

sort of statement that we read in the Press yesterday. I am referring to the heading, "Top union men called parasites".

The PRESIDENT: I would like the honourable member to get back to the motion.

The Hon. D. W. COOLEY: It is related to it. That statement was made by a little nincompoop who would not be capable of polishing the shoes of the man to whom he referred. I am referring to the Liberal Whip in another place who made that statement about hard-working colleagues of mine being parasites. It is in line with what Mr Lewis said about the Prime Minister of this country.

The Hon. A. A. Lewis: He was talking about someone else. I will stand by my statement.

The PRESIDENT: Will the honourable member please continue?

The Hon. D. W. COOLEY: Yes, I would like to carry on.

The Hon. A. A. Lewis: I thought you had been carrying on for some time.

The Hon. D. W. COOLEY: Time is running out because I want to comply with your wishes, Mr President.

The PRESIDENT: Order! You are not complying with my wishes. I am here for as long as the House sits. I want to make that perfectly clear.

The Hon. D. W. COOLEY: I am sorry. I will conclude by saying that this is not a good motion and it does no credit to this House. I do not think it will go very much further than this House, but it is rather a part of a deliberate policy, as I indicated earlier, in an endeavour to bring down a Government, and it is another little wedge in that respect. It is very mischievous in its content because it creates a great deal of division in the community. It is turning people against people, and farmers against unions. Soon it will be brother against brother, and family against family; and when that occurs—

The Hon. N. McNeill: It will be the responsibility of the Labor Party.

The Hon. D. W. COOLEY: —we will have an unstable Government in this country. Democracy depends entirely on a stable Government.

The Hon. N. McNeill: Unstable government did not exist before your Government came into power in Canberra.

The Hon. D. W. COOLEY: Always previously in this country once a Government has been elected it has remained in office for three years, because that is its term; but that is something members opposite cannot understand.

In conclusion I believe the motion should be defeated or remain buried as it has been on the notice paper for the last six weeks.

Debate adjourned, on motion by the Hon. S. J. Dellar.

House adjourned at 6.12 p.m.

Legislative Assembly

Thursday, the 24th October, 1974

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (17): ON NOTICE

1. LAND AT MAYLANDS

Use by Traffic Authority

Mr HARMAN, to the Minister for Police:

Will he please table a plan indicating the land use proposals by the suggested new traffic authority on the Maylands Peninsula?

Mr O'CONNOR replied:

No such plan is available. The authority, when formed, will be directed to look at what use may be made of land on the Maylands Peninsula.

2. *This question was postponed.*

3. HOUSING

Septic Systems: Faulty Construction

Mr TAYLOR, to the Minister for Housing:

(1) Is he aware that a particular building constructed under a State Government contract was not completed to plan in that a certain sewerage connection was omitted? The work not done was the installation of a connecting pipe between a prime and secondary septic tank, resulting in a requirement, in the interest of public health, for the pumping out of sillage from the overflowing prime septic tank.

(2) Whether his answer is "Yes" or "No" will he advise, as the building is now privately owned—

(a) under normal Government construction contracts is there a time limit with respect to a claim to "put right";

(b) would such an omission be considered as the responsibility of the contracting authority, the contracting builder, or the installing plumber;

- (c) as the local authority's building and/or health inspector should have checked and inspected the work before covering up, what is now the responsibility or liability, if any, resting on the authority or its officers?

Mr O'NEIL replied:

- (1) No.
- (2) (a) Usually a six-months maintenance period if the contract is between a builder and the State Housing Commission. In addition, there is a six-year warranty clause covering serious structural defects if negligence by builder can be proved.
- (b) The contracting builder could be held responsible depending on the circumstances.
- (c) This is a question which should more properly be directed to the authority concerned. It is not within the competence of any Minister to express opinions on the responsibility of authorities not subject to his direct control.

4. DENTAL TECHNICIANS

Legislation

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

With reference to question 28 of 2nd October, 1974 regarding legislation relating to dental technicians, can he advise—

- (a) when his decision was conveyed to the Australian Dental Technicians Society (WA Branch);
- (b) how his decision was conveyed to the society?

Mr RIDGE replied:

- (a) and (b) The decision was conveyed to the Dental Laboratories Association of WA by letter on 20th September, 1974, and to the Australian Dental Technicians Society (WA Branch) by letter on 18th October 1974.

5. TEACHERS

Posting to Remote Areas: Special Lectures

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

With reference to question 4, 16th October, 1974 and question 5, 22nd October, 1974, would he please nominate schools in the Eastern Goldfields, North Eastern Goldfields and Murchison areas which have a high content of

Aboriginal enrolments and in respect of which young teachers appointed thereat will be considered for participation in the special lectures mentioned?

Mr MENSAROS replied:

It is anticipated that significant Aboriginal enrolments will be at the following schools in 1975—

Menzies,
Laverton,
Leonora,
Albion Downs,
Cue,
Yalgoo,
Meekatharra Junior High,
Mt Magnet,
Wiluna,
Norseman Junior High.

Consideration will be given to the nature of relevant courses which the young teachers have already attended, when the matter of participation in the special course is being decided.

6.

SCHOOLS

Toilets: Privacy

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

- (1) Is the Minister satisfied that toilet facilities at primary schools provide adequate privacy for maturing senior girls?
- (2) What plans are being pursued to rectify any inadequacies?

Mr MENSAROS replied:

- (1) and (2) In schools of recent construction, toilets in accord with modern standards have been included in the main building. In older schools, external toilets still exist but the department is making every endeavour to effect improvements.

Parents can be assured that first mistresses give every consideration to the situation in regard to maturing senior girls.

7. MENTAL HEALTH SERVICES

Government and Private Hostels: Costs

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

- (1) How many ex-Mental Health Services patients are accommodated in privately operated hostels which receive a subsidy of \$1 per patient per day from the State Government?
- (2) What is the annual cost to the State Government of providing the \$1 per patient per day subsidy to private hostels accommodating ex-Mental Health patients?

- (3) What is the estimated current cost per day of maintaining one mental health patient at the Swanbourne-Graylands Hospital?
- (4) Is any extra source of finance available to the State Government if it keeps mental health patients in Swanbourne-Graylands rather than in community hostels?
- (5) What is the difference in estimated annual cost to the State Government between keeping one mental health patient in a privately operated hostel and keeping the same patient in Swanbourne-Graylands?
- (6) Does the Minister see any advantage to the patients concerned in keeping them in a hostel in the community rather than in a large institution?

Mr RIDGE replied:

- (1) 736.
- (2) Approximately \$250 000.
- (3) Swanbourne Hospital—\$17.05 per day.
Graylands Hospital—\$29.52 per day.
- (4) No.
- (5) The difference in costs would be almost negligible because existing staff and facilities are available to care for 1 additional patient. If large numbers are involved, costs would be increased but this could have the effect of reducing the average daily cost of maintaining all patients.
- (6) Generally yes, but it depends upon psychiatric and social needs of the individual person.

8. FARMERS Number

Mr H. D. EVANS, to the Minister for Agriculture:

What was the total number of farmers in Western Australia in each of the following years—
1968, 1970, 1972, 1974,
and into what categories did they fall?

Sir Charles Court (for Mr McPHARLIN) replied:

The total number of farmers and the categories into which they fall is not recorded by the Australian Bureau of Statistics.

The number of active rural holdings recorded in "Statistics of Western Australia" was—

1967-68—23 116

1969-70—22 937

1971-72—21 997

1973-74—20 510 *

* preliminary estimate only.

9. POLICE

Officers: Overtime

Mr T. H. JONES, to the Minister for Police:

- (1) What was the total amount of overtime worked by—
(a) police traffic patrol personnel; and
(b) other police personnel,
in the metropolitan area during the months of August and September, 1974?
- (2) How many men were involved and what was the total wages cost?

Mr O'CONNOR replied:

The information requested by the Member is not readily available and will take some time to collate. I will forward a reply to the Member as soon as possible.

10. IRON ORE COMMITTEE

Membership and Meetings

Mr MAY, to the Minister for Mines:

- (1) In connection with his announced reconstitution of the Government's iron ore committee will he advise the names of persons and their respective departments comprising the present committee?
- (2) On how many occasions has this committee met since and including April, 1974?
- (3) Will he detail the dates of the meetings?

Mr MENSAROS replied:

- (1) The Iron Ore Cabinet Subcommittee was reconstituted on the 2nd July, 1974, and the present members are:

Hon. Sir Charles Court, Premier,
Treasurer and Minister Co-ordinating Economic and Regional Development.

Hon. D. H. O'Neil, Minister for Works and Water Supplies and Housing.

Hon. Andrew Mensaros, Minister for Industrial Development, Mines, Electricity and Fuel and Energy.

The principal officers advising the Cabinet subcommittee are:

Mr E. R. Gorham, Acting Co-ordinator of Development and Decentralisation.

Mr B. M. Rogers, Under Secretary for Mines.

Mr E. G. Freeman, representing the Solicitor-General.

- (2) and (3) The officers' committee had a number of lengthy informal deliberations aided by other public servants; formal meetings were:

Cabinet subcommittee—21st September, 1974.

Officers' committee—16th July, 1974, 18th September, 1974.

Cabinet and officers enlarged committee—21st September, 1974.

Apart from these, Cabinet subcommittee members met several times informally.

11. MUJA POWER STATION

Commonwealth Financial Assistance

Mr MAY, to the Premier:

In view of Western Australia's current dependence on overseas oil for power generation will the Government make written representation to the Australian Government for special financial assistance to urgently upgrade the Muja power house?

Sir CHARLES COURT replied:

Not at this stage, but I do not rule out the possibility of an application being made to the Commonwealth Government at a later date for a special allocation of funds to the State for power generation at Muja.

12. SHOPS

Late Night Trading

Mr HARMAN, to the Minister for Labour and Industry:

- (1) Did he recommend to Cabinet that late night trading be allowed once per week in the metropolitan area?
- (2) What was the date of the submission?
- (3) What was the decision of Cabinet?

Mr GRAYDEN replied:

- (1) to (3) In June 1974 I reported to Cabinet on the general matter of extended trading hours including my inquiries in other States.

As a result a Bill seeking to amend the Factories and Shops Act has been introduced into the House.

13. BERWICK STREET

Traffic Flow

Mr DAVIES, to the Minister for Transport:

In regard to traffic flow in Berwick Street, Victoria Park/East Victoria Park—

- (a) what are latest figures available;

- (b) at what points were surveys made;

- (c) when were surveys made?

Mr O'CONNOR replied:

The following statement sets out details of traffic counts in Berwick Street—

Date	Location	Traffic flow 24 hour average Monday-Friday
August 1972	East side of Canning Highway	14 081
July 1972	West side of Hillview Terrace	13 986
February 1974	West side of Hillview Terrace	15 796

14. TOURISM

Film of Perth

Mr T. J. BURKE, to the Minister for Tourism:

- (1) Is the Department of Tourism currently having a film made about Perth?
- (2) If "Yes" what is the name of the company awarded the contract and its cost?

Mr GRAYDEN replied:

- (1) Yes.
- (2) Shephard Baker and Sullivan of Subiaco for \$14 800.

15. QUESTIONS ON NOTICE

Release of Information before Replies

Mr T. J. BURKE, to the Premier:

In view of the fact that the answers to question 4, 23rd October, appear on page 38 of that day's *The West Australian* and as the questions were handed in on Thursday, 17th October, would he—

- (a) ask his Ministers to have regard for this place and provide Parliament with information requested before giving it to the Press;
- (b) assure the House that proper regard will be had for the Parliament and that questions of Members will not be treated in this contemptuous manner in the future?

Sir CHARLES COURT replied:

My understanding of the position regarding the Member's question which appeared on yesterday's notice paper is that it was handed in last Thursday—and not on Wednesday, as he stated by way of interjection—and it was too late for inclusion on Tuesday's notice paper.

The Minister for Transport assures me that the report which appeared on page 38 of *The West Australian* on 23rd October was not released by him, but was a routine departmental Press statement made without prior knowledge of the Member's question.

The Member will appreciate that had his question been handed in on time on Thursday last, it would have been indicated to the Minister or his department on Friday, and the circumstances would have been quite different.

The reference to "this contemptuous manner" is resented by myself and colleagues, and is rejected.

I can assure the Member, however, that it is the normal practice to endeavour to observe the procedure of advising Parliament, either before, or simultaneously with the Press and the public, in matters where this should appropriately be done.

He will appreciate there are cases where this cannot be strictly adhered to; therefore, each case has to be considered on its merits but with the basic intention of endeavouring to observe the proper courtesies to Parliament.

16. LAND

Roe Electorate: Release for Agriculture

Mr GREWAR, to the Minister for Lands:

- (1) Could he list—
 - (a) the area of Crown land, excluding reserves in the shires of Esperance, Ravensthorpe, Lake Grace, Gnowangerup and Kent;
 - (b) the area of Crown reserves?
- (2) Has the Lands Department investigated and subsequently classified the land listed in (1) (a) on its suitability to agriculture?
- (3) If (2) is "Yes" what is the area in each shire suitable for agricultural development?
- (4) If (2) is "No" is this investigation to continue and when?

Mr RIDGE replied:

- (1) to (4) The basic information requested is not readily available and could only be obtained at high cost after a substantial period of time. Unless the Member presses his question, I would be reluctant to have staff detached to ascertain the desired facts.

17. *This question was postponed.*

QUESTIONS (6): WITHOUT NOTICE

1.

APPLES

Processing and Production

Mr BLAIKIE, to the Minister for Industrial Development:

- (1) Is he aware that two major firms processing apples for concentrated juice will not be operating in the 1975 season?
- (2) What were the tonnages of fruit used by these firms annually?
- (3) How much was paid to apple producers by these firms?
- (4) What is the estimated quantity of apples that will be produced in the forthcoming season?
- (5) What arrangements have been made for 1974-75?

Mr MENSAROS replied:

- (1) Yes, I am advised that Plaimar Ltd. and Bush Boake Allen Australia Ltd. will not be processing apples in 1975. In 1973 the Federal Government removed a sales tax concession to soft drink manufacturers who used concentrated apple juice in their products. As a result, the two firms mentioned lost their only market and despite strenuous efforts to develop new markets or products they have been unable to develop a market for a viable operation.
- (2) The amount varies from season to season but has averaged recently about 13 000 tonnes of apples a year.
- (3) An annual usage of 13 000 tonnes would represent a gross payment to growers of approximately \$416 000 a year.
- (4) At this early stage of the season no forecast is possible but from past experience it would appear that the 1975 crop could approximate 60 000 tonnes.
- (5) The Department of Agriculture is examining the problems associated with the marketing of the anticipated surplus from the 1975 crop. As already mentioned, the above companies will not be processing apples because of their inability to obtain a market for the product. In these circumstances, the Government is unable to assist them and there would be no point in endeavouring to assist another manufacturer to fill the gap in the absence of a market.

2. **TEACHERS***Housing: Manjimup*

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

In view of the fact that it appears at least 15 teachers will be unable to find accommodation in the town of Manjimup in 1975, what specific actions will be taken at this stage to obviate this evident shortage of accommodation from occurring?

Mr MENSAROS replied:

I thank the member for notice of this question, the reply to which is as follows—

The effects on teacher housing of the introduction of new industries into Manjimup are being investigated. Meanwhile, the Government Employees' Housing Authority is in the process of negotiating the purchase of three existing properties and the Education Department will endeavour to assist any teacher without accommodation to find suitable private board.

3. **SHOPS***Late Night Trading*

Mr HARMAN, to the Minister for Labour and Industry:

My question is supplementary to question 12 on the notice paper. As a preamble, I point out that I give the Minister 10 out of 10 for being completely evasive in his response to that question. I ask the Minister: Has he dropped the proposals for the introduction of late night trading in the metropolitan area?

Mr GRAYDEN replied:

Firstly, I point out it was not a question of being evasive; I feel details of the proceedings of Cabinet should not be revealed in response to questions in this House—

Sir Charles Court: That is right.

Mr GRAYDEN: —otherwise an impossible situation would arise. In reply to the question, at the present time I would not recommend that trading hours in the metropolitan area should be extended.

4. **COUNTRY WATER SUPPLIES***Concessional Rates*

Mr H. D. EVANS, to the Minister for Water Supplies:

- (1) Have shire councils, trotting clubs, swimming pools, sporting organisations and other bodies in coun-

try areas been able to obtain water supplies from the Public Works Department at concessional rates in the past?

