calculate or analyse an economic situation. They are quite reasonably concerned with their own particular livelihood. I do not blame people for making requests to obtain the means to live. That is not the core of the argument. The core of the argument is that circumstances are such that it is necessary for people to claim increased wages. It is they who really suffer in the present situation.

I return again, as I have in other debates, to the point of the necessity for this. I must make reference to a meeting of the Labor leaders of this country some three or four weeks ago in Canberra.

The Hon. Clive Griffiths: Is that the meeting when they sacked Crean?

The Hon. N. McNEILL: At that meeting Labor leaders tried to bring home to the Prime Minister and Treasurer that some action has to be taken by the Commonwealth Government by way of releasing funds to the States so that the burden of taxation and charges will not be so seriously felt by the earning public of the States of Australia. The Labor leaders have recognised this; therefore it is quite useless for the Opposition in this House to try again to be critical of the State Government for increasing charges when its own leaders at a Federal conference meeting in Canberra a short time ago identified and recognised the problem and used whatever pressure was available to them —which I imagine would have been considerable—to prevail upon the Commonwealth Government to provide some relief.

Mention was made of Mr Crean by Mr Clive Griffiths by way of interjection.

The Hon. S. J. Dellar: Which interjection was that?

The Hon. R. Thompson: No. 401!

The Hon. N. McNEILL: I am sure we appreciate the position Mr Crean is in. If any of the reports are to be believed, he must be between the devil and the deep blue sea. He appears to have no friends in this country or even within his own party.

The Hon. R. Thompson: Your Government appears to have not many friends.

The Hon. N. McNEILL: He seems to be a very lonely person—that is, if he is still the Federal Treasurer. I believe something in the nature of a mini Budget was brought down in the Commonwealth Parliament tonight.

The Hon. Clive Griffiths: This is the one Hawke said they had better introduce.

The Hon. N. McNEILL: Yes; I am sure Mr Cooley, with his connection with the Trades and Labor Council, would be well aware of that. He would acknowledge the part that Mr Hawke, as President of the ACTU—or perhaps as President of the ALP —has played in directions and instructions to the Federal Government to take some action to ease the strains in the economy. I do not think all these people are wrong.

The Hon. R. Thompson: Where is that in the Bill?

The Hon. N. McNEILL: It is not in the Bill at all, but it has very great relevance indeed to the Bill. As the Opposition has used the opportunity to make repeated reference that this is the fourth Bill of this nature, I decided today is a good day to deal with such matters. The atmosphere is with us inasmuch as the Federal Government also thinks it is a good day to do something in the way of taxation. So presumably I am in good company.

However, to return to the Bill, I am glad of the support it has received, and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.50 p.m.]: I move—

That the House at its rising adjourn until 2.30 p.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 9.51 p.m.

Legislative Assembly

Tuesday, the 12th November, 1974

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

CONSTITUTION ACTS AMENDMENT BILL

Message: Royal Assent

Message from the Lieutenant-Governor and Administrator received and read notifying that he had reserved the Bill for the signification of Her Majesty's pleasure.

BILLS (7): ASSENT

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

1. Western Australian Institute of Technology Act Amendment Bill.
2. Alcohol and Drug Authority Bill.
3. Convicted Inebriates' Rehabilitation Act Amendment Bill.

4. Alumina Refinery Agreement Act Amendment Bill.
5. Housing Agreement (Commonwealth and State) Act Amendment Bill.
6. Distressed Persons Relief Trust Act Amendment Bill.
7. Commonwealth Places (Administration of Laws) Act Amendment Bill.

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr O'Neil (Minister for Works), and read a first time.

SHEARERS' ACCOMMODATION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Grayden (Minister for Labour and Industry), and read a first time.

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [4.39 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes amendments to the Shearers' Accommodation Act to provide for improvement in accommodation and facilities for shearers where they are required to live on properties throughout the State whilst shearing of sheep flocks is in progress.

Members may well realise that this Act does not have application in certain circumstances, such as for the provision of buildings to accommodate shearers where less than five shearers are employed in the shearing shed, where shearers have residences in the immediate neighbourhood and sleep at their own homes, where they are accommodated in the residence of the employer on the property, or where the shearing is performed in the precincts of a city or town where suitable accommodation is available.

The Shearers' Accommodation Act was introduced in 1912 and has been amended on two occasions in the past—in 1944 and again in 1957. The AWU made formal representations to the Department of Labour and Industry in April, 1973, to initiate proceedings to review the Act. In doing so the AWU indicated it had suggested to the Pastoralists and Graziers Association two years beforehand that the legislation be changed to update it and provide more adequately for itinerant shearers. The Shearing Contractors Association had also approached the Pastoralists and Graziers Association to act to improve conditions and suggested it be done in liaison with the AWU. The views of the shearing contractors have therefore been represented in the negotiations.

Representatives of both the Pastoralists and Graziers Association and the Farmers' Union, together with the AWU, have had discussions with officers of the Department of Labour and Industry on the proposals and the Wool Committees of the two associations closely considered the position. From information received there seemed to be general agreement on the need for the betterment of conditions under which shearers are accommodated, but some resistance from woolgrowers could be expected particularly as steep increases in wages under the award for shearers and associated workers were being sought and yet on the other hand lower prices for wool and increased overhead costs to the rural industry were being experienced.

The move by the union for substantial wage rises under the award was accompanied by the threat of a national stoppage of shearers unless satisfactory progress was achieved on the log of claims which had been submitted and there was the likelihood of the union lodging a further log of claims for improved working conditions and accommodation. In September, 1974, increased wage payments were granted. With such improved pay conditions, the previous tendency for a drift of shearers out of the industry could well be reversed, particularly in view of increasing unemployment and the difficulty in securing work in many areas of employment.

One cannot help but view with concern the economic conditions in which woolgrowers operate today. Faced with the prospect of a continuing slump and the possibility of a wool market that was in danger of collapsing, some confidence may have been restored by the minimum wool price guarantee recently introduced which may tend towards much needed stability and remove some uncertainty and allow woolgrowers an opportunity to plan ahead.

It is my belief that farmers and pastoralists, as responsible employers, recognise the need for employees engaged in physically hard employment, in many instances under conditions of long absence from their families, to have a right to fair and reasonable accommodation standards, but, on the other hand, the financial resources and economic viability of a woolgrower is an important factor in what can be done.

A Bill to amend this Act was presented to this House in 1973 by the previous Government, but was withdrawn in view of the heavy legislative programme. In the short time it was in the House, it was evident that demands on woolgrowers contained in the Bill were somewhat inconsiderate in the light of their financial difficulties accentuated by inflation and the fact that costly improvements were also sought at the shearing shed, when in fact it could be said that such facilities would be little used.

Changes envisaged in this Bill will require higher standards of ventilation of sleeping quarters, kitchens and dining rooms, equipment of kitchens, and upgrading of sanitary and ablution facilities, at least on similar lines to what is required in construction camps under the construction camps regulations made under the Health Act in 1970.

Where accommodation at present provided or in the course of erection conforms to requirements under the present Act there will be no obligation to upgrade to the new requirements, although no doubt some owners will wish to make improvements to conform to the new standards.

However, any new buildings which are erected after the Bill takes effect will have to comply with the different provisions contained in this Bill.

Inspectors of the department will be organised to give reasonable surveillance of accommodation requirements and complaints without a need for increased inspectorial staff constantly to patrol the whole State. In the past, police officers have acted in a limited way as statistical collectors and inspectors so a changed approach should relieve these officers of one of the multifarious duties which, over the years, they have carried out for other departments of the Government.

I now make reference to various clauses in the Bill.

Clause 5 deletes the definition of "district" in section 3. Years ago it was normal for inspectors to operate in a particular district, but transport and administrative arrangements have changed and inspectors in the Department of Labour and Industry are appointed on a State-wide basis so that they may operate in any part of the State at any time. Where practicable, they are utilised to perform diversified work for economic reasons and to avoid multiplicity of visits to the same areas. Clause 6 repeals section 4 of the Act for a similar reason.

The definition of "employer" is widened to include not only the actual employer, but also those persons on a property already nominated in the Act who manage and superintend matters in the absence of the actual employer.

The discrimination against an Aboriginal who is excluded from the definition of "shearer" under this Act is being removed. This is in line with ILO Convention No. 111—Discrimination in Employment and Occupation—which Australia has ratified. Aborigines are now subject to the conditions of the Federal pastoral industry award, similar to workers of any racial denomination if engaged in this occupation.

Clause 7 repeals and re-enacts section 5 and updates the provisions for administration of the Act and the appointment of inspectors. In doing so, it incorporates the relevant provisions concerning inspectors which have been included in section 10 in the past. Clause 12 repeals section 10.

Clause 8 contains the main amendment and considerably alters section 6 dealing with accommodation and associated facilities and it provides for improved conditions in respect of the sleeping quarters, kitchen, dining room, toilet, bathroom, and laundry.

Clause 9 repeals section 6A which had application in 1944, but is no longer relevant. It then re-enacts section 6A to provide for water to be available at the shearing shed.

Clause 10 provides for section 7 to be amended so that in an emergency when the permanent accommodation has been rendered useless by fire, storm, flood, or other catastrophe alternative accommodation should be to the satisfaction of an inspector.

Clause 11 repeals section 9 which requires an employer to deliver notice of shearing to an inspector, at least three days before it commences. The procedure has never operated in practice and, what is more, it would be quite impracticable to have it do so. With so many different properties with flocks of sheep and more than one shearing a year in many cases, many thousands of notices would be received and this would cause concern administratively. In addition, it would impose an obligation on the employer which would serve no particularly useful purpose.

Clause 12 repeals section 10 concerning provisions related to an inspector, which have been included in the re-enacted section 5 covered by clause 7.

Clause 13: The additional paragraph to be inserted in section 12 by this clause will allow an inspector or the Under-Secretary for Labour and Industry to vary or revoke a direction given to an employer to comply with requirements. This action sometimes is necessary after the situation and circumstances involved have been reviewed by senior officers of the department.

Clause 14 amends section 13 to increase the penalty for failure to comply with requirements under the Act from "twenty dollars" to "fifty dollars" and for continuing default from "two dollars" to "ten dollars" for every day thereof.

Clause 15 raises the general penalty under the Act, where no other special penalty is provided, from "ten dollars" to "fifty dollars". This figure is considered to be sufficient in respect of this type of legislation.

Clause 16 adds a new section 14A so that no prosecution can be commenced against a person for a breach of this Act without the authority of the permanent head of the department; that is, the Under-Secretary for Labour and Industry. This applies in other legislation administered by the

department and is a desirable provision to centralise and control decisions of this nature at the top level.

Clause 17 repeals and re-enacts section 15. I have already explained earlier that buildings currently erected or in the course of erection which conform to the requirements of the present Act are not obliged to conform to other requirements provided in the Bill. No phasing in is provided for although it is expected that many properties will probably endeavour to change to the new standards within a short period.

Clause 18: In common with other amendments to increase the penalties for offences under the Act, this clause will increase the penalty for obstructing an inspector in the proper exercise of his powers under the Act—section 16—from "forty dollars" to "fifty dollars".

Clause 19 amends section 17 to alter the penalty for a breach of the regulations from "forty dollars" to "fifty dollars".

Clause 20: Section 18 of the Act is repealed by this clause. Section 18 contained reference to publishing in the *Government Gazette* the regulations made under the Act and having them laid before Parliament. As these requirements are covered in the Interpretation Act, they are no longer to be included in this Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Skidmore.

QUESTIONS (30): ON NOTICE

1. WILLETTON SCHOOL

Class Sizes and Ventilation

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

(1) Is he aware the Willetton primary school class sizes are in excess of 40 children?

(2) Is he also aware that a defective ventilation system exists in one of the school's buildings?

(3) If "Yes" to (1) and (2), is he also aware there is a constant nauseating stench from the toilet in this particular area brought about by the defective ventilation?

(4) If (3) is "Yes" will he take immediate steps to have this matter rectified?

Mr MENSAROS replied:

(1) Yes. At the commencement of the the year no class at Willetton was in excess of 39. During the year numbers have grown and three classes are now 40 or above.

(2) Yes, a report has been received to this effect.

(3) This matter has also been reported.

(4) The Public Works Department has been requested to investigate the reports and advise as to necessary action.

2. WORKERS' COMPENSATION ACT

Reprint of First Schedule.

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

(1) Is clause 10 of the first schedule to the Workers' Compensation Act, 1912-1973 correctly reproduced in the version of the Act marked "Approved for Reprint 26th April, 1974"?

(2) If not, what is the correct wording of the second proviso to the said clause?

(3) If the terms of the said proviso have not been correctly set out in the said approved reprint, who approved such reprint?

Mr O'NEIL replied:

(1) No.

(2) The correct wording of the second proviso to clause 10 of the first schedule is as follows—

> Provided also, that on exercising the jurisdiction to order redemption by payment of a lump sum on the application of a worker, the Board shall be satisfied that the worker has special need of the lump sum instead of the continuance of the weekly payments or that any other circumstances of the case justify the making of an order for that redemption and, where the Board has ordered that the total liability of the employer in respect of weekly payments shall exceed the prescribed amount, the Board shall be satisfied that the employer consents to redemption by payment of a lump sum, the intention being that an order for redemption shall be made not as a matter of course but only when the special circumstances of the case commend themselves to the Board as justifying the making of an order for redemption.

(3) The reprint is formally approved by the Minister for Justice in accordance with the requirements of the Amendments Incorporation Act, 1938. The Parliamentary Counsel advises that his office was responsible for this error in drafting.

Notice regarding the omitted material appearing in the *Government Gazette* of 8th November, 1974, p. 5052, and will appear in subsequent issues.

3. LUPINS

Referendum of Growers

Mr CARR, to the Minister for Agriculture:

(1) Is he satisfied that his decision not to conduct a referendum of lupin growers to ascertain their wishes regarding marketing reflects the wishes of the majority of growers in the industry?

(2) If "Yes" will he indicate how he has ascertained such wishes?

(3) Is he aware of any substantial opposition among lupin growers to the action taken?

(4) If "Yes" will he elaborate?

Mr McPHARLIN replied:

(1) and (2) Yes. Nine significant meetings during this year showed that the majority of growers favour statutory marketing of lupins, at least for the exported portion of the crop.

The existing legislation only provides for total acquisition. In order to meet this majority viewpoint it was necessary to gazette lupins as a seed under the Seed Marketing Act. Subsequent to this gazettal the Seed Marketing Board has made arrangements for the carrying through of local contracts previously entered into.

(3) I am aware of some opposition and have recently attended a meeting at Watheroo where the position was explained fully to growers.

(4) The opposition seems to be largely generated from areas immediately north of Perth in respect of the Board arranging future local sales. and in the Boyup Brook area where direct selling to dairy farmers is common. However, the Board does not interefer with pricing arrangements between farmer-to-farmer sales but merely requires a permit to be obtained.

In the Geraldton area, where over 60% of the lupin crop has been sown, there has been strong support for the statutory marketing of lupins.

4. INDUSTRIAL DEVELOPMENT

Cockburn Sound: Effluent from Fellmongery

Mr TAYLOR, to the Minister for Works:

(1) Within the South Fremantle obnoxious industries area has a fellmonger recently constructed, or does a fellmonger propose to construct, an effluent pipeline from his works under Cockburn Road and so into Cockburn Sound?

(2) If "Yes"—

(a) has approval been granted by the Fremantle Port Authority;

(b) has the authority satisfied itself that no pollutants will be so discharged?

Mr O'NEIL replied:

(1) A Coogee fellmonger had proposed to run an effluent pipe under Cockburn Road and out to sea but permission to run the pipe under the road was not granted by the Town of Cockburn.

(2) (a) and (b) Approval had been granted by the Fremantle Port Authority to discharge the effluent into Owen anchorage, to the 6 metre contour. The authority qualified its approval by stating that, if a deterioration of water quality occurred, pre-treatment plant onshore would be necessary.

5. DAIRYING

Adjustment Programme

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

(1) What amount of finance will the Commonwealth Government provide to the Western Australian Government for the dairy adjustment programme, and over what period will this money be available?

(2) Under what authority will the scheme be administered?

(3) Will complementary State legislation be required, and if so, when will it be introduced?

