. M. PIESSE: The parents must have the responsibility. In the Bill the responsibility lies with the owner of the vehicle, but I believe the responsibility lies really with the parents of the child. This must be brought home more and more so that parents do not tend to say, as some do at the present time, that the public has a responsibility for the actions of their child. I do not believe that is the right attitude. It is high time this was brought home to some parents in our society today.

THE HON. F. E. McKENZIE (East Metropolitan) [9.13 p.m.]: I rise to support the Bill in principle, as my colleagues have done. Nevertheless, I am concerned about some aspects of the Bill which relate to the punitive provisions. There are one or two other items on which I should like to be clear and the Minister may indicate the position in his reply. I should like to know the situation in regard to the cost of administering the Bill so far as local authorities are concerned. Is that covered by clause 43? Does the Government intend to reimburse the local authority for the cost of administration and the payment of wardens required under the Bill?

I ask this because the local authorities may have this responsibility thrust upon them, but they may have insufficient revenue to comply with the provisions contained in the Bill. If this is the case, they will approach their members of Parliament to see whether relief can be provided by the Government to ensure they are not out of pocket. Some of the local authorities, particularly in country regions, will have to administer very large areas.

That is one point I am not quite sure about, but would like to be before the situation arises some time in the future. It would be helpful to know that the local authority will not be expected to carry the burden in respect of the policing of the legislation.

I am also concerned about the provisions of clause 38(8) mentioned earlier. This provides for any of the appointed authorised officers to examine and test drive a vehicle. Such officers

could take the key and test drive the vehicle and examine it. I question the expertise of some of the people involved, and the necessity for them to be given the power to do that type of duty. It is not necessary, and the provision ought not to be in the legislation.

Another provision which concerns me is clause 38(13) which provides that no authorised officer or other person acting in the performance of his duties shall be liable for anything done or any seizure carried out for which there shall have been reasonable cause, nor in respect of any loss or damage during any period in which a vehicle is detained under the legislation. That provision clearly exonerates the authorised officer. I oppose the provision if it will not be possible for the owner of the vehicle to obtain some recompense for damage sustained while the vehicle is detained. The owner is entitled to compensation. Whether or not that compensation can be obtained from the authority which employs the authorised officer is what I want to know. If that is not the position, subclause (13) should be deleted.

Notwithstanding what has been said by members opposite, I am concerned that the legislation has been rushed through. The previous legislation was circulated to local authorities which were given ample time to consider it and make submissions in connection with it. However, this has not been the position on this occasion. It would have been correct to repeat the previous procedure; that is, give the local authorities an opportunity to examine the Bill. They have not had this opportunity, so the Bill has been rushed through.

I repeat that it is important we have some form of control over off-road vehicles, and that most of the provisions in the Bill are worth while. However, I have doubts about certain provisions and I would like to hear the Minister's views, particularly in relation to clause 38(13), so that I have an opportunity to make up my mind as to whether or not I should oppose it in Committee.

THE HON. I. G. PRATT (Lower West) [9.19 p.m.]: I wish to support the Bill, but before I begin my speech I wish to pay tribute to the contribution by Mr Thompson. I found many of the things he said were very much in line with what I had intended to say. Consequently I will not dwell at length on those points, because they have been made and are recorded in *Hansard*.

It has been said that the Bill is being rushed through. I would have to agree with many of the speakers tonight who have refuted that claim. On this topic I first had discussions with members of

the four-wheel-drive club and one of the more significant motorcycle clubs at least four years ago, and I have given considerable thought to it ever since. All the way along the line the Government has been prepared to review the proposal and alter it in line with suggestions people have made. At the same time, a Government must govern. At some time a decision must be made that the point has been reached where we can go ahead and govern the State. That is why the Bill is before us. How people can say it is being rushed and pushed through is beyond the bounds of belief.

The main topic about which I wish to speak is third party insurance, provision for which is not included in the Bill. I am happy it is not included, because if it had been we would have had to start regulating the riders and drivers. The Bill makes provision for children as young as eight years old to take part in the recreation and we would have some difficult problems if we tried to bring a third party situation into a field in which youngsters of eight years of age are in charge of machines. We would have the difficulty of testing and licensing the drivers and we would get away from one of the main values of the Bill to the community; that is, to give the young people the right to get out on their mini bikes, to ride, to learn, to experiment, and to gain the proficiency which will make them good riders and drivers when they grow up.