- (2) If so, what was the level of concessional rates which were charged in comparison with normal users?
- (3) Will the bodies referred to in (1) above have to pay increased water charges in the future and, if so, what will the charges now be?

Mr O'NEIL replied:

I thank the member for adequate notice of the question. I note that the typed copy of the question phoned to my office refers in part (1) to "swimming clubs" and not "swimming pools". However, I am fairly certain the question is answered as though it referred to "swimming pools". The answers are—

- (1) No. These public recreational type establishments were charged under the classification of "General Purposes" as defined in the country areas water supply by-laws.

- (2) Answered by (1).

- (3) These bodies will be required to pay increased water charges as from the 4th October, 1974.

The new prices applicable for general purpose classification are—

Annual water charge—
\$10.00 per service.

Water consumption—

First 455 kilolitres at 7c per kilolitre.

Next 1 818 kilolitres at 11c per kilolitre.

Over 2 273 kilolitres at 22c per kilolitre.

The classification of trotting grounds, race courses, local government caravan parks and camping areas, and licensed clubs not including sporting clubs with a bar have now been changed from "General Purpose" to "Commercial". The charges to apply for commercial classification are an annual water rate based on 10c in the dollar on the estimated net annual value.

Water consumption—

First 909 kilolitres at 11c per kilolitre.

Over 909 kilolitres at 22c per kilolitre.

5.

APPLES

Commonwealth Assistance to Producers

Mr DAVIES, to the Minister for Industrial Development:

My question arises from the answer he gave to the member for Vasse regarding the manufacturers of apple juice. As at the time the Australian Government removed the sales tax concession it said it would offer assistance to any manufacturer in difficulties, has the Minister made any approach to the Australian Government for assistance on behalf of these manufacturers?

Mr MENSAROS replied:

I definitely have not made any approach, nor have I received an approach from the companies to make representations on their behalf. I think the assistance scheme to which the member for Victoria Park refers suggests that the companies themselves should make a request. If the State Government is approached to support any such representations it would gladly do so. However, I point out that in this case it is not a question of aid, because the removal of the sales tax concession did not make the companies less profitable, it simply took away their business because the market does not take this type of apple juice. Previously it was sold as apple juice, but the market has since gone over to aerated products containing apple concentrates. Consequently, the companies found their product did not have a market. It was a matter of being unable to sell their product, and no specific assistance would have helped them.

STOCK DISEASES (REGULATIONS) ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Sir Charles Court (Premier), and read a first time.

LAKE LEFROY SALT INDUSTRY AGREEMENT ACT AMENDMENT BILL

Second Reading

MR MENSAROS (Floreat—Minister for Industrial Development) [2.40 p.m.]: I move—

That the Bill be now read a second time.

The primary purpose of the Bill before the House is to seek Parliament's ratification of an agreement between the State and Lefroy Salt Pty. Ltd. for purchase by the State of a substantial part of the company's railway spur line extending from Widgiemooltha to Lake Lefroy.

As will be noted from the terms of the agreement scheduled to the Bill, the contract includes certain commitments on the part of the company which are extensions of its obligations under the Lake Lefroy Salt Industry Agreement Act of 1969. This, together with the fact the section of line being purchased was constructed under the terms of the 1969 agreement make it necessary that the contract takes the form of a variation to the principal agreement.

I should at this stage point out that the basic terms on which the contract was to be negotiated were evolved during the term of the previous Government. The present Government approved those terms and negotiations have resulted in the variation agreement now requiring ratification.

As I have mentioned, the 1969 agreement provided for the construction of a spur line between Widgiemooltha and the company's production site at Lake Lefroy. This spur line was to be constructed on a route and to specifications approved by the State and was to be maintained and owned by the company, but the company would have no tenant rights over the line. Operations over the line were the State's responsibility, the State having the right to use the line—under certain conditions—for traffic other than the company's.

The agreement also provided that the line would revert to the State without compensation at the expiration or sooner determination of the agreement.

The company constructed the line, of about 15 kilometres in length, some years ago at a cost stated to be about \$770 000.

Under the principal agreement the company also had certain substantial obligations regarding contributions towards the costs of upgrading of the Widgiemooltha-Esperance railway and was obliged to maintain certain specified minimum tonnages over the line.

6.

APPLES

Processing: Rebate of Sales Tax

Mr H. D. EVANS, to the Minister for Industrial Development:

What percentage of rebate of sales tax was accorded to apple processing firms and, of this amount, what finally went to the apple producers?

Mr MENSAROS replied:

I have to ask the member for Warren to place the question on the notice paper firstly because I do not know the answer offhand and, secondly, because I do not know to which rebate he is referring.

The House will be aware that the decision was taken some time ago to convert the rail link with Esperance to standard gauge rather than simply upgrade the old narrow gauge line. In planning this conversion it was seen as desirable to re-route the line direct from Kalgoorlie to Widgiemooltha, linking in with Lefroy Salt Company's spur line at an appropriate point so that a section of the spur line would become an integral part of the main line.

Obviously in this situation it would be impractical for the State not to have full title and control over the whole of a railway used for the normal day-to-day operations of the Railways Commission.

After taking into account the respective rights, obligations, and performance of the company in respect of some of the matters I have mentioned the State decided to proceed with the purchase of the line on conditions which I will shortly explain.

The House will also be aware that the State commenced operations over the new standard gauge line on the 8th September this year and will note that the agreement scheduled to the Bill provides for State acquisition of the line retrospective to that date.

The agreement provides for the State to pay Lefroy Salt Pty. Ltd. a total purchase price of \$425 000 in two instalments, the first instalment of \$300 000 to be paid on the following conditions—

firstly, upon the company upgrading its washing plant and associated facilities to enable it to achieve a production level of not less than 350 000 tons of salt per year;

secondly, upon the company submitting satisfactory evidence as to marketing arrangements for the sale of salt at a rate not less than 350 000 tons per year; and

finally, upon the company showing that it has completed satisfactory arrangements regarding the provision of a brake van and the correction of structural defects in the company's rolling stock.

The agreement has been written in such a way that, in a sense as a proviso, the State can accept substantial completion of the washing plant and associated facilities in order to make early payment of the \$300 000 instalment.

The second instalment of \$125 000 is to be paid to the company within six months of its producing evidence to the satisfaction of the State that the company has exported in any year commencing on the 1st April through the Port of Esperance not less than 400 000 tons of salt.

In addition to these primary matters the variation agreement also deals with several minor items, some of which are consequential to the sale of the spur line,

others which simply adjust the terms of the principal agreement as a result of the Widgiemooltha-Esperance railway being converted to standard gauge, and others flowing from administration requirements, etc.

Under clause 3 (1) the principal agreement is amended to provide for the company being granted a lease over the remainder of its spur line, on conditions identical with the original conditions under clause 6 of the principal agreement.

There are a number of consequential minor amendments flowing from this point and from the fact that the State will own that part of the spur line described in the schedule to the agreement as from the 8th September, 1974. These are dealt with in clause 3, subclauses (1) (b), (1) (d), (1) (e), (2) and (7) of the variation agreement.

Clause 3 (4) of the agreement makes adjustments to rates of loading and maximum tonnage per wagon specified in the principal agreement, this becoming necessary as a result of the increased capability of the standard gauge line.

Clause 3 (3) corrects a minor drafting gap found in the principal agreement and will ensure that the whole of the provisions of subclause (2) of clause 12 of the principal agreement flow through to any lease issued under the provisions of the principal agreement.

Finally, under the last paragraph of subclause (6) of clause 3, provision is made for the Railways Commission to hire locomotives and rolling stock from the company from time to time on such terms and conditions as it may agree with the company. This provision is made retrospective since the commission has already been hiring locomotives from the company during times at which the company could not put its equipment to full use because of production or marketing problems.

To summarise, the agreement is a straightforward document under which both the company and the State will achieve effective objectives. It is desirable that it be ratified with minimum delay and I therefore commend the Bill to the House.

Debate adjourned, on motion by Mr Moiler.

DAMPIER SOLAR SALT INDUSTRY AGREEMENT ACT AMENDMENT BILL

Second Reading

MR MENSAROS (Floreat—Minister for Industrial Development) [2.50 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill before the House is to obtain parliamentary ratification of an agreement varying the terms of the Dampier solar salt industry agreement of

1967, in respect of the boundary of the production site specified in that agreement to enable the company, Dampier Salt Limited, to be issued with an appropriate lease.

The necessity to amend the boundary of the production site arises from two points—firstly, the fact that the terms of the principal agreement are quite specific in defining the area over which the production site lease may be issued; and secondly, that, almost inevitably, the company's actual production site boundary, as constructed, does not conform exactly with the area specified in the agreement.

In regard to the first point, clause 3, subclause (1) of the principal agreement states that the company may make application for a lease of—and I quote from the subclause—"all that land edged in red in the plan initialled on behalf of the parties hereto for the purpose of identification and comprising approximately 28 600 acres or so much of it as the company in that application specifies . . ."

It can be seen that the company could apply for a lease of an area either less than or exactly conforming with the boundary shown on the plan to the agreement, but could not obtain under the special terms of the agreement, a lease over areas outside that boundary.

However, following the completion of a survey of its established salt field, the company applied for a production site lease covering an area somewhat larger than the acreage originally estimated and extending in several instances beyond the red perimeters shown in the plan attached to the principal agreement. It was at this stage that the administrative difficulty caused by the inflexible terms of clause 3(1) were brought to light.

I shall table a plan of the salt field showing in red the original boundary and superimposed over this in brown the new boundary of the field as delineated in plan "A" appended to the variation agreement before the House for ratification.

It will be noted from the plan that part of the newly defined production site intrudes into areas edged in blue and green on the original plan. These blue and green areas are the subject of clause 3, subclauses (2) and (3), of the principal agreement, under which Dampier Salt was granted or could obtain, subject to the proviso to subclause (3) being cleared, options exercisable by the 31st December, 1977, to add the areas to its production site lease.

It can be seen that the major part of the increase in size of the production site area comprises intrusions into these areas. In view of the fact that the proviso to subclause (3) has been satisfied it could be considered that, in effect, the company has partly taken up its options over these blue and green bordered areas. However,

for the sake of simplifying the exercise—particularly in respect of drawing a new plan—it was considered desirable merely to amend the boundary of the initial production site and to adjust the blue and green bordered areas accordingly. I shall also table a copy of the new plan.

To summarise, the current position is that plan "A" in the executed variation agreement, as scheduled to the Bill before the House, depicts the border shown in brown on the tabled plan, and also depicts the actual physical limits of the salt field as constructed by Dampier Salt Limited. Were it not for the fact that terms of the principal agreement do not permit leasing of any land outside the boundary shown in the original plan, issue of a lease over the amended production site would have proceeded in the normal course of the administration of the agreement, since the area developed by the company conforms with the intent of the agreement and is quite acceptable to the State.

I now turn to two other matters covered in the variation agreement; namely, the provision under clause 3(2) for one party to give notice to the other in the event of a claim of *force majeure* under clause 27 of the principal agreement and the inclusion, under clause 3(3), of the important and now standard clause making clear the company's obligations regarding protection of the environment. These are straightforward matters familiar to the House and should require no further explanation.

I commend the Bill to the House.

The plans were tabled (see paper No. 319).

Debate adjourned, on motion by Mr Carr.

BILLS (2): MESSAGES

Appropriations

Messages from the Lieutenant-Governor received and read recommending appropriations for the purposes of the following Bills—

1. Lake Lefroy Salt Industry Agreement Act Amendment Bill.
2. Dampier Solar Salt Industry Agreement Act Amendment Bill.

FISHERIES ACT AMENDMENT BILL

Second Reading

MR STEPHENS (Stirling—Minister for Fisheries and Fauna) [2.59 p.m.]: I move—

That the Bill be now read a second time.

I have pleasure in introducing a Bill to amend the Fisheries Act. In this Bill there are three major areas of amendments. These relate to the limited entry fisheries concept, fish farming, and aquatic reserves. There are also other amendments

of a lesser importance to which I shall refer as I explain the Bill. The new long title of the Act reflects the expanded purpose of the Fisheries Act brought about by the addition of the proposed amendments in this Bill. It is significant that the long title now includes fish farming, the conservation and management of fisheries, and control over all aquatic animal and plant life.

Clause 30 provides for the establishment of limited entry fisheries, the philosophy of which has been developed in this State during the past decade.

In the initial stages when fisheries such as those on rock lobsters were being developed as limited entry fisheries, the rules applying to such fisheries were introduced as conditions attaching to the issue of a license. Now that experience has been gained in the management of these limited entry fisheries and there is general acceptance of the policy, it is, I believe, necessary to have established under the Fisheries Act the method by which limited entry fisheries will be administered in the future.

Western Australia was the first State within the Commonwealth to introduce a limited entry fishery concept. In fact, it was one of the first in the world and certainly the first for any major lobster or rock lobster fishery. That the concept is receiving increasing acceptance is seen from a recent report in the *Australian Fisheries* of September, 1974, under an article entitled "World trend towards limited licensing of fisheries".

Associated with this concept is one which proposes that the Government should receive, from those persons enjoying the preferred position of fishing in a limited entry fishery, fees over and above those paid for the standard fishing boat and professional fisherman's licenses. This Bill provides for the fee payable for a license to fish in a limited entry fishery to be paid into the Fisheries Research and Development Trust Fund.

Members will be aware that a recent High Court decision decided by a three to two majority that the processors' license fees previously paid into the Research and Development Trust Fund, which were assessed on the annual value of fish processed, were an excise which is the prerogative of the Commonwealth Government. A new method, therefore, for providing for industry to pay moneys into the Fisheries Research and Development Trust Fund has been developed in association with the limited entry fishery concept.

The penalties for those operating illegally in a limited entry fishery are severe, but it is necessary to provide deterrents for those who attempt to operate in, say, the rock lobster industry but do not have a license so to do.

Clause 43 of the Bill introduces the concept of culture of fish under farm conditions. This has arisen mainly because of the recognition that marron may provide the basis for commercial fish farm ventures. New provisions in this Bill will allow members of the public to establish fish farms as commercial ventures for the culturing and sale of fish. At the same time the Bill provides for the licensing of those people bringing into the State live fish for any purpose whatsoever. This will include both fish for culture purposes and fish for the aquarium trade.

In relation to the aquarium trade, it is important to note that the Australian Fisheries Council of Ministers has been concerned for some time about the diversity of live fish being brought into the country, and the States have been urged to introduce legislation to regulate this industry.

In relation to fish farms, the Bill provides for the declaration of species of fish as a farm fish which will be tightly regulated in relation to its culture and sale. This has been necessary to accommodate a potential farm fish such as marron, which is also the most popular single sport fishery in the State. This species at the present time cannot be sold under any circumstances. Under the new legislation sale will be allowed provided it has been grown in a fish farm and provided written permission of the director has been obtained.

It will be necessary to keep a tight control on fish farms growing species such as marron, to ensure that the stream populations are not fished for commercial purposes.

The Bill provides that a person who lawfully obtains, keeps, maintains, and disposes of fish for his own personal use or pleasure, and not for sale, gain, or reward, shall not be deemed to be conducting a fish farm.

As regards aquatic reserves, clause 28 of the Bill provides for the Governor by Order-in-Council to reserve any portion of Western Australian waters vested in the Crown for the preservation of marine and fresh water animal and plant life. These are commonly referred to as marine national parks or aquatic reserves. These reserves will be created only after the public has been made aware of the intention to do so, and comments have been invited and considered. The most important of the reserves created will be designated class "A" and if so classified shall remain dedicated to the purpose declared unless changed by an Act of Parliament.

The aquatic reserve provisions have been drafted in a manner similar to those for reserves under the Land Act.

The other important amendments in the Bill are discussed in clause sequence as they appear in the Bill.

Clause 5: The definition of "Western Australian Waters" has been amended to provide for a distance of three nautical miles from low-water mark instead of high-water mark as previously, but includes also the water between high and low-water mark. This will remove any suggestion that there is an area between State and Commonwealth waters which is not covered by either State or Commonwealth legislation.

Clause 6 provides for the appointment of licensing officers, including honorary licensing officers, so that licenses can be issued in remote areas of the State such as Kununurra. In such areas in the past it has been found difficult for inland fishermen to obtain the necessary inland fisherman's license. This clause also recognises the increasing technical nature of fisheries administration, and provides a requirement for the Director of Fisheries to hold a degree in biological sciences.

Clause 8 provides for the addition of one more fisherman to be appointed to the Rock Lobster Industry Advisory Committee giving a total of three. This will allow the appointment of a fisherman representing the views of those living in the now settled areas of Jurien Bay and Cervantes.

