

# Legislative Council

Tuesday, the 19th November, 1974

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

## BILLS (9): ASSENT

Messages from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills—

1. Art Gallery Act Amendment Bill.
2. Indecent Publications Act Amendment Bill.
3. Soil Conservation Act Amendment Bill.
4. Police Act Amendment Bill.
5. Perth Mint Act Amendment Bill.
6. Public Authorities (Contributions) Bill.
7. Liquor Act Amendment Bill.
8. Rural and Industries Bank Act Amendment Bill (No. 2).
9. Stamp Act Amendment Bill (No. 2).

## QUESTIONS (7): ON NOTICE

### 1. ORD RIVER IRRIGATION SCHEME

#### *Crops Programme*

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

Will the Minister advise of the 1974-1975 growing programme for crops on the Ord River Irrigation Scheme?

The Hon. N. McNEILL replied:

This has not yet been determined. Discussions are currently in progress.

### 2. BREAD SUPPLIES

#### *Cue Hostel*

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

- (1) Are bread supplies for the Kyarra Hostel at Cue now purchased direct from Perth instead of from the bakery at Mt. Magnet?
- (2) If so—
  - (a) on what date did this practice commence;
  - (b) did the Minister approve of the change in arrangements, and if so, for what reasons?
- (3) Does the Minister agree that this type of practice is in accord with the Government's supposed policy in regard to decentralisation?

The Hon. N. E. BAXTER replied:

- (1) Yes.

- (2) (a) 5th September, 1974.

(b) No. This was not a Ministerial decision.

- (3) In accordance with the Government's policy in regard to decentralisation it is the Department's practice to purchase goods from local suppliers, provided this is not inconsistent with the best arrangements for feeding the children concerned.

### 3. GREAT EASTERN HIGHWAY

#### *Sawyers Valley Bypass*

The Hon. G. E. MASTERS, to the Minister for Health:

- (1) Has a definite decision been made to by-pass Sawyers Valley by the Main Roads Department?
- (2) If so, have the surveys been completed and accepted as final?
- (3) When is it anticipated that the construction of the by-pass will commence?
- (4) What is the estimated cost?
- (5) Are these funds now available, and from what source?

The Hon. N. E. BAXTER replied:

- (1) Yes. The local authority has agreed in principle. However, Commonwealth approval has yet to be obtained as the road will become a National Highway.
- (2) No.
- (3) A date for commencement of construction has not been decided.
- (4) Not yet assessed.
- (5) This work has not yet been programmed. It is anticipated that funds will be available from the Commonwealth under the National Roads Act, 1974.

### 4. POLICE

#### *Juvenile Offenders: Detention*

The Hon. I. G. MEDCALF, to the Minister for Justice:

- (1) Is the Government considering the introduction of the system of periodic detention as an alternative means of punishment of juvenile offenders, including young vandals?
- (2) Would not the Government agree that this system offers certain advantages over conventional punishment of imprisonment in that—
  - (a) it will enable offenders to serve their sentences during weekends thus enabling them to continue their normal work on week-days;
  - (b) it will provide a useful means of assisting in the rehabilitation of young offenders without the stigma of gaol and

without subjecting them to the company of hardened criminals;

(c) it provides a useful means of assistance for worthwhile public projects; and

(d) it would probably result in a considerable saving to the revenue?

(3) Whilst it is appreciated that the introduction of such a system will require certain administrative arrangements not without cost, would not the advantages outweigh the disadvantages?

The Hon. N. McNEILL replied:

(1) The Government is keenly interested in periodic detention or the Saturday work order scheme as an alternative to imprisonment of offenders.

Thought is to be given to a non-residential scheme applied initially to young adults as a pilot study with a view to the ultimate extension of the system to include other age groups.

(2) Yes.

(3) In the light of experience in other places, it is considered that there are advantages. However no relative assessment has yet been made in this State.

## 5. TOTALISATOR AGENCY BOARD

### *Agency Hours*

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

What are the present opening and closing times of Totalisator Agency Board agencies in Western Australia in—

(a) the metropolitan area; and

(b) country areas?

The Hon. N. E. BAXTER replied:

(1) Metropolitan and country agencies have the same hours of business.

(2) In both the metropolitan and country areas there are two types of agencies.

(a) Full time agencies for which hours of business are as follows—

Type of Meeting/Meetings	Hours of Business	
	Open	Close
<b>MONDAY-FRIDAY</b>		
Eastern States Racing only ....	30 mins. prior to A.S.T. of first race	30 mins. after A.S.T. of last race
Eastern States and W.A. Country Racing	30 mins. prior to A.S.T. of first race	Daylight Saving Months— 30 mins. after A.S.T. of last race or 6.15 p.m. whichever is the earlier  Other Months— 30 mins. after the A.S.T. of the last race or 5.30 p.m. whichever is the earlier
Eastern States and W.A. Country Racing and Trotting and Greyhound Racing	30 mins. prior to A.S.T. of first race Re-open 30 mins. prior to the first event	Daylight Saving Months— 30 mins. after A.S.T. of last race or 6.15 p.m. whichever is the earlier. Re-close 9.30 p.m.  Other Months— 5.30 p.m. or 30 mins. after last event whichever is the earlier. Re-close 9.30 p.m.
W.A. Country Racing Only	City Agencies— 12.30 p.m. or 30 mins. prior to A.S.T. of first race whichever is the earlier  Other Agencies— 30 mins. prior to A.S.T. of first race	Daylight Saving Months— 30 mins. after A.S.T. of last race or 6.15 p.m. whichever is the earlier  Other Agencies— 30 mins. after A.S.T. of last race or 6.15 p.m. whichever is the earlier  Other Months— 30 mins. after A.S.T. of last race or 5.30 p.m. whichever is the earlier

Type of Meeting/Meetings	Hours of Business	
	Open	Close
W.A. Country Racing, Trotting and/or Greyhound Racing	City Agencies— 12.30 p.m. or 30 mins. prior to A.S.T. of first race whichever is the earlier Re-open 30 mins. prior to A.S.T. of first race  Other Agencies— 30 mins. prior to A.S.T. of first race Re-open 30 mins. prior to A.S.T. of first event	Daylight Saving Months— 30 mins. after A.S.T. of last race or 6.15 p.m. whichever is the earlier. Re-close 9.30 p.m.  30 mins. after A.S.T. of last race or 6.15 p.m. whichever is the earlier. Re-close 9.30 p.m.  Other Months— 5.30 p.m. or 30 mins. after A.S.T. of last event whichever is the earlier. Re-close 9.30 p.m.
W.A. Country Trotting and/or Greyhound Racing	45 mins. prior to A.S.T. of first race	9.30 p.m.
<b>FRIDAY</b>		
Metro. Trotting Only	City Agencies— 12.15 p.m. Re-open 6.30 p.m.  Other Agencies— 6.30 p.m.	2.15 p.m. Re-close 10 p.m.  10 p.m.
<b>SATURDAY</b>		
Eastern States and W.A. Metro. Racing	9.30 a.m. or 30 mins. prior to A.S.T. of first race whichever is the earlier	Daylight Saving Months— 30 mins. after A.S.T. of last race or 6.30 p.m. whichever is the earlier  Other Months— 30 mins. after A.S.T. of last race or 6 p.m. whichever is the earlier
Eastern States and Metro. Racing and Metro. Trotting	9.30 a.m. or 30 mins. prior to A.S.T. of first race whichever is the earlier	11 p.m.
<b>PUBLIC HOLIDAYS</b>		
Eastern States and Metro. Racing and Metro. Trotting	30 mins. prior to A.S.T. of first race	10 p.m.

NOTE : If there is sufficient time between the races and trots on a Public Holiday to fit in a reasonable break which would not inconvenience the public, Agencies will be advised of a closing and re-opening time.

- (b) Restricted agencies which open in accordance with the hours laid down for full time agencies, but are only open for metropolitan trots, Saturdays, public holidays and Melbourne Cup Day.

- (2) If so, will the proposed site reduce the already limited grassed area at the school?
- (3) If the reply to (2) is "Yes" will he have the proposed site re-located in order that the existing grassed area will not be affected?

#### 6. EAST CARNARVON SCHOOL

##### Library

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

- (1) Has a definite decision been made on the siting of the proposed new library to be constructed at the East Carnarvon school?

The Hon. G. C. MacKINNON replied:

- (1) Yes.
- (2) and (3) Any developed area which is lost through the establishment of the new library will be replaced.

## 7. ZOOLOGICAL GARDENS

Perth

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

- (1) What are the present numbers of—
  - (a) animals;
  - (b) birds;
  - (c) reptiles; and
  - (d) other species;
 at the Perth Zoological Gardens?
- (2) What were the numbers in the above classifications at the 30th June, 1967?
- (3) How many—
  - (a) animals;
  - (b) birds;
  - (c) reptiles; and
  - (d) other species;
 have either—
  - (i) died and not been replaced;
  - (ii) been transferred to other zoos; and
  - (iii) been destroyed;
 since the 30th June, 1967?

The Hon. N. E. BAXTER replied:

- (1) (a) 380.  
 (b) 1 750.  
 (c) 127.  
 (d) Nil.
- (2) (a) 314.  
 (b) 829.  
 (c) 32.  
 (d) 2 (fish).
- (3) (i)—
  - (a) 20.
  - (b) 25.
  - (c) 3.
  - (d) 2 (fish).
 (ii)—
  - (a) 232.
  - (b) 341.
  - (c) 25.
  - (d) Nil.
 (iii)—
  - (a) 81.
  - (b) 68.
  - (c) Nil.
  - (d) Nil.

These figures were extracted from the census taken 30th June, 1974.

## SMALL CLAIMS TRIBUNALS BILL

*Receipt and First Reading*

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

*Second Reading*

THE HON. G. C. MacKINNON (South-West—Minister for Education) [4.52 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to provide for a small claims tribunal which will deal with disputes arising between consumers and suppliers of goods and services where the claim for payment of money for goods supplied or work performed is less than \$500. It will also embrace disputes between a landlord and tenant over amounts paid up to the same figure by way of bond or security in connection with a tenancy of any premises.

Similar to other States, the "small claim" has been limited to an amount less than \$500, which is significant to bankruptcy law. The Commonwealth Bankruptcy Act allows for the creditor or creditors to petition for bankruptcy against a debtor where \$500 or more is owing in one or more than one debt in the aggregate.

This Government previously expressed its desire to set up a tribunal of this nature as an inexpensive means of settling minor disputes and the Consumer Affairs Council of Western Australia, which was requested to examine the position, has given it close consideration and recommended the implementation of a tribunal based upon similar legislation which has been operating successfully in other States.

It is relevant to mention that Queensland instituted a Small Claims Tribunal in 1973 followed by Victoria; and in 1974 New South Wales also introduced such a tribunal. Many of the principles contained in the proposed Bill follow those of Queensland, which in turn have been generally adopted in Victoria and New South Wales.

Whereas in Queensland there is power for the tribunal to make orders on a basis of what is "fair and equitable to all parties to the proceedings" it was recommended by the Consumer Affairs Council, which had discussion with and received submissions from the Law Society Council in Western Australia in the matter, that Western Australia should adopt the Victorian position where an order to the tribunal must follow the rule of law with respect to the issue in dispute and this has been done. As in the other States, an order made is final and binding on all parties and no appeal shall lie therefrom.

A function of the Consumer Protection Bureau, which operates under the portfolio of the Minister for Labour and Industry, is to receive complaints from consumers as to fraudulent or other illegal or unfair practices. The bureau can investigate complaints against any part of the private sector including the professional area. The bureau normally refers

a complaint to the supplier seeking an explanation and the matter often resolves in a satisfactory settlement being reached. The power of the bureau is limited somewhat to negotiation. There are, of course, other cases where the supplier either ignores the approach from the Consumer Protection Bureau or refuses to correct the cause of complaint where it is a justifiable claim.

In such cases the consumer may be required to take civil proceedings, but the thought of doing so and the likely cost involved deters a person from continuing with the complaint and by not doing so, his case may not receive the justice it merits. Many people, particularly those more elderly, have a fear of courts or a dislike of court atmosphere and are unwilling to prosecute claims by appearing in court to give sworn evidence from a witness box. As an alternative method, the Bill will provide a cheap and speedy method of settling small claims by the use of informal proceedings.

A small claims tribunal shall be constituted by a referee sitting alone. A person will be required to have legal qualifications to fill this office, but in view of the fact that difficulty could occur in suitable persons not being available, the maximum age for appointment has been taken to 70 years. A person so appointed may hold office for a term until he attains the age of 70 years and, depending on the availability of suitable persons when the position is advertised, it may require a short term appointment, particularly in the first instance. The tribunal may be constituted at any place in the State and will be serviced by a registrar and a small office staff.

In regard to clause 16, a notice of motion to amend in Committee will be submitted so as to clarify the situation as a result of some uncertainty expressed in another place as to what is the jurisdiction of the tribunal in respect to claims submitted to it. The tribunal will not be entitled to hear a claim if it arose earlier than two years before it was referred to the tribunal.

Provision is made for a claim in a country area to be filed with the Clerk of the Local Court if that is more convenient to the consumer.

The small claims tribunal will not be a court of law in its proper context and its proceedings will not be governed by normal rules of evidence. It is expected to relieve other courts of time-consuming cases which can be handled by an experienced referee in an environment more acceptable to all parties concerned.

In the proceedings negotiation and compromise will have its part and the referee will act as a conciliator and arbitrator.

The primary function of a referee is to attempt to bring the parties in a dispute to a settlement acceptable to all parties.

Where this appears impossible the referee can make an order with respect to the issue or otherwise dismiss the claim. Where, matters connected with the claim involve such a complex point of law as to warrant direction of the claim to another court—for example, a Local Court—for hearing and determination, the referee may do so. A party aggrieved by a decision of the other court will also have a right of appeal.

Cases will not be heard in a courtroom, but in an office or meeting room in private. Both the complainant and supplier will be required to present their side of the case personally and only in exceptional circumstances would an agent, in the capacity of a professional advocate or one with a legal qualification, be allowed to represent a party to the proceedings.

However, in the case of, say, a migrant who may be faced with language and interpretation difficulties in presenting a case, the tribunal may allow an agent to represent that person as a matter of necessity. The tribunal will no doubt be prepared to assist in the provision of an interpreter when necessary.

To keep an application fee to a minimum, payment of \$2 only at the time of filing a complaint with the registrar will be required. Although the fee is a token amount it should have the tendency to cause complaints lodged to have some substance and be more genuine whereas without a fee at all, there is more possibility of unwarranted or nuisance complaints being registered without due thought being given, or by emotional circumstances activating a person at the time. Costs shall not be allowed to or against any party to a proceeding before a tribunal. An order which is not satisfactorily settled may be enforced as if it were a judgment under the Local Court Act.

It is believed that this legislation will materially benefit consumers and preserve their basic rights. A trader involved in a complaint lodged by a consumer to the tribunal is not burdened with the costs of legal representation before the tribunal to defend his actions to require a settlement from the debtor of the matter in dispute. Thus he may find it more advantageous to have a consumer with a grievance refer the case to the tribunal, than alternatively commit himself initially to an action before a Local Court for payment of an outstanding debt.

A trader who has commenced an action before the Local Court against a consumer for payment for supply or service is entitled to have his case heard in that court and a claim lodged later by a consumer to the tribunal cannot be heard whilst action is still pending in the Local Court. However this does not debar a

trader withdrawing his case from the Local Court if he agrees to have it heard before the tribunal.

The definition of "trader" in clause 4 is the same as in Queensland, New South Wales, and Victoria. In Queensland the Small Claims Tribunal Act was amended in April, 1974, to include what is now contained in this Bill as clause 4 subclause (2) which further elaborates on the term "trader". Although some difficulty has been mentioned in another place concerning interpretation of this subclause, the legal officers who have further looked at it consider it suitable for the purpose intended.

In effect those who practise a profession that is not ordinarily regarded as being within the field of trade or commerce, are not within the definition of a trader. To attempt further clarification by a long schedule of exclusions as to who are not traders would attract the risk of its not being exhaustive enough; and to attempt to exclude by reference to the term "professional" would attract a problem of definition.

Clause 4 subclause (2) (a) explains that a cause for action by a consumer would not lie against a trader—for example, a painter—who carried out instructions given by a professional—for example, an architect who as such is outside the scope of the Act—if the carrying out of the instructions was in accordance with the instructions received although not being in conformity with the consumer's directions. In a case of this nature a consumer would be required to take action against a professional person in another court.

The tribunal is not a price-fixing authority and although questions of cost may be considered in relationship to quality of work, the tribunal will not really have the power to vary a previously agreed price provided the goods or service supplied are satisfactory.

Of importance also is the fact that the referee is a layman in the sense of the professions. Arbitration on a dispute in a professional field could require a high degree of professional competence in that field. For this reason professional groups have their own complaint and disciplinary authorities. As already mentioned, the public still has recourse through other courts of law if professional negligence has been deemed to occur. Parties appearing in other courts can be assisted by legal counsel, have expert witnesses called and, where aggrieved at a decision, the consumer has the right of appeal to a higher court.

In this sense it cannot be said that this Bill discriminates against traders. There is insufficient evidence at this stage to show that professional complaints in the main are not being resolved satisfactorily

and at any time this position was shown to be otherwise, alternative approaches to rectify the position would be considered.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Thompson (Leader of the Opposition).

## **MINES REGULATION ACT AMENDMENT BILL**

### *Receipt and First Reading*

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

### *Second Reading*

**THE HON. G. C. MacKINNON** (South-West—Minister for Education) [5.04 p.m.]: I move—

That the Bill be now read a second time.

The principal Act which this Bill proposes to amend was introduced primarily to control underground goldmining which, at that time, predominated in Western Australia. As a consequence, the legislation contains no specific provisions governing open-cast mining, quarries, dredging, railways on mines, smelters, refineries, or treatment plants.

There is a present need also to rewrite some of the regulations to encompass changes brought about by the introduction of new mining methods with modern and sophisticated machinery. Also, it is desired to bring the regulations into conformity with relevant regulations in other States and this uniformity is to be attempted wherever possible.

The main objectives of this measure are to update generally the Mines Regulation Act by including additional provisions for supervision, safety, and health in the various modern mining operations, and to provide power to make regulations for quarries and other surface mining operations, railways on mines, dredging, treatment and processing works, special machinery developed for mining purposes—as I have already mentioned—together with the mining and treatment of radio active ores for which, also, there are no specific regulations presently in force.

A confusion which exists as to whether a quarry is a mine is being clarified. A quarry is a mine and this is being made specific in the Bill.

It is appropriate also that some engineering projects such as tunnelling and underground excavations where mining techniques are used should be made subject to the provisions of the principal Act. Thus there is provision that the Governor may declare any such project to be a mine and be made subject to all or any of the requirements of the Act. But such declaration shall not operate to classify that project as a mine to which this Act applies

for the purpose of section 7 of the Construction Safety Act, 1972, or the provisions of any other Act.

Indeed it is not intended that the provisions of this Act shall be construed as limiting or affecting the provisions of any other Act relating to the inspection or safety of machinery.

In the absence of an inspector of machinery, a district inspector of mines may act in his stead, but this authority does not extend to boilers and a district inspector is required to report to the Chief Inspector of Machinery as soon as practicable after each and every exercise of such power.

With respect to administration offices, residential areas, and recreational centres, and the ground used in connection therewith, it is considered that these do not come within the ordinary concept of mining and the Bill specifically excludes them from the definition of a "mine".

Furthermore, the present definition of a mine could conceivably be applied to a person's backyard where diggings made for sand or rock. This anomaly is being overcome by the provision that to be a mine the purpose of the operation must be to obtain rock minerals or mineral substances for commercial purposes or for subsequent use in industry.

The definition of "inspector" also requires attention. The present definition includes the State Mining Engineer and the Assistant State Mining Engineer, but neither of these officers is an inspector in the true sense and the Bill excludes them from the definition.

The powers of an inspector of mines are being increased to authorise him when inspecting a mine to order the cessation of any work which is being performed in contravention of the Act or work which, in his opinion, is dangerous or likely to become dangerous. This is considered necessary because an inspector may, in such circumstances at the present time, merely prosecute the offender which, in itself, is regarded as being quite inadequate for the obvious reason that if the work is dangerous it should not be allowed to continue.

Section 13 of the principal Act would appear to be unnecessarily wide in its verbiage in that it provides that no person who is actually practising either alone or in partnership with any person as a land agent, mining engineer, mining manager, viewer, agent or valuer of mines, or acts as an arbitrator in any differences or disputes arising between owners, agents or managers of mines, or is otherwise employed in, or is the owner or part owner of or interested as a shareholder in any mine within the State shall be qualified to be a district inspector.

This all-embracing provision enacted many years ago is now considered to be too stringent to be applied under present-day

conditions. It is considered sufficient if the prohibition extends to an inspector not using information to his own personal gain if that information comes to his knowledge in the course of his employment. A substantial penalty of \$1000 fine or imprisonment for a term not exceeding two years, or both, is provided for abuse of his position.

I now refer to a new division which is being inserted and which deals with the health of mineworkers. Presently the initial medical examination is carried out pursuant to the Mines Regulation Act and subsequent periodical examinations under the Mine Workers' Relief Act. This leads to some misunderstandings and points to the desirability of simplifying procedures. This is to be done by bringing the whole range of medical examinations under the Mines Regulation Act and its regulations.

In this regard mines will be classified under the regulations according to their potential health hazard in respect of dust resulting from mining operations. There will be three classes of mines—

Class "A": (i) Any underground mining; and

(ii) any surface operations for asbestos, manganese, lead, vanadium, talc, mica, or radio active substances.

Class "B": Any quarry or surface mining operation other than in Class "A" or "C".

Class "C": (i) A surface mining operation or quarry which is worked for clay, gypsum, limestone, salt, natural sand, or gravel; and

(ii) a sinter plant, pellet plant, smelter, refinery, blast furnace, privately-owned railway built to transport the mine ore or material, and a wet sluicing or wet dredging operation.

The significance of these classifications will be that men working on a class "A" mine will require to be medically examined every two years as at present; those on a class "B" mine every five years; and for those on a class "C" mine no periodical examination will be necessary after the initial examination.

In the House of Assembly the Minister for Mines undertook, when framing the regulations, to further consider the need for periodical medical examinations of those mineworkers employed on class "C" mines.

A Mines Ventilation Board is at present constituted under the regulations to operate as an appeal board in any case where

the adequacy of ventilation in any working place in a mine is in dispute. This provision is being strengthened and extended by the establishment under the Act itself of a board to be called the ventilation board.

The board will consist of the State Mining Engineer who will be chairman; the Senior Inspector of Mines for the State; three persons appointed by the Minister, one of whom shall be an inspector of mines having specialised training in ventilation technology; another shall be a medical practitioner having specialised experience in occupational health problems relevant to the mining industry and nominated by the Commissioner of Public Health; and the third shall be a scientific officer having duties under the provisions of the Clean Air Act, 1964, nominated by the Commissioner of Public Health.

I mention in particular that the board is intended to be a technical body and both the W.A. Chamber of Mines and the Mining Branch of the Australian Workers' Union are in agreement as to its composition.

While the functions of the board are clearly specified in the Bill I would mention that its prime function will be to advise and direct on ventilation and related matters including standards of air in work places in accordance with those standards set by the National Health and Medical Research Council. In this regard the board will have discretionary power in respect of dust concentrations in surface mining operations. The board will also carry out the classification of mines which I previously enunciated.

An underground manager is required under section 25 of the principal Act to be the holder of a first-class mine manager's certificate of competency if 25 men or more are employed underground. When fewer than 25 men are employed underground and where required by a district inspector, the underground manager must be the holder of at least an underground supervisor's certificate of competency. It is further provided that if the underground manager in either case is incapacitated or for any reason is absent the mine owner or registered manager may appoint a competent person as a deputy underground manager irrespective of whether or not he holds a certificate. The period during which a deputy may so act is limited to four weeks but with the sanction of the Minister this four-week period may be extended. This is considered to be a quite unsatisfactory arrangement because with greater emphasis being placed on efficient management to reduce accidents it is not right to permit underground work to be under the control of an uncertificated man for any period at all. Accordingly this provision is to be deleted and replaced with a requirement that irrespective of the size of the underground operation the

person in control as a deputy underground manager must be the holder of at least an underground supervisor's certificate of competency.

Correspondingly, if 25 men or more are being employed on a quarry and explosives are being used the existing provision requires that the quarry manager shall be the holder of at least a quarry manager's certificate of competency. If no explosives are being used, despite the fact that 25 men or more are being employed, or where fewer than 25 men are being employed with or without explosives being used, and where it is a requirement of the district inspector the quarry manager must be the holder of at least a quarry supervisor's certificate of competency. There is also the provision here that if the manager is incapacitated or absent for any reason the owner may appoint a competent person whether certificated or not to be a deputy quarry manager. He may then so act for a period of four weeks or, with the sanction of the Minister, for a longer period.

As with underground mining this is an unsatisfactory arrangement because with emphasis being placed on efficient management again it is not right to permit quarry work to be under the control of uncertificated men for any period at all. This provision also is to be deleted and replaced with a requirement that irrespective of the quarrying operation the person in control of the quarry, as a deputy quarry manager, must be at least the holder of a quarry supervisor's certificate of competency. Incidentally, the quarry supervisor's certificate of competency is being renamed a "restricted quarry manager's certificate".

In still another matter related to management, provision is being made that where a company has two or more operations separated by such a distance that in the opinion of the State Mining Engineer supervision and control by one certificated manager is inadequate, the State Mining Engineer may require an additional certificated manager or managers. Under the present provisions, a company would be complying with the law by employing only one certificated manager, despite the fact that the company's operations may be widely separated and this detracts from efficient control and supervision.

A large number of mobile machines is being used in modern mining and these require skilled operators. However, there is no requirement under the Inspection of Machinery Act, for these operators to be certificated except in respect of mobile cranes. Due to the skill required in mining operations, it is necessary to ensure that operators of machinery are competent and therefore provision is being made in the principal Act to require operators to be trained and to qualify for a certificate of competency before taking



control of such machines. The provision will permit of a certificate being issued by a mine manager or by an inspector of mines.

For many years managers have been empowered by regulation to issue certificates of competency in respect of hoists and underground locomotives, and the power is now being given to extend that authority with respect to rail track maintenance vehicles, winch and cutter machinery used in mineral dredging, and trackless diesel equipment underground, for which there is no provision for certificates under the Inspection of Machinery Act. Operators of trackless diesel equipment used on the surface do not require to be certificated.

Similarly an inspector of mines may not at present issue any certificate of competency, and power is now being given to make regulations for an inspector to certificate a hoist operator and an operator of power shovels on mines.

At present an inspector of mines may suspend a certificate of competency in respect of a hoist or underground locomotive, and this power is now being extended to managers and also to include certificates of competency in respect of rail track maintenance vehicles, winch and cutter machinery used in mineral dredging, and trackless diesel equipment used underground, if any condition under which it was issued is contravened or not observed.

It should be noted that this power to suspend does not include certificates issued under the provisions of the Inspection of Machinery Act.

A suspension may only be for a period not exceeding one month and may be revoked by the manager by agreement with the Senior Inspector of Mines, or in any event, by the Senior Inspector of Mines.

Pursuant to section 47 of the Act, management is required to keep accurate up-to-date plans of mine workings at the mine office if required to do so by an inspector. It is intended to strengthen this provision by making it obligatory on all mine and quarry owners to maintain up-to-date plans and submit copies thereof to the Minister on an annual basis unless exempted in writing by a district inspector of mines. The plans submitted will provide an accurate record of the extent of mining excavations and such-like and, as such, will be a valuable contribution to the departmental knowledge of the industry.

Section 55 provides for general penalties for offences not otherwise specified in the Act. The present maximums are a fine of \$200 for an offence by an owner, and \$40 for an offence by any other person. In view of the serious nature of some offences, it is considered that on present day values these maximums do not act as

a sufficient deterrent, and it is proposed to raise them to \$500 and \$100 respectively.

