The Hon. R. F. CLAUGHTON: I think it was as well to draw out that point. It was not referred to in the Minister's speech and it is possible that some schools around the city would be worried about their position. We may go through a period when there is some heartburning about these matters.

The Hon. G. C. MacKinnon: I am sure we will.

The Hon. R. F. CLAUGHTON: There is the question of false advertising, and so on; but with anything new these problems arise.

Clause put and passed.

Clauses 24 to 31 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [8.05 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 8.06 p.m.

Legislative Assembly

Tuesday, the 11th May, 1976

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

QUESTIONS (12): ON NOTICE

1. MAGISTRATE

Bunbury: Workload

Mr BERTRAM, to the Minister representing the Attorney-General:

(1) Has any request been made for an investigation of the workload of the magistrate at Bunbury in each of the last three years?

(2) Have such investigations been made?

(3) What were the results of any such investigations?

(4) Has the appointment of a second magistrate to Bunbury to handle the present magistrate's circuit to other towns and the Collie and Harvey courts, which are currently serviced from Narrogin and Rockingham respectively, been considered?

(5) What was the result of any such consideration?

Mr O'NEIL replied:

(1) Yes. A request was made by the South-west Law Conference in October, 1973.

(2) Yes.

(3) to (5) The service provided by the court at Bunbury was found to be completely satisfactory and it was considered unnecessary to appoint a second magistrate to that centre.

2. SUPREME COURT AND FAMILY COURT

Registries, and Filing of Documents

Mr BERTRAM, to the Minister representing the Attorney-General:

(1) Is it a fact that a divorce costs country residents between $50 and $150 more than city residents because of the need for country legal practitioners to engage agents in Perth to file documents and to undertake other work?

(2) Has consideration been given to the establishment of supreme court and/or family court registries at Bunbury?

(3) If (2) is "Yes" what plans are there for the establishment of the registries?

(4) What plans, if any, are being made to enable family court and/or supreme court documents to be filed by country legal practitioners direct by mail?

Mr O'NEIL replied:

(1) Prior to establishment of the Family Court it was necessary in divorce proceedings for country legal practitioners to engage agents in Perth for which there was an additional fee between solicitor and client within the scale of between $25 and $75.

(2) and (3) It is not planned to establish registries in country areas immediately as the Family Court will go on circuit to country centres including Bunbury.

(4) After 1st June, country solicitors may forward documents direct to the Family Court in Perth where they will be processed and if in order listed for the next visit of the circuit court.

It is intended that every effort will be made to ensure that people in the country will not be at a disadvantage in these matters.

3. DISTRICT COURT

Bunbury Cases

Mr BERTRAM, to the Minister representing the Minister for Justice:

(1) What facilities are provided in Bunbury for chambers hearings by the district court between circuit visits by judges?

(2) Have any complaints been made to him by legal practitioners in Bunbury over the delay in the hearing of district court chambers matters in Bunbury?

(3) If (2) is "Yes" when were the complaints made and what was the result of them?

Mr O'NEIL replied:

(1) As judges of the District Court visit Bunbury very frequently and deal with chambers matters if required, it has been found unnecessary to provide these facilities between circuit visits. The Registrar or Deputy Registrar of the District Court in Perth visit Bunbury on chambers matters if necessary. However, in recent years the Registrar has been required to visit Bunbury for this purpose on only three occasions.

(2) and (3) One complaint was made to the Registrar, District Court, Perth, by a legal practitioner in Bunbury about one year ago, and withdrawn when an explanation was given.

4. LEGAL PRACTITIONERS

Decentralisation Committee

Mr BERTRAM, to the Minister representing the Attorney-General:

(1) Is he aware that the number of legal practitioners practising in Bunbury has fallen from 14 to 6 full-time and one part-time solicitors in the last three years?

(2) Has a committee been established to investigate ways of attracting legal practitioners to country areas and the decentralisation of legal work?

(3) If (2) is "Yes" who are its members and how often has it met?

(4) What have been the results of the committee's work?

Mr O'NEIL replied:

(1) I am aware there has been a reduction in the number of legal practitioners practising in Bunbury during the past three years.

(2) to (4) The Law Society appointed a decentralisation committee several years ago to deal with the lack of lawyers in country towns but the committee has not met for some considerable time.

The society as a whole is concerned over the lack of lawyers and in recent months has endeavoured to support young practitioners setting up practice in Port Hedland, Carnarvon and Kununurra.

5. SOUTH KALGOORLIE SCHOOL

Repairs and Renovations

Mr T. D. EVANS, to the Minister representing the Minister for Education:

Would the Minister please indicate the date when the next repair and renovation programme is to be undertaken at South Kalgoorlie Primary School?

Mr GRAYDEN replied:

External and internal repairs and renovations for South Kalgoorlie are listed for the 1976-77 financial year, depending upon funding being available.

6. COAL MINING

Open-cut Mine Manager's Certificate

Mr T. H. JONES, to the Minister for Fuel and Energy:

Will he please advise what parties associated with the coal mining industry requested the amendment to the Coal Mines Regulation Act in connection with the qualifications necessary to obtain the open cut mine manager's Certificate of Competency?

Mr O'Neil (for Mr MENSAROS) replied:

The Griffin Coal Mining Company Pty. Ltd. and Western Collieries Limited requested amendment of the Coal Mines Regulation Act to provide for an open cut mine manager's Certificate of Competency.

7. EDUCATION

Demountable Classrooms with Electricity

Mr MOILER, to the Minister representing the Minister for Education:

Would the Minister list those schools at which demountable classrooms are located and which have an electricity supply connected to one or more of the demountable classrooms?

Mr GRAYDEN replied:

No records of this nature are kept by the Education Department. All demountable classrooms are connected to the power supply where it is considered feasible.

8. ROAD TRAFFIC AUTHORITY

Costs and Vehicles

Mr McIVER, to the Minister for Traffic:

(1) What was the total cost of setting up the Road Traffic Authority?

(2) What has been the total operational cost to the State since the inception of the RTA?

(3) How many vehicles have been transferred from the Police Department to the RTA?

(4) Would he enumerate the number of vehicles that are currently available to the Police Department to—

(a) metropolitan area;

(b) outer metropolitan area;

(c) north of the 26th Parallel;

(d) goldfields area;

(e) country areas?

(5) Are any RTA personnel carrying out normal police duties in conjunction with the RTA duties; if so, in what centres?

Mr O'CONNOR replied:

(1) $1 036 175 to 30th April, 1976.

(2) $10 312 900 to 30th April, 1976.

(3) 477.

(4) (a) and (b) 311 vehicles, 18 motor cycles. These vehicles range throughout the metropolitan and outer metropolitan areas.

(c) 34 vehicles.

(d) 21 vehicles, 1 motor cycle.

(e) 110 vehicles, 6 motor cycles.

(5) The Road Traffic Authority patrolmen are employed mainly on traffic duties; however, there is a high standard of co-operation between Road Traffic Authority personnel and the various sections of the Police Department and where there is need, road patrolmen will take such action as is necessary. Similarly police officers take action in traffic matters when necessary.

9. POLICE

Male Striptease Entertainers

Mr BERTRAM, to the Minister for Police:

What action has he taken (if any) and what action does he propose to take (if any) in respect of the recent private enterprise initiative to present male stripteasers as entertainers, as such, at hotels?

Mr O'CONNOR replied:

The liquor and gaming police have made inquiries into this matter and a summons has been issued.

10. MOSMAN PARK TOWN COUNCIL

Elections: Unauthorised Publication

Mr TAYLOR, to the Minister for Local Government:

(1) Has he or his department been advised that with respect to the Mosman Park Town Council an unsigned or unauthorised publication or leaflet has been distributed which calls on residents to vote against three named councillors and by intimation suggests that they are responsible for, or at least, support the "Battle Street flats" project?

(2) If "Yes" what actions has he taken or does he intend to take?

(3) If "No" will he—

(a) ascertain whether such a publication was distributed;

(b) whether such a publication contravened any section of the Local Government Act;

(c) whether in fact the councillors named were actually opposed to the expenditure of council funds on works associated with the Battle Street area, and if not, in support of such expenditure?

(4) In any case will he inquire whether in fact evidence is in the hands of a councillor that the alleged unsigned and unauthorised leaflet was in fact typed on the same typewriter as that used by another member of council who has again nominated for re-election?

Mr RUSHTON replied:

(1) and (2) No official advice has been received.

(3) Inquiries have been made with the Town Clerk who advises that—

(a) a leaflet has come into his hands which does indicate that three particular councillors were the remaining councillors responsible for "the flats". However, the pamphlet does not identify these flats as the "Battle Street flats";

(b) in his opinion the leaflet contravenes the provisions of section 143 of the Local Government Act;

(c) Council minutes record two of the councillors in question as being opposed to certain proposed expenditures associated with the improvement plan for Residential D Zone which includes the Battle Street area. The minutes do not record the third councillor's position on any such question.

(4) No. The Town Clerk advises he has already referred the leaflet to the CIB.

11. EAST PERTH POWER STATION

Atmospheric Pollution

Mr DAVIES, to the Minister representing the Minister for Health:

(1) Further to question 16 of 5th November, 1975 regarding likely dust problem from East Perth power station, is the Minister now able to report on the position and also advise the result of readings from gauges?

(2) What monitoring is at present being carried out?

(3) What is proposed in the foreseeable future?

Mr RIDGE replied:

(1) and (2) There are two dust gauges located within one mile of the power station—a CERL sited near Bennett and Hay Streets, East Perth, and a NSW design deposit gauge at the Bureau of Meteorology enclosure at Wellington Street. Results of monitoring for 1975-76—

	NSW Deposit Gauge mg/m²/day.	CERL Gauge (total dirtiness).
January, 1975	26	1.8
February	128	1.5
March	25	0.9
April	228	1.3
July	58	3.2
August	115	4.7
October	28	4.7
November	102	1.1
December	24	1.5
January, 1976	11	—
February	23	1.2
March	10	1.4

(3) Dust levels in the area, as shown by monitoring results, are relatively low and it is not proposed to install additional dust gauges.

12. TRAFFIC

Drivers' Licences: Availability of Records

Mr MOILER, to the Minister for Traffic:

(1) Is he aware of the article in *The Sunday Times* newspaper 18th April, 1976 entitled "action taken over secret report claim"?

(2) Will he confirm that nobody outside of the Road Traffic Authority has access to that authority's information or drivers' licence numbers?

(3) If driver's licence records or licence numbers are not available to any other than the RTA can he explain why agencies such as the diners club, the American express and departmental stores often request from prospective customers their driver's licence number?

Mr O'CONNOR replied:

(1) Yes.

(2) In the context of the report, no private person or agency has access to the Authority's information on driver's licence records.

(3) Yes, a request to produce a driver's licence, as a means of identification, is common practice throughout Australia and many parts of the world. In the State of Michigan, and many other States of the United States of America, a photograph and description of the holder appears on the driver's licence and is an accepted means of identification. This is regarded as a public service to the extent that driver's licences, containing full details of the holder, are issued to persons who are not qualified to drive a motor vehicle, purely for purposes of identification.

QUESTIONS: (3): WITHOUT NOTICE

1. POTATOES

Seed Scheme and Licence Application

Mr BLAIKIE, to the Minister for Agriculture:

(1) Has the potato seed scheme, as proposed in 1975, commenced, and can he advise whether it is a voluntary scheme?

(2) What is the method of collection of fees for potato and potato seed crops?

(3) Is the Minister aware of the pressures being placed on vegetable inspectors in making inspections as considered necessary by the department in implementing the scheme and if so, will he give details?

(4) Has Westbrook Vasse Pty. Ltd. applied for a wholesale and packers licence and been refused and would he advise on what ground the application was refused?

Mr OLD replied:

(1) Yes. Production of seed potatoes is on a voluntary basis under the potato seed scheme. However, as recommended by the industry, all crops are required to be planted with seed that meets a minimum standard.

(2) Fees for seed potato inspections are payable by the grower on application for the inspection of the crop.

(3) The pressures referred to in relation to the inspection of potato seed crops have not been brought about by the introduction of the 1975 seed scheme, but have always been a feature of the potato industry. Officers of the Department of Agriculture are required to inspect a large number of crops over considerable distances for relatively short periods of the year.

(4) Yes. The Potato Marketing Board considered there was adequate representation in this area.

2. MENTAL HEALTH

Tresillian Hostel: Transfer of Inmates

Mr DAVIES, to the Minister representing the Minister for Health:

(1) Is it now possible to give a firm date as to when transfer of patients from Tresillian Hostel to Ross Memorial Hospital will take place?

(2) If not, can he be more specific than "prior to mid-August, 1976" as stated in reply to question 85 of the 1st April last?

Mr RIDGE replied:

(1) No.

(2) No.

3. EDUCATION DEPARTMENT FILE

Confidential Information: Disclosure

Mr CLARKO, to the Minister representing the Minister for Education:

(1) Is the Minister aware that the member for Swan claims that a "union member" told him of the contents of Mr Roger Dracup's file held by the Education Department?

(2) Did the Minister check the accuracy of this claim?

(3) Is there any action the Minister can take about such blatant disclosures or claims of the contents of personal and confidential information from such files?

Point of Order

Mr BERTRAM: On a point of order, the last proposition put in this question is asking the Minister about a matter of law and in my opinion such a question is not admissible in this place.

Mr O'Connor: Are you worried about it?

The SPEAKER: Before adjudicating on this matter, I would like to hear the last part of the question again.

Mr CLARKO: Is there any action the Minister can take about such blatant disclosures or claims of the contents of personal and confidential information from such files?

Speaker's Ruling

The SPEAKER: I rule the question is in order.

Question without Notice Resumed

Mr Connor: He does not know much about law, does he?

The SPEAKER: Order!

Mr GRAYDEN replied:

(1) Yes. The member for Swan did tell the Minister the same thing and the Minister for Education naturally assumed the member for Swan to mean a member of the Teachers' Union.

(2) Yes. The Minister for Education personally asked the Secretary of the Teachers' Union (Mr Trevor Lloyd).

Mr Lloyd is permitted to inspect personal files on behalf of union members and is the only Teachers' Union member who does so.
Mr Lloyd uses this right exceedingly sparingly—once or twice a year.

Mr Lloyd gave the Minister for Education a personal assurance that he did not tell the member for Swan anything about the contents of any file.
The Minister for Education unhesitatingly accepted that assurance.

(3) Unfortunately, no.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Transport) [4.50 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before the House contains an amendment which is considered desirable in the administration of the Road Maintenance (Contribution) Act, and I shall give an explanation of this amendment.

A complaint of an offence against the Act as it is now constituted is heard before a stipendiary magistrate, which procedure requires officers of the commission to attend the court hearing concerned.

Such a procedure is costly in terms of the number of man-hours involved in giving or waiting to give evidence and provision is now being made for an alternative method of presentation of evidence by affidavit in order to minimise this cost and at the same time gain more effective utilisation of officers' time in policing the provisions of the Act.

The adoption of this procedure, as outlined in the amendment, in no way inhibits a defendant's right to appear in court as is done at present and to have the complainant present his evidence orally; but should the defendant not do so, the court is empowered to hear and determine the complaint in his absence on the particulars contained in the evidence of affidavit accompanying the summons already served on the defendant.

Provision also is made for the situation arising whereby the defendant either elects not to appear or makes no election at all under these alternative proceedings and then does appear at court for the hearing; under these circumstances the complainant, who is expecting to give evidence by affidavit, is empowered to request from the court an adjournment of the proceedings until such time as he is able to proceed otherwise than by this method.

It would be understood that, in a situation such as this, the complainant would not have his officers on hand in court to give evidence orally and he would then require time to arrange for this changed procedure.

Provision also is made to advise the defendant that should he not appear at a court hearing and is convicted of an offence under this alternative procedure, a record of any alleged prior convictions under the Act and concerning which he has been duly advised, will be tendered to and admitted by the court as evidence.

At the same time, should the defendant appear at court with any document which he has received setting out alleged prior convictions against the Act, such document will be admissible at court only either with his consent or in accordance with the law of evidence regarding such matters.

In this regard full protection is given to the defendant and further redress is afforded to the defendant should he not be advised of the intention by the complainant to supply to the court evidence relating to his prior convictions or if there should be any error in fact on the part of the complainant relating to any prior convictions.

Finally, it should be emphasised that this proposed method of presenting evidence by affidavit in no way impinges on the right of the individual to have any complaint brought against him heard in court with both parties presenting their evidence before a magistrate.

However, it has been our experience that, as many complaints brought against persons under the provisions of this Act go undefended, it will be possible by the introduction of this alternative method of presenting evidence by affidavit to reduce, in certain instances, the costs associated with the existing procedures.

Debate adjourned, on motion by Mr McIver.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Transport) [4.54 p.m.]: I move—

That the Bill be now read a second time.

I should point out to members that the first three Bills on the notice paper are singular in their contents. However, I will give details of all Bills separately for the benefit of the relevant shadow Minister.

This Bill contains amendments considered necessary in the administration of the Taxi-cars (Co-ordination and Control) Act and include among other measures similar provisions to the previous Bill in relation to the use of affidavits as evidence.

At the time the Taxi Control Board was constituted by Act of Parliament, it was the intention of the Government that the cost of administering the Act should come from within the taxi industry and not be a charge against Treasury moneys.

Accordingly, provision was made in the Act for the board to charge fees for the issue of licences and to set appropriate premiums payable on the issue of additional taxi-car licences.

However, with the downturn in economic activity and the likelihood of this continuing, the board, having regard to the hardship that would be imposed on existing licensees should any additional premium taxi-car licences be issued, has not made any such issue in the past 18 months and is not likely to do so within the near future.

The effect of the foregoing means that the absence of new premium moneys will result in an estimated budget deficiency on the board's activities for the financial year 1975-76 of $37 701 and an estimated deficiency of $41 167 for the 1976-77 financial year unless the position is rectified.

In considering the various sources of revenue at present available to the board, it is contended that it would be inequitable and impose undue hardship upon existing licensees to increase the annual licence fee to the extent needed to fund these deficiencies, but rather persons coming into the industry should be expected to make a contribution towards the stability and protection of the industry afforded by this Act.

Accordingly, it is proposed to amend the Act to provide for a fee in the case of any transfer of licence up to 10 per cent of market value of goodwill as determined by the board. In practice, this fee will be subject to the approval of the Minister and set at a figure sufficient to cover administrative costs. At this stage however, the board has advised me it is not anticipated it will be more than 5 per cent.

A complaint of an offence against the Act as it is now constituted is heard before a stipendiary magistrate, which procedure requires officers of the commission to attend the court hearing concerned.

Such a procedure is costly in terms of the number of man-hours involved in giving or waiting to give evidence and provision is now being made for an alternative method of presentation of evidence by affidavit in order to minimise this cost and at the same time gain more effective utilisation of officers' time in policing the provisions of the Act.

The adoption of this procedure, as outlined in the amendment in no way inhibits a defendant's right to appear in court as is done at present and to have the complainant present his evidence orally; but should the defendant not do so, the court is empowered to hear and determine the complaint in his absence on the particulars contained in the evidence of affidavit accompanying the summons already served on the defendant.