Clause 13 adds to the regulation making power under the Act, and provides for new regulation making powers consequent upon the acceptance of the Bill, and also provides specific power for the prescribing of bag limits, and the control of charter vessels where any part of the fish taken on charter cruises is sold for gain or reward.

Clause 15 re-arranges and rationalises the present sections of the Fisheries Act which relate to fishing gear which may or may not be used in any particular area throughout the State. In doing so it provides for the declaration of a device as an illegal fishing device. At the present time it is an offence to take rock lobsters during the closed season, but it is not an offence to have rock lobster pots set in the water during that season. The amendments as proposed in this clause will overcome this difficulty.

Clause 18 relates to the provision of statistical information and is consequent upon the proposed amendments in the Bill, and also includes the requirement for fish caught and used by professional fisherman as bait to be recorded in statistical returns.

Clause 24 amends section 24C of the principal Act which in strict terms specifies that the only portion of rock lobster which a person may sell or have in his possession is a legal weight tail. However, it is common practice for rock lobster legs to be sold and interest is being shown by industry in the processing of the head, or carapace. Clause 24 provides for the utilisation of any specified portion of the rock lobster

carapace in a manner described in the notice as a modification of the present section 24C in the principal Act.

Clause 25 makes it an offence for a person to mutilate a fish such that the legal minimum length cannot be precisely determined. Many instances have occurred where attempts have been made to avoid detection for breaking the minimum legal length for rock lobsters by mutilating the rear of the carapace so that the proper measurement cannot be made. This practice is known in the industry as "stretching", and is not easy to detect and has to be stamped out.

Clause 26 strengthens the present section 26 of the Fisheries Act relating to the placing or causing to flow into any Western Australian waters poisonous or noxious substances. It provides also for a referral by any person aggrieved by a decision of the Minister to the Director of Environmental Protection. The Minister shall have regard to any recommendations made to him by the Director of Environmental Protection on this matter.

Clause 31 provides for the re-arrangement of the present section 35C of the Fisheries Act in relation to the application for and issue of permits to construct processing establishments. This has been done in the light of experience in the administration of the section during the past eight years. The clause also provides for the payment of a fee which will be prescribed rather than being determined as a percentage of gross value of product. This method was ruled by the High Court, in a recent judgment, to be an excise.

Clause 32 repeals section 35G of the Act which provides for the payment of fees as a percentage of gross value of product. This has been necessary following the High Court decision that such method of assessment was an excise.

Clause 36 expands the use of the Fisheries Research and Development Trust Fund to allow the Minister greater flexibility in financial matters associated with the conservation and management of limited entry fisheries.

Clause 39 provides authority for the Governor to declare a fish to be noxious and then provides for the control of fish within the State. We would not want liberated into the streams of Western Australia fish such as European carp which has caused much concern in South Australia and Victoria where the fish has not only competed with the indigenous species, but by its burrowing action during feeding, has caused the water clarity of streams to be altered. Other States have enacted similar controls.

Clause 41 re-enacts section 38 of the principal Act relating to the use of fish for purposes of manure by adding also its use as fertiliser or as bait. A number

of species of fish, such as southern blue-fin tuna, should be clearly identified as food fish.

Clause 42 provides for the publication of an official common name and authorised trade names for various species of fish. With the recent concern about the quantities of heavy metals in some species of fish, there is an increasing need for those selling fish to identify accurately the fish being sold to the public.

Clause 48 increases the powers of inspectors generally but more specifically allows for an inspector to require the master of a vessel to take that vessel to port if there is a reason to believe that the vessel is being used or is intended to be used in contravention of the State Fisheries Act or the Commonwealth Fisheries Act. This will allow for the control in State waters of foreign fishing vessels such as the small Indonesian vessels which have visited the King Sound area during the past months. These powers are similar to those included in the Commonwealth Fisheries Act which operates over waters contiguous with Western Australian waters. At the present time a State officer appointed under the Commonwealth Fisheries Act can arrest a foreign fishing boat in Commonwealth waters but cannot do so in State territorial waters as he does not have the necessary power under the State Fisheries Act. This situation is in urgent need of rectification.

The clause also provides powers for inspectors to require a master of a vessel not to proceed to sea unless accompanied by an inspector. This power is required in relation to the supervision of the rock lobster industry and action of this nature has been taken in the past using authority conferred under section 17 of the principal Act which empowers the placing of a condition on a license. It is more appropriate and acceptable to have specific authority spelled out under the Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Carr.

BILLS (2): RETURNED

1. Alcohol and Drug Authority Bill.
2. Convicted Inebriates' Rehabilitation Act Amendment Bill.

Bills returned from the Council without amendment.

SUPREME COURT ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr O'Neill (Minister for Works), read a first time.

ROAD TRAFFIC BILL

Second Reading

Debate resumed from the 15th October.

THE SPEAKER (Mr Hutchinson): Before the debate continues on this Bill, I wish to make some comments.

Following the Minister's speech to this Bill and the defeat of the motion that the debate be adjourned for two weeks, the member for Balga addressed the Chair, spoke very briefly to the Bill, and then moved "That the debate be adjourned for nine days."

Probably I should have informed the member for Balga that, having spoken to the Bill, he could not move for its adjournment; and further, probably I should have informed the House that the member for Balga, in so speaking to the Bill, had pre-empted the lead speaker of the Opposition from having unspecified time to speak.

At the time members will recall that I treated the comments and the adjournment motion of the member for Balga as being frivolous and did not accept the motion. I propose on this occasion still to ignore his comments, and I advise that the lead Opposition speaker will have unlimited time. I warn members, however, that if such a situation occurs again I may not be so generous.

Mr O'Neill: He'll learn in time.

Sir Charles Court: I hope members opposite will convey the message to the honourable member.

Mr Taylor: I think he has the message, but even so, it should have been done at the time.

MR T. H. JONES (Collie) [3.17 p.m.]: This is a Bill to establish the road traffic authority of Western Australia. I would like to indicate clearly, and spell it out, that while we on this side of the House agree with the setting up of a separate authority, we do not go along with the proposed administration of that authority. We feel it is a disgrace, and a cover-up on the part of the Government.

During my speech I hope to indicate my reasons for that statement. The Liberal Party and the Labor Party went to the people in March with different policies. The party that won the election then had a mandate for its particular policy. We fail to see where the Liberal-Country Party coalition Government has in fact introduced the policy on which it went to the people in regard to the setting up of a road traffic authority in Western Australia.

I make it quite clear that we do not argue about the setting up of some authority to control traffic throughout Western Australia. However, we do argue, and argue strongly, that the authority to be established under this legislation will be placed in the wrong hands. This authority should be under the jurisdiction of the Commissioner of Police. No doubt other speakers will support my contention as the debate continues.

Before I come to the Bill itself, I would like to object to the period of the adjournment of this debate. Perhaps there was some misunderstanding, but if my memory is correct, before the Minister moved the second reading of this Bill, he gave the House an assurance that the Bill would lay on the table for two weeks. I have not been able to find his comments because I have been occupied, as the Minister will appreciate, in preparing my submission as the lead speaker on this matter.

Mr O'Connor: To whom did I give that assurance?

Mr T. H. JONES: I will endeavour to find this quote, and if I am wrong I will apologise. I have asked *Hansard* to look for this passage. I am confident that during this session the Minister told Parliament we would have two weeks to consider the Bill after the introduction of the second reading. Time will prove which of us is correct.

Mr O'Connor: You yourself advised me to go ahead and I also advised you that there would be only a few speeches today and we will continue the debate later.

Mr T. H. JONES: That was yesterday, and I remind the Minister that he himself was very critical of the Tonkin Labor Government when it introduced a similar Bill. We allowed the same period for the adjournment of the Bill and the Minister said that he did not have sufficient time to confer with the local authorities and other bodies in Western Australia about our measure.

When I asked last Tuesday for a two-week adjournment, I was refused. Yet the Minister had the audacity when in Opposition to complain that the Tonkin Government had not given him sufficient time to consider legislation. I was rather concerned about this matter and I felt that my approach yesterday was a reasonable one. In view of the fact that the Police Union has not had much time to consider this Bill, with its sweeping changes, I thought my request would be acceptable.

I hope to show during the course of my remarks that some of the statements contained in the Minister's second reading speech are misleading. I think my learned legal friends on this side will clearly demonstrate when they are handling the legal aspects of the Bill that the Minister did not touch on a number of very important changes contained in the legislation in relation to drunken driving and other offences. It is true that he referred to some changes in relation to the traffic authority but it is equally true that the legislation contains a number of matters not mentioned in his second reading speech. I do not blame the Minister for that; I realise that Bills and second reading speeches are prepared on his behalf.

However, after we hear the views which will be expressed during the second reading debate, I am sure amendments will be

placed on the notice paper to remove some of the anomalies contained in the Bill and the Minister will agree that the points I make are valid.

Mr O'Connor: Do you want to make it tougher or easier for drunken drivers?

Mr T. H. JONES: Just hold on. When the Minister read his second reading speech, I was very patient and did not interject and I hope he will extend the same courtesy to me now.

Mr O'Connor: Fair enough.

Mr T. H. JONES: The Minister was very critical of the Tonkin Government when he spoke in this House on the 5th April, 1973, on the second reading of the Acts Amendment (Road Safety and Traffic) Bill. From memory, that amending Bill dealt with three Acts and provided for the setting up of a number of authorities to handle traffic control in Western Australia which represented the implementation of a policy we put before the people at the previous election. I refer members to the remarks of the Minister for Transport, which appear at page 736 of the *Hansard* record for the 5th April, 1973. He stated—

When dealing with a Bill of this nature—a very important one—many members desire to discuss its contents with their local authorities. However, because of the lack of time many members have not been able to do so. I am sure that other members will deal with this point at a later stage.

I am in precisely the same situation; I have had since the Tuesday of last week to contact local authorities in Western Australia, the Police Union, the MOA, and other interested organisations to assess their attitude to this legislation. Prior to that time, I had no knowledge of what was contained in the Bill. I contend that I have not been given sufficient time to undertake the necessary work to establish these opinions.

As I have said, my learned legal colleagues will be dealing with the legal aspects of this Bill. I have been informed by the member for Boulder-Dundas that he needs quite a long time to consider the legal changes contained in this measure and that he is not ready to speak on the Bill at the moment.

Mr O'Connor: How many days did the Tonkin Government give us?

Mr T. H. JONES: We gave the Opposition one week.

Mr O'Connor: The member for Boulder-Dundas will have two weeks before he has to speak, and you have had 10 days.

Mr T. H. JONES: I have not had two weeks. Does the Minister suggest I have had sufficient time to contact the local authorities in this State? Of course I have not, and the Minister knows it. The Minister could not contact all these people in such a short time; if he could, he should not be a member of the Western Australian

Parliament. I register my very strong protest at the manner in which this very important Bill has been presented to the House and the time which has been allowed members of the Opposition before the debate has been called on.

The Bill is important; it concerns not only the Police Union but also local authorities throughout the State and traffic inspectors employed by local authorities. Irrespective of the comments of the Minister during his second reading speech, the position of these people is insecure. The Minister states that they will be absorbed into the system as patrolmen. But what will be the situation regarding men with disabilities, men who are over age, or men who have had a conviction? Dozens of questions remain unanswered in relation to the absorption of men from normal traffic control into police control.

As we go through the Bill, we will deal with various points. I will deal with the Bill in three stages. Firstly, I will refer to the second reading speech of the Minister; secondly, I will deal with changes contemplated in the Bill; and, thirdly, I will comment generally on the Opposition's attitude to the legislation. I point out that I will not deal with changes affecting drunken driving and drug offences. This Bill proposes to change not only traffic control in Western Australia but also other matters contained in other legislation. In view of the time factor involved, these matters will be handled by members on this side who are representatives of the legal fraternity.

To return to the Bill, there is no doubt about the policy which the Labor Party put before the people at the last election. However, it is a different situation with the policy contained in the booklet entitled *Liberal Policy 1974-77*, which displays a photograph of the now Premier (Sir Charles Court) on the front cover. This is the booklet from which the quote, "Let us put things right" came. According to this document put out by the Liberal Party of Western Australia, the members of that party were going to do all sorts of things. Many sweeping changes were going to be made overnight; things were going to be put right within a matter of months.

I am not at liberty to discuss policies already implemented by the coalition Government; however, I think the attitude expressed by members on this side during the Budget debate indicates clearly that we believe the Government is falling down on the job.

Let us consider the policy the Liberal Party presented to the people earlier this year. I have no doubt that, over the next 2½ years, this booklet will be quoted extensively and if we do not know its contents now, certainly we will know them by

then. I refer members to the section headed, "Controlling the roads for safety". The policy states—

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

- We will establish a Ministry for Traffic and Road Safety.
- We will make this Authority completely independent of the Police Force.

If we were to consider clause 13, we would see how valid that statement is, and how it will affect the people of Western Australia. The policy continues—

... and give it the power to cover all aspects of traffic control, licensing, road safety and road and vehicle engineering.

The mandate the people of Western Australia have given this Government is clear; it is also clear that the Liberal-Country Party coalition has not put its policies into effect. As I said earlier in my remarks, this Bill is a cover-up. It is obvious to me and to other members on this side that the Liberals have been pressured by members of the Australian Country Party both in the combined party rooms and the Cabinet, and by local government authorities in Western Australia to introduce some form of control.

Sir Charles Court: That was Liberal Party policy you were reading.

Mr T. H. JONES: That was what I said. The Premier has not been listening.

Sir Charles Court: I have been listening. Now you are saying it is Country Party policy.

Mr T. H. JONES: Surely the Premier will not deny the Country Party has suppressed the Liberal members.

Sir Charles Court: That was in our policy speech before there was a Cabinet.

Mr T. H. JONES: If the Premier wants to get touchy he can do, but he should listen.

Sir Charles Court: I am not touchy at all.

Mr T. H. JONES: Let me repeat what the Liberal policy speech said. It said that it would make the authority completely independent of the Police Force. If one studies the provision in clause 13 of the Bill one will see that the patrolmen will, in fact, be policemen. If the Premier wants to deny that he can.

I have obtained legal opinion on that point. The Minister has told us that policemen would be used only in extreme emergencies; but legal opinion, both inside and outside Parliament, makes it quite clear that the patrolmen will be policemen. Does the Premier deny that he is not carrying out his election promise?

Sir Charles Court: Of course, we have carried out what we set out in our policy speech with which we went before the people at the last election. We are implementing our policy, but you seem to be short of an argument, and you are merely using words and words.

Mr T. H. JONES: That is utter rubbish.

Sir Charles Court: There is plenty of that from you.

Mr T. H. JONES: The Premier indicated in his policy speech that he would make the authority completely independent of the Police Force; yet it is proposed to appoint patrolmen to the authority and they will be members of the Police Union; furthermore they will be subject to the regulations and control of the Police Force. That being so, how can the Premier justify that this is to be an independent authority?

Sir Charles Court: The Police Union is not the Statute.

Mr T. H. JONES: Does the Premier not believe in mandates? When we were in office and tried to introduce legislation, the present Premier as the Leader of the Opposition often brought up the question as to whether the Tonkin Government had a mandate. Obviously the Premier has let the people of the State down. The Minister for Traffic knows that very well, because this is not a policy with which the Liberal Party went before the people.

Mr O'Connor: I do not believe we have let anyone down, but I am interested to hear your comments.

Mr T. H. JONES: Does the Minister say the authority will be independent of the Police Force?

Mr O'Connor: I shall reply to that in due course.

Mr T. H. JONES: Obviously that is all the Minister can say, but he should answer that question now. In fact, the answer is quite obvious. He knows as well as we on this side of the House do that this is police control of traffic, although the control may be under the guise of the proposed authority. When we get down to fundamentals as to who will control traffic in this State, it is quite evident that police officers will be transferred to the authority to act as patrolmen. I think I have said enough about that aspect.

I turn now to the attitude of the Country Party or the National Alliance. We do not know what party those members stood for. It appears some stood as Country Party candidates, and others as National Alliance candidates. Now that they are members of this House they have become great friends, and they have joined in the Liberal-Country Party coalition. I do not think any member opposite will argue about that, because this fact was mentioned previously.

Mr Sibson: You are only upset because you did not get an invitation.

Mr T. H. JONES: Would the honourable member like to attend the wedding of the Country Party? I certainly would not. Getting back to the policy of the National Alliance or the Country Party, or both, I fail to see that it has any policy in relation to the control of traffic in Western Australia, but I might be wrong.