Additionally, provision is being made to provide a penalty for continuing offences; for example, an owner employing a person in a capacity which requires a certificated person and that person is not appropriately certificated. In such case both the owner and the employee are at fault and are liable.

It is proposed to amend section 61 of the Act to afford power to make regulations dealing with—

- (1) The appointment and functions of inspectors because this is presently restricted to the duties of an inspector.
- (2) Railways on mines.
- (3) Dredging on mines.
- (4) The employment, training and examination of persons having charge of machinery in or about a mine.
- (5) The issue, suspension and cancellation of certificates, permits, or other authorisations or exemptions required or permitted by the Act.
- (6) The drainage of mines.
- (7) The health, safety and protection of persons engaged in the mining and processing of rock containing a radio active substance.

In the case of railways on mines and radio active substances, there are presently no appropriate powers.

The practice of declaring some regulations to be general rules and to be posted at mines is to be discontinued because it amounts only to a selection of the regulations with which mine workers are primarily concerned. It is considered that no differentiation should be made and the Bill provides accordingly.

In the House of Assembly the Minister for Mines undertook to consider whether the transfer of the definition of the word "emergency" from section 4 to section 37, as is proposed in the Bill, will have any lessening effect. It is considered that it does not. "Emergency" as defined is not intended to have general application throughout the Act and regulations but to be specific to section 37 relating to the circumstances under which a winder driver may be required to work for longer than normal hours. If and when the word is used elsewhere in the Act, it will have the ordinary dictionary meaning.

I commend this legislation to the House.

Debate adjourned, on motion by the Hon. R. T. Leeson.

## MACHINERY SAFETY BILL

### *Receipt and First Reading*

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

### *Second Reading*

**THE HON. G. C. MacKINNON** (South-West—Minister for Education) [5.22 p.m.]: I move—

That the Bill be now read a second time.

This Bill repeals the Inspection of Machinery Act, 1921-1969, and re-enacts the legislation in a form more suited to present day requirements.

With the advancement of technology, machinery and systems have come into common use which the principal Act was not orientated to encompass. It is consequently imperative, for reasons of public safety and the protection of workers, that new concepts be covered adequately by appropriate legislation.

As is explicit in the long title of the Bill, the main provisions in this measure cover safe design, construction, installation, and operation of machinery which, in its broad definition, includes boilers, pressure vessels, cranes, hoists, lifts, and other mechanical appliances. Another important provision is for the inspection of such machinery and the conditions under which it is used for the protection of workers and the public generally.

Until 1969 when the inspection of machinery branch was transferred to the control of the Department of Labour and Industry, the principal Act was administered by the Mines Department. The transfer of control was in accord with the general trend in Departments of Labour and Industry in other States of Australia, where many facets of industrial safety were channelled into one department to avoid overlapping of duties and multiplicity of visits by inspectors, and also to enable a more co-ordinated approach to benefit industry, as well as the safety of workers engaged therein.

While the provisions of this legislation will apply generally on a mine, as defined in the Mines Regulation Act, or the Coal Mines Regulation Act, the Act which this Bill proposes will not limit or affect the provisions of those or other acts administered by the Minister for Mines for regulating activities in mining work. The exemptions given in certain clauses of the Bill will therefore allow those other Acts to take precedence.

I mention in passing that the principal Act now to be repealed dates from 1921 and has as one of its focal points the reciprocating steam engine. This type of machinery has been used extensively in mines, pumping stations, and timber mills,

but very few remain in existence today and consequently the demand for certificated men to control them is negligible.

This Bill is divided into ten main parts, and much of the content was contained in a similar Bill introduced into Parliament last year. However, the measure now before members contains some important alterations concerning principally—

- (1) Dispensing with a board of examiners to examine and certify persons competent in the operation of various categories of machinery and delegating such powers to the Chief Inspector of Machinery.
- (2) Providing a right of appeal to a board of reference when a person's certificate of competency is cancelled or suspended by the chief inspector.
- (3) Providing a right of appeal to an arbitrator or a board of reference by a person aggrieved at the order or direction of an inspector under the Act.
- (4) Providing a right of appeal to a local court on a question of law which shall lie from a decision of an arbitrator or board of reference.
- (5) To exclude rural machinery from the provisions of the Act except—
  - (a) For wheeled tractors of certain size authority will be given to prescribe regulations similar to those pertaining in other States for the provision of certain safety features such as protective cabs or frames where considered necessary and depending on their use. The provision of a protective cab or frame over a driver's seat on a tractor will be phased in, and for those already in use a long phasing in period is allowed.
  - (b) Where employees are engaged in rural properties and are handling certain machinery, provision is made for adequate guarding as a safety measure where power take-off fly wheels, belts and chains are in use. A period of six months from the coming into operation of this new legislation is allowed to enable guarding requirements to be complied with.
  - (c) A machinery safety advisory board will be established to investigate and make recommendations to the Minister

with regard to all measures for securing the safety of persons working machinery and for the safety of other persons in the vicinity thereof.

In other areas the development and improvement of new plant has brought about conditions that require the close supervision of an inspection authority. Such developments include the extensive use of high-pressure hot water bottles and pressure vessels used for the transport of chemicals and volatile gases.

I shall now explain the main features of the Bill.

In part I, many definitions are re-defined or added, and those which relate to the boilers, pressure vessels and machinery, have been broadened to include a range not previously covered. The term "boiler" now includes those boilers in which water or other liquid is heated to a pressure above that of the atmosphere or a temperature above 99°C. Its meaning generally is in accord with similar legislation in other States and the Code of the Standards Association of Australia.

"Pressure vessel" includes many types of pressure vessels which are exempt under the existing legislation. The volume and pressure limitations have been removed from the definition and exemptions previously given to pressure vessels used for transport and to vessels under pressure by liquids including static head pressure, have also been removed.

Anhydrous ammonia and liquid petroleum gas are the two products that are mainly transported in vessels under pressure. The design and construction of these vessels is covered in the SAA Codes CB. 23-1969 (NH<sub>3</sub>) and CB.20-1971 (LP Gas). These vessels were previously exempt and were therefore not subject to inspection by departmental officers. The importance of having the design and construction of these vessels supervised by a statutory authority conversant with the particular requirements needs no emphasis.

Full flooded hot water boilers which will now be covered by the legislation, have come into general use as part of the air-conditioning services installed in modern highrise buildings. Hospitals use high temperature, high-pressure hot water systems for all heating purposes such as steam generation, cooking, heating, sterilising and laundry services, as well as air conditioning.

Previously no supervision by a statutory authority in this State has been given to the design, construction, and installation of hot water boilers. Engineering requirements for a boiler of this type do not, in any major factor, differ from those for a high-pressure steam boiler. A disaster resulting from the failure of a high-

pressure hot water boiler could be as great as from the failure of a high-pressure steam boiler.

Part II covers administrative requirements. The Chief Inspector of Machinery will be responsible to the Under-Secretary for Labour and Industry, who is subject to the direction of the Minister for Labour and Industry in the administration of the Bill.

Provision for a machinery safety advisory board was inserted into the Bill by amendment in Committee in another place. This followed a late request from unions closely concerned with this Bill to include a board of this nature which follows the practice in other Acts administered by the department; namely, the Factory Welfare Board in the Factories and Shops Act and the Construction Safety Advisory Board in the Construction Safety Act.

This board will comprise the Under-Secretary for Labour and Industry as chairman as well as a joint nominee from the W.A. Employers Federation and Chamber of Manufactures to represent the owners of machinery whilst employees will be represented by a nominee of the Trades and Labor Council. The board will be a recommending authority to the Minister on matters pertaining to the safety aspects embraced by this Act and regulations.

Part III is concerned with the registration and certification of machinery. It provides that all machinery to which this legislation applies shall be registered and that at the time of the first entry in the register of the particulars of the machinery it shall be divided into two groups.

The first group, to be called the "classified group", will include boilers, pressure vessels, cranes, lifts, escalators, winding engines, and other potentially hazardous machinery which shall not be used or operated unless a certificate of inspection issued by the Chief Inspector of Machinery is in force authorising use to a specified date. Registration of this machinery does not need renewal because inspection by inspectors of machinery will be carried out at regular intervals to ensure compliance with safety requirements and a certification as to suitability to use and operate.

The second group, called the "unclassified group", will comprise other types of machinery which is situated in premises registered under the Factories and Shops Act. The nature of machinery in this group calls for inspection at convenient intervals only to provide adequate surveillance when directions can be given to the owner to comply with requirements considered necessary at the time.

With the unclassified group machinery, initial registration will be necessary at the same time as the initial registration of the premises under the Factories and Shops Act, or the renewal of that registration,

with renewal of registration of both machinery and premises being attended to by the occupier at the one time.

In arranging the two groups in the manner outlined, better utilisation of the inspectors should be accomplished, and less interruption of industry should occur by avoidance of overlapping on the visits of different inspectors.

It will be an offence for a person to use and operate machinery, the subject of the machinery safety legislation, which has not been registered, or which does not carry a current certificate of inspection unless such person has been authorised otherwise in writing by the chief inspector to do so. A certificate of registration, or a certificate of inspection may be suspended or cancelled by an inspector where he considers in the interests of safety that action should be taken and for the same reason inspections may be carried out otherwise than at the prescribed intervals.

Part IV deals with inspection, and it lists the powers and duties of those inspectors appointed. Inspectors holding appointment under the existing Act shall, without further appointment, be deemed to hold office under the provisions of the legislation. Provision is made for any person who is an inspector under the Factories and Shops Act, 1963, or the Construction Safety Act, 1972, to be appointed by the Minister to be an inspector of machinery for such a period, and to carry out such duties as assigned to him by the chief inspector.

As a consequence, inspectors of the Department of Labour and Industry will have greater flexibility in their duties and the legislation should minimise duplication of inspections by allowing at least many of the lesser matters to be attended to by one person. More important, the more technical inspections, from which may issue orders and directions to the owner concerning defective or dangerous machinery, will be done by properly qualified inspectors.

The principal functions of an inspector will be to promote the safety of workmen engaged on machinery, to advise on safe practices in respect to the operation of machinery, and to ensure compliance by all concerned with the provisions of the new Act. He will also be required to investigate and report on accidents caused by machinery, and to take measures to prevent or limit the occurrence of such accidents.

The security of trade secrets is safeguarded by providing for heavy penalties should an officer divulge or use information relating to any business which has been supplied to him or obtained by him as a consequence of his carrying out the provisions of the Act. Such information may be disclosed only in connection with the execution of his duties in giving effect

to the objects of the legislation, or with the prior consent of the owner of the business to which the information relates.

Part V of the Bill relates to the issue of certificates of competency and to the machinery which should be under the control of a certificated operator. The type of machinery to which this part of the Bill will have application is detailed, as well as that machinery which is excluded from the provisions of certificated operators.

The categories of certificates of competency are explained, together with the limitations, restrictions, and conditions which are imposed when applied to various types of boilers, engines, cranes, etc., while the formula for determining their limits has, in some instances, been changed due to the changeover to the metric system and the adoption of national criteria, there has been little change in the sizes and kinds of machinery that will require certificated operators.

Those boilers and engines which previously were not required to be under certificated control will, in most instances, enjoy the same exemptions provided that safety requirements are fitted as prescribed.

An internal combustion engine, for example, of not more than 1290 square centimetres cylinder area is exempt, but this same type of engine of bigger size will also be exempt so long as prescribed automatic controls and fail-safe devices are fitted. This will benefit the many installations in remote areas where the requirements for continual certificated control cannot be justified and becomes, in fact, an operational and economic burden on industry.

This measure provides that it will be an offence for a person to operate any machinery to which this part of the Bill applies unless he is the holder of a certificate of competency issued by the chief inspector relative to that machinery. In the interests of efficiency and to expedite dealing with applications for certificates of competency, the current board of examiners which has operated for many years will be abolished. This will in no way detract from the requirements of an applicant to obtain a certificate; that is, he must lodge a proper application, possess the prescribed qualifications, and experience and pass a written and/or oral examination. The chief inspector will now be given authority to issue the certificate. He is able to utilise his officers throughout the State to assist in examinations without the board of examiners having to travel far and wide to deal with each application.

The board of examiners under the present Act has a person outside the department holding a winder engine driver's certificate appointed to it and the fact

that this board had to be called to meetings, arrangements made for it to travel the State, etc., caused delays in the determination of applications.

Provisions will be made in the regulations, where an applicant is to have a practical examination for a winder engine driver's certificate, to require a person holding such a certificate to be in attendance, if the examiner himself does not hold a winder engine driver's certificate.

A certificated person shall not, at any time, absent himself from that machinery when it is under working conditions unless relieved by a person who is competent and authorised to do so.

New certificates provided are for—

- (1) Welder's certificate.
- (2) Welding supervisor's certificate.

The qualifications for these certificates will be relative to the boiler and pressure vessel construction industry and other special-type work such as cranes fabricated from special steels. Although the measure provides that welders be certificated for this special work, it does not mean that the examination is mandatory for all welders.

Western Australia is the only State where examination and certification of welders is not carried out by a statutory authority. At present the Australian Welding Institute conducts one examination a year, largely by the good graces of those firms which are contributing to, and sustaining the institute, as members, and with the use of the facilities of a technical college.

The Standards Association of Australia Code (CB.14), relevant to the construction of boilers and pressure vessels, lays down that welding operations in accordance with the code be carried out by persons qualified to its standard. Other State inspecting authorities in Australia conform to the requirements of the code and it is intended to put this into more effective practice in this State.

It is fitting, therefore, that this legislation provides for the Chief Inspector of Machinery to administer the scheme for certification of specialist welders and welding supervisors.

Part VI provides for the right of appeal by an aggrieved party to the Minister for Labour and Industry against firstly, the order of direction given by an inspector, or secondly a decision by the chief inspector to cancel or suspend a person's certificate of competency.

The Minister shall refer the appeal first mentioned to an arbitrator technically qualified in relation to the matter, or to a board of reference. The appeal concerning a certificate of competency shall be referred to a board of reference.

An appeal also lies on a question of law from any finding of an arbitrator or board of reference to a magistrate of the Perth Local Court, but in all other respects the decision is final, and shall be given effect according to its tenor by the parties to the appeal.

The magistrate of the Local Court hearing an appeal may confirm, vary, or set aside the decision appealed against and his decision shall be final.

Part VII of the Bill relates to the responsibilities of owners of machinery to ensure it is maintained in a safe and serviceable condition and that working places are kept in a safe and orderly condition. The provisions to keep the machinery safe and serviceable are extended also to any person who, as a dealer, sells, leases, or hires machinery, or to any manufacturer, installer, or repairer of machinery, when it is in their control and capable of being used.

Under the existing Act, the owner only is responsible for safety of the machinery, so the new provisions place an onus more widely on other parties involved in the interest of the safety of workers, the public generally, and the users of machinery.

Provision is made to have every dangerous part of any machine adequately fenced, guarded, or made safe. All fences, guards, or safety devices shall be substantially constructed, constantly maintained, and kept in position while the machine is in use. A person who wilfully interferes with a safety device in such a manner as to render the machine dangerous commits an offence which carries a heavy penalty.

It is further required that before any person can begin construction, manufacture, installation, or erection, or who otherwise effects any repairs or modification to a main structure or to safety devices of any boiler, pressure vessel, lift, crane, escalator, hoist, or winding engine, written approval must be obtained from the chief inspector. Before written approval will be issued all plans, specifications, drawings, and design calculations relevant to the matter concerned must be submitted to the chief inspector.

Protection equipment is to be provided or caused to be provided by the employer for each workman engaged on machinery where such equipment is prescribed for that machinery. It will be an offence for any workman to fail to wear or use such equipment, or fail to carry out or render ineffective any safety measures provided by his employer as required.

Part VIII outlines the obligations of the owner to report accidents that occur, or arising out of, or in connection with the installation, working, or motion of machinery of any kind whatever. The

requirements for accident reporting are based on specifications of the SAA Codes CZ.6 for industrial accidents and will permit investigation to determine the causes of the accident.

Accidents involving damage or breakage to any vital part of any machinery, boiler, pressure vessel, crane, hoist, lift, escalator, or winding engine must be reported to the chief inspector whether or not any person has been killed or injured. No person is to interfere with the machinery concerned in any accident, except to save life or relieve suffering, to prevent damage to property, or to stop the machinery, unless authorised by an inspector or a member of the Police Force.

Part IX of the Bill explains its effects upon machinery use in rural industry. Rural industry is defined as taking in farms, orchards, vineyards, and agricultural and pastoral holdings where persons are engaged for hire or reward whether as employees or otherwise.

Exemption is given in regard to registration of machinery and its certification by inspectors as well as the need for a certificate of competency to operate it, although some aspects of accidents will have to be reported to the chief inspector. Machinery used for domestic purposes, or driven by wind, small electric motors, or any motor vehicle will be exempt.

As mentioned previously, guarding provisions will be applicable to safeguard employees using machinery driven by a prime mover or internal combustion engine, or by electricity which involves power take-off or the use of fly-wheels, belts, chains, and fans.

Where no employees are engaged on rural properties all machinery will be exempt, but the Act provides that certain sized tractors, excluding small tractors and those used inside buildings and on orchards, will be subject to certain safety requirements, and provision is made for the phasing in of safety features for rural machinery.

Part X deals with enforcement procedures, penalties and regulation-making powers. The latter is widely expressed to allow for the administering processes of the legislation, covering as it does such wide protective powers in the matter of machinery safety.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

## **FACTORIES AND SHOPS ACT AMENDMENT BILL**

### *Assembly's Message*

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

## **LAND AGENTS ACT AMENDMENT BILL**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. R. Thompson (Leader of the Opposition), read a first time.

## **STOCK DISEASES (REGULATIONS) ACT AMENDMENT BILL**

### *Second Reading*

Debate resumed from the 13th November.

**THE HON. R. T. LEESON** (South-East) [5.45 p.m.]: This amending Bill will provide the Chief Inspector of Stock with the power to have destroyed animals affected by certain exotic diseases, notwithstanding that the Governor has not declared a state of emergency. I believe this to be a very important amendment. Australia is blessed by being almost free from stock diseases; we are possibly better off than most other countries in this respect, and this Bill will go even further in containing such diseases should they break out.

I should like to draw the Minister's attention to clause 2 of the Bill, which contains proposed new section 12A. It states—

... the Chief Inspector of Stock may, by notice in writing given to the person apparently having charge of that animal for the time being, order the destruction of that animal.

It seems to me that problems could arise in the event of the absence of the owner of stock found to be diseased; the authorities may find it hard to contact him quickly. The wording of this proposed new section is not very clear. There is no doubt in anybody's mind that if an inspector found stock suffering from one of these exotic diseases, that stock should be destroyed very smartly.

I agree that it is a good thing to tighten up the Act and provide the inspector with these additional powers; however, in the way this clause is worded, we might defeat our objective. Perhaps in the Committee stage the Minister can explain exactly what the clause means.

With those comments, I support the Bill.

**THE HON. D. J. WORDSWORTH** (South) [5.48 p.m.]: I support the Bill. We in Australia are indeed fortunate that we have so few stock diseases. Perhaps this is largely due to our isolation; however, credit must also be given to our very good veterinary services and the work of Government departments in this direction. The principal purpose of the Bill is to permit the Chief Inspector of Stock to

declare that a disease is in need of eradication without requiring first that a state of emergency be declared by the Governor in Council. The provision relating to states of emergency will remain, but the chief inspector may act prior to any declaration. This will save time, as the chief inspector will not have to wait for action to be taken through the regulations. The purpose of this amendment is to speed up the entire process and to have a uniform law applying throughout Australia.

I, too, wonder about the wisdom of requiring the chief inspector to give written notice of his decision to destroy stock. I also question whether only the chief inspector may issue such a direction; perhaps his deputy should also have such authority. If the owner of the stock is in Perth and the outbreak in question occurs in the north of the State, a written notification to the owner of the stock could not be delivered quickly; there should be some way of short-cutting the entire procedure.

I notice that, although there are several different types of exotic diseases contained in the original Act, no mention is made of foot and mouth disease. However, foot and mouth disease is specified in proposed new section 12A of the amending Bill. From a nonveterinary point of view, I find the difference between "any vesicular disease" as specified in the original Act and "foot and mouth disease" in the amending Bill a little difficult to understand.

I also notice that rabies was in the original list of exotic diseases; however, apparently rabies is not now considered a disease which must be attacked immediately, as it is not included in the amending Bill. I should like the Minister to pass an opinion on that point.

I believe we are all in total agreement with the need to quickly eradicate exotic diseases and would all support the Bill. I take this opportunity to mention a few of the other diseases—not necessarily covered by this Bill—which affect stock. They are referred to as "enzootic" diseases; in other words, those diseases which are not exotic. I refer firstly to contagious abortion and tuberculosis, for which we now have an eradication programme. We have seen a great deal written about today's low cattle prices. I only hope that the department is using this opportunity to step up its eradication campaign. Up until now, finance has been one of the major considerations, particularly in regard to the payment of compensation. However, compensation payments are now lower and the same amount of money will cover many more animals.

I also noticed the other day a reference to footrot in sheep; I was somewhat alarmed to see the number of flocks which still harbour this disease. Western Australia has always been very fortunate in that footrot has never been a great problem. I happen to have been trained in

New Zealand and, on a farm attached to a university, where we had some 40 students and five veterinary officers we were unable to wipe out footrot disease in a flock of 2 000 sheep. With the present price of wool and meat, an outbreak of footrot would be disastrous for the Western Australian industry.

Once again, I hope that the department will step up its eradication programme. While footrot does not come into the same class as foot and mouth disease, it certainly would be of great economic consequence to the industry should an outbreak occur. I support the Bill.

**THE HON. R. H. C. STUBBS** (South-East) [5.53 p.m.]: I support the Bill; it will provide the Chief Inspector of Stock with the power to deal immediately with an outbreak of an exotic stock disease. Naturally, he would consult veterinary officers to make sure that such an outbreak had actually occurred. The Bill also provides for compensation to be paid to the owners of animals destroyed under the provisions of this legislation. I spoke during the debate on a similar Bill—the Stock Diseases (Regulations) Act Amendment Bill—on Friday, the 1st November, 1968. I do not intend to reiterate everything I said on that occasion; however, at the time, I stated a few facts to draw attention to the serious consequences to the economic life of farmers in Australia if an outbreak of such disease occurred.

We are very fortunate that Australia is a great land mass surrounded by sea. Years ago, of course, it took time to travel by sea from one place to another and, generally, the time of travel covered the incubation period of a disease. However, today, the situation is somewhat different. Recently, I left Canada on a Friday night and was in Western Australia within 28 hours. Members can see that it is possible for a person to be walking around a farm in a country where exotic stock diseases are prevalent and, a short time later, to be stepping off a plane in Western Australia. In such circumstances it is possible that exotic stock diseases could enter this country.

As Mr Wordsworth mentioned, it is fortunate that we have a very good system of quarantine to cope with these diseases to prevent their entry. However, it worries me that we have irresponsible people in our midst. Members may recall the case a few years ago when someone tried to smuggle in semen in a vacuum flask, despite the fact that this was prohibited by the regulations. The person in question could have been responsible for spreading an exotic disease throughout Australia. When I spoke on similar legislation in 1968, I stated—

The outbreak of foot-and-mouth disease in England was colossal in the devastation it caused. I have some

figures which might be of interest to members, and they relate to the losses suffered in England. During that outbreak the losses in stock were as follows:—

- 2,364 farms affected;
- 210,500 cattle destroyed;
- 104,300 sheep destroyed;
- 114,800 pigs destroyed;
- 4 per cent. of dairy cattle herd destroyed.

That outbreak cost £stg200 million; such an outbreak would certainly be crippling to the industry in Australia. I also had something to say on the 1st May, 1969, but as my remarks were brief I will not weary the House by repeating them now.

Recently, I happened to read the Britannica Book of the Year for 1972. This publication was put out by Encyclopaedia Britannica Incorporated and contained a section dealing with world exotic diseases during 1971. The information and figures contained in this article indicate that such diseases can have a devastating effect on a country's agricultural economy. One such disease was Venezuelan equine encephalomyelitis, or VEE, an outbreak of which occurred in Texas. It also referred to an outbreak of African swine fever in Cuba. Neither disease had ever occurred previously in the United States of America, and considerable concern was expressed over the real or potential threat they posed. A substantial number of horses were vaccinated against the diseases, but that conferred no protection against VEE.

In Australia, where every State has its own racing industry a disease like VEE could have devastating effects on our breeding industry. Venezuelan equine encephalomyelitis was first identified in 1935. It had spread to Central America by 1969 and to Mexico by 1970, where some 10 000 horses, donkeys and burros had died by the summer of 1971. More than 3 300 persons were affected by the disease.

The American Government declared a state of national emergency, and channeled \$5 million into a programme designed to prevent the spread of the disease in America. African swine fever had never been reported in the western hemisphere until June, 1971, when an outbreak in Cuba was attributed to virus in meat brought from Europe.

That shows our quarantine officers are right on the ball. We have often read in the newspapers that our quarantine officers have confiscated meat or meat products brought into the country by people returning from their overseas holidays. These people wished to bring the meat or meat products back here to their relatives, and probably they were not aware of the great risks to which they were subjecting our primary industries.

In the outbreak of swine fever in Cuba, some 30 000 hogs had to be destroyed. There were also outbreaks in Italy and Spain; the mortality rate among affected hogs was said to be 100 per cent.

Canine brucellosis—I did not know there was such a disease—is caused by a bacterium. This brings about abortion in cattle and undulant fever in man. Recently in the USA it was described as a separate disease of dogs. Apparently, it was thought to be confined to a few breeding kennels, but blood tests and swabs taken from dogs kept in pounds and by dealers indicated that the disease was very widespread.

Newcastle disease is a widespread fatal viral infection of poultry and ornamental birds. This reached epizootic proportions in Britain, and resulted in a considerable loss of money to the industry.

In Australia we do find bovine pleuropneumonia. It was introduced in Victoria in 1858, but for some reason or other it was not followed up for four years. In that time it spread to all the mainland States of Australia. It took years and years to eliminate the disease by vaccination, slaughter of cattle, and the restriction placed on the movement of cattle.

Victoria, New South Wales, and Queensland are now declared as being free from the disease. I think that the other States are virtually free from the disease, although they have not been declared as being free from it.

In the speech which I made in this House in 1969 I said that in Germany 600 000 head of cattle died as a result of foot and mouth disease, and this caused a loss of £18 million sterling when the outbreak occurred in 1938. If we convert that sum of money to present-day values we will find that a much larger amount is involved. These outbreaks affect international trade and commerce, and also present a danger to our farming community.

There were outbreaks of swine fever in Europe, America, and Australia in 1905 and 1927-28, but the most notable one that the older people of the community will remember was the outbreak in 1942-43. The outbreak occurred in New South Wales and Western Australia. The cause was attributed to the infection being spread by feeding pigs on swill containing unsterilised pork scraps unloaded from American troopships. That shows how easy it is to transmit the disease to a country like Australia.

When one approves of a Bill, as I do of the Bill before us, the less that is said—except for what must be said—the better. For that reason I give my blessing to the Bill.



**THE HON. W. B. WITHERS** (North) [6.05 p.m.]: I rise to make a few brief comments in support of the Bill, in the hope that the Australian Agricultural Council will regard this legislation as being adequate to cover the incidence of diseases in pigs. I say this, because I hope that if sufficient representation is made the Australian Agricultural Council will review the current plans—which are to come into effect on the 1st July, 1975—to abolish the feeding of swill to pigs.

I do not think this is a sensible decision; I think it is very unwise for the Australian Agricultural Council to do what it proposes to do as from the 1st July, 1975. For that reason the Australian Agricultural Council should take notice of this Bill, regard it as adequate legislation, and reconsider its proposed ban on the feeding of swill to pigs.

With those comments I support the Bill.

*Sitting suspended from 6.06 to 7.30 p.m.*

**THE HON. N. McNEILL** (Lower West—Minister for Justice) [7.30 p.m.]: I would like to acknowledge the support which this Bill has received from members, and I am especially grateful for the comments which have been made. I think I can make a particular reference to the examination which the honourable Claude Stubbs made because I am sure those of us who have been in this House for some time will appreciate the interest he has shown, and the contributions he has made, to this particular subject over a considerable number of years. The points he raised are well appreciated. In fact, he has highlighted the great importance of the measures taken to preserve this country from the importation—if that is the right word—of diseases of this nature.