My next-door neighbour's children—one of whom is nine years old and the other is 11 years old—have had a mini bike between them for some 12 months or more, which means that their uncle gave it to them when they were eight and 10 years old respectively. They have learnt to handle the machine responsibly and have become quite proficient at it. They have not created any problems, but if we had to assess them as riders before they could ride the bike and they had to be fitted or slotted into some sort of regulatory circumstances to provide for third party registration they would not be riding their mini bike, enjoying the recreation, or learning the skills which will be of benefit to them and other road users when they grow up and reach the age when they can be licensed to drive on the roads. Therefore I am glad that third party insurance is not included.

The Hon. D. W. Cooley: Is that more important than giving injured people compensation?

The Hon. I. G. PRATT: It is important that we regulate the riding of off-road vehicles without restricting the recreation. Perhaps Mr Cooley wants to place restrictions on it and provide that only 17-year-old people with licences shall be in

charge of off-road vehicles. I have a few comments to make about Mr Cooley's speech.

The Hon. D. W. Cooley: You usually do.

The Hon. I. G. PRATT: He usually gives me ample opportunity to do just that, and he has done so tonight; he has not failed us.

I am glad the youngsters have an opportunity to take part in the sport.

The Hon. Grace Vaughan: It is the only way Mr Pratt can make a contribution—by contradicting someone else.

The Hon. I. G. PRATT: Perhaps Mrs Vaughan will make a contribution herself, but I have not heard anyone else say that he agrees that third party insurance should not be provided for. Perhaps Mrs Vaughan did not bother to listen before she interjected. I would not be surprised if she did not.

The Hon. Grace Vaughan: It is a negative contribution to say you are glad there is no third party insurance.

The Hon. I. G. PRATT: We will let the honourable member make her contribution when the time comes. I am sure she will make a good one and perhaps I will interject on her.

The Hon. Grace Vaughan: Shame!

The Hon. I. G. PRATT: What we must remember about the Bill is that we are breaking new ground and we may find provisions that must be amended. I agree with Mr McKenzie when he said that we might find there are problems, and that if we do our electors will come to us as members of Parliament and indicate they want something done about them. But is that not the process of government and legislation? Is that not why we have Bills and why we amend them? That is what it is all about.

Back to Mr Cooley's speech, one thing which particularly occurred to me while he was speaking was that he seemed concerned about the provision for a member of the staff of the Museum or an honorary warden under the Aboriginal Heritage Act to be included. It seems strange that a member of the Opposition should refer to a person like that as—to quote Mr Cooley's words—pettifogging bureaucrats. It would appear to me, to use one of your favourite phrases, Sir, that in areas of concern regarding Aboriginal tribal land, an honorary warden under the Aboriginal Heritage Act or a person who is a member of the staff of the Museum might be particularly interested in policing off-road vehicles. I would have thought the Opposition would be happy about this, because the Aborigines are interested in preserving the

intricate patterns on stones which form part of their sacred heritage, and these could be set at nought by the reckless use of off-road buggies and bikes. Is it not sensible that a person interested and experienced in this field should have some authority in the control of off-road vehicles in areas where these sacred symbols might be found? To me it seems logical.

I would be surprised if one of those officers were sitting on the beach at Dunsborough waiting for Mr Cooley to ride past in his buggy.

The Hon. D. W. Cooley: I do not have one.

The Hon. I. G. PRATT: When Mr Cooley was interjected on he said that he might have one. The people to whom Mr Cooley objects would have an interest in the areas I have mentioned. They will not be hunting around for a six-year-old on his mini bike on a corner lot. Some common sense must be applied to the Bill—not the attitude demonstrated by Mr Cooley. If a common-sense attitude were adopted to the Bill we would not have the silly things said about it which we have heard tonight such as "jackboots". How ridiculous can we get? Mr Dans has said that authority is being taken away from the police.

The Hon. D. K. Dans: Day by day it gets worse.

The Hon. I. G. PRATT: In one sentence Mr Dans said that authority was being taken away from the police, but in an interjection he said that if the police were doing it things would be worse on the roads. He cannot have the best of both worlds.

The Hon. D. K. Dans: It could be worse.

The Hon. I. G. PRATT: In one breath he wants the police to do it and in another he does not want them to do it, because it would make the situation worse on the roads.

The Hon. D. K. Dans: I did not say anything of the sort.