I have not been able to obtain a copy of the policy of the Country Party. At least I could get a copy of the policy speech of the Liberal Party, but there is none available for the Country Party or the National Alliance.

For that reason I do not know what is the policy of the Country Party or National Alliance in respect of traffic control. However, the members of that party must be supporting the policy outlined in the Bill before us. At this stage the policy governing traffic control with which the Country Party or the National Alliance went to the people at the last election has not been spelt out clearly.

However, if we look at the Labor Party policy speech delivered on the 30th March last, it is clearly set out what we proposed to do in respect of traffic control. Our policy is to be found on page 41 of the policy speech. It is as follows—

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

That policy is quite clear, and there are no "ifs" or "buts". It is a policy of police control of traffic in Western Australia.

There should be no misunderstanding as to the policies with which the various parties went before the people. The Liberal Party had a policy which I have already mentioned, but the Country Party did not have one and we have yet to learn what is its policy in respect of traffic control.

Mr Blaikie: Are you spelling out the policies?

Mr T. H. JONES: I am setting out the policies so that we know where we stand. I will deal with the honourable member shortly, because the local authority in his electorate does not support what his party wants in respect of traffic control.

I would like to refer to a speech which appears at page 741 of the 1973 *Hansard*. It is a speech made by the present Minister for Traffic. Perhaps he has been seeing too much of the television programme "Highway Patrol" and too much of Broderick Crawford, the leading actor in it. On that occasion the present Minister for Traffic said—

I am strongly of the opinion that traffic should be controlled by one authority. We should establish a highway patrol.

I suppose we could call this a highway patrol. We have heard a lot about it, but the Bill which is now before us refers to it by another name—the road traffic authority of Western Australia.

Mr O'Connor: Does that matter very much?

Mr T. H. JONES: It matters so much that the Minister went to the Press. I shall quote what was reported in the Press, in case the Minister has forgotten. He said he would establish a new organisation with officers dressed in pale blue uniforms to race around Western Australia. At the moment we do not know what the officers of the proposed authority are to wear; for all we know they may wear shorts. That aspect is not mentioned in the Bill.

Mr O'Connor: Would you be prepared to quote what I did say, and not what the Press reported me as having said, because there were many misconceptions in the Press report?

Mr Harman: You do not deny that?

Mr O'Connor: I contacted the Press, and it did not deny what I did say.

Mr T. H. JONES: After I have made my contribution the Minister will have the opportunity to refute what I have said. He was not only reported in the Press, but also recorded in the 1973 *Hansard* as having said that he would like a highway patrol with the officers wearing pale blue uniforms. Now we do not know what they are to wear. Members of the Police Force do not know whether they will still be members of the Police Force or something else, as they drive around the State in police cars and motorcycles. However, this is a matter for the future.

It is quite evident that in his submission the Minister indicated that the police would have to be associated with traffic in some form. I do not know whether he recalls saying that, or whether he wants me to spell it out clearly. He said that in the speech he made on the 5th April, 1973, but this is not an important matter.

I merely make the point that it seems television programmes got the better of the Minister even in 1973 when he talked about highway patrols under some sort of traffic system where the officers operated all over the State.

Mr Nanovich: What about telling us how the authority will operate?

Mr T. H. JONES: If I want assistance from the honourable member I will ask for it. However, I do not think I will be relying on his assistance following his display in the House up to the present time.

Mr Nanovich: What was that?

Mr T. H. JONES: I said I did not think I would be relying on the assistance of the member for Toodyay after having heard him speak and interject in this House.

Mr Nanovich: Just because you got a caning the other night.

Mr T. H. JONES: I did not get a caning.

Mr Bateman: I ask the member whether he reckons this is muckraking, because that is the only interjection he seems to be able to make.

Mr Nanovich: This is not muckraking.

Mr T. H. JONES: The member who is interjecting is the greatest speech-maker I have known—but only while he is sitting down. I have never known a man in this House to make so many speeches while he is sitting down. I have seen nothing like it. That is the only time we hear from him—when he is sitting down.

The DEPUTY SPEAKER: Order! I suggest the member for Collie address the Chair.

Mr T. H. JONES: I am not taking any notice of interjections. Let us now consider what *The West Australian* had to say—on the question of traffic—in its publication of the 14th March, 1973. Under the heading "Traffic wrangle" the editorial in *The West Australian* of that date stated—

The political football of country traffic control has been kicked around far too long. It is both tragic and incomprehensible that this should continue while lives are being lost at an appalling rate on country roads.

The only worthwhile development in the drawn-out controversy is that many country councils have shifted their ground since the days when their resistance to the idea of State-wide police traffic control stemmed from a desire to protect their revenue. There is now a basic area of common accord: that one authority should be responsible for controlling traffic throughout W.A.

However, the Country Shire Councils' Association—encouraged by political opportunism of the Liberal and Country Parties—persists with its advocacy of a single authority separate from the police. It is a proposal that seems to be based more on traditional hostility than logic.

There would be no sense in creating, at enormous cost to the taxpayer, an authority that would virtually duplicate the widely-respected law enforcement agency we already have. Such a move could reduce the effectiveness of the police force because innumerable aspects of its work are linked with vehicles and traffic control. On the other hand, expansion of the police force to control all traffic undoubtedly would equip it better to combat crime generally.

There are good reasons why the police should hand over the clerical and mechanical functions of vehicle licensing and inspection, as the Government proposes with its Department of Motor Vehicles. But traffic control is a different matter. It cannot be divorced from police work.

The Tonkin Government's policy for State-wide traffic control by the police was presented to the electorate in unequivocal terms that the Opposition parties should recognise. They had no justification to throw the measure out of the Legislative Council last year and they should not remain obstructive when the Government reintroduces the legislation this year.

So *The West Australian* seems to be quite clear as to what it thinks of the traffic position; or the traffic wrangle, as its editorial is headed. Its editorial expresses the views that I expect to be expressed by the Opposition members of this State Parliament, because it is completely in line with the policy with which we went to the people of Western Australia.

I ask members to take note of the heading of the editorial to which I have referred, which is "Traffic wrangle". As I see the position we still have a traffic wrangle, because many of the provisions in the Bill are not clear; they cannot be interpreted by some members of the legal fraternity. We have had legal interpretations from two members on this side of the House and they have both come up with different answers.

Mr Young: That is not unusual.

Mr T. H. JONES: We have had the legislation thoroughly examined and we have had different interpretations put forward on the meaning of its provisions.

Mr O'Connor: I can certainly understand it if two legal men on your side of the House have given different interpretations.

Sitting suspended from 3.45 to 4.04 p.m.

Mr T. H. JONES: Before the afternoon tea suspension I was bringing to the notice of Parliament what transpired when we went to the people with our election policy. I was about to refer to some Press reports wherein certain statements in relation to the setting up of a highway patrol were attributed to the Minister.

In the Minister's introductory speech, on page 2277 of *Hansard*, he said the authority would—

... increase the efficiency and effectiveness with which these functions are performed with a clear aim of achieving a significant reduction in accident rates;

That may be true. According to an article in this morning's issue of *The West Australian* the road toll this year has been the lowest for 22 years. This has been achieved under police control, in the main.

We must have good reasons for replacing an organisation or an authority. We on this side of the House cannot see the need for separating the two functions, and I will go into the matter in more detail in the time available to me.

It cannot be denied that it has taken a long time to get this legislation to the House. I believe the Minister has had many problems in connection with it, both in the Cabinet room and with his colleagues, and that four different propositions were considered before this Bill was drafted. When he is replying the Minister can deny that if he likes, but he admitted to me in answer to a question last week that four different types of organisation were considered. So we have waited a long time for this legislation and it is not what we expected it to be.

The Sunday Independent had this to say about the highway patrol on the 16th June—

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

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

That is precisely the argument on which we will base our case. It is duplication at best, and there is no need for duplication. We will argue that the police jurisdiction should be extended throughout the whole of Western Australia. We see the Bill as setting up two authorities. We go along with the formation of an authority but we do not go along with the proposal to place the authority under the jurisdiction of an advisory board. The amendments I have already placed on the notice paper clearly spell out that we on this side of the House go along with our election promise, and good evidence will be brought forward to support our contention that control by the police should be extended throughout Western Australia. So we go along to some degree with the Minister's proposal.

I refer to *The West Australian* of the 7th June which said—

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

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

In his second reading speech the Minister indicated that the police would act only in an extreme emergency. I understood that to be the position until I examined the provisions of clause 13 of the Bill, under which these men will not only be patrolmen but also policemen who, in our view, will be able to perform two functions. That brings me to the conclusion that it will virtually be police control under the guise

of another authority. We do not think that is good enough. If we are to have police control in Western Australia, why should it not be under the jurisdiction of the police? For that reason we oppose the clause of the Bill which sets up an authority to control traffic in Western Australia.

Let us see what the Minister had to say about uniforms on the 7th June—

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

I do not know whether the position has changed. I do not know whether it is still intended that the uniforms will be light blue, and I do not know what will be the colour of the vehicles.

Another statement under the name of the Minister on the 10th June reads—

Police told not to fear new traffic department.

I can assure the Minister that the police are concerned about the new traffic department; so much so that they have called a mass meeting of unionists in the Maylands town hall on Sunday next. I further understand the union has arranged for members of all the country branches to attend the meeting to discuss the formation of the authority. If the police were happy with the provisions of the Bill there would be no need for a meeting next Sunday. They will not bring members of the union hundreds of miles from all parts of Western Australia to sit down and have a cup of tea and a chat; so it is clear they are meeting next Sunday to consider their attitude to the Bill.

The editorial in *The West Australian* on the 22nd June had this to say—

Sharp Right Turn

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

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

In my view, that is primarily the situation so far as the Bill is concerned. The editorial concluded by saying—

The choice is between a police force and a police farce. It is encouraging that Mr O'Connor has recognised that this is no choice at all.

It is quite clear *The West Australian* is also opposed to the setting up of this authority.

On the 23rd June the following headline appeared—

Highway patrol—big row looming

Mr O'Connor: Is that *The Sunday Times*?

Mr T. H. JONES: That was in *The Sunday Times* on the 23rd June.

Mr O'Connor: There were four statements in that which the reporter agreed were inaccurate.

Mr T. H. JONES: I take the Minister's word for that.

Mr O'Connor: He said he would rewrite it the next week, and I said, "Please don't. It is confusing enough now." I would not say that if it were not true. The Press can quote me on that.

Mr Moller: Did you know about it yourself at that time?

Mr O'Connor: I knew all the time.

Mr T. H. JONES: The headline is not wrong. The article says—

A major row is looming between the police, Department of Motor Vehicles, local councils . . .

The Minister must be concerned about what the police will determine next Sunday morning. While some of the statements might be inaccurate, it is quite clear they are not all inaccurate. The Police Union is very concerned about the control of traffic; hence the meeting next Sunday.

Mr O'Connor: I do not mean to give the impression that all the quotations were wrong. In that particular instance the journalist involved (Barry Robertson) admitted four statements were inaccurate, and I noticed that he again quoted a couple of them last week.

Mr A. R. Tonkin: Do you support the establishment of a Press council?

Mr O'Connor: I have enough to do at the moment.

Mr T. H. JONES: Again quoting from *The West Australian*—

Tonkin: Not last switch

The Government had changed its mind. This appeared in the *Daily News* on the 26th June—

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

The Minister for Police, Mr O'Connor, and the Premier, Sir Charles Court, have refused to comment on the future of the promised highway patrol, saying that the matter would be reviewed by Cabinet on Friday.

We know what the outcome was; we will not see this wonderful highway patrol which the Minister had in mind as far back as 1973. That article concluded—

The issue was soon clouded with confusion when it was announced that the highway patrol would be merely a

branch of the police force, staffed by policemen and little different to the present Police Traffic Branch.

That is precisely the situation, and I do not think we could argue about it because under the provisions of clause 13 shire traffic inspectors will have to attend the Police Academy and be sworn in as policemen. So the Government will use policemen to control traffic, but instead of placing them under the jurisdiction of the Commissioner of Police it is to appoint a separate authority comprising seven members. It has indicated it will introduce the policy of the Labor Party under the guise of a separate authority. As these men are to be policemen, in our view—and possibly in the view of some members opposite—they should be placed under the jurisdiction of the Commissioner of Police and not under the jurisdiction of a separate authority. I think, to say the least, it would be stupid to do that. Present members of the Police Force, who are also members of the Police Union, should be retained under their rightful jurisdiction.

The West Australian on the 26th June, 1974, under the heading of "Highway patrol mystery deepens" had this to say—

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

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

The Government's pre-election undertaking was that the new patrol would be divorced entirely from the police. That is how I read the policy. Without restating it and going into detail, the policy the Liberal Party put to the people was that the authority would be independent of and divorced completely from the Police Force; but, of course, that is not reflected in the Bill we are debating because these men will be policemen in the true sense of the word.

I refer now to *The West Australian* of the 11th July in which we find the heading, "Union bid to block roads plan". The article states—

The State Government's plan to establish a highway patrol in WA appears to be heading for industrial trouble.

I do not know whether the Police Union will take on the Government. Obviously it will determine its attitude next Sunday. Without reading the article further, I point out it states quite clearly the union is certainly not happy with the provisions of the Bill. It could well be—and I hope the matter does not come to this—that some drastic action may be considered at the meeting at the Maylands Town Hall on Sunday next.

Of course, we have another question which everyone has been asking: What will the highway patrolmen wear? That is a case of "wait and see".

In the *Daily News* of the 30th July an article appeared under the heading of, "O'Connor: 'Wait and see'", as follows—

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

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

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

He was waiting for a report from a committee.

I understand that committee presented four proposals in relation to the control of traffic in Western Australia. Again, on the 30th July when we were all waiting anxiously in this Parliament to see what would happen, we saw a headline which stated, "State traffic authority Bill likely soon". As we know, the Bill was introduced last week. It is important to quote the following statement of the Minister which appeared in the Press on the 31st July—

The Minister for Traffic, Mr O'Connor, will not release details of his plans for a single traffic authority until the Bill to set up the authority is ready.

He said this yesterday adding that there had already been too much confusion over the issue.

He denied a reported statement to the Country Regional Councils Association conference on Monday that the Bill would provide for a single traffic authority separate from the police.

The Minister denied that. If the statement in the Press is correct, it is quite clear that right from the beginning his intention was that the police should control traffic under the guise of a seven-man authority.

What concerns members on this side of the House—and this is my last Press quote; I appreciate your tolerance, Mr Deputy Speaker—is that on the 17th September, 1974, we saw a heading in *The West Australian* which stated, "Assurance for shire patrolmen". The article stated—

Shire traffic inspectors should not be worse off if they transferred to the State Government's proposed new single traffic authority, according to the Minister for Police, Mr O'Connor.

The final conditions had not been worked out, he said.

Mr O'Connor was replying in the Legislative Assembly to Mr P. V. Jones (CP, Narrogin), who asked if it was true that a decision had been made to enrol shire traffic inspectors in the new authority as first-year constables.

The issue is still confused. I contacted the Secretary of the Municipal Officers Association yesterday, and one of the aspects which is worrying that association is that it is not compulsory for municipal officers to join the association; and about half the officers are members and the other half are not. If agreement is reached to take present local authority traffic inspectors into the Police Force as patrolmen, what will happen in the event of disputation regarding service or other working conditions? The MOA is worried that no mention has been made of sick leave, annual leave, or superannuation benefits. The Minister refrained from mentioning these matters in his speech. He said that long service leave entitlement would be transferred, but he did not refer to other conditions. Superannuation benefits are important because the Minister would know that a number of traffic inspectors in Western Australia have these benefits included in the conditions of their employment with local authorities. Not a single reference to this aspect can I find in the Bill or in the speech of the Minister. To say the least, this is quite confusing.

Mr O'Connor: How can it be confusing when I did not say anything?

Mr T. H. JONES: We want the answer, because the shire traffic inspectors do not know where they stand. If the Minister called a meeting of country shire traffic inspectors and asked them what their conditions will be they could not tell him. Surely they cannot read his mind. The conditions are not spelt out in the Bill, nor were they spelt out in the Minister's second reading speech.

Mr Skidmore: Maybe the Minister wants to ignore them.

Mr T. H. JONES: What will happen in the case of men who are disabled; of men of the age of 63 years, or of men who were formerly in the Police Force and who left it to join local authorities and who have since had convictions recorded against them? Will these men be enabled to join the Police Force? The Minister said in the Press that he will look after them and that they have nothing to worry about because they will be given jobs within the jurisdiction of the Government.