The Hon. R. T. Leeson questioned the discretion which appears to be available to the Chief Inspector of Stock, and he referred to proposed new section 12A. This matter can be dealt with during the Committee stage but I feel it is appropriate for me to make some comment now. I am not sure I understood the point raised, but perhaps we will be able to give some more time to it during the Committee stage. I think the discretions which are available to the Chief Inspector of Stock, or to his representative, would cover the point raised.

Mr Wordsworth raised a technical point which I am afraid I am not able to answer. He drew attention to the fact that in the list of diseases included in the Bill no mention is made of rabies. I do not know why that disease has not been included but if it is satisfactory to Mr Wordsworth I will endeavour to obtain some clarification of the point and, if possible, convey the information to him at the third reading stage.

Mr Wordsworth also mentioned vesicular diseases which appear in the parent Act, and he said that foot and mouth

disease is not mentioned. He wanted to know whether that disease was one of those referred to generally in this Bill. That is another point on which I have not been able to satisfy myself and I will endeavour to have that information available to him in due course.

A further point raised by Mr Wordsworth was that it may not be convenient, in certain instances, for the Chief Inspector of Stock to be able to give notice in writing when at some remote place. I think that if he refers to the principal Act, and to the interpretation of "inspector", he will see that the interpretation includes the Chief Inspector of Stock, the Deputy Chief Inspector of Stock, and any other person deputed for the particular position. I think that interpretation provides the necessary convenience and facility wherein a person can have the authority delegated to him to make an order for the destruction of animals. I think that will satisfy the query raised by Mr Wordsworth.

One other question may have been raised which does not immediately come to my mind. If it is of some significance, and needs to be answered, it can be attended to and discussed further during the Committee stage.

I trust my reply is satisfactory, particularly to Mr Leeson, I again thank members for their support of the Bill and commend the second reading.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 12A added—

The Hon. LYLA ELLIOTT: I take advantage of this clause to inform members of the Committee of what the Australian Government has done—or is doing—in the field of animal health. Members are quick to condemn the Australian Government, and accuse it of not being interested in rural areas. I want to draw attention to the fact that the Whitlam Government has already agreed to the construction of an animal health laboratory which will cost \$56 million. The laboratory is precisely for the purpose of eradicating foot and mouth disease, and other exotic diseases.

The Whitlam Government has also announced its intention to establish a bureau of animal health, and a national health advisory council. Both organisations will co-operate with the State Governments, industry, and the CSIRO in fighting animal diseases.

The Australian Government is very conscious of the value of the animal industry in Australia, and this is just one example to show that the Government is acting in a positive way. I trust members will recall what I have said when talking about the Australian Government.

The Hon. R. T. LEESON: The query I raised earlier was with regard to proposed new section 12A which sets out that the Chief Inspector of Stock may, by notice in writing given to the person apparently in charge of an animal for the time being, order the destruction of that animal. My query, firstly, is whether the word "may" should be "shall". I realise that the substitution of the word "shall" would mean that the inspector would have to notify the owner of the stock, even though he may be 200 miles away. A case could arise where no-one was in charge of an animal, and the owner could not be reached.

An animal might have to be destroyed immediately and I am wondering whether the new section should read that the Chief Inspector of Stock "shall" by notice in writing, order the destruction of an animal. What will be the situation if the inspector does not give notice in writing? Will he still be able to destroy the animal immediately, or will there be a complication which will involve a waste of time?

The Hon. N. McNEILL: The discretion is applied not to whether he shall give notice in writing but, in fact, to the order for the destruction of an animal. The proposed new section states—

... the Chief Inspector of Stock may,  
... order the destruction of that animal.

Mr Leeson has suggested that the word "may" should in fact be "shall" which would take away any discretion whatever from the Chief Inspector of Stock.

It is desirable that the Chief Inspector of Stock have the discretion available to him. It has to be borne in mind that he will be able to delegate authority. I think it would be undesirable for an absolute obligation to be placed on any such person in view of the fact that a state of emergency will not have been declared, and we are invoking a power in anticipation of such a state of emergency.

A situation may not warrant a declaration of a state of emergency because it may affect only one animal, or a small number of animals. The discretion relates only to the destruction order, and not to the notice in writing.

Mr Leeson also referred to the possible difficulty of giving notice in writing. I think the words have been chosen rather carefully so that the notice will be given to the person apparently having charge of an animal. It is generally accepted that even although the actual owner of stock may not be available, at all times someone

apparently is in charge of stock. Stock could be agisted on a farm 500 miles away from the owner but the person who was apparently in charge would be the owner of the property or the person in occupation.

I think the words were chosen rather carefully in order to provide always for there to be some person to whom the notice in writing could be given in the necessity to order the destruction of an animal.

I doubt that one can go any further in defining such person. Animals might be out on agistment or pastured, and the owner, the stock agent, or any number of people might be taking care of the stock at any particular time. The owner might have said to a neighbour, "Keep an eye on this stock for a week or two while I am away." I believe the wording is sufficient to nominate that particular person as the person in charge. It would be impossible to go any further by way of definition under these circumstances. It gives all the possible available opportunities to an inspector of stock to advise some person that an order for destruction is contemplated.

The Hon. R. THOMPSON: I think the Minister has wrongly interpreted what Mr Leeson said. Mr Leeson wants to ensure the beast is destroyed. I, too, query the wording of this proposed section. Beginning with line 18, I think it should read—

and that the immediate destruction of that animal is essential to prevent the spread of the disease. The Chief Inspector of Stock may order the destruction of that animal by giving notice in writing to the person apparently having charge of that animal for the time being.

That would make it more definite. I think Mr Leeson's view is that one could finish up with litigation about the matter. We are trying to be helpful, and on my reading of the Bill it leaves a grey area. Stock move around from area to area, and sometimes they are left on their own while on agistment out in paddocks for two or three months. We are trying to make the legislation concise.

The Hon. R. T. LEESON: I thank the Minister for his explanation but it still seems to me that whether or not the chief inspector gives notice in writing he has power to order the destruction of the animal. If that is so, the notice in writing is not necessary. The way it is worded, the provision does not seem to read correctly. I can see the point but if the words in the middle of that portion of the proposed subsection are not necessary, perhaps they should be transposed or even deleted.

The Hon. N. McNEILL: I think I understand the point which Mr Leeson and the Leader of the Opposition are making.

They are querying why there is discretion in ordering the destruction of the animal. I am at a loss to know why there should be discretion, except that perhaps an animal will be destroyed by the owner, in which case it would not be necessary to issue such an order.

The Hon. R. Thompson: But if you take the diseases into consideration, it would be essential that the animals be destroyed forthwith.

The Hon. N. McNEILL: That is right. So the Leader of the Opposition is querying the use of the discretionary word "may".

The Hon. R. Thompson: And other words. The reference to destruction should come after the word "disease" in line 20, and then be followed by the phrase relating to notice in writing.

The Hon. N. McNEILL: I think we should ignore the words "by notice in writing given to the person apparently having charge of that animal for the time being". That spells out the mechanics by which the order shall or may be given and is incidental to the operative part of the proposed subsection, which is the destruction of the animal. Provision is made for ordering the destruction of the animal, and it goes on to say how that order shall be given. It shall be given by way of notice in writing, which is incidental to the operative portion of the provision.

The Hon. R. Thompson: You must put yourself in the position of the stock owner. He is not a parliamentary draftsman or a lawyer, and when he reads that provision he could think he should be given an order. It should be written in a form which is easily understood.

The Hon. N. McNEILL: I believe it is obligatory that formal notice be given to the person who is apparently in charge. I do not think it can be left open so that the order may be given by word of mouth. That would involve too much of a risk. It is absolutely mandatory that the notice be given in writing.

The Hon. R. H. C. Stubbs: It would have to be in writing for compensation purposes.

The Hon. N. McNEILL: I believe it would. There must be some evidence that a proper order has been given, and the evidence would be the notice in writing.

The Hon. R. T. Leeson: Would it be better to have "shall" instead of "may"?

The Hon. N. McNEILL: I do not think so. I believe the discretionary word "may" does not relate to the issuing of the order in writing. This comes back to the apparent inconsistency in relation to the actual destruction of the animal. The discretion does not apply to the notice in writing but to whether or not the chief inspector will order the destruction of the animal.

The Hon. R. Thompson: You and I can understand it, but can the farmer understand it, the way it is written? I think it is badly phrased.

The Hon. N. McNEILL: This gives the power to the Chief Inspector of Stock or his delegated officer to destroy or order the destruction of an animal. Let us leave out the reference to giving notice. I think the use of the word "may" is of little significance, because he has the power and clearly he would use it if the immediate destruction of an animal were essential. If in the exercise of the prerogative available to him he considers the immediate destruction is essential, he has the power to order the destruction of that animal. The question arises whether it should be implicitly discretionary through the use of the word "may", or whether, as Mr Leeson suggests, it should be "shall". I do not think it makes any difference, except that "shall" is a very definitive word which takes away any use of discretion on the part of the Chief Inspector of Stock; and in its operative sense I do not think it really makes any difference because if the chief inspector or his officer is satisfied that the disease is present and immediate destruction is essential, he will exercise the power available to him in the last two lines of the proposed subsection, and order the destruction of that animal.

The Hon. R. T. Leeson: The way it is written it appears to be an exercise of goodwill to give notice in writing if the owner or whoever is in charge of the animal can be found.

The Hon. N. McNEILL: Not to my way of thinking. I believe the notice in writing is obligatory and mandatory; he must give it.

The Hon. T. O. PERRY: I hope the Committee will accept the Minister's explanation. The use of the word "shall" might be very difficult in the event of an animal having foot and mouth disease, or a similar disease, when it has to be destroyed almost immediately and it is not possible to contact the owner or anybody in charge of the stock. If we leave the word "may", I take it the chief inspector would still have power to destroy the animal, but if neither the owner nor anybody in charge of the stock could be found I do not know how the provision would operate. If we substituted the word "shall" for the word "may", it would be obligatory to give notice in writing.

The Hon. J. HEITMAN: I think the Minister is right. If notice in writing is given to an employee, and the beast in question is killed, the owner of the beast would know that it was slaughtered for a reason, and not simply because it had kicked the employee! Surely if the owner is absent then the employee in charge of the animal should have something in writing so that he can prove to the owner the reason the animal was slaughtered.

I feel we should retain the word "may" because if the owner or person in charge of the animal cannot be located the beast may still be destroyed and the inspector may send a letter to the owner when he is located.

The Hon. D. J. WORDSWORTH: I gather the Minister indicated he will answer my query in relation to the Chief Inspector of Stock at the third reading. With regard to notice being given, what would happen if we specify the chief inspector must give notice, and he is ill or absent at the time?

The Hon. N. McNEILL: The interpretation of "inspector" in the principal Act defines that word to mean an Inspector of Stock and to include the Chief Inspector of Stock, the Assistant Chief Inspector of Stock, a person authorised to act temporarily as an inspector of stock, and every Inspector of Stock appointed under an Act repealed by the principal Act.

The Hon. D. J. Wordsworth: That is the other way around.

The Hon. N. McNEILL: I agree; I suppose it does leave a query as to whether "chief inspector" would include every other person who is exercising power delegated by the chief inspector. I am prepared to have this query clarified at the third reading.

I recall a further query was raised during the second reading debate by Mr Withers who referred to the use of swill for pigs and asked whether the Agricultural Council had taken note of this Bill. I am in no position to comment on the point, and I do not think he necessarily requires me to do so. Nevertheless, I will convey his comments to the Minister for Agriculture and ascertain whether he would like me to convey some remarks to Mr Withers in due course but, I imagine, not necessarily in the course of the passage of the Bill.

However, I undertake to obtain some information, even if it is only to confirm that the attention of the Agricultural Council will be directed to the matter.

I appreciate the support offered by Mr Perry and Mr Heitman. Upon a further reading of the clause I feel the queries which have been raised are satisfactorily covered. I should observe that if in fact the word "shall" were used in line 20 possibly some conflict could arise in the event of it being difficult to give notice in writing to a person apparently in charge of the stock. The inspector would be in a quandary if he could not find the owner, bearing in mind he is absolutely obliged to order the destruction of the animal. I think the word "may" will enable him to overcome any difficult situation, while at the same time giving him power to order the immediate destruction of the animal if in his view that is necessary.

Clause put and passed.

Title put and passed.

## Report

Bill reported, without amendment, and the report adopted.

## RURAL AND INDUSTRIES BANK ACT AMENDMENT BILL

### Receipt and First Reading

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

### Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [8.08 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide greater flexibility in the fixing of long service leave entitlements for employees of the Rural and Industries Bank.

Flexibility is required so that long service leave conditions can be kept up to date with rapidly changing conditions of employment in banks throughout Australia. At present long service leave conditions are specified in section 36 of the Rural and Industries Bank Act and can only be changed by amendment of that Act.

In practice the Act reflects the long service leave conditions agreed to between the bank and the Australian Bank Officials' Association, and incorporated in a private unregistered agreement.

The Bill seeks to repeal and re-enact the relevant provisions of section 36 and to vest power in the commissioners of the bank to make, with the prior approval of the Treasurer, by-laws governing long service leave entitlements and other relevant matters.

The by-law making power proposed in the Bill is in general terms. This leaves the commissioners sufficient flexibility to reflect in the by-laws the terms of any relevant agreement made between the bank and the association, or between the association and other banks.

The request from the commissioners originally was to leave the matter entirely with the commissioners, but it was felt there should be some point of reference when they are negotiating these long service leave conditions because in the past, as members will know, long service leave conditions were spelt out by Statute. The time has come when we should abandon that method.

Members will see that the new parts of section 36 are very brief, compared with those in the principal Act, because there is no longer a need to spell out all the conditions aligned with long service leave entitlements, as was the case in the past.

We must keep up with changing conditions—some in detail, and some in principle—and in fairness to the officers

concerned we should remove some of the restrictions previously imposed when it was necessary to write out in detail in the legislation the long service leave conditions and entitlements.

The Bill will come into force and effect when it is proclaimed and the intention is to synchronise the proclamation with the promulgation of the by-laws, so that there will be no hiatus between the actual agreement with the new conditions and the effective promulgation of those conditions.

Proposed new subsection (4) protects officers who were formerly officers of the Agricultural Bank from loss of qualifying service in relation to the period served with the Agricultural Bank before being taken over. The need for this will be appreciated. It was always assumed that this was the case, and the provision is now to be written into the Act to avoid any doubt arising in the future.

Proposed new subsection (5) gives the commissioners power to make, with the prior approval of the Treasurer, by-laws providing for entitlements of officers to long service leave and lump sum payments in lieu, and lump sum payments for *pro rata* long service; prescribing terms and conditions relating to those entitlements; and prescribing other matters necessary or convenient for giving effect to those entitlements and terms and conditions.

The Act at present provides for 13 weeks' long service leave for the first 10 years of service from the 18th birthday or date of appointment, whichever is later; 13 weeks' long service leave for the second 10 years of service from the 18th birthday or date of appointment, whichever is later; 13 weeks' long service leave for the second 10 years' service; and 13 weeks' long service leave for each seven-year period thereafter.

There is no provision for payment of *pro rata* amounts of long service leave to officers who resign, are dismissed, or die during the first 10 years, except for the payment of a marriage allowance to a female officer who resigns for the purpose of marrying before having completed three years of service.

The new proposals advanced by the Australian Bank Officials' Association are more liberal than the current entitlements. Briefly, they envisage 13 weeks' long service leave for the first 10 years of service; 13 weeks' long service leave for each six-year period thereafter; and *pro rata* payment on termination of employment or death.

The Premier mentioned in another place that he had conferred with the commissioners and also with the Chairman of the Public Service Board, and established that there should be no reason why any entitlements worked out under these powers to be written into the legislation would conflict, create a precedent, or in any way

embarrass the Public Service Board in its discussions and negotiations on long service leave. In other words, it is now firmly established that there are two distinct categories of employees.

If one is an officer or servant of the R & I Bank one is now established from this point onwards as a quite separate type of employee—an employee of the bank. Presumably the conditions and emoluments of office will flow more logically as a bank officer, rather than being tied to Public Service conditions slavishly or by implication.

There is another provision I wish to refer to so that there is no doubt about the matter. This is the addition of proposed new subsection (6). This extends the meaning of the word "officers" to include commissioners of the bank. The Premier queried the fact that there is no real differentiation in the payment and treatment of officers. Therefore we have to regard officers and servants in the traditional meaning within the framework of the bank itself, and the framework of its normal employment.

I do not think this presents any problem, but it raises an argument as to whether a commissioner is entitled to be treated as an officer. Under some provisions of the Companies Act, for instance, arguments occur as to whether a director is an officer of the company. This has been going on for years and so to avoid any conflict or suggestion to the contrary we should write into the Act that henceforth, if this Bill becomes law, under new subsection (6) the meaning of the word "officers" in subsection (5) is to include commissioners of the bank.

I commend the Bill to the House.

**THE HON. R. THOMPSON** (South Metropolitan—Leader of the Opposition) [8.15 p.m.]: I will not delay the passage of the Bill because what will take place under its provisions has been explained by the Minister in his second reading speech. We have had an opportunity to study the measure and we believe it is an attempt to keep up with changing times in regard to the provision of long service leave to employees of the Rural and Industries Bank. As the Minister has mentioned, *pro rata* long service leave is not a benefit that bank officers have enjoyed in the past, nor did they enjoy the benefit of obtaining lump sum payments in lieu. However, an allowance was granted to a widow where an officer of the bank died and, in the case of a female employee, a marriage allowance was also paid.

Therefore, this Bill will bring the Act up to date in respect of long service leave entitlements. I see nothing wrong with the legislation but only time will tell whether it is a step forward. In the main, however, it will avoid the need, in view

of changing times, to bring forward, repeatedly, Bills before the Parliament to effect such amendments to the legislation. Therefore, I support the measure.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

### *Third Reading*

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

## **ROAD TRAFFIC BILL**

### *Second Reading*

**THE HON. N. E. BAXTER** (Central—Minister for Health) [8.19 p.m.]: I move—

That the Bill be now read a second time.

This Bill gives effect to a policy undertaking given prior to the last election.

The measure brings together under one statutory entity all matters relating to the administration of traffic with the exception of highway engineering as it relates to traffic safety and, except as will be described, parking.

The long term objective of the legislation may be described in these terms—

- (a) To bring unity of purpose and direction to the performance of most of the many functions involved in the administration of traffic in the State.
- (b) To increase the efficiency and effectiveness with which these functions are performed with a clear aim of achieving a significant reduction in accident rates.
- (c) To provide a focus for research into all aspects of traffic administration—not just accident research.
- (d) To create a forward-looking body which, as a result of its own research and inquiries, will lead Australia in traffic administration.

The legislation takes the form of a completely new road traffic Act, repealing and re-enacting the existing Traffic Act, 1919-1974. In preparing the Bill, the opportunity has been taken to correct anomalies and inconsistencies in the existing Act. Those changes will be explained in some detail.

Part II of the Bill, to which I shall now refer, sets out the arrangements that are to be made to bring a Western Australian traffic authority into being.

During my discussion of part II, I shall refer to a number of Government decisions which do not require to be mentioned in the Bill.

The method of the establishment of the authority has been carefully planned, and experience gained on the occasions when local authorities have surrendered traffic functions, and on the establishment of the Department of Motor Vehicles, has been fully utilised.

The Bill establishes the road traffic authority in quite usual and conventional terms, the important point being that the authority is an instrumentality of the Crown and a department under, and for the purposes of, the Public Service Act.

The authority will consist of seven members—the permanent head of the department; the Commissioner of Main Roads, because of his close involvement with traffic safety; the Commissioner of Police, because of the skills which repose in his department in respect of law enforcement; the Director-General of Transport, in order to exploit the co-ordinating role laid on him by the State Transport Co-ordination Act, and three persons appointed by the Governor for a period not exceeding three years on the nomination of the Minister from panels of names submitted by the Local Government Association of Western Australia, the Country Shire Councils' Association of Western Australia and the Country Town Councils' Association respectively.

Such nominated members are eligible for re-appointment. To be effective the panel must be submitted within 21 days of the particular body receiving a request from the Minister to do so.

There is provision for the appointment by the Governor of a member of the authority to be chairman for a term not exceeding three years, with eligibility for re-appointment, unless ceasing to be a member.

The Governor may appoint a person to be a deputy to a member, and may fill casual vacancies in the ranks of the nominated members occurring other than by effluxion of time.

Normal proceedings in respect of meetings are provided.

The functions and duties of the authority are clearly defined and, as such, are to reflect the Government's intention that the authority should seek to lead in the administration of traffic.

There is imposed a research responsibility on the authority which is required to keep itself fully informed on all developments and significant new knowledge arising from research over the whole field of traffic administration everywhere.

The authority is directed to avoid duplication of functions and as far as practical eliminate such duplication but, nevertheless, it should also be noted that the authority is required to co-operate with local

authorities so that the resources and facilities previously provided by local authorities for traffic purposes be put to the best use.

In particular, the authority is to co-operate in the matter of vehicle licensing and local authorities may be appointed as the authority's agent for that and associated purposes. In other words, it may be necessary for the Government to use the local authorities' premises. We will negotiate to purchase equipment from the local authorities on a basis satisfactory to both parties concerned, whether the equipment be motor vehicles, radar equipment, or anything else.

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

The authority's administrative staff will be members of the Public Service, in all respects subject to the Public Service Act, 1904.

The Governor may, on request of the authority, engage specialist services such as might be provided by consultants or experts on a particular subject appointed for a short term and particularly in relation to the authority's research responsibility to which I have already referred.

The powers of delegation of the authority are normal in situations such as this. It is essential, for instance, that the authority be able to delegate the powers to local authorities acting as its agents for vehicle licensing and associated functions.

The particular clause which establishes the body known as the traffic patrol, which will be the law enforcement arm of the authority, clearly sets out that it is the authority which is charged with the general deployment and control of the traffic patrol. The Commissioner of Police is obliged to arrange for the transfer of members of the Police Force for duties in the traffic patrol. A person must be sworn in as a policeman to be a member of the traffic patrol. There is a clear separation of the patrol from the Police Force in terms of its general deployment and control. A patrolman's work will be in regard to traffic and traffic alone. He remains sworn in as a member of the Police Force, but will be under the control of the traffic authority. To clarify the position, in cases of emergency, whether it be a riot or something of that nature, members of the traffic patrol may be called in and used in conjunction with the Police Department.

Generally, however, the day-to-day job we want them to do is look after traffic. For instance, if members of the traffic patrol picked up a motor vehicle containing stolen goods, they would hand it over to the Police Department to continue the

investigation in respect of that aspect. The job of the traffic patrol, except in special circumstances, will be to look after traffic.

Council traffic inspectors, who desire and are able to transfer to the traffic patrol, are first to be appointed members of the Police Force by being sworn in. Thus, they will receive the same conditions of service and wider promotional opportunities shared by policemen transferred to the traffic patrol.

The traffic patrol, as so constituted, is thus a body with a separate identity under the management of the authority.

It will be seen that patrolmen will have exactly the same powers as other policemen and that they are engaged under precisely the same rules, regulations, agreements, and awards as are other policemen. Furthermore, any member of the Police Force not transferred for duties with the traffic patrol has the same powers under this Act or any other Act or law as if he were a patrolman. All transfers from the normal law enforcement section to the traffic patrol must be with the prior approval of the Commissioner of Police. This is to ensure that the two quite distinct law enforcement bodies can not only work together when required, but will work together in practice. For instance, members will understand that the existing Police Traffic Branch assists and co-operates with the Criminal Investigation Branch while, in turn, the Criminal Investigation Branch does not refrain from acting in the role of the traffic branch when it is necessary for its members to do so.

There would be no merit in there being a distinction in the powers or authorities of the traffic patrol and the police through which criminals or suspected persons could slip either through there being a difference or by there being some gap in the overlap of duties, particularly in hit-run driver situations.

The eventual aim is that the authority will establish regional offices for all its purposes where it deems them necessary, and it may enter into an arrangement with local authorities or others in relation to accommodation or, alternatively, build its own.

Where there is no regional office, the authority staff will work out of police stations or shire offices by arrangement and, in addition, it is expected that many local authorities may be prepared to act as agents for the authority, thus eliminating inconvenience in smaller country centres. This would be mainly in connection with the collection of license fees and the like.

The Government undertakes that surplus local government staff transferring to the authority will suffer no reduction in salary

or allowances. Persons transferring to the authority will carry *pro rata* long service leave entitlements.

Whilst many of the authority's country staff will already be housed in one way or another, the eventual aim is that the Government Employees' Housing Authority will be used to supply any additional houses required to the extent this is possible under current GEHA arrangements.

The authority may lease houses or purchase them by arrangement from local authorities with their consent.

The existing arrangements between the Police Department and the Police Union will apply to housing for patrolmen.

The desire of local authorities to retain distinctive number plate prefixes is acknowledged, as is their desire to have local authority names shown on all documentation.

Local and regional committees to advise the authority on local problems and issues may be established by local government bodies if desired. Their point of contact with the authority will be the board members representing local government.

The authority will make maximum use of the skill, experience, and facilities of the road safety division of the National Safety Council. The authority will not seek to duplicate the work of the road safety division. On the contrary, it should seek to expand it and profit from it.

The authority will not determine or enforce parking policy in any local government area in the State, except on arterial roads specified by the authority, such as Stirling Highway where continuity of parking provisions is essential, or in areas where local government requests it to do so.

It is proposed, for this purpose, that the authority may employ traffic wardens for enforcing parking policy, rather than members of its patrol staff. When I speak of traffic wardens, I speak of people who look after school crossings and the like.

Where, as above, the authority is to perform the parking function the Commissioner of Main Roads will be the parking sign erecting authority.

The authority for erecting traffic regulatory signs throughout the State will be the Commissioner of Main Roads who is an *ex officio* member.

The Bill, as previously mentioned, not only establishes a new authority, but also repeals and re-enacts entirely the existing Traffic Act, 1914-1974.

Most of the provisions of the Traffic Act dealing with the licensing of vehicles, drivers' licenses, and the extraordinary drivers' licenses, and the various offences of reckless, dangerous, and careless driving, have been re-enacted in this new Bill with

little change. Most of the changes which have been made are necessary consequences of the establishment of the new authority and thus we have a change in the licensing body.

The opportunity has been taken to attempt a rationalisation of the penalties imposed for all offences created by the Act. In many instances the existing penalties have not been revised for many years and it is necessary to increase the monetary penalties to accord with modern monetary values. On the other hand, there has been some reduction in the terms of imprisonment which may be imposed for certain offences to reflect modern-day sentences.

I shall now explain the principal significant changes in the nonadministrative parts of the Bill.

Dealing first with licensing, there have been no changes in either the vehicle or drivers' licensing fees—

The Hon. S. J. Dellar: I shouldn't think there would want to be.

The Hon. N. E. BAXTER: —or in the categories of concessions available under the old Traffic Act. The only new provision of any significance is that which is intended to prevent the operators of commercial vehicles, licensed or registered in another State, from operating their vehicles in this State for prolonged periods unless the vehicles have been licensed by this State.

This is designed basically to prevent commercial vehicle operators with interests in more than one State from resorting to the State for the time being having the lowest level of registration fees as the State in which it registers its vehicles ordinarily being used in Western Australia.

It is also to be remembered that Western Australian residents who happen to be involved in accidents with vehicles registered outside the State are inevitably put to much greater inconvenience in insurance matters, both for vehicle damage and personal injury, and this is another reason modification is desirable.

The new provisions do not apply to privately-owned vehicles or utilities, or to vehicles genuinely engaged in interstate trade and commerce. Moreover, it is well appreciated that there are many circumstances in which it is reasonable for an interstate registered commercial vehicle to operate on the roads of this State without a Western Australian license and it is not intended to affect these operations.