Provision also is made for the situation arising whereby the defendant either elects not to appear or makes no election at all under these alternative proceedings and then does appear at court for the hearing; under these circumstances the complainant who is expecting to give evidence by affidavit is empowered to request from the court an adjournment of the proceedings until such time as he is able to proceed otherwise than by this method.

It would be understood that, in a situation such as this, the complainant would not have his officers on hand in court to give evidence orally and he would then require time to arrange for this changed procedure.

Provision also is made to advise the defendant that should he not appear at a court hearing and is convicted of an offence under this alternative procedure, a record of any alleged prior convictions under the Act and concerning which he has been fully advised, will be tendered to and admitted by the court as evidence.

At the same time, should the defendant appear at court with any document which he has received setting out alleged prior convictions against the Act, such documents will be admissible at court only either with his consent or in accordance with the law of evidence regarding such matters.

In this regard full protection is given to the defendant and further redress is afforded to the defendant should he not be advised of the intention by the complainant to supply to the court evidence relating to his prior convictions or if there should be any error in fact on the part of the complainant relating to any prior convictions.

Finally, it should be emphasised that this proposed method of presenting evidence by affidavit in no way impinges on the right of the individual to have any complaint brought against him heard in court with both parties presenting their evidence before a magistrate.

However, it has been our experience that, as many complaints brought against persons under the provisions of this Act go undefended, it will be possible by the introduction of this alternative method of presenting evidence by affidavit to reduce, in certain instances, the costs associated with the existing procedures.

Debate adjourned, on motion by Mr McIver.

TRANSPORT COMMISSION ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Transport) [5.01 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains provisions similar to the two previous Bills in regard to the use of affidavits as evidence and is considered desirable in the administration of the Transport Commission Act.

A complaint of an offence against the Act as it is now constituted is heard before a stipendiary magistrate, which procedure requires officers of the commission to attend the court hearing concerned.

Such a procedure is costly in terms of the number of man-hours involved in giving or waiting to give evidence, and provision is now being made for an alternative method of presentation of evidence by affidavit in order to minimise this cost and at the same time gain more effective utilisation of officers' time in policing the provisions of this Act.

The adoption of this procedure, as outlined in the amendment, in no way inhibits a defendant's right to appear in court as is done at present and to have the complainant present his evidence orally; but should the defendant not do so, the court is empowered to hear and determine the complaint in his absence on the particulars contained in the evidence of affidavit accompanying the summons already served on the defendant.

Various departments have been concerned for some time about the many man-hours that are lost in the courts, and this reflects as a cost to the taxpayers generally.

Mr Hartrey: How many man-hours are lost by people in gaol?

Mr O'CONNOR: If a person does not go to gaol he will not have his man-hours wasted. Such a person should realise the man-hours that are wasted by officers having to chase him. We know the honourable member does not want people to be put in gaol, but it is our duty to protect the general public.

Provision also is made for the situation arising whereby the defendant either elects not to appear or makes no election at all under these alternative proceedings and then does appear at court for the hearing; under these circumstances the complainant who is expecting to give evidence by affidavit is empowered to request from the court an adjournment of the proceedings until such time as he is able to proceed otherwise than by this method.

It would be understood that, in a situation such as this, the complainant would not have his officers on hand in court to give evidence orally and he would then require time to arrange for this changed procedure.

It is not our wish to affect the rights of the individual before the court. The reason for this amendment is that an attempt is being made to save public funds, and to reduce the number of man-hours involved in people appearing before the court when it is not necessary for them to appear.

Mr Bertram: Would it affect the order of costs against the defendant in adjournment proceedings?

Mr O'CONNOR: Only in the way of man-hours involved. If the person gives prior notification there is no problem; it is only when he wastes the time of others by requiring them to appear before the court that this question arises. The procedure could require the person coming before the court again and bringing forward witnesses.

Provision also is made to advise the defendant that should he not appear at a court hearing and is convicted of an offence under this alternative procedure, a record of any alleged prior convictions under the Act and concerning which he has been duly advised, will be tendered to and admitted by the court as evidence.

At the same time, should the defendant appear at court with any document which he has received setting out alleged prior convictions against the Act, such document will be admissible at court only either with his consent or in accordance with the law of evidence regarding such matters.

In this regard full protection is given to the defendant and further redress is afforded to the defendant should he not be advised of the intention by the complainant to supply to the court evidence relating to his prior convictions or if there should be any error in fact on the part of the complainant relating to any prior convictions.

Mr Hartrey: At what stage of the trial?

Mr O'CONNOR: I am prepared to provide the honourable member with another copy of the Bill and these notes if he thinks anyone may be treated unfairly. I am quite prepared to listen to his remarks provided he will not put up a plea unnecessarily to prevent the conviction of people who commit offences.

Mr Hartrey: I have been doing that all my life!

Mr O'CONNOR: Finally, it should be emphasised that this proposed method of presenting evidence by affidavit in no way impinges on the right of the individual to have any complaint brought against him heard in court with both parties presenting their evidence before a magistrate.

That indicates there is no intention to do anything under this legislation, except to be fair and to save the funds of the taxpayers in this and many other fields.

However, it has been our experience that, as many complaints brought against persons under the provisions of this Act go undefended, it will be possible by the introduction of this alternative method of presenting evidence by affidavit to reduce, in certain instances, the costs associated with the existing procedures.

Debate adjourned, on motion by Mr McIver.

LIQUOR ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [5.07 p.m.]: I move—

> That the Bill be now read a second time.

When introducing legislation to amend the Liquor Act last year, the Minister in charge of the Bill pointed out in his second reading speech in the Legislative Council that the Bill was an attempt to resolve at least some of the more pressing problems which had arisen, and that such other matters as may need attention were about to receive consideration by the Government.

As a consequence of events which took place at that time, the Government has taken the opportunity to examine the overall situation in greater detail, taking into consideration further representations which have been received.

It is added that the receipt of submissions relating to the Liquor Act in its application, or the associated problems which can be directly linked with the consumption of liquor, is a continual event and there is every indication that the Act may well require regular review to maintain parity with the various factors which seem to be the guide to our social pattern in this particular regard.

Bearing this in mind, the Bill now before the House represents only those changes deemed to be desirable to meet the immediate needs.

In view of the nature of the Bill, it has also been necessary to introduce this legislation in this House.

The Bill incorporates many items from the 1975 Bill, and several new proposals of importance, including those which are designed to meet the problems of unruly behaviour on licensed premises generally and Sunday liquor trading, especially in present circumstances where there is a definite link between the driver who drinks to excess and the road toll.

Much public reaction against extending the availability of liquor on Sundays has been noted in approaches to the Government and there have been many who hold the view that Sunday liquor trading in all forms should be abolished.

In this regard the Liquor Act presently provides for two sessions on a Sunday, beteen the hours of 11.00 a.m. to 1.00 p.m., and 4.30 p.m. to 6.30 p.m., or between such other hours as the court may authorise.

The Act also provides that the court may authorise the supply of liquor for two periods not exceeding five hours in aggregate on Sunday.

It is apparent that many licensed premises operating on Sundays have obtained the latter trading hours, and that the opening and closing times of establishments vary from place to place.

The view has been expressed that this provides the opportunity for some patrons wishing to obtain the maximum drinking time to attend a session at one establishment which opens early, and then to drive to a neighbouring establishment which opens and closes at a later hour.

In effect, this means that a patron can obtain three hours of concentrated drinking at one place, and then drive, or be driven, to another place for a further hour of drinking.

The Government considers that it should adopt a responsible view in regard to the availability of liquor, particularly on Sundays, and while not intending to be restrictive to an extent where the public is unduly inconvenienced, it is of the opinion that a degree of stringency is justified.

An amendment is therefore proposed to repeal those sections of the Act relating to hotels, taverns, and winehouses, which authorise the Licensing Court to grant an additional hour of trading on a Sunday.

The Bill also provides for the hours of trading to be fixed as set out in the Act for licensed premises within an inner zone, which is to be that area within a radius of 160 kilometres of the GPO and also for those premises in what is to be known as the outer zone, except that the court may have regard to circumstances in the outer zone and vary the hours of trading in such cases.

In effect, this means that all licensed premises in the categories mentioned which trade on Sundays will operate during two set periods of 11.00 a.m. to 1.00 p.m., and 4.30 p.m. to 6.30 p.m., except where local circumstances exist in the outer zone, but trading will still be confined to a maximum of four hours.

Reverting to the question of unruly behaviour, the Government has given considerable thought to this problem, and members will appreciate this has also been the subject of much public reaction.

Although not confined solely to Sunday trading, incidents of violence and antisocial behaviour have become all too prevalent, yet at the same time are created by an irresponsible minority.

It is therefore proposed to provide our courts of law with more extensive penalties to impose on those who commit offences under the Liquor Act in this particular regard.

The penalty for persons known to be drunken, violent, quarrelsome or disorderly, and who refuse to leave licensed premises when requested so to do, is to be increased to $100 or imprisonment for six months.

In addition, where a person has been so convicted, or convicted of any other similar offence committed in or in the vicinity of licensed premises, the court of law may impose, in addition to any other penalty, an order prohibiting that person from entering licensed premises for a period not exceeding 12 months.

The penalty for breach of such an order is to be $200, or imprisonment for 12 months.

There is provision to enable a person so convicted to enter licensed premises to obtain food, or for the purpose of travel, provided that person does not consume liquor.

An amendment has also been considered desirable to cover the rare but possible event of riot or civil disorder, and provides for the closing of licensed premises in such instances where the senior member of the Police Force on duty at any place has reasonable grounds for believing such action is necessary.

It will be required that the police officer obtain an order from the nearest magistrate or, in his absence, from two justices of the peace.

I must add that the Act already provides that the licensee may close any bar for reason of some pressing emergency, or other just cause.

As already announced by the Government, an amendment is proposed to provide for the appointment of a Chairman of the Licensing Court for up to seven years, provided the person to be appointed is a legal practitioner of eight years' standing, and otherwise qualified to be a judge.

Representations have been made to the Government in this regard, placing emphasis on the legal complexities which

had arisen from time to time in administering the Act. Such an appointment would also balance the composition of the Licensing Court.

I must point out that the Bill does not make it obligatory to have a chairman with such qualifications, nor would it be obligatory to appoint a chairman for a full seven years.

I now refer to other amendments contained in the Bill.

Currently, a caterer's permit may be obtained only by the holder of a hotel licence, and such a permit enables a hotel licensee to sell and supply liquor away from his licensed premises on such days, and during such hours as the Licensing Court has endorsed on his caterer's permit.

The Government has received representations that caterers' permits should also be obtainable by the holders of tavern licences, and this view is supported by an appropriate amendment to section 25 of the Liquor Act, with an additional proposal to allow shorter notice, in special circumstances, for applications to be received by the Licensing Court.

An amendment to section 26 is also intended to place tavern licensees in the same position as hotel licensees by enabling them to sell and supply liquor with or ancillary to a meal between the hours of noon and 3.00 p.m., and 5.30 p.m. to 10.00 p.m. on Sundays or Christmas Day, provided the tavern licensee has a separate dining room on his premises, and the meal is served in the dining room.

It is proposed to amend section 31 to provide an extension of the hours during which theatre licensees may sell and supply liquor for consumption on the licensed premises from one hour to two hours before and after any live performance.

There will be the restriction, however, on the sale and supply of liquor between the hours of midnight and noon on any day.

A further amendment to this section, which also applies to other clauses in the Bill, is intended to clarify the situation where an artist provides entertainment in lieu of the expressed term of "artists".

A new class of permit, called a voluntary associations permit, has been included and will be available in certain circumstances to licensed clubs outside the metropolitan area.

This is in response to a number of representations from both licensed clubs and service organisations such as Rotary, Apex, and Lions Clubs to hold meetings on licensed club premises where there are no suitable hotel facilities for such functions available.

The requirement for the holder of a function permit or an unlicensed club permit to purchase liquor, to be sold and supplied pursuant to the permit, from a hotel, tavern, winehouse, or like premises, except where the site for the function is more than 24 kilometres away, is to be amended to reduce that distance to eight kilometres, and also to include an Australian wine licence among those establishments from which liquor may be supplied to the holder of a function permit.

In this connection the opportunity is taken to correct a slightly anomalous situation which would have required that if there were no other applicable licensed premises within the specified distance, liquor purchases could have been made from winehouses only. It is proposed to amend section 43 of the Act accordingly.

The Bill provides for objections to be made to applications for the extension or alteration of licensed premises under the same procedures as apply to an application for a new licence, or for a provisional certificate for a new licence.

Provision has been retained to enable the court, where it has refused an application for a licence, to refuse to hear and determine any other application made in the succeeding 12 months if the affected area for the purpose of the application is, in the opinion of the court, substantially the same as the affected area covered by the first unsuccessful application.

The original amendment in the 1975 Bill related only to store licences, but this is now extended to include certain other licences.

Attention has been given to an expressed problem experienced by hotel licensees where, by reason of seasonal or periodical fluctuations, residential accommodation at a hotel is not in demand.

In such circumstances, it is proposed that the amount of residential accommodation need not be the same for the whole of the period for which the licence is issued.

This, of course, is to be subject to the court being satisfied that notice of an application for dispensation has been given to the Department of Tourism, the council of the municipality in which the hotel is situated, and such other persons as the court considers have a sufficient interest in the provision of accommodation in the area, and other safeguards.

The Government is aware that in common with many other sections of the community and business, those associated with the liquor industry are suffering from the prevailing economic conditions, and it holds a view that this is a contributing factor to what may be described as the "hard sell" campaign by those associated with the trade. In part, it may also be contributed to by an increasing number of liquor outlets.

The Government welcomes the improvement that has taken place in many of the facilities now being provided for the benefit of the public, and hopes that this trend

will continue. It likewise believes in healthy competition where service to the public is the major incentive. The Government has some concern, however, that this can lead to a situation where neither the interests of the community, nor of those engaged in the industry, are responsibly served.

It therefore proposes an amendment to section 57 of the principal Act which will allow objections to the granting of any licences by existing licensees in the affected areas on grounds of substantial economic hardship. This provision will simply give a right of objection, and gives no direction to the court as to how it should be dealt with.

Several other amendments of a more minor nature are contained in the Bill, and can be elaborated on in the Committee stage.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

BILLS (2): RECEIPT AND FIRST READING

1. Supreme Court Act Amendment Bill.
2. Business Names Act Amendment Bill.

Bills received from the Council; and, on motions by Mr O'Neil (Minister for Works), read a first time.

DOG BILL

Second Reading

MR RUSHTON (Dale—Minister for Local Government) [5.25 p.m.]: I move—

That the Bill be now read a second time.

Towards the end of the last parliamentary session. I introduced a Bill to repeal and re-enact the Dog Act. When doing so, I invited comments on its provisions so that any desirable amendments could be incorporated when it was re-introduced in this session.

I am pleased to say that a great many individuals and organisations responded to my invitation to examine critically the provisions of the previous Bill.

As I explained to the House when introducing the Bill on the last occasion, there are varying opinions in the community as to the degree of stringency with which dogs should be controlled. I might say that these conflicting views were again evident in many of the submissions which I received. However, the exercise was a very valuable one and many worth-while submissions came forth. It enabled us to take a fresh look at the previous Bill and weigh up its merits and possible disadvantages in the light of what people said about it.

In any event, based on these submissions and a very careful re-thinking of all the provisions, we have made some changes to the original Bill. By and large, these changes do not amount to the introduction of completely new principles, but I believe they have resulted in the preparation of a new Bill which is very soundly based; that is, based on exhaustive and critical examination.

Whilst on this point, I think members should appreciate that this Bill is the culmination of a very comprehensive process of consideration, consultation, and review. For many years consideration has been given to updating the Dog Act.

This Bill had its genesis when the Minister for Local Government in the previous Government formed a committee to examine the Dog Act and make recommendations which might serve as the basis for new legislation.

This committee included representatives of several organisations which have a particular interest in dogs; for instance, the Canine Association of WA, the Dogs Refuge Home, as well as the Country Shire Councils' Association, the Local Government Association, the Police Department, and others. The committee held its first meeting in May, 1973.

As I have said, the process has been a long and exhaustive one and it is my belief that everything reasonably possible has been done to produce worth-while legislation. I believe that the provisions of the Bill represent the best possible balance between the sometimes conflicting principles that people should be entitled to own and enjoy the ownership of dogs, and the need for adequate control of dogs.

The provisions of the Bill, therefore, are aimed at preserving the right of ownership of dogs, whilst at the same time placing an adequate measure of responsibility on those who choose to be owners.

I will now turn my attention to some of the important features of this Bill; that is, the more significant provisions which are not contained in the existing Dog Act.

Very briefly, the Bill provides for the following—

(1) Extended registration periods for dogs. Under the present Act, a dog registration must be renewed annually. However, this Bill will allow registration to be extended over a number of years.

(2) I have already indicated that the Bill places greater emphasis on the need for owners to exercise responsibility in controlling their dogs. As an instance of this principle, the Bill provides that the registration of a dog may be cancelled, if the owner is convicted of two offences in a 12-month period.

(3) Registration fees will be fixed by regulations. This regulation-making power also allows concessional registration fees to be

set for particular classes of persons—for instance, pensioners—or for extended registrations.

(4) In addition to ensuring the registration disc is attached to the collar of a dog, the owner must also ensure that his name and address are likewise affixed to the dog's collar. I might mention here that the requirement that the owner's name and address be attached to the dog's collar will not only assist enforcement, but will also act to the advantage of the owner. For instance, it will allow any dog which is seized by a council to be returned immediately to its owner. That is the good news. The bad news is that it will also facilitate what is commonly known as "on-the-spot fines". So again members will see we are looking after dog owners while at the same time providing for adequate enforcement.

(5) A joint responsibility is placed on both the owner of a dog and a person who may temporarily have it in his possession, to control that dog. An owner will not be able to escape responsibility simply because the dog was with someone else at the relevant time. Again, let me emphasise the responsibility being placed on owners. If a person wishes to own a dog, then that person must see that it is properly controlled at all times.

(6) The appropriate council will have to be formally advised of the transfer of ownership of a dog from one person to another. If a previous owner neglects to give this advice, he will continue to be responsible for any offence which may take place in respect of that dog.

(7) I said earlier that one of the principles on which this Bill is based is the right of people to own a dog. What the Bill lays down more specifically is that a by-law cannot be made by a council which would prevent a person from keeping at least two dogs on a property. I emphasise the words "at least two dogs" lest members should draw the conclusion that two dogs is also the upper limit. The fact is that councils will be able to make by-laws placing restrictions on the number of dogs which may be kept in different parts of their districts, provided always that a limitation of less than two could never be imposed. I expect that many councils will want to impose different limits appropriate to the circumstances of different areas.

In the case of rural land, for instance, a council might set the limit at a very high number, or alternatively it could decide against imposing any limit at all. Because the setting of a certain limit for a particular area could impose special hardship on certain people, the Bill allows a council to grant exemptions from the particular restriction.

Kennel licences can also be granted by a council to cater for dog breeders and the like who have to keep large numbers of dogs. In this way councils will be able to ensure that kennels are properly located and maintained to a satisfactory standard.

(8) It will be an offence to permit a dog to wander in a public place unless it is under effective control. Of course, councils will also be empowered to seize uncontrolled dogs found in public places, as they are under the the present Act. However, the present Act does not create an offence; this Bill does.