Of course, we must consider the true situation. We know all these men will not fit into the new patrol. The Minister would know as well as I do that a number of men—and these are young men—who attend the Police Academy do not pass the tests and qualify to become patrolmen.

Mr O'Connor: In the case of takeovers, can you illustrate one example of a man who has not been employed? In Geraldton, for example, there were a number of men in the category to which you are referring, and all of them were catered for.

Mr T. H. JONES: I am speaking about what will happen in the future. One local authority traffic inspector has been to see me. He is 63 years of age and has a dis-

ability. He has a house in a small town, which probably is worth a great deal to him but he will have to find other accommodation because I am sure the Minister will not find him a job in that town.

Mr O'Connor: It would be difficult because of his age.

Mr T. H. JONES: Yet the Minister gave an assurance to the member for Narrogin that these men would be looked after. This is where the Minister will be in serious trouble; I do not think he will be able to employ all those men now employed by local authorities in Western Australia. Some men are disabled and would not be able to pass the fitness test.

Another point worrying the MOA is that some men own houses in smaller towns and if they must shift to the metropolitan area the question of relativity of housing values arises, and they will find themselves in a hopeless mess. Going a step further, a man of 63 does not want to dig up his roots.

Mr Skidmore: No-one of any age wants to do that.

Mr T. H. JONES: These are the questions which are worrying the MOA. I have referred to various Press reports to show how complex the situation has become and how nobody has a complete understanding of it. I will continue now with the views expressed by the Minister in his second reading speech. He said—

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

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

I have already referred to one of those intentions. I would far prefer—without hammering the case of traffic patrolmen—that not only long service leave, but also sick leave, annual leave, and other conditions should be transferable. The shire patrolmen are not as complacent as the Minister would make out they are, because they inserted an advertisement in *The West Australian* on the 25th June asking what will happen to them. I have outlined the difficulties surrounding men with disabilities, men who have convictions, or men of the age of 63. If the Minister was a shire traffic inspector and fell within that group he would be expressing the same concern these men have expressed in the newspaper. In relation to clause 6 the Minister said—

Clause 6 establishes the road traffic authority in quite usual and conventional terms, the important point being that the authority is an instrumentality of the Crown and a department under, and for the purposes of, the Public Service Act.

As I mentioned, in our view that is a complete cover-up. I am not happy about the composition of the new authority, but I will come to that later. If the new patrolmen are to be policemen they should be retained under the jurisdiction they are under at present; that is, the Commissioner of Police of Western Australia.

Mr O'Connor: I think you told us we had a mandate to set this up and that we were not going far enough; and now you are saying we are going too far.

Mr T. H. JONES: The Minister is not putting into being the policy for which his Government has a mandate. I have not got my copy of the "Put things right" document, but it should be returned to me shortly; when I receive it I will read out to the Minister the part in which it was stated the Government would divorce traffic control from the police. That is what was stated, and the Minister cannot cover up now.

In the first instance one might have thought the patrolmen would not be policemen, but members will agree they are to be policemen, and a process is to be applied to traffic inspectors under which if they pass the various tests they will gain entrance to the Police Academy, and if they graduate from the academy they will become patrolmen.

I am concerned that no provision is made for representation of the Road Traffic Safety Authority on the seven-man board. This is a very important authority, and I understand that all similar authorities throughout Australia include at least one doctor or specialist on the board to give advice in regard to road casualties. No such member is proposed in the composition of the proposed authority. We feel such a member should be included in view of the importance of his advice and the reliance placed upon it.

The Minister referred to the traffic control authorities in other States, but he did not refer to all States. I have obtained some figures from a few States. I would like to draw a comparison with Tasmania because that State vests the control of traffic in the Police Force. The number of vehicles per head of population in Tasmania is very close to the number in Western Australia, even though Tasmania is much smaller. The latest figures I could obtain came from the Australian Bureau of Census and Statistics, and they give the number of motor vehicles registered per 1 000 head of population as at the 31st December, 1972. In Western Australia the number was 333.2, and in Tasmania it was 333.7, so there is little difference between the two States. That being the case, let us consider how the Tasmanian Government deals with this question. In that State the police administer traffic control and the authorities are happy with the situation.

I would like to quote briefly a letter I received from the Tasmanian Minister for Police.

I have taken Tasmania as an example in view of the relativity between that State and Western Australia. This letter is dated the 21st August, signed by the Minister for Police in Hobart, and is addressed to me. It reads—

Dear Mr. Jones,

Your letter to the Premier seeking information on traffic control measures in Tasmania has been passed to me for attention.

In Tasmania the enforcement of the Traffic Act and Traffic Regulations is the responsibility of the Police Force. The control of commercial transport, the registration and taxation of motor vehicles, erection of road signs and markings and the licensing of drivers is the responsibility of the Road Transport Branch of the Transport Commission.

The Police Force and the Transport Commission are separate entities and all traffic law enforcement is a police responsibility. This arrangement works very satisfactorily and there is close co-operation between these two authorities.

The Commissioner of Police has expressed the view that the enforcement of traffic laws is an integral part of police work.

Mr O'Neill: I think the traffic policemen in Tasmania use push bikes, do they not?

Mr Skidmore: Has the Minister ever tried to ride a push bike up some of the hills in Tasmania?

Mr T. H. JONES: This matter is far too important for the Minister to make interjections such as that.

Mr O'Neill: I just wanted to know the relativity between Tasmania and Western Australia. What about size?

Mr T. H. JONES: Had the Minister been listening he would have heard what I was saying, and he would not have asked such a stupid question.

Mr O'Neill: And got a stupid answer.

Mr T. H. JONES: After that rude interjection—

Mr O'Neill: It broke the monotony of your speech.

Mr T. H. JONES: If the Minister does not like it he knows where to go.

Mr O'Neill: Yes, outside.

Mr T. H. JONES: I continue to quote from this letter as follows—

In his experience he has found that while enforcing traffic laws the police often clear up other offences such as possession of stolen property, motor vehicle stealing, stock stealing, breaches of wild life laws and other offences.

All police officers in Tasmania give attention to Traffic matters but there is a Traffic Control Section which specialises in traffic law enforcement. Attached is an outline of the functions and organisation of the Traffic Control Section of the Tasmania Police Force.

The Commissioner has also pointed out the value to the Force in having a reserve of police performing traffic duties who are always available to carry out general police duties when this becomes necessary in the event of air disasters, floods, bush fires, searches for escapees etc. Presumably, a non-police agency trained only to deal with traffic matters would not be able to assist in these matters.

These are very important points. I think the Minister would agree that not only is traffic control by police important, but also other aspects of police work, as has been clearly spelt out in this letter, are also important. The letter continues—

The subject of Police involvement in traffic law enforcement has been examined by a Royal Commission on the Police in the United Kingdom in 1962 and in Colonel St. Johnston's report on the Victorian Police Force.

The following extracts should be of assistance to you:—

Royal Commission on the Police (U.K.):

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

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

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

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

St. Johnston Report

A similar attitude was adopted by Colonel Sir Eric St. Johnston in his Report on the Victoria Police Force. Though his arguments extended into the economic field—that is, to the question of

cost effectiveness; an area to which police administrators ought to devote some considerable attention.

What I have outlined is a summary of the position regarding traffic control in Tasmania. If you require more information on any points I will be pleased to supply it.

He then went on to deal with traffic control, but I will not weary the House by reading that part of the letter. I wish merely to make the point of relativity of the number of vehicles per head of population in Tasmania and Western Australia. Distances, of course, have to be taken into consideration and could affect the relativity. However, Tasmania was the closest State from which I could obtain figures to make an honest comparison in regard to the number of vehicles per head of population.

In his letter the Tasmanian Minister has spelt out quite clearly that there is a good deal of merit in the proposition that the police should operate in both areas. If this authority is established, I wonder what will happen in some towns where there is a police station that has only one police officer on duty. I can site Collie as an example, a town which I represent. Until the police took over the control of traffic in that town young men were making speedways out of the back lanes, and often many were found constantly drinking in the hotels with the result that complaints were made about the excessive noise they were making at night. What happened after the police took control of traffic? This rowdy element just disappeared.

This has happened in Busselton also; a letter from the Busselton Shire clearly spelt out what happened in that town after the police took over the control of traffic.

Mr Grewar: What has young men drinking in hotels got to do with traffic control?

Mr T. H. JONES: Young men take more notice of a policeman than they do of a traffic inspector. I can tell the honourable member that he will get mentioned in despatches; there will be no doubt about that. I understand that Merredin is very happy with traffic being under police control.

Mr Grewar: With what result?

Mr T. H. JONES: I will tell the honourable member in due course; there is plenty of time. I do not know what the attitude of the member for Vasse will be because the local shire in his electorate wants to retain police control of traffic. When the time comes it will be interesting to see whether members on the other side of the House will vote against the wishes of the local authorities in their electorates should they vote with the Government on this Bill. That remains to be seen. However, if I have a couple of bob in my pocket at the

time I will be prepared to make a bet because I think I know which way they will walk when we call for a division.

Mr Nanovich: What does the Local Government Association or the Country Shire Councils' Association say about the matter of police takeover of traffic?

Mr T. H. JONES: The honourable member is so knowledgeable about country shires and local government that he should be able to answer that. Being an ex-shire president he has set himself up in this House as an authority on local government matters, and yet here he is asking me a question like that. Surely with the knowledge the honourable member has of local government he would know the answer.

There is no doubt that, under the provisions of this legislation the officers employed by the authority will come under the control of the Public Service Board. That is only natural. What concerns me is that when the Minister introduced the Bill I understood that the police would act as patrolmen only in an emergency. When dealing with clause 13 (1), the Minister said—

This . . . establishes a body known as the traffic patrol which will be the law enforcement arm of the authority and it should be clearly perceived in the clause that it is the authority which is charged with the deployment and direction of the traffic patrol.

He said further—

Clause 13 (2) lays the responsibility upon the Commissioner of Police to arrange for the transfer of members of the Police Force for duties in the traffic patrol.

He then went on to say that patrolmen would be available.

This is a very important part of the Bill and it is misleading until we consider thoroughly all the provisions of the measure. The Minister went on to say that patrolmen would be available to assist the police in cases of emergency. He then said—

Before and after transfer in or out of the patrol, of course, the members are ordinary serving policemen . . .

In the Minister's second reading speech this is misleading. That is quite certain, but the Minister can contradict me if he wishes to say that patrolmen are policemen. I am expressing not only my own views, but also the views of *The West Australian*. The editor and staff writers of *The West Australian*, interpreting the provisions of the Bill, do not agree with the Minister's proposition that patrolmen would be available in an emergency. The Minister said there would be one arm of the law for traffic control and another for police duties. I do not agree with that contention and neither does *The West Australian*, because that newspaper clearly spells out the powers which the police have.

Whilst, in his second reading speech, the Minister said that road patrolmen would not be called upon to perform police duties, I maintain that under the provisions of the Bill they must perform both functions, and this is precisely what policemen are doing now where traffic comes under police control. If what the Minister says is correct, this is what is causing us some concern. Take, for example, a one-man police station. What happens in that situation? Will a policeman and a patrolman be on duty at that station? If that is to be the position, no-one can tell me that that will not increase the cost of administration of the authority. In the remote areas of the north-west, for example, what will happen when a road patrolman has days off? There will be no policeman to relieve him on those occasions. Therefore under the provisions in this Bill, what will happen? Will the patrolman have to work seven days a week? Will he not be able to have a rest period? These are the questions that remain unanswered and they point more clearly to the fact that this legislation should be under the administration of the Police Department. A policeman should be a policeman, and it is clearly spelt out that he should be subject to the jurisdiction of the Commissioner of Police.

Mr Skidmore: A road patrolman is a second-class policeman.

Mr T. H. JONES: Under this legislation it is proposed to set up two Police Forces. The Minister does not deny that a patrolman will be a policeman. Therefore, in view of the unemployment that is so evident at the moment, why take this unnecessary step, especially when the Government has problems in the rural areas? Every hour of the day we hear Government members blaming the Federal Government in regard to the implementation of its policies, because they claim that this is adversely affecting people residing in country areas and members of the farming community of Western Australia.

When we were on the hustings, before the last election, we said that the establishment of a road traffic organisation would cost about \$7.8 million. Whether the figures put forward by the Minister are correct, I do not know, but to me they are close to the estimate that we made. The Minister would agree that there may be some equipment that is now being used by local authorities that is not up to standard, and it would have to be replaced. Also, perhaps the housing accommodation available for patrolmen in rural areas is not up to scratch. Innumerable questions could be asked in regard to the establishment of this proposed authority, which is only a duplication of the existing Police Force.

Why duplicate the work performed by members of the Police Force in areas where it is unnecessary? If at the moment

there is a one-man or a two-man police station in a country centre, why not allow the police to carry on the duties that will be necessary under this legislation? We consider that that would be the logical step to take.

I will now briefly refer to the manning of breathalysers and the conducting of spot checks on the roads. I indicate to the House that we consider—and I will have an amendment to this provision placed on the notice paper—that to conduct spot checks in the way that this legislation has been drafted could be dangerous.

Mr O'Connor: This is clause 61 you are referring to, is it?

Mr T. H. JONES: Yes. I will not deal with that clause in detail now, but in its present form it is dangerous; so much so that I intend to place an amendment on the notice paper which is to the effect that we should keep to the provisions contained in section 32B of the existing Act for the reasons I have indicated.

However, perhaps my learned friends may be able to clarify the position. I wonder who introduced this provision to enable spot checks to be made. Has the Country Party exercised some pressure on the Government? I do not see any members of the Liberal Party coming out in favour of spot checks, but the Country Party expressed itself in favour of them. In *The West Australian* of the 31st July, 1974, appears a report on the Country Party conference. It reads as follows—

Spot tests for drink supported.

The Country Party's State conference yesterday voted in favour of the police conducting random breath tests on motorists.

This apparently becomes that party's policy. In some circumstances I feel that spot checks may be desirable, but the provision contained in this Bill throws the area wide open. I will explain how we view this provision and how, if it is put into operation, it will erode the civil liberties of the average motorist in Western Australia.

I know that we have to make every effort to reduce the road toll, but at the same time we still consider it is our duty and function to ensure that the civil liberties of people—motorists in particular—in Western Australia are protected.

In his second reading speech the Minister referred briefly to how the existing law could prove to be a hardship on motorists who have had their licenses suspended and who need their vehicles to carry on their employment. I do agree that under some sections of the existing legislation at the moment a motorist who has been convicted of the offence of drunken driving and who has had his license suspended has to wait one month before a special license is granted to him should his application for

such a license be successful. At the moment such a person has no alternative available to him. I have been very fair in my attitude to the Minister and I applaud him and the Government for the inclusion of this amendment which the Opposition believes is a good one.

Mr T. D. Evans: You cannot lose them all.

Mr T. H. JONES: I do not need to tell members that the Bill will repeal the Traffic Act and consolidate all powers under the one piece of legislation.

With reference to the single authority, the Minister said—

The single traffic authority is in line with our election policy. It will—

Set up a seven-man authority.

Allow local authorities to act as agents for license fee collections.

We consider this is not in line with the single authority the Minister suggested would be introduced. He states that all current members should benefit by improvement of conditions and promotion opportunities. This is a matter for argument because the Minister would know that even now many members of the force are not acceptable as patrolmen. I do not have the relevant figures available, but I understand that no problem exists in the recruitment of men to the Traffic Branch, but that many men fail in the test they must pass to become patrolmen in Western Australia.

This presents a further question: If the men who join the force as policemen and go through all the tests cannot qualify, how can we expect some of the shire patrolmen to be acceptable? This is another problem I can envisage.

Dealing with the capital cost of establishing the authority, in his second reading speech the Minister indicated that the initial cost for a police patrol would be \$6.034 million. Included in that was \$4.718 million for Government housing. This is not a continuing cost but, in my opinion, would be a cost involved in the establishment of the authority.

Mr O'Connor: Over a period of time.

Mr T. H. JONES: Yes. The initial costs for the new authority would be reduced to \$5 526 200. A significant difference is that for Government housing under the police requirements the amount would be \$4.718 million while for the new authority this item would require \$4.183 million. That is where the difference in the figures arises.

We do not agree with the figures the Minister gave for the operating costs. Our costing revealed figures in excess of those supplied by the Minister. However, according to the Minister the operating costs for police control in Western Australia would be \$2 100 500 as against \$2 793 714

being the cost for the operation of the authority. That clearly indicates that the administration of police control would be cheaper than that of the authority.

Mr O'Connor: With that you have additional men on the road.