Some examples are the interstate tourist buses and coaches brought to the State for a matter of weeks during the wildflower season, and the occasions on which the transport company may temporarily bring vehicles into the State to replace damaged vehicles or to meet temporary shortages.



The Bill ensures that outside the metropolitan taxi control area, municipal councils will retain their power to control the issue and transfer of taxi-car licenses. This control is achieved by prohibiting the authority from granting or transferring a taxi-car license without the consent of the council concerned.

The issue of driving licenses, and the general regulation of traffic, are dealt with in part V of the Bill. The authority will be permitted to call in the holder of a driver's license where the authority suspects that he is no longer capable of driving a vehicle.

There have been fairly frequent occasions on which the Director of the Department of Motor Vehicles had grounds for suspecting that because of a medical condition or personal injury safe driving ability had been impaired, but under the present Act no action can be taken until the driver's license comes up for renewal. The Bill proposes that the authority will be able to suspend such a person's license in the event of the person concerned failing to produce satisfactory medical or other evidence of ability to drive with safety. Any person aggrieved by the authority's decision to suspend his driver's license will, however, have a right of appeal.

A new offence has been created in the matter of a vehicle owner failing to identify the driver of his vehicle at a time when the use of a vehicle has resulted in the death or injury of a person. There have been occasions when the police and others have been frustrated by the fact that an individual has been knocked over on the road and either killed or badly injured. In such an instance the driver of a car can continue on and leave that person on the road, put his car in the garage and deny any knowledge of who was driving the vehicle. In a case such as this, the penalty is \$1 000 or imprisonment for 12 months.

The penalties for this offence are substantial, but this type of offence which is inherently associated with hit-run driving is a very serious one.

The owner of the vehicle, of course, will not commit the offence if he is genuinely unable to identify the person who was driving his vehicle at the relevant time, and the prosecution bears the onus of showing that he failed to disclose facts of which he is aware.

The legislation creates an entirely new offence of causing the death of, or grievous bodily harm to, another person by the driving of a vehicle in a manner or speed dangerous to the public. Such an offence exists in the laws of the United Kingdom—see section II of the United Kingdom Road Traffic Act, 1960—and in the laws of other States.

The Hon. R. Thompson: Have you a copy I can look at?

The Hon. N. E. BAXTER: No; I am sorry I do not. I will try to get one for the Leader of the Opposition if he so wishes.

The new provision will replace section 291A of the Criminal Code which was enacted in 1945 with a view to establishing an offence of killing with a motor vehicle, but involving a lesser degree of negligence than does the offence of manslaughter. The High Court held eventually that the standard of negligence for the purposes of section 291A of the Criminal Code is the same as that for manslaughter.

Thus the purpose of enacting the section was not achieved and moreover a curious situation was created wherein a jury has, in effect, the opportunity to convict a person of either of two different offences with different penalties on the same facts, with the same standard of negligence.

It will be noted that proceedings for the new offence may be tried on indictment before a jury or before a magistrate and according to the choice made by the defendant. As is customary, the maximum penalties which a magistrate may impose are less than those available to a superior court trying such a case with a jury.

Some revision has been made of the provisions of the Traffic Act dealing with driving under the influence of alcohol. The penalties have been modified slightly, and the penalty of imprisonment for a fourth drunk driving offence has been substantially reduced to accord with the scale of penalties for other serious offences. The new penalty is to be a fine of not less than \$1 000, nor more than \$2 000, or imprisonment for 18 months.

No change has been made in the alcoholic percentages of 0.15 or 0.08 respectively, which have now been in the Traffic Act for some years.

At the present time, a person whose blood alcohol concentration is found to be 0.15 per cent or more is statutorily deemed to have been affected by alcohol to an extent rendering him incapable of controlling his vehicle not only just for the purposes of the drunken driving offence, but also for the purposes of offences such as manslaughter, occasioning grievous bodily harm by the use of a vehicle, etc.

The Bill proposes to alter that position so that the statutory presumption will apply only to the offence of drunken driving and thus, in the matter of a person charged with any other offence, it will be left as a matter of evidence in the determination whether a particular blood alcohol concentration in fact rendered that person unable to drive his vehicle.

Based on recommendations from the National Safety Council, there has been an extension of the classes of persons who may be required to have a preliminary road-side alcohol blood test.

At present a person must be reasonably suspected of either having been in an accident or committing an offence and also of having been driving under the influence of alcohol. It is now proposed to dispose of the necessity for both grounds of belief and provide that a person may be required to have a preliminary test if a policeman reasonably suspects him of having been in an accident involving personal or property damage or, alternatively, of having committed an offence against the Act or the regulations or, indeed, of merely having driven with alcohol in his body.

Even then, as so widened, the provisions do not amount to random testing since there must be some external factor known to the patrolman at the time of his requiring the preliminary test so that later, at the time of prosecution, the patrolman may swear that he had reasonable grounds to suspect at least one of these three things of the person concerned.

Some of the provisions of the regulations dealing with analysis of breath and blood for alcohol have been brought into the legislation to overcome difficulties of a technical nature being experienced in the courts.

In particular, the Bill recognises the presumption that a blood alcohol concentration rises at the rate of 0.016 per cent for two hours immediately following a person's last alcoholic drink and thereafter declines at the same rate.

It is appreciated that that presumption is most likely to be marginally faulty in any individual case, but if breathalysers and blood analysers are to be used as part of the campaign to reduce drunken driving, the only alternative is to take the approach used in most other States and in New Zealand where the blood alcohol concentration determined at the time of the test is conclusively contributed to the person at the time of the accident or alleged offence.

It is believed that the approach taken in New Zealand and in other States is likely to produce substantial injustice, particularly when the person concerned is tested around about two hours after his last drink in a case where he was apprehended shortly after his last drink.

In such a case the test result is likely to be about 0.03 per cent more than his true blood alcohol level at the time of his offence and such an additional figure could be critical as to whether he is convicted or acquitted of the offence of driving under the influence or of the 0.08 offence.

The approach taken by the Bill is considered to be fairer, as it is designed to ascertain and put in evidence the defendant's true blood alcohol concentration at the precise time of the relevant incident.

Where the time of the last drink or of the accident is not precisely known, the Bill directs that the calculations shall be

made assuming the times which produce the least alcohol concentration. It thus takes the approach most favourable to the defendant.

The remaining major change incorporated in the Bill is the revision of all the laws of the State concerning the suspension, cancellation, and disqualification of drivers' licenses and the granting of extraordinary licenses.

Laws on these subjects are presently found in the Criminal Code and in the Traffic Act, and there are many inconsistencies between their respective provisions.

The power of the courts to disqualify drivers' licenses has been widened so that that power is available where an offender is convicted of an offence in which the use of a motor vehicle was involved, although not necessarily an ingredient of the offence. Examples of these offences would be rapes involving the use of a vehicle, armed robberies in which vehicles are used, and so on.

One of the anomalies which presently exists arises from the varying periods which people must wait before applying for an extraordinary license after a disqualification.

The Bill proposes that there be no minimum waiting period so that, in a suitable case, a person who is disqualified by a court might, at the same time, ask for and be granted an extraordinary license for limited purposes.

If substantial personal hardship is to continue as being the principal ground for granting extraordinary licenses, there seems to be little merit in requiring three months' hardship to be undergone, for instance, before an extraordinary license can be granted.

Also, at the moment it is the Supreme Court only which can grant an order removing a disqualification from a driver's license. It is now proposed that any court which has disqualified a person from holding a license may consider an application to remove that disqualification.

There are, however, substantial waiting periods before an application for the removal of the disqualification can be made, although in the meantime the person concerned has the right to seek an extraordinary driver's license.

Part VII of the Bill deals with general offences and penalties and merits some explanation. There are many offences in this Bill and in the Traffic Act for which higher penalties are imposed for second or subsequent offences.

It is necessary to provide that an offence against a section of the existing Traffic Act is to be treated as a previous offence against the corresponding provision proposed in this Bill in order that the second and subsequent offence penalties may be imposed in the appropriate circumstances and the Bill so provides.

Special provision is made along these lines in specific parts of the Bill for offences of drunken driving, driving with an alcohol concentration in excess of 0.08, and reckless and dangerous driving.

The Traffic Act has never contained a provision to dispose of offences after a number of years. This Bill provides that offences committed more than 20 years previously will be discounted for the purposes of imposing penalties for second or subsequent offences.

Because the Bill will repeal the Traffic Act, 1919-1974, it is necessary to have transitional provisions along the lines set out in part VIII.

There is also a specific provision which is necessary to ensure that traffic inspectors in areas where the authority has not yet assumed the responsibility of traffic control will continue to enjoy their powers notwithstanding the repeal of the Traffic Act.

The major features of the Bill help to consolidate the Traffic Act, and this will benefit all concerned in the enunciation of the traffic laws.

Clauses regarding the apprehension of drivers will be advantageous generally to the public and will facilitate work for the patrolmen in apprehending offenders.

It is considered that this revised legislation will tend to make people more aware of the fact that if they are going to drink they should not drive, and I would hope that in cases such as this where people do drink they will use taxis or means of transport other than those which are self-driven.

In the past there has been an anomaly in the law where a person under the influence of liquor or otherwise has knocked a pedestrian down and either killed or severely injured him, has not stopped at the scene of the offence, but has driven home. If he refuses to disclose the name of the driver of the vehicle—which is probably himself—when the police arrive at his residence the penalty will be \$100.

Such a hit-run driver may have left an innocent victim dead or dying on the road. This situation has caused the police and the Minister for Transport some concern. The law will now be adjusted to make the owner of the vehicle responsible for the incident unless satisfactory alternative information is provided.

This single traffic authority Bill is in line with our election policy.

The Hon. R. Thompson: It is not, you know.

The Hon. N. E. BAXTER: It will set up a seven man authority, and it is intended that the authority will also allow local authorities to act as agents for license fee collections.

It will be necessary to swear a patrolman in as a policeman. He will then be covered by all present provisions and protections accorded policemen.

All existing members should benefit by improved promotional opportunities.

It is the intention to employ all traffic inspectors at present employed by local authorities, negotiate for the purchase of equipment from local authorities and, where possible, use either local authority or police facilities, in the way of buildings, equipment, etc.

We believe the question of road deaths and traffic generally is so important, and is playing such a major role in today's living standards and conditions, that there is need for one authority to concentrate and devote itself full-time to this aspect.

This is probably our major difference with the Opposition.

With the present day expertise of criminals, we feel it is necessary and beneficial, in the interests of the community, to have one group concentrate entirely on crime detection and prevention.

Equally is this so in the field of traffic, and with this new authority, we trust sufficient members of the Police Force will make traffic a career and pass on to the authority some of the initiative and understanding they have already gained.

There will be no more fragmentation as there has been with the Department of Motor Vehicles, which has had some problems and disagreements with the traffic law enforcement body.

The opportunity for increased research will present itself with the help of the National Safety Council, and also it is intended to provide special squads to lecture at all schools throughout the State.

If we can reduce the road toll by this method I believe it will be worth while.

Patrolmen will be available in cases of emergency to assist the police, but their sole job apart from that is to endeavour to reduce our road carnage.

Costs have been mentioned as important in this area, and certainly they are, but they are not the most important aspect.

The cost saving by accident and injury must also be taken into account in looking at the overall position, and I hope that in this field the savings will be substantial.

The Public Service Board has taken out an assessment for the Minister for Transport on different ways and means of implementing the various systems for single traffic control.

The cheapest is the progressive enlargement of the traffic branch of the Police Department to achieve State-wide control or, alternatively, the proposal I have outlined today.

## Comparative initial costs are as follows—

Area of Expenditure	Police	New Traffic Authority
	\$	\$
Capital	328 000	347 200
Radio	180 000	180 000
Equipment	208 000	216 000
Regional Offices	600 000	600 000
Government Housing	4 718 000	4 183 000
Total	\$6 034 000	\$5 526 200

Comparative operating costs are—police \$2 100 500 and authority \$2 793 714.

We must realise that extra men will be on the road and this is the reason for the additional cost. It will give everyone in the Police Force throughout the State the opportunity of additional or improved and quicker advancement and promotion.

The fact that these patrolmen will be employed full-time on traffic should also more than compensate.

The head office for the new authority would be the Department of Motor Vehicles. It is intended to place facilities for vehicles, special drivers' courses, etc. at Maylands.

It is believed that, if implemented, this new authority can assist considerably to lower our deaths, injuries, and accidents on Western Australian roads and for this reason alone the venture is worth while, and I commend the Bill to the House.

Before concluding my remarks I foreshadow my intention during the Committee stage to move a small amendment to clause 109. The purpose of clause 109 is to ensure that in the progressive implementation of the Road Traffic Act traffic inspectors will enjoy the powers of patrolmen in respect of traffic matters. But we need to exclude clause 13 to ensure that these traffic inspectors are not given full police powers generally during the transitional period.

**THE HON D. K. DANS** (South Metropolitan) [8.52 p.m.]: This is a Bill for an Act to consolidate and amend the law relating to road traffic; to repeal the Traffic Act, 1919-1974, and for incidental and other purposes. The Bill is divided into nine parts and I intend to deal mainly with part II which concerns administration. This part includes pages 5 to 14 of the Bill. I will deal with the part VII—in the Committee stage—which covers offences and penalties.

As the Bill stands it seeks to establish a road traffic authority in Western Australia. The principle envisaged in the Bill is one with which we on this side of the House will probably not quarrel. We find many of the provisions in the legislation similar to those which were included in the Bill introduced by the Labor Government; a Bill which was defeated by this House.

The Hon. J. Heitman: You only had three clauses in that Bill.

**The Hon. D. K. DANS:** The honourable member had better read it again. One of the reasons that we cannot go along with this Bill is that the administration of the proposed traffic control authority. The Bill seeks to set up an authority which will consist of seven members, represented by the permanent head of the department, the Commissioner of Main Roads, the Commissioner of Police, the Director-General of Transport and three members from a panel of names submitted by the local government associations of Western Australia.

One can well imagine the conflict of interest that will arise at the top. We would not have any police control of traffic—or so it would appear at this stage of the Bill—and there would be a conglomeration of conflicting interests. I do not see any authority, designed to do the job that this Bill says it will do, that will be able to operate effectively; particularly if it consists of the people mentioned in the Minister's second reading speech and is subject to the amount of conflicting interest that will lie therein.

The Minister said this legislation is in line with the election promise of the Liberal Party. Let us look at the Liberal Party's election promise. The pages are unnumbered, but under the heading "Controlling the roads for safety" the following appears—

The Liberal Party is seriously concerned about the mounting road toll and believes the answer lies in a single central authority to deal with it.

We will establish a Ministry for Traffic and Road Safety.

We will make this Authority completely independent of the Police Force and give it the power to cover all aspects of traffic control, licensing, road safety and road and vehicle engineering.

I would like members to take particular note of that. To continue—

We will ensure that the Authority maintains close liaison with Local Government, and has strong representation from local authorities.

That sounds all very fine. The policy speech put out by Mr Tonkin on behalf of the Labor Party was specific in this respect. The Labor Party's policy speech stated—

We shall continue to improve conditions and efficiency in the Police Force—increase its numbers to improve the ratio of Police to population; and we shall up-date its country establishments.

We shall accelerate action to combat lawlessness, and we shall legislate to increase penalties for theft and/or illegal use of vehicles.

We shall continue to press for the State-wide Police control of traffic, denied us by the Legislative Council.

The policy speech then goes on to indicate the number of police cars that have been ordered and so on. This Bill would receive our support if it said one simple thing and said it in an outright and honest manner; namely, that this traffic patrol—and, if I remember, at one stage it was to be a highway patrol—would be under the control of the Commissioner of Police.

I cannot envisage any law enforcement agency—and after all that is what it will be—successfully operating under a conglomeration of bosses. Let us consider the fact that at this stage the chairman of the body is unnamed. We can speculate whom he may be, but we just do not know for sure.

So the Bill before us tonight does not in fact do any of the things, or set out to do any of the things, that were mentioned in the policy speech put to the people by the then Leader of the Opposition (Sir Charles Court); indeed it is a complete and utter repudiation of the promise he gave.

The Bill seeks to steer in a crablike manner into what may be described as a compromise situation. If we examine clause 13 of the Bill and the relevant section of the Police Act we will find that what the Government is trying to do is to set up a traffic patrol—it has dropped the name highway patrol—and to ensure that the members of that patrol enjoy the same conditions as those enjoyed by members of the Police Force—as indeed they should. At the same time, however, the members of the traffic patrol must obey and observe the normal codes of discipline which govern any other police officer, and particularly in their relation to the Commissioner of Police.

Let us have a look at the number of conflicting statements that have been made. These appear even in the Minister's speech—at least that is how I see them.

Let us first look at clause 13 of the Bill. I will have to quote a fair amount tonight because so much has been said about this measure that I can well understand the confusion felt by members of the Police Force. The general public are very confused about it, and, most certainly members of this Chamber are confused about it. We are told that this authority will not be a highway patrol. Clause 13 reads as follows—

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

Subclause (2) then goes on with something that I do not quite understand. I hope when the Minister is replying he will be able to put my mind at rest about it. It seems that a few words in this subclause are open to a number of different legal opinions. It says—

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

I admit that my interpretation may be wrong, but it appears to me that the commissioner could go along to any member of the Police Force and say, "Would you like to transfer to the traffic patrol?" If the particular officer said he did not wish to do this, that would be the end of it. However, there are people who have other ideas about the interpretation of this provision. If we look at the provisions in the Police Act, and particularly those relating to the swearing in of an officer, we see that an officer approached in this way would have no alternative but to transfer to the traffic patrol, irrespective of the section of the force to which he belonged. Subclause (3) reads as follows—

(3) It is hereby declared that a reference in any other Act or law of the State to a police officer or member of the Police Force shall be construed as including any patrolman, and it is hereby further declared that—

- (a) any law of the State (including the Police Act, 1892 and the rules, orders and regulations in force thereunder) or industrial agreement or award relating to the seniority, promotion, transfer, salary allowances, leave or other condition of service or the discipline of police officers or members of the Police Force applies to and in relation to a patrolman, and that for the purposes of any such law, agreement or award, service as a patrolman is service as a police officer or member of the Police Force; and
- (b) a member of the Police Force who is not a patrolman may exercise any power or function conferred by or under this or any other Act or law on a patrolman.

Let us look at what this really means, because one cannot read this Bill in isolation. Sections 5 and 6 of the Police Act read as follows—

5. The Governor may from time to time appoint a fit and proper person to be Commissioner of Police throughout the said State, and as occasion shall require may remove

any Commissioner of Police and appoint another in his stead; and every Commissioner of Police shall be charged and vested with the general control and management of the Police Force of the said State, and also of any special constables who may be appointed as hereinafter provided.

6. The Governor may appoint such officers of police as may be found necessary, who shall hold commissions under the hand of the Governor for such appointments; and such commissioned officers shall be subject to the control of the Commissioner of Police, and shall be respectively charged with the government and superintendence of such portion of the Police Force as such Commissioner may from time to time direct.

On the next page we come to part II of the Act which is headed, "As to the Regulations, Duties and Discipline of the Police Force." Section 9 reads as follows—

9. The Commissioner of Police may, from time to time, with the approval of the Minister, frame rules, orders, and regulations for the general government of the members of the Police Force, as well with respect to their places of residence, their classification, grade, distribution, particular service, and inspection, as to the description of the arms accoutrements, and other necessities to be furnished to them and to all such other rules, orders, and regulations relative to the said Police Force, and the control, management, and discipline thereof as may be necessary for rendering the same efficient for the discharge of the several duties thereof, and for the purpose of preventing neglect or abuse;

The point I am leading up to is that these patrolmen will be members of the Police Force. Members will recall that clause 13(2) commences, "The Commissioner of Police shall arrange . . ." but when this measure is considered in conjunction with the Police Act we see that the commissioner may order and direct a member of the Police Force to transfer to the traffic branch. When the Minister replies to this debate, I hope he can tell us that this will not be so.

The Hon. N. E. Baxter: You mean under this Bill any policeman may be a patrol officer?

The Hon. D. K. DANS: Do not let us indulge in gobbledygook and flapdoodle. I am dealing at present with all members of the Police Force.

The Hon. N. E. Baxter: Whether traffic patrolmen or otherwise?

The Hon. D. K. DANS: That is right. The Bill states that there shall be a body known as the traffic patrol, and the next

provision is that the Commissioner of Police shall arrange with the authority for members of the Police Force—

The Hon. N. E. Baxter: It does not say all members of the Police Force.

The Hon. D. K. DANS: That is right. Section 10 of the Police Act reads as follows—

10. No person shall be capable of holding any office, or appointment in the Police Force, or of acting in any way therein, until he shall have subscribed the following engagement, namely:—

I, A.B., engage and promise that I will well and truly serve our Sovereign Lady the Queen, in the office of [Commissioner of Police, inspector, sub-inspector, or other officer, or constable, as the case may be], without favour or affection, malice, or illwill, until I am legally discharged; that I will see and cause Her Majesty's peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that, while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all from the duties thereof faithfully according to law.

And the said engagement shall be subscribed in the presence of and attested by a Justice or commissioned officer of the force.

It is very important that we should know of these provisions in the Police Act. Section 11 reads as follows—

11. Every person, on subscribing such engagement, shall be thereby bound to serve Her Majesty as a member of the Police Force, at the current rate of pay for such member, and until legally discharged, from the day on which such engagement shall have been subscribed: Provided that no such engagement shall be set aside for the want of reciprocity: Provided further, that such engagement may be cancelled at any time by the lawful discharge, dismissal, or removal from office of any such person, or by the resignation of any such person being accepted by the Commissioner of Police.

Section 12 goes a little further and states—

12. No non-commissioned officer or constable shall be at liberty to resign his office, or to withdraw himself from the duties thereof, notwithstanding the period of his engagement shall have expired, unless expressly authorised in writing to do so by the Commissioner of Police, or unless he shall have given to such Commissioner three calendar months' notice of his

intention so to resign or withdraw, if stationed north of the eighteenth parallel of south latitude or one calendar month's notice if stationed elsewhere, and every member who shall so resign or withdraw himself without such leave or notice shall, upon conviction thereof by any two or more Justices, be liable to forfeit all arrears of pay then due to him, and to a penalty of not more than twenty dollars, or may be committed to prison for a period not exceeding fourteen days.

Section 14 then states:—

14. Notwithstanding the establishment of any Police District, all officers and constables belonging to the Police Force who may be stationed in any such district shall continue as part of such force, and be subject to the same authority, and be liable, if required, to perform the same duty in any part of the said State or elsewhere, as if no such Police District had been established; and if any members of the Police Force be employed beyond the limits of the said State every member so employed shall be amenable to and obey in all respects the lawful commands of his superior officers, and shall be liable to the same penalties, forfeitures, and punishments, in all respects, for any neglect or violation of duty, in any service in which he may be so employed beyond the limits of the said State, in the same manner as if such neglect or violation of duty had been committed within the said State.

As we go on through the Police Act it becomes abundantly clear that the Government has changed its stance and that this Bill represents a takeover. The Government has attempted to put a square peg in a round hole. If the letter of the law is carried out in regard to the rules under which a police officer is sworn in, members of the Police Force will have no alternative but to serve in the traffic patrol if they are so directed by the commissioner. If that is not the intention of the measure, I think it should have been mentioned in the second reading speech. When he replies I hope the Minister will tell us it is not the intention.

Members of the Police Force are very jealous of their reputation. These men joined the force voluntarily as police officers. The majority of policemen to whom I have spoken want to finish their careers as police officers. What will happen if they refuse to transfer when the commissioner requests this?

What will happen if all the members of the traffic branch, and indeed, all the members of the Western Australian Police Force, refuse to leave the service they are in to join another part of the service which is, in fact, a *de facto* attachment? What will happen then? Will

these penalties which I have just read out be inflicted on the policemen who refuse to join the traffic branch? I certainly hope not.

Let us examine another matter. There is a lot of speculation about the person who will occupy the position of chairman of the authority. It has been suggested that a police superintendent will occupy that position. Will this superintendent be directed to the position? If he is so directed, under the provisions of the Police Act, is he not still a police officer? If that is so, then the chairman of the authority will be a police officer.

The Hon. J. Heitman: You are doing a lot of supposing.

The Hon. N. E. Baxter: That is what you say. We do not know yet.

The Hon. D. K. DANS: If Mr Heitman had read the Bill he would know this. I have read the Bill very carefully, I have read the Police Act, and I have studied also the Minister's second reading speech. I can come to no other conclusion.

The Hon. J. Heitman: It is a question of the way you look at it.

The Hon. D. K. DANS: This does not depend on the way I look at it; I am quoting the written words. I would have liked some further assurance in the Minister's second reading speech. I will read one further part of the Police Act. Section 18 commences—

18. Any person whosoever, who shall, by himself or his servant, permit any constable to be supplied with fermented or spirituous liquors . . .

And then section 19 reads as follows—

19. Every member of the Police Force who shall be guilty of any neglect or breach or violation of duty in his office shall, on conviction before any two or more Justices, be liable to a penalty of not more than twenty dollars (the amount of which penalty may be deducted from any salary . . .

As I said at the outset, had we been presented with a straightout piece of legislation to set up an expanded section of the present traffic branch under the control of the commissioner and of experienced police officers, we could have supported it. This measure attempts to instil the illusion that somehow or other with the setting up of this authority, people will be stopped from drinking and driving, and they will stop killing themselves and others on the roads.

We could go on for hour after hour on that point. The only way the Minister will stop people violating traffic laws is to have a policeman riding in the back or front seat of every car on the road, and there are just not enough policemen to go round.

The proposed traffic patrol is to be another arm of the Police Force. The Commissioner of Police will have all the

authority over patrolmen and policemen as he has at present over the Police Force itself; there is not going to be any difference, and there ought not to be any difference.

The Hon. N. E. Baxter: If that is what you think, you should be happy.

The Hon. J. Heitman: It is a wonder you are not laughing your head off.

The Hon. D. K. DANS: I am grateful for the interruptions because they indicate to me that members opposite have not really had a look at this legislation: I do not know how some of the country members will explain the Bill to the local authorities in their towns and shires.

The Hon. T. Knight: We have explained it to them.

The Hon. D. K. DANS: There is no question that members opposite will have to explain it to them; Mandrake the magician could not have done a better job. Members opposite should have a look at their policy speech; they are silent on that one.

The Hon. T. Knight: You have probably read that the wrong way, too.

The Hon. D. K. DANS: I have read it; would the honourable member like me to read it again?

The Hon. T. Knight: No thank you.

The Hon. D. K. DANS: We have lots of copies of it.

The Hon. R. Thompson: Yes, we have plenty of copies of it.

The Hon. D. K. DANS: Before I get onto some of the other statements in the Minister's second reading speech, I point out that at this stage I am only telling the Minister what I would like him to do. Just to reinforce my argument, although I do not believe it needs any reinforcing at this stage, I refer members to page 8 of the Minister's second reading speech, where it is clearly indicated that the patrolmen will also be policemen. I should like to know what happened to the supposed—I believe I correctly use the word "supposed"—2 000 yards of light blue cloth that was ordered.

I hear the material was offered to the RAAF, but they refused it because it was second-rate material; they did not want it because it was intended for the uniforms of second-rate policemen. I believe it was then donated to the girl guides, but they also knocked it back.

The Hon. N. E. Baxter: I do not remember referring to cloth.

The Hon. D. K. DANS: I know; however, I am mentioning it now. There was such a stack of accusations and counter-accusations in the Press that they were going round and round like that legendary bird, and we all know where it finished up.

The Hon. N. E. Baxter: I did not get any of this light blue cloth that you talk about.

The Hon. D. K. DANS: I know; the Minister did not get into that; I rather hoped he would.

The Hon. R. F. Claughton: He showed wisdom.

The Hon. D. K. DANS: Yes, the Minister showed wisdom in staying out of it. On page 9 of his second reading speech, when referring to control of the traffic patrol, the Minister stated—

The Commissioner of Police is obliged to arrange for the transfer of members of the Police Force for duties in the traffic patrol.