(9) As I have said, the current Act permits the seizure of dogs found wandering without control in a public place. This Bill has similar provisions but it requires that a dog so seized must be kept in the pound for at least 72 hours to give the owner the opportunity to recover it. The present Act provides for a minimum detention period of only 48 hours.

Another change which has been made from the present legislation is that a dog which has been seized by a council but not claimed by its owner will not automatically have to be destroyed. As an alternative to destruction, the council will be able to sell or otherwise dispose of the dog.

(10) Limited power is given to authorised persons to enter private property for the purpose of seizing a dog which has been wandering uncontrolled in a public place. Authorised persons may enter premises only with the permission of the owner or occupier of those premises or under the authority of a warrant issued by a justice of the peace.

(11) I think I should make the general observation that the Bill provides for a substantial increase in penalties for offences, by comparison with the penalties specified in the current Dog Act. However, one of the features of the Bill is that it introduces modified penalties,

commonly referred to as "on-the-spot fines". I believe this will greatly assist the enforcement of dog control measures.

(12) The number of greyhounds which one person may have under his control in a public place has been reduced to two. The present Dog Act allows four.

(13) In addition to giving councils the power to make their own by-laws, the Bill allows uniform by-laws to be made. These uniform by-laws can be applied to the whole or part of any municipal district in the State. There is also power to make draft model by-laws which can be adopted by councils as they see fit.

(14) One of the most significant things which this Bill sets out to do is to bring the control of all dogs, whatever their breed, into one piece of legislation. Members will be well aware of the existence of the Alsatian Dog Act which lays down control measures in respect of German shepherd dogs.

This Bill allows regulations to be made in respect of a specific breed or a mixed breed of dog which is considered to be a potential danger. Such regulations can impose conditions or restrictions on the keeping of a dog of a specified breed. If the provisions are acceptable to Parliament, it is intended to proceed with a Bill to repeal the Alsatian Dog Act.

On the question of German shepherd dogs, a careful re-examination would obviously have to be made as to what, if any, controls should be prescribed by regulation once the Alsatian Dog Act was repealed. I will of course ensure that adequate consultation takes place before any regulations are drafted and, in this respect, I intend to consult and have full regard to the views of municipal councils. All councils within the State will be consulted prior to the preparation of the regulations.

I would like to acknowledge the work which has been done to make this Bill possible. The committee which made the recommendations upon which the Bill has been based met over a considerable period and was made up of people who had a common interest in dogs. I thank members of that committee for their contribution.

I have on other occasions acknowledged the part played by the late Fred Rogowski from my department who made a tremendous contribution to this legislation. It is a great sadness to me that his passing away did not allow him to see this legislation on the Statute book.

Other people in my department who have made a considerable contribution are the secretary and assistant secretary of the department and Mr John Watson. The Parliamentary Draftsman has also been involved and I acknowledge the part he has played.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

MR RUSHTON (Dale—Minister for Local Government) [5.36 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for amendments to the Local Government Act which will become necessary as a consequence of the repeal and re-enactment of the Dog Act.

At present, the Local Government Act confers certain powers on councils to make by-laws for the control of animals, including dogs. It is considered desirable for legislation dealing with dog control to be contained in the one Statute. The Local Government Act provisions are adequately covered in the Bill to re-enact the Dog Act.

This Bill therefore proposes to amend the Local Government Act by—

(1) deleting the reference to dogs in section 197 which presently gives councils the power to make by-laws to regulate, prohibit, or require a licence for the keeping of dogs and caged birds for breeding purposes;

(2) repealing section 207 which gives councils by-law-making power to regulate the manner in which dogs must be kept and controlled.

(3) excluding dogs from the by-law-making power conferred by section 243 dealing with straying animals and the destruction of animals suffering from a contagious or infectious disease.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

ALSATIAN DOG ACT REPEAL BILL

Second Reading

MR RUSHTON (Dale—Minister for Local Government) [5.39 p.m.]: I move—

That the Bill be now read a second time.

During the second reading of the Dog Bill I indicated that it made provision for special controls to be placed on any breed of dog which was considered dangerous

and that the Alsatian Dog Act would be repealed if the provisions of the Dog Bill were agreed to by Parliament.

I reiterate that those are the terms on which I bring forward this Bill to repeal the Alsatian Dog Act; that is, this Bill will proceed if the provisions contained in the new Dog Bill are passed.

I commend the Bill to the House.

Debate adjourned, on motion by Mr B. T. Burke.

EAST PERTH CEMETERIES ACT AMENDMENT BILL

Second Reading

MR P. V. JONES (Narrogin—Minister for Conservation and the Environment) [5.41 p.m.]: I move—

That the Bill be now read a second time.

This piece of legislation is complementary to the National Parks Authority Bill. At the present time the old East Perth cemetery is under the control of the existing National Parks Board, which provides staff for maintenance and repair and, through by-laws drawn up under this Act, is the trustee of this historic resting place of the State's pioneers.

The amendment provides for continuity of this arrangement and vests the duties presently carried out by the National Parks Board in the new national parks authority.

I commend the Bill to the House.

Debate adjourned, on motion by Mr A. R. Tonkin.

OCCUPATIONAL THERAPISTS ACT AMENDMENT BILL

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [5.42 p.m.]: I move—

That the Bill be now read a second time.

Occupational therapy now forms an essential part of the pattern of medical ancillary services surrounding the practice of medicine. It is effective in promoting recovery from illness, both physical and mental. It forms a most important part of the rehabilitative process where people have suffered severe injury which might leave them handicapped.

Legislation requiring the registration of qualified persons has operated since 1957, during which time certain changes have taken place which have caused the registration board to seek the amendments proposed in this Bill.

The first of the amendments seeks to substitute a new definition of the term "occupational therapy" which has been resolved following consultation between registration boards throughout the world, in association with the World Federation of Occupational Therapists, and this definition is acceptable to associated professions.

It is also proposed to amend the constitution of the Occupational Therapists Registration Board of Western Australia, which consists of five members, one of whom is the nominee of the Senate of the University of Western Australia.

Such appointment was designed to provide a link with tertiary education fields. However, the Western Australian Institute of Technology has since come into being, and has taken over the training of students. The board now feels that the appropriate link with tertiary education would best be achieved by substituting a nominee of the institute for the present university nominee. Both the university and the institute concur in this arrangement.

Other amendments to that particular section simply update the wording, as the original Act referred to a board which had not then come into being and provided, firstly, that the board should be deemed to be constituted when all the appointments were made and, secondly, that the board, when constituted, would be a body corporate. As the board has been constituted for some years, it has been found necessary to provide that it shall be constituted by the persons from time to time appointed.

Several amendments are also sought to the section of the Act which empowers the board to make rules.

It is proposed to insert reference to colleges of advanced education in the section relating to the qualifications of various training bodies which the board recognises for registration purposes. The amendment would cater for the Institute of Technology and any college of advanced education in Western Australia or any other State or country which undertook training to the standard demanded by the board.

Amendments are also sought to those areas of this section which refer to prescribing the course of study and classes to be attended, time to be spent in training, and places at which persons may be trained for qualification for registration.

Prior to the Western Australian Institute of Technology taking over training, the board conducted the course. It made rules which specified details of the course. These are now matters for the institute. The board will alter its rules so that they specify the broad content of the course, and recognise named institutions as authorised training schools.

For like reasons, it is proposed to amend two further subsections. The selection of students will be an institute function, subject to a minimum standard of education which will be specified.

The board will no longer issue diplomas to graduates. This will be attended to by the educational institute which undertakes the training and examination of students. The board will simply accept

applications for registration, supported by a qualifying certificate from a recognised training school.

The final amendment relates to registration under the Act. The section will be simplified by removing reference to the age of an applicant for registration, and the grandfather clause which has now expired. The age of majority having been determined to be 18 years, there is no longer need to specify a minimum age. In practice, no student could qualify before reaching the age of 18 years.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Davies.

PERTH MEDICAL CENTRE ACT AMENDMENT BILL

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [5.46 p.m.]: I move—

That the Bill be now read a second time.

In introducing this Bill I wish to advise members that only one amendment is proposed by the Bill; this is to extend the power provided under section 5 so as to make possible the excision of land on the Perth Medical Centre site for the purposes of roads in addition to the present power for excision of land for purposes of drainage.

In detail, the Act is being amended by providing that the Governor may by Order-in-Council excise from the area of locations under the control of the trust an area of three hectares for the purpose of drainage and roads. The new provisions will replace those which provided for excision of five acres for drainage only.

Studies of traffic flow and estimates of future increases in traffic by the Subiaco and Nedlands City Councils show that it is necessary for Aberdare Road to be widened. There is already a traffic hazard at the junction of Winthrop Avenue and Aberdare Road which cannot be rectified until existing Perth Medical Centre land is made available for road works.

Planning of buildings on the Perth Medical Centre site made provision for adequate land to be made available and the Perth Medical Centre trust has agreed to the release of land for this purpose. Both Subiaco and Nedlands City Councils have funds available to enable them to commence work immediately and the passage of this Bill will enable this to occur.

I commend the Bill to the House.

MR DAVIES (Victoria Park) [5.48 p.m.]: I am sure members will realise some controversy has occurred in respect of traffic flow in and about the Perth Medical Centre, and that controversy has been occurring for some time. We can give this Bill a speedy passage because it merely proposes to alter a reference to five acres so that it reads three hectares. The draftsman has been a little generous, as three hectares converts to something like 7.4 acres, so perhaps a more accurate conversion would have been two hectares. However, it does not really matter because I am quite certain the trust will not give away more land than it has to.

This land in future may be excised by the Governor by Order-in-Council for the purpose of drainage and roads, or drainage or roads. The Bill simply proposes this, and we have no objection to it. We support it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

NATIONAL PARKS AUTHORITY BILL

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr P. V. Jones (Minister for Conservation and the Environment) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation and application to the Crown—

Mr A. R. TONKIN: On the notice paper I have an amendment to this clause, and the amendment is consequential and dependent upon a later amendment. I propose to delete the words '"President" means the President of the Authority'.

This amendment stems from our belief that the Director of the National Parks Board should be on the national parks authority. It seems strange that the most senior civil servant and probably the most qualified person in respect of national parks should not be on the authority. It is true that he may attend authority meetings, but he cannot vote. I do not know why he is placed in this position when the Surveyor-General is to be a member of the authority. I suppose this is for historical reasons, because the Lands Department has always had a strong position of power in the state. However, I wonder whether it reflects modern reality to include on the authority the Surveyor-General in preference to the Director of National Parks.

I believe a great deal more notice should be taken of the director's advice. It is no more sufficient that the Minister should confer with the board or the authority than it was adequate that the Minister should confer only with the board; so that the experience of the director is not directly available to the Government. I fear that if we continue with this kind of situation the director once again will not have direct access to the Minister, and the majority vote of the authority could well be exercised by a farmer member, a local government member, the Surveyor-General, and

two people with no environmental expertise at all but who are appointed because they are supporters of the Government.

In the second reading debate it was suggested that a national parks service might be a better format than a national parks authority. This Bill is going to the other extreme; not only is it not a service, but also the director is downgraded to the extent that he is not even to be a member of the authority. We believe the president or chairman of the authority should be the Director of the National Parks Board.

I move an amendment—

Page 2—Delete all words in lines 21 and 22.

Mr STEPHENS: I regret I was not present during the second reading debate last week. I know you, Sir, will not allow me to become involved in second reading debate now.

The CHAIRMAN: You are right.

Mr STEPHENS: I simply make that explanation.

I find myself in support of this amendment. I have no criticism in respect of farmer involvement—one of the arguments advanced by the member for Morley.

Mr A. R. Tonkin: I have no criticism of that.

Mr STEPHENS: I am sorry if I misunderstood the member. The establishment of this authority is a very important step forward, and as the present director is a man of competence he should be the chairman of the authority. It is no good the Minister indicating that in another place an amendment will be made to spell out that the director shall have the right of access to the Minister. I believe that would only provide a system whereby the Minister may be forced to sit in judgment in respect of an approach from the chairman of the authority and another opposing approach from the director. This would perpetuate a system of divided control. I notice reference was made last week that we have already had a situation in which a clash of personalities occurred. Therefore I think it is most important that the chairman of the authority and the director be one and the same person.

The Government, in the stand it is adopting on this matter, is to a large extent departing from procedures which have operated in the past and have proved to be satisfactory. I refer to the Western Australian Wild Life Authority, the chairman of which is the Director of the Department of Fisheries and Wildlife, and to the Environmental Protection Authority, the chairman of which is the Director of the Department of Conservation and Environment. Those authorities have worked very well, and the same format should be adopted in respect of the proposed national parks authority. I am aware that the Minister can cite lesser authorities, the chairmen of which are not necessarily the directors of departments, but we are dealing with a very important authority, and in this case it is essential that the director be the president of the authority. I support the amendment.

Mr H. D. EVANS: I support the amendment moved by my colleague largely for the reasons that have been outlined by the previous two speakers. I think it is necessary to bring to this position the expertise that is necessary for the very diverse, scientific, and other functions for which national parks will be and have been set up. It is such a specialised job that a person with the desirable background is absolutely essential. A scientific and technological background is not in itself sufficient. But a director would not be chosen for those qualities alone; he would have personality traits in addition to his academic and professional background which he would have gained by experience.

I cite the experience of New South Wales when there was a large reorganisation of national parks in that State almost 10 years ago. The first move was to introduce an American expert to conduct a survey of what would best suit the New South Wales national parks set-up and the present tiers of administration were arrived at as a result of the recommendations of that investigation. The selection of Dr McMichael as the director was probably largely responsible for the success in that State. No doubt the amount of funding that was made available for national parks had a lot to do with it.

If a man with that type of experience and background is selected and employed in a subordinate capacity on a committee of this kind, the whole service could be done a gross injustice.

Mr P. V. JONES: We are debating a proposed amendment to clause 3 but the argument still applies to the subsequent amendment. The points which have been made seem to imply that the expertise and knowledge which reside in the Director of the National Parks Board will not be available to the proposed authority as it would be if he were the chairman or the president. I consider that that is not so.

The New South Wales situation is somewhat different because that State had a wildlife service and Dr McMichael left the service when difficulties arose.

Mr H. D. Evans: It was a promotional situation, was it not?

Mr P. V. JONES: He left the service altogether.

Mr H. D. Evans: He joined the Commonwealth.

Mr P. V. JONES: I discussed the situation with Dr McMichael when I saw him in another situation.

Mr H. D. Evans: There was no difficulty about his leaving.

Mr P. V. JONES: He explained to me that some problems of policy and direction occurred. The committee of review decided against the dual position. This matter was considered by the Government in forming this Bill and the decision was arrived at that it would be somewhat difficult with the type of authority we are proposing to establish if the director were also the chairman.

In order to ensure the role of the director we have set out in clause 13 to some extent what he shall do. Instead of resolving the question of direct access in another place, as the member for Stirling indicated, I can do it here. The member for Morley indicated that he may not have that access. I can put that beyond doubt. The position is certainly not being downgraded. I am not sure why it is considered that the position will be downgraded if the director were not the president. His expertise will be available; he is the chief executive officer; and is given tremendous responsibilty, as is fit and proper.

I discussed this point today with the existing director and he agrees with the Government's proposition that it could place the chief executive officer in a position of compromise if he were also presiding over the body which is to determine the policy which he, with his other hat, will implement.

The Government is not willing to accept this amendment on the basis that we consider it is in the best interests of the proposed authority that the director shall make his expertise available in a manner which befits the chief executive officer.

Mr A. R. TONKIN: I would be interested to hear what difficulties would occur if the director were the chairman of the authority. For example, the Director-General of Education is the head of the department which makes policy, subject to the direction of the Minister, just as this proposed authority will be subject to the direction of the Minister. He is also the chief executive officer and he is responsible for putting policy into effect. If we have a situation in which one group makes the policy and the other implements it, the implementer of the policy probably knows more about the subject; it is one thing to make policy and another to implement it. If the chairman is part of the policy-making apparatus, he is committed to this policy, even if he is outvoted. If he is not part of the proposed authority there may well be a situation in which he will feel that he is not really involved with policy making in the best way. His expertise can be listened to, ignored, and thrust aside far more easily if he is not part of the authority than if he is a full voting member of it. It is very difficult for a chief executive officer, who will probably know more about the subject than anyone at a particular meeting, to carry out the wishes of an authority if he is downgraded in this way and if he is allowed to speak but not allowed to vote. If he is allowed to give his opinion, his opinion can then be ignored by the authority and he does not have a vote in the matter.

Under the Government's scheme there could be conflicts between the director and the president on pronouncements from the authority because the president could make comments and the director, who would not be a part of the authority, is an expert on the matter. There is far less likely to be friction if the director were also the chairman of the proposed authority.

Amendment put and a division taken with the following result—

Ayes—21

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Stephens
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	*(Teller)*

Noes—24

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Nanovich	Mr Clarko
	(Teller)

Pairs

Ayes	Noes
Mr Skidmore	Mr Mensaros
Mr May	Dr Dadour

Amendment thus negatived.

Sitting suspended from 6.13 to 7.30 p.m.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Application—

Mr A. R. TONKIN: I am not sure of the full application of subclause (3). I feel that we in this State must begin to look at the supremacy of the Mining Act in all matters. Because mining is of such great importance to the State we should not blindly agree that the Mining Act should be paramount in all respects. I believe that over the next few years we will ensure that in this respect the Mining Act must take its chance alongside the other Acts. This will still make it possible for the Government to place mining in a more superior position to other matters which it might consider not quite so important. We should get away from this automatic subservience

to the Mining Act and examine the whole concept rather than through the process of inertia follow the steps that have been taken over the last 70 years.

Mr H. D. EVANS: Could the Minister tell me what would be the position in a Class "A" reserve in a national park that has been pegged or is subject to mining activity? Would such a matter have to be referred to Parliament and how would he propose to handle it? This could arise in the future and the procedure should be spelt out now.

Mr P. V. JONES: I refer to the wording in subclause (3) which mentions the agreements to which the State is already a party. I clarify that by saying we consider it important that there is nothing retroactive in so far as the Bill is concerned and agreements entered into in relation to mining practices will continue to apply subject to the present Mining Bill, where it is clearly established that the Environmental Protection Act overrides the Mining Act where there is any inconsistency in its relation to the "A"-class reserve and the decision made on the recommendation of the EPA.

Mr A. R. Tonkin: You refer to the Mining Bill. Do you mean the Mining Bill or the Mining Act?

Mr P. V. JONES: I mean the Mining Bill. The Environmental Protection Authority has already made recommendation for national parks and "A"-class reserves, and we have made the decision that the situation still applies and the former procedure has not been interfered with in the case of "A"-class reserves which are not national parks. In such cases the Environmental Protection Act will apply. I take the question to refer to other "A"-class reserves as well.

Clause put and passed.

Clauses 6 and 7 put and passed.

Clause 8: Administration—

Mr A. R. TONKIN: The Opposition would hope that the Minister would very rarely override the authority for any reason. If the Government did override the authority it should give its reasons for doing so publicly and in this Parliament, because organisations such as this could become political footballs. It may be that the Government—which must bear the ultimate responsibility—should have this power to direct the authority, but in such a case—and there is no provision for this in the Bill—the Government should give an account of its stewardship by way of a public explanation stating why it has overridden the authority. The public could then decide who is right and make a judgment accordingly at an election.