The Hon. I. G. PRATT: I am sure it will be in *Hansard*.

The Hon. D. K. Dans: It will be, but not the way you put it.

The Hon. I. G. PRATT: There was also the suggestion that wardens would have greater powers than the police.

The Hon. D. K. Dans: Wait until the Committee stage and I will demonstrate it.

The Hon. I. G. PRATT: In actual fact they are given the same powers in this field, so how can they have greater powers?

The Hon. D. K. Dans: I am talking about powers of apprehension.

The Hon. I. G. PRATT: The Bill is long overdue. I feel sorry for the Opposition which has attempted to make a rumble about a Bill which it supports and which it knows the electors support; yet members opposite are giving it rather begrudging support.

THE HON. R. HETHERINGTON (East Metropolitan) [9.29 p.m.]: It was not my intention to speak on the Bill, but after some of the remarks made by members opposite I felt I should make a number of comments.

It is all very well to say there has been ample time for people to discuss the Bill. Members of the Opposition in another place wanted more time to talk about it, but it was pushed through presumably to give us something to debate, because the Government has failed to organise its legislative programme properly by not giving us anything else to discuss. If this is the motive it is a poor one. Members of the Opposition in another place wanted to discuss the Bill more adequately than was allowed.

If adequate time has been allowed for discussion of the Bill, I do not see why so little time should be left to members of Parliament who want to discuss it. Therefore I think the Government can be accused of having, in the final stages in another place, rushed the measure through. That is one of the accusations. But, of course, the Government tends to act as though anything the Opposition says is said merely for the sake of opposing, with no reason and frivolously. That is not the case.

Mr Dans raised earlier the fact that we have a proliferation of authorities under this Bill. One thing I have realised is that we in this Parliament, particularly we in an alleged House of Review, are supposed to be looking after the interests and rights of the individual, and we must be very careful that we do not proliferate authorities unnecessarily. Whether or not we have done so in this Bill will no doubt be determined when the Bill is proclaimed and becomes an Act.

I think it is quite proper for people to question clauses 38 and 42, because they are clauses which need to be looked at and considered. I am sure the Attorney General would be the first person to agree they are clauses which need to be watched and policed, because it is possible they will be abused. We certainly hope they will not be abused but the danger exists.

We tend to proliferate authorities which have the power to search and enter property. I remember a Minister in the Tonkin Government once saying on television that we did not really have to worry about more people being given such

power, because as things stood if everybody who had the power to do so entered one's sitting room it would be full. That is true. We do not want to multiply the number of people who can enter sitting rooms, and it is time we in Parliament considered whether we should start reducing or rationalising authorities. I understand the problems the Government is facing here, but it is still not frivolous to raise queries.

Furthermore, with the proliferation of internal-combustion vehicles all over the place we must start considering the innocent bystander. If, as the Hon. Winifred Piesse said, a person who can afford to buy one of these vehicles can afford to take out personal accident insurance, perhaps he can afford to take out third party insurance; but that raises a whole series of problems and I think with the range of moving consumer durables we have in this country we probably should give serious consideration to some kind of national compensation which will cover the innocent bystander.

It is all very nice to have young people able to control bikes and do all the things they can do when this Bill puts them under control, and I am not opposing that. I take the point that it is very necessary to protect the environment, because many dunes are being destroyed by beach buggies. Certain areas of the State must be protected and watched carefully, and we must therefore have controls. But I think it is rather unfortunate for the innocent bystander who happens to be injured that we say, "Because we can't really force these people to have third party insurance you will have to sue them at common law and get compensation whether or not they can afford it."

I realise there are problems and I hope in his reply the Minister will make some reference to them, because I think it is time we considered what to do about them—not only as far as off-road vehicles are concerned but also in connection with speed boats and horses, which some people still ride.

I do not think it is improper or frivolous of us to mention the problems or to worry about the multiplication of authorities and other matters in the Bill. I would have thought that is why we are here, and I am still waiting for the day when instead of the chorus of approbation from the other side some Government members will seriously query clauses of Bills, particularly in the Committee stage. Perhaps that will yet happen tonight.

I do not oppose the Bill but I do reiterate, as I think it is proper for me to do, the reservations

which other members on this side of the House have expressed.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [9.36 p.m.]: There have been altogether three Bills in relation to off-road vehicles, and this is the third of the three. The first one saw the light of day two or three years ago. Two of the Bills have been brought into Parliament, although not into this House, and have been made available to the public for comment.