Let us use the long bow; let us say that, notwithstanding the fact that the Liberal policy has gone out the window, everything I have said is wrong and that the commissioner has none of those powers. If the commissioner is to "arrange" for transfers, he will go to individuals and say, "Would you like to go?" What will happen if no-one chooses to go over? What will the Government do then? The Minister's second reading speech continues—

A person must be a policeman to be a member of the traffic patrol.

Mr Heitman said by way of interjection a little while ago that I was supposing a lot of things. However, I point out that again I am quoting from the written word; it has been generally accepted down through history that this is how we pass on knowledge. I have already quoted what happens to a policeman under the Police Act when he is sworn in.

The Hon. J. Heitman: You were talking about the chairman of the commission when I said you were supposing a lot.

The Hon. D. K. DANS: I forgive the honourable member, although a lot of people would not. There it is in black and white; he is sworn in as a policeman. The Minister continued—

There is a clear separation of the patrol from the Police Force in terms of its general deployment and control.

We get back to where I started. The Government is proposing to appoint a seven-man commission. The commissioner will be a member; he is a policeman and he will control the whole business in terms of disciplinary measures and so on. I suppose the chairman will be a superintendent; I do not know.

The Hon. N. E. Baxter: You do draw some long bows, don't you?

The Hon. D. K. DANS: Who else will be on this body?

The Hon. J. Heitman: Wait and see.

The Hon. D. K. DANS: We will, although we believe we are fairly right on that point. Then, of course, there will be the



members of the new authority, out on the road; they will be policemen because the Minister said so in his second reading speech.

The Hon. N. E. Baxter: No, they will be patrolmen. They are sworn in as policemen and they become patrolmen when they go into the traffic authority.

The Hon. D. K. DANS: I think the Minister had better go to a speech therapist.

The Hon. N. E. Baxter: Your trouble is that you just do not understand plain English.

The Hon. D. K. DANS: I do not profess to be an expert on the English language; I doubt whether many people are. However, I have a fair interest in the language and I know what these things mean.

The Hon. D. W. Cooley: Tell us the definition of a patrolman.

The Hon. D. K. DANS: The definition of a patrolman is that he is a policeman. This crab-like legislation indicates that the Government is trying to get out of a difficult situation, but is endeavouring to put a square peg in a round hole.

I must say that the Government has documented everything. The Minister continued—

A patrolman's work will be in regard to traffic and traffic alone. He remains a member of the Police Force, but will be under the control of the traffic authority. To clarify the position, in cases of emergency, whether it be a riot or something of that nature, members of the traffic patrol may be called in and used in conjunction with the Police Department.

I do not know about being called in.

The Hon. R. Thompson: Definition?

The Hon. D. K. DANS: I will get to that in a moment. The Minister continued—

Generally, however, the day-to-day job we want them to do is look after traffic.

I do not know what the traffic section does now. Does it not look after traffic?

The Hon. N. E. Baxter: Yes, and other things too, such as ordinary police duties if necessary.

The Hon. D. K. DANS: Let us have a look at what the Government will make the patrolmen do. They do ordinary policemen's duties, do they?

The Hon. N. E. Baxter: Not normally.

The Hon. D. K. DANS: But the Minister says that they do. He says that the day-to-day job he wants them to do is to look after traffic.

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

The Hon. D. K. DANS: The Minister continued—

For instance, if members of the traffic patrol picked up a motor vehicle containing stolen goods, they would hand it over to the Police Department to continue the investigation in respect of that aspect.

Does the Minister seriously suggest that the present-day traffic officers do not hand over vehicles containing stolen goods so that the investigation may be continued by another branch of the force? Does he suggest that the traffic officers continue the investigation themselves? It is nonsense to suggest that.

The Hon. N. E. Baxter: I did not say that.

The Hon. D. K. DANS: The situation today is no different from what is proposed in the Minister's second reading speech. The Minister continued—

The job of the traffic patrol, except in special circumstances, will be to look after traffic.

The Hon. N. E. Baxter: I do not think you should continue with that.

The Hon. D. K. DANS: I do not think the Minister should, either. The Minister continued—

Council traffic inspectors, who desire and are able to transfer to the traffic patrol, are first to be appointed members of the Police Force.

They cannot just go straight to the traffic authority; if they did, what would the answer be? The commissioner would be unable to do anything; it is as clear as that.

The Hon. N. E. Baxter: That does not apply at all, and you know it.

The Hon. D. K. DANS: I do not know it, because that is what the Minister says. He continued—

Thus, they will receive the same conditions of service and wider promotional opportunities shared by policemen transferred to the traffic patrol.

The Hon. N. E. Baxter: Do you object to that?

The Hon. D. K. DANS: No; not one bit. But what happens when a member of the traffic authority wants to transfer from the authority? The Minister says that he will be given wider promotional opportunities, yet not long ago he was telling us how much cheaper it was going to be—not in terms of cash, but in terms of wider promotional opportunities—to do things in this way. Does the Minister believe that every man is conditioned and capable of going on indefinitely as a member of the traffic authority?

The Hon. N. E. Baxter: No.

The Hon. D. K. DANS: They would need to be made of iron. Many men who join the Police Force today may be desirous of promotion and may pass their examinations but may become a little giddy when they attend their first fatal accident. That is something about which we sometimes forget; those people are entitled to have other areas to which they can transfer. Many people may not be able to stand that type of situation. The Minister continued—

The traffic patrol as so constituted is thus a body with a separate identity under the management of the authority.

To reinforce my argument a little further, I refer members to page 11 of the Minister's second reading speech. It will be seen that patrolmen have exactly the same charges as other policemen and will be engaged under precisely the same rules. Is anyone going to argue that my use of the English language is incorrect? If they are, they had better argue with the Minister's speech writer, because I am referring now to the Minister's second reading speech. The Minister stated—

It will be seen that patrolmen have exactly the same powers as other policemen and that they are engaged under precisely the same rules, regulations, agreements and awards as are other policemen.

Furthermore, any member of the Police Force not transferred for duties with the traffic patrol has the same powers under this Act or any other Act or law as if he were a patrolman.

That is one bit of the English language that is confusing me and I hope that when the Minister replies he will be specific on that point. The Minister continued—

All transfers from the normal law enforcement section to the traffic patrol must be with the prior approval of the Commissioner of Police.

So, here we are back at the same old stymied position; he must have prior approval. From where does the commissioner get this power? He gets it from the Police Act and from the fact that every member of the Police Force, be he patrolman or policeman, must be sworn in as a policeman. Once that happens, the business of "shall arrange" has nothing to do with it. I am not suggesting that the commissioner would run in like a mad bull in a china shop and start transferring people everywhere. The Minister continued—

This is to ensure that the two quite distinct law enforcement bodies can not only work together when required, but will work together in practice.

So, there are two law enforcement bodies now; they have ceased to become patrolmen; they are now part of another law enforcement body. We are right back to the situation I related a few minutes ago

when I said that if a traffic policeman picked up a car containing stolen goods he would hand it over to the CIB or some other investigating body. This is the case today. The Minister continued—

For instance, members will understand that the existing police traffic branch assists and co-operates with the Criminal Investigation Branch while, in turn, the Criminal Investigation Branch does not refrain from acting in the role of the Traffic Branch when it is necessary for its members to do so.

That is going to continue.

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

The Hon. D. K. DANS: Does the Minister still say that these people are not to be policemen? The Minister went on at page 14 to say—

The existing arrangements between the Police Department and the Police Union will apply to housing for patrolmen.

I do not think there is anything wrong with that.

I do not know how anyone can have so much gall as to express a policy which says that the highway patrol will be completely divorced from the Police Force, and then come forward with a Bill such as this. Of course, we recognise the Government has some problems with the Country Party.

I have looked in vain to find the policy of the National Alliance—that is the name under which the Country Party went to the polls, although the National Alliance does not exist now. I do not want to pursue this question, because the term "National Alliance" seems to be a dirty term—but it seems that it does not have a policy relating to traffic.

I know what is the policy of the Country Party. We find a humorous state of affairs when a Country Party Minister is directed by the Government to introduce the Bill which hands over the control of traffic throughout the State to the police and then to make the position look good the Government proposes to set up a committee to operate that control. This was done not only to make the position look good, but also to meet the wishes of the Country Party. Perhaps the Leader of the Opposition will be able to tell us about this later on.

The Hon. R. Thompson: You are doing such a good job that I might not even have to take part in the debate.

The Hon. D. K. DANS: When a Bill of this nature is introduced, and the intention is very thinly disguised, the image of Parliament is not improved. That is a firmly held conviction of mine, irrespective of the party which brings in the Bill. The wishes of the Country Party have been met partially by the provision requiring a

panel of names to be submitted to comprise the authority. I wonder what regulations will be framed to enable it to operate. Could we imagine the Commissioner of Main Roads, who is a very volatile gentleman, being the chairman? The chairman might be anyone at all, but I have a suspicion that he will be a policeman who will have on his right the Commissioner of Police. Then we are to have three members from the local government associations who may have an axe to grind in certain areas. One of their first duties would be to say, "You know so-and-so. He has been a pretty good traffic inspector. I would like him to remain in that town once he is sworn in as a patrolman or policeman."

One should purchase a record of the songs sung by the American folk singer Pete Seager, because the three members appointed to the authority remind me of the words of one of his songs—

Every night around about evening, its  
the old ward healer spreading joy  
wherever he goes.

Maybe that will be the situation. It appears to me that could happen in this case.

If I want to fire a shot over the bows of members opposite I would quote affidavits, chapter and verse, relating to what happens in certain areas. However, I am now dealing with the Bill. We are to have a traffic patrol which is to be established in the Police Force. This is clearly indicated by reference to the Police Act, the Bill, and the second reading speech of the Minister. To its credit the Government has not tried to disguise the situation very much. People who think they may be asked to transfer to traffic control will be in for a very rude shock.

One of the great weaknesses of the Bill is this: if we did have a highway patrol or a traffic patrol—I do not know the colour of the uniforms those people will wear and perhaps the Minister will be able to tell us—

The Hon. G. C. MacKinnon: Does it make any difference?

The Hon. D. K. DANS: I do not know.

The Hon. N. E. Baxter: I do not know either.

The Hon. D. K. DANS: I have just been reading the journal of the Police Union. It will comprise policemen in very high positions who have had great experience in all matters of law enforcement and in dealing with the public. I think that is the way it should be, and it could well be that this situation will apply, but what disillusionment it will create to the Police Force. Will members of the Police Force resent being under the control of the proposed authority? Will they be stymied when they seek transfers back to the Police Force in due course?

The Hon. N. E. Baxter: I do not think so.

The Hon. D. K. DANS: I can visualise all kinds of problems. The proposed authority, comprising seven members, will erode the confidence of the public, sow dissension in the Police Force, and load extra cost on the community. It will not bring about the efficient kind of service we get from the Police Force in general, nor will it ensure the efficient performance of duties by the present road patrolmen.

I have only tried to deal with clause 13 of the Bill, because it is the provision which is concerned with the enforcement side of the authority. I shall not deal with the penalties provision until the Committee stage. The Bill contains 111 clauses, and although we do not agree with them all, we do agree with some.

We have had this question of when a patrolman is not a policeman going backwards and forwards. I was going along nicely when the Minister posed the question of which came first—the chicken or the egg.

The Hon. N. E. Baxter: You posed that question.

The Hon. D. K. DANS: The Minister asked when a patrolman was not a policeman.

The Hon. N. E. Baxter: You said that.

The Hon. D. K. DANS: What then did the Minister say?

The Hon. N. E. Baxter: I did not say that.

The Hon. D. K. DANS: What did the Minister say? He does not seem to have a good memory.

The PRESIDENT: The honourable member is not entitled to carry on a cross-examination of the Minister.

The Hon. D. K. DANS: I agree. I shall now refer to some reports which have appeared in the Press. In *The West Australian* of the 7th June, 1974, appeared the following report—

WA to get a highway patrol

WA would get a highway patrol, the Minister for Police, Mr O'Connor, said yesterday.

It would be a single traffic authority consisting of men with the power to handle normal police work.

Those who joined the patrol from outside the police force would be sworn in as policemen.

He expected that the patrol would be operating within six months and would consist of about 500 men.

Traffic control would be taken away from the Police Department. The police traffic branch, the Department of Motor Vehicles and local government traffic authorities would be absorbed.

The patrol would control all aspects of road safety and management except road engineering.

Legislation is being drafted and Mr O'Connor expects it to pass through Parliament by September.

He had discussions yesterday with the Commissioner of Police, Mr A. L. M. Wedd, and the Director-General of Transport, Mr J. Knox, on arrangements for the new authority.

I have already canvassed some of the subject matter of that report. Further down the following appears—

#### Uniforms

Patrolmen would wear uniforms different from those of the Police Department. They would drive light blue marked cars, though unmarked cars and plainclothes patrolmen would still operate.

The patrol would operate out of the Mount Street offices of the Department of Motor Vehicles.

The authority fulfils an election promise made by the Liberal and Country Parties.

I did not know the Country Party had a policy on this matter. The report of the 7th June, 1974, indicated we were to have a highway patrol, the officers were to wear light blue uniforms, and they were to drive light blue cars. I now turn to a report which appeared in *The West Australian* of the 10th June, 1974.

The Hon. G. C. MacKinnon: The report you have just mentioned does not refer to the colour of the uniforms. It merely mentioned light blue cars.

The Hon. D. K. DANS: I was going on rumour. The report says the patrolmen will wear uniforms different from those worn by police officers.

The Hon. G. C. MacKinnon: The uniforms may be white or green.

The Hon. D. K. DANS: The Minister should be able to tell us.

The Hon. N. E. Baxter: At this stage nobody knows the colour.

The Hon. D. K. DANS: No-one has told the Minister. The following report appeared in *The West Australian* of the 10th June, 1974—

#### POLICE TOLD NOT TO FEAR NEW TRAFFIC DEPARTMENT

Fears that policemen might be unwilling to transfer to the proposed new traffic authority were unfounded, the Minister for Police, Mr O'Connor, said yesterday.

He was commenting on reports of anxiety within the force that traffic officers could have lower status than regular policemen and fewer opportunities for promotion.

The reports arose mainly out of the announcement that the authority would take traffic control away from the Police Department.

Some policemen believe they would become second-rate policemen with only limited powers of arrest if they transferred.

This is mentioned in the Bill and the second reading speech of the Minister, but overall no-one has mentioned the Police Act. A report in the *Sunday Independent* of the 16th June, 1974, read as follows:—

#### HIGHWAY PATROL

The first casualty of State Government belt-tightening obviously should be the proposed Highway Patrol.

At its very best, the Highway Patrol will result in costly and unnecessary duplication with no guarantee that it will achieve a reduction in the road toll.

At its worst, it will be an ineffective and potentially dangerous second-rate law enforcement agency.

There clearly is need for uniform traffic control, but the police force is the obvious agency.

W.A. is the only State without uniform traffic control in the hands of the police.

The Tonkin Government sensibly sought to change this undesirable situation, but was thwarted by the Liberal-Country Party majority in the Upper House.

The Hon. N. E. Baxter: Is that the leading article?

The Hon. D. K. DANS: I am quoting from the *Sunday Independent*. I do not wish to cross-examine the Minister, so I shall continue with my remarks directed at the President.

The PRESIDENT: The honourable member should address the Chair.

The Hon. D. K. DANS: I shall continue to do that. To continue with the Press report—

The current Government's proposals are nothing more than a sop to the Country Party at the expense of the general taxpayer. At a time when the State is crying poor and therefore proposes to raise taxes, such a costly and ill-advised venture must be dropped.

In *The West Australian* of the 21st June a report, which still referred to a highway patrol at that stage, appeared as follows—

#### POLICE TO STAFF HIGHWAY PATROL

The highway patrol planned by the State Government to take over all traffic duties in WA will be staffed by policemen and not by civilians.

The Minister for Police, Mr O'Connor, said this yesterday.

He said he could not understand the confusion that had arisen over the plan and the status of the patrolmen.

I have a feeling the policeman may have changed his mind.

The following appeared in the leading article of *The West Australian* of the 22nd June—

#### Sharp right turn

Two conclusions can be drawn from the latest pronouncement by the Minister for Police, Mr O'Connor, on the proposed highway patrol.

One is that the Government is confused and does not know where its traffic-control policy is leading it. The other, which is much more acceptable, is that it has come to its senses, seen the folly of an ill-conceived election commitment and has decided to put State-wide traffic control where it belongs—in the hands of the police.

That is where traffic patrol will be put.

In the *Sunday Times* of the 23rd June, the headline appeared, "Highway patrol—big row looming". The article reads—

A major row is looming between the police, Department of Motor Vehicles, local councils, and the Police Minister, Mr O'Connor, over the new Highway Patrol.

Police say they are frustrated and confused because Mr O'Connor has given two versions on how the patrol will operate.

Later in the article, under a subheading, "Not police branch" the following appeared—

"It would control all licensing and traffic in the State.

"We were promised it would not be a branch of the police force.

And so it goes on. I will not read the whole of the article. On the 25th June, 1974, an article appeared in *The West Australian* under the heading, "Tonkin: not last switch". The article reads—

The WA Government's decision to put State-wide traffic control in the hands of the police would not be the last point of Liberal Party election policy to be reversed, the Leader of the Opposition, Mr. Tonkin, said yesterday.

The pre-election promise by Sir Charles Court to set up a traffic authority independent of the police force was just the first to go.

I do not intend to quote the whole of that article. In the *Daily News* of the 26th June, 1974, an article appeared under the heading, "Highway patrol mystery deepens".

The Hon. G. C. MacKinnon: That sounds like "Cops and robbers".

The Hon. D. K. DANS: That is what it is; cops and robbers. Members are aware who will be robbed; the public of Western Australia, to bolster an ill-conceived election promise. The article to which I have referred reads—

The mystery surrounding the details of the State Government's proposed central traffic control authority—the highway patrol—deepened yesterday.

The country shires traffic committee claims that the Minister for Police, Mr O'Connor, has given it an assurance that the Government will not depart from its pre-election undertakings on the authority.

But Mr O'Connor yesterday declined to say any more about the authority till the details were finalised.

He said he was doing this because of all the controversy about the authority.

In its policy speech for the last State election, the Liberal Party said it believed that the answer to the mounting road toll in WA. lay in a single central authority.

The authority would be completely independent of the police force.

Again on the 26th June, 1974, an article appeared in the *Daily News* under the heading, "Government may reconsider single traffic plans". I wonder why it changed its mind.

The Hon. J. Heitman: I do not think the Government changed its mind; I think the paper changed its mind.

The Hon. D. K. DANS: In commenting on the interjection by Mr Heitman, I hope he is not seriously suggesting that the Government has stuck rigidly to its election promises.

The Hon. A. A. Lewis: We are not the Labor Party; we are flexible.

The Hon. D. K. DANS: I know. That is the most truthful interjection I have heard in this House tonight. In other words, the interjector is saying the Government can put anything forward but because it is so flexible it can change and go the other way.

The Hon. A. A. Lewis: The interjector said nothing of the sort.

The Hon. D. K. DANS: The article which appeared in the *Daily News* on the 26th June reads—

The Government is likely to reconsider all aspects of previously announced plans for the introduction of WA's single traffic authority.

I repeat: all aspects of previously announced plans for the introduction of a single traffic authority. The article continues—

The Minister for Police, Mr O'Connor, and the Premier, Sir

Charles Court, have refused to comment on the future of the promised highway patrol, saying that the matter would be reviewed by Cabinet on Friday.

So it goes on. In the *Daily News* of the 30th July, 1974, an article appeared under the heading, "O'Connor: 'Wait and see'". The article reads—

The Minister for Transport, Mr O'Connor, deliberately made no mention of the police yesterday in his statement about proposed legislation for a single traffic authority in WA.

"There was no announcement it would be with the police or separate," Mr O'Connor said today.

"I don't intend to make a statement of that nature till the Bill is before the House."

The Hon. S. J. Dellar: That is when he was told to be quiet.

The Hon. R. Thompson: He was told not to make any more statements.

The Hon. D. K. DANS: An article in the *Central Districts Herald-Tribune*, from Wongan Hills, refers to the differences in traffic control when taken over by the Police Department.

When Mr Harman, from another place, came back from America—after completing a study tour—an article appeared in *The West Australian* of the 17th September under the heading "Harman: Patrol Plan 'Crazy'." The article reads—

The State Government would be crazy to go ahead with its plan to establish a WA highway patrol, the Labor MLA for Maylands, Mr J. J. Harman, said yesterday.

Mr Harman, who has just returned to Perth after almost five weeks in the United States, said that the plan would fragment the police force.

America had a multitude of police forces, each with its particular powers.

The division of powers was so marked that in some cases a county policeman chasing an alleged offender might not be allowed to continue the chase into a different county.

I will not read the whole of the article, but that is the situation to which we are heading, and it will not be in the best interests of the State. It certainly will not be the answer to the problem. We may be able to win an argument, in this Chamber, but it seems we will lose the debate.

The Hon. S. J. Dellar: We do not lose the debate; we lose the Bill.

The Hon. D. K. DANS: I thank you, Mr Dellar; we lose the Bill, not the debate.

The Hon. A. A. Lewis: We hope the member opposite will be lost.

The Hon. S. J. Dellar: I hope we never lose you.

The Hon. D. K. DANS: In a circular letter dated the 22nd March, 1974, the General Secretary of the Western Australian Police Union of Workers, amongst other things, had the following to say—

For several years the Council of the Police Union have maintained a policy of political neutrality.

However, as the only public voice the serving officer has, we have been obliged to express concern and opposition to the expressed intention of the Liberal Party that, "if elected", they will create a separate authority to police traffic throughout the State.

We believe that such a step would not only be detrimental to the Police Force, but will be dangerous and costly for the State in general.

I will go on to a significant part of the circular which reads—

To sever the existing Traffic Police from the main force would have a disastrous effect on promotional opportunities, and would reduce the size of the Force so as to deprive the Department of an important arm, which is responsible for solving crimes through the initial apprehension for what is often a minor traffic offence.

Another section of the circular states—

However, we are pleased to note that at long last all parties concerned agree that the existing fragmentation of authority can no longer be allowed to continue. So we find the only difference of opinion is whether a new separate authority be set up, or the existing Police facilities be extended to cover the complete State.

Of course, we extract from those remarks the reasons for the change, and the reason for the police continuing in control of traffic in some form of *de facto* relationship. The circular continues—

We believe that there is an overwhelming argument in favour of the latter.

From an economical point of view or cost to the taxpayer, it should be noted that the Police Department already has in existence the basic requirements to implement a Statewide traffic control and we believe that this control can be implemented much more speedily and at less cost than introducing a completely new authority which will require a duplication of facilities such as:

- Administration
- Training facilities
- Accident inquiries
- Planning and Research
- Legal and Prosecuting Section
- State-wide Radio System and maintenance section
- Accounting and Pay Office
- Plus all the other Sections, such as stores, transport, etc . . .

I have a number of other references which I do not intend to read but they are available for any member to peruse if he is interested.

To take part in this debate we were required to get as much information as possible. The Minister for Police in Tasmania provided some information by reporting on the involvement of police in traffic law. His report sets out that a Royal Commission on the police was held in the United Kingdom, in 1962. The following are extracts from the Royal Commission, and they read as follows—

In its 1962 Report, the Commission summarised the main functions of police—that summary included:—

“Sixthly, the police have the duty of controlling road traffic and advising local authorities on traffic questions”;

and having considered submissions by a number of bodies on the merits and demerits of a separation from police of the responsibility for traffic control and enforcement, they stated:—

“There is not in our view any sufficient advantage in creating a separate corps of traffic police to offset the disadvantage of divided control and responsibility. Any formal distinction between motor-ing offences and other offences against the criminal law seems to us to be open to serious objection”.

Colonel St. Johnston adopted a similar attitude when he inquired into the Victorian Police Force. He raised some other factors, the main one being the question of costs.

I intend to place some amendments on the notice paper. I am convinced there has been a change of heart on the part of the Government since its policy speech. There has been a definite change of direction since the idea of a single traffic authority was first floated. It was to be quickly implemented.

On Monday, the 28th October, 1974, an article appeared in *The West Australian* under the heading, “Police want traffic Bill to be re-drafted.” I am convinced that substantial changes were made to the Bill which was then in existence, although I have no way of proving my opinion. We know the Police Force has been active in trying to reduce the carnage on our roads. In some cases it has been successful but it could be found that the road toll will increase again next month.

I cannot accept the argument that by changing the name of an organisation, and by perhaps putting men into different uniforms, we will somehow or other educate drivers to obey the law. If we were serious about reducing the road toll we would have very severe tests for drivers.

The Hon. N. E. Baxter: I think the honourable member will agree there has been an improvement during the last 12 months.

The Hon. D. K. DANS: Simultaneously with stricter tests, there would be a drop off in motor car production. There has been a marked change, but the change could be in reverse next year.

I have spoken to this matter previously and I have never accepted the argument that a single authority controlling traffic throughout the State will improve the position. I could not accept the proposition that we will be able to suddenly reduce the road toll. Statistics available from all over the world prove that this cannot be done.

The present Government, in its policy speech, promised a traffic authority separate from the Police Force. The Government has now been forced to honor that promise. Because of the opposition from within the Police Force the Government was unable to put its plan into operation.

I must return to the question of compulsion because it is not much good having people sworn into the Police Force if the Commissioner of Police cannot tell them what to do. I hope that when the Minister replies to the second reading debate he will be able to put our minds at rest because on the 29th October it was reported that Mr O'Connor said there would be no compulsion on transfers. The article stated—

There would be no compulsory transfer of police officers who did not willingly want to join the proposed new traffic authority, the Police Minister, Mr. O'Connor, said yesterday.

The Hon. N. E. Baxter: What is wrong with that?

The Hon. D. K. DANS: I am not saying there is anything wrong with it at all. However, I would like the Minister to give an assurance that people who have been sworn in as police officers will not be subject to compulsion, notwithstanding the powers which the Commissioner of Police will have under the Police Act.

As the Minister has made that statement, I should imagine he will need to make some necessary amendments to the Police Act because while the Police Act exists the Commissioner of Police or his deputies certainly have that power.

To conclude my speech in the second reading debate: We have arrived at the situation—I think I have amply demonstrated this—where the police will take over control of traffic in this State. Those people who are now country shire traffic inspectors and who can fulfil the requirements of the Police Force will be taken

into the force and to all intents and purposes they will be policemen. The provisions of the Police Act will apply to them.

I do not know what will happen to those country shire traffic inspectors who cannot fulfil the requirements of the force either as a result of illness or of some kind of physical defect or age; or, as it has been suggested, some may even have criminal records, which I find hard to believe. Perhaps those men may be absorbed into some other part of the authority and will not be required to be sworn in as police officers.

The Hon. D. J. Wordsworth: What would have happened under your system?

The Hon. D. K. DAns: I assume the same kind of thing would have happened, but that does not make it right. I was not happy with our Bill. Perhaps these people may be found jobs. Many of these traffic inspectors live in houses sometimes provided by the local authority, and if they lose their jobs they will be required to leave their houses and possibly to leave the town and seek employment somewhere else. Men of an advanced age would find that extremely distressing. It would be almost fatal to their prospects of employment in some other area. I would like to hear what will happen to these people. I hope they will not be disadvantaged.

I would hope that a man who is recruited into the force as a patrolman and sworn in as a police officer and who finds the job he must perform to be so onerous and nerve-racking that he cannot fulfil it, will be given another job. I believe that out of an average school of 40 going through the Police Academy only five men are deemed fit to be traffic patrolmen. I do not know whether or not that is right, but perhaps the Minister for Police in the previous Government will be able to let us know. I hope these men will be transferred to some other section of the Police Force.

I hope the Government will take a last minute look at the Bill. I am not against having, nor is my party against having, one traffic authority; but we are against a traffic authority which will be administered by a committee—and, I would say, quite dishonestly, because the police will be in control.

I would like to know what brakes will be placed upon the Commissioner of Police and what powers he will have under the Police Act. I would like to know if in fact the present members of the Police Force will have complete freedom to refuse to transfer to the authority, and I would like to be assured that if they refuse to transfer their promotional opportunities will not be jeopardised.

