# Legislative Council

Tuesday, the 1st May, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

## QUESTIONS (10): ON NOTICE

1. POLICE STATION

*Esperance*

The Hon. D. J. WORDSWORTH, to the Leader of the House:

Would the Minister give the number of constable days per week spent by the staff of the Esperance Police Station on—

(a) staffing the station during normal office hours;

(b) staffing the station and the lock-up for the remainder of the twenty-four hours of the day, seven days a week;

(c) road patrol with—

(i) two officers per car;

(ii) one officer per car;

(d) court work and associated functions;

(e) issuing and serving of summons and general bailiff duties;

(f) vehicle inspection;

(g) traffic control not included in (c);

(h) Police and Citizens' Boys Club;

(i) upkeep of courthouse grounds;

(j) schools visits; and

(k) other duties not included above?

The Hon. J. DOLAN replied:

The duties of Police Officers vary according to the demand on their services, and incidents requiring attention are dealt with irrespective of whether or not a particular Police Officer has been assigned specific duties; hence it is impracticable to provide answers to questions (a) to (k) as requested by the Hon. Member.

The Esperance Station has been temporarily short of staff in recent weeks because of leave and training requirements.

The Commissioner of Police is responsible for enforcement of the law and disposition of his Officers, and if the Hon. Member has specific complaints regarding law enforcement at Esperance, I am sure they will receive careful attention.

2. LAND RESUMPTION

*Victoria Park Properties*

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

(1) Has the Government any plans for the resumption of homes in Beatty Avenue and Carnarvon Street, Victoria Park?

(2) If so—

(a) for what purpose are the resumptions necessary;

(b) how many properties are likely to be involved;

(c) when is it anticipated that the present owners will have to vacate their premises?

(3) If the answer to (1) is "No", what is the purpose of recent visits made by persons from the Public Works Department to the properties?

The Hon. J. DOLAN replied:

(1) No.

(2) Answered by (1).

(3) Discussions were held with owners to ascertain reaction to sale of their properties should they be required in the event of a decision being made to agree to a proposal regarding the redevelopment of the East Victoria Park school site.

3. WOOL SALES

*Albany*

The Hon. D. J. WORDSWORTH, to the Leader of the House:

(1) Is the Minister aware of the effect that private buying, and lack of shipping to the United Kingdom, is having on the Port and Town of Albany, as well as Albany wool stores?

(2) What has the State Government done to encourage a better timetable of suitable shipping?

(3) What encouragement is given to private buyers to ship from Albany Port rather than consign to Fremantle?

The Hon. J. DOLAN replied:

(1) Yes.

(2) The Director-General of Transport and the Department of Development and Decentralisation are associated with the Albany Industrial Advisory Committee in seeking ways and means of overcoming the problem. Discussions are continuing with the shipping line most likely to be able to provide the service required, and the Chairman of Directors of the

company has given an undertaking that if sufficient cargo is offered, and provided labour and space are available at the port when required, ships will call at Albany. In fact, ships did lift wool from the port during the 1971-72 season.

(3) Discussions are being held with wool buyers in an endeavour to persuade them to consign wool ex Albany, as the total farm to onboard shipping cost at Albany is cheaper than at Fremantle for a large area of the southern part of the State.

4. LAND RESUMPTION

*Joondalup-Moore River Area*

The Hon. F. R. WHITE, to the Leader of the House:

(1) Is it true that the Government has made, or intends to make, approaches to the Commonwealth Government requesting that that body resume approximately 80,000 acres of land between Lake Joondalup and the Moore River?

(2) If the approach mentioned in (1) proved to be successful—

(a) would the land resumed remain under the jurisdiction of State laws; and

(b) if so, by what processes would this be achieved?

(3) If the approach mentioned in (1) proved to be unsuccessful, by what means would the State Government finance and control development in the area concerned?

The Hon. J. DOLAN replied:

(1) No.

(2) and (3) Answered by (1).

5. AIRSTRIP

*Carnarvon: Upgrading*

The Hon. G. W. BERRY, to the Leader of the House:

(1) Are there any plans to upgrade Carnarvon airfield?

(2) If so—

(a) when will the plans be put into operation;

(b) what will be the largest type jet aircraft capable of using the air strip?

The Hon. J. DOLAN replied:

(1) This is a matter for the Commonwealth, however, it is understood that there are no plans to upgrade Carnarvon airfield.

(2) Not applicable.

6. TOWN PLANNING

*Wanneroo Rural Land: Rezoning*

The Hon. F. R. WHITE, to the Leader of the House:

(1) Since February 1971, what area of rural zoned land, within the area bounded by the coast to the West, the Metropolitan Region Scheme boundary to the North, the Shire of Wanneroo boundary to the East, and Mullaloo Drive to the South, has been approved by the Town Planning Board for urban type development?

(2) What is the—

(a) location;

(b) area; and

(c) name of the owner;

of each parcel of the land referred to in (1)?

(3) At what date, and for what area of land, was approval granted in each case?

The Hon. J. DOLAN replied:

(1) to (3) The information requested could not be compiled without detailed seach of a large number of files. Staff resources are not available for this task.

Principal areas in which subdivisions have taken place are Yanchep-Two Rocks, Quinns Rocks and Wanneroo townsite.

7. METROPOLITAN TRANSPORT TRUST

*Timetables*

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

(1) Is the Minister aware that—

(a) the Metropolitan Transport Trust has closed the establishment in the small arcade on the corner of Murray and Barrack Streets, where bus timetables could be obtained; and

(b) people can now only obtain bus timetables from the new bus terminal in Wellington Street?

(2) Does he agree that, to elderly people, particularly those who use buses departing from other points in the City than the new terminal, this is a considerable inconvenience and strain?

(3) In this circumstance, could the Minister prevail on the Metropolitan Transport Trust to make timetables more easily available to passengers either in the buses or at some central point in the City block?

The Hon. J. DOLAN replied:

(1) (a) Yes. The office in the arcade at the corner of Murray and William Streets has been closed.

(b) No. The M.T.T. has an office in Newspaper House, 125 St. George's Terrace, which is open—

Monday to Saturday—7.30 a.m. to 11.00 p.m.

Sunday—8.00 a.m. to 11.00 p.m.

where all timetables are available.

(2) Answered by (1) (b).

(3) Patrons are encouraged to telephone or write to the M.T.T. for information and timetables, which are immediately supplied.

8. PERTH-LEIGHTON RAILWAY LINE

*Retention*

The Hon. L. A. LOGAN, to the Leader of the House:

(1) As the debate on the Perth Regional Railway Bill was adjourned in the Legislative Council on the 1st June, 1972, and not resumed until Wednesday, the 9th August, 1972, why were the members of this Chamber not informed of the change of policy by the agreement between the Premier and the Railway Unions, reported to be in July 1972, that the railway between Leighton and Perth would remain and not be subject to discontinuance as per Clause 3 and the 1st Schedule of the Bill?

(2) Is it not a fact that had this Chamber not amended the Bill to ensure that a thorough investigation was made, and that before any action was taken it had to be brought back to Parliament for approval, discontinuance of this section of railway would have been a *fait accompli*?

The Hon. J. DOLAN replied:

(1) This was not considered necessary as Clause 3 of the Bill, dealing with discontinuance of the railway between Leighton and Perth, was still subject to the requirement for a date to be proclaimed before the railway ceased to operate.

(2) No. In addition to the explanation given in answer to (1), a number of very practical reasons existed. One was that there would not have been time to build a freight diversion line or make other arrangements to allow narrow gauge freight to reach Fremantle and Leighton Yards by an alternative route.

9. KANGAROOS

*Meat and Skins: Export*

The Hon. L. A. LOGAN, to the Leader of the House:

(1) Further to question 11 on the 18th April, 1973, relating to kangaroos, and the Minister's reply thereto, does he agree that the Federal Government ban on the export of kangaroo hides and meat is an unwarranted interference with our own policy?

(2) What is happening to the kangaroo hides and carcasses of the kangaroos now being shot and slaughtered?

The Hon. J. DOLAN replied:

(1) In the opinion of the Minister for Fisheries and Fauna the Australian Government's ban on the export of kangaroo hides and meat is unnecessary insofar as Western Australia is concerned.

(2) I understand that processors are still buying carcasses with skins on but are holding the skins in cold store or pickle with the hope that the ban may be lifted in the not too distant future.

10. PERTH RAILWAY STATION

*Commercial Advertisements*

The Hon. L. A. LOGAN, to the Leader of the House:

Why is the tank and tankstand on railway property on the corner of Wellington and William Streets being used for advertising instead of being demolished?

The Hon. J. DOLAN replied:

During the term of the previous Government, Australian Posters Pty. Ltd. was given exclusive rights to advertise on railway property. The tank stand was included in the agreement as an advertising site.

The Company has almost completed a contract to improve the appearance of the stand and advertising panels in this area. Panels on the stand will be restricted to neon illuminated signs only.

## METROPOLITAN REGION SCHEME: SHIRE OF WANNEROO

*Disallowance of Amendment: Motion*

**THE HON. F. R. WHITE** (West) [4.49 p.m.]: I move—

That in accordance with the provisions of subsection (2) of section 32 of the Metropolitan Region Town Planning Scheme Act, 1959-1970, the

amendment to the Metropolitan Region Scheme: amendment Shire of Wanneroo (Whitfords-Joondalup Locality) referred to in the notice relating to the Metropolitan Region Scheme Map, Sheet Nos. 10/3 and 10/4, which was laid upon the Table of the Legislative Council on Wednesday, the 4th April, 1973, pursuant to subsection (1) (b) of section 32 of the Act and published in the *Government Gazette* on Friday, the 6th April, 1973, pursuant to subsection (1) (a) of section 32 of the Act, be and is hereby disallowed.

This motion would, I believe, set a precedent in so far as I have moved for the disallowance of an amendment to the Metropolitan Region Scheme. Even though I have moved for the disallowance of an amendment, this is not really the prime purpose of the motion. The prime purpose is to demonstrate that the amendment has actually lapsed by default.

In addition to this, during my speech I propose to draw attention to certain facts which lead me to believe departmental officers have been guilty of grave incompetence, and I will also draw attention to the disregard of the public's interest by Government departments and others. I will also draw members' attention to the fact that departmental officers and others disregard the Statutes of this State; an action amounting to contempt of those Statutes and contempt of Parliament itself. It is necessary for me to take this course to ensure that the undesirable practices which I believe have occurred in the past will be stopped and those responsible will be severely chastised.

This is the third time I have drawn attention to actions which constitute contempt of Parliament. On the first occasion, as a member of the Honorary Royal Commission, I drew attention to the fact that certain actions were not only in contempt of the Honorary Royal Commission, but also were in contempt of Parliament.

When I spoke to the Address-in-Reply debate earlier this year, I once again drew the attention of the House to some of these factors. I will quote from *Hansard* No. 4, page 618, as follows—

> My purpose this evening is to endeavour to get members in this House to question some of the statements and actions of the alleged experts and the bureaucrats.

A little later I said—

> Three members of this Chamber listened to evidence from many sources.

Then on page 619 I referred to the fact that it appeared very firm commitments in the field of town planning had been entered into. I drew the attention of members of this Chamber to certain maps and papers which had been tabled that day, the 4th April, 1973. Those papers are the subject of this motion.

The wording of the motion is fairly technical, and I believe it needs to be simplified for the benefit of newer members and for those who did not pay close attention to the tabled maps. The motion asks that we disallow the modified amendment to the region scheme which was tabled on the 4th April. This amendment consisted of two maps, and I hold these up for members to see. The first map shows the original amendment proposed by the Metropolitan Region Planning Authority in August, 1972, and then subsequently, after a three-month appeal period, the plan was modified and a second map was produced. This later map showed a greater enlargement of the area which the authority proposed to rezone, in some instances from rural to urban, and in other instances from rural to urban deferred.

In order to comprehend fully the meaning of the amendment which consisted of the two maps together with a printed document, it is necessary to understand a little about the region scheme. The region scheme consists of 28 very large maps which were far too bulky to bring into the Chamber. However, they may be seen on the table in the corridor. The 28 maps depict certain parts of the metropolitan region in different colours to show certain zonings of land, thereby demonstrating the type of development which would be allowed in those areas. As I said before, as well as the 28 maps we have the scheme text, a small olive coloured booklet which is like an Act of Parliament. It gives the Metropolitan Region Planning Authority the power to permit development on the appropriately zoned areas as depicted in the maps. We find that the scheme text contains some very important clauses. For example, on page 8, clause 27 states—

> By resolution of the Authority—

And this refers to the Metropolitan Region Planning Authority. To continue—

> —notified in the *Government Gazette* land may be transferred from the urban deferred zone to the urban zone.

This means that anything coloured light pink on the region plan can be upgraded from deferred urban to urban without the process of tabling such an amendment in Parliament.

Close perusal of the scheme text and other Acts of Parliament shows that no such simple provision is available to upgrade large areas of rural land to urban. Such an upgrading usually involves large acreages, and any scheme of this nature must come before Parliament for parliamentary approval before development is permitted.

I wish to refer once again to the tabled papers and to explain the actual proposal contained in them. The map of the original amendment to the region scheme—map 10/3—shows an area outlined in black. It was proposed to upgrade this outlined

area from rural to urban in the southern section, and from rural to deferred urban in the northern section.

Anybody looking at this map would tend to become rather confused because, unless one traced one's finger around the black line, one would think that the area to the extreme west—which at the moment is known as the Whitfords development—was also included. However, that area was rezoned as urban under clause 27 of the scheme text in 1969.

So, in order to comprehend fully the initial amendment it is necessary to exclude the area of land which is dotted in black on the map. The remaining area surrounded by the dotted lines would be the land that was proposed in the original amendment. Anyone who studies this map closely will find that slightly east of the area—which I will blank out with this piece of white cardboard—at the present time is zoned urban, and is adjacent to the coast—there is a road running in a north-south direction; this is called Marmion Avenue. One will find that to the south there is another road called Hepburn Avenue; and also to the north of the blanked-out section one will find a road called Mullaloo Drive.

That land which the original amendment and the modified amendment proposed to upgrade to urban is, at the present time, zoned as rural. I will not pursue that aspect any further at this stage, because later this afternoon I want to debate it more fully.

During the three-month objection period, following the gazettal of this amendment, certain objections were received from the owners of land which was outside the area covered by the amendment. These objections were from people who owned land generally to the east. The land involved will be seen on the transparent cover referred to as map A which has been placed over the map 10/3.

There were three major landowners involved, and they objected to the original scheme on the grounds that they considered their land should be included in the amendment. Under the Act it is necessary for appeals or objections to be considered by the Metropolitan Region Planning Authority. The M.R.P.A. did consider the appeals, and as a result it brought in the modified amendment which shows extremely large extensions to zoning, as was proposed in the original amendment.

If one looks carefully at map 10/4 one will see that additional zoning introduces the transfer of land. A stock route, coloured green on the map, which appeared in the original amendment to the west of the proposed deferred urban portion is now shown as deferred urban. This is Crown land. Further to the east we find the private land of one of the objectors has been partly rezoned to deferred urban; but just to the north of that partly rezoned private land is another area that is proposed to be rezoned for public purposes.