(4) Has the agreement to operate the scheme been signed by both Commonwealth and State Governments, and if not, when will this be done?

(5) Under the programme, for what purposes will interest free loans be made by the administering authority and what will be the criteria of eligibility?

(6) For what purpose will interest bearing loans be made and what interest rates and length of loan period will be operating?

(7) What conditions for purchasing of farms under the scheme will prevail and how will negotiations in a transaction be conducted?

(8) What relocation will apply under the scheme and who will be eligible?

Mr McPHARLIN replied:

(1) $28 million has been made available for Australia without specific allocations being made to individual States. Assistance is available until June 1976. Western Australia is the first State to get the scheme operational.

(2) Rural and Industries Bank as far as Western Australia is concerned.

(3) No. The matter is one for agreement between the Australian Government and the State Government.

(4) A draft agreement has been received. As soon as the detailed financial provisions have been agreed to by the State Treasury the final documents will be processed by the Australian and Western Australian Governments.

(5) For the provision of refrigerated bulk milk facilities. The producer must have reasonable prospects of long term viability.

(6) For—

property purchase—up to 25 years

property development—

(a) carry on—up to 3 years

(b) livestock—up to 7 years

(c) plant—up to 10 years

(d) improvements—up to 15 years

(e) clearing—up to 25 years

diversification out of dairying—repayment terms apply as for property purchase or development.

Interest will be at 6¼% for all loans.

(7) Those who wish to purchase land under the scheme must be owners of rural land and should nominate the seller and the purchase price.

The land need not be the whole or part of a marginal dairy farm.

A purchaser will not be required to buy any structural improvements he does not need for the operation of the amalgamated properties.

Negotiations will be subject to the approval of the Rural and Industries Bank.

(8) Dairy farmers will be eligible for assistance for rehousing and relocation of their families.

Assistance will be provided through loans (including interest-free loans) up to a maximum of $3 000. Retraining assistance is available also.

6. RAILWAYS

Perth-Albany Passenger Services: Discontinuance

Mr WATT, to the Minister for Transport:

(1) In view of the frequent and continuing rumours that the WAGR intends to discontinue its rail passenger services to Albany in the foreseeable future, will he please advise if there is any substance to the rumour?

(2) If the rumour is correct—

(a) what alternative public transport arrangements are intended; and

(b) what employment arrangements will be made for those railway employees in the Great Southern who are presently engaged in the operation of rail passenger services?

Mr O'CONNOR replied:

(1) Yes. The Railways Department is presently preparing a recommendation that the existing rail passenger services between Perth and Albany should be discontinued. The recommendations will be considered by the Government when they are received.

(2) (a) The Railways Department's proposals envisage the existing railway road bus service being augmented.

(b) It is not anticipated there will be any significant effect on the location of railway employees.

7. WATER SUPPLIES

Hopetoun

Mr GREWAR, to the Minister for Water Supplies:

(1) Could he detail the costs of a water supply for Hopetoun, based on a dam site six miles north of the town, costs to include dam, catchment storage and pumping facilities and reticulation?

(2) What is the expected cost per service?

(3) (a) Which towns are to be provided with a water supply based on dams in 1974-75 and 1975-76;

(b) what is the cost per service in each of these towns?

(4) (a) Would he consider a restricted service for Hopetoun based on 50 000 gallons per service per annum;

(b) what would be the cost per service for the restricted service?

Mr O'NEIL replied:

(1) Very preliminary estimates indicate the following costs—

	$
Dam storage	220 000
Catchment	280 000
Pump facilities	122 000
Reticulation	60 000
Land	10 000
Contingencies	68 000
	$760 000

(2) $5 850.

(3) Current planning does not envisage the provision of water supplies, based on dams, to any new towns in 1974-75 and 1975-76.

(4) (a) Yes, but a decision is premature depending upon the outcome of investigations which are still in course.

(b) Estimated cost $4 250.

8. LAND

Conditional Purchase Blocks: Sale

Mr GREWAR, to the Minister for Lands:

(1) What number of conditional purchase blocks have been sold in 1973-74?

(2) What revenue did the Lands and Surveys Department obtain from such sales?

(3) Were any conditional purchase leases transferred to new owners before full payment of all Crown dues?

(4) If (3) is "Yes" could he table the details?

Mr RIDGE replied:

(1) 213 conditional purchase leases were transferred in 1973-74.

(2) $9 411.03 which includes $40.00 Crown grant fees from ten sales.

(3) Yes. There were 203 transfers where outstanding purchase moneys were not paid up before registration of the dealing. This is due to—

(a) the change in policy requiring purchase money to be fully paid was not introduced until December, 1973

(b) registration of transfers frequently takes place years after a contract of sale between the parties is signed

(c) most registrations in the year 1973-74 were subject to the department's earlier policy of fixing transfer prices.

(4) There has been insufficient time to produce the relevant details of these transactions and after an extraordinary amount of work no conclusive result is likely to emerge. Details of any particular cases in which the Member for Roe is interested will be made available upon application to the department.

9. MINING

Ravensthorpe Office: Re-establishment

Mr GREWAR, to the Minister for Mines:

(1) What was the cost in 1972-73 of maintaining the office of the Mining Registrar in Ravensthorpe?

(2) What revenue was collected through this office from mining leases, etc.?

(3) Has he received submissions from local prospectors and the Ravensthorpe Shire Council to have the office re-established?

(4) If (3) is "Yes" could he indicate his intentions in this matter?

(5) If (3) is "No" could he give his reasons?

Mr MENSAROS replied:

(1) $640.

(2) $42 652.

(3) No submissions have been received from prospectors. The shire council has asked if applications could be lodged and dated at Ravensthorpe and notices posted up there.

(4) It has been explained to the council that unfortunately this would require re-establishment of the Mining Registrar's office at Ravensthorpe, but that in any event the local people would still have knowledge of mining applications because—

(a) notification of applications on private land must be sent to the shire and to the owner and occupier of such land;

(b) applications on reserved land are referred to the authority in which such land was vested;

(c) notices of pegging and application must be displayed on the ground applied for; and

(d) in most cases applications are required to be advertised in a newspaper circulating within the district.

(5) Not applicable.

10. MEMBERS OF PARLIAMENT

Anonymous Letters: Basis for Action

Mr H. D. EVANS, to the Speaker:

(1) Is it permissible and ethical for a member of the Legislative Assembly to take action in the Parliament on the basis of an anonymous letter?

(2) If so, is there any safeguard against persons using anonymous letters as the basis for personal and other non-parliamentary purposes?

The SPEAKER replied:

(1) and (2) In answer to the Member's questions, I refer him to page 53 of *May's Parliamentary Practice*, 17th edition, under the heading "Speeches in Parliament not actionable" part of which reads—

> Subject to the rules of order in debate, a member may state whatever he thinks fit in debate, however offensive it may be to the feelings or injurious to the character of individuals.

The purpose of this is plainly that Members must be free to raise matters which it is felt should be exposed in the public interest. The only limiting factor being, I think, that having been granted the privilege of freedom of speech, it becomes the duty of each Member to refrain from any course of action prejudicial to the privilege he enjoys.

On the matter of "ethics" it is not for the Speaker to moralise on standards of good conscience. Each individual Member has the responsibility to safeguard the dignity of this institution.

11. RECREATION OFFICERS

Qualifications and Equipment

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

(1) Are recreation officers, appointed because of experience and/or potential, but without a diploma or other associated academic qualification, paid and recognised as professional recreation officers?

(2) If not, in what classification are such officers employed and what is the difference in salary between an officer lacking such academic qualification and one with a diploma or equivalent rating?

(3) Is academic qualification rated above practical experience and/or potential in the employment of recreation officers?

(4) What equipment is made available to a recreation officer for his personal use, such as a typewriter, duplicator, etc., so as to enable him to better serve the community?

Mr STEPHENS replied:

(1) and (2) Recreation officers are paid according to the classification as determined by the Public Service Board. Both qualified but inexperienced and experienced but unqualified appointees commence on the G-II-1 minimum of $6 983 per annum. This rises through four annual increments to the G-II-11 maximum of $7 692.

Academically qualified personnel then receive a further progression through six annual increments on the miscellaneous professional scale to Level 7, 2nd year ($9 585 per annum).

(3) Both factors are important. However, no progression to a higher salary scale is possible without the required academic qualification.

(4) The appointment of a recreation officer within a local government area is a joint venture between the Community Recreation Council and the local government concerned. The Community Recreation Council pays the salary and the local government authority provides the support services such as office accommodation, secretarial assistance, transport, etc.

12. PRE-SCHOOL EDUCATION

Per Capita Expenditure

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

What amount was spent *per capita* by the Government on pre-school education for the years 1968, 1969, 1970, 1971, 1972 and 1973?

Mr MENSAROS replied:

Statistics are not kept in the form which makes this information available.

13. RAILWAYS

Perth Central Cloak Room

Mr HARTREY, to the Minister for Transport:

(1) Is he aware that interstate passengers by the Trans-Australian or Indian Pacific trains leaving East Perth terminal at 9.30 p.m. cannot pick up luggage from Perth central cloak room after 8 p.m. on any day in the week?

(2) Is he aware that this applies also between the hours of 12 noon and 3 p.m. on Sundays?

(3) Is he aware that in practice luggage cannot be retrieved from Perth central cloak room after 7.45 p.m. as the cloak room attendants are allowed 15 minutes to make up their books?

(4) Is he aware that after 7.45 p.m. any day the personal assistance of the station master must be

enlisted to obtain release of an interstate train traveller's luggage from Perth central station cloak room?

(5) When did this 8 p.m. closing of the central station cloak room come into force?

(6) When did the 7.45 p.m. closing of the central station cloak room commence?

(7) What monetary savings (if any) have been effected per week by curtailing from 11 p.m. to 7.45 p.m. this essential service to the travelling public?

(8) What is the average gross revenue derived weekly from fees paid for luggage left at central station cloak room?

(9) What is the daily charge levied for each item of luggage?

Mr O'CONNOR replied:

(1) The advertised closing time of the City Station cloakroom is 8 p.m. on Monday to Saturday and 7.45 p.m. on Sundays.

As the latest country train departure time from City Station is 7.30 p.m. and except for the train ex Bunbury on Sundays at 10.05 p.m., no country passenger train arrives later than 6.10 p.m. the hours of attendance are considered to be adequate.

However, the Assistant Station Master is available in cases of necessity to deliver luggage after the cloakroom is closed.

The cloakroom at Perth Terminal is attended:-

6.30 a.m. to 11.00 p.m.—Monday
6.30 a.m. to 10.45 p.m.—Tuesday
6.30 a.m. to 11.00 p.m.—Wednesday
6.30 a.m. to 10.00 p.m.—Thursday
6.30 a.m. to 11.00 p.m.—Friday
6.30 a.m. to 10.00 p.m.—Saturday
6.30 a.m. to 10.30 p.m.—Sunday

(2) Yes. The demand for cloakroom service during that period is minimal and does not warrant the payment of penalty rates to attend the cloakroom. However, here again the Station Master or some other officer is available in case of necessity.

(3) No. See answer (1).

(4) Yes.

(5) 19th March, 1973.

(6) 19th March, 1973.

(7) $158.

(8) $156.38.

(9) 20c as an initial charge covering the first 48 hours and 10c per day thereafter.

14. WATER SUPPLIES

Herne Hill

Mr SKIDMORE, to the Minister for Water Supplies:

Would he undertake to have the Metropolitan Water Board conduct a survey to ascertain the needs of the residents to be serviced by the Herne Hill water supply system with a view to an early start being made so that all residents in this area will be able to be connected to the metropolitan water supply?

Mr O'NEIL replied:

This is not a normal urban supply. It relates to a sparsely populated area for which special conditions were negotiated including guarantees from consumers and the shire. Extensions or alterations would need to be the subject of special negotiations, as is the case in similarly developing parts of the Board's area. Extensions to the supply in this area would involve costly improvements to headworks.

15. ROAD

Lloyd Street-Montreal Road Area: Control

Mr SKIDMORE, to the Minister for Lands:

In reference to an unnamed road that runs parallel to and immediately to the south of the railway reserve, between Lloyd Street on the eastern end, and to the junction of Montreal Road on the western end in the district of Midland—

(a) is this road a gazetted public road;

(b) if "No" to (a), does the road come under the direct control of the Railways Department;

(c) if "No" to (b), under whose control is the road vested?

Mr RIDGE replied:

(a) No.

(b) Yes.

(c) Answered by (b).

16. HOUSING

Bassendean: Flats in Lukin Way

Mr SKIDMORE, to the Minister for Housing:

(1) What types of flats are being erected on lot 225, Lukin Way, Bassendean?

(2) Are they to be exclusively let to pensioners?

(3) What is the cost of the flats and when will they be completed and ready for occupation?

Mr O'NEIL replied:

(1) Sixteen bed-sitting room apartments for single unit pensioners.

(2) Yes.

(3) The estimated final cost is $131 500 and the contract completion date is June, 1975.

17. CHILD WELFARE

Committee for the Children's Commission

Mr DAVIES, to the Premier:

What consultative arrangements have been made between the State and Australian Governments regarding the work to be done by the Committee (at present interim) for the Children's Commission?

Sir CHARLES COURT replied:

These are not yet finalised.

However, these arrangements are currently the subject of correspondence between myself and the Prime Minister.

In the meantime, there have been discussions at both Ministerial and officer level.

18. HIGH SCHOOLS

Admission of 11-year-olds: Liberal Policy

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

(1) In the light of the reported statement by the Secretary of the Parliamentary Country Party, does the Minister still adhere to the answer he previously gave me that the policy of the Liberal Party concerning the age of transfer of a child from the primary to the secondary school constitutes the policy of the Government?

(2) Does the Government intend to implement this policy during 1974-1976 as promised at the hustings by the Liberal Party?

Mr MENSAROS replied:

(1) Yes.

(2) The Government intends to implement all its policies. As with other aspects of the Education policy, the transfer of 7th Grade to high school will be regarded as part of a whole. Its implementation will be phased in after an exhaustive analysis and taking into account the best possible professional advice, having regard to all implications—educational, financial, physical and social.

19. ROAD MAINTENANCE TAX

Lake Grace and Kondinin Shires

Mr P. V. JONES, to the Minister for Transport:

What was the amount of road maintenance tax collected and disbursed in the Lake Grace and Kondinin Shires in 1972-1973, and 1973-1974?

Mr O'CONNOR replied:

Details of collections of road maintenance contributions are not kept within shires; however, a regional survey carried out some years ago indicated that, while 55% of the total road maintenance funds were spent in the south-west and great southern regions, only 35% of the collections were raised in these regions. Dispersal of the road maintenance collections within the Shires of Lake Grace and Kondinin were as follows—

	Lake Grace	Kondinin
	$	$
1972-73	40 292	18 561
1973-74	57 933	37 598

20. SUPERPHOSPHATE

Farmers in Remote Areas: Financial Assistance

Mr P. V. JONES, to the Minister for Transport:

What subsidies or forms of financial assistance are currently available for farmers in remote areas collecting superphosphate from rail-head?

Mr O'CONNOR replied:

Farmers in areas for which railways have been promised but not constructed and in areas from which rail services have been withdrawn are granted transport subsidies so that their overall cost of transporting superphosphate by rail and road from the place of manufacture is no greater than if a railway operated. Road haulage from rail-head is subsidised with the object of attaining that result.

Rail concessions available on delivery of superphosphate to farmers are—

(1) for haulage during months July to December inclusive—20% off "M" Class rate;

(2) for haulage during months January to June inclusive—10% off "M" Class rate;

(3) for haulage during January —an additional 50c per tonne off "M" less 10% rate;

(4) for haulage 1st to 14th February inclusive—an additional 25c per tonne off "M" less 10% rate;

(5) delivery through the Super Bulk scheme—an additional 25c per tonne off the appropriate rate; and

(6) delivery of consignments in excess of 20 tonnes for farms outside a radius of 25 kilometres from rail head—an additional four working hours free unloading period.

21. WATER SUPPLIES

Holt Rock Area: Cartage

Mr P. V. JONES, to the Minister for Water Supplies:

For years 1971-1972 and 1972-1973—

(a) what was the quantity of water carted and delivered to farmers in the Holt Rock area of the Kulin Shire;

(b) what was the cost of providing this emergency service;

(c) how much of the above cost was recouped from any source?