They have been commented on carefully and in great detail by anybody who was interested, and I may say the people who were interested included a number of local authorities—some of which said they did not want to have a bar of the Bill or anything to do with off-road vehicles, and some of which welcomed the Bill but proposed amendments of one sort or another, many of them conflicting—various car clubs, environmental groups, bicycle clubs, bush walkers, and at least four Government members of Parliament, all of whom made comments on the Bill. All those comments were carefully collated and brought together, and each one was examined. The Bill we now have before us is the result of all those public comments, which have been taken into account in the legislation.

The Bill now before us has been examined by representatives of local government. Admittedly it has not been sent to all local authorities as time did not permit it, but in any event, when a Bill has been around for two or three years and comments have been made and taken into account, the Government must be expected to draw the line and say, "The time has come when we must introduce this legislation; we cannot leave it in the air any longer."

The only reason the Government became interested in the legislation was that local authorities wanted it. The local authorities wanted the Government to become interested in a Bill. They asked the Government to do something about off-road vehicles, and a number of different views were put forward as to what the Government should do. Some local authorities—one of which was the Esperance Shire Council—took the view that they did not want to have anything to do with the Bill. Therefore there is provision in the Bill that any local authority which makes representations may, at the Minister's discretion, have its area exempted from the legislation. Any part of the State may be exempted from the legislation, including local authority districts.

As members who have studied the Bill will know, an authority's district includes additional unincorporated areas as well as the area between the high and low-water marks which is not normally part of titles. So there is provision for leaving out whole sections of the State. I venture to suggest that in the fullness of time not a great number of local authorities will seek to remain exempted from the Bill when they see what exemption means.

Mention has been made of the cost of control. It was asked whether the Government would pay for it and whether local authorities would be recompensed. Mr McKenzie raised those queries and asked me to give him the answer. Other members raised similar queries.

Clause 5 makes it clear that there is provision for a local authority to act as the agent of the RTA, or whatever the principal authority is for registration purposes. Local authorities do not have to do this; it is optional. When a local authority acts as agent it seems very likely that it will be remunerated as an agent, in the same way as it is remunerated for acting as the agent of the RTA in relation to ordinary registrations under the Road Traffic Act. That is as far as registrations are concerned.

In addition, under section 43 there is provision for administration costs to be taken out of the funds received from registration. By inference, the administration costs will include the costs of the agents of the authority. The balance is to go into a special Treasury account, to be paid out at the discretion of the Minister. It is the Minister's intention to pay what remains as surplus to the local authorities within the scheme.

The Hon. H. W. Gayfer: *Pro rata* contributions?

The Hon. I. G. MEDCALF: I could not say how the balance will be paid but undoubtedly it will be paid on an equitable basis. So there is provision for recompensing the local authorities for the task they undertake pursuant to the Bill which the Government has brought in at their request.

In a sense the Bill is experimental. We have never legislated in this area before. It is a problem of comparatively recent origin, arising from young children rushing around the countryside on motor bikes, dune buggies, and so on. It is a modern phenomenon and we must do something about it. Therefore, we have to experiment, and we have a tremendous area of conflict here between the environmental aspect, of which we are acutely conscious, and the need to cater for those who legitimately want to use the countryside for

recreation—those who want to ride bikes, beach buggies, and all the other vehicles which come under the definition “off-road vehicles”.

We must also consider the interests of the local residents in residential areas, the farmers in certain areas, and those who want to go about their lawful business. In some areas we will not be able to allow these off-road vehicles to operate. Those will be the prohibited areas.

The Bill is fairly flexible in that particular vehicles may be allowed even in a prohibited area. It may be possible for, say, fun bikes with wide tyres to be used in some prohibited areas but not four-wheel-drive vehicles.

Therefore, the situation is pretty flexible and will depend on the advice given to the Minister by the advisory committee, which will consist of five people representing an independent chairman, local authorities, and other people with an interest in this field. It is not specified who the other people will be, but clearly they will be persons with an interest in recreational pursuits of this kind.

We have this conflict and the Bill—which, as I said, must be treated as being experimental—is therefore an attempt, after three years of concentrating on all the areas of objection which have been put up by many responsible people and groups within the community, to reconcile all the views as well as possible so as to preserve the environment where it is necessary to preserve it but, on the other hand, to allow people to use the environment. What is the use of preserving an environment if nobody can use it?