In the printed statement it appears that land exchange has occurred. In the modified amendment it will be seen that just north of Hepburn Avenue, extending under the original amendment eastwards to Wanneroo Road, is a very large area of land which is proposed to be rezoned from rural to deferred urban. A very interesting feature is that quite a large portion of that land intrudes over the valuable underground water supplies which the Honorary Royal Commission suggested should not be intruded upon by development, until adequate research and study had been carried out.

This philosophy of the Honorary Royal Commission was supported by the M.R.P.A. in the comments which it made, and which are included in the report of that commission. It is even more strange that though the proposed extension of deferred urban zoning to Wanneroo Road overlaps the underground water supplies, such extension also overlaps surface water because we see a lake—Lake Goollelal—the position of which I will endeavour to indicate by placing a white shape on the map. This is the shape of the lake, and this is its position. It is proposed under the modification that Lake Goollelal shall become land to be used for housing.

The Hon. N. E. Baxter: To be used for building houseboats on it.

The Hon. F. R. WHITE: I do not know whether it is intended to build houseboats on that lake or to float houseboats on it. I do not know what is proposed, but it is rather strange that this type of proposal should come before the Chamber. It is well known that in the case of lakes and other scenic spots, which are attractions to the public, every endeavour is made to rezone the areas as regional open space so that these attractions will be retained for use by the public.

We find that amendments to the region scheme are brought to this Chamber when the M.R.P.A. considers them to be substantial alterations to the scheme. The amendment, as a modification, has been brought before this Chamber and laid on the Table of the House. That was done because, obviously, it was considered to be a substantial variation of the region scheme. If we study the printed papers that were tabled with the maps, we will see that they contain many paragraphs ranging from paragraph 1 to paragraph 23.

It is necessary for me to draw the attention of members to some of these paragraphs, so that they may have a better understanding of what was proposed not only in the original amendment, but also in the modified amendment. Paragraph 7 refers to the fact that in November, 1971

the Metropolitan Region Planning Authority resolved to initiate this amendment. Paragraph 3 states that in the original amendment an area of 1585 hectares — the equivalent of 3,900 acres—would be affected.

Paragraph 4 states that 715 hectares, or 1,760 acres, of that total area of 1585 hectares was originally zoned as urban deferred, and that 870 hectares or 2,140 acres of that land was zoned as rural.

Paragraph 5 is very interesting. It states—

> During the past two years the 1585 hectares has been planned in outline, and appreciable parts of each holding have been the subject of subdivision.

I have pointed out that the 1585 hectares consisted of 715 hectares of land which is now zoned as urban and was originally zoned as deferred urban, and that the remaining area of 870 hectares is now zoned as rural. Paragraph 5 states that appreciable parts of each holding have been the subject of subdivision.

The Hon. I. G. Medcalf: What kind of subdivision—in five and 10-acre lots, or smaller?

The Hon. F. R. WHITE: To answer the query that has been raised I will indicate the type of subdivision involved. I have before me the 1973 street directory. It is the latest one, and I understand it is based on information available as at the end of 1972. If we turn to map 4 in that directory we will see that the area involved in the original amendment is shown almost entirely. If we obliterate the land which was rezoned as urban in 1969 in accordance with correct legislative procedures, we will see that the balance of the land is, in fact, zoned as rural at this date. If we look at that map we will see that considerable subdivision has occurred. This is residential subdivision into blocks of land which are less than a quarter-acre. If we were to visit the area we would find many houses built on that land.

The Hon. R. Thompson: Over what period of time did that build-up take place?

The Hon. F. R. WHITE: I understand this build-up on the rural land has taken place in the last two years, as indicated in paragraph 5 of the tabled statement which states—

> During the past two years the 1585 hectares has been planned in outline, and appreciable parts of each holding have been the subject of subdivision.

The Hon. I. G. Medcalf: How is it possible to have residential subdivision in an area zoned as rural?

The Hon. F. R. WHITE: The honourable member would be as much aware as other members and as I am that under correct legislative processes it is not possible to have residential subdivision on land zoned as rural.

If one desired to subdivide land which was zoned rural, the correct procedure in accordance with the legislation would be, firstly, to rezone the area to urban land, and then obtain permission to develop that urban land for residential purposes.

The Hon. J. Heitman: Does the honourable member think this has not been done?

The Hon. F. R. WHITE: I think the tenor of my speech, so far, would indicate that I do not believe it has been done. There are certain methods by which small areas of land can be developed for residential purposes. In accordance with correct legislative procedure land can be upgraded from rural to urban without the matter having to come to this Chamber. I have already made reference to that situation, and the conditions for such rezoning appear in the Metropolitan Region Town Planning Scheme Act. I am not too sure, but I think the conditions are set out in subsection (1) of section 33 where it is stated that if an amendment is considered to be of a minor, and not of a substantial nature, land can be upgraded. However, a large area can be upgraded only through the proper procedures of rezoning and tabling in this Chamber.

A minor amendment would have to be accompanied by an appropriate certificate from the M.R.P.A. to the Minister stating that the minor operation did not constitute a substantial alteration to the metropolitan region scheme. If a certificate is not presented the land must remain rural, and cannot be subdivided for residential purposes.

As a matter of fact, and referring to Mr. Medcalf's comments of a moment ago, in reply to a question I asked the Minister admitted that land had been developed even though it was zoned rural. On the 12th April I asked a question and the reply from the Minister indicated that 189.8 hectares of rural land in this particular area had been developed. That area is well in excess of 400 acres, and it has been developed for housing.

If one were to look at the map of the area, to which I have already referred, one would see that the made roads, when shown as white, are constructed roads. The roads which have not been blocked out in white are surveyed roads which have not been constructed. In my opinion the reply from the Minister was in accordance with the areas which have the roads blocked out in white on the map.

However, during the Easter period I drove through the area and I believe it is about time we had a new map, even though the one to which I have referred is only three or four months old, because substantial roads have been constructed

beyond those blocked in white. Substantial housing projects are actually in the process of being constructed in a rushed programme. I cannot understand why all this development is occurring to the east of Marmion Avenue when there is so much vacant land still existing to the west. This is inconceivable to me, but that is not the purport of my motion.

The last paragraph in the tabled papers to which I have referred was paragraph 5. Paragraph 6 refers to the fact that the whole of the 1,585 hectares had been committed for use, including the new proposed urban area which would be that area east of Marmion Avenue as depicted on map 4 of the street directory. Of this area 2,140 acres have been obviously approved for subdivision, and diagrams of survey have been issued even though the land is zoned rural.

Paragraph 9 reveals that the area in the original amendment for uplifting from rural to urban, and from rural to deferred urban, would be 4,980 acres. Paragraphs 9 to 17 deal with the objections to the amendment which were received and which I have mentioned previously. Those objections had to be heard and considered. Three objections were submitted in the appropriate formal manner and they were upheld, but the one informal objection was denied.

Paragraph 19 is quite interesting. It sets out the fact that there is a plentiful supply of water in the area. I will quote from the top of page 4 as follows—

> There is a plentiful supply of water at shallow depths . . .

A little later it is stated—

> In general all the land is considered to be physically suitable for urban use and well located for the extension of development in the future.

Members will be aware that I have referred previously to the Honorary Royal Commission and the corridor report. The report shows that a large portion of the area was underlayed with valuable water reserves which had to be considered before any development or proposed development was permitted. I have already drawn attention to Lake Goollelal which is in the area, so I must agree with the contents of paragraph 19 that there is an ample supply of water at shallow depth, and even above the surface in some places.

Paragraph 22 of the tabled report states that copies of objections to the original amendment, and the informal submission which was attached for consideration as required by section 32(g) of the Act, were received by the Minister. Paragraph 23 refers to the modification; that is, the extension to the original amendment which covers quite a considerable area of land.

If we look at the Metropolitan Region Town Planning Scheme Act we will find that certain procedures are laid down which must be followed. Those procedures are very deliberately spelt out, and they were spelt out, originally by Parliament.

It will be found that most of those procedures have been abided by as regards the present amendment, and in some cases as regards the modified amendment. However, if we go through some of the procedures which are specifically laid down it will be found that section 31 contains the following words—

> The authority shall adopt the following procedure for submitting and obtaining approval of the Metropolitan Region Scheme:—

I would explain here that the Metropolitan Region Scheme means the original scheme and any amendments proposed to that scheme at a subsequent date. Therefore the provision would apply to this particular amendment and modification which we are discussing at the moment. Paragraph (c) of section 31 is as follows—

> As soon as practicable after the deposit of the copies of the Scheme as provided for in paragraph (b) of this section, . . .

That is, where a request to the Minister to give preliminary approval has been agreed to. To continue—

> the Authority shall cause to be inserted at least three times in each of the following publications—

I emphasise: "At least three times in each of the following publications". The first publication referred to is the *Gazette* meaning the *Government Gazette*.

The original amendment to the scheme was not advertised at least three times in the *Government Gazette*, as was stated by the Minister in reply to a question on Wednesday, the 11th April, 1973. The Minister stated that two insertions were made in the *Government Gazette*. In reply to a follow-up question on the 17th April the Minister stated that these actions did not conform with the requirements of section 31 (c) of the Metropolitan Region Town Planning Scheme Act because one advertisement in the *Government Gazette* was omitted by the printer. One of the mandatory requirements had not been carried out. That was a minor technical point but if there are enough minor points there could be a big problem.

[Resolved: That motions be continued

The Hon. F. R. WHITE: If we further consider section 31 of the Metropolitan Region Town Planning Scheme Act, we will find that other actions must be taken in regard to the original amendment to the scheme which was open to objection between August and November, 1972. These requirements were complied with. However, the requirements having been complied with and the objections having been considered, it is then necessary for the authority to present to the Minister

the original scheme together with the objections and any proposed amendments. The Minister, having received these, then gives them his consideration. Up to this point I am satisfied that the other requirements were carried out.

However, section 31(h) of the Act states—

> (h) Before presenting the Scheme to the Governor for his consideration, if the Minister is of opinion that any modification made to the Scheme by the Authority is of such a substantial nature as to warrant such action, he may direct the Authority to again deposit the Scheme as so modified, or that portion of the Scheme which is so modified, for public inspection at such time and at such places as he directs.

The Minister exercises his discretionary power. That section of the Act says the Minister may or may not direct the authority to make the modification available for public inspection. The Minister did not do so, and he admitted this in answers to questions I asked him in this Chamber.

On the 17th April I asked a number of questions which I find it necessary to read out, together with the replies. They are—

> Further to my question of the 11th April, 1973—in which the answer to part 2 of the question indicated that modifications as shown in Map 10/4 had not been advertised for public objection—
>
> (1) Why did the Minister for Town Planning not direct the Authority to publish the modifications for public perusal and objection in accordance with sections 31 (h) and 31 (i) of the Metropolitan Region Town Planning Scheme Act?

The Minister replied—

> (1) Provision is optional and the Minister for Town Planning did not consider the modification to be such as to require additional advertisement.

Part (2) of the question is—

> (2) If the Minister for Town Planning received objections pursuant to section 31 (k), how could he expect to comply with the mandatory requirements of that section in view of the fact that he has already acted upon the powers vested in him in section 31 (1) of the Act?

The Minister replied—

> (2) As further objections were not invited under the provisions of section 31 (h) and (i), subsections (j) and (k) are not applicable and the situation does not arise.

Very substantial modifications were made —modifications which would involve the rezoning from rural to deferred urban of some 3,150 acres of land, including Lake Goollelal which should be preserved for public interests, and exchanges of private land for Crown land and *vice versa*. They were very substantial modifications, yet the Minister decided it was not advisable to give the public or even the local authority—the Wanneroo Shire Council—an opportunity to look at them.

Following my viewing of these modifications when they were tabled in this Chamber, I visited the Wanneroo Shire Council and spoke to the shire clerk. The shire clerk knew nothing about the modifications. He had heard whispers about objections and he knew objections were to be lodged but he knew nothing about the final result of the objections. He expressed the opinion that in the past, where there was a valuable recreation area or an area of potential value for recreation, it had always been the practice of the authority to colour it in green on the maps and preserve the area for public use. Had the council known these modifications had been instituted, it would have objected; but the Minister has denied anybody—even the local authority—the right to object. He then presented the modifications to us on the Table of this House and expected us to apply our rubber stamp.

Following this, the Minister presented the scheme to the Governor in accordance with section 31 (1). The correct procedure is to present it to the Governor who then gives his approval through Executive Council. It is then advertised in the *Government Gazette*, and during the next six sitting days following gazettal it must be tabled in each Chamber of Parliament.

What happened? Anybody who has looked at my motion will see that the modified amendment was tabled in this Chamber on the 4th April—two days before the Governor's approval was advertised in the *Government Gazette*. But section 32 (1) (b) of the Act states—

> (b) The Scheme together with the report of the Authority on the objections made to it referred to in paragraphs (g) and (k) of section thirty-one of this Act, shall be laid before each House of Parliament within six sitting days of the House next following the date of the publication of the Scheme in the *Gazette*.

This mandatory requirement has not been abided by. Six sitting days since the 6th April have been and gone. Today is the seventh sitting day after that date, and during that period the maps and the description have not been laid on the Table of the House.

Some members could say, "It is just a technical point; does it really matter?" If we adopt that attitude, we will be making a mockery of Parliament. We and our

predecessors have sat here for hours and hours deliberating the meaning of words in legislation. We have endeavoured to the best of our ability to lay down specific requirements in Acts of Parliament so that public interest will be cared for. Having laid down and spelt out specific requirements based on the interests of the public, we must demand that they be abided by. If we do not demand that they be abided by, why in the devil do we spend so much time in this Chamber trying to dot every "i" and cross every "t"?

There were very sound reasons for laying down the specific procedures in the Metropolitan Region Town Planning Scheme Act. Two technical points—the advertising and the tabling in this Chamber—have not been complied with. The Minister has admitted that he did not consider the public would be affected by the modifications, even though they concerned an area of 3,000-odd acres outside of the original amendment, even though they overlapped underground water supplies, and even though it was proposed to permit houses to be built upon Lake Goollelal. This is not good enough.

The Hon. I. G. Medcalf: How can we disallow a regulation which has not been properly tabled?

The Hon. F. R. WHITE: That is the point. Incompetent people who do incompetent things believe what they have done is correct and they will act upon what they believe has been correct procedure. It is only through moving a motion such as this that these incompetent people can be made aware of their incompetence. Through disallowing their amendment, I am sure we will compel them in the future to abide strictly by the legislative procedures which we and our forebears have gone to the trouble to write into legislation.

This matter involves three technical points—the lack of advertising, the denial of the public interest by the Minister, and the noncompliance with the six-day tabling procedure. Those points in themselves should be sufficient grounds for throwing out the proposed amendment to the scheme, because those actions alone display incompetence on behalf of certain persons; they display contempt of the Statutes, contempt of the rights of the public, and contempt of Parliament.