Clause put and passed.

Clause 9: Functions of the Authority—

Mr A. R. TONKIN: I would particularly refer the Committee to paragraph (c) of this clause. I do not expect its provisions to be narrowly interpreted but it does say, "in relation to the use and enjoyment of the facilities available". I feel another word that could have been used is "awareness".

One of the big problems in the understanding of the environment is to be fully aware of its significance. I would see national parks as a very useful educational tool.

If we compare our national parks with some of those in the Eastern States, or with those overseas, we will find that by comparison the information we provide is quite inadequate. We are not told what is unique or what is of particular interest in a park.

On the other hand, when one visits the parks in Canada and America one finds that in the visitors' areas—as they are called—provision is made for films and cassettes. One can walk off with one's cassette and be given a step-by-step account of what one is seeing.

This, of course, is all subject to finance and I do not suggest necessarily that such sophisticated forms would be within our reach in the near future. However I would like to see in the near future a development of information and attention for the benefit of the public, because at the moment I am sure most members would agree very inadequate information is available in relation to our national parks. People who visit them do not know what they are supposed to be seeing or why a particular area has been set aside and, as a consequence, not knowing what one is supposed to enjoy one finds it difficult to defend it, preserve it, or have respect for it.

I hope this very big omission in the present national parks service will be one of the main areas that will be looked at.

In passing I refer very sadly to the passing of the Committee for the Understanding of the Environment. It seems to have fallen by the wayside or gone into Limbo. I think one of the problems associated with it is the fact that some of those appointed to the organisation were not environmentalists and though probably very well-meaning people were not particularly concerned with the environment. By this means we made sure—and this was an EPA decision not a Government decision—that CUE would die a quiet death. I might mention that I propose to ask the Minister some questions as to what is happening in this connection.

We have innumerable reports submitted in connection with various projects in our community, but these reports are not available to the average citizen. Apart from which most of them are too thick for the average person to wade through and I suggest they should be summarised to enable us to see the problems with which we are faced.

I hope the provision in paragraph (c) will be taken very seriously by the authority so that people may see what a wonderful State we have.

Mr P. V. JONES: The point is very well taken. The provision in paragraph (c) was included for the specific purpose indicated by the member for Morley. One of the most important functions of the national parks authority is to educate the people of the State in matters of conversion, environmental management, flora, fauna, and so on.

I would point out that the Committee for the Understanding of the Environment is not dead, but that it is in fact associated with the world environment committee which is to meet on the 5th June.

Clause put and passed.

Clause 10: Membership of the Authority—

The CHAIRMAN: My attention has been drawn to a printer's error in clause 10. I will direct the Clerks to make the following adjustment—

> Page 6, lines 23 and 24—Delete the passage "all of whom shall be appointed by the Governor" and insert the same passage immediately before line 25.

Clearly the intention is that the words "all of whom shall be appointed by the Governor" should apply to paragraphs (a), (b), and (c) of clause 10. The Clerks will make the necessary alterations.

Mr H. D. EVANS: Is it in order for you, Mr Chairman, to go ahead and do this on an administrative basis without the sanction of the Committee?

The CHAIRMAN: I believe I have the authority to make that direction but if any member of the Committee were to move accordingly I would be prepared to hear him. The Minister is aware of the situation and my attention was drawn to the printer's error by my advisers.

Mr H. D. EVANS: I seem to have vivid recollections that when I sought to make a correction of an error permission was denied me.

Unless the Government has obtained, through consultation with the Leader of the Opposition, some clarification on that situation—that it be permitted—there could be some doubt as to its validity. If you, Sir, require the permission of the Committee to do this, without conference with the Leader of the Opposition, you could have a dissentient voice. You certainly have one at this moment.

Mr A. R. TONKIN: The Opposition has amendments on the notice paper which could be affected, and may be invalidated by the suggested method of correcting the error. We have not had a chance to study the correction to know whether that would be so. Do I understand the correction should be included just before line 25?

The CHAIRMAN: Yes.

Mr A. R. TONKIN: With reference to (i), (ii) and (iii)?

The CHAIRMAN: It applies to paragraphs (a), (b) and (c). The Minister has given me an indication that he intends to make the correction by way of an amendment to formalise the position. The Opposition will then be able to argue the point. As it is obvious that there is dissent from my way of thinking, with regard to the correction—and I do not deny that right—I will ask the Minister, at the appropriate time, to move the amendment.

Mr A. R. TONKIN: The provisions of clause 10 are unsatisfactory. It will be recalled that the Opposition opposed the second reading of the Bill because the measure is shoddy. We oppose it not because we believe there should not be better attention given to national parks, but because we feel the Bill is gravely remiss in many ways.

It is all very well for the Government to say that it will take notice of constructive criticism from the Opposition, but if the Government, in its exuberance because of its numbers, sublimely and blindly refuses to take notice of that criticism, it shows considerable immaturity. We now have the position where the Minister is to move an amendment about which we have not received any notes. The proposed amendment could affect amendments which we wish to move.

Talking to the substance of the clause, rather than its form, once again the Opposition must take exception to the fact that the proposed director of national parks will not be on the authority whereas the Director of Fisheries and Wildlife, the Director of the Department of Tourism, the Conservator of Forests, and the Surveyor-General will be included. That remark is not to be construed that we consider those four people should not be on the authority, although in certain circumstances we could argue that point.

It seems reasonable that if four civil servants are to be appointed to the proposed authority then, certainly, the director of national parks should also be included. Perhaps the Minister could indicate, by way of interjection, as to whether he did say prior to the tea suspension that the director of national parks had indicated he was happy not to be on the authority.

Mr P. V. Jones: I discussed the matter with the present director, and that is so.

Mr A. R. TONKIN: I believe it is improper to quote the director in that way. I was not present when the director spoke to his Minister.

Mr P. V. Jones: I am not resting my argument on that.

Mr A. R. TONKIN: But the Minister mentioned it. The Opposition is not in the position to comment because a certain

person could be embarrassed. I suggest that to allow a system to run with the Minister being present at one meeting and a member of the Opposition present at another meeting, again illustrates the need for a proper committee system under which a person can give evidence publicly so that we know exactly what he said and under what circumstances he said it. I do not think it is really very fair of the Minister to quote the director in the way he has when he knows very well the consequences of his statement. The Opposition is not able to make certain comments which otherwise could be made. So, we accept with reservation the comment that the director is happy not to be on the authority.

Mr P. V. Jones: I do not base my argument on that remark. I answered a question with regard to the conflict which it was suggested could exist between the authority and the director.

Mr A. R. TONKIN: And the Minister has done nothing to suggest that that conflict should not be present. He has simply quoted something which the director has said to him. If the Minister places a great deal of importance on his remarks he must expect the Opposition to place a different interpretation on those remarks.

Mr P. V. Jones: I take it the member is not suggesting I should not have consulted the director.

Mr A. R. TONKIN: No, I am not suggesting that. I am talking about what the Minister has said in this place.

Paragraph (c) of clause 10 sets out that four persons nominated by the Minister will represent the interests of the public. It is the wish of the Opposition to change the number of those persons to seven. The first person to be appointed shall be a person knowledgeable and experienced in matters relating to primary industry. It was suggested in *The West Australian* that I was critical of that appointment. I am not critical of the fact that a person knowledgeable and experienced in matters relating to primary industry should be on the authority. We are prepared to admit that a person with such interests should be on the authority but we wish that sometimes the Government would admit that other interests should also be on an authority. To say that other interests should be on the authority is not to say that primary industry should not be represented.

If it is fair enough that people who are intimately affected by national parks, such as primary producers, are to be represented on the authority, we believe the people who are to use the national parks—which to a large extent includes city people—should also be represented on the authority. We are not saying that city people are more important than the primary producers; we are saying that a representative of those people has a place on the authority. We do not intend to exclude the primary producer in the way that a representative of the city people is excluded. That is why we believe that a representative of the Trades and Labor Council should be on the authority.

We do not argue against the appointment of a person knowledgeable and experienced in local government matters. However, we do dispute the way that the two persons, having special knowledge of or experience in conservation, are to be placed on the authority. The Minister will be able to choose anyone he likes and he will not be open to challenge. The Minister will not have to show to anyone that he has, in fact, chosen a person who is experienced or knowledgeable.

We believe, as does the Hamer Government in Victoria, that if people purporting to represent environmental interests are to be appointed, they should be nominated by environmental interests. Our proposed amendment will give the Minister some latitude in that he will be able to choose from a list of four names submitted by the Conservation Council of Western Australia.

It is not only a question of representation of interests, but also a question of communication. If Bill Smith purports to represent conservation interests, and he is not a member of a conservation body, to whom does he report? One of the biggest problems in our community today is the breakdown of communication between the Government, or Government instrumentalities, and the people. There could be thousands of people in Western Australia with very serious reservations about the way in which our national parks are being run but they will not have any representation on the proposed authority and they will have no-one who will be able to listen to their views. The lack of communication is serious and is viewed with increasing alarm by conservationists, both individual and those in organisations.

We believe that the provision should be spelt out in the Bill so that there will be proper representation. We also believe that if we are to have an authority it should include a person who is academically trained in this broad general area covering national parks. We would define such a person as being a teacher—which would include anyone from a professor down through the profession—of the biological sciences. That is, of course, a very wide category and it would encompass tertiary institutions in Western Australia. It could be argued that the tertiary institutions could put forward a panel of names, and I would not quarrel with that. We believe a person academically qualified would add stature and expertise in a wide sense, as distinct from expertise in a narrower managerial sense.

The CHAIRMAN: The member has three minutes remaining.

Mr A. R. TONKIN: We also suggest the appointment of a person nominated by the Minister from a panel of not less than two names submitted by the Youth Community Recreation and National Fitness Council of Western Australia which represents many organisations concerned with recreation and national parks. The Minister has told us that the parks are largely for use by the public and, therefore, the Community Recreation Council would be a suitable body to be represented.

I imagine the Minister will reply that the appointments I have suggested will make the body too unwieldy. I heard that remark from the other side of the Chamber during a period of three years when I was there, and I have also heard the remark from this side.

The Government thinks of a magical number—it does not matter whether the number is seven, 11, or any other number—and the Opposition suggests that the number should be greater. The answer to that suggestion is that it would be unwieldy.

Mr Clarko: That is what you said, yourself, with regard to the tertiary education authority in 1970.

Mr A. R. TONKIN: I do not know that there could be a much more unwieldy body than the present so-called committee of this House. The proposed authority will consist of 12 members, rather than nine. Of course, not everyone would be present at every meeting and it would often be attended by eight or nine members. I do not believe that an authority of 12 would be more unmanageable than that proposed in the Bill. I believe it would be a useful number to comprise the authority.

The CHAIRMAN: Could I interrupt to remind the honourable member that he has not yet moved his amendment and he has one minute only remaining? He may wish to move the amendment at a subsequent stage but if no-one else rises to speak, he will have lost the opportunity.

Mr A. R. TONKIN: Thank you, Sir, it is a long while since I sat in that Chair. You are very kind to remind me of the situation.

This body should include a representative of a tertiary institution and a representative of city industry, in the same way as it will include a representative of the farming sector. The Community Recreation Council literally represents hundreds of organisations such as bushwalkers, canoeists, and other people who will be using the park for recreational purposes and who will look at the matter from a different point of view, and this council should be represented.

We ask the Minister to look at this clause very seriously.

Mr H. D. EVANS: My colleague who has just resumed his seat advanced most of the arguments cogent to the composition of the proposed authority. However, he has omitted several points which I feel should be stressed at this time. Firstly, looking at the broad concept of the committee as set out in the Bill, I feel it is valid to say that it has certain deficiencies. We must remember that the director is not to be included, although four senior public servants will be. The implication is that the position of director is inferior to that of the heads of the departments with whom the director will be working. While there will be opportunity to have access to the director's expertise in the conference period, he will not have the opportunity to advance his arguments by the force of his position.

Mr P. V. Jones: Of course he is not a permanent head in the same way as the other gentlemen to whom you are referring.

Mr H. D. EVANS: I am talking of status now, and I believe this is an important point in the discussions of this group. Obviously the Conservator of Forests cannot be dissociated from this body. Over a long period he has been involved in the control of road verges, forests, and the broad concepts of national parks. Indeed, this has been so since the time of Lane Poole. It may be edifying to remember that Lane Poole was a man of principle who was prepared to resign rather than relinquish the convictions on which he built his career.

The Director of Fisheries and Wildlife occupies a position that demands his inclusion on the authority. He is involved with so many aspects of flora and fauna that in many instances his department is the only one available to provide the research and guidance necessary.

At a cursory glance, it may seem that the Director of the Department of Tourism is not as eminently qualified for inclusion on this body as are some other members. However, I feel it is germane to draw attention to the remarks of Mr Logue only last weekend. He said that in his considered opinion the tourist attractions of Western Australia will be under great pressure once the Eyre Highway is sealed. We must have regard for this comment because surely our national parks will be one of our main tourist attractions. In America recently a ceremony was held to break the pavement stones of a parking area in Yellowstone Park to reduce the number of visitors. As our population increases this type of situation will arise here, and it is very important that the Director of the Department of Tourism should be in close association with the authority.

The record of the Public Service in relation to conservation is often disregarded, and I refer specifically to the work of the Surveyor-General. In years gone by many a far-sighted district surveyor made recommendations in regard to reserves to the Lands Department, to the Surveyor-General, and sometimes to the Under-Secretary for Lands. The Fitzgerald River Reserve and the Walpole National Park are classic examples of this foresight. I believe these reserves were set aside in the very early 1920s; long before there was any suggestion of settlement. In fact, at the time of the establishment of the Fitzgerald River Reserve there were only two settlers in the area. The perspicacity of our early surveyors was responsible for many areas which are wonderful assets today. Surveying is not simply a matter of mapping, aerial photography, and the surveying expertise to which the Surveyor-General has access; it is also a matter of accumulated wisdom, policy, and the appreciation by the department of difficulties involved. It would be difficult to say that any of these four senior public servants should be debarred from serving on an authority of this kind.

We now come to subparagraph (i) which reads—

> a person knowledgeable and experienced in matters relating to primary industry;

If for no other purpose the inclusion of such a representative is very good public relations. Many complaints in regard to vermin, noxious weeds, and bushfires emanate from farmers and members of the rural section. It is probably advisable to include a nominee of primary producer associations who can relate directly the problems of primary industry. Much friction could have been avoided had there been earlier understanding between the farming community and the national parks body. On a number of occasions I have seen this friction at first hand, and I believe the inclusion of such a representative is a wise precaution. I have mentioned on previous occasions the accepted trend that has come about in regard to the nomination of members to agricultural and related boards and most semi-departmental authorities. The Minister well knows—having himself been involved in such a selection—how this system operates, and I am sure he approves of this particular approach to the making of a choice in a specific field. I will be interested in his reply to my query, and I hope he will state categorically whether or not he intends to seek this sort of advice and assistance in regard to the nomination of a representative from organised primary industry bodies.

The second representative of the public is to be a person knowledgeable and experienced in local government matters.

Again, this has the great virtue of obviating future friction in respect of national park and reserve management. I should imagine that one of the Minister's colleagues has had a number of complaints of this sort presented to him, and no doubt he has been called upon to arbitrate to ascertain who has responsibility in connection with matters pertaining to local government and to reserves and national parks. Therefore, it is desirable that a person of this kind be appointed in the manner indicated.

Furthermore, no reference is made to the Country Shire Councils' Association, nor from whence this member will come. This is left to the discretion of the Minister who must find within his own field of association a suitable person who is prepared to serve. In itself this can present a difficulty. Therefore I suggest that provision be made that the method of appointment be the selection of one from a panel of three names presented by the various authorities. That would give the Minister a certain amount of flexibility.

Again, in subclause (1) (c) (iii) that situation is continued, and I refer members to the wording of that provision. It is possibly verging on—I was going to use the word "impertinence"; that would be inappropriate, but it is certainly disregarding the rights of the conservation bodies these two members will purport to represent—

Mr P. V. Jones: There are also the community service matters.

Mr H. D. EVANS: Yes, community service matters relevant to the concept of national parks.

The CHAIRMAN: The Deputy Leader of the Opposition has three minutes.

Mr H. D. EVANS: Thank you, Sir. It is difficult to reconcile the fact that in some cases the Minister may foist upon the authority people who may cause friction. I can think of some organisations in which friction does occur. One can think of the amendments to the Agriculture Protection Board Act when we were talking about birds; and we found some degree of conflict amongst organisations involved in that sphere.

Therefore, it is incumbent upon the Minister to call for a panel of names to be presented by people or bodies who will be represented on the authority. However, this is not being done; they are being told who will represent them. Certainly this will not encourage that wonderful feeling of community service and voluntary effort on the part of these organisations.

Mr P. V. Jones: How many of these bodies would there be?

Mr H. D. EVANS: I think 28.

Mr P. V. Jones: What about the community service ones?

Mr H. D. EVANS: Let us refer to local government; there are 137 local authorities. Without the amendment proposed by the member for Morley we will lose the stimulus to voluntary effort which will mean such a tremendous amount to the administration of national parks.

Mr P. V. JONES: This matter was discussed during the second reading debate and also earlier in the Committee stage. Members still seem to be under the impression that persons or bodies that are not directly represented by membership on the authority will not be able to be associated with the activities of the authority.

Let me refer to the Community Recreation Council, because it was mentioned tonight and also during the second reading debate. I indicated earlier that that council will have a part to play, especially in respect of parks in the Perth region. However, it could not be expected to make a contribution in respect of parks in the Kimberley. Clause 12 specifically provides for the co-option of persons with specific interest or knowledge who are able to make a contribution to specific activities of the authority. Therefore, a great deal of input will be available to the board in respect of a wide range of activities, but we do not consider all these bodies and persons require representation on the authority to the degree indicated by the amendment.

Local government and agricultural and pastoral activities have been mentioned and the Deputy Leader of the Opposition rightly indicated that at times conflict may arise. This conflict is based on ignorance because perhaps one body is unaware of the problems another body must overcome. The authority may not always be familiar with the constraints and problems of local government. Similarly farmers and pastoralists may not always be aware of the problems faced by a national parks authority. That is why these representatives are to be selected, and the member indicated they will give wider knowledge to the board.

The members are to be appointed for a period of four years after an initial phasing-in period. This will provide an opportunity to review the input of any member referred to in subclause (1) (c). Referring to local government, during the first years of the operation of the authority the local government requirement will be very important within the Perth region. I said in the second reading debate, and I emphasise now, that one of the first activities of a committee established under clause 12 will relate to drawing up a plan of operations and making suggestions in respect of national parks in the Perth region. In that respect the local government representative would have knowledge of planning matters. He would have knowledge of the Perth metropolitan situation and the requirements of recreational and passive pursuits the parks will provide for the population of Perth.

However, in four years' time the input of that member might not be that which is required, and the Bill provides the Government with the opportunity to replace him.

The Government feels the composition of the authority is more than adequate, particularly when viewed in the concept of clause 12 which relates to co-option, the establishment of local and advisory committees, and the ability to have access to any person or group that is able to make a specific contribution.