I agree I could invite an argument with an environmentalist by saying that, because there are some areas of the environment which must be kept inviolate; but, generally speaking, people must be allowed to use the countryside. People must be allowed access to the beaches even through an otherwise prohibited area. There must be a way of getting to a beach through a prohibited area, and a way is provided in the Bill. In fact, in the Bill three ways are provided of ensuring that people can use beaches and can pass through prohibited areas to get to an area which they want to visit.

The question of third party insurance was raised. I agree we would want to have third party insurance if we could get it; we want to give everybody all the cover they can get. However, we have been informed of some prohibitive costs. We have been informed a vehicle which costs \$100 to purchase would cost \$300 to insure on a third party basis. That is just one example, and there are various other vehicles. That is the reason we

have been unable to insist on third party insurance as we have in relation to the Road Traffic Act, under which it is compulsory for licensed motor vehicles to have third party insurance.

It is unfortunate that we have been unable to insist on insurance in this area. It may be that in the course of time we may find a way of working this out, but at the moment we cannot. It is a difficult area. I hope members of the Opposition will bear that in mind and not be too critical of the fact that we have made a genuine attempt but cannot see our way through the problem at the moment. Perhaps members opposite could come up with a suggestion. In fact, a very useful suggestion was made by the Hon. Ron Thompson.

The Hon. R. F. Claughton: I suggest you leave the Treasury benches and we will work on it.

The Hon. I. G. MEDCALF: It is the duty of the Opposition to make constructive comments as well as to be critical.

The Hon. R. F. Claughton: I thought that was a constructive comment.

The Hon. I. G. MEDCALF: When we were in Opposition we did offer constructive criticism, and I have heard quite a lot coming from the present Opposition. Even Mr Claughton has been known to offer some.

I do not want to go into all the matters of detail which were mentioned in the debate and which should be dealt with in the Committee stage. However, I was asked one or two specific questions, which I will answer.

The Hon. Ron Thompson asked me to explain the meaning of clause 11. It is rather complicated, but to summarise it briefly it is an attempt to provide a way of making the owner of a vehicle—who is the person who must register the vehicle—jointly liable with an under-age driver. In other words, if an under-age driver commits an offence thereby causing damage to property or injury or death to a person, the owner is jointly liable under the clause. That is the object of the provision and it has no other object. It fixes somebody else with a liability with which otherwise he would not be fixed.

The honourable member also mentioned clause 13. I remind him the provision deals only with the initial permitted areas. It is an attempt to allow the Minister when the Bill is proclaimed, immediately to proclaim one or two areas which she knows are suitable and available for use by off-road vehicles. I do not doubt they will be areas which are probably presently in use. They will be able to be proclaimed immediately without the formalities of waiting for all the details required

in order to comply with the rest of the Act. The provision will not prevent such areas from being varied or cancelled at some future date; and all future areas apart from the initial areas will be the subject of recommendations by the advisory committee. The only justification for the clause is to provide some immediate areas, and I do not doubt that the areas which are provided would be those of which the local authority is already aware. This is a matter which will be within the judgment of the Minister, and I am not the Minister.

The Hon. R. Thompson: Getting back to your earlier statement in respect of local authorities opting out of the legislation, what will happen if the Minister declares an area within a shire and the local authority does not want to have any part of the legislation?

The Hon. I. G. MEDCALF: Let us say there is a reserve that contains some very valuable flora and fauna within a local authority area, and the Minister declares it to be a prohibited area. If the local authority did not want to have a bar of the Act, I would think that it would not be permitted to opt out. It is not a matter of opting out; it is a matter of obtaining permission to be exempted, and it is subject to the Minister's authority. Clearly the Minister would not allow a local authority to opt out of its responsibilities if it meant a valuable area would be desecrated by off-road vehicles.

Most of the other matters that have been raised can be dealt with in the Committee stage. I inform the House I propose to put one or two amendments of a minor nature on the notice paper. These relate to the definition of "owner" in clause 3 and also to one or two small tidying up matters in clause 11, which are purely grammatical. Therefore it is my intention to move that the Committee stage be dealt with tomorrow.

Question put and passed.

Bill read a second time.

House adjourned at 9.54 p.m.