However, more important things are involved in this matter. They are the minor things as far as my speech this afternoon is concerned. I have explained what has happened; but why has it happened? This is the big question which everybody should ask: Why? The people concerned have been warned in the past. In my Address-in-Reply speech I warned them about incompetence and contempt. They were warned in the report of the Honorary Royal Commission. They were warned by questions asked in this chamber. But land has been committed; rural land has been committed and it has been allowed to be developed on a grand scale. This is *ultra vires* all of our legislation. It is illegal. No person may allow large tracts of rural-zoned land to be developed for other purposes without first going through the process of having it rezoned for urban use; or for industrial or some other specific use.

I have demonstrated how the amendment proposes to upgrade rural land to urban land. I have shown how that rural land has already been developed for housing. Indeed, in answers to my questions the Minister has admitted that has already taken place. Why has it taken place? I am quite sure an answer to that question will probably be given in the ensuing debate. Probably the answer will be that it is because the previous Government entered into commitments. The previous Government did enter into commitments regarding this rural land; but all of those commitments were subject to correct legal procedures being followed; they were subject to land zoned rural being rezoned to urban before any approval was given for urban development.

Which is the authority responsible for town planning within the region scheme? The Metropolitan Region Planning Authority is the body responsible. That is stated in section 37 (1) of the Metropolitan Region Town Planning Scheme Act. It is clearly stated in the Act that the authority responsible for subdivisions and development within the metropolitan region is the M.R.P.A. However, the M.R.P.A. has the power to delegate its authority, and it has delegated it to the Town Planning Board. Before anyone may carry out subdivision development he must receive the approval of the Town Planning Board.

The Hon. R. Thompson: What does section 37A of the Town Planning and Development Act state?

The Hon. F. R. WHITE: I have not quoted the Town Planning and Development Act; I would read it out for the edification of the Minister, but I think I should not waste the time of the House as it is not easy to find.

The Hon. R. Thompson: I think it has a great bearing on the matter.

The Hon. F. R. WHITE: It may have; perhaps when the Minister speaks to the motion he will inform the House of that.

The Hon. R. Thompson: I have spoken on this many times.

The Hon. F. R. WHITE: The authorities I have mentioned must do all the things which are required under the Metropolitan Region Town Planning Scheme Act. Although those things were done previously, they have not been done in the last two years.

I refer once again to my question: Why? Have these authorities been overruled and prevented from abiding by the legislation? Have they suddenly developed a degree of incompetence and adopted an illogical approach to the legislation? I leave those questions in the air because in all probability they will be the basis of further discussion at a later date after my motion has been resolved.

If it is that the Crown in some way has overridden those authorities, I direct the attention of the House to section 45 of the Metropolitan Region Town Planning Scheme Act, which clearly states that the scheme binds the Crown as well as Government departments. With this motion the Legislative Council has an opportunity to demonstrate that it is concerned about public interest; and that it is concerned that the correct procedures as laid down by the Statutes have not been followed. If the Chamber accepts the points I have made, it will not condone the actions which have occurred in regard to this amendment of the Metropolitan Region Scheme amendment and its modifications; it will not condone the incompetence which has been demonstrated; and it will not condone the contempt of our Statutes which has been displayed. I believe all these points have been demonstrated, and it is for members to decide whether or not they will support my motion.

We must insist that our Statutes are abided by and that the democratic processes for which we stand must continue to govern the actions of our bureaucrats and those who are responsible for the welfare of the community.

To recapitulate briefly, I draw the attention of the Chamber to the matters which I consider justify the support of members for my motion. Only two advertisements of the original amendment were inserted in the *Government Gazette*, whereas the Act states that a minimum of three insertions must be made. The papers were not tabled in this Chamber during the six sitting days next following the gazettal.

The Hon. I. G. Medcalf: Which Act is that in?

The Hon. F. R. WHITE: The Metropolitan Region Town Planning Scheme Act.

The Hon. I. G. Medcalf: That is also included in the Interpretation Act, isn't it? That Act gives Parliament the opportunity of 14 days in which to disallow a regulation.

The Hon. F. R. WHITE: Under the Metropolitan Region Town Planning Scheme Act Parliament has 21 days in which to disallow modifications because the legislation for some reason or other allows 21 sitting days for disallowance after the tabling of the documents. In most other cases only 14 days are allowed.

The Hon. I. G. Medcalf: The 21-day period should start from the date upon which the papers are tabled.

The Hon. F. R. WHITE: That is correct; if the modification is tabled at the correct time—that is, during the six sitting days next following the gazettal—everything would be all right because Parliament would have a full 21 days in which to consider the matter. If the modification were tabled prior to its gazettal, then Parliament would be denied that number of sitting days in which to object.

The Hon. I. G. Medcalf: Are we not two days short in the time allowed to disallow it?

The Hon. F. R. WHITE: We would be either one or two days short; but the point is that if the matter lapses as a result of default, then the tabled papers are not tabled at all.

The Hon. I. G. Medcalf: Then are not those papers unlawfully before Parliament?

The Hon. F. R. WHITE: No, I think a Minister of the Crown has the right to table any papers at any time.

The Hon. I. G. Medcalf: Yes, but they must be tabled in accordance with the relevant Act.

The Hon. F. R. WHITE: If the papers are being tabled in accordance with a specific section of an Act, the Minister must table them at the appropriate time.

The Hon. I. G. Medcalf: If he does not do that the papers would be unlawfully before the Parliament because we would not be given the opportunity to disallow the matter over a period of 21 days; we may have only 19 days in which to do that.

The Hon. F. R. WHITE: I agree. I have drawn atention to the fact that the advertising was inadequate; the tabling of the papers was not correct; and the Minister has denied the public the right of objection. The right of objection has also been denied to the local authority and owners of land in the area who did not object to the original scheme, but whose land is now covered by the amended scheme. The Minister has not even taken steps to advertise publicly where the modifications may be viewed by the public.

The advertisement in the *Government Gazette* was amazingly brief and the normal public would not be able to understand it. The public would not have the foggiest idea of what it was about. I will not waste the time of the House by reading the advertisement, but I ask members to look at the *Government Gazette* of the 6th April and see whether they can understand it. If they cannot understand its meaning, what chance has the general public of understanding it? Members will also see that the advertisement made no

reference to the fact that the proposed modifications may be viewed somewhere. Maybe they are not able to be viewed. In any case, the public has been denied its democratic right.

I have also pointed out how rural land has been allowed to be developed in contradiction of our legislation. Hundreds of acres have been developed contrary to the legislation. I have pointed out how in the proposals Lake Goollelal has been rezoned for housing. How ridiculous that is.

The Hon. Clive Griffiths: They may have houseboats in mind.

The Hon. F. R. WHITE: However, the public has not had an opportunity to object; even I as a member of Parliament have not had that opportunity. Had I been given the opportunity I would have advised the Shire of Wanneroo to object under section 31K of the Act. But we were denied resort to that provision by the Minister himself, because he considered nobody would be affected.

I have drawn attention to the intrusion upon underground water reserves. The Honorary Royal Commission inquiring into the corridor plan for Perth advocated that that water should be preserved. The M.R.P.A. itself said it should be preserved. However, in the proposal tabled in this Chamber not only has the point of view of the Royal Commission been ignored, but also the M.R.P.A. has ignored its own submissions regarding the underground water.

Some members might ask, "What will be the effect of disallowing this amendment if it has not in reality lapsed by default?" I would say it will have very little effect. All it will mean is that the authority will have to go through the correct advertising procedure, hear objections, and present the amendment to Parliament once again in the proper fashion.

It would take a total of three to four months, but that would be no longer than the three to four months which would have possibly elapsed had the public been given the opportunity to object to the modifications.

This motion does not come under the same category as by-laws and regulations. The motion can be left at the bottom of the notice paper; but I would advise the Leader of the House when considering the precedence of the order of business not to allow the motion to rest at the bottom of the notice paper.

Actually there are many people who are operating in accordance with the proposals I have outlined, and after this motion has been considered there will be many who will be waiting for a correct and lawful decision, and the quicker this is given the better it will be for all concerned.

The correct procedures must be followed and they must be carried out in a minimum of time. So the sooner this motion is dealt with the sooner will the bureaucrats, the members of this Chamber, and the public generally know just what is happening.

The Hon. R. Thompson: Is the Wanneroo Shire opposed to this?

The Hon. F. R. WHITE: I do not know whether the Wanneroo Shire is opposed to it; the Wanneroo Shire knows no more than I have already told it concerning the modifications. The shire has not seen the papers that have been laid upon the Table of the House.

The Hon. R. Thompson: It is not in their district planning scheme. Do you mean to say that urban development on rural land has not occurred anywhere else in the metropolitan region.

The Hon. F. R. WHITE: In any district will be found rural land which is subdivided into residential-size lots; and it will be found that these subdivisions were agreed to prior to the metropolitan region scheme coming into operation and, in many cases, prior to the Town Planning and Development Act coming into operation. These subdivided lots on rural land can be developed if water, roads, and possibly sewerage are provided and nobody can refuse development. The important thing however, is that one must have approval for subdivision, which is development in itself.

The Hon. R. Thompson: Subdivision is not development.

The Hon. F. R. WHITE: If subdivision is granted—

The Hon. R. Thompson: It is not development.

The Hon. F. R. WHITE: If approval for survey is given—

The Hon. R. Thompson: It is still not development.

The Hon. F. R. WHITE: —it will then be found that such subdivision can only take place provided adequate arrangements for provision of services have been made and sums of money and so forth have been lodged with the proper Government departments. This is for the construction of roads, the supply of water, and the possible supply of sewerage and so on. Therefore because a subdivision has all these aspects of development applied to it this must in itself be a developmental process.

The Hon. R. Thompson: You are wrong, you know.

The Hon. F. R. WHITE: That may be so; but anyway it is up to the Minister to prove that this matter is wrong. I have spoken at length; I have recapitulated and

presented the aspects affecting the amendment. I have been sincere, and I ask members in this Chamber to support the motion I have moved.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government).

*Sitting suspended from 6.05 to 7.30 p.m.*

## LIQUOR ACT

*Disallowance of Licensing Court Rule: Motion*

**THE HON. I. G. MEDCALF** (Metropolitan) [7.32 p.m.]: I move—

> That Rule 13A of the Licensing Court Rules made under the Liquor Act, 1970-1972, relating to the production of accounts on objection being lodged to the granting of a licence or a provisional certificate, published in the *Government Gazette* on the 30th March, 1973, and laid upon the Table of the House on the 10th April, 1973, be and is hereby disallowed.

The rule which was published in the *Government Gazette* reads—

> 13A. A licensee who objects to the granting of a licence or a provisional certificate on the grounds that the reasonable requirements of the neighbourhood do not justify the granting of the licence or provisional certificate shall produce all books of account and statements of account relating to the running of his business for inspection by the applicant or the applicant's solicitor not less than seven days before the day fixed for the hearing of the application.

I am asking the House to disallow that rule because I believe it goes much further than is warranted or required by the procedures of the Licensing Court with which I will deal in a moment. It has the unfortunate quality, if we can call it a quality, of taking away the confidential nature of the books of account of persons who appear before the court.

I wish to summarise the main points in the rule to draw attention to them. First of all, it deals with the situation of a person who objects to a license being granted. It does not deal with the applicant, but with the person who goes along to the court and objects to the granting of a license or provisional certificate in respect of licensed premises. It deals therefore with the books of account of an objecting licensee and it requires any such licensee who objects to the granting of a license to someone else to produce all his books of account—I emphasise the word "all"—and statements of account relating to his business. No time limit is stipulated, and in that respect I suggest it is a ridiculous regulation.

Members can imagine how many people would be required to carry all the books and statements of account of a licensee who might have been in the business for 20 or 30 years; but that is what the rule requires. The books of account are required at the Licensing Court for inspection by the applicant or the applicant's solicitor at least seven days before the hearing. So for a period of at least seven days before the matter comes into the court, all those books of account must be produced and held at the Licensing Court so that the applicant or his solicitor, as well as the court, may inspect them. No objection is raised to the books of account being inspected by the court. Indeed it is only proper, and the present practice is for the court to inspect the books of account at the hearing.

The Hon. W. F. Willesee: How far back must the books go?

The Hon. I. G. MEDCALF: For only two years in respect of trading accounts at present, but under this rule all the books are required. There is no limitation.

The Hon. W. F. Willesee: Is there no statutory limitation?

The Hon. I. G. MEDCALF: No. All the books must be produced. There is no time limit. This is what the rule says.

There is no mention of the accounts being produced on a confidential basis. There is nothing to say that the books of account are to be regarded as confidential by the applicant or his solicitor, and this is the reason some licensees believe this is an unnecessarily onerous rule foisted upon them in the form of a regulation.

It is only proper that I should inform the House of the present practice of the court when someone objects to the granting of a license. When a license is objected to, the objecting licensee is now required to produce at the hearing the past two years' trading results; that is, the profit and loss accounts and his turnover for the last two years. The court desires to know whether he has a genuine reason for objecting to the license and also what the reasonable business requirements of the neighbourhood are.

No objection is raised to that present practice of the court. The objecting licensee must now make these trading accounts for the last two years available at the hearing for the court and the applicant or his solicitor. However the accounts are treated on a confidential basis and this is well understood by applicants and by licensees who have business in the Licensing Court. It is regarded as confidential information and copies of the accounts which are produced are returned to the objecting licensee at the end of the hearing.

Very briefly I am suggesting that the present practice is adequate, but if it is not, then I believe that perhaps some

minor modification might be requested instead of the very sweeping and all-embracing rule we have in regulation 13A under which all the books of account, without qualification as to time, and all statements of account must be produced for inspection at least seven days before the hearing.

The basic reason for objecting to the proposed rule is because there is no restriction on the books of account which must be produced under the proposed regulation which states that all books of account must be made available for inspection at least seven days in advance of the hearing to the other party; that is, the applicant or his solicitor. The rule contains no reference to the documents being produced on a confidential basis. We must remember that we are dealing with a person's private business and this is confidential information. Copies could be made of the private business affairs of the objecting licensee when these business matters are not at all relevant to the actual hearing. In other words, these copies may be made and retained by the applicant or his solicitor in advance of the hearing and may be made available or used for other purposes. Who is to know for what purposes these books of account will be used at some future date?

If someone were thinking of applying for a license in a particular district, would it not be an obvious move for the person to make an application and when the objections from various other businesses in the district were filed, to inspect all the books of account and see exactly what the business of the various people in the area was, make copies of their books of account, and use them for another purpose on another occasion in support of a different application? In other words, the whole process may be a sham in order to get possession of information.

I do not suggest for one moment that that is the object of the Licensing Court in making this rule, nor that the court intended that the rule be used as a sham to obtain information. Indeed, I think quite the reverse. I do not believe the court would countenance such action; but I also believe that the court would have no way of proving the purpose for which an application was made if this rule were passed in its present wide form.

It is appreciated that an objector must disclose information to the Licensing Court. He must prove that he has a *bona fide* interest in lodging an objection to a license being granted. Clearly the information concerning his business is relevant to any application for a license because the court wants to know the business potential of an area. When assessing whether or not a new license should be granted, naturally the court wants to know the other business in the area of licensed premises, and that information the court now gets. There is no suggestion that the court should be prevented from getting that information, nor is there a suggestion that the applicant should not be able to see that information so that he might cross-examine the objecting licensee on his business.