Mr A. R. TONKIN: I remind the Minister that we are supposed to be legislators, and to say the authority can co-opt people is to duck the issue. What happens, of course, is that a body co-opts to its own use people who basically agree with a majority of its members, and we get a self-perpetuating and incestuous situation in which a bunch of like-minded people keep adding to their number people of similar ilk. We have seen this happen with many organisations in this State, and it produces tiredness; and the whole thing gets bogged down in a doughy mess.

We need the injection of an alternative point of view. It is not necessarily a bad thing for one or two people on the authority to disagree with the point of view held by four senior civil servants also on the authority. It is absolutely basic to the process of decision making that new ideas be considered; there should be the spark of debate. So many of our organisations are moribund because there is general agreement, general apathy and general tiredness. The ship is set on a certain course, and so it drifts along, much as the administration of our national parks has been drifting along in a sleepy kind of way for many years.

We do not expect the authority to be given the right to accept or reject appointees as it is our responsibility to ensure that it is as good a body as we can make it. Once we have a body which is balanced in its membership, and not lopsided as this proposal would make it, it can then co-opt certain people for particular investigations.

Mr P. V. Jones: It does not rest only with the authority. The Bill states that the decision is subject to the Minister; it also contains other clauses relating to the Minister's power of delegation.

Mr A. R. TONKIN: That is true, but in any decision made on a matter such as this, the Minister would listen to the advice of his authority—unless, of course, his Cabinet colleagues started to twist his arm for some reason which, possibly, could be politically based and have nothing to do with the better administration of our national parks. So, that is not a very useful kind of device to have in the Bill, despite the fact that it may be better than

nothing. We should not legislate by default; by leaving it to the authority, or to a later date, we are abrogating our responsibilities.

It is true that all sorts of people could be co-opted to the authority, but a point to be remembered is that even though they have been co-opted, they are not members of the authority and it would not really matter what point of view they expressed, because they could always be outvoted.

This point is borne out by what frequently occurs in this place. One side may have all the arguments, but if the other side has the numbers, that side controls whatever decisions are made. We cannot accept the Minister's assurances that the Bill provides for a wide enough representation. Members representing conservation interests should be on the board, and should represent those interests and not just be appointed by the Minister and therefore represent the interests of the Government.

We do not want the authority to be a creature of the Government; it should be independent, and represent the people of Western Australia—the conservation interests, the interests of primary production, and many others. As my amendment to clause 3 was rejected, there is no point in moving the first part of my foreshadowed amendment.

I move an amendment—

Page 6, line 6—Delete the word "four".

Mr H. D. EVANS: I support the amendment. I believe the Minister overlooked the essential point when he replied. He claims that by the use of co-option, he would bring to the authority a certain amount of expertise desirable in particular instances.

Mr P. V. Jones: No, I said it is not right to assume that is not available to the authority simply because they are not members of the board.

Mr H. D. EVANS: That is quite so. However, if the Minister looks at the personnel suggested in the amendment shortly to be moved by the member for Morley, he would see that it is conceivable that none of those people could ever be co-opted to the authority. Because of their special and unique position in the community and their involvement in the subject of national parks, they should be specified members of the authority.

Certainly, no objection could be expressed to the people suggested in the amendment. For example, I can think of no greater fillip to the Conservation Council of Western Australia than to have two representatives on this body. A teacher of the biological sciences at a tertiary institution, with his specialised background, would bring greater technical knowledge to the board and would be of great value to the board when arriving at decisions. Obviously, only a very senior and mature person would be attracted to such a position, and would serve to modify or clarify some of the less technical viewpoints expressed by other members.

A nominee from the Trades and Labor Council could also be of great assistance to the authority. The Government invariably seems to have an aversion to appointing members of the TLC to bodies of any sort, and this is a most undesirable attitude for it to adopt. If anything will prevent the imposition of green bans on certain projects, it will be the involvement in the authority of the TLC. Certainly, such a member would represent a large section of the community.

A person representing the Youth Community Recreation and National Fitness Council of Western Australia would have a very special interest in the authority, when one considers the degree to which the forests and national parks are used for camping, bushwalking and canoeing.

If the Government is genuine in its attempt to establish a national parks administration whose members have the greatest expertise and interest in the subject, it is going about it the wrong way.

Mr HARTREY: I support the proposed amendment for many good reasons that have been pronounced by the member who moved it and by the last speaker. I think it desirable that all parts of the community should be represented in what is essentially a nonparty measure. I have often said to members of this Chamber in private—and I am not at all ashamed to say it publicly—that far too many questions come before this Chamber which are made party questions for no reason at all. I can well understand why an Act to shorten the length of time that qualifies a man for long service leave should be a matter of party feeling because essentially we on this side represent the working class and the employing people are represented—very adequately—by those opposite.

There is conflict between economic attitudes and interests but when we come to national parks, the Police Act or the Criminal Code—the sort of matters that affect us all equally—for goodness sake let us not make party issues of them. This measure has nothing to do with parties. Parks and gardens are delightful to all people of this State, irrespective of their religion, colour, politics or anything else. I make an honest and heartfelt appeal to the Minister to listen to what I am saying. He is talking to somebody else at the moment, but I do not suppose he would listen to me anyway. It is fair and just that every element in the community, particularly those who are more learned in the subject than others, should be represented on a proposed authority which

deals with such matters as parks and gardens. It seems quite unreasonable that we should say that a Bill is a Liberal Party Bill and the Labor Party shall be left out, or that it is a Labor Party Bill and the Liberal Party shall be left out, or that it is a Country Party Bill and both sides shall be left out. That makes no sense at all. Let us divide on those things that divide us. We are here to represent conflicting interests economically and perhaps philosophically but not on nonparty measures of this sort.

I know that members opposite will not listen to me so it does not matter, but I ask my friends, before they turn down this proposed amendment, to consider the desirability of making this sort of thing a nonparty measure. For example, if I were arrested for drunken driving—I could not be because I do not drive, not because I do not get drunk—I will get exactly the same penalty as any other member, whether Liberal or Labor. On those things which divide us, let us divide; but on those things that do not divide us, for goodness sake let us be unanimous. I ask the Minister to show a certain degree of unanimity in this matter, which has nothing to do with parties. I earnestly urge members to give further consideration in this instance.

Mr A. R. TONKIN: I should like to reiterate what the member for Boulder-Dundas has said. When we were in Government we often accepted amendments from the opposite side of the Chamber. I thought that was a very desirable state of affairs. Unfortunately insecure people at times have to bolster their egos and any suggestion that varies from their point of view is regarded as a derogation of their stature as Ministers or as men. I believe a man who is sure of his own strength can admit that arguments from the opposite side are sound and can accept them because he knows that they are no threat to his stature.

I suggest that this is a nonparty measure. It is essentially a nonpolitical Bill. One of the matters that brings the Parliament into disrepute and, if things continue to develop, will destroy the Parliament, is the intransigence of members of Parliament across party lines. If the Government wants us to take Parliament seriously and wants us to contribute in the Committee stage of a Bill, Ministers ought to be prepared to deal with amendments on their merits rather than rejecting them because they are put forward by a member of the Opposition.

I believe people want a lead from parliamentarians. They would like to see a bipartisan approach on many matters. That is not possible because many matters divide us, but surely this is not a measure that divides us; this is surely for the better management of national parks. I assure the Minister that if he were to accept any amendment—not just to this Bill but in debate generally—he would certainly not lose stature in the eyes of the Opposition but would be regarded with increased respect as a man who had the strength to show that he was not afraid of listening to alternative opinions.

I suggest once again that these proposed amendments should be accepted. We know the members of the proposed authority will have expertise available to them; but that is not the point. We are not talking about the availability of expertise; we are talking about making the members of the proposed authority—not the people co-opted to give advice—a truly balanced body.

The Government says continually that it believes in responsible trade unionism. Yet we see an autocratic attitude that a representative of the Trades and Labor Council must not in any way be a member of the proposed authority. If that is not blatant bias against organisations to which tens of thousands of Western Australians belong, I should like to know what is. I think this indicates that the Government is not prepared to see the trade unions take their proper place in society. Trade unions will not accept that they exist to look after only the wage packet and hours of work; they are also concerned with the quality of life, as has been shown increasingly. In the Eastern States certain trade unions, by imposing green bans, have shown a tremendous amount of environmental responsibility, and there wasn't a buck for them in it although some people think that they did not show political responsibility because they overstepped their boundaries.

It would be quite simple for the Minister to agree to a representative of the Trades and Labor Council being appointed to the proposed authority. By so doing he will add balance to that authority. Why should the Government take action to divide the community and say to the farmers, "You are our favoured sons and you have the right of representation, but the TLC does not have that right"? Why should not the Government accept the fact that both parties have a part to play in the affairs of the community?

Regarding the method to select the two members to represent the environmental interests, the environmental organisations are most upset with this Government because of the lack of consultation in this direction. If the Government is concerned about obtaining the goodwill of the environmental bodies, here is a simple and inexpensive method of achieving it; the Government can do this by saying, "We will let you submit four nominations from which we will choose two to be appointed to the authority." This is not a political matter, and by doing that the Government will restore to some extent the confidence of the environmental organisations in the Government.

I am continually being bombarded by people on the opposite side of the political fence who have an environmental consciousness, and who are concerned that this Government will not consult the environmental movement. We believe that these amendments are sound and should be supported.

Amendment put and a division taken with the following result—

Ayes—17

Mr Barnett	Mr Fletcher
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr May
Mr B. T. Burke	Mr McIver
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr Moller
Mr T. D. Evans	*(Teller)*

Noes—23

Mr Blaikie	Mr Old
Sir Charles Court	Mr O'Neil
Mr Cowan	Mr Ridge
Mr Coyne	Mr Rushton
Mrs Craig	Mr Shalders
Mr Grayden	Mr Sibson
Mr Grewar	Mr S ephens
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko
Mr O'Connor	*(Teller)*

Pairs

Ayes	Noes
Mr Skidmore	Dr Dadour
Mr J. T. Tonkin	Mr Sodeman
Mr Harman	Mr Crane
Mr T. J. Burke	Mr Nanovich

Amendment thus negatived.

Mr A. R. TONKIN: Without going through the arguments again, I propose to move the next amendment on the notice paper standing in my name. It seeks to delete subparagraph (iii) on page 6, lines 15 to 24.

The CHAIRMAN: I would seek the assistance of the member for Morley. There is a proposal by the Minister to amend the latter part of subparagraph (iii). I would ask the indulgence of the honourable member to move for the deletion of the first part of subparagraph (iii) up to and including the word "interests" in line 23. If the honourable member moves for the deletion of the whole of the subparagraph it would preclude the Minister from dealing with the latter part of it.

Mr A. R. TONKIN: I should point out that I am not seeking to move only for the deletion of the words "all of whom shall be appointed by the Governor". My amendment seeks to delete the subparagraph and to substitute other subparagraphs.

The CHAIRMAN: To enable me to consider the position I shall leave the Chair until the ringing of the bells.

Sitting suspended from 8.49 to 8.53 p.m.

Mr A. R. TONKIN: I move an amendment—

Page 6, lines 15 to 24—Delete subparagraph (iii) with a view to substituting the following—

(iii) two persons nominated by the Minister from a panel of not less than four names submitted by the Conservation Council of Western Australia (Inc);

(iv) a teacher of the biological sciences at a tertiary institution in Western Australia nominated by the Minister;

(v) a person nominated by the Minister from a panel of not less than two names submitted by the Trades and Labor Council of Western Australia; and

(vi) a person nominated by the Minister from a panel of not less than two names submitted by the Youth Community Recreation and National Fitness Council of Western Australia.

I have already indicated the reason for my amendment so I will not canvass it again. I would just remind the Committee that in the Chamber last week I indicated that this was a shoddy Bill with many defects. We are seeing examples of this tonight because the Chairman had to leave the Chair to get the Government out of a situation. That indicates that the Bill has been poorly drafted. However, the Government insists on being stubborn. It believes that in this way it shows manliness or something. It is a pity the Government did not ensure that legislation passed in this place was first class. Some people call this a B-grade Parliament. I am not happy with that epithet. The Goverenment, by its obdurate nature in this respect is ensuring that is the kind of reputation we have.

Amendment put and a division taken with the following result—

Ayes—15

Mr Barnett	Mr T. D. Evans
Mr Bateman	Mr Fletcher
Mr Bertram	Mr Hartrey
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Taylor
Mr Carr	Mr A. R. Tonkin
Mr Davies	Mr Moller
Mr H. D. Evans	*(Teller)*

Noes—21

Mr Blaikie	Mr Old
Sir Charles Court	Mr O'Neil
Mr Cowan	Mr Ridge
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Mr Grayden	Mr Stephens
Mr Grewar	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko
Mr O'Connor	*(Teller)*

Pairs

Ayes	Noes
Mr Skidmore	Dr Dadour
Mr J. T. Tonkin	Mr Bodeman
Mr Harman	Mr Crane
Mr T. J. Burke	Mr Nanovich
Mr Jamieson	Mr Shalders
Mr T. H. Jones	Mr Laurance

Amendment thus negatived.

Clause put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Director of National Parks—

Mr A. R. TONKIN: I had hoped that the director would be appointed to the board. However, as I was not successful in my earlier amendment I will not proceed with the amendment on page 8.

Subclause (5) gives a very good example of poor drafting and I would like either the Minister or any other member of the Government to attempt to justify the Bill in its present form. Subclause (5) reads—

> It shall be the duty of the Director to formulate policies for the care, control and management of National Parks generally and in relation to each National Park and to submit such policies and management proposals to the Authority which shall examine them and forward them with appropriate comments to the Minister for his consideration.

That is where it stops.

The director will formulate policy, pass it on to the authority, and the authority will forward the recommendation, with its comments, to the Minister for his consideration. We do not know what the Minister is supposed to do then. It is all very well to say that the Minister is a responsible person and that he will deal with the matter appropriately. That could be said about the director, because he will be a responsible person. The authority also will consist of responsible people.

Paragraph (6), which should relate to paragraph (5), has nothing to do with the rest of the clause. It reads—

> On the recommendation of the Environmental Protection Authority, the Minister may by instrument in writing direct that, on a matter specified therein, the National Parks Authority shall hold a meeting on such terms and conditions as are so specified.

Clause 13 deals with the work of the director, and subclause (5) provides for the formulation of policy. However, subclause (6) deals with the fact that the Minister can order the proposed national parks authority to hold a meeting. That subclause has no relationship to the rest of the clause, and that is what we mean by shoddy drafting.

I presume that the intention of the Minister is what is contained in my amendment; if proposals for policy have been formulated by the director and sent to the authority, and the authority has passed them on to the Minister with appropriate comments, the Minister shall then either approve the policies and proposals or reject them, and if he rejects them he shall give written reasons for such rejection. The words which I propose should be added are, of course, typical of an Opposition addition because they reaffirm our belief in open government; in other words, the Minister will have to state why he has rejected advice received from the authority and the director.

We suggest the amendment will take over when the policy from the authority and the director arrives at the Minister's desk. It stipulates what the Minister will do with the policy. At the moment the situation is left open completely so that the Minister will be able to wrap his lunch in the policy or put it in the waste paper basket. If the procedure to be followed is laid down it should follow to a logical conclusion and not be cut off in mid-stream, as will happen under the measure as it is now worded. For that reason, I intend to move the amendment which appears on the notice paper.

The CHAIRMAN: I again ask for the indulgence of the member for Morley. When I gave him the call I assumed he would be moving his first amendment on page 8 of the Bill. However, I have before me an amendment which should be dealt with by the Committee before I put the amendment now proposed by the member for Morley. I call on the Minister.

Mr P. V. JONES: As I indicated during my second reading speech, and earlier this afternoon, I would like to move an amendment which I have already explained. I move an amendment—

> Page 8, line 36—Insert after the word "Director" the passage ",who shall, subject to the directions of the Minister, have direct access to the Minister,".

The amendment will place beyond doubt what is indicated in other clauses within the Bill, and will ensure that that particular aspect is, in fact, beyond doubt.

Mr A. R. TONKIN: To show the Government how a worthwhile amendment should be treated the Opposition indicates that it accepts the reason given by the Minister, and is quite prepared to say it is a good amendment. It is desirable and we accept it without any question.

Amendment put and passed.

Mr A. R. TONKIN: I move an amendment—

> Page 9, line 11—Add the following sentence— "The Minister shall then either approve the policies and proposals, with or without amendment, or reject them, in which case he shall give written reasons for such rejection.".

I have already indicated the reasons for the amendment.

Mr HARTREY: I support entirely the remarks of the member for Morley on the amendment he has proposed. Subclause (6) of clause 13 makes no sense at all; it is left entirely in the air. It is very poorly worded. I do not blame the Minister because I am sure he is not responsible for the wording of the subclause, but it is typical of the sort of legislation which is sent to us continually from the Crown Law Department and from other departments and which we are expected to swallow holus-bolus.

We are members of a Committee of the Legislative Assembly; in plain language, the members of a law-making body. If we kid ourselves that we are members of a law-making body we should be prepared to change material sent to us by a department. I have been a member of a law-making body for a period of three years, and over the last two-and-a-half years I have at least done my best to play my part as a member of a law-making body.

In this case, we have a subclause which makes no sense at all. It reads—

> It shall be the duty of the Director to formulate policies for the care, control and management of National Parks generally—

That is the objective of the subclause. To continue—

> —and in relation to each National Park and to submit such policies and management proposals to the Authority which shall examine them and forward them with appropriate comments—

I hate to think what some of those comments might be—

—to the Minister for his consideration. That is the end of the chapter. The policies get as far as the Minister for his consideration but there is nothing to say what he has to do after considering those policies. There is no law to say what the Minister shall do when he does consider the policies; nothing whatsoever; that is the end of the line.

It was suggested by the member for Morley that possibly the contents of subclause (6) could have some relationship.

Mr A. R. Tonkin: I did not suggest that. I said that subclause (6) had no relevance to the rest of the clause.

Mr HARTREY: I am sorry if I misunderstood what was said. The clause has to be interpreted as a whole. Subclauses (5) and (6) cannot be taken apart and dissected unless they are taken in conjunction with the whole Statute. Subclause (6) states that on the recommendation of the Environmental Protection Authority the Minister may do something. If he does not get a recommendation from the Environmental Protection Authority the Minister cannot do anything. He is not instructed to do anything in subclause (5); he is not allowed to do anything under subclause (6). This is rubbish we have before us.

Honestly and sincerely, this is not good law. It does not make sense and I ask the Committee to do something about it. Law is something I know a little about and I am saying the people who wrote this Bill do not know anything about law at all. I urge the Committee to adopt the amendment proposed by the member for Morley because if we do not do so there is nothing to adopt. If the Committee does not want to accept that amendment, let us burn the Bill because it is nonsense.

The member for Morley suggests we include the words "The Minister shall then"—something about what the Minister is supposed to do. I do not care what the Minister does but the member for Morley suggests what he should do; namely, the Minister shall then either approve the policies and proposals or reject them. The Minister has to do something but under the present Bill he is not allowed to do anything unless he gets a recommendation from the environmental protection people. He is paralysed by the fools who wrote this Bill. I am not being nasty; I am being serious about this. The proposed amendment suggests that we add the words—

> The Minister shall then either approve the policies and proposals, with or without amendment, or reject them, in which case he shall give written reasons for such rejection.