The facts are that under this Bill the police will have control of traffic; the only difference will be that the man sitting at

the top of the squad will not be the Commissioner of Police; he will be replaced by a committee of seven. I cannot find in the Bill all the safeguards I would like to see to protect existing members of the force and those men currently employed by country shires as traffic inspectors who, even if they cannot fulfil the requirements to be absorbed into the Police Force, should be given some opportunity to be absorbed into the authority.

I cannot support the measure. I support the principle of a single authority. I agree the Government has gone 97 per cent of the way by handing over control of traffic to the police, but I cannot support the proposition that the Commissioner of Police be merely a member of a seven-man committee while at the same time being left with all his existing powers in respect of men sworn in as members of the Police Force.

**THE HON. S. J. DELLAR** (Lower North) [10.06 p.m.]: It is not my intention to devote as much time to this Bill as Mr DAns has done. While I took home all the information to prepare a rather lengthy contribution to the debate, a close relative of mine was involved in a fatal traffic accident on Saturday, and that threw me out of gear a little. In passing, I would comment that neither the provisions of this Bill nor those of the existing Traffic Act would have prevented that tragedy from occurring. In any case, after listening to Mr DAns I feel little is left to be said. I feel he has covered the situation in its entirety and has said most of the things I would have said had I time to prepare my speech.

The Bill before us has been amply described by Mr DAns. It is virtually a handover of traffic control in this State to the police. I say "virtually" because obviously the measure has been presented in this form to appease the wishes of members of the Country Party and various local authorities in the State which still have control of traffic. I say without fear of contradiction that the Bill has been presented as a disguise to cover the fumbblings which have occurred in relation to this issue.

I had intended to refer to various parts of the Minister's speech, but as Mr DAns has covered these I feel it would be repetitious of me to do so, and I am sure members would not appreciate it. It is apparent from the comments of the Minister that this is purely a matter of transferring the control of traffic to the police, under the guise of a different name.

In one part of his speech the Minister referred to the selection of local authority representatives on the proposed authority. The method of selection demonstrates the inconsistency we have experienced since the election of the Court Government. Not



so many weeks ago we discussed a Bill to amend the Town Planning Act and to appoint an additional member to the Town Planning Board to represent the Local Government Association. In that Bill no reference was made to a time limit during which the association must submit a panel of names to the Minister.

I attempted to amend that Bill to make it read exactly as the provision in the Bill before us reads. I attempted to ensure the representative of the Local Government Association would be selected from a panel of names submitted to the Minister within 21 days of his request to the association to do so. At that time the Minister did not see fit to agree to the amendment, but he agreed to the insertion of a time limit of 30 days. Many Acts of Parliament require panels of names to be submitted in respect of representation on boards, and I believe without exception the prescribed time limit is 21 days.

The Bill contains several clauses, some of which we must support because they are merely a rewrite of the existing Traffic Act. However, as Mr Dans has pointed out, we are not prepared to accept the measure in its present form. Had the Government been dinkum and said outright, "We will have police control of traffic", instead of turning yet another about-face, we would have given the Bill a fair amount of support; but I cannot see members on this side supporting it in its present form.

I was intrigued to hear the Minister say—

It is believed that if implemented this new authority can assist considerably to lower our deaths, injuries, and accidents on Western Australian roads, and for this reason alone the venture is worth while.

I ask the Minister: Is the proposed traffic authority to be implemented if this Bill is passed?

The Hon. V. J. Ferry: When it passes through Parliament.

The Hon. S. J. DELLAR: That is a very good point, because some of the provisions in the Bill have been implemented already by the Government.

The Hon. V. J. Ferry: It has not passed through Parliament.

The Hon. S. J. DELLAR: I know, but that does not prevent the Minister for Traffic from taking action under certain clauses in the Bill. In tonight's edition of the *Daily News* under the heading of "L.G.A. to ask for names" the following appears—

The Local Government Association is to ask its 28 member councils to submit names for the planned Road Traffic Authority.

The Bill to set up the separate traffic police force is being debated in State Parliament.

How true.

The Hon. V. J. Ferry: There is nothing wrong in asking for names.

The Hon. S. J. DELLAR: I think it is disgusting and shameful for the Minister to take that action.

The Hon. N. E. Baxter: Who said the Minister had taken that action?

The Hon. S. J. DELLAR: If the Minister will wait for a moment, I will finish the quote. The article continued—

A seven-man board will run the planned authority. Three will represent local government.

The LGA is seeking nominations after being advised to do so by the Minister for Traffic, Mr O'Connor.

Does the Minister say there is nothing wrong with that?

The Hon. N. E. Baxter: It is all right.

The Hon. S. J. DELLAR: Obviously this must have taken place last week. The Bill was given a first reading in this place last Wednesday. In a country edition of the Press—I cannot recall which newspaper it was—a statement appeared that the Minister for Traffic had asked the association to present nominations, and he freely admitted the Bill had not passed through Parliament. I believe the Minister—or the Government which directed him so to act—has acted in contempt of this Parliament and, in particular, of this Chamber.

The Hon. N. McNeill: What nonsense.

The Hon. S. J. DELLAR: The members of this Chamber had not even been given the opportunity to hear the Minister's second reading speech. What do we find? The Minister for Traffic, in his usual way, has gone ahead and acted, I suppose, on the assumption that perhaps the Bill will pass through this Chamber. I can see no reason that it will not, particularly when I have regard for the numbers here.

The Hon. V. J. Ferry: Suppose the Bill does not pass; what harm is there in the Minister's action?

The Hon. S. J. DELLAR: There is no harm in his action, but I would like to lay London to a brick on that the Bill will pass through this Chamber, and the only amendments made to it will be those proposed by the Minister opposite.

The Hon. R. Thompson: It is the numbers game.

The Hon. S. J. DELLAR: Of course it is.

To take such action shows the contempt a man has of the 30 elected members of this House who represent different political parties.

The Hon. V. J. Ferry: You do not have much to argue about.

The Hon. S. J. DELLAR: I could have argued for much longer but Mr Dans has clearly stated what the Bill attempts to do. Thirty members of this House, democratically elected to represent the people of this State, read in the Press the steps the Minister proposes to take in accordance with the provisions of this Bill now before Parliament, which, although not yet an Act of Parliament, very soon will be.

We have had an opportunity to hear the first reading of the Bill which is practically only the title, and we now find that between the introduction of the Bill to this Chamber and the stage we have reached today when members had an opportunity to hear the Minister introduce the second reading and explain the provisions of the Bill—which he has done very well—the Minister made a statement to the Press. Nevertheless, I believe that in regard to this complete takeover of traffic in Western Australia by an authority and its removal from the hands of the police, it is completely wrong for the Minister to make an announcement to the Press without the members of this House having had an opportunity to debate the Bill. If that is the attitude of the Minister and the Government of which he is a member, I cannot see how, in the future, the people of this State can have much faith in the Government.

We acknowledged, earlier, our intention to co-operate on this Bill so that it would pass. That is one of the reasons why we proceeded to discuss the Bill straightaway, and it was also because of this intention to co-operate that the Minister made copies of the Bill available to us so that we could study it during the weekend. However, I cannot see how we can co-operate with a Government which adopts an attitude such as this. I believe we should throw the Bill out and we would if we could but, as Mr Dans said earlier, we usually win the debates in this Chamber but it is not possible for us to win the vote, because it is purely a numbers game.

The Minister has not even given the members of his own party an opportunity to debate the Bill in a democratic manner. If that is the attitude he is prepared to adopt—

The Hon. I. G. Medcalf: Are you in favour of the principle, but not the Bill?

The Hon. S. J. DELLAR: I believe in the principle of State-wide control of traffic by police.

The Hon. I. G. Medcalf: You are not in favour of the Bill?

The Hon. S. J. DELLAR: I am not in favour of the Bill and I regret the contemptible attitude that has been shown by the Minister since the first reading because this gives me no alternative but to oppose the Bill. I agree that there are some provisions in it which are needed. We all know that there is a need to reduce

the carnage on our roads. However, I have no intention of supporting the Bill in its present form but I will be supporting the amendment proposed by Mr Dans.

**THE HON. LYLA ELLIOTT** (North-East Metropolitan) [10.19 p.m.]: In this Chamber, in August, 1972, the then Minister for Police (the Hon. G. Dolan) in the Tonkin Government introduced a Bill which would have placed State-wide control of traffic in the hands of the Police Department. At that time the Minister pointed out that such a move had been mentioned, during the 1971 election, to the people of Western Australia as being part of the Labor Party policy, and he drew attention to the fact that every other State in Australia had uniform traffic control in the hands of its Police Department and that this State was the only one that did not have such an arrangement; apart from this he told us that we had the worst road toll of any State.

Mr Dolan also drew attention to the fact that the previous Government—the Brand Liberal Government—had, in 1965, established an interdepartment committee of seven members to study the control of traffic in country areas. In April, 1966, that committee presented its report containing a recommendation that the Police Department should be the sole authority responsible for the enforcement of the Traffic Act throughout the State. Of course I do not have to tell members that the Government took no notice of the recommendations of the committee it was responsible for establishing. At that time Mr Dolan also provided other sources of support for the proposal of control of traffic by the police and pointed out the enormous cost to the taxpayers of the State if an independent authority were set up with its additional personnel the necessity to train such personnel, and provide the necessary equipment and accommodation.

At that time Mr Dolan advised the members of the House that the Police Department already had the personnel and the administrative framework which could be adjusted, with very little inconvenience and expense, to make the whole scheme workable. Apart from that, it was shown that the very nature of a policeman's law enforcement duties made it appropriate for the control of traffic to be undertaken by trained policemen. The Minister at that time also gave an undertaking that the interests of local authorities and their traffic inspectors would be safeguarded.

What happened to that Bill? One speaker after another from the Opposition side of the Chamber at that time rose to his feet and strongly condemned the measure. *Hansard* shows that Mr Ferry, Mr Heltman, Mr McNeill, and other members of the Liberal and Country Parties who have now retired opposed and voted against the Bill. The voting was 12 for and 17 against the Bill and so it was defeated.

The Hon. R. Thompson: Do not forget Mr Baxter.

The Hon. LYLA ELLIOTT: All those members who spoke against the Bill did so on the basis that they believed traffic control should be completely independent of and separate from the Police Force; that the police should have nothing to do with it. Mr Heltman went so far as to say—

... many areas in the country are better controlled than they would be by police officers.

The Hon. T. O. Perry: On what page of *Hansard* does that appear?

The Hon. LYLA ELLIOTT: On page 2688 of the *Parliamentary Debates* for Tuesday, the 22nd August, 1972. Had that Bill not been defeated we would have had in existence in this State, for something like 18 months, a single authority controlling traffic throughout the State under the jurisdiction of the Commissioner of Police.

The Hon. N. McNeill: And the Department of Motor Vehicles.

The Hon. LYLA ELLIOTT: If this had happened, I wonder how many lives would have been saved on the Western Australian roads. I say this because there is no doubt in my mind that adequate surveillance of the roads by the police has a tremendous effect in reducing the road toll. I have evidence to prove this and I disagree with Mr Dans on this point. During the last Christmas-New Year period, when Mr Thompson was Minister for Police, the police road patrol was stepped up with excellent results. To support what I am saying I would like to refer to some of the Press statements that have been published on the question of the road toll since that time. The first Press article appeared in the *Daily News* on the 2nd January, 1974, and it reads as follows—

#### Road Blitz May Stay

The Christmas-New Year police crackdown on bad drivers was so effective that many more patrolmen may be put on the roads almost immediately.

Further down in the article the following appeared—

All Perth's emergency services have reported a dramatic drop in the number of injury accidents—both serious and non-serious.

Again, on the 3rd January, 1974, in the *Daily News*, there appeared the heading, "All's quiet after big road blitz". On the 7th January, 1974, in the same newspaper the heading "Road toll slashed in Perth" appeared. In that article the following was reported—

A massive police crackdown on drivers has slashed road deaths on Perth roads.

Only two people have been killed in the metropolitan area in the past 13 days.

The Hon. T. O. Perry: But Mr Dans has told us that police control of traffic will not necessarily overcome that.

The Hon. LYLA ELLIOTT: Mr Perry apparently did not hear me comment that I disagree with Mr Dans on this point. In the *Daily News* of the 12th January, 1974, the following appeared—

#### Road blitz big money saver

The police crack-down on bad drivers during the Christmas-New Year break has saved W.A. thousands of dollars.

The few dollars paid in overtime for 24-hour patrols saved a big accident payout bill.

Road accidents were almost non-existent at the height of the campaign.

Again, in the *Daily News* on the 16th January, 1974, the following appeared—

#### Road deaths: New attack

The State Government has announced the most positive attack on the road toll for years—it will appoint a further 50 patrolmen and buy 30 more patrol cars.

Further down, in the same article, the following was reported—

In effect, this means that Perth will see a continuation of the blitz which was such a success during the Christmas-New Year period.

For the first time anybody can recall, 17 days have passed without a road death in the metropolitan area.

I think Mr Thompson, the Minister for Police in the previous Labor Government, should be congratulated on that decision which obviously contributed to the reduction in the road toll which has occurred in recent months.

The Hon. N. E. Baxter: I am trying to see how you incorporate that in this Bill.

The Hon. LYLA ELLIOTT: I wish to quote an extract from another article which appeared in the *Weekend News* on the 23rd February, 1974. Because of the limited police numbers at the time it was not possible to maintain pressure on motorists. At this stage the 50 new patrolmen had not had time to graduate and be appointed to the road patrol. Therefore, on the 23rd February, 1974, we saw the following headline appear in the *Weekend News*—

#### Road Carnage Shocks Government.

An extract from the article which appeared under that heading is as follows—

Police want a return to the road patrol levels built up during the recent Christmas-New Year blitz—the most successful ever held.

Fifty-five people have been killed this year—most of them since patrolmen stopped working overtime and country patrols were stopped.

So it can be seen that when the police numbers are increased on the road, the number of deaths drop. When the road patrols are relaxed, the road deaths increase once again. I believe that this provides evidence to support what I am saying; namely, that police control of road traffic is very effective provided the patrols are manned with a sufficient number of men and an adequate number of vehicles are provided.

In the *Daily News* of the 11th March, 1974, the following appeared—

'Get tough' road watch paying off.

Intensified police road patrols are cutting the WA road death toll and making drivers concentrate harder.

Again, on the 21st March, in the *Daily News*, the following appeared—

Blitz halves toll.

The number of people being killed on WA roads has been nearly halved by intensified police road patrols.

Since the campaign began on February 28, 14 people have died.

The toll at the same time last month was 25.

Three weeks ago, the number of people killed on the roads was the same as last year. Now, 15 fewer people have died this year than at the same time last year.

Again, on the 18th June, 1974, in the *Daily News*, we had the following—

Road Vigil Cuts Toll.

Tough police action kept Perth roads death-free for 10 days to last night.

On the 4th July, the *Daily News* had an article, over which appeared the heading, "Blitz Cuts City Toll by Half".

Also, on the 23rd October, in the *Daily News*, the following appeared—

Campaign Cuts WA Road Toll.

The toughest campaign ever launched against bad drivers in WA has brought a dramatic reduction in the State's road toll.

On the 24th October, 1974, in *The West Australian*, the heading, "Road toll lowest in 22 years" appeared. In my opinion these results have been achieved by increasing the number of police road patrols.

I think the Press reports show what can be done by the police if their numbers are sufficiently strong and if an adequate number of vehicles is provided. I believe that instead of spending an extra \$500 000 which the Government intends to outlay

to set up this new authority, we should spend that sum of money on appointing additional police road patrolmen and purchasing more vehicles. If this were done we would be a great deal better off.

I understand that for \$500 000 an extra 50 patrolmen can be employed, and the necessary vehicles obtained.

The establishment of the separate authority, as provided in the Bill, will mean that there will be two law enforcement authorities when I believe there should be only one under the control of the Commissioner of Police. I do not consider the proposal in the Bill is a good one.

I did intend to quote the findings of the Royal Commission on police appointed in the United Kingdom in 1962 because the recommendations of that commission support what I have stated. However, Mr Dans has already done that so I will not repeat it. He also quoted the statements made by Mr Harman on his return from America. This was to the effect that fragmentation of the law enforcement agencies is not a good thing, and that the Americans believe it would be better to have a single Police Force.

So I ask the question: How can a patrolman be an effective policeman when he is not under the jurisdiction of the Commissioner of Police?

In an editorial on the 14th March, 1973, *The West Australian* supported the Labor Party on this question and castigated the then Opposition for throwing out the Labor Bill in 1972. It said—

Traffic control could not be divorced from police work.

It accused the then Opposition of political opportunism.

It is very interesting to study the history of the Bill before us. Although evidence was clearly provided over the Christmas period and at the beginning of the year—as I have proved by the Press reports I have quoted—that increased police patrols brought a startling improvement in the road toll, Sir Charles Court, in a statement in *The West Australian* on the 1st March, 1974, was reported as follows—

It was becoming increasingly obvious that traffic control by the police was not in itself the best way to check the rising road toll and had not proved better than traffic control by local government.

That was on the 1st March, about a month before the State election. He persisted with this attitude in his election policy statement when he said—

We will establish a Ministry for Traffic and Road Safety. We will make this authority completely independent of the police force.

There again, he indicates that he does not believe in its being part of the Police Force. In the *Sunday Independent* on the 17th March this year the following appeared—

#### Libs plan civilian road force

Police road patrols will disappear from W.A. roads if the Liberal Party wins the March 30th State Elections, Liberal Leader Sir Charles Court said yesterday. He said road patrols would be replaced by a new special force of CIVILIAN PATROLMEN controlled by the proposed new Ministry for traffic and road safety . . .

He said a Liberal Government wanted its police force to concentrate on crime prevention.

I believe it is quite obvious that these statements were made by the Liberal Party in order to pander to the country local authorities which did not want police control. However, when the Liberal Party won office and started to consider the implementation of its election promises, it found it could not honour its pledge that the new authority would be completely separate from and independent of the Police Force because of the economic, manpower, and law enforcement implications. What followed was an exercise in confusion, contradiction, and compromise.

The Hon. G. C. MacKinnon: That is a quotable quote.

The Hon. LYLA ELLIOTT: The first news report I have on file concerning the Government's change of attitude was made on the 6th June, and reads as follows—

#### New force to rule traffic

The State Government will take traffic control out of the hands of the police and place it under the authority of a new body.

This was quoting Mr O'Connor who announced details of the new body. Then, on the 17th June, the following appeared in *The West Australian*—

#### DOUBTS ABOUT A PALER SHADE OF BLUE

Reporter Cyril Ayrls interviewed 40 traffic policemen. All said they were not interested in joining the new authority. They were proud of their police uniform, they had chosen the police force as a career and if they had wanted to be glorified traffic inspectors they would have resigned from the force and moved to the country.

The Hon. D. K. Dans: They will go there now in any case.

The Hon. LYLA ELLIOTT: In *The Sunday Times* on the 23rd June was the following—

#### HIGHWAY PATROL BIG ROW LOOMING

Mr Dans quoted that one, so I will not repeat it. On the 25th June, in *The West Australian*, appeared the following—

#### WHAT HAPPENS TO US, ASK INSPECTORS

Forty shire traffic inspectors yesterday demanded to know how they would be affected by the proposed State highway patrol.

After a meeting at Wanneroo the men urged the Minister for Police, Mr. O'Connor, to clarify the situation.

They said they deplored the recent statements indicating a reversal of government policy.

So, not only the Labor Party believes the Government has reversed its original policy! Then, on the 25th June, in the *Daily News*, appeared the following—

#### 'NO CHANGE' IN HIGHWAY PATROL PLAN

The new Highway Patrol WILL conform with pre-election guidelines laid down for it.

This was despite all announcements to the contrary, the chairman of the Country Traffic Committee, Mr Colin Scott said today.

Earlier he had led a deputation of local authority representatives to the Minister for Police Mr O'Connor.

"There will be no change from the original concept of the scheme set out in the policy speech," Mr Scott said.

Members can visualise the confusion which was developing. On the 26th June, in the *Daily News*, was the following—

#### GOVERNMENT MAY RECONSIDER SINGLE TRAFFIC PLANS

The Government may reconsider all aspects of previously announced plans for the introduction of W.A.'s single traffic authority. . . .

It has become obvious that the Government is having great difficulty finding a practical means of establishing the new body in keeping with pre-election promises.

On the 26th June in *The West Australian* was a heading, "Highway patrol mystery deepens"; and the following appeared in the same newspaper on the 30th July —

#### STATE TRAFFIC AUTHORITY BILL LIKELY SOON

Legislation to set up a single traffic authority in Western Australia separate from the police is expected to be introduced in the State Parliament in September, according to the Minister for Transport, Mr O'Connor.

He was addressing the annual conference of the Country Regional Councils Associations of Western Australia. However, the next article I read was a statement by Mr O'Connor on the 31st denying that he said the Bill would provide for a single traffic

authority separate from police control. On the 16th October, in *The West Australian*, we read—

### POWERS OF POLICE FOR ROAD MEN

Patrolmen employed by the State Government's proposed new State-wide traffic authority will be sworn in as policemen and will have all the powers of policemen.

On the same date in the *Daily News* appeared the following—

### CONCERN OVER TRAFFIC BILL

A spokesman for the Country Traffic Committee said . . . It is known that many people in local government circles do not believe the Bill is in keeping with a Liberal Party election promise to create a single statewide traffic authority separate from the police.

It is widely believed that the results of the Bill, if passed, will be little different to a police takeover of all traffic duties proposed by the previous government.

I now come to my two final Press reports, the first being the following which appeared on the 20th October—

### POLICE WILL BE HIGHWAY PATROLMEN — MINISTER'S CONFUSING STATEMENTS.

Finally, on the 17th October, an editorial in *The West Australian* indicated that it felt that uniform traffic control was desirable. In part, the editorial reads as follows—

To that end Western Australia needs a State-wide authority.

But the State Government's proposal to create a new department of the public service is not the answer. By any name, WA does not need a second-string police force.

There we have it.

The Bill is a product of a Government playing politics with a very vital and serious issue. Liberal and Country Party members, when in Opposition, defeated our Bill which would have placed State-wide control of traffic in the hands of the police under the Commissioner of Police. They said it had to be completely independent of and divorced from the police and had to be a civilian force. During the election campaign the Liberal and Country Parties assured the country local authorities and the public at large that this was their policy.

It was an ill-conceived policy, smacking of political opportunism. Then, when they had to stand up and deliver, they were proved wrong because they could not honour their promise.

The Hon. S. J. Dellar: Like most of their promises.

The Hon. LYLA ELLIOTT: Not only was it too costly, but they were forced to concede that for such an authority to be practical and effective, it had to be staffed by policemen.

In an endeavour to get off the hook, they arrived at a compromise which is neither one thing nor the other. It is neither a civilian force separate from the police, nor is it a branch of the Police Force under the direct control of the Commissioner of Police, even though the patrolmen will come under the provisions of the Police Act.

The establishment of a road traffic authority in the terms set out in the Bill means there will be two law enforcement authorities when there should be only one; and for that reason I oppose the Bill.

THE HON. R. F. CLAUGHTON (North Metropolitan) [10.41 p.m.]: I think Mr Dans stated the case quite clearly when he said that what we have under the Bill before us is police control of traffic. However, it has been made to appear to be something quite different. In the Bill, the definition of a "patrolman" reads—

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

Nothing can be clearer than that.

The Bill itself does several things. It consolidates the present Traffic Act and tidies it up quite a deal. Not much has been said about that aspect to date, which is probably quite right because it is really a Committee matter.

The main subject of the debate so far has been the change in the management of the traffic control force in the State. For some years there has been a dual control and the police have had the power to take over traffic control in country areas if requested to do so. This practice has been steadily extended year by year and the number of local authorities which retain control has been gradually reduced. If the situation had remained as it is, eventually police control would have extended all over the State to the general benefit of the people.

It is interesting to note that the provisions for the establishment of an authority are not very extensive. They are contained in the first dozen or so pages of the Bill, and the main operative provision is in clause 13.

When one reads the debates concerning the 1972 proposal of the Tonkin Government, which was to extend police control generally over the State, one finds that one of the chief criticisms of that legislation was that it contained only two clauses.

The chief critic on the Opposition benches at that time was Mr Heitman, who spoke on the subject for nearly three hours. There was a total of something

over 14 hours debate on that very small Bill. Very few of the Liberal and Country Party members did not take part in it. They are apparently quite reluctant to say anything about the Bill now before us. When reading their objections at that time, I find it quite surprising that they remain silent now. Perhaps they have been directed to support this legislation and cannot bear to defend it.

The debate in 1972 extended over several weeks. The Bill was introduced on the 9th August and, although it contained only two clauses, was adjourned for a week to give the Opposition time to study it. The Bill now under discussion was introduced today and we have been asked to co-operate in its speedy passage. It has 111 clauses and a number of schedules.

The Hon. D. J. Wordsworth: At least it goes into detail.

The Hon. S. J. Dellar: It would have to because it is a rewrite of the Traffic Act.

The Hon. R. F. CLAUGHTON: In view of the detail, one would expect members of this Chamber would be allowed a fair amount of time to study it, when we consider that the 1972 Bill which contained two clauses was adjourned from the 9th August to the 15th August and was debated on each sitting day from the 17th August to the 24th August. For a Bill containing two clauses and one main operative clause, it had quite an airing.

Had Mr Wordsworth studied this Bill, he would understand that the main provisions setting up the authority—which is the major change—are contained in the first dozen or so clauses, and the remainder of the Bill is a rewrite of the existing Traffic Act. So the Bill does not give chapter and verse on what the authority is all about. It contains a regulation-making power, and those regulations will cover the detail of the running of the authority. That detail is certainly not contained in the Bill. The Bill does not state on which days the authority will be open, the conditions of employment, the forms which will be required, and so on. The normal details are not set out.

The Hon. D. J. Wordsworth: Were they set out in your two-clause Bill?

The Hon. R. F. CLAUGHTON: No. What was said to be one of the main objections at that time was that the details were not set out; but the Traffic Code and the conditions under which the Police Force and the Traffic Department operated had been established for many years and there was no question about that. They could be ascertained quite readily, and the system is still operating, of course. Yet in the Bill now before us we have something which is said to be new and the details of operation are not set out. The objections in 1972 were so strong because chapter and verse were not quoted. But where are the objections to this legislation? The only voice

we have heard from the Government side is that of the Minister who introduced the Bill.

The Hon. T. Knight: That is because we set out all the details in the Bill.

The Hon. R. F. CLAUGHTON: If that has been done, why keep it a secret? Why not let the public know about it?

The Hon. T. Knight: It is there.

The Hon. R. F. CLAUGHTON: Where?

The Hon. T. Knight: You have the Bill in front of you.

The Hon. R. Thompson: Do not argue with him. Let him make his own speech.

The Hon. R. F. CLAUGHTON: The honourable member obviously does not know what is contained in the Bill. I have said twice already that the provisions establishing the authority are contained in the first dozen or so clauses. There is no detail. That is not unusual; the same situation applies with all legislation. I am saying that if the Liberal and Country Party members found the lack of detail so objectionable in 1972, what has happened to their objections on this occasion? They have not been expressed.

The speeches on the 1972 Bill are contained in volume 3 of *Hansard* for that year. Mr Wordsworth was one who raised objections, and on page 2774 of that *Hansard* he had this to say—

I am amazed to find that the required amendments are contained in only 1½ pages, and really concern section 11A only, which gives to shires the right to hand over the control of traffic to the Police Department if they so wish.

Later on he said—

It appears that will be done by regulations . . .

We are now faced with precisely the same situation, but I doubt that Mr Wordsworth will rise to object to it. On the following page he said—

I think most shires have been placed in a difficult financial position and have been forced to hand over traffic control in some cases.

In answer to a question I asked, we were presented with some figures which showed that most local authorities do not make a profit from traffic control, so it is little wonder they are prepared to hand it over.

The Hon. D. J. Wordsworth: I was referring to the difficulty of running it in a shire office without collecting license fees.

The Hon. R. F. CLAUGHTON: Has that been changed in this Bill?

The Hon. D. J. Wordsworth: Yes.