Mr T. H. JONES: That may be so, but under police control the men are performing two functions and that is where our opinions differ. Admittedly under the traffic control more men would be on the road, but the policemen would be carrying out two functions. The cost to the State would be cheaper under police control because on the Minister's own figures the State would be saved \$693 214. In view of the cries from members on the other side concerning the difficult situation of the rural industry, local authorities, and the beef industry, why does the Government persist with this proposition? Why does it not put that \$693 214 a year into the rural economy? Is this not a fair proposal? I certainly do not believe the Country Party members would argue against it because they are always saying that insufficient money is available for their local authorities. If this is the situation and under a police control system we could save the State \$693 214, why not do so?

Is there any good reason for not doing so? Can anyone give me a good reason for our establishing two independent authorities when, by having police control, we could save the State \$693 214 particularly in view of the high unemployment and inflationary situation in which we find ourselves?

Briefly those are my views so far on the Minister's speech and I will now move onto another facet of the Bill. I have taken up some time referring to the Bill in general terms, but I am not happy with a number of particular clauses to which I will refer and on which I will give the reasons for my objections.

To support my argument about the patrolmen being policemen, I would like members to refer to page 4 of the Bill where, under the definitions, is the following—

"patrolman" means a member of the Police Force transferred for duties in the Traffic Patrol pursuant to section 13;

That spells out clearly what the patrolmen will be. They will still be members of the Police Force and will still be subject to the regulations and conditions generally of policemen in Western Australia. It is clearly spelt out that although they will go under the name of "patrolmen" they are still members of the Police Force in Western Australia.

What is worrying the policemen—and I do not blame them for their concern—is that under the new system they will

have to take orders from the authority. The Minister must realise that they are not happy about that. They joined the Police Force, but if the Bill is agreed to they will have to take orders and guidance from the authority.

Mr Watt: They do not have to transfer.

Mr T. H. JONES: We will have a look at that one in a minute. In my view they do have to transfer and unless the member for Albany is more learned than are the lawyers on this side, his contention is wrong. It is mandatory that they transfer. There is no question about it.

Mr Watt: If they want to be in the traffic control they must, but not if they want to be in the Police Force.

Mr T. H. JONES: I suggest that the member for Albany should read the Bill because he is completely out of touch with its provisions.

Mr Skidmore: Let the member for Albany sort himself out. Don't you assist him.

Mr T. H. JONES: I move now to the composition of the board itself. The Bill stipulates that there shall be persons nominated by the Minister, the Main Roads Department, and the Commissioner of Police. The chairman shall be appointed. I will not weary the House with any further details because naturally members would have read the Bill for themselves. The point I want to raise with the Minister is why is there not a representative of this all-important body, the road traffic authority? The main function of the authority is to look into the tragic deaths on the road, and it would be only correct, as with all similar authorities in Australia, to include a representative of the road traffic authority on this board. I leave that suggestion with the Minister whose views I would like to hear.

Mr Moller: Take the local government representative off and put someone responsible on it.

Mr Watt: That's nice talk!

Mr Moller: It's factual!

Sir Charles Court: That is a nice reflection!

Mr T. H. JONES: I would like the Minister's comments in relation to clause 9 (5) which reads—

(5) At a meeting of the Authority at which the Chairman or his deputy presides, the Chairman or his deputy has a deliberative vote, and in the event of an equality of votes being cast on any question, that question shall remain unresolved until a subsequent meeting of the Authority.

I feel this is a dangerous provision. What if an urgent decision must be made by the authority and one of its members is out of

the State? Although it might be imperative that a decision be made at that meeting, this will not be possible if the voting is equal because the chairman does not have a casting vote. It is not uncommon for a chairman to have a deliberative as well as a casting vote. Why not in this case? I am sure the Minister will agree that clause 9 (5) could place the authority in difficulties.

Mr O'Connor: You are suggesting he should have a deliberative as well as a casting vote?

Mr T. H. JONES: Yes, because an urgent decision might be necessary, but under the provision, such a decision must wait until the next meeting of the authority.

I believe this clause is not in line with the normal type of provision involving the conduct of meetings. The chairman should have a deliberative as well as a casting vote. This would overcome any problems which could arise.

Another provision which is worrying us is similar to one in the fuel Bill which, as members know, is referred to as the gullotine Bill of the Parliament of Western Australia. Members will recall the provision in that Bill which dealt with the state of mind of the person concerned. I still do not know what is meant by this. Clause 12 (4) of the Bill before us reads—

(4) A power or function delegated by the Authority may be exercised or performed by the delegate—

- (a) in accordance with the instrument of delegation; and
- (b) if the exercise of the power or the performance of the function in relation to a matter is dependent upon the opinion, belief, or state of mind of the Authority—upon the opinion, belief, or state of mind of the delegate in relation to that number.

I suppose that has a meaning, but in my view it is rather clumsy and could have been spelt out more clearly.

The SPEAKER: I would like to interrupt the member for Collie for a moment to point out that he must try to avoid Committee debate during his second reading speech. The previous clause about which he spoke, and the subclause about which he is speaking now, are appropriate subjects for Committee debate.

Mr T. H. JONES: I appreciate that point, Mr Speaker. I am not trying to override Standing Orders. I would not do that.

Mr O'Connor: I am sure you will let us know about them in Committee.

Mr T. H. JONES: I certainly will, because I have some amendments on the notice paper. They do not include one deal-

ing with this point, but I thought that if I referred to it now the Minister could perhaps make some comment on it when he was replying to the debate, thus saving time in Committee.

I will not refer to the provision concerning vehicles licensed overseas or in other States because it is a reasonable one. Instead I will deal with the item relating to spot checks about which we are very concerned. I refer members to clause 66 on page 64. Under existing legislation a policeman must have good cause to stop a motorist and give him a test. The Minister would agree that a person must be involved in an accident or be driving the vehicle in a dangerous manner before a patrolman or a policeman is entitled to give the driver a test to ascertain whether he has been drinking excessively.

Under the provision in the Bill a policeman does not have to have such a reason. He can go into a hotel, watch a person consume a certain amount of liquor, wait for him to leave the hotel, and as soon as he gets into his car, he can apprehend him and give him a test to see whether he has an excessive amount of alcohol in his blood. This is how broad the legislation is.

Mr Moller: He does not even have to get into a car.

Mr O'Connor: In that case he could not be arrested for drunken driving.

Mr T. H. JONES: I appreciate that. A patrolman could visit a parking area at a hotel at 4.00 o'clock and then, if the car was still there at 7.00 o'clock, he could apprehend the driver and test him even though he had not infringed the law.

Mr O'Connor: You do not suggest the policeman should wait until the person killed someone?

Mr Skidmore: The person tested might not even own a car.

Several members interjected.

The SPEAKER: Order! One interjection at a time

Mr T. H. JONES: We are concerned about drunken drivers in Western Australia, but we must protect the individual. The Minister is aware of the fact that some people can consume more liquor than others and still be capable of driving a vehicle. No sensible person would deny that. We also have some members of the Police Force who interpret the law one way, while others interpret it in another way.

Misunderstandings occur in local authorities and in some instances people are out to get others. This cannot be denied. I will not give the name, but I could quote the case of a certain shire clerk who had it in for one member of

the community, and he used his powers in this regard to get even with him. I do not suggest the police will do that, but the position is wide open. My learned friends, the member for Kalgoorlie and the member for Boulder-Dundas will obviously indicate our feelings in relation to spot checks.

I will not deal with the miscellaneous clauses of the Bill because they simply interpret the transitional provisions, the regulations, and the amounts to be charged for license fees in Western Australia.

I will now make some general comments in relation to the Bill and refer to the experiences of shires in Western Australia which have handed over the control of traffic to the Police Department. On the 1st August of this year, I asked the Minister for Police a question as follows—

Will he list the local authorities who have changed over to police traffic control, and the dates the changes took place?

In reply the Minister listed the various shires in Western Australia which had handed over traffic control to the Police Department. I then wrote to each one of those shires listed in the reply. Some replied to me, and some did not have the decency to acknowledge my letter. However, that is understandable because it often happens that no acknowledgment is received from shires which, I presume, are predominantly Liberal Party or Country Party controlled.

Mr Blaikie: It is not unusual not to receive replies to letters.

Mr T. H. JONES: I put it to the member for Vasse: Does he usually acknowledge letters? If he does not he is not doing his job.

Mr Blaikie: What about the Prime Minister?

Mr T. H. JONES: I am talking to the member for Vasse.

Mr Clarko: Does that imply that because a person does not answer a letter he is a Liberal-Country Party supporter?

Mr T. H. JONES: Perhaps I could rephrase my remark and say that when a member of Parliament writes to an authority he should at least receive an acknowledgment.

Mr Clarko: The previous statement was not true.

Mr T. H. JONES: A couple of the shires spell it out. I will now let members know what the shires think about the police control of traffic in Western Australia. Firstly, I will refer to the Shire of Halls Creek.

Mr Blaikie: How about giving them to us in alphabetical order?

Mr T. H. JONES: I am making the speech. The reply I received from Halls Creek is as follows—

Your letter of August 6, 1974 regarding information on traffic control was put to our Council at its last regular meeting.

This Council feels it was in a different position to most authorities when it handed over traffic control to the Police. The Shire Clerk at the time declined to handle traffic control. This would have left the Council without any Traffic Inspector at all as it was unable to afford to employ one out of its own resources. Council was then obliged to hand over to the Police.

As there was no control at all in town then, the Council feels that the Police control for this Shire must be better than that of Council's no control at all.

That letter is clear enough; the authority concerned clearly does not support police control of traffic.

I intend to read all the letters I received. Let me refer to Roebourne, which is in the electorate represented by Mr Sodeman. That shire wrote—

Dear Sir,

Your letter dated 6th August 1974 concerning police control of traffic has been considered by my Advisory Committee and I was asked to inform you that the Committee is reasonably happy with the results of the change to Police Administration of Traffic as compared with the previous arrangements.

That shire is reasonably happy.

Mr Davies: That shire could not say much else, otherwise the commissioner would be moved out.

Mr T. H. JONES: That is so. Let me now refer to the West Kimberley Shire, which is represented by the Minister for Lands.

Mr Ridge: And, also Halls Creek.

Mr T. H. JONES: That is so; also Halls Creek. The Shire of West Kimberley wrote—

In December, 1968, this Council handed over control of traffic to the Police Department for two reasons. It could not obtain suitably trained staff, but mainly because it considered that traffic control should be in the hands of Police.

Traffic control should be in the hands of police. To continue—

While some may agree that the Police are not strict enough in their control of traffic, the fact remains that an effective level of control is maintained and that the two police vehicles which constantly patrol the town are an effective deterrent.

Since taking over control the local Police force has been increased in number and a pursuit vehicle and radar equipment purchased.

My Council feels that with the setting up of a single traffic authority—particularly if a branch of the Police Department—a full-time officer would be available plus the back up of the other police in the town. This would greatly increase the level of control and is most desirable.

That was the reply from a shire represented by the Minister for Lands. Let me proceed to the Shire of Broome, which I think is also represented by the same Minister. The letter from that shire states—

Receipt is acknowledged of your letter dated 5th August, 1974 wherein you sought advice as to the benefits which in Council's opinion have accrued as a result of Police Control over all aspects of traffic.

Prior to the Police assuming control of traffic within the Shire, the Shire Clerk and Assistant Shire Clerk were the Traffic Inspectors because Council could not afford to employ a person in that specific position and the associated expenses of providing housing, vehicle etc., and as a consequence, traffic control was negligible as it is not possible to control traffic from an office.

Since the Police takeover, traffic control has been quite adequate and obviously one of the main reasons is the fact that the Police are rostered on a 24-hour basis.

That letter was from the Shire of Broome, and not from the Shire of Collie.

Mr Ridge: I am quite sure that shire will be happy with the new arrangement.

Mr T. H. JONES: I have only the word of the Minister for that statement. In the letter it is stated that the shire is quite happy with police control of traffic.

Mr Sodeman: What letter did you write to the shire?

Mr T. H. JONES: I wrote to the shires and asked them to state whether they were happy with the arrangement of police control of traffic. A shire represented by the member who has just interjected is involved, and it is quite happy with police control of traffic.

Mr Sodeman: Can the member for Collie give the opinion from each of the four shires?

Mr T. H. JONES: That is the opinion from one of them.

Mr Sodeman: I have four shires in my electorate.

Mr T. H. JONES: As I indicated when the member was out of the House, some shires did not have the decency to answer

my letter. If the member had been in the Chamber he would have heard what I had to say.

Mr Sodeman: I appreciate that the member for Collie has repeated his remarks for my benefit.

Mr T. H. JONES: If the member is interested in my speech he should stay in the Chamber.

Mr Cowan: Did the member for Collie give the shires a choice in their replies?

Mr T. H. JONES: I wrote to the authorities concerned—and the Shire of Albany is one of them—and told them that I was the shadow Minister for Police. I said that in view of the Road Traffic Bill which was to come before Parliament I would be pleased to obtain their views on police administration of traffic. That is all I requested. I did not suggest that they should answer my letter in the way they did. Some did not reply. I wanted some assessment of their views.

Mr O'Connor: Approximately how many replies were received?

Mr T. H. JONES: I think I received 18 replies.

Mr May: I think the Minister even sent police to the north to check on the situation.

Mr T. H. JONES: I will move on, because this is very important, and refer to the Shire of Manjimup. The reply from that shire was as follows—

Your letter of the 6th August was, as promised, placed before Council for Councillor's views at the recent meeting, which in this year was held on the third Thursday of August because of Budget requirements, and the following resolution was passed by the Council.

"That Mr Jones be advised that Council is reasonably well satisfied with the way the Police Department control traffic and are of the opinion that control of traffic should be retained within the Police Department as at present; had this authority continued with the control of traffic it would have made heavy inroads into its financial resources."

I will not read the whole of that letter because it is rather lengthy.

The next letter I will read is from the Shire of Lake Grace, which is represented by a member on the Government side of the House.

Mr Young: Did the member for Collie write to every shire?

Mr Blaikie: How many replies were received?

Mr Young: A total of 18 replies were received from about 138 shires.

Mr T. H. JONES: I think I received 18 replies, and if members who are interjecting had been here earlier they would have heard me make that statement.

Mr Young: I have been here all the time.

Mr T. H. JONES: If the member had been here he would not have asked the question.

Mr Sodeman: The point he is making is that the number of replies hardly represent a consolidated point of view.

Mr T. H. JONES: I am expressing the point of view of those shires which replied to my letter. Many shires did not reply, as I indicated in the absence of the member who has interjected. I suggest he should stay in the House.

Mr Skidmore: He should write his own letters.

Mr Sodeman: I visited the shires and asked questions personally.

Mr T. H. JONES: I will move on and read the letter I received from the Shire of Lake Grace. This shire is represented by Mr Grewar or Mr Old.

The SPEAKER: Order! Would the member for Collie avoid giving the names of members? Just refer to the electorates.

Mr T. H. JONES: Very well, Mr Speaker. The letter from Lake Grace reads—

RE: TRAFFIC AUTHORITY

In reference to your letter dated 6th August 1974, Council is satisfied with the administration of traffic matters by the Police in Lake Grace.

In Council's opinion—

- (i) traffic control is better supervised by the Police.
- (ii) With the presence of Police Officers in town antisocial behaviour is quickly and efficiently stopped by the Police Officers.

The next letter is from the Shire of Kondinin, and is as follows—

Police Traffic Control.

The Shire of Kondinin has been under Police traffic control for two years and is more than satisfied with the service provided.

Previously the most common complaint was made against young people causing a disturbance around town late at night but now this has been eliminated.

The main reason I think is that people take more notice of a policeman than a traffic Inspector and in the case of this Shire this seems to be so.

Council does not favour a separate authority to control traffic.

The next letter is from the Shire of Collie.

Mr Cowan: Where is that?

Mr O'Connor: Which shire is this?

Mr T. H. JONES: Collie. The reply from that shire reads as follows—

I refer to your letter of the 6th August, 1974 seeking Councillors' opinion on the change over to Traffic Control in the Shire of Collie.

Council resolved to advise that it is satisfied with the Police Control of traffic in the District of the Shire of Collie.

It believes that since the Police took over control of traffic there has been less Public nuisance especially in the hours after most people have gone to bed.

It also believes that generally Traffic Control is more efficient.

Whilst I cannot speak from experience it does seem that it would be a retrograde step to have a single traffic authority controlling traffic in this area.