Why should he not? We should know why the Minister refuses to accept the advice of an authority which he himself appointed. That is fair enough. Also, the Minister should have power to do something. At the moment the Minister cannot do anything. We must oppose this Bill as it is because it is a lot of rubbish.

Mr P. V. JONES: I think we are getting away from the point in one regard. We are referring to a responsible statutory authority. We are not referring to a committee or a little group of people who have been brought together to formulate a management plan for a small reserve. We are talking about a responsible authority and in this clause we are referring particularly to a part of the director's responsibilities. The whole clause refers to the actions which will be taken by the director in relation to the procedural aspects of the formation of a management plan for national parks. The amendment seeks to impose upon the Minister certain actions which he will be required to take.

Mr A. R. Tonkin: You refer to the Minister and do not go on with it.

Mr P. V. JONES: Regardless of whether or not he wants to do so and whether or not it is in the best interests of the management plan for that park, the

Minister will be required first of all to make the actual plan public and then give reasons—

Mr Hartrey: Where does it say that in the Bill?

Mr P. V. JONES: I said the amendment asks for those things. It is completely inconceivable for us to set up an authority and then overlay it with a ministerial power and requirement to do things in a public way.

At the present time the Bill empowers the authority to have consultation with local authorities in the formation of management plans. Subclause (6) makes provision for the authority to have meetings with people in relation to matters involving interaction with the local shires, recommendations which may have been made in relation to the report of the Conservation Through Reserves Committee, and groups of people such as the group which is concerned with the Leeuwin-Naturaliste ridge. That is what subclause (6) is all about. It does not say the authority must do that; it says that where necessary the authority will have those meetings. There is nothing to prevent the total plan, part of the plan, any reasons, or anything at all to do with the plan being made public. The inference seems to be that everyone will work in secret.

Mr Hartrey: I am just worried about the law.

Mr P. V. JONES: The clause is similar to a provision in the Commonwealth legislation which lays down a procedural pattern. In this case it is a matter of transmission and consideration of the points made in relation to any management plan.

Mr A. R. TONKIN: We invite the Minister to read plain English. He says this subclause contains the responsibilities of the director. Why did he bring the Minister into the Bill? If he does not want the Minister to have anything to do with it, why does the director put the proposal on the Minister's table and leave it there?

Mr. P. V. Jones: Does clause 13 deal with the director?

Mr A. R. TONKIN: Yes, but not only with the director. Subclause (5) says the proposals will be given to the authority and then be forwarded to the Minister. That is where it stops.

Mr P. V. Jones: Why does it stop there?

Mr Hartrey: Because that is what the law says.

Mr A. R. TONKIN: I would like the Minister to indicate to us why it stops there. We are mystified and would appreciate an explanation. At the moment the Bill contradicts what the Minister is saying. He asks, "Why worry about the Minister when the clause deals only with the director?" But the Minister is brought into it. We want to take the logical step and give the Minister power to do something about the proposals after they have been placed on his table and he has considered them and said they are interesting. What happens then?

Mr P. V. Jones: You are saying he does not have that power now.

Mr A. R. TONKIN: He has power to consider them.

Mr Mensaros: You are arguing that because there is no law that you have to go home tonight you must stay in Parliament House all your life.

Mr Hartrey: The Minister gets his powers from the Statute, not by divine right.

Mr A. R. TONKIN: Why mention the Minister in this subclause? I do not know how much time the Minister puts into his job, but if he considers things on which he has no power to act and no intention of acting, he is wasting his time. If he receives something for consideration he has to be empowered to do something with it.

I know this Government is not in favour of open government, but if it does not like the last part of my amendment perhaps it would accept the wording "he shall report", which would tidy up the Bill and take the policy to a stage where the Minister would do something with it. As it is, it is nonsense and we do not like to send out substandard legislation from this place. We make mistakes all the time and we will continue to make mistakes because we are fallible human beings, but when the mistakes are obvious according to plain English, and when they are pointed out to the Committee, we should not stubbornly take no notice. If a member on the Government side, or the director or the Crown Law Department had drawn attention to this mistake the Government would take notice of it, but because the Opposition is drawing attention to a poorly drafted part of the Bill—and there are many such inadequacies—the Minister is going to be stubborn and take no notice.

If we are wrong in what we have said about this clause, tell us. But so far all the Minister has said is, "This is about the director and has nothing to do with the Minister." The Bill introduces the Minister; something is put on his table about which he does nothing. We suggest the Minister is very busy and will not take time to consider these matters; but to suggest he is going to consider a proposal and take it no further is nonsense. We are expected to accept legislation which is faulty just because the Minister has received a memo from the Crown Law Department which he regards as holy writ. He is not prepared to look at the subclause. We ask the Minister to

look at it to see if it makes sense, and to agree that something be added if it does not.

Mr HARTREY: Despairing of the Minister being able to understand what this is all about, I appeal to the Premier, who I am quite sure knows what it is all about. I do not misjudge people's ability and I know very well the Premier is quite capable of understanding what it is all about. I ask him to be good enough to refer the matter for further consideration. I feel the Premier knows as well as I do that the subclause does not make sense. It establishes the duty of the director to do something with a proposal; then he refers it to the Minister and it is to be put in a pigeon hole and be lost. The Minister cannot do anything about it.

The Minister for Industrial Development, for whose legal knowledge and integrity I have great respect, suggested it meant something; but I do not think he was being serious. I agree with him that it does not follow that because there is no law saying we may go home we cannot go home tonight. But if we give to a statutory body or to the Minister specific powers, it or he does not possess any other power not specifically delegated. I suggest the Government give this further consideration and present it to us again.

Amendment put and a division taken with the following result—

Ayes—15

Mr Barnett	Mr T. D. Evans
Mr Bateman	Mr Fletcher
Mr Bertram	Mr Hartrey
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Taylor
Mr Carr	Mr A. R. Tonkin
Mr Davies	Mr Moller
Mr H. D. Evans	*(Teller)*

Noes—20

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr P. V. Jones	Mr Stephens
Mr McPharlin	Mr Tubby
Mr Mensaros	Mr Clarko
	(Teller)

Pairs

Ayes	Noes
Mr Skidmore	Dr Dadour
Mr J. T. Tonkin	Mr Sodeman
Mr Harman	Mr Crane
Mr T. J. Burke	Mr Watt
Mr May	Mr Young
Mr Jamieson	Mr Shalders
Mr T. H. Jones	Mr Laurance

Amendment thus negatived.

Progress

Mr H. D. EVANS: I move—

That the Chairman do now report progress and ask leave to sit again.

Motion put and negatived.

Committee Resumed

Clause, as amended, put and passed.

Point of Order

Mr A. R. TONKIN: Mr Chairman, the question was put that clause 13 stand as amended.

The CHAIRMAN: Yes, the Minister's amendment was accepted.

Committee Resumed

Clauses 14 to 20 put and passed.

Clause 21: Agreements for management of private land—

Mr BLAIKIE: This clause gives the authority the right to make agreements for the management of private land. As previous members have said, it is not necessarily a Liberal Party, a Country Party, or a Labor Party Bill—it is a Bill for the State. It is also important to realise that the Bill will be quite objective in regard to future management and it will bring about new policies within the concept of national parks.

I believe this clause is a very important one. The authority will have the right to enter into agreements with private persons with regard to the control and management of the land for the purposes of this legislation, again remembering this can be for management or for other reasons, and it does not have to relate to Government land. I asked the Minister a question about this matter and during his reply to the second reading debate he said—

> While on this point I wish to refer to landowners. I assume the honourable member is referring to the situation which is becoming widespread in the United Kingdom; that is, multiple ownership. Within the framework of the legislation before us such aspects and management plans of that nature can be incorporated as the State progresses.

I feel the power contained in this provision allows the authority to do those things.

Subclause (2) says the authority shall not enter into any agreement with the lessee or licensee of any land unless the owner, and any person occupying the land with the consent of the owner, has given approval in writing to the agreement. I believe it is of the utmost importance that such agreements be entered into only by consent.

Mr Hartrey: It says so.

Mr BLAIKIE: I accept what the member has said: that the provision says so. However, I want it spelt out categorically. I refer to the CTRC report and the review of that report; the review contained recommendations that land ought to be acquired on which management controls should be invoked, not necessarily with the approval of the landholders concerned. I want to make sure it is clearly understood that it must be with the approval

of the landholder. This is a vexatious question to me, and a most important principle is involved. I ask the Minister for a clear indication in this respect.

Mr P. V. JONES: The member for Vasse asked me a question the other day relating specifically to one or two of the recommendations originally made in the CTRC report. The Wannerup estuary is one example. Clause 21 provides precisely for the situation recommended in the original report and in the review: that where multiple ownership exists and it is envisaged that the authority may well enter into some form of overall management plan, it can be implemented only with consent in writing of the owners of the land, and where lessees and other occupiers are involved the approval in writing of the owner must be obtained before any management plan can be imposed by the authority.

Mr A. R. TONKIN: Without having actually read what the member for Vasse said, I agree with his comments. It is unfortunate that in the area of the State which he represents a campaign has been waged, mainly by real estate agents who want to be able to sell highly priced coastal lands, to whip up a scare about the CTRC report. Many things were attributed to that report which did not appear in it.

I believe it was a very poor show that people with commercial vested interests attempted to whip up a scare campaign and called four very dedicated people on the CTRC all kinds of names, including "communist". The temperature in that area was raised very much by their action.

Mr Clarko: Did they see red?

Mr A. R. TONKIN: Yes, in a most paranoid way. I agree with the comments of the member for Vasse. I think this should be spelt out clearly in the Bill.

Clause put and passed.

Clause 22: Management programmes—

Mr A. R. TONKIN: The amendment I propose to this clause requires that any programme of management will be made available for public scrutiny. We believe this is very important. We say again there should be much more consultation with environmental interests, and by that I am not just talking about some "eco nut", to use a contemptuous phrase used by certain people in this State, but all kinds of people who are concerned with the quality of life. Some of these people have a great deal of expertise in various associated areas such as fauna, flora, biology generally, geography, etc.

Of course, many of them do not have a great deal of expertise but are concerned that the beaches at which they fished and swam many years ago will be passed on in a reasonably uncontaminated state not only to their children but to future generations of Western Australians.

These people, though they may not have a great deal of formal training, often develop a great deal of expertise because of their interest in the matter. They read books on national parks throughout the world, and they gain ideas. We believe that at all levels of the community interest and expertise are available which should be fostered.

From time to time the Government says, "We threw this open for public comment and got only six or seven submissions." That is so because the community has not been trained and has not been expected to comment; and generally speaking people have only weekends and nights in which to prepare submissions, as they work during the week. The amount of time allowed for comment on the report of the review committee on systems 1 and 2 was quite inadequate. I think it was a couple of weeks.

Mr. P. V. Jones: It was a month.

Mr A. R. TONKIN: A whole month!

Mr P. V. Jones: Yes, it is still open.

Mr A. R. TONKIN: Naturally people were discouraged when told that it closed a week ago yesterday.

Mr P. V. Jones: It closes on the 3rd June.

Mr A. R. TONKIN: Has it been reopened?

Mr P. V. Jones: It is a month for public comment, and we gave a little additional time.

Mr A. R. TONKIN: But the original closing date was not the 3rd June, was it?

Mr P. V. Jones: What was it?

Mr A. R. TONKIN: It was a week ago yesterday, because I spoke to Dr O'Brien on this matter and he said it closed on that date.

Mr P. V. Jones: I did say at Busselton that if there were any difficulties they would be met.

Mr A. R. TONKIN: Yes, there were difficulties; we have to realise that people can say they have not had time to prepare a submission because they are not professionals and cannot devote their whole time to it like public servants can—and we all know how long it takes a civil servant to make a report. We believe in public involvement in this type of thing. Therefore, I move an amendment—

Page 16—Insert after subclause (3) the following new subclauses to stand as subclauses (4), (5) and (6)—

(4) Before any programme made under this section is submitted to the Minister for approval, it shall be made available for public inspection at convenient centres in the locality for a period of thirty days and members of the public shall be invited

to submit comments and suggestions. All comments and suggestions received shall be considered by the Authority, which may amend or modify the programme pursuant to such consideration.

(5) All programmes made under this section shall be submitted by the Authority to the Minister for approval. Every programme approved by the Minister shall then be laid before each House of Parliament for a period of not less than fourteen sitting days, after which either House may by resolution disallow the programme.

(6) No programme shall be put into operation until the procedure laid down in this section has been complied with.

The amendment provides machinery which we believe should have been included in the Bill in the first place to enable the public to comment.

I would say I know the Stirling National Park possibly better than many employees of the National Parks Board, because I have spent so much time down there. But there are many people who know far more about the area than I do, and such people should be permitted to comment on any management programme for this park.

It is not good enough for the Minister to say that these views will be represented on the authority. People must have this representation as a matter of right, so that any management programme can be influenced by public opinion and input. This would have at least two beneficial effects: Firstly, it would engender a great deal of sensible comment and help we would not otherwise receive; and, secondly, with people feeling the parks belong to them, and they are the architects and guardians of the parks, they would be more jealous of their condition and more involved in the area. As a consequence, problems associated with vandalism would be lessened.

Mr P. V. JONES: Clause 22 relates to management plans, and I do not see how it can be said the authority will act in isolation and will not submit its management plans to the local people. The phrase "local people" of course is open to interpretation. In fact, clause 20 specifically provides that where any management plan or any other activity is relative to a specific national park, the authority must refer the proposal to the local shire. It would be inconceivable that the local shire would act in isolation.

We agree that the people in any area should have the opportunity to comment upon a total management plan, or a specific project or recommendation which will affect an existing park—such as a road—and wherever such a proposal comes forward, the authority is required to relate it to the people, through their local shire.

Mr Hartrey: The clause says that a local authority may so advise the Minister.

Mr P. V. JONES: The local people may, through their shire, bypass the authority and approach the Minister direct, if they still feel aggrieved about a particular matter. In our view, that provides an adequate consultation on a local basis.

Mr A. R. Tonkin: That is only a shire council; it is not the people.

Mr P. V. JONES: No, but the shire council is the administrative authority for a particular area, and represents the people. It is the central point where a management plan may be viewed by the local people. A shire council may choose to do what happened at Busselton, Manjimup and other areas; namely, call a public meeting to discuss the proposed management of a national park. The choice is theirs.

If the local people in any area wanted this form of consultation, they would be very quick to ensure their local authority followed their wishes. The clause as printed provides for sufficient consultation. It is absolutely certain that the authority will not be able to impose on any area either a management plan or some capital work which will affect a national park without first presenting its plan to the people in that area.

Mr A. R. TONKIN: We reject the concept that the local authority is the only body that knows about a national park, and should be the body to which representations are made.

Mr P. V. Jones: I did not say that, did I?

Mr A. R. TONKIN: We are happy with the form of consultation provided by clause 20, but that of itself is not sufficient. Some of the people who know most about the Stirling National Park do not reside within the shire, but live in the metropolitan area, and visit the area at every opportunity. Many are tertiary trained and have great expertise in these matters. So, the people who can make the biggest contribution to the authority are not necessarily shire councillors.

We do not suggest the removal of clause 20. However, if the Minister believes that many local governing authorities are really representative of the local community or of the users of national parks, he is not facing reality.

Mr H. D. Evans called attention to the state of the Committee.

The CHAIRMAN: I have counted the members; a quorum is present.

Mr Rushton: He cannot count.

Mr A. R. TONKIN: As an aside, after the member for Warren called attention to the state of the Committee, the member for Vasse took his place. Therefore, the

comment of the Minister for Local Government was an undue discourtesy to the member for Warren.

Mr Nanovich: What has that to do with the Bill?

Mr A. R. TONKIN: Local authorities do not have compulsory voting, and the franchise exercised means that many members of local authorities are not representative of the people. Indeed, they become quite divorced from the people.

Mr Rushton: Why not stick to a subject about which you know something?

Mr A. R. TONKIN: The Minister should look into the Shire of Bayswater, and do his job.

Mr Rushton: I am doing my job.

Mr A. R. TONKIN: The Minister is not doing his job.

The CHAIRMAN: Order! I ask the member for Morley to confine his remarks to the clause before the Chair.

Mr A. R. TONKIN: It is incorrect to assume that all the wisdom in relation to a national park should reside in eight real estate agents and three owners of garages.

Mr Rushton: Why denigrate local government? Do you not have confidence in the local authorities? They are elected by the people.

Mr A. R. TONKIN: I would have more confidence in them if we had a democratic franchise. However, shire councillors are elected by only a tiny fraction of the people.

Mr Rushton: They are elected by the people.

Mr A. R. TONKIN: That is nonsense, and the Minister knows it. I do not agree that the only people who should be allowed to comment should be the 12 shire councillors of the relevant area, any more than it should be the members of this Committee. They have their function to perform, and quite rightly are included in this Bill; however, the general public should have access—as a right—to these plans of management.

We believe in public participation in planning. These national parks, unlike flora and fauna reserves, are for the people and for recreation. If this Bill does not provide for the wisdom that resides in society generally to be applied to the management plans, this is a deficient piece of legislation. The problems associated with national parks are complex enough without our cutting off the goodwill and expertise that resides in many members of the public. The proposed authority can then evaluate the public comment and can ignore it if it is considered to be frivolous, undesirable or vexatious. I do not think the Government realises the growing degree of expertise in the community. People are spending more and more time in parks and they get to know these parks very well. A person who knows a particular national park would have far more to offer towards ideas about its management than a member of the proposed authority who may come from another part of the State.

Let us not be arrogant by ignoring the public and the public interest in these plans. I thought that in 1976 we had come a long way from the bad old days when members of the public were told to mind their own business. Members of the public do not want just to receive acknowledgements of letters from the director; they want to know that they have a chance to influence these management plans which are absolutely essential if our national parks are to be managed adequately.

Mr BLAIKIE: I should like to make a few points in this matter because I am concerned at the remarks made by the member for Morley in his denigration of local government by way of the amendments he has moved.

The CHAIRMAN: I ask the member for Vasse to confine his remarks specifically to the question before the Committee. I do not think a speech about the way local government is—

Mr A. R. Tonkin: In any case, I have agreed to local government having powers as given in clause 20 of the Bill.

Mr O'Neil: You are interrupting the Chairman.

The CHAIRMAN: I call the member for Vasse.

Mr BLAIKIE: I think the ideals contained in this Bill will enable local government to perform a most important function. I believe that widening this clause further will lead only to a denigration of local government with regard to where the real responsibility ought to lie, which is back with the people. In this clause of the Bill we are talking about whether we expect local authorities to act responsibly or whether we are going to take away some of their functions, as the member for Morley suggested.

Mr A. R. Tonkin: I am not suggesting that at all; that is inaccurate. All I am saying is that there are people who might have suggestions to make who are not in local government. Do you object to that?

Mr BLAIKIE: The honourable member is suggesting that it be widened further.

Mr A. R. Tonkin: The parks belong to all the people, you know.