The present provisions of the rules are a different story altogether from the proposal in the rule to make all the books of account and all statements of account, irrespective of time, available at least seven days before the hearing so that the applicant or his solicitor may examine them. As I said earlier, I appreciate the fact that under the present practice it is legitimate for the court and the applicant to have certain information at the hearing, and for that reason I asked a question of the Minister on the 18th April with the object of suggesting to him that perhaps the court might agree to a compromise and allow the present practice to continue, but with some modification, if that were desired. However I do not agree with the drastic form proposed.

After a careful analysis of the answer I received I regret to say I realised that my suggestion that there should be some amendment of the present rule was unceremoniously overruled and the response to my overtures left me with no alternative but to move to disallow the rule.

On the 18th April I asked—

> (1) Will the Government give consideration to amending Rule 13A made under the Liquor Act, 1970-1972, to ensure that profit and loss accounts for the preceding two years relating to the running of an objecting licensee's business are produced for inspection only to the solicitor of the applicant and to the Court on a confidential basis, immediately prior to or during the hearing, thus making the rule conform to the existing practice now generally accepted by all parties, and thereby preventing the possible mis-use of confidential information?

The answer I received was—

> (1) The Court has issued an instruction that no person is to be permitted to examine the statement and books without an officer of the Court being in attendance and at no time will the documents leave the Court premises.

I do not believe that is a satisfactory way in which to make regulations in this Parliament. If a regulation is so wide as to require a court instruction to tone down that width, I believe we should reconsider the regulation while we have time to do so.

By implication, the answer suggests that the rule is too wide, because it says that the court has issued an instruction, irrespective of that rule, that no person is to

be permitted to examine the statement and books without an officer of the court being in attendance and at no time will the documents leave the court premises.

Even though an officer of the court is in attendance, is it not possible for an applicant or his solicitor, while examining the books, to extract and copy any relevant information which may be disclosed in that examination? Of course it is. There is nothing to prevent the applicant or his solicitor from looking through the books for seven days, because they will be available for inspection for at least that time. A person could spend the whole of the seven days examining the books with an officer of the court in attendance but that would not stop him from making copies.

If copies can be made and taken away, how can we regard that information as being confidential? It is true the books cannot be taken away but relevant information can be obtained and used for other purposes.

It is making a farce of the regulations to ask the House to approve this regulation when, almost in the same breath, the Licensing Court, which initiated the regulation, has issued an instruction to cut down its effect. As I have said, it cuts it down very ineffectively.

If the Licensing Court must issue an instruction almost in the same breath as it issues a regulation, why does it not incorporate the instruction in the regulation and ask Parliament to pass it all as one? Parliament must take responsibility for regulations. They are made under the regulation-making powers in the Act. Parliament has passed the legislation and empowered the Minister to make regulations. When they are made, Parliament still has the right to disallow them. Therefore, the regulations are just as much the responsibility of Parliament as is the legislation.

For this reason, I do not believe it is adequate for the Licensing Court to reply, through the Minister, that, although the regulation says one thing, the Licensing Court has issued an instruction to ensure that something else will happen. This is making a farce of Parliament and is a travesty of the regulations.

On the 18th April I also asked the following question—

> (2) If the Government will not agree to this amendment, will the Minister be prepared to discuss objections to the proposed new Rule 13A prior to the expiration of the time allowed by the Interpretation Act for its disallowance?

Amendments appeared to be desirable and my clear objective was to suggest that the Minister might be prepared to initiate discussion with the Licensing Court so that interested parties could present their case and less objectionable regulations could be framed. I received the following answer—

> (2) The instruction is considered to be an adequate safeguard.

The Minister could well have answered "No". The Government did not agree to discuss objections to proposed rule 13A prior to the time allowed for disallowance. Therefore, one must assume that the Licensing Court believes that Parliament will—to quote Mr. White—rubber stamp the regulations. I do not believe that is good enough. In future we will have to take a far more responsible attitude to some of the regulations which are passed by Parliament. I do not want to digress along those lines and I do not believe it would be appropriate for me to do so, except to say that this is a good illustration of Parliament being asked by an official body—to wit the Licensing Court —to pass a regulation in a very wide form when it is neither necessary nor intended that it be implemented. The court itself has said it will issue a separate instruction which will require an officer of the court to be present the whole time the books are under inspection in the premises of the Licensing Court.

For those reasons, I believe the answer I have received is quite inadequate. I cannot accept that Parliament should be asked to pass a regulation and to rely upon an instruction issued by another body which will cut down the force of the regulation we are asked to pass. I do not believe it is proper we should be asked to pass a regulation when it is intended to issue a separate instruction which will have the effect of restricting the regulation.

I still maintain that the Licensing Court is acting honestly and properly in the sense that it is not doing anything it believes to be wrong. However, I believe we would be wrong in allowing this regulation to pass in its present form without taking some action.

I tried to take some action without disallowing the regulation. My action was to suggest to the Minister, by way of questions, that the court should have some discussion with interested parties. As I have said, the answer I received was that the instruction is considered to be an adequate safeguard.

The answer begged the question; it was not an answer at all but an attempt to avoid having the regulation amended in a sensible manner. It left me with no alternative but to move this motion. I say it again and want to make it transparently clear that I have no intention of cutting down, in any way, the rights of the Licensing Court to inspect an objecting licensee's books. I believe this is the

obligation and duty of the Licensing Court which now exercises this power. The Licensing Court will be entitled to inspect the books of an objecting licensee as it does at the present moment. The Licensing Court requires such a person to present his trading accounts for a two-year period at the hearing and the court looks to see whether he has a genuine case. I believe this is proper and I also believe that the accounts, when produced to the court, should be made available to the applicant so that he has the opportunity to question the objecting licensee about the turnover of his business and other facts disclosed.

I do not believe this should be allowed to be treated on anything other than a confidential basis. It seems that the Licensing Court agrees with me; otherwise why has the court said that it proposes to issue an instruction that the books will not be examined unless an officer of the court is present and that the books cannot leave the premises of the Licensing Court? If it is good enough to issue an instruction to cut down the regulation, I believe the regulation should—and could—have been amended, as I suggested, as a result of discussion.

It is not open to this House to amend the regulation. The regulation would have to be amended by both Houses. I am left with no alternative, in view of the answer I received, but to take some action to have the regulation disallowed. The effect of disallowing the regulation will simply be to restore the present practice—which is that the trading accounts are produced, on a confidential basis, at the hearing. Everybody present, including the court, has a look at them. They are not taken away and are handed back at the end of the hearing. There may be room for some minor modification of this practice. I suggested this, but my suggestion has been rejected. As a responsible House I believe we are left with no alternative but to disallow the regulation.

Debate adjourned, on motion by The Hon. R. Thompson (Minister for Community Welfare).

## RIGHTS IN WATER AND IRRIGATION ACT

*Disallowance of Regulation: Motion*

Debate resumed, from the 18th April, on the following motion by The Hon. G. W. Berry—

> That the regulation relating to construction and alteration of wells made under the Rights in Water and Irrigation Act, 1914-1971, published in the *Government Gazette* on Friday, the 2nd February, 1973, and laid upon the Table of the House on Tuesday, the 20th March, 1973, be and is hereby disallowed.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Leader of the Opposition) [7.57 p.m.]: Mr. George Berry has moved to disallow the regulation relating to the construction and alteration of wells made under the Rights in Water and Irrigation Act, 1914-1971 and published in the *Government Gazette*, as it relates to portion of his electoral province in Carnarvon. The honourable member stated his reasons for moving for the disallowance of this regulation.

The Leader of the House, on behalf of the Government, replied to the argument put forward by Mr. George Berry. I wish to make one or two short comments in relation to the Minister's reply. Members will recall that the Minister said—

> The $30 license fee is nominal and will not in total per annum equate to 1 per cent. of the funds spent on the project in recent years.

He went on to say—

> No other irrigation area is subject to a license fee, therefore it is not possible to make a comparison. However, it is relevant that the deficiency between income and operating expenses at Carnarvon is proportionately greater than any other irrigation area. The license fee was designed to provide a modest increase in revenue to help with this deficit.
>
> If it is Parliament's wish that the license fee be not imposed, the Public Works Department will have to re-examine its expenditure programme in regard to the Carnarvon irrigation area. While it would be loath to do anything to jeopardise the grower's water supply, consideration would have to be given to abandoning the the practice of grading up levee banks at the end of river flows.

What does that really mean? If the regulation is not disallowed, 152 property owners in the Carnarvon area will each pay the sum of $30 per annum to the Government, and the Government will be better off than it is at the present time by the magnificent sum of $4,560.

In consideration of that amount—which, as the Leader of the House told us, barely equates 1 per cent. of the funds spent in the total area of the irrigation project at Carnarvon—the Government will have to seriously consider abandoning the practice of upgrading levy banks at the end of river flows. It is a pity the Government had to resort to, what I interpret as a threat to Mr. Berry and this House, and say that in the event of the regulation being disallowed, the Government would take action to prejudice the situation of the Carnarvon growers to an extent that the department would consider abandoning the practice of upgrading river banks.

It is a pity such a statement had to be made, but I do not think it can be regarded as a serious threat. The property holders and people who have the use of the water in the Carnarvon area would be very upset that the Government could say, "If you do not pay $4,560 to the Government, henceforth we may be forced to abandon the irrigation work we have been doing in your district." To my way of thinking this is a very poor show.

On behalf of the department, the Leader of the House told us that no other irrigation area is subject to the imposition of a fee, and therefore a comparison cannot be made. I accept his statement for the obvious reason that we cannot draw a comparison when we do not have two things to compare. I believe the Government could be a little more magnanimous in a situation such as this. To the best of my knowledge no Government in the past has attempted to impose a fee on the users of water in the Carnarvon area. It is a great pity that at this stage the Government is attempting to get back the small sum of $4,560 by imposing a $30 license fee on the 152 growers in the area.

Anything else I could say would simply be labouring the point, and this is not necessary. Therefore, I do not propose to prolong the debate but I feel the Government should think again on this matter.

I suggest to Mr. Berry that he should tell the people in the Carnarvon area that the threat made by the Government to abandon the irrigation work is one which will not be fulfilled and that the work should continue. After all, the arguments put up against the motion by the Leader of the House surely do not hold very much —I was going to say "water"—weight in the circumstances.

At this late stage I again ask the Government to think about this a little more and show a little magnanimity towards these people. I support the motion moved by Mr. Berry.

**THE HON. G. W. BERRY** (Lower North) [8.04 p.m.]: In replying to the debate I would like to refer to a few points raised by the Leader of the House. The Leader of the House said that no fee was imposed at the time the restrictions were brought into being because the controls introduced severely restricted grower activity. It was anticipated that the controls would restrict grower activity, but since the imposition of the controls there has been no need to effectively apply them for the simple reason that the river has flowed every year since that time. The Leader of the House went on to say—

> Furthermore, whilst licensing was designed to protect the aquifers, the long-term benefits likely to flow from the controls were not then clear. However, it is now apparent that the controls were successful in stabilising the industry. The result is that the area irrigated has increased from 886 acres in 1959-60, to 1,681 acres in 1970-71. At the same time the yield per acre has risen.

I will now refer to the case for financial assistance which was submitted by the Public Works Department of Western Australia to the Commonwealth Government. Part 1 is headed, "Summary & Basis of Submission", and the second paragraph reads—

> The value of produce from the irrigated areas approaches $3.5 million annually.

A little further down it says—

> The high production of recent years has only been possible because of an unusually long sequence of river flows since 1960, which has maintained recharge of the aquifers upon which the growers are dependent for their irrigation water.

I therefore fail to see how the Leader of the House can say that the bringing in of the restrictions has been instrumental in stabilising the industry and increasing the acreage under cultivation. On page 6 of the submission we see the following—

> After 1959, a long sequence of favourable seasonal conditions, aided to some extent by the progressive loss of metropolitan market growing areas to urban development, resulted in steady expansion of the Carnarvon agricultural industry. The area under cultivation increased from 886 acres (323 acres of bananas and 563 acres of vegetables) in 1959/60 to 1681 acres (403 acres of bananas and 1278 acres of vegetables in 1970/71.

So the increase in the stable crop—bananas—was only 80 acres, which is only an increase of half an acre per property. However, when the water was available over the winter period, vegetable growing in Carnarvon increased from 563 acres to 1,278 acres. The reason for this increase is simply the availability of the water in the river. I therefore cannot agree that the restrictions were instrumental in the expansion which took place in the industry.

The Leader of the House then said—

> The honourable member next claimed that the river is no more stable now than it was in 1958-59. If this statement is correct, how does he explain the increase in the area irrigated and the trebling of plantation property values since 1960?

I have already stated that the irrigated areas have increased, and this is because the river has flowed all the time. The controls have virtually not had to be applied.

I admit that since the introduction of restrictions which will apply in times of stress, the need to be more careful with

water has been forcibly brought to the notice of growers. This, together with improved methods of agriculture, has been instrumental in the increased production which has taken place. The Leader of the House asks how we can account for the increase in property values since 1960. I say this is because we have not had a drought since then. Property values will certainly fall if we have a drought next year and many of the properties will be for sale at nominal figures. The Leader of the House continued—

> Members can be assured that it would not have been possible to achieve this increase in area irrigated, with a better yield per acre, if improvements had not been made to the water supply.

Once again I say it was because of the availability of the water over this period that there was an increase in the area irrigated. I do not deny that the Government has been responsible for a better water supply in the area. However, the expansion in the industry has been brought about because of the river flow.

The stable part of the industry, the bananas, cannot expand because it is a long-term proposition. Vegetables are a short-term crop—a matter of three months or a little more. Banana trees do not bear fruit for 15 or 18 months, and the industry cannot expand whilst there is no guarantee of water. This is the reason for the rapid increase in the vegetable crops as compared with the banana crops—the vegetable growers are assured that water will be available when necessary.

On page 17 of the submission to the Commonwealth Government, under the heading of "Controlled Water Usage", the following appears—

> The introduction of controls in 1959 provided a strong incentive for growers to conserve water and to avoid waste,—

And the growers did this of course. To continue—

> —and stimulated the installation of improved distribution systems and the use of efficient irrigation techniques. As a result, in the years immediately following the introduction of controls, the quantity of water used on the plantation area was approximately halved, without any reduction in areas irrigated.

This is the point I have just made. The submission continues—

> The Gascoyne River has flowed every year since 1959, and in many of these years has flowed for several months. River conditions have therefore been exceptionally good and periodic assessments of these conditions by the advisory committee have resulted in the fixing of allocations well in excess of the basic amounts.

From my experience, the basic amounts were almost doubled. It was very rarely that the water was restricted to anywhere near the basic allocation. The paragraph continues—

> Encouraged by the sequence of liberal allocations, growers have become accustomed to the use of water in excess of the basic allocation. Accordingly, although the number of farms has not increased, the area under cultivation has increased steadily, as outlined in Section 3.1.

That is the section I referred to earlier. To continue—

> This has resulted in a total annual water usage between 1965 and 1971 of between 4200 ac.ft. and 6200 ac.ft., compared with extraction of 3800 ac.ft. per annum in a drought year on which the control system was based.