Mr O'NEIL replied:

(a) No water was delivered into Holt Rock tanks in 1971-1972. 898 000 gallons were delivered in 1972-1973. The quantity of water carted by farmers from this source is not known.

(b) The cost of providing this emergency service was $9 850.67 in 1972-1973.

(c) No cost was recouped from any source.

22. TRANSPORT INDUSTRY

Inquiry: Cabinet Decision

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

(1) Has Cabinet made a final decision on the transport inquiry which was instigated by the Tonkin Government and closed on the 18th January, 1974?

(2) If "Yes" what was the Cabinet's decision?

(3) If "No" why has a decision not been made?

Mr O'CONNOR replied:

(1) Yes.

(2) This will be disclosed in due course.

(3) Not applicable.

23. ROAD MAINTENANCE TAX

TWU Submission

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

(1) Has the proposal submitted by the owner-drivers' section of the TWU, and which would bring in more revenue for the maintenance of the roads, been considered as a replacement of the road maintenance tax?

(2) If not, why not?

(3) If "Yes" what was his decision?

Mr O'CONNOR replied:

(1) Yes. The proposal submitted by the owner-drivers' section of the Transport Workers' Union was to replace the present road maintenance charge on heavy vehicles by a type of axle tax levied on all commercial vehicles.

(2) Answered by (1).

(3) That the proposal was not equitable as it transferred the liability of the road maintenance charge from the heavy class of trucks, which cause the most wear and tear to the road system, to all trucks including the lightest classes of trucks and vans which do not cause as much wear and tear and it did not take into consideration road usage as measured through the miles of travel of particular vehicles.

24. TRANSPORT INDUSTRY

Commercial Vehicles: TWU Submission

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

(1) Has he considered the proposal submitted to him on the 30th June, 1974 by the owner-drivers of the TWU to control the transport industry to limit the amount of commercial vehicles now operating?

(2) If "Yes" what decision did he arrive at?

(3) If "No" why did he not consider this proposal?

Mr O'CONNOR replied:

(1) to (3) I am unable to provide the Member with the information he seeks, but will forward it to him as soon as possible.

25. TRAFFIC

Crossing Attendant: Langford School

Mr BATEMAN, to the Minister for Police:

(1) Is he aware a dangerous situation exists in Langford Road Langford, where school children cross Langford Road to attend the Langford primary school?

(2) If "Yes" would he endeavour to have the situation examined with a view to appointing a crossing guard?

Mr O'CONNOR replied:

(1) No. A survey was conducted by the Special Schools Crossing Reviewing Committee on 15th July, 1974 and it is to be again reviewed in 1975.

(2) Answered by (1).

26. *This question was postponed.*

27. HOUSING

Langford: Vacant Units

Mr BATEMAN, to the Minister for Housing:

(1) Will he advise the number of empty homes, town houses and flats in the State Housing Commission area of Langford?

(2) Is he aware that many flats and a four-bedroom house have been empty for months?

(3) Could he give reasons why these dwellings are left empty for so long when there is such a long waiting list of families in urgent need of State Housing Commission accommodation?

Mr O'NEIL replied:

(1) Thirty-three town houses and one apartment of which one town house and the apartment are currently under offer to applicants.

(2) The State Housing Commission records do not show that apartments have been empty for periods beyond that normally required to carry out maintenance and other formalities prior to reallocation. A four-bedroom house vacated on the 23rd September and which was under maintenance until the 7th November was pre-allocated on the 24th October and this enabled the applicant to obtain the keys immediately after the work was completed.

(3) The town houses referred in (1) were erected for offer to purchase applicants but as title formalities have been delayed, and as there has been limited response from applicants advised in accordance with the purchase priority list, the commission will make early determination as to whether these units will be retained for sale or offered as rental accommodation.

28. TEACHERS

Salaries: Guarantee of Flow-on

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

(1) Would the Minister guarantee an immediate flow-on of salaries to Western Australian teachers once the New South Wales salaries determination has been finalised?

(2) If "No" would he give specific and detailed answers for his reasons?

Mr MENSAROS replied:

(1) and (2) It is an established understanding that the dates of operation of salary determinations for teachers in this State are related to new awards in New South Wales. The Teachers' Union has been advised of this policy and so informed that a new determination must await the decision in New South Wales.

29. TEACHERS' CHARTER

Action by Department

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

As the "teachers' charter" takes effect in 1975, would the Minister explain what action his department may take towards teachers who—

(a) refuse to teach in lower school classes greater than 30;

(b) refuse to teach in upper school classes greater than 25;

(c) refuse to carry out non-professional duties such as relief supervision and yard duty;

(d) demand the amount of free time allocated to specific groups of teachers;

(e) seek to implement other factors of the charter not specifically related to time-tabling?

Mr MENSAROS replied:

Recently the Director-General of Education invited the Executive of the Teachers' Union to join with senior officers of the department in discussions on the staffing of schools in 1975.

The executive of the union has co-operated in this proposal and regular weekly meetings are being held.

It is believed that the discussions will lead to a full understanding of the efforts which are being made to achieve the most desirable staffing based on the best usage of resources in teachers, finance and buildings. The outcome of these discussions will be made known to all teachers.

30. SCHOOL

South Willetton

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

(1) Can he advise if plans have been considered for the construction of a new primary school at South Willetton?

(2) If "Yes" at what location will the primary school be built?

(3) When is it anticipated construction will commence on the new South Willetton school?

Mr MENSAROS replied:

(1) Yes.

(2) The location of the site has yet to be finalised but it is possible it will be in the south western area of Willetton.

(3) A specific date has not been determined.

QUESTIONS (4): WITHOUT NOTICE

1. COMMONWEALTH LOANS

Figure in Estimates

Mr BERTRAM, to the Treasurer:

Why in the Works Programme, *Hansard* page 2224, does the amount of money shown against the item "Proceeds of Commonwealth Loans" read $56 278 000, and not $64 278 000 as appears in in the Estimates?

Sir CHARLES COURT replied:

Because $8 million of this year's borrowings is being held in reserve as recorded in *Hansard* page 2223.

2. FARMERS

Rates and Taxes: Threat of Nonpayment

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

I am aware that I have given the Minister little notice of this question; however, as it relates to his reported utterances on this subject, I am confident he will have no difficulty. The question is—

(a) Is the news item contained in *The West Australian* of the 7th November, 1974, which quotes him as stating that "farmers in the area"—that is, the Margaret River-Augusta area—"had critical financial problems at this stage", correct?

(b) If so, how is this statement reconcilable with the claim of 220 farmers and 30 businessmen of the area which was reported in *The West Australian* of the 11th November, 1974, that their critical financial situation was one of emergency?

(c) Does he, as reported in the *Daily News* of the 11th November, 1974, support the stand taken by the farmers and businessmen referred to above, not to pay rates and taxes to Federal, State, or local authorities especially as he considers only few have critical financial problems?

Mr McPHARLIN replied:

(a) to (c) As the honourable member indicated, I have received only about 10 minutes' notice of this question. One statement attributed to me was reported in the Press but, in fact, it was not my statement; in view of this, I ask the honourable member to place his question on the notice paper so that I may have adequate time to check the dates.

3. TRADES AND LABOR COUNCIL

Offices at Port Hedland

Mr BRYCE, to the Minister for Labour and Industry:

I am sure the Minister has this subject on the tip of his tongue at the moment. Will he indicate what arrangements are now under consideration to assist the Trades and Labor Council with office facilities in Port Hedland?

Mr GRAYDEN replied:

For some months the Government has been endeavouring to obtain suitable office accommodation for unions in the north-west of Western Australia. Unfortunately, after protracted negotiations during which we had made arrangements for the leasing of suitable premises, at the last moment the owners of the premises sold the building. We are now back to where we were several months ago. We have made further representations to the State Housing Commission in an endeavour to obtain a suitable house.

Unfortunately, accommodation of the type we are seeking is virtually unobtainable in Port Hedland and in those circumstances, as I say, we have had to approach the State Housing Commission to see whether we can obtain a suitable house to accommodate the unions.

4. STATE FINANCE

Borrowings outside of Loan Council

Mr BERTRAM, to the Treasurer:

(1) Has his Government yet sought permission to borrow funds outside the Loan Council?

(2) If "No", why, and when will he get on with this?

(3) If "Yes", when, and with what result?

Sir CHARLES COURT replied:

(1) No.

(2) If and when I consider the time to be opportune.

(3) Answered by (2).

SMALL CLAIMS TRIBUNALS BILL

Message: Appropriations

Message from the Lieutenant-Governor received and read recommending appropriations for the purposes of the Bill.

BILLS (2): INTRODUCTION AND FIRST READING

1. Wheat Delivery Quotas Act Amendment Bill.

2. Wheat Industry Stabilization Bill.

Bills introduced, on motions by Mr McPharlin (Minister for Agriculture), and read a first time.

STOCK DISEASES (REGULATIONS) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 29th October.

MR H. D. EVANS (Warren) [5.23 p.m.]: I believe the Stock Diseases (Regulations) Act, 1968-69, demonstrates clearly how an Act can be altered to meet changing circumstances as they are recognised. Each separate amendment to the Act has brought with it increased powers. In 1968, the parent Act, particularly section 12 of the Act—this is the section with which the Bill now before the House is principally concerned—allowed the Government, through the Governor, to declare a state of emergency. Section 13 of the Act gives the Government power to make regulations to facilitate any action that may need to be taken during the state of emergency.

The Act was amended in 1969 to provide the Government with powers to control exotic diseases during the interim period—I stress the words "interim period"—between the suspicion of a disease and its confirmation. This is understandable; some diseases are difficult to identify and, certainly, a time lag exists between their inception and their confirmation. In some instances, information relating to exotic diseases may need to be referred overseas for final confirmation and because of this possibility it was felt desirable that the Government of the day should be provided with controlling powers in the interim period between suspicion and positive identification; thus, such a provision found its way onto the Statute book.

The Bill we are now considering will provide for the immediate slaughter of diseased animals and for the compensation of their owner. This certainly will give a considerable responsibility to the Chief Veterinary Officer. In his second reading speech, the Minister stated—

> It has been ascertained that comparable legislation of each of the other States allows for slaughter and compensation before the declaration of an emergency if, in the opinion of the Chief Veterinary Officer, an exotic animal disease exists in that State, or if he suspects that an exotic disease exists provided that he believes that immediate eradication measures, including slaughter with compensation, are essential to prevent the spread of the disease and to protect the overall agricultural economy.

That establishes very clearly the purpose behind this Bill and indicates how the evolution of the three separate Acts has provided for a complete control of the situation should it ever arise. As I mentioned, the Chief Veterinary Officer would be given a great responsibility, but if somebody must make a decision, there is nobody more fitted than he to do so. He has at his disposal all the facilities the State can provide; the quarantine building of the Department of Agriculture is the only one of its kind and will enable him to undertake the necessary research when he identifies or suspects an outbreak of an exotic disease.

The possible outbreak of such diseases should not be taken lightly or be considered beyond the realms of possibility. Indeed, I feel it is only a question of time before we finally have an outbreak of one of these diseases in Western Australia or in some other part of Australia. We have been very lucky in the past; also, certain geographic features have mitigated in favour of the prevention of exotic diseases in Australian stock. However, ours is a shrinking world—a world in which travel is undertaken to a far greater degree than previously, because of the availability of quick, cheap transport. It is quite conceivable that a person walking the streets of an Asian city such as Delhi may a few hours later be walking the streets of Perth and could be carrying with him bacteria which could cause the outbreak of a disease which could cost the agricultural economy of the country many millions of dollars.

The importance of these control measures cannot be overstressed. Even in recent times, it has been suggested that inadequacies may exist in this regard. The

possible avenues through which such diseases may enter Australia are ships and planes. In regard to shipping, not only docking procedures require attention; facilities must also exist for the destruction of all refuse and for the examination of passengers and discharging cargo. Such facilities should be kept operating at the highest pitch of efficiency. At no time should there be relinquishment of standards and precautions.

There are other matters which are more difficult of control, and they relate to the disposal of garbage at sea in close proximity to a coastline. Of course, when garbage is disposed of at sea the tide brings the refuse to the beach, from which point it could conceivably be distributed into the hinterland and the stock country of Western Australia, or for that matter any part of Australia.

A great deal of publicity was given recently to the unauthorised landings of certain aliens on the coast of Western Australia. It was shown that the vessels conveying the fishermen involved in the unauthorised landings, also carried stock. Of course, this would lead to a distinct possibility of some disease being introduced from the Indonesian islands, or other parts of the world. So, it is most important for this avenue always to be regarded as a possible source of contamination, and in respect of which there should be no easing of the restrictions and regulations. Indeed, there is evidence to suggest that these restrictions and regulations could be strengthened.

Another great danger stems from airport inspections and the possibility of infection coming into Australia from that direction. Because of the very short amount of time that is involved in international air transport these days, travellers could arrive in Australia within a few hours of their departure from overseas countries. For that reason a stimulated approach to airport inspection facilities, not only as regards the passengers, should be adopted.

As the position stands, the only requirement is for an air passenger to fill in a questionnaire as he or she lands. There is no verification of details. There is no endeavour to introduce a system which is adopted in Ireland and the United Kingdom, whereby passengers are required to walk over disinfectant mats on disembarking from aircraft. I suggest this is a precaution which could be introduced in the airports of Australia. The present method is a very lax and haphazard approach, especially when we take into account the fact that thousands upon thousands of air travellers move freely into and out of Australia each year. All they have to do is to fill in a casual form to indicate whether they have been in the vicinity of abattoirs or farms in recent weeks.

The disposal of garbage from airports requires a greater degree of attention than it is receiving at present. The preparation of foods by airlines is not restricted to a particular country; the source of the foodstuffs emanates from many different countries with which the airline makes contact in its journeys. I do not know whether the precautions taken in our airports are adequate. Probably these precautions were strengthened as a result of the publicity some months ago. I believe that a greater degree of responsibility has been shown to this problem and to the routine and day-to-day examinations that are conducted. If that is so, the added precautions are rather timely.

The state of preparedness to deal with outbreaks of exotic diseases must be maintained. While a particular department may be conscious of the need for preparedness, this aspect requires steady and continued education of the community to the danger, and to the costs in which the community could ultimately become involved.

Regarding the preparedness adopted by the Department of Agriculture, it has taken steps to train officers in areas where these diseases are prevalent, so as to give them first-hand experience, and also the opportunity in their own right to diagnose the diseases, thus enabling them to prepare an eradication campaign. This is a matter which requires a high degree of efficiency and co-ordination, if the need ever arises to put into effect an eradication campaign.

At the onset of an outbreak there would not be adequate time to train key personnel to combat the diseases. Officers of the department would be required to have the necessary degree of efficiency at that stage otherwise an eradication campaign would be jeopardised very greatly. As I understand the position, in an outbreak of an exotic disease, every day of delay could be very telling and, indeed, could be catastrophic in the final result.

It is because we on this side of the House are conscious of this danger that we see the sword of Damocles close at hand. I suspect that inevitably an outbreak will occur in Australia—maybe in five years or 50 years' time—and we will see some of these diseases finding their way into Australia.

The Bill seeks to add a new section, proposed section 12A, which details the exotic diseases that are of immediate and specific concern. As indicated in the second reading remarks of the Minister, power is sought to enable the immediate slaughter of and compensation for diseased animals to be carried out; that is, without the confirmation being finalised. It seems this provision will give special powers to the Department of Agriculture, on the say-so of the Chief Veterinary Officer. Should the situation arise for such powers to be exercised, it would be well worth while for us to include them in the legislation. I support the Bill.

MR GREWAR (Roe) [5.37 p.m.]: I commend and support this legislation. It is vital to ensure that prompt action can be taken in the case of suspected outbreaks of viral diseases listed in the Bill. The livestock industry of Australia is worth thousands of millions of dollars, and it constitutes a major part of our rural export earnings.

Everything which ensures the maintenance of this industry is vital to Australia. If any one of the exotic diseases gained entry to this country it would jeopardise a very valuable export meat trade, and cost the country millions of dollars—possibly hundreds of millions of dollars—to eradicate. In some situations, such as in northern Australia, it could well prove to be impossible to eradicate.