I cannot imagine more than three members of a single traffic authority being stationed here and when you consider the hours to be worked it would not be possible to give as much coverage as it does with Police Traffic Control.

The next letter is from the Shire of Tambellup, and reads—

Your letter of 6th August, 1974 is acknowledged regarding the proposed legislation to create a separate authority.

My Council are extremely happy with the takeover as it relates to Tambellup and feel at this stage, particularly in view of the tight monetary situation, that the proposed new Authority should at least be postponed.

These thoughts have already been passed on to the Hon. Minister Mr R. O'Connor, however, he advised that the Government intend to proceed with the establishment of the authority. The Minister made the point that the Government believe the costs incurred will not be very great.

That is an important point. To continue—

I guess it depends on one's point of view as to what constitutes a great cost. Council would have preferred to see the funds spent on more urgent priorities facing the State at the moment rather than the formation of a further Department and of course another bureaucracy.

As you are aware the majority of members in the Country Shire Councils Association favour the concept of a

a separate authority and Council do not wish to cut across this decision save my comments in the penultimate paragraph.

Mr O'Connor: What shire was that?

Mr T. H. JONES: I have just read the reply from the Shire of Tambellup.

Mr O'Connor: I will refer to it in my reply.

Mr T. H. JONES: To continue the letter—

Hoping the above sufficiently answers any questions you may have on Councils attitude to this subject.

The letter I received from the Shire of Merredin reads as follows—

Subject—Traffic Control

Thank you for your letter of the 6th August, 1974 seeking the opinion of my Council on the State Government's proposal to establish an independent authority for traffic control, vehicle licensing, road safety and vehicle engineering.

My Council is of the firm opinion that the Police Department should be responsible for the above duties.

The Police Department should be responsible for the above duties! To continue—

Traffic control duties are in fact law enforcement responsibilities and as such should be administered by Police Officers.

This Council, as you mentioned, has experienced both localised and Police Department control of traffic. There is absolutely no doubt that the control administered by the Police Department is far superior to that which can be achieved by a Local Authority employing its own Traffic Inspector.

Mr O'Connor: I am glad the honourable member did not receive 138 replies!

Mr T. H. JONES: The situation in Merredin was queried, and I have stated what it is. To continue—

There is no good reason why an authority with Local Government representation need be set up to administer traffic control. This will only result in additional cost to the motorist and a fragmentation of responsibility.

I will not go on with the letter.

Mr Sibson: What was the answer from Bunbury?

Mr Cowan: Don't you think that was making a comparison with what they have had and what they have now?

Mr T. H. JONES: This is a comparison, but I say that the shires which have changed to police control all favour it. I cannot be any fairer than that. If a local

authority did not reply to my letter, I cannot be held responsible. Of those who have replied, 18 local authorities have said they want police control because they think it is the best. I have here four more short letters I want to read. The first is from the Shire of Busselton.

Mr Sibson: Could you tell me the date of your letter?

Mr T. H. JONES: The 6th August. I have said that many times. Every letter I have quoted refers to my letter of the 6th August. I will now quote the letter from the Shire of Busselton, in which the member for Vasse is so interested. It reads—

Your inquiry of the 6th instant is acknowledged.

For various reasons the Police Department assumed control of all aspects of vehicle Licensing and Traffic Control within this Shire (with the exception of Parking) on the 1/4/1971. It was the considered opinion of the majority of Councillors at that time that such action was desirable. Time has certainly vindicated this.

Police Department Officers patrol until 3 a.m. on week days and 5 a.m. on week-ends, so naturally a greater degree of coverage is provided (they could even catch up with bikies if they came this way). It was not economical for this Council to provide such service.

The Police Force in Busselton has one Sergeant and seven constables available for duty, whereas only three Traffic Inspectors were employed on a Roster basis. The Police Station has an efficient radio net-work, which proves invaluable particularly during the Tourist Season, as we have over 30 miles of *extremely* popular coast line to control.

Locally employed Traffic Inspectors tend to become complacent in their approach to duty, particularly if they don't wish to lose their popular image. This attitude is not conducive to revenue producing purposes.

I think too, one must admit there is a psychological aspect when dealing with the man in Blue.

Summing up, this Council and the people of Busselton do not regret passing control of Traffic to the Police Department.

So that is the situation in Busselton.

Mr Blaikle: Now that is not entirely correct.

Mr T. H. JONES: I did not write the letter.

Mr Skidmore: That letter is from the council, not from us.

Mr Blaikle: It is not entirely correct.

Mr T. H. JONES: The member for Vasse will be on his feet next week. I can quote only what the local authority told me. I cannot write a letter for the shire.

Mr Blaikie: The shire had a major problem when the police took over. Can I get a copy of that letter?

Mr T. H. JONES: The next letter is from the Shire of Murray, and it reads as follows—

Receipt is acknowledged of your letter of the 6th August 1974 in connection with the above, for which we thank you, and in reply would advise as follows:

This Council transferred traffic control to the Police Department with effect from the 1st July 1971.

The decision of Council to take this action was based on the opinion that such control would be more efficient, in view of the fact that in this Shire there are now eight policemen available to provide a 24-hour per day coverage on a rostered system, in addition to their normal duties.

This compares with one Traffic Inspector which the Council employed plus one administrative officer who undertook part-time traffic duties including vehicle inspections.

It is my opinion that a more efficient service is now available than could be provided by the Council, when traffic control was restricted mainly due to lack of finance.

I now turn to the letter from the Shire of Wyndham which says—

In reply to your letter of 6th instant, I advise my Council has views on traffic control and the proposed authority that are different to yours.

Council agrees with the opinion expressed by you in the last paragraph of your letter and considers the proposed Authority should be in the hands of the Police Department as the expense of the creation of another separate department is not warranted.

Lastly, I will read the letter from the Shire of Laverton dated the 20th August. It states—

This Council is completely satisfied with the control of traffic under the Police Department, and in no way regrets handing it over to them. It also believes that any Highway Patrol would in fact add to the overall costs of the State and Council is therefore of the opinion that it should not be established, but that the Police department should retain the control.

Now let us turn to the letters which expressed another view.

Mr Cowan: Write to them all in six months' time and see what they say.

The SPEAKER: I hope the honourable member is not going to read them all.

Mr T. H. JONES: I have three letters here, Sir, and they are very short. The letter from the Shire of Mandurah reads as follows—

Council acknowledges your letter on traffic control in Mandurah and the effect on new legislation proposed by the Government.

As this enquiry was deemed to affect the non political standing of this Authority, the correspondence was tabled and no further action is contemplated.

The letter from the Esperance Shire Council says—

Your letter of 5th August, 1974, was placed before Council at a meeting on 27th August, 1974.

While Council saw fit to surrender its control of traffic in favour of Police Control (there were definite financial benefits in this at the time) it is not interested in participating in any way in the political debate of the pros, and cons of the alternative forms of control.

Finally, the letter from the Port Hedland Shire Council is to this effect—

Reference your letter of 6th August, 1974.

I have to advise that Council handed over traffic control to the Police on 1st October, 1972, principally because of the heavy financial losses incurred. There is no evidence to suggest that the Police are providing a more effective control than the Shire due to the fact that there is insufficient staff to carry out the task.

Council is not prepared to comment on the proposed Highway Patrol as we are not aware of the Government's intentions.

Thank you, Mr Speaker, for allowing me to quote the letters. I wished to show the situation generally throughout the local authorities of Western Australia. Some shires did not even acknowledge my letter. However, of the shires that replied, the majority wanted police control. It is interesting to note that most of the local authorities which replied in favour of police control are in electorates which returned Liberal and Country Party members to this House. The two exceptions would be the Manjimup Shire Council and the Collie Shire Council. Every member on the Government side will find that the local authorities in their electorates would like to see police control of traffic retained. The Government is advocating a separate authority, but it is clearly spelt out that most local authorities want police control retained.

Mr Nanovich: What about other shires in our electorates?

Mr Blaikie: You did write to every shire in the State?

Mr T. H. JONES: I am certainly not telling lies about it; I wrote to every shire.

Mr Blaikie: Out of the 138 letters, how many replies did you get?

Mr May: How many more times do you want it?

Mr Bateman: It would be fair to take the mean average of the replies.

Mr O'Connor: Pretty mean!

The SPEAKER: Order!

Mr Clarko: If you received 100 replies you would do very well.

Mr T. H. JONES: I do not intend to read this, Sir, but I have here a letter from someone in Collie who wrote to the *Daily News*. It is headed, "Collie police efforts praised". It appeared in the *Daily News* on the 17th June. If Government members are fair, they will be aware that what happened in Collie has happened in their own towns. When the Police Department also controls traffic, the police can do a lot about the problems of young men riding bikes all night and making nuisances of themselves. This letter clearly sets out a strong argument for police control of traffic, and it is one of the reasons for our belief that the system should be retained.

I have here all the correspondence I received on this subject. The RAC does not favour police control of traffic. I could simply have not mentioned this letter, but I prefer to be honest.

Mr Skidmore: The RAC did not ask my opinion.

Mr T. H. JONES: It is quite obvious that a new authority has to be set up. I have taken out some figures from an answer to a question in another place. This clearly shows that the local authorities are suffering heavy losses in their efforts to control traffic. Whether it be this authority or another authority, it is important that some organisation is set up. I would like members to consider the following figures—

Shire	Traffic Inspectors	Operational Expenses \$	Fines \$	Loss \$
Augusta-				
Margaret River	1	4 398	1 650	2 848
Beverley	1	6 914	1 491	5 423
Broomehill	2 part-time	2 451	1 208	1 245
Bruce Rock	1 shared	5 015	1 411	4 504
Carnamah	1 shared	5 953	2 483	3 470
Carnarvon	2	22 889	5 502	17 387
Chapman Valley	1	7 004	3 606	3 398

I could go on.

Mr Blaikie: Oh, no.

Mr T. H. JONES: I have the figures here for many more shires. The majority of local authorities in Western Australia run their traffic control at a loss. The Harvey Shire Council showed a profit and of course motorists going through Harvey probably know the reason for this. It is the same in some areas in the north, such as Three Springs.

Mr Watt: What about Wannereroo?

Mr T. H. JONES: We could mention that one if we had time, but I will not weary the House any more. This is the general situation throughout Western Australia.

Mr Stephens: What is the significance of that point, because if you are making a point, I am sorry to say it has escaped me.

Mr T. H. JONES: The point I made was that a single traffic authority must be set up. I said this when I started my speech. Whether our traffic is controlled under this authority, or under the organisation we would like, we must do something about the heavy losses that local authorities throughout Western Australia are incurring. This is the important point and I quoted the figures to emphasise it.

Police control of traffic has been criticised, and I would like to mention an article which appeared in *The West Australian* of the 31st August of this year. It was headed, "NW drive cuts road toll". The Police Department is to be congratulated. The comment in this morning's Press confirms the article which appeared on the 31st August, following action taken by police administration. This clearly indicates that police administration has reduced the road toll in Western Australia. That being the case, why attempt to set up another authority?

Mr O'Connor: Of course you know the Minister instructed that to take place.

Sir Charles Court: That occurred on direct instruction from the Minister.

Mr T. H. JONES: I will come to that in a moment.

Sir Charles Court: I am telling you what happened; a special direction was given by the Minister at the request of the Government.

Mr T. H. JONES: The figures that are quoted in today's edition of *The West Australian* cover the whole State and not a specific area.

Sir Charles Court: I know, but just be fair to the Minister. He took action.

Mr T. H. JONES: I was not being unfair to the Minister. I was intending to quote from this morning's Press where it says that the road toll has been generally reduced under police control. The Minister will not deny that.

Sir Charles Court: We have concentrated on it since we came to government. The Minister has reported on the situation every week.

Mr T. H. JONES: This action was initiated by the former Minister.

Mr T. D. Evans: It was as a result of the momentum commenced under the former Government and you know it. Additional police and vehicles were provided.

Mr T. H. JONES: We are concerned at the condition of police vehicles being used at the present time. I am aware that the Minister has ordered new vehicles for traffic control because lecturing vans are being used at the moment and many vehicles have exceeded the normal mileage. This information was provided in answer to a question I asked on the 20th August. So it is fair to say that the money could be spent to better advantage than that proposed in the Bill.

In answer to a question of mine on the 15th October, the Minister said that four different structures were studied, including the alternative of doing nothing. I will not cite them, but four proposals were considered by the Government before it decided on the legislation we are now considering. The Police Union is not happy about the Bill. I have referred to a number of publications already, and I should like now to refer to opposition which has been expressed to this legislation. In a circular sent to the police on the 14th February by the Western Australian Police Union of Workers it was stated—

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

That is, in favour of police control. Another part of the letter stated—

... it is impossible to separate the duties.

Another letter, dated the 22nd March, 1974, stated—

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

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

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

These are not my views, but the views of the Police Force. I understand that Cabinet discussed a number of proposals. In one proposal, the Minister went so far

as to suggest that provision should be made for people who show ability in the field of traffic administration to be promoted outside seniority. I do not know whether this is correct but I make that statement for the sake of the record.

Mr T. D. Evans: Do you know whether the Minister considered straightout police control?

Mr O'Connor: Yes.

Mr T. H. JONES: Police control was one of the four propositions considered by the Minister. It is obvious that the Minister and the Government have been pressured into this authority; I do not think they want the authority. I cannot see how the Minister can go along with it, but it is quite apparent that the Country Party and the local government authorities in Western Australia have pressured him. If the Minister is honest, he will admit that this is the situation; I know how he must feel, sitting over there.

To sum up briefly, perhaps the most laughable thing which has occurred since the introduction of this legislation was the cartoon printed in *The West Australian* depicting a caricature of the Minister with the words, "And now for something completely different". About the only difference is the cartoon of the Minister; I think it would be true to say that there is no difference, with only one exception which relates to the jurisdiction of the authority. The traffic patrolmen will also be policemen; the only difference will be who will administer traffic control in Western Australia.

Mr Bertram: Why should we have to pay extra?

Mr T. H. JONES: That is the question that should be asked. In an editorial in *The West Australian*, this very point was raised and, quite clearly, that newspaper has come out against the proposal.

Mr Sodeman: Do you place a fair amount of credibility on editorials in *The West Australian*?

Mr T. H. JONES: In conclusion, we on this side of the House believe that the establishment of this authority represents an unnecessary duplication of services. It will involve an expenditure of \$693 214 a year which could be put to better effect in rural areas and to relieving unemployment throughout Western Australia.

Mr Barnett: The money would be used to greater effectiveness in those areas.

Mr T. H. JONES: We on this side are concerned about the drafting of the Bill. During the suspension of the sitting for afternoon tea, I consulted with a lawyer—not a member of either House, but a lawyer from outside Parliament—who said he had found further faults in the Bill. As a consequence, the Minister can expect to

see additional amendments on the notice paper next week. The opinion of this lawyer and of my learned legal colleagues on this side is that this Bill and, in particular, clause 13, is badly drafted. The intention of clause 13 is not clear. In our view, a policeman will have no alternative but to accept his transfer to the traffic authority; he cannot argue about what duties he is asked to perform.

I believe we would all agree that the announcement in today's Press that the road toll is the lowest in 22 years is a great achievement. This has been achieved under the present administration, so why should we establish another authority? We should not be concerned about establishing a new authority; rather, we should be expanding the existing system.

I have placed a number of amendments on the notice paper which will be considered in the Committee stage. I know you will not allow me to discuss them, Mr Speaker, but I merely indicate that we on this side consider the proposal to establish the authority should be retained but that the administration should be in the hands of the Commissioner of Police. Patrolmen should be given the opportunity to transfer to the authority. Under clause 13 as it now stands that privilege does not exist. We believe the commissioner under the provisions of this clause must make the patrolmen available and once he indicates to a policeman that he is required as a patrolman, that policeman must be transferred. We consider that to be unnecessarily mandatory and our amendment proposes to rectify the situation.

In the brief time I have been on my feet, I have made our position clear. We suggest that there is no need for duplication which will involve the taxpayer in unnecessary expenditure. The same result could be achieved by placing the administration in the hands of the Commissioner of Police. As I said earlier, these patrolmen will also be policemen and, being covered by the provisions of the award, they should be clearly named. For those reasons, I oppose the Bill.

MR T. D. EVANS (Kalgoorlie) [5.37 p.m.]: I commend the member for Collie for his most penetrating analysis of the Bill we are now considering. It is true that time did not permit—I am sure that the patience and comfort of members would not have endured—a full, penetrating analysis of all the provisions of this Bill.