So it is quite obvious that the controls have not been applied during the period because, as I keep repeating, the river has flowed during this time in a way quite unprecedented in its history. In fact, on page 1 of this submission it is stated—

> Because of the importance of the irrigation area, the State has since 1963 been progressively harnessing river bed aquifers upstream of the irrigation area to provide additional resources to cushion the effects of the water shortage which occurs in the area one year in five when the river fails to run.

It is very difficult to assess an average in this area. We have had a good flow for a number of years now, and we must expect this position to change. The Leader of the House said—

> The honourable member then suggested that if the regulation is not challenged the Government will see fit to increase the charge from time to time. My comment here is, of course, the Government of the day could increase the charge, but it could only do so by amending the regulations and such action would be open to challenge, as is the case now.

The point I make is that if the regulation is allowed to pass a precedent will be created, and the Government in the future will have only to justify increases. I would point out that this is an area which has been declared under an amendment to the Rights in Water and Irrigation Act which applied only to land above the 26th parallel.

Since then the Act has been amended and now any area within the State may be prescribed, so that all wells may have to be licensed, and details of drilling programmes may be required to be furnished. I sound a note of warning. If this regulation is allowed to go through then members representing agricultural areas may in time be confronted with the very problems that now confront me.

In his speech the Minister went on to say—

> It is agreed that no new properties have opened up on the banks of the river since 1960 but what was not stated by the mover of the motion was that, except for the efforts of the Public Works Department in developing additional resources, 20 properties cropping approximately 200 acres would no longer be in business.

That is not a statement of fact. It is true that two properties might no longer be in business, but certainly not 20, because the properties are getting supplementary water. To my knowledge there were only two properties which were supplied by the Public Works Department with water additional to the 90,000 gallons a week allowed.

In his contribution the Minister went on to say—

> These properties on the south bank at the eastern extremity of the irrigation area were in difficulties with a saline water supply at the time the Government assumed control.

That is quite right, and there was a serious problem. However, since this Government assumed control nature has been kind and the river has continued to flow. This is the point I have made since I have been a member of this Parliament: the day may come when the river does not flow.

Regarding the water which the 20 properties have been getting, I feel certain that this was drawn while the river was flowing past their doors. In one case in respect of a plantation in which I was interested, we bought Government water while the river was flowing past the property. We accepted the 90,000 gallons a week drawn out of the river. We felt that the Government was doing something positive and deserved our support. It is not a statement of fact that the Government kept 20 properties in business, because the department does not supply water to 20 growers on the river in times when there is no water. Further in his speech the Minister said—

> The final point I would like to comment on is the claim that the Government has not removed the worry caused by the threat of drought. If there is a prolonged period without substantial river flow, such as being experienced at the present time, restrictions are inevitable.

We are all aware of that. To continue with the Minister's speech—

> However, how much worse off would the district be except for the work which has been and is currently being carried out to develop new resources?

That is the $64 question. I sincerely hope the work which the Government has been carrying out will have some beneficial effect. I am expressing grave doubts, but I sincerely hope that those grave doubts are unfounded.

As was pointed out, the $30 license fee approaches only 1 per cent. of the funds that have been spent in the area. It was also said by the Minister—

> If it is Parliament's wish that the license fee be not imposed, the Public Works Department will have to re-examine its expenditure programme in regard to the Carnarvon irrigation area. While it would be loath to do anything to jeopardise the growers' water supply, consideration would have to be given to abandoning the practice of grading up levee banks at the end of river flows.

I take it that this is a threat that the Government will curtail the work on the river. If that is so it is a very poor performance on the part of the Government.

In this regard I cast my mind back to the time when many promises were made as to what would be done to the river if the present Government, which was then the Opposition, were elected. Since then it has been elected, but it did not make any suggestion when it was seeking votes at the last election that it would introduce a $30 license fee; if it had I am sure there would have been a different result. It made a promise at the time that if it were possible, on assuming office it would build a dam. The project is feasible, but the trouble is the finance required—the $14,000,000.

The Minister went on to say—

> This work prevents the escape of water to the sea and ensures the maximum recharge of the downstream aquifers and distribution to the northern side of the river.

I turn to page 21 of the submission to the Commonwealth, on which the following appears—

> The decline in water quality has been most marked in the town water supply bores. The increasing and excessive draw from a small portion of the Older Alluvium has resulted in a rapid decline in water table levels, and in some places these are now below sea level. There has therefore been an increasing flow of more saline water towards the bores and hence the quality of water in the bores has rapidly deteriorated. In some cases, the salt content has exceeded 1000 mg. per litre—the recommended limit set by the Public Works Department for Western Australian town water supplies—and the bores have had to be rested. In addition, the limits for fluoride have sometimes been reached.

So we have fluoride in the water supply whether or not we want it. To continue—

> The rate of extraction from the island bores must be drastically reduced and it seems probable that some

of them will be abandoned. Water from some of these bores will have to be mixed with good quality water to maintain the desired quality criteria. It is apparent that another source is required to meet the expanding town water supply needs of Carnarvon.

This is in an area where a channel has been bulldozed to divert the river flow so as to obtain the fresh water to improve the supply, where town bores have been located. I feel sure the town bores which have been drawn on have affected the supply to the growers in the area, and as a result of this their water supply has deteriorated. It was not a case of the Public Works Department bulldozing channels to help the growers; it was a case of the department doing this to help itself. I cannot understand the Government saying such a thing when I feel sure it has overpumped the bores to the detriment of the growers in the area.

Finally I want to say this: When the Government can supply water to the area—it is my hope that it will supply water to the entire district—I am quite sure the question of charges will be considered and the growers will meet whatever charges are imposed. Until then I hope the House will support my motion to disallow the regulation which imposes a $30 license fee on wells that are registered in the Carnarvon area.

Question put and passed.

## EVAPORITES (LAKE MacLEOD) AGREEMENT BILL

*Second Reading*

**THE HON. J. DOLAN** (South-East Metropolitan—Leader of the House) [8.24 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for conditions under which Texada Mines Pty. Limited will be allowed to produce a new type of potassium fertiliser instead of potash as defined in the principal agreement.

In introducing this Bill it is desirable to review briefly the history of the project leading up to the present position. In 1967 the company had completed 2½ years of investigations at Lake MacLeod, some 60 miles north of Carnarvon. The company's objective was to establish at the lake a plant for producing potash and other evaporites including salt, and to ship these through a new deep-water port to be established at Cape Cuvier.

At that time as now, Australia imported all its requirements of potash from overseas, almost entirely in the conventional forms of either potassium sulphate—known in the trade as sulphate of potash—or as potassium-chloride—otherwise known as muriate of potash. The sulphate has a potassium content of 40 to 42 per cent., the muriate 48 to 51 per cent.

Establishment of the industry was thus a very desirable objective, in that not only would it produce indigenous potash, but it would also result in the development of an industrially undeveloped area, establishment of a new port, and provision of employment.

By and large these objectives have been achieved. The company employs about 300 people, and produces salt valued at some $5,000,000 a year.

The original agreement of 1967 provided for establishment within five years of the commencement date—that is by the 18th November, 1973—of a plant capable of producing not less than 200,000 long dry tons per year of potash; that is to say potassium chloride (KCl or muriate of Potash) and/or potassium sulphate ($K_2SO_4$ or sulphate of potash) from lake brines and/or evaporites produced in solar evaporation ponds on the lake.

The definition of "potash" includes the word "evaporites". Because of this considerable doubt has been thrown on the precise meaning of the word "potash" as defined in the agreement. The company has claimed that a whole range of compound salts containing potassium chloride and/or sulphate and in particular a double sulphate of potassium and magnesium with the chemical formula ($K_2SO_4.2\,Mg\,SO_4$) known as langbeinite and in the pure form containing 18.9 per cent. potassium would satisfy the definition. The company also claimed that langbeinite would be more easily and reliably produced at Lake MacLeod than potassium chloride—muriate of potash—and that its value was as high as or higher than that of potassium chloride per unit weight.

When the Minister considered the merits of langbeinite, a number of side benefits appeared. Estimates indicated that a plant of 200,000 ton per year capacity including the bittern evaporation, storage, and harvesting sytem would require roughly the same investment regardless of whether langbeinite or muriate of potash was produced. On economic grounds the flow-on in benefits to the district was the same.

There is, however, a significant difference in side effects of the establishment of the two types of plant. Whereas production of 200,000 tons of langbeinite under existing conditions at Lake MacLeod may be expected to produce a coproduct of approximately 2,500,000 tons of marketable common salt, a similar quantity of muriate of potash could be expected to produce nearly 15,900,000 tons.

This is because muriate of potash contains 3.3 times as much potassium as does langbeinite, and langbeinite extraction is 1.9 times as efficient as muriate extraction. These two factors multiplied together result in a coproduct salt factor of 6.3.

These matters were not clearly understood when the original Bill was introduced into Parliament in 1967, because prototype testing had not revealed the detailed phase chemistry of the process. Indeed, the Minister introducing the Bill made it quite clear that the Bill contemplated rather than provided for the establishment of a potash industry, because despite some two years of investigations at the lake, the company had not at that time completed its research.

The original Bill placed no restrictions whatever on production of coproduct salt, and indeed clause 9 (1) (g) requires the company to put forward programmes for expanding production to utilise the full resources of the mineral lease. Nor was the full impact of coproduct salt realised when the Company submitted its engineering proposals in 1968, and indicated in general that it would produce potassium chloride or muriate of potash. Accordingly, proposals for the harbour, roads, and other infrastructure were approved, finance was secured, and the company was authorised to proceed with the project as a whole. As its potash commitments were not applicable for three years accent was naturally given to building a solar evaporation system, roads, port, and housing.

Only in the next two years were technical details of the secret partly-patented process sought and obtained from the company in the strictest confidence. Only then did the full facts become apparant to State and company alike—the company's ultimate output of coproduct salt would be more than sufficient to supply the whole Japanese market. Even at that time, before other salt producers were fully operative, it was realised that this could lead to an embarrassing situation.

In 1970, therefore, the first suggestions by the company of an alternative process involving langbeinite which promised much greater efficiency of potassium extraction and less coproduct salt was thus welcomed and further pilot plant research early in 1971 was endorsed.

The company has been very active and has successfully raised finance to complete a 200,000 ton per year langbeinite plant by the 31st July, 1973, at a cost of some $6,000,000. This was in addition to expansion of the solar evaporation system which had been under way for some time.

Late in 1971 Japan suffered a severe economic shock due to devaluation of the U.S. dollar, and uncertainty of future markets for Japanese goods in the U.S.A. This, and subsequent revaluations, had severe repercussions in all sectors of the Japanese economy and affected imports from Australia, including salt. Only now is there any sign of a resurgence: a $1.10 increase in price and a return to the erstwhile rate of consumption growth.

This recession has had a serious effect on salt producers in Western Australia. It was highly desirable to limit by agreement with the company the production of coproduct salt by Texada. In view of undertakings given to the company, its willingness to proceed with the project, the more efficient use of potassium and, finally, the unresolved dispute over the exact meaning of the definition of potash in the Act, the Minister has approved a variation to the agreement which accepts langbeinite and other approved potassium compounds as being potash for the purposes of the Act.

This in no way prevents the company from producing muriate or sulphate of potash, but it will result in immediate and continuing increase of activity at Lake MacLeod which has a substantial effect on Carnarvon. The expansion is particularly welcome and to a degree will offset the planned wind-down of N.A.S.A. activities at Brown Range.

The variation pursuant to clause 16 of the principal agreement will be tabled. As ratification late in the last session was impractical, and the company required firm approval to enable it to meet the completion deadline by July, 1973, that variation has been executed, and does not require ratification.

The Bill before us gives effect to an undertaking the Minister gave in the House last year to introduce legislation which ensures that lake brines and bitterns are fully and efficiently used. It is a Bill which will ensure that those portions of the agreement which deal with production of potash are not sidestepped in the interests of bigger and better salt production.

The possibility of control arises from the fact that for some years now the analysis of brine from Lake MacLeod has shown a reasonably steady ratio in its content of potassium and sodium: or put in another way, there is a fairly fixed ratio in the brine's content of salt and langbeinite. The company's approved proposals indicate that approximately 2,500,000 tons of salt will be produced for every 200,000 tons of granulated langbeinite.

This ratio may vary a little with experience and composition of lake brine; it must also be remembered that this will be the world's first synthetic langbeinite plant. But at least the objective of the clause is clearly signposted and understood by the State and the company.

For a time a substantial proportion of lake brine will be required to produce a thick salt floor in the potash pans, where langbeinite brines will be stored, and mixed salts deposited. To make the position quite clear in the intervening period before production is stabilised, the Bill limits sales of salt by the company to Japan to 1,750,000 tons a year for the years to the 31st March, 1973, 1974, and 1975.

A further provision relevant to efficient extraction of potassium requires the company to furnish the Minister with regular reports on this aspect of langbeinite production.

Another provision is to ensure that future proposals for substantial modification, variation or expansion of the company's products before 1978 must have the Minister's prior approval.

Finally, the Bill requires the company to notify the State promptly of *force majeure* situations as and when they occur, rather than some time later when their effects are fully felt, but when the precise nature of the cause is not so well remembered.

It should be made quite clear that the principal intention of the original agreement is not altered. The company is still required to develop to the full the resources of the lake, and is still free to produce orthodox potash fertilisers as well as langbeinite. The main change introduced by this Bill is a relatively short-term restriction on salt production and a long-term insistence on full and efficient potassium extraction.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. W. R. Withers.

## GOVERNMENT EMPLOYEES' HOUSING ACT AMENDMENT BILL

*Second Reading*

**THE HON. J. DOLAN** (South-East Metropolitan—Leader of the House) [8.37 p.m.]: I move—

> That the Bill be now read a second time.

The Government Employees' Housing Authority is responsible for providing adequate and suitable housing accommodation for persons employed by or under the State Government. The authority consists of four members appointed by the Governor, and such members shall be—

(a) the Chairman, Public Service Board or an officer in the office of the Public Service Board;

(b) the Under-Treasurer or an officer of the Treasury;

(c) the Director-General of Education or an officer of the Education Department;

(d) the General Manager, State Housing Commission, or an officer of the Commission.

The Government received a joint request from the principal employee associations involved—namely, the State School Teachers' Union, the Police Union of Workers, and the Civil Service Association—to have the authority enlarged to allow for the appointment of a tenant representative. The inclusion of a tenant representative is seen as a means of facilitating even further the substantial improvement effected in Government employees' housing since the inception of the authority.

The Bill provides that a person nominated in writing by the Minister, after consultation with the three employee organisations, shall be appointed for a term of three years. He shall be eligible for reappointment, unless at any time his appointment is sooner determined by the Governor on the recommendation of the Minister.

The latter provision was sought by the associations to ensure that the representative of the tenants will continue to enjoy the confidence of the three organisations.