The Hon. R. Thompson: Where is it in the Bill?

The Hon. R. F. CLAUGHTON: Is it shown in the Bill? Of course it is not shown. If that is a promise, it is not written in black and white. It is another case of promises, promises, promises.

In 1972, Mr Abbey thought the Government was asking for a blank cheque. The same situation applies with this Bill. He conceded that the Government proposal was a policy matter but it was not acceptable to him so he did not support it. The present Bill is a Government policy matter, which is the same thing but slightly dressed up. However, I have no doubt Mr Abbey will support it. He was one who made some odd statements. I have respect for Mr Abbey and his opinions—he is a very moderate man—but he made some very strange statements in his speech opposing the Labor Government's legislation. For instance, on page 2784 of *Hansard* for 1972 he said—

I challenge the Government to introduce a Bill which properly sets out the requirements of such an authority. I realise such a measure would require many clauses, but when brought before this House or another place it would receive a great deal of constructive attention.

The Bill now before us has very few clauses which set out how the authority will be constituted, but I have no doubt Mr Abbey will support it.

Mr Perry then, as now, was not convinced that the number of traffic fatalities would be affected by police control. I would only comment, as I did by way of interjection, that if we neglect the Police Force and do not give it sufficient numbers to do the job, we cannot expect it to have any effect on the accident figures. But certainly, since the Tonkin Government allowed the force to expand quite dramatically, it has been able to have a very telling effect on the number of road deaths where members of the Police Force are allowed to patrol.

The Hon. G. E. Masters: Do you think there has been an improvement in those particular cases?

The Hon. R. F. CLAUGHTON: Miss Elliott, who sat down not very long ago, quoted the figures. I will not repeat them.

Mr Baxter thought the 1972 Bill would do no good at all. On page 2794 he said—

Let us get down to brass tacks; let us get to the root of the problem and not merely introduce Bills of this nature which will take a long time to put into effect and will do no good at all.

Again, it is a question of what one thinks would do good. Mr Baxter had a variety of ideas but, as has been demonstrated, they resolved themselves into giving the police the facilities and the numbers with which to do the job.

Mr Berry made some reference to arbitrary powers but did not say very much at all. Mr Williams also spoke in 1972 and said he thought the legislation might be repugnant to some and he felt the local authorities must be encouraged to do more. I do not know what "more" would be. His words on page 2847 were—

What we must do in a sparsely populated State like ours is encourage local authorities to do more and more for their own communities. I cannot believe that a police take-over of traffic will do this.

I am not sure of the relationship of his comments to traffic. It is of interest that Mr MacKinnon thought the Bill should contain a grandfather clause. He spoke at some length about the problems of traffic inspectors currently employed by local authorities. He felt that the legislation needed a grandfather clause to secure continued employment for the remainder of their working days. As I say, he dwelt on this aspect at some length, but we do not find a grandfather clause in the legislation before us. Obviously his opinion was not regarded very highly by the Government. As an indication of Mr MacKinnon's thoughts on the subject, I quote from page 2851 of *Hansard* as follows—

I have been concerned about traffic inspectors who are over the age of 45 and look like being thrown out with little or no consideration being shown them. I was making inquiries about what should be done for them. I believe that in a Bill of this nature at least there should be a grandfather clause to cover those traffic inspectors. I am talking about the men who at some time in their lives, of their own free will and accord, decided they would take up traffic duties as a means of earning a livelihood. In other words, they commit themselves to this work; and not only do they commit themselves but also the future welfare of their wives and families—always allowing, of course, that they behave themselves and perform their jobs efficiently.

So we can see Mr MacKinnon felt strongly about these people. However, the Bill before us does not contain a provision of this type. On a slightly different tack, on page 2853, Mr MacKinnon said—

All this Bill states is that no longer do local authorities have an option, but rather they must hand over control because the Government wants it.

The situation is no different in the Bill we have before us. If the measure is passed, local authorities will be required to hand over traffic control. It seems that the Government has completely lost sight of its objection to our Bill of 1972.



I do not intend to quote from all the speeches made in 1972. However, Mr Heitman spoke for nearly three hours in opposition to our measure. His speech begins on page 2687 of *Hansard* of the 22nd August, 1972, as follows—

There is probably no need for me to say that I rise this afternoon to oppose the police takeover of traffic.

Mr Heitman went on to criticise the brevity of the legislation and he used the following words—

Legislation brought before this House should be clearly spelt out rather than have it rely on regulations which could be disallowed at a later date.

I wonder whether Mr Heitman will rise to criticise the Bill before us. It provides for police control of traffic, and it certainly does not spell out the details relating to the authority. Undoubtedly the details of the authority will be introduced by way of regulation. In 1972 Mr Heitman was very strong in expressing his opinion. I would like to quote from his speech at some length, but I will not do that. However, on page 2689 he said—

If we want uniformity of traffic control we must have uniformity in regard to the instruction of the appointees who are to be employed. This is exactly what the Liberal Party has said on every occasion when deliberating this question. The Liberal Party wants all the traffic inspectors to attend a school to obtain the same training given to members of the Police Force.

I suppose we cannot really quarrel with that because we find in the Bill that all officers must qualify as policemen before they can become members of the proposed traffic authority. So Mr Heitman's wish in that respect is well and truly fulfilled, although the officers will no longer be employees of the local authorities. However, Mr Heitman visualised that officers employed by such an authority would be very similar to our present traffic inspectors. This is obviously not the case.

During the Minister's second reading speech he indicated the possibility of continued co-operation between the Police Department and the proposed traffic authority. However, Mr Heitman was very scathing in 1972 about such a proposition. The Minister for Police at that time (Mr Dolan) introduced the Traffic Act Amendment Bill (No. 2) and on page 2696 of *Hansard* of 1972 we see that Mr Heitman quoted the words of the Minister in his second reading speech as follows—

... arrest persons apprehended for carting stolen stock or other goods and assist C.I.B. officers in the apprehension of criminals and in searches for prison escapees?

Mr Heitman then said this about Mr Dolan's speech—

Everyone has his job, and I think under properly set up rules and regulations this situation would continue. The police officers would do their work as they are doing it now, and under the new set-up the traffic inspectors would look after traffic. I do not think there is any need for me to comment further on this aspect. It was stupid to bring up these matters in a second reading speech on a Bill of this nature.

If Mr Heitman has not changed his opinion, he must think the present Minister is also stupid, because we find much the same sort of comments in the Minister's second reading speech to the Bill before us.

Mr Heitman went on to be a little more personal about traffic policemen. He had an experience where he had stopped at an intersection alongside another driver. He took off, and almost immediately afterwards he was stopped by a traffic officer. His comments on this incident was as follows—

If the traffic is not thick and they have the time to do so, they will make fools of decent people who happen to be driving vehicles.

It does not sound as though Mr Heitman had a very high opinion of traffic policemen.

The Hon. J. Heitman: This is the best speech I have heard you make because you are simply reading what I said two years ago. It is worth listening to.

The Hon. R. F. CLAUGHTON: Parts of it are very good. I am paying particular attention to Mr Heitman's speech—

The Hon. J. Heitman: I hope you pay particular attention to the speech I make later on.

The Hon. R. F. CLAUGHTON: —because he spoke at great length about the matter. One would suspect he did this because he felt strongly about it. One would expect him to express his idea of a traffic authority and his reasons for such an idea.

The Hon. R. Thompson: It does not look like anything in this Bill.

The Hon. R. F. CLAUGHTON: That is what I am trying to emphasise. The ideas expressed by Mr Heitman in 1972 seem to have undergone a dramatic transformation, just as the policy of the Liberal Party has altered since the present Premier made his policy speech.

Mr Heitman again quoted from Mr Dolan's second reading speech where he spoke about young men being trained as police officers. Mr Dolan indicated that these men were trained in most areas of

police work. On page 2697 Mr Heitman made the following comments on this matter—

Here again, we are asking these young fellows—

These are the policemen. To continue—  
—to do much more than to patrol traffic and I think it is time the practice was discontinued.

Do we find a provision to accomplish this in the legislation? We do not. In fact, the opposite is true. The measure provides that officers of the traffic authority will be policemen who will then transfer to become patrolmen. They will still be able to perform all the other functions that policemen perform. Again we find that Mr Heitman's ideas have not been put into effect in the measure we are dealing with.

At page 2698 of *Hansard* of 1972 we see that Mr Heitman referred to the Liberal Party recommendations in regard to traffic control. We see that the proposed authority had a heavy preponderance of local government people. Recommendation 3 reads as follows—

3. That the Authority comprise 9 members as follows:—

One person nominated by the Minister for Traffic and Road Safety who will be the Chairman.

Two representatives of the Country Shire Councils' Association.

One representative of the Country Town Councils' Association.

One representative of the Local Government Association.

One representative of the Perth City Council.

One person nominated by the Secretary for Local Government.

That is six representatives of local government. How many local government representatives do we find in the traffic authority to be set up under this Bill? The answer is three.

The Hon. J. Heitman: Half of what I asked for. That is better than nothing.

The Hon. R. F. CLAUGHTON: This was Liberal Party policy in 1972. There seems to be as much confusion about Liberal Party policy at that time as there is about this Bill.

The Hon. N. E. Baxter: He is not greedy; he is satisfied with half.

The Hon. R. F. CLAUGHTON: The present proposal is to have one person nominated by the Commissioner of Main Roads, and one person nominated by the Commissioner of Police—we see that eventually the police have got a mention on this authority.

When we look at the Liberal Party policy of 1972 and compare it with the Bill before us we find some other striking differences. Recommendation 4 of 1972 reads as follows—

4. That the Traffic Control Authority establish a Central Research Section equipped with a highly qualified mobile research team for accident investigation.

We do have a reference to research in the Bill before us. In fact, the Liberal Party must have obtained some better advice than it had in 1972. Recommendation 5 is as follows—

5. That the Authority shall be responsible for the employment and discipline of Traffic Inspectors throughout the State.

Now we find under clause 13 of the Bill the authority is charged with the deployment and direction of traffic control. I do not know whether that means the authority employs the officers, but the clause states that it can deploy them. It does not say anything about discipline in that part, either; in fact, we know from reading further down clause 13 that discipline for the patrolmen will be the same as for all other policemen; namely, conducted within the force itself. So, the authority in fact will not have the control of discipline of the Police Force. Mr Heitman continued—

That Local Authorities shall act as agents for the Traffic Control Authority in handling vehicle plates and licensing, and co-ordinate details with the Authority.

Again, it is not a question of "shall"; the Bill says it "may". However, this is a major change.

I should like to spend some time on that point, but I think I have said enough to indicate that the Liberal Party has seen fit to revise its policy which apparently it thought not to be of much value. I would think the same applies to the Liberal Party policy statement which indicates that the new authority is to be completely independent of the Police Force and that it will cover all aspects of traffic control. That has gone down the drain; in effect, we have police control of traffic which is what we should have had in 1972, but which we are still debating late in 1974. The Liberal-Country Party did nothing to help the situation at that time and in this proposal all we have is police control at a greatly inflated cost. The people of Western Australia would get much better value out of the proposal advanced by the Labor Party, and the same results could be achieved.

**THE HON. R. THOMPSON** (South Metropolitan—Leader of the Opposition) [11.17 p.m.]: I intend to commence where Mr Cloughton finished. None other than the present Minister for Health pointed

out the costly nature of our 1972 legislation for police control of traffic. Mr Baxter said—

This would be a less expensive proposition than handing over control of traffic in country areas to the police, and it would be less expensive in terms of the lives lost on our roads.

Of course, he was referring to instructing drivers rather than having a co-ordinated approach to traffic control. He could not see any good in our legislation. He frequently criticised the cost of restructuring the Police Force, yet we now find him in the position of introducing a measure which has not been costed by the Liberal Government.

The Hon. S. J. Dellar: Like everything.

The Hon. R. THOMPSON: This has been proved beyond doubt; I pointed this out when I spoke on the Supply Bill. The Government suggested it could do the job for something like \$1 million, whereas the actual cost of establishing a highway patrol was \$7.8 million; we know, because we had it costed.

Now we find we are going to have a second-class law enforcement organisation in Western Australia because, as Mr Dans mentioned, to all intents and purposes they are to be policemen under the Police Act—the governing Act under which they will operate. Of course, Government supporters must be feeling guilty that lives have been lost which would not have been lost if we had a co-ordinated approach to traffic control throughout Western Australia; lives have been lost through their sheer pigheadedness two years ago.

The Hon. N. McNeill: You provided for fragmentation in the Department of Motor Vehicles; what are you talking about?

The Hon. R. THOMPSON: The Minister can have his say in a moment. I have listened to him so many times and heard him do so many verbal somersaults, yet I imagine he will do the same in regard to this Bill. Interjections of that kind are idle words, and the Minister knows it.

The Hon. N. McNeill: That is what I do not know.

The Hon. R. THOMPSON: The Minister's second reading speech has been covered fairly well by Mr Dans; however, I should like to refer to it briefly. It commences by stating—

This Bill gives effect to a policy undertaking given prior to the last election.

A lot of attention has been given to that remark and I do not have to repeat it. It was a lie then and it is a lie now. The Government's talk of flexibility is, of course, just not on; the public and the Press are not foolish.

The Hon. N. McNeill: It is no lie and you cannot claim it is.

The Hon. R. THOMPSON: They are a wake-up to the Government. But the most outstanding point in relation to this legislation is that early after the election the Minister was asked a question relating to the size of the authority. He stated that it was to be a highway patrol consisting of a staff of 500. The legislation makes no mention of the number to be on the highway patrol.

As we read through the Minister's speech, we find other contradictions. No indication is given as to the strength of the force. Also, if members examined the Budget which is before another place they would see that no provision is made for the implementation of the new authority. Let members opposite tell me if I am wrong. From memory, \$700 000 is provided for radio equipment. Of course, when we costed the items we found the results were in line with the costing put out by the Police Department, the Treasury, and the Police Union itself; they are realistic people who know the costs of establishing operations and servicing a major force of this kind.

I pointed out at the time that if, as the Minister for Traffic said, the new authority was to consist of a staff of 500, he would have four less than the present staff comprising administrative officers, patrolmen and shire patrol inspectors because at that time they added up to about 504 people.

Other factors must also be taken into consideration when considering a Bill of this nature. The Tonkin Government expanded every avenue of the Police Force and made historical gains in claiming new ground in the uplifting of the Police Force to make it an effective body. To put our scheme into operation, we provided for the building of a new police headquarters, which is presently under construction and which should be opened by April or May next year. An entire floor of that building is to be devoted to an operations centre; it will be a highly mobile section, where patrolmen will be necessary. Of course, if the Government now says that they are to work independently of the Police Force, what will happen to this operational section which, incidentally, will be the most effective and modern in Australia? Did the Government give any thought to that point when it drew up this legislation? Of course it did not.

What is happening at the Police Academy? Miss Lyla Elliott mentioned earlier the additional 50 recruits Cabinet approved in February who, incidentally, entered the academy on the 6th April this year. The largest number of recruits since the inception of the Police Force—98 recruits—graduated on about the 7th July, followed by a number nearly as large again. Provision for this was made by the previous Government. However, that was

the last intake into the school. If he knows, the Minister might tell me roughly how many recruits are going through the academy at present. Of course, the answer will be, "No, there is no police school". The Liberal Party has scrapped the police schools and we are to see a general run-down of traffic control and the Police Force in Western Australia in line with the priority the Liberal Party gave the Police Force in its previous 12 years in office.

The Tonkin Government gave due consideration to the needs of the Western Australian public, the conditions of the Police Force and the conditions under which members of the force and their families had to live. However, we found that immediately the Liberal Party gained office a scaling down of recruitment into the Police Force occurred.

Let me deal with another matter mentioned by Mr Dans. Members opposite have stated that the new traffic authority is not to be another arm of the Police Force or a second-grade arm of the Police Force; but under what penalties and conditions will they be charged? Under the Police Act? How can the director of the patrol section charge any person? There is nothing laid down under this Bill which the Government hopes will become an Act under which a person can be disciplined. It must be done under the Police Act. I say now that any policeman who chooses to transfer to this new authority is not worth his salt and should not even be a member of the Police Force, because he swore allegiance to the Police Force and to uphold its traditions and it has been one of the traditions of the Police Force that when a man retires from the force for some reason or another he is not accepted back into the force.

Yet we find that the Minister in his second reading speech said that traffic inspectors from country areas will join the new authority and will be sworn in as policeman, if they are able to do so. What does that mean?

I would like the Minister to refer to his notes, because I want to know whether they are "able to be". Is that a blanket coverage, or does it mean, as has been suggested, that all patrolmen will be taken into the force? The Minister's notes mentions "if they are able to be". This has not been said: they will be sworn in as policemen.

Another question is this: will they be trained as policemen, and will they have to go through the Police Academy? I cannot see any sense in swearing in a person as a policeman if he has no training as a policeman. The job of a policeman is a very specialised job. To say that people will be sworn in, and not give an indication of their training, is not good enough.

In the first page of the Minister's second reading speech he had this to say—

The long term objective of the legislation may be described in these terms—

Is that what the Bill means, that it will be a long-term operation which will take years to be put into effect? Will it be put into effect in 12 or 18 months? We have not been told and nobody knows. How long will it be before the authority comes into operation, irrespective of whether the local authorities are asked to submit nominations of people to serve on the authority? I agree with what Mr Dellar has said, that what has appeared in the newspapers should not have appeared before the legislation had been passed. We have been told over the years that this is a House of Review, and that legislation should be reviewed. On this occasion how hollow is the truth!

Can one think that the Local Government Association, unless it has been given some indication by the Minister, will take the step? Of course, it will not. In view of Mr Heitman's defence of local government it is the last thing he should agree to.

The Hon. J. Heitman: It is something local government has anticipated.

The Hon. R. THOMPSON: The local authorities have been told. It is more than a coincidence that the report appeared in a country newspaper and in the *Daily News* within two days. In his second reading speech the Minister said—

The long term objective of the legislation may be described in these terms—

(a) to bring unity of purpose and direction to the performance of most of the many functions involved in the administration of traffic in the State.

When we reach the particular clause in the Bill related to this matter we can have a long discussion on it. That was the very proposal we put forward two years ago, but the measure was not given a second reading in this Chamber. To continue with the Minister's speech—

(b) To increase the efficiency and effectiveness with which these functions are performed with a clear aim of achieving a significant reduction in accident rates.

The Minister who is introducing the legislation said in 1972, as recorded on the page in *Hansard* I have mentioned, that police control of traffic could not bring about a saving of one life. He said it would be a costly exercise.

The Hon. J. Heitman: We can all learn.

The Hon. R. THOMPSON: The honourable member has a lot to learn, because on that occasion he spoke for three hours. If he supports the measure before us he

would be the best gymnast I have seen, because everything that he spoke against on that occasion he will be supporting in the Bill before us.

We on this side have been advocating police control of traffic throughout Western Australia; it has been our policy for some years. The Government now realises its position, and this is borne out by the Minister's comments at page 41 of his second reading speech—

It is believed that, if implemented, this new authority can assist considerably to lower our deaths, . . .

Of course, previously the Minister would not have a bar of it.

The Hon. J. Heltman: He is willing to learn, but you are not.

The Hon. R. THOMPSON: We have done our homework and our research. We knew the discord, the uncoordinated efforts of traffic control, the lack of supervision, and the lack of control. We are not fools. Now the Minister says—

It is believed that, if implemented, this new authority can assist considerably to lower our deaths, injuries, and accidents on Western Australian roads and for this reason alone the venture is worth while, and I commend the Bill to the House.

What a backflip! I now turn to the cost of setting up the authority.

The Hon. N. E. Baxter: A while ago you said there was no costing.

The Hon. R. THOMPSON: We find that the capital cost of setting up the new authority is to be \$347 200. That amount would not be enough for the purchase of 30 motor vehicles. The cost of radio is to be \$180 000, of equipment \$216 000, of regional offices \$600 000, and of Government housing \$4 183 000.

I now deal with the comments appearing on page 39 of the Minister's speech. He said—

The Public Service Board has taken out an assessment for the Minister for Transport on different ways and means of implementing the various systems for single traffic control.

The cheapest is the progressive enlargement of the Traffic Branch of the Police Department to achieve State-wide control or, alternatively, the proposal I have outlined today.

The Minister then gave the comparative costs.

Of course, it is cheaper to have police control of traffic, because police officers are trained and are required to pass through the Police Academy.

The number of recruits entering the Police Academy, and the number who qualify for traffic control, are quite different. We do not find that 40 recruits into the academy will result in 40 trained officers capable of traffic control. They do

not all pass. In this respect the Minister has just nodded approval. Has he any idea how many will pass? I say the number is around eight.

If we accept the second reading speech of the Minister, police officers do not have to be transferred to traffic control if they do not wish to be. However, if we turn to clause 13 (2) of the Bill, before it was amended, we find the following—

The Commissioner of Police shall arrange with the Authority for members of the Police Force to be transferred for duties in the Traffic Patrol under the provisions of this section, and each member so transferred shall, until re-transferred for duties in the Police Force by the Commissioner, be known as a patrolman.

The Hon. N. E. Baxter: That is if the police officers desire to be transferred. It does not say every one has to be transferred.

The Hon. R. THOMPSON: I say it is obligatory on every officer at present engaged on traffic patrol. If the authority is established I believe it will require 289 officers to be actively engaged in traffic patrol. Clause 13 states that if the authority so requires the commissioner shall transfer members of the Police Force. Am I right or am I wrong?

The Hon. N. E. Baxter: I do not think you are right. Police Officers can refuse transfers and elect to remain in the Police Force.

The Hon. R. THOMPSON: I repeat what clause 13 (2) states—

The Commissioner of Police shall arrange with the Authority for members of the Police Force to be transferred for duties in the Traffic Patrol . . .

The Hon. N. E. Baxter: If you take that provision literally it would include every member of the Police Force, irrespective of whether or not an officer is in the traffic branch.

The Hon. R. THOMPSON: From which section will the experienced officers be drawn? This has not been mentioned by the Minister.

The Hon. N. E. Baxter: From country areas and men on traffic patrol duties.

The Hon. R. THOMPSON: Will they be put through the Police Academy and be trained as policemen?

The Hon. J. Heltman: A great many of them are trained.

The Hon. R. THOMPSON: Are they to be trained as policemen, or will they be sworn in as policemen without training?

The Hon. J. Heltman: You know the answer. That is mentioned in the Bill.

The Hon. R. THOMPSON: The Bill does not say that. The honourable member should tell me which clause provides that

patrolmen will be trained as policemen. It says only that they will be sworn in as policemen.

The Hon. J. Heitman: They will be trained as policemen.

The Hon. R. THOMPSON: Let the Minister say that. The honourable member does not know.

The Hon. N. E. Baxter: I will tell you when I reply.

The Hon. R. THOMPSON: I hope so, because in the Committee stage I shall be pressing the Minister to indicate whether they will be sworn in as policemen and trained as policemen.

The PRESIDENT: It would be better for the honourable member to press the matter in the Committee stage and not the second reading stage.

The Hon. R. THOMPSON: With all due respect to you, Mr President, I have exactly the same right as the Minister who has introduced the Bill. I am trying to draw out the points to determine the meaning of the comments in the Minister's speech. They do not appear to be very clear.

The PRESIDENT: The honourable member is cross-examining the Minister across the floor of the Chamber. He knows as well as I do that this is not permitted.

The Hon. R. THOMPSON: Had it not been for Mr Heitman's interjection I would not have questioned the Minister.

The PRESIDENT: If Mr Heitman refrains from interjecting you would not have occasion to question the Minister.

The Hon. R. THOMPSON: I do not mind the Minister interjecting when I am wrong, but I do mind when a member who has not studied the Bill to the necessary degree to become acquainted with its provisions interjects and says that patrolmen will be trained as policemen, when in all probability the Minister will give us the correct answer. I say "in all probability" because often we do not get the answers we want.

The Hon. J. Heitman: Maybe not in the way you want.

The Hon. R. THOMPSON: To continue with the Minister's speech on page 2—

- (c) To provide a focus for research into all aspects of traffic administration—not just accident research.

Of course, that is most desirable. However, it appears that after 12 years in Government during which no progress was made at all the Police Force was run down to its lowest ebb when compared on a population basis with the other States. Now, with the setting up of a new authority, we observe these glossy words. Are the policies of the present Government meaningless, or is this a genuine attempt

for real research where all matters will be taken into consideration? I would like to feel that what we have heard is not just a case of idle words. On Page 2 of the Minister's notes, paragraph (d) states—

To create a forward-looking body which, as a result of its own research and inquiries, will lead Australia in traffic administration.

That really sounds good.

The Hon. N. E. Baxter: It really sounds good.

The Hon. R. THOMPSON: But is it not strange that we are the only State in Australia which will have a second-class body?

The Hon. J. Heitman: That is only your opinion.

The Hon. N. McNeill: It will not be a second-class body.

The Hon. J. Heitman: How many police per head of population do they have in the other States?

The Hon. R. THOMPSON: If the member opposite would like to read my speech on the Supply Bill he would see that I dealt, in detail, with this matter. I have a copy of the speech with me and if necessary I am willing to oblige and go over the facts and figures again.

The Hon. J. Heitman: That is fair enough.

The Hon. N. McNeill: I suggested at the time that the honourable member should have kept his speech for this Bill.

The Hon. R. THOMPSON: That is right. The Minister asked why I had not kept the speech until the Road Traffic Bill had been introduced. However, I made the speech at that time for a very good reason and it has borne a lot of fruit. I pointed out the cost of setting up a separate authority, and that has not been refuted by the Minister.

The Government now has the responsibility of meeting the costs of its promises, and it finds that it is not practicable. The Government realises that our costing was correct. The Bill has been watered down to the degree where we will have policemen patrolling the roads of Western Australia. However, they will not be under the control of the Commissioner of Police. I can give the Government a firm undertaking that when we are returned to Government, after the next election, one of the first Bills to be introduced will be one to place this authority under the control of the Commissioner of Police.

The Hon. H. W. Gayfer: The wording of the present Bill would make it pretty easy for that to be done.

The Hon. D. K. Dans: One slight amendment.

The Hon. J. Heitman: There were only two amendments in the other Bill.

The Hon. R. THOMPSON: Of course, we did not need any more amendments because we had an effective way of controlling traffic. We had an organisation which was already set up. Whilst I was Minister for Police it was proved that the Police Force is the most capable organisation to control traffic.

The Hon. H. W. Gayfer: What did the honourable member base that opinion on?

The Hon. R. THOMPSON: On what happened over the Christmas period when I instituted what was referred to as a blitz. I do not like to refer to what was done as a blitz because the campaign was to save lives.

The Hon. J. Heitman: The honourable member was the one to call it a blitz.

The Hon. R. THOMPSON: I did not; I repudiated it all the time.

The Hon. H. W. Gayfer: Why was it that on Labour Day—the 7th October—in New South Wales all policemen were called back off duty because of the carnage on the roads which reached the appalling figure of 998 deaths on that day?

The Hon. D. K. Dans: A total of 900 people on one day?

The Hon. H. W. Gayfer: A total of 998 deaths for the year up to that day. All leave was cancelled for members of the Police Force on that Labour Day.

The PRESIDENT: Order! Will the honourable member please continue with his speech?

The Hon. R. THOMPSON: I have been waiting for the other second reading speech to conclude! The campaign to which I have referred occurred over the Christmas period. The present Minister for Police did the same thing over the Easter period when all leave was cancelled and every available policeman was called back for service. The Police Force during the Christmas and Easter periods, literally worked their guts out in an attempt to stop the carnage on our roads. The campaigns were effective and over Christmas we had a six-week period during which Western Australia had its best record ever.

The Hon. H. W. Gayfer: Under existing police control.

The Hon. R. THOMPSON: It was a result of the campaign over the Christmas period that Cabinet, in February, recommended the appointment of an additional 50 men and the purchase of an additional 30 cars. No sooner was that approval granted than we found that the policemen who had transferred out of the traffic section immediately applied for transfer back into that section. A total of 23 policemen applied for transfer in one week. That campaign was a marvellous effort on the part of members of the Police Force.