Due to our island location and our remoteness from livestock industries of other countries we have a great natural barrier which, coupled with a rigid quarantine system, has kept Australian livestock relatively free from exotic diseases.

It is of extreme importance that prompt action can be taken by veterinary authorities where suspect animals are located, especially in view of Australia's extensive livestock operations. In European countries the herds are small and well-confined, and individual animals can be inspected regularly. This is not generally possible in Australia where herds are extremely large, and range over vast areas; sometimes the stock are not inspected more frequently than once a year, and even then close inspection is not always possible.

If a serious exotic disease were introduced it would be almost impossible to eradicate it in the range lands of Australia. Even in more closely settled areas it is not always possible to muster 100 per cent of the stock. It is therefore important that we maintain the strictest quarantine measures to prevent the entry of exotic diseases into Australia.

I would like to dwell on this point for a little longer, because I feel a great deal more could be done in this field to ensure that diseases are not introduced. People and materials enter Australia by way of aircraft or ships; therefore every possible precaution must be observed at unloading terminals to ensure that no diseased material can gain entry. We cannot be too zealous in our attention to details in this respect.

International aircraft are sprayed on arrival to destroy insects before the passengers alight. Passengers are requested to declare any vegetable or animal material, and to advise whether they have had any contact with farm livestock before departure for Australia. Any apathy on the part of passengers could have disastrous results.

Many foreign nationals own land in Australia, and frequently they proceed to their properties immediately on disembarking. In some cases the time interval between leaving their overseas properties and arriving on Australian soil may be only a few hours. Viral material could still be very much alive on their clothing or in their baggage, and could very soon spread.

I would strongly recommend a more careful screening of people and cargoes, and the creation of a greater awareness amongst aircraft crews and ships' officers of the inherent danger to our economy from plant and animal diseases.

A general tightening of quarantine procedures with the disposal of garbage from ships has been indicated by the member for Warren. Some ports have efficient incinerator disposal units installed, and it should be incumbent on port personnel to ensure that these units are used. Garbage offals are a very efficient means of plant and animal diseases gaining entry; and therefore destruction as quickly as possible by incineration is essential. All ports should be equipped with modern disposal units immediately.

The disposal of garbage at sea is a most dangerous expedient. Can we be sure that this type of disposal takes place as it should, outside the port limits? Any ship which has been held in port for a long period accumulates a mountain of waste, and it is only natural that the captain desires to dispose of this as quickly as possible. There is the inherent danger that this material will wash ashore, or be brought to land by sea birds.

In Esperance and other Australian ports there is a special problem. Some of the wharf workers are farmers, and they could quite easily come into contact with offal from ships and inadvertently spread disease onto their properties and among their stock.

Any neglect of procedure must be clamped down. Only a few weeks ago pallets were stowed on board a boat carrying livestock at Fremantle, and despatched to the Middle East. These pallets were duly returned and unloaded at Esperance. They were stacked on the wharf for 10 to 14 days, during which time people had access to them and children played near them. After 10 to 14 days they were steam cleaned on the wharf area and then fumigated. This is a reversal of normal procedure. These pallets could very easily have become contaminated while they were in foreign ports, and during their stowage in Esperance these pallets could have been the means of transmitting viral material to the clothing or shoes worn by people.

Several weeks ago I asked a question in the House as to whether animal offal had been located on islands off the Ashmore Reef. To enlighten the Minister, I can say that I have been informed by reliable sources that a head of a beef animal—several weeks old—was located on one of the islands. This animal had been discarded by the Indonesian fishermen. One

cannot be sure of the origin of this animal. It could have been taken from the Australian mainland or it could have been brought in from the disease-ridden Indonesian islands. How many such carcases have been or will be brought into Australia and discarded?

Every effort will have to be made to ensure that Indonesian fishermen are kept out of Australian waters. If disease is introduced to the Kimberley region there can be no stopping its spread.

I would now like to make some reference to the diseases that are listed in the Bill. Firstly, all these are very serious diseases which would spread rapidly under Australian conditions. They would be disastrous to our economy and overseas trading prospects. The diseases are all caused by viruses. Most of these viruses have a long life, and they can be introduced on clothing and footwear worn by people, in parts of animals, or in garbage.

I do not think the legislation goes quite far enough. I would have liked to see included in the list other diseases such as African horse sickness, rabies, scrapie, Rift Valley fever and its akin Wesselsbron disease, lumpy skin disease, sheep pox, equine viral encephalomyelitis, glanders, dourine, surra, screw-worm fly, sheep scab, trichinosis, and Aujeszky's disease.

I support the amendment to the Act. It is essential that prompt action be taken by authorities to prevent exotic diseases from spreading in this country.

MR McPHARLIN (Mt. Marshall—Minister for Agriculture) [5.46 p.m.]: I thank those members who have spoken in support of the Bill. As the member for Warren has said, a heavy responsibility will be placed on the Chief Veterinary Officer. However, that usually applies in any case because decisions are made by the man most qualified when it is necessary to advise the Minister in matters of this sort. I agree there would not be any officer more capable of making a decision of this nature than the present Chief Veterinary Officer.

The members who spoke to the Bill made it obvious that they are well aware of the dangers associated with an outbreak of exotic diseases in our country. The proposal in the amending Bill will enable quick action to be taken to prevent the spread of any one of the nine diseases which are listed, and such quick action is most desirable.

Compensation is something which is always open to differences of opinion. It has been agreed that compensation for nine of the most serious exotic animal diseases will be paid jointly by all the States and the Commonwealth Government on the initiation of eradication and slaughter procedures in one or more States or territories.

A formula for compensation has been established for each of the diseases listed, but common to all these formulae is the payment of 50 per cent of the cost of eradication and compensation by all the States acting together, and 50 per cent by the Commonwealth Government. The actual contribution by each of the States is based on the number and value of susceptible species of animals within its territory, and is adjusted at three-yearly intervals.

I again thank members for indicating their support for the Bill, and I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr McPharlin (Minister for Agriculture), and transmitted to the Council.

PHOSPHATE CO-OPERATIVE (W.A.) LTD. BILL

Receipt and First Reading

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

BILLS (2): RETURNED

1. Superannuation and Family Benefits Act Amendment Bill.
2. Perth Mint Act Amendment Bill.

Bills returned from the Council without amendment.

ROAD TRAFFIC BILL

In Committee

Resumed from the 31st October. The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Connor (Minister for Traffic) in charge of the Bill.

Progress was reported after clause 7 had been agreed to.

Clause 8: Terms of office, etc.—

Mr T. H. JONES: It will be appreciated that we have opposed this Bill, clause by clause, to indicate clearly to the Government that we are not happy with the traffic authority which is to be set up. To be consistent, I must argue against the general administration of the authority.

The authority will be set up under the provisions of clause 7, and clause 8 sets out the terms of office and the duties of the various people who will be elected to the authority. We are concerned because this provision will provide for duplication of a system which already exists and is operating. It will place an extra burden on the taxpayers of Western Australia, and will be an unnecessary expenditure.

As a consequence, we suggest that the authority should be placed under the jurisdiction of the Commissioner of Police.

The Minister for Traffic has placed a number of amendments on the notice paper which will, in some way, change the Bill. I am not sure of the full extent of the proposed changes, but they indicate that the Government has had second thoughts and has apparently taken notice of somebody, either the Police Union or speakers from this side of the Chamber. I have also noticed that other amendments are foreshadowed.

The CHAIRMAN: Order! I would ask the member for Collie to speak directly to the clause now before the Chair. He will have a later opportunity to speak to the other issues he is raising.

Mr T. H. JONES: I have been summing up, Mr Chairman, but I accept your point. Referring to clause 8, the fees and allowances to be paid to members of the authority are not spelt out, and I think Parliament is entitled to know what the cost will be. Subclause (6) of clause 8 states that the allowances are to be determined by the Governor, but the amounts are not set out. We have heard so often lately the Australian Government being ridiculed for its policy. The question of unemployment has also been raised on many occasions. We consider we are entitled to know the cost of the allowances to be paid under the provisions of subclause (6).

Mr O'Connor: Where in the subclause is there reference to the amount?

Mr T. H. JONES: It does not refer to the amount; that is my argument. The precise amounts are not specified.

Mr O'Connor: But that has nothing to do with this clause.

Mr T. H. JONES: We are now discussing clause 8. What does the Minister mean? I do not think he is up with me.

Mr O'Connor: The clause deals with terms of office.

Mr T. H. JONES: I am referring to subclause (6) of clause 8. Having put the Minister on the right road, I will return to the point. We consider Parliament should know the amounts which will be paid for fees and allowances.

When speaking to an earlier clause we indicated that the setting up of a separate traffic authority will impose an additional cost on the taxpayers. We are not arguing against the setting up of a separate authority, but the proposal in the Bill will mean a duplication of services. The provisions of subclause (6) will impose additional charges on the taxpayers.

In conclusion, I register a strong protest with regard to the duplication of services. I am aware that I am not permitted to go into the duties of patrolmen as compared with policemen, but we consider there will be a duplication of services. For that reason the Opposition strongly opposes the setting up of this authority, and I ask the Minister to indicate an estimate of the cost involved as a result of the provisions of subclause (6) of clause 8.

Mr O'CONNOR: The reference is to part-time officers. The fees will be determined and will be paid in accordance with existing practice. The fees can be varied from time to time, according to different requirements. The provision appears in most Acts relating to the setting up of authorities.

Clause put and passed.

Clause 9: Meetings of the Authority—

Mr T. H. JONES: I raised the matter of voting powers during my second reading speech but the Minister did not answer my question. I pointed out that the voting could be equal if one member were absent. A matter of urgency would have to be deferred until a quorum was available in order to reach a decision. I suggested that the chairman should have a deliberative vote as well as a casting vote in order to overcome the problem which might arise.

Members will recall that during my second reading speech I drew this matter to the attention of the Minister. I refer members to subclause (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.

This provision is rather dangerous. We feel that for the reasons I have indicated there should be some escape clause. It may be that the authority must make an urgent determination and in such a case quite some time may elapse before a quorum could be arranged. I would like to hear the Minister's views on this point.

Mr O'CONNOR: I see no need to amend the clause. This type of provision applies to many boards and authorities throughout the State and these organisations function quite well. I do not know of any case where a vote was needed on an urgent matter which was not resolved by members of a board. Competent people are appointed to such positions, and the board can usually sort out any urgent matter. As I say, I do not know where any problem has arisen because of a tied vote on any other authority.

Mr B. T. BURKE: The Minister has neatly sidestepped one of the issues raised by the member for Collie, and that is the question of the fees to be paid to members of the board. The Minister has failed to tell the Chamber—

The CHAIRMAN: Order! The question before the Chair is clause 9. The point about which the honourable member is talking was raised on clause 8.

Clause put and passed.

Clause 10: Validity of acts of Authority—

Mr T. H. JONES: I wish to indicate that it is not our intention to delay the passage of this Bill. However, we wish to be consistent. As I have indicated on the notice paper, we intend to ask members to vote against this clause, as this would be necessary to bring the authority back under police control.

Clause put and passed.

Clause 11: Functions of the Authority—

Mr SKIDMORE: Members will recall that when I discussed the composition of the authority to be set up under the provisions of clause 6, I said that when we came to discuss clause 11 I would point out some of the ludicrous situations in which the authority could find itself. This clause sets out the duties of the authority. Paragraph (a) of subclause (3) reads as follows—

> (a) the exercise and performance of all powers, duties and responsibilities vested in or imposed on it by this or any other Act;

I do not know that we need the expertise that we are told is necessary on the authority to achieve that objective. This is an administrative type of clause, and one man could perform these duties. This one man could be the Commissioner of Police, as we have said all the way along. Of course, he could quite easily be some other person on the authority, but to be consistent, as this measure deals with traffic, we believe the duties should be performed by the Commissioner of Police.

Mr O'Connor: The members of the authority have powers of delegation under further clauses.

Mr SKIDMORE: But that is only the delegation of powers they hold under the authority, and to me it is the same thing. The next duty is—

> (b) the collection and analysis of road traffic statistics;

Why do we need all these people to undertake this task? Surely the Director-General of Transport and the representatives of all the other bodies would not be necessary to collect details for road traffic analysis? This seems to me to be a padding out of the duties of the authority. What will all these people need to deliberate on in regard to statistics? Again the Commissioner of Police could quite easily handle this duty. Paragraph (c) states—

> (c) the undertaking of research into the causes, and prevention of road accidents and injuries arising therefrom;

Who better than the Commissioner of Police to undertake this function? What would the local government representative have to say on this matter? I do not wish to denigrate the members of local government, but I feel their contribution to such a duty would be little compared with the contribution which could be made by the Commissioner of Police. Paragraph (d) reads—

> (d) the publication of information for the instruction of, or use by, road users on road safety and traffic laws, and the supplying of technical information and advice relating to road traffic problems to other authorities concerned with road traffic;

Again this is specifically and precisely a function of the Commissioner of Police under the present Act. As I have said all along, this authority is merely a sop to people in country areas who have insisted that they be considered in the setting up of a traffic control authority. The next paragraph states—

> (e) the attaining of the continuous co-operation and support of the community in achieving higher standards of road safety and more efficient traffic movement;

I will say that this is one function in which all members of the authority could play a part, and the only one which would support the setting up of an authority. Surely members can see that this authority will have very little to do when they consider the functions attributed to it in the Bill. Paragraph (f) reads as follows—

> (f) the investigation of, and reporting to the Minister upon, proposals for alterations to traffic laws;

It does not need seven people to tell the Minister what is necessary in relation to the traffic laws. Such a duty would depend on the expertise of individual officers. What is the use of the Director-General of Transport wasting his time on this authority? Quite clearly he could deal with the public servants who would be in a position to tell him of any necessary alterations to the traffic laws. Paragraph (g) reads as follows—

> (g) the investigation of, and reporting upon, any other matter relating to road traffic or road traffic safety.

Surely members can see that these functions have been included to make it look as though the authority will have something to do. This is a very poor attempt at convincing us that an authority is necessary. We have been consistent ever since the introduction of this Bill—all we need is the Commissioner of Police to control traffic as he has done in the past. It is a mockery to see padding of this type in the Bill.

The Government of the day has been caught because it has attempted to appease the Country Party and the people whom it represents. This authority will be an imposition on the people who operate under the Traffic Act, and of course, this includes all motorists in Western Australia. In my opinion this clause should be rejected.

Mr T. H. JONES: I was a little late in rising, Mr Chairman, because I thought the Minister would have answered the points raised by the member for Swan.

Under clause 7 which sets out the membership of the authority, we argued strongly that a member of the National Safety Council or a medical practitioner should have a place on the authority. I refer the Minister to the proposed functions of this authority, and again suggest that these duties require the inclusion on the authority of a person with specialist knowledge.

During the debate on clause 7, we did not argue about the local government representation on the authority. At that time we said that perhaps another member could be added to the authority to provide the expert advice that may be necessary from time to time. Subclause (4) commences—

> (4) In discharging its functions under this Act, the Authority—
>
> (a) shall ensure that it maintains a comprehensive knowledge of—
>
> (i) significant changes in traffic administration occurring elsewhere, and the benefits and results derived therefrom;

And subparagraph (ii) refers to research. We have nothing against the present representation on this authority. However, we are all concerned about the road toll in Western Australia, and I am sure the authority would be more effective in reducing the road toll if a medical practitioner were appointed to it. The other night the Minister said that members of the board could confer with medical practitioners or they could bring in experts from other fields. However, we suggest this should be clearly spelt out so that the functions of the authority as set out in clause 11 can be properly carried out.

I do not think the Minister will deny my statement that the Opposition has been consistent in its attitude. We suggested the addition of another representative to the authority.

The CHAIRMAN: I suggest that the member is getting away from the clause before the Chair. The constitution of the authority was dealt with in an earlier clause.

Mr T. H. JONES: I am endeavouring to keep within the ambit of this clause, Sir. However, it sets out the functions of the authority and I must refer to clause 7 to relate the composition of the authority to its duties.

The CHAIRMAN: It seems to me that the points being made on this clause were well and truly made during the debate on clause 7. It is serving no useful purpose to go over them again.

Mr T. H. JONES: We believe the functions of the authority could be carried out more effectively and efficiently under the guidance of an expert. It is not good enough for the authority to seek this advice from someone else. Such advice should be available during discussions relating to the authority. This is a very wide clause.