Perhaps I may expand upon that a little. Seeing that the proposed additional representative is to be one agreed upon by the three organisations concerned and is to be appointed for the purpose of representing the views of the tenants, it is desirable that he should not continue to occupy his position on the board if for any reason he loses the confidence of the organisations he proposes to represent. The provision is included so that if at any time the associations feel they are not being properly represented and would like to change their representation, they may request the Minister to effect the change. The provision in the Bill will give the Minister the authority and the power to meet the wishes of the associations. Of course, the Minister would have to be satisfied that it is a genuine request agreed to by the associations concerned and that the change would be in accordance with their wishes.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. D. J. Wordsworth.

## WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

*In Committee*

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. J. Dolan (Leader of the House) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 188 amended—

**The Hon. CLIVE GRIFFITHS:** The provisions of clause 5 will make it compulsory for the owners of passenger-carrying vessels to take out third party insurance. I asked the Minister what motivated the idea of including such vessels? I was not opposed to the extension of the requirement to cover hovercraft, but I suggested that we ought to have been given more information regarding the origin of the idea.

The Minister said that the original recommendation was approved by the Australian Transport Advisory Council. He also said that it was noted there was no

provision under existing legislation to require the owners of licensed passenger-carrying vessels to take out insurance cover of any sort to compensate passengers who may be injured, or their dependants if they are killed, while travelling on such vessels. Consequently, it was recommended that the Western Australian Marine Act should be amended to take care of that state of affairs, which is fair enough. He did not tell us this in the first place but we know it now.

I also asked the Leader of the House which of the people in the industry who would be affected by the legislation had been consulted in the matter. He replied—

> The standing committee of advisers of the Australian Transport Advisory Council has had discussions with the Council of Fire and Accident Underwriters of Australia—and this is very important—concerning the proposed third party insurance requirements with respect to the operation of air-cushion vehicles.

That is as far as he went.

The Hon. J. Dolan: There was more further on.

The Hon. CLIVE GRIFFITHS: That was as far as the Leader of the House went in regard to consultation. He said the committee consulted with the underwriters only in respect of air-cushion vehicles. He did not say the committee consulted with the underwriters in regard to the passenger vessels plying on inland waters and in harbours. He went on to say—

> Ferry operators were not consulted as the Government believes that any decision on such issues as safety and protection of the public is so important that it should not be biased by representation from the vested interests involved.

That is also a matter of opinion but I will not argue the point, except to say I do not necessarily agree this is a desirable attitude to adopt. I do not believe everybody in an industry must be automatically assumed to be so biased that he is not prepared to look at a proposal for the benefit of that particular industry without adopting a selfish attitude. It is interesting to note that the consultation with the underwriters was limited to air-cushion vehicles.

I also asked the Leader of the House how many vessels would be affected by the measure. I believe we should have been told this when he introduced the Bill. As a result of my question he has now told us 57 vessels licensed to carry passengers on inland waters or in harbour limits would be affected. The owners of 57 vessels will suddenly be confronted with a situation with which they have never been confronted before. They have not been consulted and no warning has been given them, apart from the warning I gave that legislation was pending.

I repeat what I have said so often before—that we are constantly receiving measures proposing wide-sweeping changes to existing legislation without any notification being given to the people who will be affected by them.

In his reply the Leader of the House indicated that he had no idea how many of the 57 vessels which will be affected have any sort of insurance cover at all. I would venture to say the majority of the owners already have some form of insurance, although I know some of them have not. This is an indication that they are responsible people, because even though it is not compulsory for them to carry this insurance they accept the responsibility in the interests of the community. Therefore, I cannot go along with the statement of the Leader of the House that these people would be biased and would not be able to give an unbiased point of view. I think the very fact that the majority of them voluntarily take out insurance indicates they are a responsible group of people.

I pointed out to the Leader of the House that some fare-paying passenger vessels—ferries, to be precise—operated between Geraldton and the Abrolhos Islands. I therefore asked why it was intended to exclude these vessels from the provisions of the Bill. I asked why the measure was confined to vessels on inland waters and in harbours, and why it was not extended to vessels such as those plying between Geraldton and the Abrolhos Islands, particularly if it is thought essential for the owners of all fare-paying passenger vessels to take out third party insurance.

The Leader of the House reminded me that section 36 of the Merchant Shipping Act, 1894, of the United Kingdom, suggests that before this can be done Royal assent would have to be obtained because of the interference with coastal shipping. He went on to say that whilst it was not impossible to obtain the Royal assent, it was a lengthy process and would cause an unnecessary delay in the introduction of this legislation which gives protection to the travelling public.

I was prepared to accept that explanation, but later on the Leader of the House replied to a question I raised in regard to clause 2 of the Bill, which makes provision for proclaiming parts of the Bill separately. I suggested that clause 5 might be one of the clauses which would be left because there might be some difficulty in arriving at a satisfactory form of insurance; or perhaps this clause would be introduced first because the form of insurance had already been decided upon and it might be desired to introduce this provision prior to introducing the other provision relating to the licensing of hovercraft. The Leader of

the House advised that, contrary to what I had suggested, it was intended to introduce the licensing provisions for the hovercraft prior to introducing the compulsory insurance provisions because there was a possibility it would take some time to arrive at a satisfactory form of insurance.

On the one hand, he told me section 36 of the United Kingdom Act required Royal assent, which would take some time to obtain, and he felt that time was not available; and on the other hand, in virtually the next breath, he said that because it would take some time to arrive at an approved form of insurance it was necessary to proclaim certain clauses of the Bill separately. From page to page the Leader of the House changes his mind.

I revert to the crux of my speech during the second reading debate. Sections 502 and 503 of the Merchant Shipping Act, 1894, limit the liability of a shipowner to £15 Sterling per registered ton of the ship in the event of any claim against him. I asked the Minister whether he agreed this applied to Western Australia and, if so, how it affected this particular Bill. I said that from my research I understood the Merchant Shipping Act, 1894, applied to Western Australia and to the vessels covered by the Bill. The Leader of the House replied—

> The United Kingdom Marine Act of 1894 does apply to Western Australia.

However, he went on to say—

> This Bill has been drafted so that the Act does not have jurisdiction inasmuch as the vessels it seeks to control in respect of insurance are those which operate on inland waters and waters within any harbour. Crown Law advice is that such vessels would not be subject to the 1894 Act.

I do not suppose I am qualified to argue the point with the Crown Law Department, but I will do so. I suggest that the Crown Law Department is not right in this instance and that the 1894 Act does apply to vessels on inland waters. I also suggest the Government may find in the future that someone who has taken out the approved form of insurance is called upon to pay a claim, and the insurance company will say the liability is limited to the provisions of the 1894 Act and it will not pay out any more than is provided under that Act.

Section 742 of the Merchant Shipping Act, 1894, contains the definitions of "vessel" and "ship", which cover all the vessels on the Swan River and all the vessels covered by this Bill. Section 2 of the Merchant Shipping Act, 1894, reads—

> Every British ship shall, unless exempted from registry, be registered under this Act.

In other words, every British ship—which includes Australian ships—must be registered.

The Hon. D. K. Dans: Since when?

The Hon. CLIVE GRIFFITHS: Since 1894.

The Hon. D. K. Dans: You should check up on the register of Australian ships.

The Hon. CLIVE GRIFFITHS: My information is that Australian ships are British ships.

The Hon. D. K. Dans: They used to be but they are not now.

The Hon. CLIVE GRIFFITHS: Section 3 of the Merchant Shipping Act, 1894, specifies the ships which are exempted. It says—

> The following ships are exempted from registry under this Act:—
>
> (1) Ships not exceeding fifteen tons burden employed solely in navigation on the rivers or coasts of the United Kingdom, or on the rivers or coasts of some British possession within which the managing owners of the ships are resident:

I take that to mean that if a ship is under 15 tons and plying on inland waters it does not come within the provisions of the Act; but if it exceeds 15 tons and plies on inland waters it comes within the provisions of the 1894 Act.

The only exemptions mentioned relate to those vessels of under 15 tons. I am not opposed to the provision; I support the principle. I merely issue a warning to the Government that I believe the provisions of the 1894 Act regarding the liability of shipowners will apply to vessels affected by this Bill.

The Hon. J. DOLAN: I thank the honourable member for the research he has carried out. However, I think he is going a little too far. The second reading notes were supplied by the Minister who is in charge of the Harbour and Light Department which is responsible for the movements and operations of these vessels. The desire of the department is to protect fare-paying passengers on those vessels. Over the weekend we had a terrible tragedy which indicates what can happen, although in that case fare-paying passengers were not involved. However, we could have a disaster similar to that which occurred in Wellington Harbour, New Zealand, where a ship was wrecked with terrific loss of life.

The questions raised by Mr. Clive Griffiths were referred to the Harbour and Light Department, which consulted the Crown Law Department. The Harbour and Light Department is expert in this field. I take pride in the fact that Mr. Fuller, the General Manager, was one of my pupils many years ago.

I would point out the Abrolhos position is similar to that which applies at Rottnest. When one is drawing up regulations it is

not a question of consulting the people concerned because naturally they are biased as they are required to spend money and they wish to ensure their interests are protected. The only interest of the department is the protection of fare-paying passengers.

The department wishes to obtain uniformity with regard to the proclamation of different parts of the Bill. This can be achieved only at the meetings of A.T.A.C., which are held at intervals of six months. Therefore if agreement is not reached at a meeting the matter is not discussed again for another six months. In those circumstances it is desirable that part of the Bill should be proclaimed and the clause in connection with which it is difficult to obtain uniformity should not be proclaimed until later.

Mr. Dans raised the question of regulation 102. In March, 1971, the Merchant Service Guild approached the Government seeking the repeal of this regulation. At that time the Harbour and Light Department advised that without regulation 102 it would not be legally possible to permit foreign ships, including dredges, to operate in Western Australian ports or coastal waters unless they carried current British survey certificates and were manned by masters, engineers, and other officers holding British certificates of competency.

This would have affected adversely a number of important projects. Even today two dredges are operating under exemptions granted under regulation 102. Dredging of Bunbury Harbour is being carried out by the dredge *Hyundai Ho II*, and a dredge owned by the Mitsui Company of Japan is dredging a new berth at Port Hedland. To enable the department to meet such circumstances it is considered essential that the discretion provided by regulation 102 be retained. However, it is recognised that the power granted to the department by this section is very wide. Therefore, following the representations of March, 1971, it was decided that for the time being the regulation would remain as is, but the authority granted under it would be exercised only by the Minister.

Mr. Withers queried the obligations of a person operating a vessel on Lake Argyle. The position is that under the proposed amendment such a person would have to insure his passengers for that part of their journey within Western Australia. Once the vessel moved across the border it would no longer be subject to the Western Australian Act; and under the provisions of the Bill as drafted the ferry owner would not be obliged to insure passengers while they were in Northern Territory waters.

This is a matter for regret, but it is a fact of life that we in Western Australia are not competent to make laws which would be applicable in another State or territory. However, members may be assured that this lack of authority is nothing to worry about. The shores of Lake Argyle will be at least two miles from the Western Australian-Northern Territory border when the Ord Dam is at full storage level.

The lake will intrude into the Northern Territory only when the dam is storing a considerable quantity of flood surcharge. When and how often this is likely to happen cannot be predicted with accuracy, but I think it is fair to say it is extremely remote that Lake Argyle tourist vessels will move between Western Australia and the Northern Territory.

Clause put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

## EDUCATION ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 17th April.

**THE HON. J. DOLAN** (South-East Metropolitan—Leader of the House) [9.11 p.m.]: When I made my second reading speech on this Bill previously an unusual occurrence took place. The first part of the Bill which dealt with the amount of money to be allocated was changed in another place, and consequently some of the notes originally supplied to me were deleted.

The Hon. A. F. Griffith: Is this a second reading speech?

The Hon. J. DOLAN: Yes, I hope to get the permission of the House to conclude my original speech. I wish to explain that my second reading speech was not completed because of a rather unusual set of circumstances. I do not know whether or not I should go into the details of it. I remember Mr. Arthur Griffith giving a second reading speech about a Bill, and the speech was altogether different from the contents of the Bill with which he was dealing. On that occasion we were most considerate.

The Hon. A. F. Griffith: I do not lack consideration. I just wondered what was happening in view of the fact that Mr. Williams has the adjournment of the debate.

The Hon. J. DOLAN: When the notes were changed I was given only the first part which deals with the first amendment, and I was not given the notes relating to the second and third amendments. Consequently, I seek leave of the House to conclude my introductory speech.

The PRESIDENT: Leave granted.

The Hon. J. DOLAN: I refer members to my previous speech, which is contained at page 935 of the current *Hansard*. I will now continue that speech.

The second amendment, namely to subsection (2) of section 21E, has been necessitated by recent changes to the structure of the senior administrative positions in the Education Department. The position of deputy director-general has been abolished and replaced by two positions of assistant director-general. This subsection currently provides for the Deputy Director-General of Education to preside at any meetings of the Board of Secondary Education from which the Director-General is absent.

It is therefore necessary to delete reference to the deputy director-general and to allow for an assistant director-general to preside as required.

The third amendment has been brought about following a review of the present system of bonded allowances for students at teachers' colleges. This will result in an alternative interest-free loan scheme being available.

The object is to give students entering any of the State teachers' colleges the option of receiving financial assistance in one of the following ways—

> Bonded studentship, which is the equivalent of the present system of bonded allowances and has the same rates of payment, bonded conditions, and allowances.

A student electing to accept this studentship will be bonded to the Education Department for a specific period upon completion of training.

> Unbonded studentship whereby a student is not required to enter into a bond.

Assistance under this scheme will be given in the form of loans which are repayable without interest from the day of graduation from teachers' college.

To implement these proposals it has been recommended that the repeal and re-enactment of section 37A is desirable. The terms and conditions upon which loans can be offered and also the prescribed form of loan agreement will be covered by way of regulation.

The details of the unbonded studentship scheme covered by the required regulation are as follows—

> Students electing to enter teachers' college without bonding will have all compulsory tuition fees paid and will receive a basic allowance of $140 a year which will not be subject to repayment. No other allowances—for example, for travel, or books—will be paid.
>
> In addition to the above nonrepayable allowances, students will be eligible to receive in any one year, by agreement with the Education Department, a loan, without means test, to a maximum amount of $700. This is equal to the living allowance set by the Commonwealth for its university scholarship scheme. Students may elect to vary the amount of the loan they wish to take in multiples of $50 up to the specified maximum.
>
> Students electing to take out loans must nominate at the beginning of each year the number of $50 loan units they wish to borrow up to the specified maximum. The amount of money so nominated will be made available in three equal instalments payable at the beginning of each term. a student who elects to take less than his annual loan entitlement, and who through changed conditions finds himself in necessitous circumstances, may make application to the Director-General of Education to be granted a supplementary loan to bring the level of his borrowings for the year to the specified maximum annual amount.
>
> In the case of married male students and students who are over the age of 25 years, the annual loan maximum will be increased to the amount of $1,000, the level of the independent rate set for Commonwealth university scholarships.
>
> Loans will be repayable without interest from the day of graduation from teachers' college. The maximum time for repayment of loans will be a period equal to one year more than than the period in which the loans are received.
>
> Only those male and single female persons who have resided in Western Australia for two years immediately prior to entry into teachers' college, who are not in receipt of any other scholarship, and who are under no contractual obligation or agreement to any other employer will be eligible to receive loans under this scheme, unless otherwise determined by the Minister.