QUESTIONS ON NOTICE

RAILWAYS

Road Buses

431. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

Referring to question 416 on Thursday, the 2nd November, 1978, will the Minister advise—

- (a) the date upon which the quote for the Mercedes buses was supplied to Westrail;
- (b) was it an average price;
- (c) how many buses have been delivered to date;
- (d) what has been the individual cost of each bus;
- (e) what has been the variation in each of the individual items, as outlined in question 416, permitted under the contract; and
- (f) is this method of allowing variations normal in tendering conditions applicable to the purchase of motor vehicles by Government departments?

The Hon. D. J. WORDSWORTH replied:

- (a) Late January, 1976.
- (b) The price quoted was per coach.
- (c) All 12 motor coaches have been delivered.
- (d) The exact cost of each coach has not yet been finalised but the figure will not vary significantly from the \$110 222 already quoted.
- (e) The average variations were—

| | \$ |
|---|--------|
| (i) exchange rate fluctuations | 11 240 |
| (ii) increase in local labour cost | 10 343 |
| (iii) increase in price of local components | 489 |
| (iv) increase in customs duty | 434 |
| (v) variation in design | 2 099 |

(n.b. these figures will vary slightly from coach to coach).

- (f) Yes; where the item is not an "off the shelf" line.

CULTURAL AFFAIRS

Australian Paintings Appeal

432. The Hon. R. F. CLAUGHTON, to the Leader of the House representing the Premier:

What activity, if any, is proposed by the Government to raise funds for the Art

Gallery of Western Australia Australian Paintings Appeal to replace the cancelled Berkman paintings exhibition?

The Hon. G. C. MacKINNON replied:

This particular appeal, although strongly supported by the Government, is not something being organised by the Government.

However, I understand that no particular activity is proposed by the Art Gallery to replace the cancelled Berkman exhibition.

I am also advised that the appeal is proving to be financially successful and will raise a substantial sum for acquisition of desirable paintings for the new Art Gallery.

LOCAL GOVERNMENT

Rates: Revaluation

433. The Hon. N. E. BAXTER, to the Leader of the House representing the Premier:

Would the Minister please advise—

- (a) the names of shires in the South West Land Division which have been revalued for rating purposes since the 20th September, 1977;
- (b) what is the total figure of each revaluation;
- (c) what is the percentage increase on the previous revaluation; and
- (d) were the revaluations carried out at the request of the local authority?

The Hon. G. C. MacKINNON replied:

- (a) to (c) As per attached schedule hereunder.

REVALUATIONS COMPLETED SINCE 20 SEPTEMBER 1977

| <i>Rural Wards</i> | | | | <i>Major Townsites</i> | | | |
|----------------------|-------------------|-------------------------------|-------------------|---|-------------------|-------------------------------|-------------------|
| Shire | Un-improved value | Date of Previous Re-valuation | Per cent Increase | Town | Un-improved Value | Date of Previous Re-valuation | Per cent Increase |
| Beverley | 9 038 890 | 1966 | 554 | Beverley | 1 173 270 | 1972 | 458 |
| Boyup Brook | 4 990 190 | 1966 | 52 | Boyup Brook | 323 120 | 1969 | 59 |
| Chittering | 12 762 600 | 1971 | 358 | Muchea | 891 200 | 1972 | 1 041 |
| Cuballing | 5 426 970 | 1963 | 458 | Cuballing | 237 580 | 1962 | 4 127 |
| Dumbleyung | 5 775 600 | 1967 | 75 | Dumbleyung | 118 580 | 1968 | 187 |
| Harvey | 19 623 370 | 1973 | 20 | Harvey, Australind, Brunswick Junction, Binningup, Myalup | 16 731 250 | 1973 | 396 |
| Kellerberrin | 5 594 500 | 1968 | 73 | Kellerberrin | 246 765 | 1969 | 38 |
| Mount Marshall | 6 894 700 | 1967 | 45 | Bencubbin | 48 750 | 1970 | 100 |
| Mullewa | 7 116 700 | 1973 | 100 | Mullewa | 290 080 | 1974 | 21 |
| Nangarin | 2 260 560 | 1967 | 61 | Nangarin | 17 920 | 1969 | 7 |
| Three Springs | 6 542 400 | 1974 | 126 | Three Springs | 856 200 | 1974 | 428 |
| York | 9 400 350 | 1968 | 86 | York | 4 061 250 | 1971 | 845 |

The scheduled figures only show "major" townsites. However, small towns or townlets are in most cases valued in conjunction with, and form part of, the rural ward. In any event, they would add little to the overall totals.

(d) Yes.