Sitting suspended from 6.15 to 7.30 p.m.

Mr LAURANCE: I support the clause and the authority it seeks to set up. In essence the clause before us outlines the functions and the duties of the proposed authority. In his second reading speech the Minister said—

> Clause 11 describes the functions and duties of the authority, and the terms of the clause are such as to reflect the Government's intention that the authority should seek to lead in the administration of traffic.

I agree with the sentiments expressed by the Minister, and I believe that this clause comprises the most important part of the duties of the new authority. It is also a complete justification of the policy put forward by the Government at the last election, as the clause clearly demonstrates the initiative and sense of innovation of the Minister and of the Government in coming to grips with one of society's gravest problems.

Mr T. H. Jones: It did not carry out what I suggested.

Mr LAURANCE: In opposition to this Bill we have seen only a Liberal Party document waved at us and we have been told the proposal will not work.

Mr T. H. Jones: Have a look at it. I quoted it.

Mr LAURANCE: All the honourable member seemed to suggest was that it would not work. Not only will it work, but it will also bring a new approach which will be both stimulating and refreshing.

Mr T. D. Evans: You'll get on!

Mr LAURANCE: Given an honest trial and honest endeavour I am confident the success of this measure will be reflected in any improvement in the road toll.

Mr Bertram: The Commissioner of Police can achieve that.

The CHAIRMAN: Order! I suggest the member for Gascoyne tells me how this relates to the clause before the Chair. I do not want him to open up a second reading debate.

Mr LAURANCE: Clause 11 explains how the authority with its greater specialisation will help lessen the road toll and the suffering and misery that go with it. Paragraphs (a), (b), and (c) of subclause (3) of clause 11 will, with the authority's

greater specialisation, result in an improvement in the situation to which I have referred; while paragraph (d) of that subclause will bring about a greater awareness and give people the opportunity to specialise further than has been the case to date.

None of us can deny the Minister's dedication in this matter. Several members of the Opposition have talked about the degree of specialisation.

Mr May: By the police.

Mr LAURANCE: I say there will be even greater specialisation and success.

Mr May: Why don't you let the police do it?

Mr Bertram: Why don't you show us how?

Mr LAURANCE: I am endeavouring to do so. Subclause (4) (a) of clause 11 will ensure there is no duplication of research. A tremendous amount has been written, and a great amount of research has been done throughout the world, in connection with this problem. Subclause (4)(a) will enable the relevant research done elsewhere to be applied effectively to reduce the road toll of this State. The clause will also ensure that the authority will initiate its own research in areas where no significant study has been done elsewhere.

Two factors seem to emerge very clearly from the research I have seen undertaken into road traffic problems: the first is that greater co-ordination and specialisation are required; and I believe the clause will provide the new authority with this power. The second factor that emerges from the reports I have studied is that a flexibility and mobility of traffic forces are required to saturate particular areas in the manner in which the new patrol will operate. We have seen this mobilisation of forces in the north-west where it has proved a great success.

Mr H. D. Evans: The police can do this.

Mr LAURANCE: The new authority will have greater specialisation. Members opposite may laugh.

Mr May: We are not laughing; but we wonder how you can say that.

Mr LAURANCE: I am saying this in all seriousness. We require a saturation of particular areas because this is the only way to achieve a significant and lasting effect in connection with our traffic problems. The clause will permit the authority to achieve these objectives.

I welcome the authority that is to be set up and I have no doubt it will result in a lessening of the traffic toll.

Mr O'CONNOR: I have been criticised for not answering the member for Swan. I appreciate the manner in which he made his comments, and the reason I have not answered him is that I have already replied to this question on previous occasions. I am sure members will agree that I have done so.

I have already indicated that while we do not have a member of the National Safety Council on the authority it is our intention to use this council to a greater degree than has been done in the past. We believe the National Safety Council has done a tremendous job so far as the traffic situation is concerned. It has a greater part to play in this field and we intend to increase our activities in this regard to obtain a greater measure of success.

The major difference between the philosophy of the Opposition and that of the Government in so far as the setting up of the authority is concerned, is that we made an election promise to have a seven-man authority; and we are standing by that promise. We also believe that with the increase in crime the Commissioner of Police has his work more than cut out in trying to organise crime prevention; and we feel the aspect of traffic is important enough to have one authority to handle it. This seems to be the main difference between the thinking of the Opposition and the Government in this matter, and there seems little chance of a reconciliation. Members of the Opposition feel the police can handle this matter, while we believe we should have one authority to handle traffic alone. This would help reduce the death and accident rate.

Mr May: The police are doing this satisfactorily now.

Mr O'CONNOR: The honourable member knows that this is not so where both authorities are operating in a particular area.

Mr May: You said yourself that this was so in the north-west.

Mr O'CONNOR: It was not being done to our satisfaction, but by sending extra patrols into the area and by concentrating on traffic we were able to achieve our point. I feel traffic is important enough to have a separate authority.

Mr H. D. EVANS: The debate has moved into generalisation without getting down to the specifics of the authority which this clause demands. On the several points made by the previous speaker and the Minister I would say that the whole crux of this exercise and object—and both the Government and the Opposition seek this—is the effectiveness of the manner in which the traffic problem is handled and the reduction of the road toll which has been the bane of the police and of the Government for many years.

Mr O'Connor: I agree.

Mr H. D. EVANS: I think it can be said that the Police Force has achieved remarkable progress in this direction, and this is to its credit. The essence of the whole question, however, lies in the success of the future operation. It is not a question of whether the authority or the

police shall be in control of the operation but that the traffic control should be a success, and this will depend on the day-to-day enforcement of the law and the routine running of the various stations that are involved in the matter.

This, of course, would involve every regional station—it would have to be a regional station—and these regional areas would include places like Albany, Geraldton, Bunbury, Merredin, Katanning, and other large centres.

From this it will necessarily follow that the smaller towns will be ancillary and will be worked from the regional centres, and the patrols will move into the smaller towns which are to be found in every shire. It was pointed out by the Leader of the Country Party that of the 137 shires 78 are not under police control; which means that about 60 of them are.

This affects the country areas only; the metropolitan area is not so closely involved and the change will not be so dramatic, because the administration and general operation will remain virtually unchanged. In the smaller towns of the 60 shires now involved and concerned with traffic matters, there is generally a constable or two, but these smaller towns will also be patrolled by patrolmen. Does this mean that in the smaller towns there will be no traffic control until the patrol car comes through?

Mr O'Connor: Of course it does not.

Mr H. D. EVANS: Does it mean the ordinary police officer will be involved in traffic matters? To whom will the accidents be reported, and who will take the necessary action in connection with offences?

Mr O'Connor: Each town will be handled separately and, as required, a representative will be placed in that area. It does not take away any authority from the police.

Mr H. D. EVANS: I have made further inquiries in regard to this matter and I have found that the difficulties become intensified rather than allayed.

Mr O'Connor: If you want to build them up, they do.

Mr H. D. EVANS: I will give the Minister a chance to explain what will concern me and every town that will be brought under this authority. I cite the position of Manjimup, which I presume will be a regional centre. Some 20 miles away lies Bridgetown, but there are also smaller towns such as Nannup, Northcliffe, Pemberton, Walpole, and Greenbushes. In the main centres of Bridgetown and Manjimup the force will be increased in size. In the case of Bridgetown the traffic officers, who now work on a regional basis, will be incorporated into the force and they will become patrolmen. What their future role will be is difficult to follow.

Perhaps their position would be better illustrated by citing Albany or Busselton. There is a large number of officers in those centres and a sergeant of police will be in charge. Also adequate and satisfactory premises will have been built which, I presume, will be satisfactory for carrying out vehicle inspections, and I might mention here that vehicle inspections is another aspect that could cause some concern. In this case, precisely what will happen? I ask the Minister to explain the control of ordinary operations in one of those stations. The Minister said that the patrolmen would not be under the control of the officer in charge.

Mr O'Connor: The patrolman is for traffic; he does the traffic work.

Mr H. D. EVANS: But these two bodies of men will be housed in the same building, will be sharing the same facilities and have access to the same court with some sort of co-ordinating procedure. Who has the responsibility in this instance?

Mr O'Connor: Are you suggesting they will not work together? We have responsible fellows in this game.

Mr H. D. EVANS: I am suggesting that even under the existing set-up there is friction because of personal relationships, and there always will be, and in a situation such as the one proposed it will certainly not help the smooth running of the operation. This is the whole crux of the problem. What will happen is that there will be a sergeant in charge of a station comprising, say, 10 police officers who will be under his control, and there will be six or eight patrolmen who will be answerable to heaven knows whom. The Minister has not even indicated that there would be an officer in charge of the patrolmen in any particular area.

Mr O'Connor: Of course there would be.

Mr H. D. EVANS: I certainly hope so. This means there will be two separate controls in the one building.

Mr O'Connor: Have you not got that in Perth now?

Mr H. D. EVANS: The metropolitan area is a vastly different proposition from each of the country towns that will be involved.

Mr O'Connor: In a minor way there is no difference.

Mr H. D. EVANS: The metropolitan area is so large that it needs the segregation that exists at the moment. The interrelationship at high-officer level already exists.

Mr O'Connor: You are suggesting that it is all right in one place, but not in another.

Mr H. D. EVANS: I am suggesting that the whole operation will depend on routine control. Until we can come up with a situation that resolves these routine problems it is impossible to expect that the authority can function in the way

the Government fondly imagines. At this juncture it is a very fine hope and one that is not capable of working successfully, as I see it.

The other factor which the Minister seems to deny is the converse side of the coin which cannot be segregated. I am referring to normal police work. At the present time if the patrol car is out on patrol it can be called upon to serve two or three summonses, or it could receive a report that somebody's home has been burgled 20 miles away which requires an inquiry to be made. At the moment the officer in charge can call a patrol car and direct it to a scene of operation immediately. However if it is a straightout traffic patrol, the officer in charge of the station cannot direct the patrol car to carry out police work, because he is in charge of police work only.

To keep the Police Force mobile there will have to be duplication of vehicles, and duplication of men in places where the police already have control over traffic and police work. This brings us back to the falsity of the economics which the Minister has quoted during the course of the debate. This is the basic organisation that is lacking not only in regard to traffic, but also in regard to ordinary police work. The two do not have much hope of functioning harmoniously.

There is also the degree of relationship between crime detection and traffic matters, such as the apprehension of motor vehicles and their use in crime. At the present time to what extent do police, in crime detection, use information obtained during the course of their duties relating to traffic matters? This is something that is probably difficult to assess precisely, but I would say it is an integral part of police operations. This will be found to be deficient in the future because police officers will not have access to this information in the same way as it has been available to them in the past. I would certainly like to see the figures that exist at the moment. I presume they could be collated and tabulated and thus give us an idea of the relationship between crime detection and traffic offences. I wonder whether the Minister can say what the set-up will be in Bunbury or in some other centre.

Mr O'Connor: I have already given this information.

Mr H. D. EVANS: I wonder whether the Minister can tell us how many officers will be stationed in any one of those places. The Minister has not even reached the stage of taking a sampling of the staffing requirements and the way the authority will operate in any one of the major centres.

Mr O'Connor: It has been done in all of them.

Mr H. D. EVANS: Quote me one.

Mr O'Connor: I cannot give the numbers in any one area.

Mr H. D. EVANS: The figures in one area would be sufficient, but the reasoning of the Minister seems to be deficient and he has confined his statements to generalities.

Mr O'Connor: How many police officers are in each section at Manjimup?

Mr H. D. EVANS: I am not the Minister for Police.

Mr O'Connor: You do not even know the situation in your own town and you represent the district.

Mr H. D. EVANS: I am not the Minister for Police in this State who is required to know the operational functioning of each centre.

Mr O'Connor: You do not even know the position in the town in which you live.

Mr H. D. EVANS: As a matter of fact, I do—

Mr O'Connor: You are going to make a guess now.

Mr Taylor: The Minister has all the figures.

Mr H. D. EVANS: I would not be aware of the division of the patrolmen and ordinary constables, but I am not the Minister who should know the full details. I am asking the Minister to explain to me the arrangement, as it will work in the future, in one of the regional centres, but this he cannot do. This is ludicrous when we consider that the organisation will depend on this detailed operation. The Minister does not even know his own Bill; that is the greater tragedy.

I will refer now to the generalities made by the previous speaker. He spoke of flexibility. He spoke of the—

Mr Bertram: They were very fine words.

Mr H. D. EVANS: Yes, they were. He used phraseology such as, "saturation of areas" which connotes a general vagueness, thus indicating the deficiency which the Minister cannot make up. What is totally lacking are the details of the bedrock organisation and the cost.

Mr O'Connor: You know there will be an increase in the number of men. Even in Geraldton an extra three men have been appointed following the takeover there.

The CHAIRMAN: The honourable member's time has expired.

Mr BERTRAM: Earlier in the Committee debate I put the proposition that this Bill was simply a manifestation by the Government of its complete lack of confidence in the Commissioner of Police and in the Police Force working under his control. I advanced the reasons to justify that statement. Just a few moments ago, the Minister confirmed completely, without reservation or equivocation, that what

I have said is a fact; namely, there is a total lack of confidence on the Government's part in the Police Force.

Mr O'Connor: You are going to support the murderer when you find you were after the other fellow.

Mr BERTRAM: I am not supporting murderers; this is a decapitation of the Commissioner of Police by the Government. As the Minister has said, the Commissioner of Police has his hands full and this confirms my statement.

Like the member for Warren, I noted the extraordinarily vague generalities expressed by the member for Gascoyne, and I have also observed with concern the inability and the unco-operativeness, apparently, of the Minister in trying to deal with this Bill in Committee in the way it should be dealt with. When we reach the Committee stage, no longer should we be grappling with the Bill in its general intent; we should be coming to grips with the particular clause—at this time, clause 11—to find out as much as we can about it. Having done that, we should decide whether the clause is a worth-while provision to make law.

What I would like to know with some precision is this: which of the functions to be carried out by the two bodies will be new functions which, at the present time, do not come within the jurisdiction of the Commissioner of Police? Which of these functions is new?

If he can provide the answer to this he may perhaps be able to support a comment of the member for Gascoyne who talked about initiative and innovations, just to mention a couple of his high-sounding words and phrases. Those on this side of the Chamber are not worrying about such high-sounding words and phrases. All we want are facts, nothing more nor less; and we are entitled to them. What is the use of the Committee if, when we ask questions which are reasonable and proper, we do not receive answers?

I want to know which of the functions is new and which of the functions the Commissioner of Police is neglecting or is in danger of neglecting and by reason of which expected neglect it is necessary to sack him and replace him with six men plus himself.

Mr O'Connor: You now admit he is on the authority?

Mr BERTRAM: We admitted that half an hour ago. The Minister corrected me a week ago about that matter. Which of the functions is new and which functions have been neglected by the commissioner thereby justifying the Government in sacking him with all the consequential adverse effects, not the least of which is on the morale of the Police Force?

Mr H. D. EVANS: The Minister pointed out that the two differences in the attitude of the Government and the Opposition were, firstly, that the Government was holding out for an authority; but we can deal with the reasons a little later. The second point made by the Minister was that the Commissioner of Police already had enough to do with the control of crime within the State. That is rather ludicrous when we have regard for the total integration of crime and traffic. Today the mobility of the criminal brings him within the scope of traffic control and to say that to divorce the commissioner from the role he at present exercises in connection with traffic will help him is wrong because rather it will handicap him.

In his inimitable phraseology the member for Gascoyne said the Government was justified in introducing this legislation because of the policy it enunciated prior to the last election and that the Government's action demonstrated its initiative and innovation. He did not deal very much with anything other than generalities, but he and the Minister did touch on the very significant political reason for the introduction of the Bill in its present form. I am certain in my own mind that the Liberal Party is wedded to police control of traffic, but that party forms only part of the coalition and the coalition in this instance is caught up with a commitment to country shires.

The CHAIRMAN: Order! I suggest we should be debating the clause before the Committee. The point you make now is one which has been made over and over again. Can I bring you back to a discussion of clause 11 which deals with the functions of the authority?