I commend the Bill to the House and again move that it be now read a second time.

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

## ACTS AMENDMENT (ROAD SAFETY AND TRAFFIC) BILL

*Second Reading*

Debate resumed from the 17th April.

**THE HON. V. J. FERRY** (South-West) [9.17 p.m.]: The legislation before us appears to involve a great deal, and I believe it does. Perhaps I should preface my remarks concerning the Bill by reading for

the record in *Hansard* the preamble which describes the purpose of the measure. I quote—

> A BILL for AN ACT to vest in the Department of Motor Vehicles, subject to the Minister for Traffic Safety, the functions of the licensing of drivers of motor vehicles, the licensing of motor vehicles and matters associated with the standards of roadworthiness and equipment of motor vehicles, and associated functions; to establish a Road Traffic Safety Authority to act as an advisory body on traffic safety matters and to co-ordinate such activities of the Main Roads Department, the Commissioner of Police, Local Authorities and the Department of Motor Vehicles as concern traffic safety; to amend the Traffic Act, 1919-1972, the Local Government Act, 1960-1972, the Used Car Dealers Act, 1964 and the Motor Vehicle Drivers Instructors Act, 1963; and for incidental and other purposes.

I think it will be realised from what is contained in the preamble that this is indeed a complicated Bill. Some of its provisions will have far-reaching consequences. I suggest that the draftsman charged with the responsibility of compiling the Bill before us would indeed have had some worrying moments. In my humble way I too have had a great deal of difficulty in trying to perceive what effect the various provisions in the Bill will have if and when the measure becomes law.

I do not think the difficulty I have experienced is altogether in isolation. When one considers the background of this legislation one must concede, I think, that even the Government itself has had some difficulty in coming up with the measure. I think it has its origin, in part at least, in the Premier's policy speech of 1971 in which he said, and I quote from page 3—

> As the present system of multiple traffic control and vehicle licensing is incompatible with State-wide efficient traffic management we shall place complete control of traffic with the Police Department which we propose to restructure.
>
> Within the new structure we propose to build a Traffic Safety Council which will devote itself solely to those matters within the area of traffic safety and be assisted by a Safety Research Laboratory which we shall establish and keep well supplied with funds.

I think it is well if we reflect for a moment on what was intended a little over two years ago, prior to the last general election, when the Premier, on delivering his policy speech, said amongst other things that if the Labor Party became the Government it would place the complete control of traffic with the Police Department. If members read the provisions contained in this Bill they will find that this is not so. Let me again refer to the Premier's policy speech at page 4 when he said—

> To permit the most effective attack upon the problem all departments other than the Police Department will cease to have any jurisdiction in the field of road safety.

Here again, these words reinforce the thought that the Police Department would in fact be the major section of Government administration that will handle the field of road safety and road matters. Having said that the Police Department will be restructured and that complete control will rest with that department we have a situation where the Government has seen fit to appoint a committee to look into matters of traffic safety, vehicle registration, and driver licensing in Western Australia.

This was an interdepartmental committee appointed by the Minister for Traffic Safety and the report of the committee is dated December 1972. In part, on page 14 of the report is mentioned and recommended that the road traffic safety authority be set up as soon as practicable. The committee also made a number of other recommendations. The terms of reference under which the committee in question operated are as follows—

> In July 1972 the Hon. Minister for Traffic Safety set up an inter-departmental Committee to inquire into the establishment of a new department responsible for traffic safety, accident research and related functions such as the registration of motor vehicles and licensing of drivers. The need for this inquiry arose from the several recommendations made by Superintendent A. T. Monck after a study tour of several overseas countries in the first half of 1972.

So it would seem that in the last two years the Government has changed its policy in respect of road matters and in connection with restructuring the Police Department, as was first intended. The Government is now being guided by the report of the interdepartmental committee, with which I have no quarrel, except to say that the terms of the report are restrictive.

I say this because I understand from my research of the Government's initial intention that the Government is still in a quandary as to what it should really do. Accordingly it seems to me that the matter is being tackled in the wrong manner. I feel that the intentions contained in the legislation are first rate, but the Government is setting about achieving those intentions in an inappropriate manner, inasmuch as the Bill before us will be difficult to implement because it affects a

number of Acts. This in itself makes it further complicated in its interpretation of the law, and more complicated for the average citizen to understand.

A feature of the Bill that I do not understand—and this has been mentioned in another place—is that it constitutes a fragmentation of traffic control and related matters in this State. The Bill seeks to establish a new department of motor vehicles, and I will have a little more to say about that in a short time.

With due respect to the gentlemen who comprised this interdepartmental committee and who came up with the report they did, I believe they were faced with the wrong terms of reference; they were faced with difficulties in trying to reach a desireable solution for the restructuring of our traffic control in this State.

I say this in the knowledge that the Government still intends to have the Police Department and its officers associated with the actual policing of the roads and the law enforcement thereon.

Had the committee been charged with an overall brief to look at all facets of road safety and control of traffic throughout the State in the broader sense, I believe it may have come up with another solution. From what I can make out, however, the committee was restricted in its viewpoint and accordingly it had to work along the guidelines that were set for it.

May I now refer to the new department it is proposed to set up, which is to be known as the department of motor vehicles. The name of this department is quite appealing, but in actual fact it is not in accordance with what has happened in some of the other States of Australia. I can mention by way of comparison that in New South Wales there are two departments associated with traffic matters. These are the Police Department and the Department of Motor Transport.

The term "Department of Motor Transport" is well understood, I believe, in that State but in Western Australia we are to have a department which is to be known as the department of motor vehicles. I would like to quibble a little on this point. If we are to have a department at all, I think it may be preferable to align it a little more closely with the designation of the departments in the other States.

I do not believe that a number of departments with different names will help the overall traffic control in Australia, bearing in mind that, because of the excellent roads provided, Australian citizens are able to travel around Australia with comparative ease. It is perplexing to go from one State to another and be confronted with different laws and regulations from those obtaining in this State.

Having said that, I think the committee and the Government would have been much better advised to view the traffic problem in a more general and overall manner and to aim to have it structured under one authority. The subject is too important for fragmentation. Traffic control today, being one of the associated features of road safety, is one of the most pressing social problems we have and, therefore, I am of the opinion that one authority would be preferable. Such an authority would deal with all matters associated with traffic control and I mention in particular vehicle registration, driver licensing, traffic safety which is a very important feature, driver instructor licensing, tow truck operators and operations, used-car dealers, and traffic control generally. All these features should come under one department or authority and, particularly, under one Minister.

We have a Minister for Traffic Safety, but the Minister for Police will still be in charge of the police traffic enforcement officers. However, I have my doubts as to how well or badly this system will operate.

When considering the background to this legislation it is interesting to note that the Government continues to take authority away from the Police Department. In his second reading speech the Minister said in essence—I do not have the notes before me—that in earlier years traffic was an adjunct to the activities of the Police Department. Today motor vehicle administration is really a major issue and is rather more than the police can conveniently handle. I do not say they are not capable of handling it, but it has grown so big that the overall problem of traffic control with all its facets has passed the stage of being only a small segment of the activities of the Police Department. The Government is now devesting the Police Department of quite a deal of its activities.

Contained in the report is a section dealing with recommendations relating to vehicle inspections which is an important subject. It is not known precisely the effect periodical vehicle inspections would have on the road toll, but quite obviously vehicle inspections by properly authorised and trained officers must reduce the road toll or accident rate whether such accidents result in fatalities or injuries or are merely straightout accidents not involving human life. I therefore believe that inspections of vehicles must be carried out; and, based on the figures suggested, that such inspections could prevent some 25 lives a year being lost on the Western Australian roads. This has not been completely proven, but in some of the States of America which have compulsory vehicle inspections it has been proved that such inspections have helped to reduce the road toll. No matter how small has been the number of lives saved, vehicle inspections are worth-while as a

factor contributing to road safety. We must consider the means by which vehicles might be inspected. It has been suggested that Government-operated centres should be established within the metropolitan area, but in country areas authorised garages could carry out the work, the argument being that the cost of establishing Government-sponsored inspection centres would be exceedingly high. It is said that initially the cost would be in the order of $1,000,000. This amount of money should not be spent when qualified private-enterprise establishments are available to carry out this work quite capably. We must be very careful not to overcapitalise in this respect. I am quite certain that garages or inspection centres run by private concerns would be just as capable of carrying out the functions envisaged as would Government-controlled inspection centres.

I know the argument has been raised—and it is in the report—that the danger of privately-owned garages or inspection centres is that some shady deals—if I might use that expression—could occur. In other words it is said that approval could be given by private garages to vehicles which may not otherwise be approved as being fit and proper vehicles to be on the road. I do not subscribe to that theory at all.

There are ways to deal with such instances. If a privately-run garage was not operating efficiently it could be delicensed or the franchise taken from it. However, I cannot believe that any privately-owned inspection centre would allow itself to get into that situation because its object is to make a profit. Therefore it would be jealous of its reputation and would not be likely to allow this sort of malpractice to occur. I am not saying it could not occur, but if it did the proprietors of the centre would take appropriate measures to ensure it did not occur again.

The Hon. F. D. Willmott: It could occur just as easily in a Government inspection centre.

The Hon. V. J. FERRY: This is ever so true because we come back to the basic problem that the work is being done by humans and when humans are involved weaknesses do occur at times. Therefore the same argument could apply to a Government-controlled establishment. I do not hold the view that the work could be done only at Government-sponsored centres. It is proposed that the road traffic safety authority will comprise five members, these being—

(a) the director;

(b) the Commissioner of Main Roads;

(c) the Commissioner of Police; and

(d) two other persons appointed by the Governor one of whom shall represent municipalities.

The concept of the board controlling the authority is reasonable, but the provision is not wide enough. I believe there should be further representation. If this Bill is passed I would like the number on the board to be increased a little more in order to give greater representation. Particularly would I like representatives drawn from those who have first-hand knowledge, expertise, and experience of traffic control within the State.

In this regard I refer particularly to the knowledge and expertise which has been gained over a number of years by those in local authorities. Throughout the length and breadth of the State local authorities have been charged with the responsibility of looking after traffic matters for quite a period of time and under many and varied conditions. They are fully *au fait* with the conditions in the various districts throughout the State. We are all aware that the conditions in the metropolitan region vary considerably from those in other parts of the State. Therefore I believe that the expertise gained in those other areas is vital to any road traffic safety authority.

The Main Roads Department appears to be playing an increasing role in road safety and vehicle control. Therefore it would be well, when considering this legislation, to take into account the role of the Main Roads Department. I would like to quote from page 5 of its 1972 annual report. Under the heading of, "Functions and Organization" is the following—

> The major function of the Main Roads Department is building and maintaining main and controlled access roads throughout Western Australia.

I emphasise that the major function is the building and maintenance of roads throughout Western Australia. The report continues—

> Other functions include—
>
> provision of substantial funds for upgrading important secondary roads;
>
> assisting with the construction of W.A.'s large mileage of developmental roads which include forestry and tourist roads;
>
> giving technical advice to local authorities;
>
> allocating statutory government grants to local authorities for roadworks;
>
> designing, installing and maintaining traffic signals;
>
> providing road signs and services in conformity with national traffic engineering practice.

When I reflect upon those other functions of the department I find it rather interesting that the Government is seeking to enlarge upon them by bringing a further aspect of road safety under its wing. Here again I refer, as I did earlier, to the fragmentation of traffic control. I cannot get away from the belief that the subject of traffic is too important to fragment. It should be under one Minister and have one organisation to control every facet.

On page 8 of the same report, under the heading of "Legislation" is the following—

> During the year, the Main Roads Act was amended to provide the Commissioner with more clearly defined responsibilities for the control of main road reserves in the interests of safety, conservation of roadside trees and natural vegetation, and prevention and removal of litter as part of a policy for conserving and improving the road reserves of the principal road system throughout the State.
>
> The amendment also provides the Governor, on the recommendation of the Commissioner, with the power to make regulations for the control of advertising signs, and hoardings on or in the vicinity of main roads and controlled access roads and for the delegation of these powers to control advertising signs to local authorities. Regulations for the control of advertising signs are necessary in the interests of road users from the aspects of road safety and scenic amenity.

I do not disagree with everything in the passage to which I have just referred, but I draw the attention of the House to the fact that under the proposals of the present Government a great area of responsibility is being passed from one department to another; namely, from the Police Department to the Main Roads Department. I have the greatest regard for the work done by the Main Roads Department of this State. It has done a tremendously good job in developing roads over many miles in many cases under diversely difficult circumstances. To return to my point, I believe this is the main role of the Main Roads Department, as it mentions in its own report. Its main function is to develop roads.

I do not believe it is right and proper that the powers proposed in the legislation should be thrust upon or given to the Main Roads Department. I do not believe the Main Roads Department should be so concerned with traffic matters. It certainly must be concerned in some facets, but I do not believe it should be built up to become what the Police Department perhaps now is—and this is why it is being diverted to another department. I do not think the Government will achieve anything. We return, again and again, to the point that this is a matter which deserves one management and one authority which would cover all facets of traffic matters.

So much has been said from time to time in regard to the road toll. I commend the Government for endeavouring to try to correct this matter which is one of tremendous public interest. We all wish to reduce the road toll. We must remind ourselves that the proposed road traffic safety authority is only to be set up in an advisory capacity to the Director and the Minister. Therefore it would have no real powers of direction.

I do not disagree with advisory committees but, here again, it would be far better to have this kind of advisory committee expanded to form the base on which a separate authority could be built. I believe we would then be getting somewhere in regard to traffic matters.

Another feature is that I doubt very much whether the legislation is designed to please local authorities to any extent. Although local authorities will have a say on the advisory committee I cannot see that they will have any real contribution to make under this setup. Earlier I referred to the expertise which has been gained by local authorities throughout the State over a period of years in respect of traffic matters. I think that expertise can be used to great advantage, but under this legislation, I doubt very much whether, in this capacity, local authorities will be of real value to the Government.

I recall that a meeting of delegates of local authorities throughout Western Australia was held recently in the Perth Town Hall. They discussed one subject on the one day—the subject of traffic control throughout the State. As so many of us know, the result was that this great assembly of delegates from local authorities far and wide throughout this State strongly supported the establishment of one single traffic authority, separate from the Police Department, throughout Western Australia. This would overcome the difficulty of having police control in the metropolitan area and in those local authority areas outside the metropolitan area which have seen fit to hand over traffic control to the Police Department. It would obviate the present unsatisfactory system of traffic control whereby some shires are charged with this responsibility and, in other cases, country regional traffic committees are charged with it. I believe that these people do a very fine job and I do not take anything away from them in this regard, bearing in mind the great distances and disabilities associated with country roads. I do not believe that the legislation would achieve anything in this regard because it does not propose to change that setup. Consequently we will be left with the same fragmentation.

I refer again to the shires and delegates of local authorities which met at the Perth Town Hall some time ago. At that meeting they confirmed their desire that all traffic matters should be under one authority and I support that suggestion.