Mr BLAIKIE: It is important to recognise the real functions that local authorities will have to play in the future. In my area there are three local authorities and only two real estate agents are involved as councillors; and they are certainly not involved in selling great chunks of land for grandiose prices. Members may be aware of one local authority which

wanted to declare the whole of its area as a national park. I think the Committee would be acting appropriately if it discarded the amendment which has been moved by the member for Morley.

Mr A. R. TONKIN: The member for Vasse seems to think that because he believes local government has a useful role to play, no-one else has.

Mr Blaikie: It has the most important role to play.

Mr A. R. TONKIN: I will not argue with that.

Mr Blaikie: Do not take away their responsibility. Give them added responsibilities and they will act responsibly.

Mr A. R. TONKIN: In this Bill their responsibility has been given to the proposed national parks authority. This is the Government's Bill, so the member should not talk about taking away responsibility. If he thinks responsibility has been given to local authorities, he should read the Bill more thoroughly. Local authorities have a part to play, but the member for Vasse is saying that local government, which is a tier of government, has a monopoly in this kind of thing. That is the same as saying that only the State Government should have control over these matters and we should not be prepared to listen to public opinion. That is nonsense.

Local government has a role to play. We are saying that the general public has a role to play also. If the member for Vasse, or anybody else, thinks that by saying that we are denigrating local government, that is nonsense. These parks belong to the public; they are paid for by the taxpayers. As a consequence we believe members of the public have a right to comment. More important than that, the public has expertise and goodwill. The more members of the public are involved in these parks the more they will act as guardians of the parks and the more they will be proud and jealous of these parks; and members of the public will act as unpaid and unofficial rangers if they feel they have been the architects of the parks concerned. To adopt a dog-in-the-manger attitude and to say that because we believe the public should have a role to play that somehow means local government or the proposed national parks authority will not have a role, is nonsense.

Amendment put and a division taken with the following result—

Ayes—17

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr H. D. Evans	Mr A. R. Tonkin
Mr T. D. Evans	Mr Moiler
Mr Fletcher	*(Teller)*

Noes—22

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko
	(Teller)

Pairs

Ayes	Noes
Mr J. T. Tonkin	Dr Dadour
Mr T. J. Burke	Mr Sodeman
Mr May	Mr Crane
Mr Jamieson	Mr Shalders
Mr Davies	Mr Laurance

Amendment thus negatived.

Clause put and passed.

Clause 23: Dealings in land and property—

Mr A. R. TONKIN: The member for Vasse does not seem to understand the position in respect of this provision. We are concerned that the proposed authority should take control away from the local governing bodies. This authority will not be able to manage the parks adequately, because it will not have full control over the roads in the area. Section 300 of the Local Government Act indicates that a local authority has the power to override the authority in respect of the care, control, and the management of roads, ways, etc., within the district of the local authority. If we look at the definition of "district" in that Act we find it refers to the whole district. That being the case, the proposed national parks authority will not have full control over the parks.

One of the most crucial tools in the management of national parks is the control and management of the roads, because they provide access to these parks. Of course we know that generally speaking national parks are intended to provide access to the people; but there is no point in making them available to the people if after 20 years they no longer are available because they have been destroyed.

The Bill recognises that it may be necessary to deny access to certain parts of, or to entire national parks at various times. It has been found in overseas countries that tremendous damage has been caused to objects and to flora of interest, because the thousands of people who visit the national parks often want to touch these objects and trees. In so doing they sometimes compact the soil around a tree, and as a result the tree dies.

Obviously the control of access to national parks is a vital question, and if the proposed authority does not have control of the roads then it will not be able to manage the parks. Section 300 of the Local Government Act states that unless there is some contrary provision in another Act, the roads in the area are

to be controlled by the local authority. That being the position, we believe there is an omission in the Bill in that it does not contain a specific reference to section 300 of the Local Government Act. For that reason I have placed an amendment on the notice paper as follows—

> Page 18—Add after paragraph (e) in lines 6 to 14 the following new paragraph to stand as paragraph (f)—
>
> (f) has the care, control and management of all roads, ways, bridges, culverts, fords, ferries, jetties, drains and, subject to the Rights in Water and Irrigation Act, 1914, the Water Boards Act, 1904 and any direction in writing of the Minister for Works, water courses, which are within any area proclaimed as a National Park and to this extent the provisions of section 300 of the Local Government Act, 1960 do not apply to such areas.

If this control is not given to the national parks authority in time it will be crippled, and it will not be in control of the management of parks. The Bill provides for a management programme, but without proper control of access ways such a programme is meaningless.

I repeat that one of the main methods of managing national parks is to have control of the roads in them. Without this control being given explicitly to the authority its hands will be tied.

Mr P. V. JONES: In the second reading debate we dealt with the question of roads in a very shallow way. I indicated that as there would be further discussions on an amendment I did not intend to pursue the matter to any great degree. However, I did give as an example the situation at Kalbarri where there is a highway established under the Main Roads Act. That road could hardly come within the total control of the national parks authority.

There are three types of roads to be considered. There are the highways of the category I have just mentioned; there are roads traversing a national park which can be gazetted road reserves; and there are roads which are actually constructed on land vested in the national parks authority.

To deal with the last category, where any road or access way that is built on land occupied by and vested in the national parks authority is totally under its control, the regulatory powers in clause 41 will provide adequately for such control. I do not mean control merely in terms of determining the speed limits and traffic flow, but total control such as the upgrading, the maintenance, and the the drainage of roads.

Problems do arise in the construction of roads, and in the interference to roads by earth-moving equipment. I refer to land which does not belong to the national parks authority but which is part of a gazetted road reserve. Most of these cases have arisen because the roads were built before the park was established. The gazetted road reserve had been set aside at a time when perhaps the park bordered one side of the road, and now there is a corridor effect. It is not feasible or possible to provide control over a gazetted road reserve that is vested totally in the local authority. We need to ensure that the road is to be used for purposes other than to give access to the national park.

In this regard we can think of the situation at Cape Le Grand where the road provides access to the beach which is used for recreational purposes, including fishing. This road is totally unrelated to the national park; yet it passes through the park.

Mr A. R. Tonkin: How can it be totally unrelated?

Mr P. V. JONES: Simply because it is not an access way to the park.

Mr A. R. Tonkin: But it provides an access way to the park.

Mr P. V. JONES: That is correct, but that is not the sole purpose of the road.

Mr A. R. Tonkin: Certainly it is related.

Mr P. V. JONES: But it is not solely an access way to the park. It also serves another purpose. As I have indicated, more than half the roads which traverse parks fall into this category.

The amendment is very far-reaching because it also refers to waterways and areas of activity which would have a considerable effect upon the management as well as other Acts and most of the wording is, in fact, similar to that in section 300 of the Local Government Act. However, we do take the point that when gazetted road reserves occur, although the national park authority could make regulations concerning certain aspects of those roads, it cannot have the total control because of the land situation.

Because of the difficulties which can occur it has been decided that it is a far better and simpler way to cope with this problem by making amendments to the Local Government Act so that local government will be required to consult and make arrangements regarding upkeep, maintenance, and operations of these roads within gazetted road reserves where they traverse national parks. They will be required to consult with the authority, but in all other aspects there is already adequate protection.

Some time ago the main roads legislation was amended to provide that the Main Roads Department cannot act in

isolation when highways under its control traverse national parks. It must consult with the National Parks Board, and it does so very well. A good relationship has resulted in that regard.

In the situation under discussion we wish to ensure that local authorities also are required to consult with the national parks authority regarding roads within gazetted road reserves; and that is the manner in which this protection will be afforded.

Mr A. R. TONKIN: The Minister has indicated that consultation will occur with the MRD. The term "consultation" can mean many things. If it means that the MRD must inform the national parks authority of its intentions—that is a form of consultation—the national parks authority could then write back and say it did not agree, but the MRD could still go ahead. That may not be completely satisfactory.

The Minister said that when a major road traversed a national park it was not right that that road should be subjected to the needs and exigencies of a national park.

Mr P. V. Jones: Alone.

Mr A. R. TONKIN: Of course, looking at the situation from the other angle, it does not mean to say that the national park should be sacrificed for the expediency of good and safe travel through the area. I suppose it depends where the emphasis is placed. There has been a great obsession in this State with road building as though the need to get from point A to point B is the most important need confronting us. It is important for many people. It has been part of our pioneering spirit, but we have other values, too, and it may be that some people believe that the necessity to travel should not necessarily be superior to the need to prevent the degradation of a national park. If people must travel an extra 50 miles to skirt a national park that may be desirable.

As the Minister has indicated, it is a far-reaching amendment and there are different classes of roads. I take his point that this amendment may be too much of a blunderbus when what is needed is a finer instrument. This illustrates the difficulty of the Opposition drafting amendments without the help of the expert opinion which is available to the Government. Indeed, if this Parliament is ever to be a Parliament and a law-making Assembly—which it is not—then all members of Parliament must have access, through a proper committee system, to expert advice as have the Ministers.

Obviously in this situation the Minister has access to advice which is not available to the Opposition, and as a consequence amendments of this nature may not be the most expert in the world. Suffice to say that, on behalf of the Opposition, I am prepared to let this amendment go because the criticism the Minister made is reasonable. However, we will be waiting with a great deal of interest to see how this problem is solved and to ensure that not only lip service is given to consultation. National parks have an urgency of their own and if there are differences of opinion concerning the importance of national parks and the importance of safe and rapid transit, then some way must be found to resolve them. The Minister's assurances reported in *Hansard* do not mean a thing if there is not adequate consultation provided by way of amendments to, for example, the Local Government Act, to which he referred.

For the time being we are prepared to let this amendment go, but we will be watching carefully to ensure that national parks are not sacrificed on the altar of the transport system.

Clause put and passed.

Clauses 24 and 25 put and passed.

Clause 26: Erection of notices—

Mr A. R. TONKIN: I find it quite extraordinary that the only penalty in the Bill is to be imposed for interference with a sign. In my second reading speech I referred to some of the tremendous problems associated with national parks, including beach buggies, fire, bulldozing, and the construction of illegal roads, as by Bell Bros. in the Fitzgerald River Reserve. Similar vandalism will occur in the future and it seems extraordinary to me that no penalties are provided for general misdemeanours.

I did toy with the idea of writing some in, but I found it easier, in the time available, to suggest an amendment to provide for suitable penalties which would act as a deterrent. That should be the important thing. However, we do draw attention to this clause because we believe it is another example of shoddy drafting. Of all the heinous crimes which could be committed, the Government has chosen the one concerned with the defacing of a sign. In other words, if a person scribbles his initials on a sign, he is subject to a fine of $500 but if a person destroys a complete park, which can be done in many ways with modern technology, the maximum fine will be $250.

Clause put and passed.

Clause 27 put and passed.

Clause 28: Powers of a ranger—

Mr A. R. TONKIN: It has been our concern to ensure that those controlling parks 1 000 miles from the centre of civilisation should be given the wherewithal to do so. I know some of these men, and they are dedicated. It is not fair to put the whole burden of looking after the parks on their shoulders if we do not adequately look after them.

We have heard the Minister for Police referring to the need to protect policemen in remote areas when they have to deal

with ugly mobs. Surely, if a ranger has to deal with an ugly mob he should have some powers. He will be able to remove any vehicle, animal or other thing. I am not a lawyer and I do not know whether "other thing" would include a human being. A ranger will be able to search any vehicle, and enter and search any hut, tent, etc. He will also be able to require any person to supply his name and address, and detain that person under the powers pursuant to section 50 of the Police Act. However, he will not have the powers pursuant to section 49 of the Police Act which would allow him to seize something which may be useful as evidence. We suggest that clause 28 should be amended to allow a ranger to seize any flora or fauna which he reasonably suspects to have been illegally removed or killed, or to seize any offensive weapon. That would assist a ranger in securing a conviction if such action was warranted.

This matter has to be taken seriously because tremendous damage can be caused by people who are very mobile in these days of rapid transport. We do not want to overstep the mark and make people oppressive or tyrannical. But I do suggest rangers should have the powers pursuant to section 49 of the Police Act, so that they are able to do their job properly.

Mr P. V. JONES: The point is very well taken and the powers of the rangers will not be as broad as that desired by the member for Morley. As I indicated recently, the powers of a ranger will apply only within the confines of a national park. The national park rangers will have powers similar to wildlife officers, with one exception; that exception is in relation to flora, but an amendment to the Wildlife Conservation Act during the next part of this session of Parliament will complete the arrangement whereby flora will come under the management of the Department of Fisheries and Wildlife.

The powers of a wildlife officer are set out in clause 20 of the Wildlife Conservation Act, and they apply to all rangers except gatekeepers who do not require them.

Mr SKIDMORE: I find it passing strange that the Minister should put forward the proposition that some other Act should control people covered in the Bill we are now debating. Surely those people who will be affected by the provisions of this Bill should have some knowledge of what they are expected to abide by. Not to accept the amendment is a retrograde step with regard to the endeavour to obtain a conviction against a person who has broken the law of the land.

The Minister has said that power exists in another Act, and then he went on to say that not all rangers have that power. A ranger who does not have the necessary power will not have the capacity to secure a conviction against an offending person, and that is damned stupid in the extreme. It is ludicrous. Surely to goodness power should be given under the provisions of the Police Act, and not under an Act which has nothing to do with the Bill now before us other than that it deals with fauna. I believe the proposed amendment will make the situation clear.

Mr A. R. TONKIN: I cannot see that because a person has power under some other Act that is good enough. Why not provide the power to stop vehicles, search huts, etc., and require any person to provide his name and address, under the provisions of the Police Act? Either this measure should provide for the proper control of national parks, or it should not. Let us make this a complete Act, and one which is satisfactory and meets all requirements.

Mr BLAIKIE: I indicate that I do not support the amendment moved by the member for Morley.

The CHAIRMAN: The member for Morley has not moved an amendment. The question is that clause 28 be agreed to.

Mr BLAIKIE: Much has been said about widening the powers under this legislation, which I do not agree with. I do not agree with this clause anyway.

Mr A. R. Tonkin: You are a great conservationist.

Mr BLAIKIE: I also believe in the basic rights of people. This clause sets out the powers of rangers. My interpretation of the powers is that the rangers will be more powerful than the police. First of all, the clause states clearly and precisely—

> (1) A ranger who is not a member of the Police Force and who finds a person committing an offence against this Act, or who on reasonable grounds suspects that an offence against this Act has been committed or is about to be committed, may without warrant other than the provisions of this section—

Then the things he is allowed to do are set out.

Mr A. R. Tonkin: How does that give him more powers than the police have?

Mr BLAIKIE: I was under the impression that the police must have a warrant to enter and search a dwelling but a ranger is not required to have a warrant. I am concerned that these powers are too wide. I can recall the meeting, to which the member for Morley referred, which was supposedly arranged by real estate salesmen who were trying to create a bogey. At the meeting in relation to the report of the Conservation Through Reserves Committee —and this Bill provides the mechanics for the implementation of its recommendations —Professor Appleyard said in answer to a question from me that one of the advantages flowing from the report would be that it would create employment because

a whole army of rangers would be employed and given wide powers. I question those powers again here this evening.

Mr A. R. Tonkin: One ranger to half a million hectares.

Mr BLAIKIE: I believe the powers contained in the Bill are wider than those available to the Police Force.

Mr A. R. Tonkin: That is nonsense.

Mr BLAIKIE: I believe the powers are too wide and that the Committee should look at them again.

Mr A. R. TONKIN: Sometimes we have one ranger to half a million hectares, which is over one million acres. We know the member for Vasse is not concerned about the protection of the environment. He would not mind if cartloads of louts wrecked a park. He wants to see the rangers with their hands tied behind their backs and powerless. The Bill does not give wider powers than the police have under section 49 of the Police Act. That is nonsense.

The Minister says these people will have powers, but their powers will be under the dog and goat Act, or something like that. That is an absurd situation. If they are rangers employed by the national parks authority they should have powers under this legislation.

I move an amendment—

> Page 22—Insert after paragraph (c) the following new paragraph to stand as paragraph (d)—
>
> (d) seize any flora or fauna, which he reasonably suspects to have been illegally removed or killed, or any offensive weapon; .

Mr SKIDMORE: I wish to speak to the amendment and to answer some of the criticism levelled by the member for Vasse in regard to rangers. I could suggest to the member that he should take the totality of the clause when considering the proposed amendment. I refer the honourable member to the rider contained in the subclause which reads—

> but a ranger shall not exercise any power specified in paragraph (a), (b) or (c) of this subsection unless he has first taken all reasonable steps to communicate to the owner or person in charge of the vehicle, animal, vessel, conveyance, hut, tent, caravan or other thing concerned his intention to exercise the power and his reasons for believing that he is authorized to exercise the power.

The amendment seeks to add a further requirement that the ranger may seize certain flora or fauna. It has been said that a ranger who observes someone removing flora or fauna and placing it in his vehicle would not have the power to stop the vehicle. Under the proviso, the ranger must get in touch or communicate with the owner or person in charge of the vehicle. That is just stupid. It is suggesting that the power should be removed in an emergency situation when the ranger is trying to protect the national park. The amendment would give the ranger the right to seize any flora or fauna which he suspects reasonably to have been removed or killed illegally.

The proviso refers to the owner or the person in charge of the vehicle. This is an example of bad drafting—surely it is the person in charge of the vehicle whom the ranger wishes to interrogate.

The ranger should be given the right to enforce the regulations in the legislation. Surely there can be no objection to our strengthening the right of a ranger to protect the heritage of a national park. That is what we seek. I believe this is a worth-while amendment, and it should not be rejected merely because it has been put forward by the Opposition. Surely the Government will not reject it out of hand simply because it did not think of it. It is not unreasonable for a Government to decide that an amendment so moved is worthy of consideration. This is in line with the argument put forward, albeit weakly, by the member for Vasse and also raised by me, that a ranger should have these powers because of the overriding power given to him under the clause.

Amendment put and a division taken with the following result—

Ayes—17

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr H. D. Evans	Mr A. R. Tonkin
Mr T. D. Evans	Mr Moiler
Mr Fletcher	*(Teller)*

Noes—22

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko
	(Teller)

Pairs

Ayes	Noes
Mr J. T. Tonkin	Dr Dadour
Mr T. J. Burke	Mr Sodeman
Mr May	Mr Crane
Mr Jamieson	Mr Shalders
Mr Davies	Mr Laurance

Amendment thus negatived.

Clause put and passed.

Clause 29 put and passed.

Clause 30: Persons obstructing execution of this Act—

Mr A. R. TONKIN: Subclause (1) reads—

> A person who wilfully obstructs any person acting in the execution of this Act commits an offence against this Act.

I am wondering about the inclusion of a provision to protect rangers, for example, against assaults and threats. I am not a lawyer, and I do not know what the words "wilfully obstruct" mean. I am not sure they mean assault or threat. In many similar Acts we find the inclusion of a provision to protect rangers or officers from assaults or threats. I am interested to hear the Minister's comment as I wish to ensure that we are giving the rangers sufficient protection.

Mr Clarko: All you can do is to punish offenders afterwards.

Mr A. R. TONKIN: I believe an omission from the measure is that there is no provision making it an offence for a person to represent himself to be a warden. That seems to me to be an important point. People could represent themselves to be wardens and perform all manner of undesirable acts. It would then follow that wardens would fall into disrepute with the public and this would destroy co-operation between the wardens and the public. I believe it is desirable to include such a provision so that that type of act would not be encouraged.