If this is to be a short-term programme, as pointed out by the Minister, what will happen? From where will the patrolmen be obtained if they do not transfer to the new authority?

The Hon. H. W. Gayfer: The honourable member has not proved that the police are more effective in looking after traffic than would be another body. I ask for some proof.

The Hon. R. THOMPSON: I could convince the honourable member. Over the Christmas period to which I have already referred the Police Force operated in 19 shires normally controlled by traffic inspectors. As a result of that action, very shortly after, three of those local authorities transferred traffic control to the Police Department.

The Hon. H. W. Gayfer: What was proved while the police were operating in those shires?

The Hon. R. THOMPSON: We achieved the lowest Christmas death rate on the roads in our history. That was the result of the vigilance and the dedication of the policemen who were working.

The Hon. H. W. Gayfer: Why did it not happen in New South Wales?

The Hon. R. THOMPSON: We are talking about Western Australia.

The Hon. H. W. Gayfer: The honourable member was talking about the other States.

The Hon. R. THOMPSON: I said we would be the only State with a second-class force.

The Hon. N. McNeill: It will not be a second-class force.

The Hon. R. THOMPSON: I do not want to see a second-class force. I would like to see the first-class force which we have now.

The Hon. H. W. Gayfer: If we have the lowest number of deaths, we must have the best force.

The Hon. R. THOMPSON: I believe we have the best Police Force in Australia.

When I reach page 42 of the Minister's notes we will have an opportunity to examine some of the other propositions put forward. However, at page 3 of the Minister's speech notes it is stated—

The method of the establishment of the authority has been carefully planned, and experience gained on the occasions when local authorities have surrendered traffic functions, and on the establishment of the Department of Motor Vehicles, has been fully utilised.

Of course, the method adopted for establishing the traffic authority was to placate the Country Shire Councils' Association and the Local Government Association of Western Australia. The authority has not been formed in an effort to save lives; it has been formed to placate those authorities. The cheapest costing quoted by the Minister was achieved by using the trained force which we already have. However, the Minister has not acknowledged that fact.

The people of Western Australia have been fooled into believing they would have an authority along the lines mentioned by Mr Heitman, and about which the Minister spoke two years ago. Of course, that has not been achieved and the Government has even fooled the Local Government Association of Western Australia and the Country Shire Councils' Association of W.A.

The Hon. N. E. Baxter: No, we have not.

The Hon. R. THOMPSON: Well, it will be police traffic control whether or not the Minister likes it.

The Hon. N. E. Baxter: That is what you think.

The Hon. R. THOMPSON: The composition of the proposed authority is set out on page 4 of the Minister's speech notes. The Minister said there will be a permanent head of the department. We presume he will be a high-ranking police officer. I know the Minister would not have a policeman from another State because the Government is setting out to do something different from what applies in the other States. Therefore, if the Government intends to obtain the services of the best brains in Western Australia, the head of the department will have to be a very senior police officer. I could just about nominate him.

Another member of the authority will be the Commissioner of Main Roads, because of his involvement with traffic safety. A third member will be the Commissioner of Police, because of the skills which repose in his department in respect of law enforcement. I consider that to be a slur on the Commissioner of Police because of the reference to law enforcement, and not traffic control. The Commissioner of Police mixes with the top brains of the world—as do successive police commissioners—while studying this problem and putting into effect the most up-to-date and modern means of traffic control.

The Hon. N. E. Baxter: I think the honourable member misread my notes.

The Hon. R. THOMPSON: The Commissioner of Police will be a member of the authority because of the skills which repose in his department in respect of law enforcement. That is a reflection on the commissioner or on the Police Force itself.

The Hon. N. E. Baxter: It is no reflection. The member is reading into the notes something that does not exist.

The Hon. J. Heitman: He always does that.

The Hon. R. THOMPSON: Another member of the authority will be the Director-General of Transport, in order to exploit the co-ordinating role laid on him by the State Transport Co-ordination

Act. Another three members will be persons appointed by the Governor for a period not exceeding three years on the nomination of the Minister from a panel of names submitted by the Local Government Association of Western Australia, the Country Shire Councils' Association of Western Australia, and the Country Town Councils' Association respectively.

I do not wish to be critical but I ask the Minister if he is able to name three persons—or even one person—from those respective organisations who would have any qualification, training, or knowledge of the specialised functions of the authority. Is any member able to name one such person?

The Hon. J. Heitman: I could tell the honourable member but I will not make my speech now.

The Hon. R. THOMPSON: I do not intend to denigrate local authorities but I would like to know whether we have people of that calibre serving in those organisations. If so, why have we not heard about them previously?

The Hon. N. E. Baxter: Because they are people who have done a very good job in country areas in controlling traffic.

The Hon. R. THOMPSON: As I said, I am not denigrating them, but I would like the Minister to tell us the name of one person who has sufficient qualifications to work on the authority.

The Hon. N. E. Baxter: I could find quite a number of them throughout country areas.

The Hon. V. J. Ferry: Obviously he doesn't know much about it.

The Hon. R. THOMPSON: I have asked sincerely for information, but it is not forthcoming. Can members opposite name a person who comes readily to mind and has the qualifications necessary for the task?

The Hon. N. E. Baxter: I will give you some names in my reply.

The Hon. I. G. Medcalf: Why don't you say that you don't know any? That will be sufficient.

The Hon. R. THOMPSON: Does Mr Medcalf know any?

The Hon. I. G. Medcalf: You are making the speech. Why not say you don't know any, instead of asking us to interject.

The Hon. R. THOMPSON: I think the people who serve on local authorities perform a good job, but when it comes to something of a specialised nature—as this authority will be; it will deal in great technical detail with professional men—I do not think they have the qualifications. I am not saying there are no professional men on local authorities; I am saying in the main they are people who give their



time freely to local government, but usually they have another full-time occupation.

The Hon. D. J. Wordsworth: You wouldn't expect the Government to give you names by way of interjection?

The Hon. R. THOMPSON: I thought perhaps even Mr Wordsworth might be able to think of someone.

The Hon. J. Heltman: We know of plenty.

The Hon. R. THOMPSON: The Minister said it is proposed to negotiate the purchase of various equipment when the control of traffic is taken over from local authorities in country areas. I would like to know whether that means all equipment will be purchased, or only that which is satisfactory for modern traffic control methods. Will we take outmoded and obsolete equipment? I think the taxpayers of Western Australia would like an answer to that.

The Hon. N. E. Baxter: Naturally we would take only the equipment we can use, and not outdated equipment.

The Hon. R. THOMPSON: I would like the Minister to check on whether or not the entire equipment of local authorities will be purchased, or only the more modern and efficient equipment. The present police equipment, which is of a standard comparable with the equipment in any other State in Australia, will be used in the metropolitan area.

The Hon. D. J. Wordsworth: What was your policy?

The Hon. R. THOMPSON: To use modern equipment.

The Hon. D. J. Wordsworth: And leave them with the rest?

The Hon. R. THOMPSON: We took all the equipment which was suitable.

The Hon. D. J. Wordsworth: What happened to the rest?

The Hon. R. THOMPSON: The local authorities still have it.

The Hon. J. Heltman: What outdated equipment have they got?

The Hon. R. THOMPSON: I imagine some motorcars are rather old.

The Hon. J. Heltman: You are quite wrong, because they change them every 12 months.

The Hon. R. THOMPSON: I am pleased Mr Heltman fell for that trap. I can tell him about the case of one local authority which does change its cars. The traffic inspector was given another car six weeks ago, but the shire clerk had done 30 000 miles in it before the inspector got it. I have spoken to that inspector.

The Hon. N. E. Baxter: That would be an odd case.

The Hon. R. THOMPSON: I cited a case in 1972 when speaking to another Bill. I referred to what happened in

York; the shire council there bought a completely unsuitable new vehicle for the traffic inspector. He was presented with a standard model Holden, and all the young blokes in the town were coming out with 186 and 202 motors in their Holdens and "burning him off". It was a joke. The last time I spoke to that inspector he told me he was then at Carnarvon.

The Hon. D. J. Wordsworth: I suppose when you were the Minister the Police Department had no vehicles which had done 30 000 miles.

The Hon. R. THOMPSON: It had no patrol cars with that mileage—my word it did not. Patrol cars were changed before they reached 30 000 miles. It is a strange thing that it does not cost the police anything to change cars.

The Hon. N. E. Baxter: Not a penny?

The Hon. R. THOMPSON: It costs very little.

The Hon. H. W. Gayfer: I suggest that you do not do a "burn" down Avon Terrace in York now.

The Hon. R. THOMPSON: That is right. I know, and Mr Gayfer knows, the person who wrote to the Press and made representations to the council, and ultimately made the council change its tune.

The Hon. N. E. Baxter: Things have changed nowadays.

The Hon. D. K. Dans: They've got a Lambretta now.

The Hon. R. THOMPSON: The Minister said the authority's administrative staff will be members of the Public Service, in all respects subject to the Public Service Act, 1904. This is a matter to which I referred previously when I asked what is the anticipated number of patrolmen; and to tie in with that question I now ask what is the anticipated number of administrative staff to service the patrol officers and perform the rest of the functions of the authority? This is not mentioned in the Bill. We should know these answers before we accept legislation such as this. The Government has said it has done its homework. However, I have here a Liberal Party document which is not dated.

The Hon. J. Heltman: The only document you put up had two clauses in it.

The Hon. R. THOMPSON: That is right, but we knew what we were doing.

The Hon. N. E. Baxter: You didn't state the number of administrative staff in the Bill or in your second reading speech.

The Hon. R. THOMPSON: I refer the Minister to that part of his speech in which he said, "The method of the establishment of the authority has been carefully planned." If that is so, the answers in regard to the number of patrolmen and administrative staff should be forthcoming.

The Hon. S. J. Dellar: He doesn't know whether the Government is going to implement the Bill.

The Hon. R. F. Claughton: Does he know which office they will use?

The Hon. R. THOMPSON: The Minister said—

The Governor may, on request of the authority, engage specialist services such as might be provided by consultants or experts on a particular subject appointed for a short term and particularly in relation to the authority's research responsibility to which I have already referred.

Members can well understand why I question the composition of the authority.

I would point out an injustice has been done to the National Safety Council, because it is not to be represented on the proposed authority. The National Safety Council is composed of interested people with expert opinions who give freely of their time. However, the Minister merely said, "We will work closely with them."

The Hon. N. E. Baxter: Hasn't that always been the case?

The Hon. R. THOMPSON: I think the council is entitled to be represented on the authority. Can the Minister give me a reason why it should not be?

The Hon. H. W. Gayfer: It is represented, because the Commissioner of Main Roads, the Commissioner of Police, and local authority representatives are on the council.

The Hon. R. THOMPSON: The Minister went on to say—

The powers of delegation of the authority are normal in situations such as this. It is essential, for instance, that the authority be able to delegate the powers to local authorities acting as its agents for vehicle licensing and associated functions.

What are the associated functions? Does that term include vehicle inspections?

The Hon. N. E. Baxter: It could.

The Hon. R. THOMPSON: I pointed out previously when speaking to the Supply Bill what occurs in regard to vehicle inspections when a local authority hands over control to the police. We know the record of local authorities is not very good.

Members opposite represent country areas and they should be aware that every time the police take over traffic control in a local authority area, as vehicles are licensed they are inspected by the police and numerous cars are put off the road and many others are ordered to be repaired. These are the vehicles for which the local authority has been responsible for a long time. I think it would be sad if the Government were to set up the proposed authority, with all the glossy words it has used in connection with it, and still carried on with the same old outmoded methods and lack of proper inspection of vehicles.

The Hon. N. E. Baxter: Who said that?

The Hon. R. THOMPSON: If the Government is to stop deaths on the road it must firstly ensure that it takes positive action; and apart from controlling the nut behind the wheel the most positive action it can take is to see that all vehicles are roadworthy.

The Hon. N. E. Baxter: We must control the nut on the wheel, too.

The Hon. R. THOMPSON: I suppose the Minister would not know that some cars now do not have nuts. Has he looked inside a modern car?

The Minister then said—

The Commissioner of Police is obliged to arrange for the transfer of members of the Police Force for duties in the traffic patrol.

Of course, he did not say the commissioner shall do that, but he is obliged to do it. He continued—

A person must be sworn in as a policeman to be a member of the traffic patrol.

Therefore, whichever way we look at it, it is a matter of police control. That is why I said earlier a policeman who transfers to the authority will lose my respect, because he is sworn to work under the Commissioner of Police, and policemen are proud to do that.

The Hon. N. E. Baxter: I will give you the answer to that in my general reply, because about four members have raised it.

The Hon. R. THOMPSON: That is all right, as long as we get the message across. Usually we do not receive the answers we require.

The PRESIDENT: The time for the Minister to give answers is when he replies, and not by way of interjection during the debate.

The Hon. R. THOMPSON: I did not ask for that.

The PRESIDENT: He is prolonging your speech considerably by giving answers by interjection.

The Hon. R. THOMPSON: Mr President, I did not ask for interjections. I said it is not very often that we receive a reply.

The PRESIDENT: I did not say you asked for answers; I merely suggested that the Minister refrain from answering questions you have or have not asked.

The Hon. R. THOMPSON: The Minister said he will give the answers when he replies, because three or four members have raised the same point.

The Minister made an amazing statement in his speech when he said members of the authority shall be sworn in as members of the Police Force, but will be under

the control of the traffic authority. He then said—

To clarify the position, in cases of emergency, whether it be a riot or something of that nature, members of the traffic patrol may be called in and used in conjunction with the Police Department. Generally, however, the day-to-day job we want them to do is look after traffic.

Are we to take it that—other than in a case of a riot or “something of that nature”; whatever that is—if a patrolman sees a motorist speeding and at the same time, out of the corner of his eye he sees someone breaking into a store or inflicting grievous bodily harm on somebody else, he will be obliged to chase the motorist; because according to this legislation he would not be able to take any action against the person breaking into the store or against another person causing grievous bodily harm? He is only obliged to carry out his day-to-day duties and apprehend the motorist, because that is not the duty of a policeman. Is that what the Minister is trying to tell us?

We now get down to considering shire traffic inspectors who are able, and who desire, to transfer to the traffic patrol. They are to be appointed as members of the Police Force. This is the point I was referring to previously. These men will work under the same conditions of service as a policeman and will have the wider promotional opportunities that are shared by a policeman who is transferred to the new traffic authority. Let us say that a shire traffic inspector transfers to the traffic patrol and he is able—and here I would like to know the definition of “able”. Will he go through the Police Academy and meet the same physical requirements that have to be met by a policeman and also have the same intellectual ability to carry out his duties as a policeman? I should imagine that that is what “able” means.

If a shire traffic inspector transfers to the traffic patrol at the age of 59, and a policeman retires at the age of 60, what will be the retiring age of a traffic patrolman who is transferred from a local authority? There is no reference to that aspect in the Bill, and according to some of the Press statements we have read, if they are correct, these problems will have to be faced. I understand that one traffic inspector is 63 years of age. What will be his position? Are all traffic inspectors to be transferred to the road patrol or is provision to be made that we shall take over all shire traffic inspectors at the age of 45 years? That was the provision in the Bill we introduced in 1972. Also if a traffic inspector enters the road patrol after 20 years' service will he gain promotion as a sergeant? If he were in the Police Force and had given that service he would be a sergeant.

Therefore, I repeat: If a shire traffic inspector is transferred to the new road patrol, will he be transferred as a sergeant? Would his promotion to sergeant be automatic when he is transferred to the road patrol if he has given that length of service as a traffic inspector? I would like to hear some explanation on that point.

The Minister then went on to say that a patrolman will have exactly the same powers as a policeman and he would be engaged under precisely the same rules, agreements, and awards as are policemen. Furthermore, any member of the Police Force not transferred for duty with the traffic patrol has the same powers under this legislation or under any other Act.

Of course, if we read right into what the Minister has said we could still have two traffic bodies operating in Western Australia. If members of the present police traffic patrol section did not transfer to the proposed new traffic patrol, and the Government enlisted the traffic inspectors from the shires, we could then set up the authority and we would have a maximum of 132 full-time traffic patrol inspectors in Western Australia; that is, according to the figures that were supplied to Mr Cloughton in reply to a question he asked several weeks ago. Therefore we would have 132 men employed by the authority, together with the policemen who will transfer to the road patrol and, as a result, we would have a dual force in operation, because even the provisions of this Bill provide that there shall be dual responsibility. The police will carry out the work of the patrolmen and the patrolmen will perform the duties of a policeman.

I know that the members of the Police Force are still not happy with this legislation despite the assurances given by the Minister. The police still require many more assurances before they will be satisfied. From my conversations with individual members of the Police Force they seek those assurances before they will transfer to the road patrol. In fact I have not yet met one member of the Police Force who has told me he will transfer over to the new road patrol. If he is not to be under the jurisdiction of the Commissioner of Police a policeman is not keen to transfer, and so we will not know how we will obtain the necessary personnel if policemen do not transfer. At least we will be boosting the Police Force in this State. This may be the reason why the Government has done away with the police academies.

Unless the words of the Minister are all gobbledy-gook, that is what could happen. We could have two different authorities controlling road traffic in Western Australia if the police refused to transfer over to the new traffic patrol; that is, if the Government continues to press with this idea of setting up a new traffic authority.

This is one of the most costly duplications of services we will ever experience, particularly when the Premier of this State never ceases to complain about the Australian Government not supplying sufficient money to carry out this Government's works programme and to fulfil its costly election promises—and this is one of them for which this Government cannot expect the Australian Government to provide money to put it into effect.

The Hon. J. Heitman: Not even to save lives?

The Hon. R. THOMPSON: We can save lives with the police being in control of traffic on the road. Of course, when we introduced the Bill to place the control of traffic in the hands of the police throughout the State those on the other side of the Chamber said the police could not save lives.

The Hon. J. Heitman: We did not say that.

The Hon. R. THOMPSON: Even Mr Baxter said that in 1972. His whole speech was made up of criticism of the police. He did not say much about the shire councils. He wanted everybody to be taught how to drive. He said it was costly duplication taking police into the country to control traffic. Of course, he did not say that tonight. He says that this is a good scheme to get so-called policemen into country areas to control traffic. The Minister also said, when introducing this Bill, that there would be no reduction in salary allowances, and that those persons transferring to the proposed authority will carry *pro rata* long service leave entitlements. Those entitlements could be worked out, but what about superannuation?

The Hon. N. E. Baxter: That will be covered.

The Hon. R. THOMPSON: This was queried in another place but no answer was given.

The Hon. J. Heitman: Of course an answer was given; it is stated that these men will come under the Public Service Act.

The Hon. R. THOMPSON: What about the superannuation they would be entitled to after serving with the local authority? Is the Police Department to pick up the tab for them or is it to be met through the local authority's superannuation scheme?

The Hon. J. Heitman: You can rest assured that they will be treated fairly by our Government.

The Hon. R. THOMPSON: Of course they will be treated fairly under something that has been well researched and well planned, and yet when we ask a simple question the Government cannot answer it.

The Hon. J. Heitman: We did answer, but it is not much use telling you.

The Hon. R. THOMPSON: Here is another question to which I would like an answer. If a policeman does transfer to the new authority—

The Hon. J. Heitman: You are coming around now to thinking that some will transfer.

The Hon. R. THOMPSON: If a policeman does transfer to the new authority after serving in the Police Force for 10 or 12 years and then wishes to transfer back to the Police Force, I imagine that he will not be discouraged from doing so. Therefore let us say he is serving in a country area at present and he transferred to the new traffic authority which posts him to Morawa, for instance. I imagine that someone will have to pay the cost of transferring not only himself but also his family and the cost of removing his furniture, etc., to that area. Will the Police Department pay for that?

The Hon. J. Heitman: What happens now when a policeman is transferred from place to place? You are a bit of a slow learner. Why don't you work out these things which have been going on for years?

The Hon. R. THOMPSON: The honourable member does not realise what the procedure is. What happens when that man is transferred back to the Police Force? Who will pay?

The Hon. J. Heitman: You know very well who will pay.

The Hon. R. THOMPSON: I do not know. Who will pay? Will the Police Department pay again to transfer that man back to the Police Force?

The Hon. J. Heitman: What is this "again"?

The Hon. R. THOMPSON: Will the Police Department pay for the cost of transferring such an officer to a country centre and the transferring of him back again if he wishes to rejoin the Police Force, because a policeman is an officer who comes under the jurisdiction of the Commissioner of Police? He still comes under the Police Act and the regulations. There is no provision in this Bill for meeting the cost of transferring a policeman under this new authority.

The Hon. D. J. Wordsworth: The taxpayers will pay for it.

The Hon. J. Heitman: The same as they do now.

The Hon. R. THOMPSON: If Government members have done all their homework, why cannot they answer our questions?

The PRESIDENT: The Leader of the Opposition knows that if he wishes to ask questions during the course of his second reading speech he should direct his questions to the Minister and the time for

him to obtain the replies to them is when the Minister replies to the second reading debate.

The Hon. R. THOMPSON: I was hoping that that is what will happen.

The PRESIDENT: The Leader of the Opposition is seeking information from around the Chamber.

The Hon. R. THOMPSON: I am attempting to do that.

I intended to deal with random breath tests, but I will leave them until the Committee stage. I am sure the Minister will be able to answer all the queries I intend to raise in regard to them.

I think I have posed sufficient questions to enable the Minister to give some sort of reply tomorrow.

The Hon. N. E. Baxter: I have about four pages of notes.

The Hon. R. THOMPSON: I have more material, but I will use it in Committee. If the Government was sincere and honest and had the interests of the people at heart it could do a lot of good. However, this legislation is nothing but a fob to try to placate the Country Shire Councils' Association which has been let down badly, and the Local Government Association. The Bill does not fulfil the promises the Government made. If members disbelieve me they should read an article I have here dated the 30th October, 1972, dealing with motor vehicle licensing and traffic control. It is written by Mr A. E. White who was then Secretary of the LGA. It is an interesting article, but I do not at the present time feel like reading it and another lengthy one I have. Mr White stated there was not much chance of achieving what the LGA desired while a Labor Government was in office. I think this is one of the documents which were submitted to Cabinet for its study on the 28th May which I understand was the first day the Minister for Police made his submission to Cabinet.

There is no question about the attitude of the then Secretary of the LGA. He wanted the Labor Government defeated so that the ideas of the LGA could be put into effect.

No-one is being fooled by this legislation—no-one at all. It is a shocking state of affairs when, because of its promises to friends, a Government must try to bring something out of the ditch; and that is what this legislation is—something out of the ditch. It is half-baked and no explanations have been given in regard to it.

The Hon. N. McNeill: I think you have been in a ditch all night.

The Hon. R. THOMPSON: I may have been and I have put a few people there with my fists, and I am still capable of doing so.

The Hon. J. Heitman: Who are you threatening now?

The Hon. R. THOMPSON: I ask the Minister to take those words seriously.

The Hon. N. McNeill: What are those words supposed to mean?

The Hon. R. THOMPSON: What I said was my answer to the Minister.

I will be supporting amendments which Mr Dans will be placing on the notice paper. They are in line with those moved in another place because we believe the people of Western Australia should be treated fairly. Surely they should not have to pay for a costly duplication of something which is the result of political pique. Therefore I trust that members—and particularly those members of the Government who are doing a mighty somersault, in view of their outlook in 1972 and the contents of the Bill—will at least see some reason and adopt the cheapest and most efficient method; that is, police control.

THE HON. R. J. L. WILLIAMS (Metropolitan) [12.35 a.m.]: I shall not delay the House for very long and I am not one of the Government members who will somersault. I wish to congratulate the Government for introducing in this House a Bill which will allow the Police Force to revert to the type of Police Force which was originally envisaged. This aspect seems to have escaped the notice of members of the Opposition and the ex-Minister for Police. The Police Force exists solely for the prevention and detection of crime and its members did not welcome the introduction of the internal combustion engine when, because no-one was at hand to control traffic, this task was thrust upon them as an additional job.

If members were to ask policemen what side of the work they did not like, most of them would indicate that it was traffic; and the reason for this is purely sociological.

If members kept abreast of the impressions of those in the Police Forces of the world they would know that no-one appreciates as much as does the policeman the difficulties and hazards faced by the forces all over the world because of their lack of popularity with the populace at large. This has come about because the population itself is more affluent and has secured motor vehicles, thus making it in daily touch, as it were, with the law enforcement agents; that is, the police officers.

If members carefully consider this aspect they will realise that many competent authorities and sociologists around the world will confirm what I have said.

I daresay that when you were a boy, Mr President—certainly when I was a boy—contact with the police was indeed a very rare thing. I was brought up to respect the Police Force and as part of the curriculum in the school I attended I was taught that if I was in trouble or

needed help, I should go to a policeman. This is not canvassed in the schools of today because policemen are more vilified than any other para-military organisation I know, and the reason is very simple. Today's traffic offender is not always a criminal, but the moment he commits a traffic offence he is brought into conflict with the Police Force.

I deprecate the need for what the Leader of the Opposition called blitzes on the community. These are an error compounded by all sorts of outside forces reacting on the public. One should not lose sight of the fact that crime as such—and I do not mean traffic offences or offences such as manslaughter by motor vehicle; I mean crime as such—is on the increase throughout the world. This was recognised some time ago in other countries. Having lived for some eight months in the United States, I was able to watch the workings of their Police Forces and the multiple law enforcement agencies they have, both Federal and State. In particular I studied the organisations they call State Highway Patrols. These are not new in the United States, but they had the same growing pains and the same amount of criticism levelled at them on their inception.

When we want to establish a separate authority, where do we go for the core of that authority? We go to the people who have an expertise in that particular field. If members would talk to some of the traffic patrolmen in the WA Police Force those members would be told that the patrolmen would not change their job for anything because they enjoy traffic patrol. Indeed, the Leader of the Opposition indicated in his speech that approximately eight in every police school were found to be fit to be traffic patrolmen and, in that sense, he was not referring to their physical fitness. These people, after their training, expressed a desire to stay on and serve with the traffic patrol. If that be the case, it is obvious they enjoy that particular aspect of their work. Why should they not form the core or centre of a new type of authority to be raised?

In 15 years' time people will look back on this debate and quietly smile to themselves because they will find they will not have what the Leader of the Opposition so denigrated called a second-class force. Those men who are transferring because they have a belief in traffic duties are not disloyal in any sense of the word and, contrary to what the Leader of the Opposition has said, I happen to know that several applications already have been made by members of the Police Force who wish to join the new authority.

With the separation of traffic from pure police work we will get the best of both worlds. We will have the policemen concentrating on their original job. No police manual I have ever read indicates anything except that the whole tenet of the

work of a policeman is the prevention and detection of crime. As I said earlier, we have not appreciated the fact that so many of the civilian population have come into conflict with the law enforcement agencies because they own a motorcar and do not know how to handle it properly or have infringed the traffic laws from time to time.

The policemen demand co-operation from the public in the prevention and detection of crime but the youngsters of today denigrate the Police Force merely because one of their mates was convicted for speeding or was caught for having his car fitted in a wrong way. The odium is transferred to the policeman and because of that transference, when a policeman asks for co-operation of any sort in the genuine detection of crime, he is turned down flat.

The Hon. S. J. Dellar: Does that apply to every youngster?

The Hon. R. J. L. WILLIAMS: This applies particularly in country areas, and it is high time that as responsible individuals elected to this place, we recognised the sociological changes which have taken place.

It could well be that in years to come we will be able to congratulate ourselves that Western Australia was not at the back of the field when it came to law and traffic reform but indeed that it was the pioneer in Australia. I welcome the Bill and wish the new authority well. I do not think it will solve only one problem; it will solve two problems—the protection and the betterment of the citizens of this State as a whole.

The Hon. S. J. Dellar: I wish we had not wasted two years.

Debate adjourned, on motion by the Hon. J. Heitman.

## MONEY LENDERS ACT AMENDMENT BILL

*Returned*

Bill returned from the Assembly without amendment.

## ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [12.45 a.m.]: I move—

That the House at its rising adjourn until 2.30 p.m. today (Wednesday).

Question put and passed.

House adjourned at 12.46 a.m. (Wednesday).