There is so much one can say in discussing this legislation because of the many facets to it. I will have to choose only some parts of the many aspects I could discuss. The cost of setting up the department of motor vehicles has been the subject of a feasibility study as a result of the interdepartmental report. I am glad this study has been undertaken, because it shows that the estimated annual cost for 1972-73 would be $2,156,000. I would not raise the issue of cost if I felt it were a step in the right direction, but I would much prefer to see this amount of money spent more logically, as I have tried to explain.

I believe the Government has started from the wrong end of the corridor. It is desperately trying to achieve something and I do not take anything from the Government in that regard. It is endeavouring to correct the situation for the community over the whole of the State. I still feel the money would be better spent in having a look at the total situation with particular emphasis on the education of people who use our roads. Education would commence in the schools. I know that this is done in a limited way now. Indeed, it is done very well by the National Safety Council and other organisations. However, this is only a start and it is not nearly enough. I suggest that one authority should mould a general pattern with a view to total involvement of all the citizens in the State—from the young to the old—over a period of years in a logical sequence. I believe people would respond to this. I am convinced that citizens will respond to guidance if an idea and a system were good enough. However, I doubt that they will respond as wholeheartedly as we would like under this proposal. This worries me and, in saying so, I am not thinking particularly of the money involved. We can always replace dollars but we cannot replace people. It does worry me a little that the cost of setting up the department of motor vehicles may not be warranted. I am not convinced it is. I may yet be convinced by members of the Chamber in the course of the debate but I have my doubts.

It is not my intention to refer to clauses in a particular manner, during the second reading debate. Indeed, Mr. President, you would correct me if I did because that method of examination comes at a later stage should the Bill reach that stage. I do wish to draw the attention of the Minister to page 10 of the Bill. I refer to clause 12 and I raise this point for a particular reason. I request an explanation from the Minister; otherwise, it may be necessary to move an amendment at a later stage. I refer to the proposed re-enacted subsection (8a) which reads as follows—

> (8a) Without affecting the right of a member of the police force or an inspector to institute proceedings for an offence against this Act or the regulations, such proceedings (not being proceedings for an offence of which the use of a vehicle on the road or the driving of a vehicle is an element) may be instituted by an officer of the Department authorised in that behalf by the Director. : and

I am curious to know why the words in brackets have been included. I am not a legal man, but it seems evident that if anyone is to take action in respect of a misdemeanour associated with traffic, this action should be instituted by a properly trained traffic officer. I refer to properly trained police officers, where police control applies, or properly trained traffic inspectors who are employed by shires which control traffic matters.

The wording worries me a little in that proceedings could be commenced and perhaps instituted by an officer of the department, who is other than an appropriately qualified person, authorised by the director. There could be a logical explanation for this but I would not like to think that, if this legislation becomes law, an officer in the department who is not properly qualified could be authorised by the director to do certain things.

This may seem elementary and it may not happen, but I raise the issue because I would not like to see this kind of power given to the department, through a director. I certainly would not like to see officers authorised to commence and institute proceedings unless they were properly qualified in every respect. If they were not qualified, I believe the officers in the department who were charged with the responsibility of law enforcement would lose the respect of citizens because lesser people —if I may use that term—would be apprehending them.

I refer again to the difficulties I have experienced in relating this legislation to the various Acts on our Statute Book; some of which are minor and the amendments proposed would be consequential and more or less of a machinery nature. The list is fairly comprehensive, and I refer particularly to the Used Car Dealers Act and the Motor Vehicle Drivers Instructors Act as being two of the easier ones. I am rather worried about the effect the legislation will have on the main Act which is involved; namely, the Traffic Act.

The provisions of this Bill seem to be extremely far reaching and they deserve the closest attention of members to ascertain the ultimate effects of each provision. When one tries to consider changes, by

way of amendment to the existing wording or deletion of provisions, one is confronted with the difficulty of visualising how such an amendment would ultimately affect traffic control in all its complexities. That sounds like a lot of words and perhaps it is. I say this legislation is a lot of words. I have tried to make it meaningful and I believe that others who try to interpret it will also find some difficulty.

I do not believe this legislation is in the best interests of Western Australia and, if the Government pursues its policy and the legislation becomes law, it will not be long before we are dealing with many amendments to make it more workable. It seems to be quite a hotch potch of ideas and a move by the Government, born of desperation, to bring about a more desirable situation in connection with motor vehicles and road use.

I know other members will speak on this matter, although I do not know how many. I encourage people to express their views as it is a very important measure. I am very concerned for people in country districts. I cannot help but feel that the proposals here do very little to help those in country areas in regard to traffic control. Of course, some assistance will flow from the recommendations of the report to which I referred earlier—some assistance by way of traffic accident investigations and findings. However, when one considers how this must be done, one realises that it will not help the overall situation. I would like to instance one facet of this matter. I understand the present situation in regard to blood alcohol testing is that the analysis must be carried out at the Government Laboratories under the control of the Mines Department. This may be a quite efficient system, but it does involve another department in a traffic matter. So I feel again that the Government would be well advised to look at the matter to see exactly where it is going.

The Hon. A. F. Griffith: The only connection with the Mines Department is that the laboratory does the analysis.

The Hon. V. J. FERRY: I agree, but I wonder whether the system is as efficient as it could be. Perhaps someone may prove to me that it is. One single authority and one Minister should control all traffic matters.

The Hon. A. F. Griffith: The Government Laboratories undertake food analyses too.

The Hon. V. J. FERRY: I appreciate that the Government Laboratories probably do many things. However, I raise this as another facet of fragmented traffic control. In my humble way it seems to me that although the present legislation is an attempt to improve traffic control and the movement of vehicles around the State, it does not seem to be getting anywhere. I view the legislation in that light. I will be very happy to hear the comments of other members, and I am sure, as is usually the case, the legislation will receive the utmost consideration in this House.

I return to the point that the legislation will only lead to more fragmentation. It is diversifying some matters and consolidating others, but in the ultimate I raise the question: Is it all worth it?

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

## FIREARMS BILL

*Second Reading*

Debate resumed from the 17th April.

THE HON. I. G. MEDCALF (Metropolitan) [10.04 p.m.]: I should like to take the opportunity to speak briefly to the measure even at this late stage. I have had a chance to look at the Victorian legislation which was referred to by Mr. Willmott. This legislation is interesting because it provides for shooters' licenses and farm permits. We make no provision for these people either under our existing Act or the proposed Bill which is presently before the House.

Farm permits provide for farmers or people engaged in agriculture and allows them to hold a license. Members of sporting shooters' associations may apply for shooters' licenses. Both these provisions were introduced in an amending Act in Victoria in 1972. I have looked at this Act and I must say I was impressed by it. I hope at some future stage—I do not suggest it is practical during the course of this Bill—the Government will give consideration to providing for farm permits and shooters' licenses. I believe this suggestion is worthy of consideration because the situation in regard to shooters is similar in the two States; it is also similar in regard to farm permits.

I would like to deal with the latter subject very briefly. A farm permit is issued to a farmer free of charge. It entitles him to use a pea rifle or a shotgun on his farm, but only on his farm. It also permits a member of his family or an employee to use a firearm on the property. A farmer is therefore enabled to use a pea rifle or shotgun on his property for any farm purpose including the destruction of vermin and the shooting of game.

Shooters' permits enable people classified as shooters by the Victoria Police—people recognised as members of rifle associations and clubs—to obtain a license to shoot wild duck or any game specified in the Act. A fee is payable for this type of license in accordance with the particular firearm to be used. This may be a pea rifle, a shotgun, or any other rifle including a high-powered rifle.

If I may say so, in the past I have detected a certain reluctance on the part of some members of the Police Force to license persons to use rifles for the purpose of shooting game. I have not been able to discover the reason for the reluctance but, for example, members will be aware that the Police Force is traditionally reluctant to license a .303 rifle—a high-powered rifle—even though it is very necessary in connection with certain sporting shooting. When I say "necessary", I mean that such a rifle is necessary if one does not have a more modern high-powered rifle. To shoot game with a .22 is not only very restrictive but also is a very cruel form of sport. I therefore believe that at a future stage Parliament should look at the question of including in the Firearms Act provision for sporting shooters to be licensed and for farmers to have permits to shoot on their own properties free of payment of a license fee in respect of pea rifles and shotguns—by pea rifles I mean the .22 rifle.

It seems to me that there is one significant omission in the Firearms Bill—safety. I can understand this omission because the inclusion of specific reference to safety would entail a great deal of work and it would mean embarking on a new area. I do not doubt that safety is implied in the wording of the legislation in reference to members of the Police Force issuing licenses. They will not issue licenses to people whom they consider unfit to hold such licenses for any reason at all. In fat, it is specified that a person applying for a license must be, in the opinion of the commissioner, fit to hold the license. That is a very proper and reasonable requirement and I do not quarrel with it for a moment. However, I feel that the opportunity could have been taken to include something along the lines of safety tests for people who apply for licenses. Anyone who has done any shooting at all or who has become familiar with the use of weapons knows that the first requirement before anyone is allowed to fire any sort of weapon in an organised group is to instil the idea of safety into that person. Safety measures must become instinctive.

Members will be aware that many a person is now moldering in some distant grave because he did not observe the safety rules in relation to firearms. When dealing with any weapon—be it a pea rifle or a high-powered rifle—some attempt should be made to ensure that the person applying for a license is aware of the normal safety rules in respect of that weapon. I do not detect any such requirement in this Bill, but I believe this matter should be considered by the Minister. Safety tests in regard to firearms are essential. I believe many of the sporting shooters' associations and gun clubs insist upon safety training and, indeed, provide a service to the public in that they train members joining their associations and clubs in aspects of safety. Senior members of the associations deliberately train and school junior members in how to use the weapons and in safety aspects. The senior members exercise their authority to prevent breaches of ordinary safety precautions.

We are all aware of many accidents which have occurred when people have been on shooting expeditions, particularly when shooters climb through fences. Many people fail to observe the very elementary rules for handling weapons when climbing through fences. I wonder how many policemen, when issuing licenses, ask the applicants if they know how to handle weapons when getting through fences or out of cars. I wonder how many policemen ever make any effort to ensure that people applying for licenses understand they must never have a loaded weapon in a vehicle. The Minister for Police may assure me that this is done on all occasions, but I have personally licensed weapons and I have never been asked these questions. All of us who have had anything to do with young or inexperienced people in a group involving the use of weapons always insist upon these precautions and, in fact, many more.

I believe the safety aspect is one of vital concern to the Police Force and to the public. I hope on some future occasion we will see a provision included in the firearms legislation that people applying for licenses must undergo some form of test to ensure proper safety precautions in the use of these firearms.

It has been suggested that individuals should be licensed rather than weapons. This occurs in Victoria where shooters are licensed individually. There is something to be said for this course in the case of people who have received special training in the handling of guns and in safety precautions. We need not fear that these people will get into trouble. However, for the moment we are dealing with the licensing of weapons and I do not suggest we should make any drastic change in this particular legislation, apart from the amendments suggested.

I would like to mention one or two points very briefly in the hope that the Minister may reply if he sees fit either now or during the Committee stage. I would like to draw his attention to clause 11. This clause provides the conditions which are to apply at the discretion of the commissioner before a license is issued. One of the requirements is that the commissioner must be satisfied the applicant has a good reason for wanting to acquire a weapon. I suggest that that clause should not be used oppressively, as I understand there has been a tendency in the past to use it against trained sporting shooters. If people are members of trained sporting shooters' clubs or of gun clubs, or are engaged in primary production, that

should be sufficient reason to satisfy the Commissioner of Police that they require weapons.

I would also like to refer to clause 21 which prescribes restrictions, limitations, and conditions which may be set out in the license. I do not believe that at the present time the commissioner does impose restrictions, limitations, and conditions on an ordinary firearm license. If I am incorrect no doubt the Minister will correct me, but I cannot recall any particular conditions having been inserted in a normal license. Certainly the present Act does not specify that the commissioner may lay down any conditions in a normal license. However, under clause 21 the commissioner will be empowered to lay down restrictions, limitations, or conditions in any license at all, not including curio licenses but including licenses for .22 rifles.

It seems to me that a small problem arises when we refer to clause 23, because it provides penalties where a person carries an unlicensed firearm between the hours of 7.00 a.m. and 7.00 p.m.; and likewise another clause provides another penalty where a person carries an unlicensed firearm between the hours of 7.00 p.m. and 7.00 a.m. on the following morning. The object is that when a person carries an unlicensed firearm at night a stiffer penalty may be imposed. I am not quarrelling with that proposal. However, my point is this: Subclause (3) states—

> Unless he holds a licence or permit under this Act entitling him to do so, or unless the provisions of section 8 apply, a person who carries or uses a firearm between the hours of seven in the morning and seven in the following evening commits an offence.

I emphasise the words used, "entitling him to do so". To me it would seem that in future every license, including an ordinary license issued to a farmer, will have to bear the endorsement that the holder is entitled to carry the firearm between 7.00 a.m. and 7.00 p.m., between 7.00 p.m. and 7.00 a.m. the next morning, or alternatively for the 24 hours of the day.

In view of the fact that the Commissioner of Police is now entitled to insert conditions on all licenses, and that a person must have a license to entitle him to carry a firearm, he will need to have an endorsement on the license to enable him to do so in the hours of the day, in the hours of the night, or during both periods. I am wondering what is proposed. I am drawing attention to this matter in case the point might not have been considered.

I refer to one other point—the right of appeal. This has already been mentioned by Mr. Willmott who pointed out that whereas under the present Act there is no restriction on the right of appeal, and that if a person is aggrieved by the decision of the commissioner he may apply to a magistrate's court. Under the Bill a person may still appeal to a magistrate's court, but the decision of that court is final and not subject to appeal.

Matters which are the subject of appeal may be very serious. The person concerned could be a manufacturer holding a manufacturer's license which entitles him to produce firearms or ammunition on his premises. However, under the Bill that license could be refused by the Commissioner of Police, and the only recourse to the manufacturer is the right of appeal to a magistrate's court.

In my view that is not good enough. This restriction applies not only to the manufacturer of weapons and ammunition, but also to firearm dealers or anybody else. I do not think the average person would take an appeal past the magistrate's court, but I see no reason why we should restrict the appeal particularly where the person concerned believes he has good grounds for an appeal. In my view it is not a good principle to restrict the rights of appeal of people, because by doing so we would create a seething body of discontent. Where a person believes he has a right of appeal it should not be taken from him.

With those remarks I support the Bill.

Debate adjourned, on motion by The Hon. R. F. Claughton.

*House adjourned at 10.21 p.m.*

# Legislative Assembly

Tuesday, the 1st May, 1973

The SPEAKER (Mr. Norton) took the Chair at 4.30 p.m., and read prayers.

## TABLING OF PAPERS

*Perth-Leighton Railway Line: Correspondence*

Mr. J. T. TONKIN (Premier):

> At the last sitting of the House, on Thursday, the 19th April, I undertook to lay certain papers on the Table of the House. I now have those papers and I present them for tabling.

*The papers were tabled (see paper No. 136).*

*Public Relations Officers and Promotion Officers: Number*

Mr. J. T. TONKIN (Premier):

> On the 21st March the member for Mt. Lawley asked a question concerning public relations officers. At that time I was not able to supply the details. I now have the information but as it is quite