However, the member for Collie has drawn the attention of members to some of the provisions of the measure. It is a formidable Bill about which the Opposition and, we believe, the community as a whole, is most concerned. Various sections of the community, such as the Police Union and bodies interested in motoring, such as the RAC and local authorities have

varying degrees of interest in its provisions. The Bill should not be rushed through the Parliament; ample consideration should be given to the proposals. I am glad the debate on the Bill will continue next week.

Any Act of Parliament must be broadly seen to have various functions to perform and jurisdictions with which to comply and this Bill is no exception. It may be divided into two broad parts, one of which of course is the administration of the authority. Indeed, this is the philosophy behind the type of traffic control administration which will be established. The other part of the Bill, of course, deals with the substance of the law which it proposes to amend or qualify. Having said a few words about the administration of this Act and making the point that this Bill is no exception to any other legislation in that regard, I should like to concentrate, firstly, on the enactment of new law; and, secondly, on the amendment or qualification of existing law.

Before I proceed to that argument, I endorse the remarks of the member for Collie that it is beyond dispute that we cannot delay in establishing a single authority administering traffic throughout the length and breadth of the State. The dispute we have relates to the philosophy of the form of administration this single authority will have. It is our view that control by local authorities cannot be in the interests of public safety and efficiency and cannot provide an overall quality of traffic control for a community which in the late 1970s has a high degree of motor vehicle sophistication.

With today's high speed vehicles and affluent community, in which young people can more easily acquire the use or control of motor vehicles, a central controlling authority is required; there is no doubt about that. We dispute only the form this authority will take. So, let us say that there is no dispute as to the desideratum of the scheme.

The member for Collie clearly indicated that we believed in the establishment of a single traffic authority under the control of the Police Department. If there is to be a single authority, the Commissioner of Police should be shown in the legislation to be that single authority.

I refer now to those provisions in the Bill which will effect changes in the existing law, apart from bringing into operation some form of authority. One must always be a realist; we must realise that if the Government cared to use its numbers, it could bring this legislation into law without amendment. I am speaking again in relation to the philosophy behind the single authority. If the Government does not wish to change its Bill, the legislation will emerge from the Parliament, with its provisions relating to the substance of law unchanged.

If we were to concentrate solely on the philosophy of the legislation and not give attention to the other matters we feel should be seriously and closely studied, we would be failing in our duty. However, we must be realists and realise that if the Government is determined to pass this Bill with the present philosophy relating to the authority unchanged, it will do so. So, we must try to remedy the Bill where we feel action is required; it is also our intention to pass commendation where that is justified.

The part of the Bill dealing with the substance of the law is something like the curate's egg—there are bad parts and there are certainly some very good parts. However, it was the destiny of the curate and not the curer to receive such an egg.

I suppose the provisions of any Traffic Act which receive the most attention are those relating to driving under the influence of alcohol or drugs and, therefore, I turn first to those provisions. I hope time permits me to refer also to the provisions relating to dangerous or careless driving or driving without due care and attention. Time permitting, I propose to refer briefly to the new provisions relating to the granting of extraordinary drivers' licenses where a person's license has been suspended for an offence against the Act.

I commend the Minister for taking the opportunity under the Bill to update the provisions that are to be found in section 33A of the Traffic Act. This section is of rather recent vintage; I think it was enacted some 10 years ago. I am sure that heretofore members of Parliament had been plagued by representations from people who had had their licenses suspended, and wanted special licenses to enable them to drive their motor vehicles under certain conditions.

There was no provision in the Act to enable this to be done by a court of law, and the Minister had to exercise his prerogative. Of course, he became the central point for many and varied representations from members of Parliament and others. For that reason the move to introduce section 33A was a good one. Time has shown that the philosophy of hastening slowly, and of setting aside a cooling off period of one month, was a wise procedure to adopt.

As the Bill indicates, experience has shown that the court should have been given the discretion to review cases of hardship when a license was suspended. For the purpose of comparison I shall refer to the provision in clause 63 (1) of the Bill. This is intended to replace subsection (1) of section 32 of the Traffic Act.

Clause 63 relates to driving or attempting to drive a vehicle whilst under the influence of alcohol or drugs, or a combination of both, to such an extent that the person is incapable of having proper control of the vehicle. Section 32 provides that an offence shall be committed if the actual attempt to drive or the act of driving under those circumstances took place on any road, or in any place commonly used by the public, or to which the public is permitted to have access. If an act of driving or an attempt to drive a vehicle under those circumstances took place anywhere else that would not be an offence within the meaning of section 32. The place where the offence is committed must be a road or in any place commonly used by the public, or to which the public is permitted to have access.

Clause 63 makes no reference to where such an offence can be committed, but section 32 of the Act clearly indicates the offence must be committed in the environment I have mentioned. I am not criticising the drafting of the Bill, but an explanation will be required when clause 63 is dealt with.

Section 32 of the Act became almost a code relating to driving offences associated with alcohol and drugs; and if one wanted to find all the law relating to this subject one would look at section 32 and the associated sections. It was a good practice that those provisions became almost a complete code. If anything relating to this offence was not found in those provisions one could safely say it was not the law.

In the drafting of the Bill there is a departure which provides that for the purpose of clause 63 a definition be given. I ask the Minister why there is a change in the wording. Perhaps he will refer the matter to the draftsman, because clause 73 states that a reference however expressed to the driving of or attempting to drive a motor vehicle shall be construed as a reference to the driving of, or attempting to drive a motor vehicle.

Then comes the environment where a change takes place. The provision in clause 73 states—

on a road or in any place to which the public is permitted, whether on payment of a fee or otherwise,

The payment of a fee is the new ingredient which is brought into the environment in which the offence is committed. The words that have been omitted are "an area to which the public has access". Section 32 makes no reference to the payment of a fee. I do not know whether

it was the decision of a court which threw some doubt on the provision when a person entered an area where he paid a fee. Perhaps it was not regarded as a public area under section 32 of the Act.

Mr O'Connor: I think you are referring to parking areas where people pay a fee.

Mr T. D. EVANS: I would be interested to hear the Minister's comments in due course. I now refer to the penalties that are set out under clause 63 in respect of driving under the influence of alcohol or drugs, and I make a comparison of that provision with section 32 of the Act. I shall point out the changes which have been made by way of increases in the monetary penalties as far as the maximum is concerned.

When section 32 of the Act was debated in the 1960s I made the point that despite the seriousness of this type of offence, and the accepted view of the community that the law had to be severe with offenders—particularly frequent offenders—minimum and nonreducible penalties were completely wrong. It is wrong that a court should be placed in the position where after having elicited all the facts, and having an appreciation of all the circumstances, it is not given the power to pass an appropriate sentence, but is bound by a minimum penalty. I think this is a bad law. It is a law that we can do without, and on this occasion I take the opportunity to condemn it again.

I now pass to a comparison of the penalties. Under section 32 of the Act for a first offence the fine is not less than \$200 or more than \$300.

Mr O'Connor: That is for drunken driving.

Mr T. D. EVANS: Yes, that is for a drunken driving offence. I shall not refer to the penalty of imprisonment until I deal with the penalties for the fourth and subsequent offences, where this penalty does become material. Up to the fourth offence the penalty of imprisonment is a common denominator.

Under section 32 of the Act for a first offence the minimum fine is \$200 and the maximum is \$300. Under the Bill for a first offence the minimum is to be \$200 and the maximum \$400; however, the penalty of imprisonment which can be the alternative remains the same. I do not know whether the Minister is updating the monetary value of the fines, or whether he is trying to indicate a more severe stand against drunken driving. I am not the one to advocate this, but there should be some indication of the latter view in terms of imprisonment, whereas it has remained a common denominator. It will be seen that for a first offence there is to be an increase of \$100 in the maximum fine.

Under the existing law for a second offence the minimum fine is not less than \$400 and the maximum is not more than \$500; again the penalty of imprisonment remains a common denominator, and is an alternative.

Mr O'Connor: You say that imprisonment is an alternative. Is it?

Mr T. D. EVANS: It is a strict alternative. Under the Bill the penalty for a second offence is a fine of not less than \$400 or more than \$600. Again the upper limit has been increased by \$100.

For a third offence, under the existing law the fine is not less than \$600 or more than \$700. Under the Bill the penalty is a fine of not less than \$600 and not more than \$800; again there is an increase of \$100 in the maximum.

I now refer to the penalties for a fourth offence, and in this regard I shall deal with the element of imprisonment. Both the existing Act and the Bill provide that on conviction for a third time the license is suspended for life. When we refer to a fourth conviction, either in the Bill or in the Act, we include a fourth or subsequent conviction. I suppose there are people who have been convicted more than four times.

Mr O'Connor: I know of people who have been convicted four times.

Mr T. D. EVANS: In respect of the fourth or subsequent offence, under section 32 of the Act the offender—who has already lost his license on the third conviction, and he could have been fined a maximum of \$700 or imprisoned for 12 months—is not subject to a monetary fine; the penalty is imprisonment for three years.

Under the Bill for a fourth or subsequent offence a monetary fine is being introduced, and the penalty of imprisonment is also to be retained, but again this is an alternative. The penalty is a fine of not less than \$1 000 or more than \$2 000, or imprisonment for 18 months.

I would now take the opportunity to cast a few thoughts in the field of making the punishment not only fit the crime, but also fit the pocket of the offender. It has often been said, even in respect of a first offence—bearing in mind that this is a case of drunken driving and has been referred to as a social offence because the offender has no evil intent, but becomes a victim of circumstances created by himself or his friends—the penalty should be related to the offender's position in the community, his livelihood, and his means. If the upper limit is imposed, even the severe fine of \$300 might not necessarily be stiff enough for a person who has the means to pay.

Mr O'Connor: He could still be gaoled.

Mr T. D. EVANS: That is the point I am coming to. To an offender of modest means even the minimum fine of \$200 could prove to be a very harsh penalty, particularly to an aged pensioner. I do not want to create emotion by using the pensioner as an example; I merely wish to draw a comparison.

Mr O'Connor: The fine should be harsh enough to deter the offender from committing the offence for the fourth time. I consider a fourth offence to be a very serious one.

Mr T. D. EVANS: The point I am coming to is I very seldom agree with increasing penalties—the Government has been increasing monetary penalties for some time—but the philosophy behind the existing law—and I probably opposed it—is that a person loses his license on the third conviction. However, a magistrate has been able to say that instead of any further monetary penalties an offender will be imprisoned for three years. The Minister said he thought there were some four persons who have, in fact, offended four times. It could well be that the three-year imprisonment has acted as a fairly successful deterrent.

If I am to be seen as coming down on the side of law and order and trying to stand up for the little man against the might of the Crown—and some of these remarks are familiar—then I would like to say that if we are to be harsh at all, in the interests of the community we should be harsh at the fourth or subsequent stage of the offence. Whilst it might be desirable to introduce, as an alternative, two monetary fines of \$1 000 and \$2 000, I do not think we should reduce the term of imprisonment from three years to 18 months for a fourth or subsequent offence, as indicated by the Minister.

Mr O'Connor: Does the member think we should retain the three-year imprisonment?

Mr T. D. EVANS: A person who could not afford to pay a maximum fine of \$2 000 may not be at all concerned with the alternative of 18 months' imprisonment. However, a term of three years' imprisonment might worry him more. I believe that for a social offence we should be more generous at the time of the first offence, and perhaps at the time of the second offence, but apply a higher penalty for the fourth or subsequent offence.

Mr O'Neill: Are there any countries which impose a penalty related to so many days' pay?

Mr T. D. EVANS: Some Nordic countries use that system.

Mr O'Neill: Then there would be the trouble of equating the penalty to wages earned.

Mr T. D. EVANS: This is a subject in which I am very interested and, on another occasion, I would like an opportunity to debate it further.

This afternoon we have heard that the Legislative Council—another place—has approved legislation initiated in this Chamber to set up a drug and alcohol authority. Also, a Bill relating to convicted inebriates was approved. Those two Bills have now received the approval of both Houses of Parliament and they may well provide the means whereby a person who is a frequent offender against the provisions of the Traffic Act, which deal with the consumption of alcohol, could well be shown to be in need of treatment rather than be subject to imprisonment and severe fines. Whilst this Bill makes no reference to the treatment of alcoholics, I hope the new authority will have regard for the unfortunate circumstances and, indeed, the plight of a person who finds himself a frequent offender against the provisions of this proposed new Act.

Before I proceed further, Mr Speaker, I would direct a question to you. Having regard to the time factor, I believe there might well be some procedural matters which the House may wish to deal with before the normal adjournment, and before I ask leave of the House to continue my remarks at the next sitting.

The SPEAKER: I do not know of any procedural matters to be dealt with before the adjournment. I would advise the honourable member that at 6.14 p.m. when today's sitting will finish, he will have seven more minutes during which to speak at the next sitting of the House.

If the honourable member wishes to continue speaking perhaps he could allow two or three minutes prior to 6.15 p.m. in order that the leave of the House can be granted for him to continue his speech at the next sitting.

Mr T. D. EVANS: Thank you, Mr Speaker. I would like to draw attention to a proviso relating to section 32 of the Traffic Act—the existing law. The section concerns a person who is found to be in ineffective control of a motor vehicle due to the taking of drugs. The section of the Act relates to the situation where, for a first offence, if a person is found to be

under the influence of drugs alone, and not drugs in combination with alcohol, the court must still impose a fine within the two limits provided. A person convicted of being under the influence of alcohol when driving, or attempting to drive, has his license suspended for six months, and that is mandatory. Where it is shown that a first offender was under the influence of drugs alone, and it is clearly shown he had taken the drugs pursuant to a prescription given by a medical practitioner, the court has a discretion whether or not to impose the suspension of his license. By the way, I consider that a court should always have that discretion.

However, clause 63 (7) of the Bill provides a clear departure from the existing law in so far as instead of offering some amelioration of the term of punishment, or the form of punishment, where it is shown that a person has taken drugs pursuant to a prescription of a medical practitioner or a registered dentist, it shall be a defence only if he shows certain things. The person charged has to show that the drugs were taken pursuant to a prescription issued by a medical practitioner or a registered dentist, or administered to him by a medical practitioner or a registered dentist for therapeutic purposes, and that he was not aware, and could not reasonably have been expected to be aware, that those drugs were likely to render him incapable of having proper control of a motor vehicle.

I appreciate the objective test which is to be introduced and I tried to have it incorporated in the existing Act. However, I draw attention to the fact that section 32 of the Traffic Act, regarding drugs, refers to a first offence only. Whilst I am not attempting to increase penalties, I make the point that a person could be charged on the fourth or subsequent occasion—and I do not suggest he should receive the sympathy of the court at that stage. No reference is made to the first offence.

If a person is convicted the discretion which the court would have for not suspending the license, in the case of a first offence, disappears. The court, if it convicts a person, will be bound to suspend his license and I want to draw the attention of the Minister to that point. Perhaps he will consider an amendment because a first offence is not referred to as it is in section 32 of the Traffic Act. In the case of a first offence the discretion not to impose a suspension seems to have been dropped out.

I intend to be very brief because clause 66, I think, is the gravamen of the objection I have to these substantial changes. It refers to the taking, by a police officer, of a preliminary test on a person who, in certain circumstances, the officer reasonably believes has breached the law. Under section 32 of the existing law a police officer must be satisfied that a person has been involved in an accident, or has breached the road traffic code, or has acted in some tangible manner. Most offences against section 32C concern persons who have breached the road traffic code by speeding, weaving, or by some other means drawing attention to themselves. It is only when such persons are apprehended by an officer that the officer's reasonable guess can be confirmed. It is usually a case of the officer smelling the person's breath or observing his bleary eyes, or noticing that he is unsteady on his feet. However, the officer cannot notice those things until after the actual apprehension and the stopping of the vehicle.

We believe the change will not be in the best interests of the community, and it will not be in the best interests of the police because it will put the police in the position where, if they are asked after the event what reasonable evidence they had before the event—I refer to the act of apprehension—they will have to invent their evidence or obtain it by some surreptitious method such as hanging around a hotel parking area. I do not think the change will be in the interests of the community or the police.

The police should have our greatest respect—a full and continuing respect—at all times. With the inclusion of the new provision I am sure that respect will diminish.

Mr Speaker, I seek leave of the House to continue my remarks at the next sitting of the House.

The SPEAKER: The member for Kalgoorlie seeks leave to continue his speech at the next sitting of the House. If there is a dissentient voice he will not be given permission to do so. Is there a dissentient voice? As there is no dissentient voice, leave is granted.

Debate thus adjourned.

House adjourned at 6.14 p.m.