Mr H. D. EVANS: I accept your ruling, Mr Chairman. I was merely answering the point that the Minister and a previous member had made in this regard and it was the lamentable lack of fortitude on the part of the Liberal Party which concerned me.

Sir Charles Court: Very touching!

Mr H. D. EVANS: But jolly true! The reasons the Minister gave for the disparity in views of the Government and the Opposition are so fallacious that they are not even valid.

Mr O'Connor: The results will tell.

Mr H. D. EVANS: The results at present are most commendable.

Mr O'Connor: I am talking about future results.

Mr H. D. EVANS: Those results will tell. That is perfectly true, but I am afraid I do not have the same optimism as the Minister in this regard.

Mr BERTRAM: I spoke a moment or two ago and asked what I thought were two perfectly fair and reasonable questions, but they have not been answered as yet. In fact no attempt has been made to answer them and I protest about this as I did the other night. I asked what was

the point in having a Committee examine a Bill if when a member of that Committee asks a perfectly valid and reasonable question, it is not answered. The whole attitude of the Government brings the Committee into disrepute and prior to the discussion on this Bill I had not seen this technique practised.

I hope this is not a sign of things to come. I personally protest about the Government's attitude and I will be surprised if other members of the Opposition do not also voice their disapproval.

Mr Nanovich: You are wasting time.

Mr BERTRAM: If the Minister or the interjector is of the opinion that the questions I asked are not justified, then the courteous, simple, and straightforward thing to do is for the Minister to say that the questions raised are of no consequence and that he does not think the Committee's time should be taken up in answering them. He at least should say something. Then the proceedings will be recorded and people can judge for themselves whether the interjector and the Minister have acted reasonably. However, my questions have been ignored and I strenuously object to this and I will be surprised and equally disappointed if other members of the Opposition do not express a similar protest.

Mr O'CONNOR: I did not reply before because I did not want to indicate the total incompetence of the honourable member. As we know, he criticised the Government because the Commissioner of Police was not on the authority, but of course it was pointed out to him and he now knows that this is not the case.

It is quite obvious to me that the honourable member is endeavouring to waste time because he has asked questions which I have already answered. If he wants me to answer them again I will tediously repeat the answers as long as you allow me to do so, Mr Chairman.

If he had studied the Bill, which he obviously has not, the honourable member would know that the Commissioner of Police does not now do all the work which will be expected of the authority. For instance, he does not have anything to do with licensing because that is done by the Department of Motor Vehicles. He does not deal with accident inquiries because that is also done by the department and the National Safety Council.

As I have indicated previously, we believe this authority will function more efficiently than the present set-up and one of our prime objectives is to save lives on the road. We believe we can do it under this authority, and time will tell whether we are right.

Many systems have been tried, but none of them has given as good an overall result as we believe is possible. We consider that under this authority we will achieve a much better result than has been the case so far, and for that reason alone it is worth a try.

The honourable member said that we are sacking the Commissioner of Police and he wants to know why we believe he is incompetent. I have never indicated at any stage that I believe he is incompetent. As a matter of fact I have every respect for him as I have for all members of the Police Force. However, we believe we should diversify the two areas so that one group is working entirely on crime detection and prevention. This is necessary because of the expertise of present-day criminals, and we believe that with one group working entirely on that aspect we will get a better result than has been the case so far. We maintain we can achieve better results concerning the death and carnage on the road by one group working full time on that particular aspect. We consider the result will be better than it has been in the past.

Mr H. D. Evans: You are sacrificing efficiency in the process.

Mr O'CONNOR: As long as we do not sacrifice lives, we will be happy. This is what concerns us. Members opposite have talked about efficiency and facts and all other kinds of rubbish, but we are concerned with the saving of lives and we will try to do this one way or another. If we find we are wrong and that the proposed system does not work, we will alter our views, but I do not believe this will be necessary.

Mr H. D. Evans: We think it will be.

Mr O'CONNOR: We have done better than members opposite did.

Mr T. H. Jones: Your Government threw our legislation out of the Council window.

Mr O'CONNOR: Is the Deputy Leader of the Opposition back from Russia?

Mr Jamieson: I did not say a word, but I will do so now. You have started me off.

The CHAIRMAN: Order!

Mr Jamieson: There was an interjection from behind me if you must know.

Mr O'CONNOR: I thought I heard the cackle of the Deputy Leader of the Opposition.

Mr Jamieson: You didn't, but it will be heard now.

Mr McPharlin: Was it not you who took licensing away from the police and gave it to the Department of Motor Vehicles?

Mr Jamieson: Of course I did, to bring it under the one department.

The CHAIRMAN: Order!

Mr O'CONNOR: We believe that the authority will function efficiently, because it will be much better to have one group handling only the traffic operations in the State; and this is what we want to be achieved.

Mr Jamieson: Nowhere else in the world has it been achieved but grease to your elbow anyway.

Mr O'CONNOR: At least we are trying.

Mr Jamieson: And for that I compliment you.

Mr O'CONNOR: The member for Warren wanted to know how many people would operate in each particular town. I do not know, but the Director-General of Transport and the Public Service Board have directed a particular individual to undertake this kind of research. It has been indicated that a number of individuals are required and the number is an increase on the number operating now. In other words, there will be more men on the road thus making for a more efficient operation.

For instance, at the time of the takeover at Geraldton there were six officers doing traffic work. This number has been increased to nine and a better service is being given to the area. I do not know, and I do not think any member would expect me to know, the total number in each town. I can give the number for Geraldton and perhaps one or two other towns. However, it is intended that an increase will be made in the number of men on the road and that they will devote all their time to that work. In this way many more hours will be devoted to road patrol, thus increasing the efficiency overall.

In the north-west the number of deaths was reduced from 33⅓ per cent to 15 per cent over a period by sending special patrols into the area to concentrate entirely on traffic. They were policemen who concentrated on traffic alone. They assisted the police in other aspects, and I anticipate that will be the case in the future in connection with the authority. I have said this before but I repeat it for the benefit of those members who were absent from the Chamber at the time.

Mr T. H. JONES: The Minister has not answered the questions I put to him during the second reading and Committee stages. The question which is causing concern to the police in Western Australia is jurisdiction in the various police stations. Can the Minister inform the Chamber what the situation will be in a country police station where a sergeant is in charge of the station, and a patrolman brings a man into the station to charge him or put him through the various tests? Will he be under the jurisdiction of the police sergeant at that station?

Mr O'Connor: He is doing traffic work and is in charge of that.

Mr T. H. JONES: The sergeant is in charge of the station and a patrolman comes into the station. Will he be under the control of the police sergeant? That situation has not been clearly spelt out and the police are worried about it. The sergeant to whom I have spoken asked what the situation would be.

Mr O'Connor: What is the situation with traffic inspectors?

Mr T. H. JONES: I want to know what is the situation under the Bill. It is not spelt out. The Minister has evaded the question and I will rephrase it. When a patrolman comes into the station will he be under the jurisdiction of the sergeant who is in control of the station? Will he take orders from the sergeant or will he give the sergeant orders? If the Minister considers the Bill is the answer to all traffic problems in Western Australia, surely he has looked at the question of administration. I would like to know the answer to my question.

Mr O'Connor: If you do not know now you will never know.

Mr T. H. JONES: If it is in *Hansard* I would like to see it. The Minister has not told the Parliament what the situation will be in the case to which I have referred. We know what the answer will be. We know the police sergeant will be in charge of the patrolman. It comes back to the point we have been making: this is a complete cover-up. The member for Gascoyne accused me of quoting and holding up a book. If he cares to read the policy speech—

Mr Clarko: What is the number of the page?

Mr T. H. JONES: There is no number on the page. The honourable member thought I had not done my homework. The member for Gascoyne said that all I was doing was holding up a book. I am trying to put things right!

The CHAIRMAN: I drew the attention of the member for Gascoyne to the fact that he was embarking on a second reading speech. Many members of this Chamber are not prepared to sit here and waste time.

Mr T. H. JONES: Mr Chairman, you pulled me into gear after the member for Gascoyne had charged me with just holding up a book.

The CHAIRMAN: Adhere to the clause.

Mr T. H. JONES: I want to look at the broad powers of the authority. Subclause (2) states—

> (2) The Authority shall give effect to any direction, not inconsistent with this or any other Act, that may, from time to time, be given to it by the Minister.

It is very broad. I would like to know what is intended. It has been clearly demonstrated that the Minister does not know what is in the Bill. He has an amendment on the notice paper. He says he is setting up a new system, but it has been set up already. Police control in the

metropolitan area has already proved efficient. Why not extend it to the country areas? I would like the Minister to tell me whether the patrolman will be in charge of the police station or whether he will take orders from the sergeant in charge of the police station.

Mr BERTRAM: I would like to place it on record that I, personally, am not satisfied with the Minister's alleged answers to the questions I put a few moments ago. I also place it on record for posterity that while the Commissioner of Police is being summarily dismissed from authority so far as traffic is concerned, and while the Minister has alleged that the Commissioner of Police already has his hands full—the inference being that he does not have the capacity to look after traffic—the Minister has not at this juncture presented any case at all as to the neglect, inefficiency, or incompetence of the Commissioner of Police in respect of traffic.

Clause put and a division taken with the following result—

Ayes—23

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

Noes—18

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

Pairs

Ayes	Noes
Mr O'Neil	Mr Harman
Mr Mensaros	Mr J. T. Tonkin
Sir David Brand	Mr Barnett
Mr Sodeman	Mr T. J. Burke

Clause thus passed.

Clause 12 put and passed.

Clause 13: Traffic Patrol and Wardens—

Mr SKIDMORE: When I spoke to clause 11 I said I thought clause 13 presented some problems associated with transfers from the Police Force to the traffic authority, the manner in which those people would be given authority, and their conditions of service. I also mentioned the dangers of the occupation. It was a job for volunteers only; in other words, policemen were able to refuse to do traffic patrol work if they so wished. Clause 13 says—

> (1) There shall be a body known as the Traffic Patrol to assist the Authority . . .
>
> (2) The Commissioner of Police shall arrange with the Authority for members of the Police Force to be transferred for duties in the Traffic Patrol . . .

The query raised by the Secretary of the Police Union indicates that the police have some fears about what will happen when this merger takes place. They would like to know whether policemen will be under any compulsion to be seconded to the traffic patrol. Under the present set-up they are allowed a choice. They volunteer and are not seconded. The Police Union is concerned that they should not be seconded against their wishes, because of the hazardous nature of traffic patrol work, the degree of responsibility which must be exercised, and the excessive speeds at which traffic patrolmen must travel at times in order to overhaul an offending motorist. Many policemen have been injured in the pursuit of a wrongdoer. Members of the union want to know whether policemen in the traffic patrol will be able to transfer freely out of the patrol back to another section of the Police Force.

In respect of outside people coming into the traffic patrol there is the question of seniority. Will a traffic inspector with 12 years' service have seniority over a policeman who has less service and is doing an identical job in the Police Force; or will an adjustment be made?

What about the other conditions? What about the Promotions Appeal Board? How will it affect a policeman who is challenged on seniority by a junior traffic inspector? There are many problems associated with an authority which has no jurisdiction over the work of the police other than the protection of award conditions.

In the *Police News* of the 9th September, 1974, a letter addressed to the Minister for Police asked whether it was intended to change the promotional system, and said that rumours were rife in the Police Force that it was to be changed. In his reply, the Minister acknowledged the letter, noted that the rumour was circulating, and said the matter was under review. I am alarmed about the situation in regard to the appeal board which has operated satisfactorily for some years.

It has worked satisfactorily as far as the Police Union is concerned. I hope the Minister can allay my fears and the fears of the Police Union that what he is doing to the Promotions Appeal Board will not remove the seniority of policemen or the standards they have had for many years under the appeal board.

The regulations in respect of the Promotions Appeal Board appeared in the *Government Gazette* in 1952. Item 13 provides that a member of the force shall not be eligible as a candidate for examination for qualification for appointment to the grade of sergeant (3rd class) unless and until he has completed at least five years' service as a constable.

When a traffic inspector is appointed to the Police Force he will irrevocably become a policeman. I do not quarrel with that. However, after a policeman has five years' service will he find himself at a disadvantage compared with a traffic inspector who has recently joined the Police Force? That would be completely unfair. I am a little surprised when suddenly we are faced with a Bill of this kind and the Minister wishes to alter the set-up of the Promotions Appeal Board. These are questions which must be answered by the Minister.

Item 15(c) of the regulations states—

> There shall be a Promotions Selection Board comprising the Chief Inspector as Chairman and two other Inspectors to be appointed from time to time by the Commissioner.

I pose the question: Because the authority will control these people, is it to be assumed the Commissioner of Police will no longer appoint the two other inspectors, and that the authority will appoint some other persons? Is this part of what the Minister will look at in relation to the Promotions Appeal Board in an endeavour to overcome the very difficult situation in which we will find ourselves?

Item 18 (a) of the regulations states—

> The Promotions Appeal Board shall comprise the Commissioner of Police as Chairman and the commissioned officers of Police for the time being available with the exception of . . .

I wonder who will be the chairman when the authority is established? We on this side have said consistently there is no need to change the authority which has been given to the commissioner because it is quite apparent the Promotions Appeal Board plays a fundamental role in respect of these employees. I am disturbed about this, and perhaps the Police Union will be disturbed when it finds out what is to happen, just as it was disturbed when it wrote to the Minister requesting advice as to whether or not he intended to alter the application of the Promotions Appeal Board in respect of these workers.

So many other facets of the question of industrial conditions cause me concern. How will traffic branch vacancies be advertised? The award allows for vacancies caused by transfers to be advertised. This is included in the *Western Australian Industrial Gazette* of the 26th January, 1966, and clause 27 of the agreement lists those vacancies which must be advertised, and includes vacancies in the Traffic Branch. I ask: How far will the Minister go in relation to interference with the award conditions of the Police Force? Will there be an alteration to the regulations to allow traffic inspectors to be subjected to some sort of control over and above the award conditions? If the answer is in the negative, I can see a great deal of trouble ahead for the Minister or the authority in the operation of this legislation and in trying to make it fit in with the present Promotions Appeal Board system and the present award conditions.

To me the Bill seems to be a hotchpotch, with no validity. I come back to the basic questions I have asked: Will any compulsion be placed upon policemen to be seconded to the traffic patrol, and will any member of the traffic patrol be able to transfer back to the Police Force? What will be the conditions in relation to seniority of service of traffic inspectors? If the Minister intends to introduce into the Police Force people who have no grounding at all other than the fact they are traffic inspectors, how will their seniority be determined? Will they become policemen after a minimum of examination; or will we spend a great deal of time training them? I will be very happy to hear the answers of the Minister.

Mr O'CONNOR: I thank the member for Swan for his comments. Obviously he is concerned about the points he raised, and I will endeavour to answer them. With regard to seconding policemen to the traffic patrol, I do not think there will be any need to compel anyone to transfer to the patrol. I think we will have sufficient volunteers to make up the required number. There will be no compulsion in connection with this.

Transfers back to the normal section of the Police Force will be carried out on the approval of the Commissioner of Police. I think the member for Swan would be the first to say that if a traffic inspector is appointed to the authority he may in some ways be unsuitable for transfer to the general Police Force. Therefore, these transfers must be made with the approval of the Commissioner of Police. I understood the member to say we will be bringing in a number of people who may be incompetent in the field of traffic, and I do not agree with him because I believe most of them are very competent.

Mr Skidmore: I did not say that.

Mr O'CONNOR: I am sorry, perhaps I misunderstood the honourable member and I will go no further on that point. I believe a number of traffic inspectors are completely competent and will fit into the force extremely well.

The only way traffic inspectors can be employed by the authority is by their becoming policemen. They will be governed by the normal police awards. With regard to seniority, this will be worked out between the Police Union and the Municipal Officers' Association. We intend, by negotiation with each of the shires involved, to ensure traffic inspectors retain continuity of long service leave and other benefits to which they are entitled. I understand the member for Swan indicated that is what he would like to see.

I think I have answered the questions asked by the honourable member, although I am not sure whether or not I have done so to his satisfaction.

Along with the member for Collie and the member for Boulder-Dundas, I have some amendments on the notice paper. I think the first proposed amendment is in my name. I move an amendment—

> Page 13, line 12—Insert after the word "the" where first appearing the word "general".