Mr P. V. JONES: The matter raised by the member for Morley is valid. I will look into the question of whether or not subclause (1) provides sufficient protection to the rangers. If this provision needs strengthening, I will ensure that it is done in another place. Similarly, with respect to people masquerading as rangers, if this matter is not covered under clause 41—the regulations—I will see that an amendment is moved in another place.

Mr SKIDMORE: I am concerned about subclause (2). A person could be an innocent bystander when a ranger appears to interrogate someone who he believes acted contrary to the Bill. A disputation could occur perhaps leading to physical violence on the ranger. The subclause commences—

> (2) A person who fails to give to any person . . .

I would like to substitute the word "ranger" for the words "any person". It is abhorrent to me that I, as an innocent bystander—

Mr Clarko: You will never be innocent!

Mr SKIDMORE: —could be called on to help a ranger. I am a pacifist and I do not believe in entering into any fights. Perhaps I could be on crutches or incapacitated in some way, and I could then be forced to stand up in a court of law to justify myself for not obeying the ranger.

Mr Clarko: The police can call on a person in a similar way.

Mr SKIDMORE: The member for Karrinyup always has a lot to say when he is sitting down.

Mr Clarko: There is a chap in Fremantle having trouble hearing you above a couple of fog-horns!

Mr SKIDMORE: We hear many comments from members on that side of the Chamber about people's rights. If the honourable member cannot understand the Queen's English, he should not blame me. I am not responsible for the educational standards he failed to reach during his schooling.

Mr Clarko: When are you going to say something about the Bill?

Mr SKIDMORE: I was just about to say—

Mr Clarko: I was saying the police can call on a person for help in a similar way to this.

Mr SKIDMORE: I am a pacifist, and if a policeman asked me to fight because someone was being physically assaulted, I am afraid I would go to gaol rather than obey him. I believe any pacifist has that right. The point I am making is that I believe it is quite wrong to give this power to a ranger. In regard to the interjection, surely it is not wrong that people should have the right to stand there as observers without being sucked into the conflict simply because a ranger says, "Come on—I want some help." I would certainly oppose such a provision with all the power I have.

I say here and now that if I were placed in that situation I would not like to be called upon, nor would I like to call upon another person under this provision.

Mr Sibson: That is your choice.

Mr SKIDMORE: Quite frankly, I do not know what penalty I would incur.

Mr Sibson: No penalty.

Mr SKIDMORE: It is suggested nothing in the Bill says there will be a penalty, so we have a penal clause without a penalty.

I make the point that nobody should be asked to support a person under those circumstances if he does not wish to do so. It is like my standing outside a cabaret at night and the police asking me to assist them because they are getting belted up while they are trying to arrest somebody. Do members think I will race in and cop one on the kisser? I have stood there many times in such circumstances and done nothing because it is not my fight. I believe that is the right of everyone, and for that reason I feel this clause is not one that we can support.

Mr HARTREY: I have pleasure in supporting the eloquent address of the member for Swan. As a member who has achieved the age of 75 years, I do not feel very much inclined to interfere in quarrels that certain others who are much younger and much more vigorous than I am care to indulge in.

I would suggest, therefore, that after the word "assistance" in line 18 on page 23 we insert the words, "or run for assistance if there is any strife". If I were called upon to give assistance I would not be of much help but if I were to run for assistance I might do better!

Clause put and passed.

Clauses 31 to 40 put and passed.

Clause 41: Regulations—

Mr A. R. TONKIN: We believe penalties should deter; yet the penalty for completely destroying a national park with bulldozers or beach buggies or by vandalism on the part of a big company is $250, and that is just not adequate.

To suggest that inadequate penalty whereas a person who puts his initials on a sign saying that so and so loves so and so is liable to a penalty of $500 is quite ludicrous and out of all proportion. I cannot understand why this Bill contains such a low penalty in respect of regulations made for the control of the cutting, construction, or maintenance of roads or tracks, the prohibition or regulation of the introduction or use of any dangerous, poisonous, or noxious substance, and others. If a person introduces a herbicide that razes a whole forest he may be fined $250. We take this Bill far more seriously than that.

Mr P. V. Jones: Do you intend to move this amendment?

Mr A. R. TONKIN: Yes.

Mr P. V. Jones: I am hoping we can get on with it; if you move it I will accept it.

Mr A. R. TONKIN: Thank you; that does save time. I move an amendment—

Page 29, lines 27 and 28—Delete the words "two hundred and fifty" and insert in lieu the words "one thousand".

Amendment put and passed.

Clause, as amended, put and passed.

New clause 22—

Mr A. R. TONKIN: I move—

Page 16—Insert after clause 21 the following new clause to stand as clause 22—

Appointment of local advisory committees.

22. (1) The Authority shall, unless it, considers that such an appointment would be impractical or would not further the aims and objects of this Act, appoint an advisory committee representative of local residents in respect of each of the areas proclaimed under section 5 of this Act.

(2) Whenever the Authority decides not to appoint a local advisory committee it shall record its reasons in writing and shall cause such reasons to be laid before each House of Parliament.

In a State of one million square miles there are many different problems. The problems of managing national parks like the Regent River Reserve, the Hamersley Reserve, and the Stirling National Park vary so greatly that local committees should be established. In the second reading debate I indicated this is desirable because if local people have a great interest in their national parks and are members of advisory committees they will be more likely to have pride in the environment and to co-operate.

We note that such local advisory committees are used in every other State and in the Commonwealth. Western Australia needs local advisory committees more than the other States because we are the biggest State and the differences between one extremity of the State and the other are greater than in the other States, and the central authority in Perth is less likely to be aware of all the nuances of the various matters associated with various parts of the State. For that reason we cannot see why we should not do what has been done in other States, and have local advisory committees so that people have a chance to comment and express their points of view, and so that the great degree of local expertise is tapped.

Mr P. V. JONES: Local participation, advisory committees, and delegation by the authority to local groups were mentioned in the second reading debate and earlier in the Committee stage. In the opinion of the Government adequate power is included in the Bill to provide for this. Parts of clauses 12 and 15 do this. In the second reading debate I gave the example of Gelkie Gorge for the purpose of illustrating the vast distances from the central point.

However, the involvement of local knowledge in the operation of the parks and reserves in that area is very important. We agree on that, and we have already recognized it in a manner which can provide for local participation in one of two or three ways set out in those clauses. We do not see the reason for such a new clause when in fact these committees already can be established and delegated with the powers already vested within the authority.

New clause put and a division taken with the following result—

Ayes—17

Mr Barnett	Mr Harman
Mr Bateman	Mr Hartrey
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr H. D. Evans	Mr A. R. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	*(Teller)*

Noes—22

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko

(Teller)

Pairs

Ayes	Noes
Mr J. T. Tonkin	Dr Dadour
Mr T. J. Burke	Mr Sodeman
Mr May	Mr Crane
Mr Jamieson	Mr Shalders
Mr Davies	Mr Laurance

New clause thus negatived.

New clause 29—

Mr A. R. TONKIN: I move—

Page 22—Insert after clause 28 the following new clause to stand as clause 29—

Penalties exacted by way of notice to offender.

29. (1) Where a ranger finds a person committing an offence under this Act or under regulations promulgated under this Act and having regard to the nature of the offence and the circumstances in which the offence occurs, and to the place where the offence occurs, the ranger believes that proceedings under this section are adequate he may, upon ascertaining the offender's name and place of abode, give the notice specified in this section.

(2) The notice—

(a) shall be identified by a serial number;

(b) shall identify the person to whom it is given by his name and place of abode;

(c) shall state in general terms the offence which the person has been found committing;

(d) shall inform the person in general terms that if he does not desire the matter to be determined in a court hearing he may complete the form attached to or appearing upon the notice and may forward or deliver that form together with a prescribed sum by way of penalty to the person named therein within the time appointed in the notice, which shall be not less than ten days from the date of giving notice, whereupon he will not be liable to further costs or penalty in the matter;

(e) shall inform the person in general terms that he has a right to decline to proceed in the manner described in paragraph (d) of this subsection and to allow the matter to be determined in a court hearing—

(i) if he desires to contest the question whether the offence alleged was in fact committed; or

(ii) if he wishes to submit to the court matters in extenuation of penalty; or

(iii) for any other reason,

in which event he need not reply or take further action in respect of the notice and that in such case court process will issue against him in due course.

(3) Where a person to whom notice is given pursuant to subsection (1) of this section proceeds in the manner prescribed in paragraph (d) of subsection (2) of this section within the time appointed in the notice a proceeding against him by way of prosecution for the offence alleged in the notice shall not be competent but otherwise such a proceeding may be commenced as if the notice had not been given.

Legal opinion has indicated difficulty could arise in the prosecution of offenders, and we believe this new clause will place the matter beyond doubt. Without it, it will be very difficult to prosecute offenders, and experience with other legislation has indicated that such detailed provisions are necessary. A ranger or officer should have the power to make a charge stick. We would not want to see our Bill and the public's money go up in smoke because we have not adequately stipulated how offenders should be dealt with.

Mr P. V. JONES: We would certainly agree that the machinery of the legislation should enable its provisions to be enforced. It also shows that legal opinions do vary.

Mr O'Connor: That is not unusual.

Mr P. V. JONES: 'Twas ever thus! The legal opinion we obtained is that the Bill contains adequate provision to enable offenders to be prosecuted. In fact, it is similar in this respect to section 26(2) of the Wildlife Conservation Act, and as the two pieces of legislation relate to similar sorts of offences, we are quite satisfied that this point is adequately covered.

New clause put and a division taken with the following result—

Ayes—17

Mr Barnett	Mr T. H. Jones
Mr Bateman	Mr Harman
Mr Bertram	Mr Hartrey
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr H. D. Evans	Mr A. R. Tonkin
Mr T. D. Evans	Mr Moller
Mr Fletcher	*(Teller)*

Noes—22

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko

Pairs

Ayes	Noes
Mr J. T. Tonkin	Dr Dadour
Mr T. J. Burke	Mr Sodeman
Mr May	Mr Crane
Mr Jamieson	Mr Shalders
Mr Davies	Mr Laurance

New clause thus negatived.

Schedule—

Mr P. V. JONES: I move an amendment—

Page 34, line 2—Delete the word "for" and substitute the word "or".

This is a printer's error.

Amendment put and passed.

Schedule, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

ACTS AMENDMENT (PORT AND MARINE REGULATIONS) BILL

Second Reading

Debate resumed from the 4th May.

MR McIVER (Avon) [11.13 p.m.]: As outlined in the Minister's second reading speech, this is a most unusual Bill because it seeks to amend six separate port authority Acts, the Jetties Act, and the Shipping and Pilotage Act. Although we on this side of the House fully agree with this Bill, which will bring benefit and financial saving to the various bodies concerned, we are not happy with the regulation-making powers in the measure. It would be appreciated if the Minister would be more specific in his reply with regard to the regulations to be made under the Bill because they are the essence of the whole measure. The relevant part of the Bill reads as follows—

> 62A. Any regulations made under this Act may—
>
> (a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations;

We are concerned that the Bill is ambiguous and does not entail enough detail as to where different bodies may obtain the various regulations. A further example is that in the Minister's second reading speech he said—

> It is envisaged that the reference to the adoption of such procedures would provide for the updated code to be applicable at all times.

To us that is mumbo jumbo. It might be all right for the Parliamentary Draftsman, but it is not for us. We want to know to whom these various people should apply so that we may pass the information to the various bodies. When they are handling, for example, inflammable and explosive material, to whom do they apply?

That is the only item in the Bill about which the Opposition is in a quandary. Apart from that matter we on this side of the House have no opposition to the Bill, but we want the Minister to reply fully to this question.

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [11.18 p.m.]: The member for Avon has indicated the attitude of the Opposition in this matter and has covered it fairly comprehensively. There is no opposition to the first portion of the Bill—the amalgamation of the six port authorities. The relevant matter concerns the regulations. The member for Avon referred to the Minister's second reading speech. If the matter is looked at in the way that it reads, there is quite a problem, which I think the Minister will appreciate. The relevant part of the Bill states that any regulations made pursuant to the various Acts may—

> . . . adopt, either wholly or in part or with modifications and either specifically or by reference, any rules,

regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations;

If it is simply stated that manufacturers' specifications have been adopted as regulations and apply to the handling of such substances as inflammable and explosive goods, where they would be most stringent and probably in some detail, how does the person involved become familiar with the code that has been laid down by some outside body?

If this is to be put into effect, would it not be preferable to declare the precise terms of what the manufacturer has in mind, and to gazette that as a regulation? By doing that we will ensure that the requirements do appear in the *Government Gazette* in the normal manner. In that way there will be no ambiguity or confusion, and there will be an obligation on the individual concerned.

It is unreasonable to say that under certain regulations a standard can be adopted. Let us turn to the variety of the standards of the British Standards Institution or to the subordinate legislation of the Commonwealth. Those standards and such legislation might not be known and might not even be accessible to people who want to know about them. Surely such a Statute or part of it, as passed by the Commonwealth, should be a regulation and should be readily available to people without difficulty. Perhaps the Minister can explain what is involved.

MR HARTREY (Boulder-Dundas) [11.21 p.m.]: I too am very much of the opinion as expressed by the last speaker. I think this is a serious matter in that we should be not only delegating the legislative authority of this Assembly to depart from the administration of regulations made and ratified by us and capable of being disallowed by us, but that we should be providing that people over whom we have no control shall be able to make regulations in the Commonwealth Parliament or elsewhere and adopt the standards laid down by international organisations. Are the people of Western Australia to be governed in that way? I cannot imagine a worse situation!

In pre-Federation days it was argued in Victoria that a colonial Parliament could not delegate to anyone its regulation-making powers. The principle involved was *delegatus non potest delegare* which means "a delegate of powers cannot subdelegate them".

The Privy Council corrected this error by ruling that colonial Parliaments were not delgates of the Imperial Parliament, but possessed independent legislative powers, which they could delegate to a regulation-making authority if they chose.

So, we can delegate regulation-making powers to Ministers or to their departments, but we cannot go so far as to delegate such powers to the Imperial Parliament or the Parliament of Jamaica, for example. It is certain that we cannot delegate these powers to the Nobel Explosives Company which has laid down certain precautions to be taken in the handling of explosives. Such companies could come under the category in the Bill of "other like body specified in the regulations".

We can make regulations specifying what these other authorities have already prescribed, but we cannot make regulations as to what they will prescribe in future. If it is our objective to follow their example then either we will not be following their example or we will allow them to make our regulations. That seems to me to be a rather fantastic idea.

As the last speaker has said, it is so important that the people should know what is supposed to be the law. To plead ignorance of the law is no excuse. That is all right in its own way, but am I supposed to look at the *Government Gazette* of Western Australia to find out what Commonwealth regulations govern jetties or their facilities mentioned in the Statutes referred to in the Bill? Am I supposed to obtain the *Government Gazette* of the United Kingdom to find out what it has decided to do? Even if I did this, how would I find out what are the specifications of the Australian Standards Association, the British Standards Institution, or the American Standards Association?

How am I to know what are the standards regulations in the Republic of West Germany, let alone the East German Republic? I cannot speak their language nor can I read their laws. I could not comprehend their laws even if I could speak their language.

This is the sort of legislation we seem to be getting from the same source, but it certainly does not make good sense let alone make good laws. I must take strong exception to the provision that is contained in the Bill.

MR O'NEIL (East Melville—Minister for Works) [11.26 p.m.]: I am at a loss to know whether to thank the Opposition for its support of the measure, or to criticise the Opposition for its opposition to it. I understand that the principal spokesman for the Opposition indicated the support of the Opposition to the measure.

The Bill simply repeats in separate Acts the same type of provision which makes it possible that regulations made under

this Act may contain references to standards laid down by certain organisations. I should point out that any regulation made under this Act may be disallowed in this House. If a regulation which purports to adopt a standard laid down by a statutory body elsewhere is unacceptable to this House then the whole of it may be disallowed.

The contention of the member for Boulder-Dundas that we are passing on responsibility to somebody else is not correct. However, I must admit that regulations may be made—I think the member for Swan is ready to take me up on a matter which I am about to mention—to adopt specifications set by certain standards associations which are recognised statutory bodies and which may vary from time to time.

We are dealing with a specific area of responsibility—the operation of ports in Australia. It is not at all unusual for the specifications of a tender document to lay down that the material used must be of Australian standard specification No. 1945, or something to that effect. The people tendering in respect of that document will know what that means. I refer to the architects, the engineers, and the builders.

In exactly the same way we are being relatively specific in that we are talking about the adoption of codes which are established by statutory authorities recognised throughout Australia, and in many cases throughout the world. Let us not forget that shipping is not only a national responsibility but also an international responsibility. This is required so that people who sail in ships and people who manage ships in ports may be quite clear on such matters as the handling of explosives and how they must be packed, etc.

What the Deputy Leader of the Opposition has said is that we ought to have all this laid down in specific regulations every time one of the standards is changed. That is the situation which, in fact, exists; and the sole purpose of the Bill is to simplify what is a time-consuming and tedious process which must be adopted by every authority, whether it be an autonomous body or one operated by a Government in Australia.

The Association of Australian Port and Marine Authorities, referred to in the Bill, is a statutory body which is representative of all users of ports throughout Australia and it has the power at its annual meetings and conferences to determine certain standards which must be observed, particularly in relation to the handling of dangerous goods, and so on, within ports. I am sure no-one will deny that those standards must be uniform.

Let me say that while the member for Boulder-Dundas, who is a lawyer, may not be up in the ways of those who go to the sea in ships, those who use the ports and the ships in them are already accustomed to having to abide by certain standards set by international bodies as well as national and State bodies.

The only objection is to the fact that every time a standard is changed—and I must admit it is not very often—it will not be necessary for new regulations to be promulgated, and in some cases for Statutes to be altered by Parliament in order to cater for the particular change. There are occasions when materials used for packing explosives can be changed and as long as the material conforms to certain standards set by the Standards Association of Australia, it may be used. The provision in the regulation does allow for various ports to use alternatives in the event of the nonavailability of certain materials. The regulation-making power contains a proviso which reads—

> (b) provide that where by reason of unavailability of materials or other reason that the Port Authority considers valid any requirement adopted by the regulations cannot be conformed to, the Port Authority may approve such use of materials or other matters as it considers to be consistent with the achievement of the objects of the regulations.

So although we adopt certain standard codes in respect of these matters if a port authority believes a provision to be impracticable because of the nonavailability of materials or for any other reason, it can modify it to a certain degree. I am sure that none of us will charge any port authority with being negligent in matters relating to security and safety in its port.

As I say, I am assuming the Opposition supports the measure and I thank it for this.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

ADJOURNMENT OF THE HOUSE: SPECIAL

SIR CHARLES COURT (Nedlands—Premier) [11.36 p.m.]: I move—

> That the House at its rising adjourn until Wednesday, 12th May at 11.00 a.m. and shall sit until 12.45 p.m. and from 2.15 p.m. to a time not later than 5.15 p.m. on that day.

Question put and passed.

House adjourned at 11.37 p.m.