Mr T. H. JONES: What is the reason for the insertion of this word? The amendments standing in my name on the notice paper give effect to a tidying-up process. I think too much is left for granted in the phrasing of this clause. The Minister has said that everything will be all right and that the commissioner will adopt a lenient attitude. However, I want to know what will be the position when the commissioner tells a policeman to transfer to the authority, and the policeman does not want to go.

I consider my proposed amendments clearly spell out his rights in such a situation. I propose he should have 28 days in which to decide whether or not he wishes to transfer. As the clause stands at present whether or not the rights of the policeman are protected is left to chance. Can the Minister show me where in the clause a policeman has any protection at all if he does not wish to transfer to the authority?

The Minister has said we need not worry about these transfers because some sort of agreement will be entered into between the commissioner and the officer concerned. If that is so, why is it not clearly spelt out in the clause? Will a policeman be forced to transfer if he does not wish to do so, or will he be allowed to remain where he is? This should be clearly spelt out in the Bill as the matter is a source of worry to the Police Union. I think the Minister will agree my amendment spells out the rights of the individual in such a situation, and this would be preferable to the existing position. We could have a different commissioner and a different Minister tomorrow, and they could have attitudes different from those of the present Minister and commissioner.

I would be very pleased to hear the Minister explain the purpose of his amendment. What is the difference between "deployment" and "general deployment"?

Mr O'CONNOR: I do not think the member for Collie will find the Police Union has any objection to this amendment. In fact, I am sure he will find it has no objection.

Mr T. H. Jones: Apparently they are telling you one thing and me another thing.

Mr O'CONNOR: I would be surprised if the member finds a problem in regard to this amendment.

Mr T. H. Jones: Can you tell me where there is protection for the individual?

Mr O'CONNOR: I listened to the member for Collie; I hope he will listen to me. The word "general" is being inserted to ensure the authority cannot give specific direction to an individual patrolman. I do not think anyone would want that to happen.

Mr Hartrey: That is correct.

Mr O'CONNOR: I am glad the member agrees. I am sure if the member for Collie considers the amendment he will agree with it.

Mr T. H. JONES: If the Minister and the Police Union are happy with this, then I am not, because I do not think the rights of policemen who are asked to transfer to the patrol are clearly spelt out. It is all very well for the Minister to shake his head; if he can show me where the rights of policemen are protected I will be happy. I wish to go on record as saying I do not agree with this.

Mr BERTRAM: I am particularly interested in the wording of subclause (2).

The CHAIRMAN: The amendment before the Chair is to insert a word in subclause (1).

Mr BERTRAM: Then I will save my remarks for later.

The CHAIRMAN: I suggest that might be more appropriate.

Amendment put and passed.

Mr O'CONNOR: I move an amendment—

> Page 13, line 12—Delete the word "direction" and substitute the word "control".

Mr T. H. JONES: For the sake of the record, would the Minister explain the purpose of the amendment?

Mr O'CONNOR: The amendment is designed to prevent civil servants directing individual patrolmen not to prosecute in any specific case where an offence has occurred. I am sure members opposite will agree that such a situation should not apply.

Mr HARTREY: I agree with the proposition; it will achieve the objective which I think we all want it to achieve.

Amendment put and passed.

Mr SKIDMORE: I directed a question on this matter to the Minister at an earlier stage. The Minister said he hoped I would be satisfied with the answer; unfortunately, I am not. His answer was not complete and, in fact, posed further problems. The Minister said that people going from local traffic authorities into the Police Department would receive the same rights and privileges as they received previously and would bring with them their entitlements. Would this also include additional entitlements they possessed, over and above the police award?

In other words, if they possessed superior sick leave, long service or annual leave entitlements, would they be permitted to take with them their accrued benefits on a pro rata basis? I can see some problems arising here when the Minister tries to reconcile the conditions enjoyed by local traffic inspectors with those applying to the Police Force generally. The policemen may possess inferior conditions. So, where do we go from here?

Mr O'Connor: When these people come into the authority, they will work under police awards. However, we will negotiate with each individual or group and I give an undertaking that they will not be any worse off than they are at present.

Mr SKIDMORE: But will they bring with them on a pro rata basis any superior conditions they may possess?

Mr O'Connor: What entitlements do they have which are superior to the condition under which the Police Force works?

Mr SKIDMORE: I could not tell the Minister; I am merely asking the question to protect the people going from local authorities to the new authority. For instance, let us assume they receive long service leave every seven years. I know that some people must work for a longer period for long service leave. Will these local traffic inspectors lose the entitlement or will they take it with them on a pro rata basis?

Mr O'Connor: They will come in under the conditions applying to the Police Department.

Mr SKIDMORE: I am afraid that does not satisfy me. Unless we receive a better answer from the Minister we will get up and down as much as we are allowed to and when the clause is finally passed I will know I have done my best for the people I represent.

I refer now to the question of traffic patrolmen who joined a local authority as traffic inspectors and find that they do not wish to go into the Police Force as patrolmen. What will happen to them? These people will be forced to go to that department at the threat of losing their livelihood. I am concerned about the position of those people who do not wish to become policemen. When they do come in, some of them may not be satisfactory to the Police Force, in general.

Mr O'Connor: Yes.

Mr SKIDMORE: Let us face the facts of life; probably some of them will be ex-policemen who left the Police Force for reasons of their own. Where do they go? What will happen to them? It will not be their fault that they are to be inducted into the Police Force; it will be the fault of the legislation. We are concerned about the equity of the position of the people involved.

Also, I am not satisfied with the Minister's answer relating to the problem of transfers. Clause 13 (2) is quite specific; there is no ambiguity about it. It states—

> The Commissioner of Police shall arrange with the Authority for members of the Police Force to be transferred for duties in the Traffic Patrol under the provisions of this section, and each member so transferred shall, until re-transferred for duties in the Police Force by the Commissioner be known as a patrolman.

Obviously, as a patrolman, he would be under the control of the Commissioner of Police and could be refused a transfer if he found he was not satisfied with his conditions of employment. There is a big gap in the argument put forward by the Minister on the question of people coming from local authorities. This is the tragedy of the situation; these people have been misled and told they were going to have something good.

I hope the Minister can satisfy me because so far he has failed to do so. To sum up, the three questions I should like answered are: Firstly, will the traffic inspector transfer on a pro rata basis with all accumulated entitlements; secondly, where does he go if he does not want to go into the Police Force; and, thirdly, what happens to him once he gets in and wants a transfer?

Mr T. H. JONES: I refer to clause 13 (2). Although the Minister explained in his second reading speech that existing shire patrolmen would transfer, firstly, into the Police Force and then, into the authority as patrolmen, we have no guarantee. I refer members to a letter written to the *South Western Times* by a Mrs Lee, the wife of the local traffic inspector at Donnybrook. It states—

> Yet the new traffic control legislation will put my husband out of a job because he is over 60 and considered too old.
>
> He has done his duty and more without thought of recompense. Now he is to be thrown on the scrap heap. Is that fair?

Where is the guarantee for this gentleman? Nothing is contained in the Bill. There is only a reference to the matter in the Minister's second reading speech. What is the position regarding superannuation, long service, annual sick leave entitlements and other benefits accumulated by men transferring to the new authority?

It is very easy for the Minister to say that he will reach agreement, but what is to be the basis of the agreement? What can Traffic Inspector Lee of Donnybrook expect? He is over 60 years of age. Is he to be assured of a job when this new traffic authority takes over? The Bill is not clear in this respect. The Minister may have the best of intentions, but what will

happen if a dispute arises relating to the terms of transfer? Who will determine that dispute? Is there to be a board of reference? What can Mr Lee expect in the way of employment? I should like some guarantee on these points so that the men in the MOA know where they are going.

Mr O'CONNOR: The members going into the new authority will go in under the conditions and regulations applying to the Police Department. I have discussed this problem with officers of the MOA, the Institute of Highways, and individual traffic inspectors. I have not refused to see anyone who sought an explanation on this matter and, as far as I am aware, all the people who have made representations to me are happy about the position. Sick leave, long service leave and annual leave will be arranged with the departments involved and will carry on. The member for Collie complained about a person aged 60. Last week, the Deputy Commissioner of Police turned 60 years of age and had to throw in the sponge. Is there any difference between him and a local traffic inspector?

Mr Skidmore: But he is a member of the Police Force; the local authority traffic inspector is not.

Mr O'CONNOR: That is so; I am just explaining that local inspectors will go into the Police Force under certain conditions, but if they are over 60 years of age they will not go in.

Mr Skidmore: What will happen to him in his last five years of employment?

Mr P. V. Jones: What would be the case if there were a police takeover?

Mr O'CONNOR: In the case of a police takeover, the Opposition stated that they would not be taken in if they were over 45 years of age. Do members opposite deny that?

Mr B. T. Burke: We do not deny it; that is our stated policy.

Mr O'CONNOR: Then why do members opposite complain about a person who is over 60?

Mr B. T. Burke: We are complaining about your duplicity and your inaccurate statement the other night.

The CHAIRMAN: Order! I ask the Minister to confine his remarks to the question before the Chair and not to introduce something that might take him away from it.

Mr O'CONNOR: If a person does not want to go into the Police Force, we will do whatever we can to find him work in some other part of the authority—perhaps as a vehicle inspector or something of that nature. In other words, we would try to place him somewhere in the Civil Service. However, this will not apply to people over 60 years of age. We are not out to put anyone out of work, but the gentleman referred to by the member for Collie will not go into the new authority.

Mr T. H. JONES: Mr Chairman, is it appropriate for me to move my amendment now?

The CHAIRMAN: The Minister has an amendment on the notice paper which would be moved after the amendment of the member for Collie. However, I ask the member for Collie to amend his amendment in order to avoid recommitting the Bill. If I accept the honourable member's amendment, as I am obliged to, I will preclude debate on the Minister's amendment and the Bill will have to be recommitted if the Minister wants to go ahead with his amendment. I seek the assistance of the member for Collie in this regard.

Mr T. H. JONES: In a spirit of co-operation I am prepared to agree to your proposition, Mr Chairman. The public seem to think that we have open debate in this Chamber, but in fact it is a numbers game. Irrespective of the arguments I put forward, the position will not be altered.

Mr McPharlin: Previously we had three years of it.

Mr T. H. JONES: Although it has been said that co-operation is not extended by members on this side of the Chamber, on this occasion I am extending it. I therefore move an amendment—

> Page 13, lines 14 to 17—Delete all words commencing with the word "The" down to and including the word "this".

The words I seek to delete are—

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

The foreshadowed amendment of the Minister to delete certain words complicates the position. It clears up the matter so far as he and the Police Union are concerned, but what would happen to the patrolman who wants to be transferred back as a policeman?

We could have a policeman who is transferred to traffic patrol but when he reaches 50 years of age he might find the work to be too arduous. Under the Minister's amendment how would he be able to get a transfer back to police duties?

The Minister realises that the work of traffic patrol calls for efficient and energetic young officers; and officers who are now prepared to transfer to traffic patrol might well want to be transferred back to police work when they are older. Will a patrolman be permitted to do that?

I shall not refer to the oath of office, which I mentioned when I dealt with clause 7.

Mr O'Connor: A patrolman can apply for transfer in the normal way.

Mr T. H. JONES: Perhaps the Bill does spell that out, but it is not clear to me. Under section 10 of the Police Act an officer is required to take an oath to carry out police work. If he is transferred to traffic patrol he is still a member of the Police Union, and thus he is still covered by the oath. In this respect I draw the attention of the Minister to the provision in section 11 of the Police Act.

If I am wrong in my assertion I hope the Minister will correct me. A person on being appointed a police officer takes an oath of office. What would happen when he is transferred to traffic patrol?

Mr O'Connor: We have already reached agreement on that.

Mr T. H. JONES: In view of what the Minister has said, that a patrolman is a policeman—

Mr O'Connor: Not at all.

Mr T. H. JONES: The Miniser has indicated that I will not have the numbers to enable my amendment to be passed. It clearly sets out what is to happen. It is designed to give some protection to policemen who do not want to be transferred to traffic patrol, and to patrolmen who want to be transferred back to police work.

Mr HARTREY: I support the amendment. It does clarify many things which are left very vague by the present wording of clause 13, with or without the deletion of words in subclause (2) proposed by the Minister. It is a matter of considerable importance to the Police Force to know whether or not policemen will be free to become members of the traffic patrol if they so wish, and whether they will be free to refuse such transfer or appointment.

It is also a matter of grave importance to patrolmen, especially those reaching mature years, that they should have the right to transfer back to the uniformed branch of the Police Force. I do not suppose there is any need for a patrolman to be given special favour under the Traffic Act, any more than there is for a policeman to be given similar favours under the Police Act, but the rights of the patrolman should be made quite clear.

Policemen should not be seconded compulsorily from the normal uniformed branch of the Police Force to the traffic patrol section; and similarly patrolmen should not be compelled to remain in traffic patrol indefinitely but should be given the same privileges as are given to policemen to get a transfer back to the uniformed branch of the Police Force.

Mr O'CONNOR: I draw attention to the provision in clause 13 (3), which specifically preserves the rights of promotion and transfer. This covers all the points that have been raised by the member for Collie and I see no problem at all arising. I do not propose to accept the amendment which the member for Collie has placed on the notice paper.

Mr B. T. BURKE: There is one matter which the Minister has not cleared up this evening.

Mr O'Connor: Will you clear up the statement you made the other night regarding the view of a Queen's Counsel that was not there?

The CHAIRMAN: I suggest the honourable member should ignore that interjection, and confine his remarks to the amendment before the Chair.

Mr B. T. BURKE: I shall confine my remarks, although the Minister did have ample opportunity to answer the point raised. He failed to do that previously, and perhaps he is unable to do so now. The point I want to raise revolves around the fact that policemen and patrolmen will be working to police regulations. I stand open to correction on the specific regulation in question, but I believe it is regulation 260 which sets out that in any given situation the officer with seniority shall bear the responsibility and exercise control.

Exercising control automatically implies that the person will be responsible for the action that takes place in a specific situation, and for anything that is wrongly done. We may find a situation arising where these people are forced to work under police regulations, and the law enforcement officer is compelled to bear the responsibility which should be borne by the patrolman, because the patrolman is junior to the law enforcement officer. I would like to hear the Minister's explanation on this point.

Mr O'CONNOR: The other evening I explained that the patrolman will be concerned with traffic patrol, and the policeman with ordinary police duties such as crime detection. If in special circumstances a situation envisaged by the member for Balga arises the senior officer will be in charge.

Mr SKIDMORE: I support the amendment which seeks to insert certain words subsequently so as to remove any doubt and to spell out in precise terms the rights of the policemen who will be known as patrolmen, when they are seconded to traffic patrol duties. Whilst the Minister has intimated that he seeks to delete all words after the word "section" that does not help the situation.

The Commissioner of Police can transfer officers and there is no right of appeal; that provision appears in the Bill. Whilst the Minister says it is not the intention of the commissioner or the authority to do that, I doubt whether his statement would satisfy the Police Union or the officers concerned. The purpose of the amendment moved by the member for Collie will enable the provision to be spelt out clearly.

As one who understands a little about industrial relations I see no objection to any provision being made quite clear and

specific in regard to officers engaged as patrolmen. This is precisely what industrial relations are all about. It is a matter of getting the people together so that they understand one another's point of view, and so that protection can be given to them by properly worded provisions.

I take an attitude different from that adopted by the member for Collie. I am sincere in saying that the provision in the clause will do a grievous wrong to the officers concerned. The Minister has said that he will not accept the total amendment. I cannot understand such a pigheaded attitude on the part of the Minister who fails to understand the fundamental principle of getting along with other people, and making quite explicit what is intended. I cannot understand why he will not agree to an amendment which will make the position quite clear and give a policeman the right to refuse a transfer from the Police Force.

I do not doubt the sincerity or the integrity of the Minister; but we all know that from time to time Ministers change, and sometimes their political complexion also changes. I do not think we should rely on the Minister's statement that members of the Police Force will be protected, particularly those who do not want to be transferred to what they regard as a hazardous occupation. The active life of a patrolman, who has to apprehend traffic offenders, is limited.

The deletion of the words sought by the member for Collie is a very worth-while move. The Minister should take a good look at what is proposed. I believe it is a good amendment, and it does preserve good industrial relations. I would remind members opposite that the preservation of good industrial relations was a plank of the Liberal platform, and the present Minister for Labour and Industry has said that he would make sure industrial relations would be harmonious. I wonder how far we can rely on that statement when we have a situation where clear and concise wording is proposed by the Opposition but the Minister in charge of the Bill will not accept it.

Mr BERTRAM: I rise for the purpose of getting some information from the Minister. The amendment we are discussing proposes to delete portion of clause 13 (2). The portion to be deleted reads—

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

I would like to know approximately how many members of the Police Force will be required to transfer to the authority to make it a "goer". Secondly, how many—if any—of that number have already indicated a preparedness to be transferred?

Mr O'Connor: About 280 men would be required. I do not know how many have indicated their preparedness because they have not been requested at this stage.

Mr BERTRAM: That is quite a large number. Of course, we can legislate until we are blue in the face but if we do not have the manpower to make the authority work we are legislating for no result because the authority will not get off the ground.

Mr O'Connor: I think it will be found that they are responsible enough to do the job required.

Mr BERTRAM: That may be so but I would like some reassurance that there is a real probability. We are entitled to have that assurance—not a possibility, but a probability that 280 men will, in fact, change over.

It has to be remembered that those who change will be going from a situation with which they are familiar and with which they are apparently contented. Generally speaking, a bird in the hand is worth two in the bush but from experience we all know that a bird in the hand is worth more than two in the bush. Some responsible men will have doubts about departing from the Police Force for the purpose of joining the authority which is something of an unknown quantity.

I am also concerned because the Bill sets out that—

> The Commissioner of Police shall arrange . . .

There is no doubt. The Minister has said there shall be no compulsion but I would like some idea of how the Commissioner of Police will set about getting the required number of men. Let us assume that he is able to get only half the number. Under the provisions of the Bill he is charged with a statutory direction—that he shall arrange—

Mr Coyne: It will be found that plenty of men will have enough initiative to change over.

Mr BERTRAM: I hope, for the future of the authority, that that is so. However, I want to be provided with something to substantiate that belief.

The member for Gascoyne earlier gave us a hammering about his particular beliefs, but he steadfastly refused to justify those beliefs. It seems to me that the Commissioner of Police could be put on a spot because he "shall arrange". He is a person who is subject to a type of discipline not unlike the services. A statutory direction to the Commissioner of Police would be about the heaviest directive that anybody in this State could ever be subjected to. The pressure will be applied to him, and he will be under tremendous pressure to get his 280 men. On the other hand, there is to be no compulsion and this seems to be a first-class dilemma. It also happens to be something of a paradox; a

complete contradiction. It will be almost impossible for the Commissioner of Police not to exert pressure when he speaks to a person of lower rank.

I believe we can justifiably query the noncompulsion element. I am not attacking the Commissioner of Police; but we are entitled to be satisfied. The Minister has said there shall be no compulsion requiring transfer from the Police Force into the authority and that, in fact, it will not happen. We are not particularly concerned with statements of belief, or highfalutin opinions, vagueness, and generalities. We have been given some sort of intimation, but we want something substantial.

I want to know what will happen if the commissioner finds himself with a shortfall of 140 men because we have been told he will have absolutely no right to direct anybody to do anything.

Mr O'CONNOR: I have discussed this matter with the Commissioner of Police. At the moment we have the men required for the road patrol and we do not anticipate any problem in getting them to transfer to the new authority.

Amendment put and a division taken with the following result—

Ayes—18

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

Noes—23

Mr Blaikie	Mr Laurance
Sir David Brand	Mr McPharlin
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr Ridge
Mrs Craig	Mr Shalders
Mr Crane	Mr Sibson
Dr Dadour	Mr Stephens
Mr Grayden	Mr Watt
Mr Grewar	Mr Young
Mr P. V. Jones	*(Teller)*

Pairs

Ayes	Noes
Mr Harman	Mr O'Neil
Mr J. T. Tonkin	Mr Mensaros
Mr Barnett	Mr Rushton
Mr T. J. Burke	Mr Sodeman

Amendment thus negatived.

Mr O'CONNOR: I move an amendment—

Page 13, lines 17 to 20—Delete all words after the word "section" in line 17.

Mr T. H. JONES: I do not think it is good enough for the Minister to move to delete certain words now that he has had a change of mind. He would not accept any proposition advanced by the Opposition.

Mr O'Connor: Are those words necessary?

Mr T. H. JONES: I do not know, but I want the Minister to tell the Committee the reason for the deletion because we have not been able to change his mind. The amendment has come out of the blue. I am convinced that the Minister did not know what was in the Bill when he presented it to Parliament; either that, or he has been pressured into moving the amendment. I have my own opinion.

Mr O'CONNOR: The words are unnecessary.

Amendment put and passed.

Mr HARTREY: I move an amendment—

Page 13, line 41—Delete the word "by" and substitute the word "on".

My amendment is simply to correct a printing error. Obviously, a power is conferred by or under an Act or law, on the patrolman, and not by him.

Mr O'CONNOR: I thank the honourable member for bringing this to our notice. He is correct, and to show how co-operative I am, I am prepared to accept the amendment.

Mr T. H. JONES: I want to protest—and this is my last protest—that the Minister did not answer my question. We can clearly see that from here on it is a numbers game, so it is a waste of time for Opposition speakers to debate every clause. The Government has the numbers and it will not agree with one amendment.

Mr Young: We are agreeing with this one.

Mr T. H. JONES: I co-operated with the Minister but when I asked him to explain his amendment he did not have the decency to do so.

Amendment put and passed.

The CHAIRMAN: I direct the attention of the Committee to an error or a series of errors on page 14.

Mr May: A series of errors everywhere.

Mr Skidmore: The whole Bill is an error.

The CHAIRMAN: I direct the Clerks to make the necessary corrections. The subclauses designated (6), (7), and (8) should be designated respectively (5), (6), and (7). Consequential corrections will be necessary. In line 20 the reference to subsection (7) should read subsection (6), and in line 30, the reference to subsection (7) should read subsection (6).

Clause, as amended, put and passed.

Clause 14 put and passed.

Clause 15: Vehicle licences—

Mr HARTREY: I intend to move an amendment to reduce the penalty prescribed in this clause from $200 to $100. If members study the whole clause they will see that this is a reasonable amendment. A person who fails to license a vehicle will be punished by an additional penalty as well as the one prescribed in subclause (4). I believe that a penalty of $100 plus

a further penalty equal to the fees payable under the measure for the issue of a vehicle license for a period of six months ought to be quite sufficient. Surely it is not a criminal offence to fail for a time to license a vehicle. It is not really a criminal offence to be broke, although it is very nearly an offence under the Police Act. I believe this penalty is unreasonable.

The CHAIRMAN: Could I suggest to the member for Boulder-Dundas that it is necessary only to move to delete the word "two" with a view to substituting the word "one".

Mr HARTREY: I move an amendment—

> Page 16, line 8—Delete the word "two" with a view to substituting the word "one".

Mr O'CONNOR: I rise to oppose the amendment which would halve the penalty for driving an unlicensed vehicle. Members must realise that the penalties prescribed in the Bill are maximum penalties and a court may impose lesser penalties. However, the offence of driving an unlicensed vehicle is usually a serious one. It often happens that the driver of such a vehicle is unlicensed and, of course, the vehicle is not covered by third party insurance. I believe the maximum penalty of $200 is reasonable.

Amendment put and negatived.

Mr HARTREY: I move an amendment—

> Page 16, line 16—Delete the words "at any time".

These words appear to have no significance, unless they have a very foolish significance. Subclause (5) reads as follows—

> (5) Any person who has at any time committed an offence against this section for which he has not been prosecuted shall be liable to pay to the Authority the fees which he might have been ordered to pay on conviction of such offence,

If we take the words "at any time" literally it could mean that a person may be prosecuted, say, 25 years after an offence was committed. That is surely not the intention. The Justices Act provides that prosecution for a simple offence—and for the most part charges brought under the Traffic Act are classed as simple offences —shall not be prosecuted after six months. This would extend the limitation even beyond six years which is the statutory period for an ordinary common law debt.

Mr O'Connor: I am quite happy to accept your amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 16 put and passed.

Clause 17: Special provisions concerning taxi-cars—

Mr HARTREY: I move an amendment—

> Page 18, line 35—Add after the word "taxi-car" the following passage—
>
> But such approval may not be unreasonably refused and any person aggrieved by such refusal may appeal by way of complaint to the nearest Court of Petty Sessions. The appeal shall be heard by a Stipendiary Magistrate sitting alone, and a successful appellant shall be entitled to his costs of such appeal.

The object of the amendment is clear enough. The authority set up under this Bill shall not issue a taxi-car vehicle license without having first obtained the approval of the local authority where the vehicle is to operate. I want to add the provision that where the authority is prepared to license a taxi-car but the local government authority is not, there should be some appeal to a responsible tribunal.

Recently in Kalgoorlie there was a breakaway movement on the part of some taxi drivers. A private proprietary company was established and certain taxi men joined it, and they pursuaded certain members of the town council to go with them. A man applied for a new taxi license when the council announced four more were to be allocated and he was told he must pay $1 000 to the new proprietary company. He was also told he must cooperate with this company and he must stay away from the rank or he would not get the license. That is scandalous, and it indicates the sorts of things local councils can do.

Earlier tonight an honourable member for whom I have a great deal of respect said that the members of local authorities were honourable men. At that time I suggested that they were sometimes petty men too. I do not say that the action taken in Kalgoorlie was dishonourable, but it was petty and unwarranted.

There is no doubt about what will happen to this Bill in our "House of Lords". The members there always favour the Government when it is a Liberal Party one. Therefore, with this measure we will establish a statutory authority and it is ridiculous that a statutory authority which wants to grant a taxi license to a certain applicant can have its authority vetoed by a local authority without any opportunity for appeal. It may well be that the local authority will say it has too many taxis already in a certain area. It would then be fair enough for the magistrate to agree with the local authority. However, a statutory authority should not be automatically overridden without

argument. I believe that is not the objective of the Government any more than it is the objective of the Opposition.

Mr O'CONNOR: The honourable member mentioned this during the second reading debate and I have made some inquiries since that time. I agree that there should be an avenue of appeal, but I do not believe it is necessary in connection with this particular subclause. If the honourable member looks at clause 25 he will see that the point raised by him is covered there. That clause confers a right of appeal when a licence is refused, and it extends to taxi-car operators. Clause 25 reads as follows—

> 25. (1) There shall be an appeal to a court of petty sessions, whose order shall be final, in any case where a licence, or a transfer of a licence, under this Part of this Act is refused.
>
> (2) On the hearing of the appeal the court may order that the licence shall be granted, or may dismiss the appeal, and may order either party to the appeal to pay such costs as in its discretion the court may think fit.

While I agree with what the honourable member is trying to do, I must inform him that I sought information on this point and I am sure clause 25 will cover this matter.

Mr Hartrey: I have had wrong information from the same source at different times, too!

Amendment put and negatived.

Clause put and passed.

Clause 18 put and passed.

Clause 19: Fees for vehicles licences—

Mr HARTREY: I move an amendment—

> Page 25, line 31—Add after the word "holding" the words "or to the nearest repair shop".

I move this amendment out of the goodness of my heart to assist members of the Country Party. Paragraph (f) of subclause (5) reads as follows—

> (f) is not a tractor referred to in subsection (15) of this section and is owned by a person who carries on the business of farming or grazing and is used solely on his farm or pastoral holding and is not used on a road otherwise than in passing from one portion of the farm or holding to another portion of the farm or holding.

Members who are familiar with country conditions will be aware that it is very unusual to get a serviceman to repair machinery on a farm. Some farmers may have a suitable conveyance to transport some particular machine to a repair shop, but where such a conveyance is not available, I believe a farmer should be able to drive his machine to a repair shop.

Mr O'CONNOR: I oppose this amendment. I can see no reason why a permit cannot be obtained in the same way as it must be obtained for other broken-down equipment.

Mr Hartrey: But why go to all that trouble?

Mr O'CONNOR: Well, why go that far with other equipment? I oppose the amendment.

Amendment put and a division taken with the following result—

Ayes—19

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

Noes—24

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

Pairs

Ayes	Noes
Mr Harman	Mr O'Neil
Mr J. T. Tonkin	Mr Mensaros
Mr T. J. Burke	Mr Sodeman

Amendment thus negatived.

Clause put and passed.

Clauses 20 to 47 put and passed.

Clause 48: Power of Authority to refuse or to suspend drivers' licences—

Mr HARTREY: I move an amendment—

> Page 46, lines 11 and 12—Delete the words "the Authority suspects that grounds may exist" and substitute the words "the Authority believes for good reason that grounds exist".

Clause 48 (2) states—

> Without limiting the operation of subsection (1) of this section, where the Authority suspects that grounds may exist for the suspension or cancellation of a driver's licence on any one or more of the grounds specified in that subsection, the Authority may, by notice served on the person who is the holder of that driver's licence, require him to satisfy the Authority within such reasonable period as is specified in the notice that the Authority would not be empowered to so suspend or cancel his driver's licence on that ground or those grounds as the case requires . . . .

Has anyone heard anything quite so preposterous? If there is anything absolutely fundamental to the laws of England —which I think we are proud to follow in this country—it is that suspicion is nothing of value in law. There are presumptions, prima facie cases, proof beyond reasonable doubt and proof upon the balance of probabilities, but never anything for suspicion existing in law. In fact, in the determinations of judges in the courts of appeal we are repeatedly told that "suspicion is not evidence". Nothing is done in law except upon evidence. Evidence may be false evidence or perjured evidence, but at least it is evidence.

It may be that we need evidence beyond reasonable doubt or upon the balance of probabilities; it may even be that we have only some evidence and the accused must then prove himself not guilty. But never do we act on no evidence, but only on suspicion.

I refer to my amendment. It does not mean that grounds must exist or be proved beyond a reasonable doubt to exist. However, it must be proved that there are reasonable grounds for holding a particular belief and that the authority does actually hold such a belief; for example, that a man is guilty of an offence and that there are good reasons for so believing this may be so—not it is so, but that it "may be" so.

The authority, for example, can suspect that a man is not of good character. Is there any man in this world who wants the stigma of being of bad character with such determination being made on suspicion by an authority? Whoever wrote this Bill should have dropped it down a drain.

Mr O'Connor: Does that not apply at the moment?

Mr HARTREY: No fear it does not!

Mr O'Connor: The Department of Motor Vehicles has the power, as you would know.

Mr HARTREY: I do not know, and I am happy that I do not know.

Mr T. D. Evans: The formula to which the member for Boulder-Dundas is objecting does not appear in the Statute governing the Department of Motor Vehicles; that is, in that part where the authority suspects.

Mr O'Connor: It can cancel a license.

Mr T. D. Evans: But the formula does not exist.

Mr HARTREY: My first reason for objecting to this clause is that the authority can suspect a man and cancel his license, or call upon him to appear at any time to prove that he is not a person of bad character. How many men have enemies who are not necessarily of their own making? The Scriptures say that the enemies of a man are those in his own household. How often does a wife send an anonymous letter to an authority stating that her husband is of bad character and has, perhaps, two convictions of burglary in the Eastern States? As soon as the authority receives such a letter it will suspect that this man is a "con" from the Eastern States and it will forward him a letter asking him to prove he is not a "con".

Mr O'Connor: Oh!

Mr HARTREY: I am serious about this. It is not funny. We are making laws here. It is time the gentlemen on the other side of the Chamber really considered what they intend to do. They are proposing to pass a measure which provides that an authority which suspects a man of being of bad character can call upon that man to prove he is not of bad character, and it cannot help suspecting when it receives an anonymous letter stating that such a man has been convicted of two burglaries in New South Wales.

If a woman came to my office seeking a divorce, stating that her husband had been convicted of two burglaries in New South Wales, I certainly would suspect, at least, that he had been convicted in New South Wales. Therefore, I strongly urge the Committee to accept the amendment I have moved.

Mr O'CONNOR: I do not propose to accept the amendment. Like the member for Boulder-Dundas I believe we should be fair. I believe we should be fair to those people who drive on the roads, and if for some reason we consider a man is not competent to drive on the roads, we should do something about it. That is the purpose of this clause. The member for Boulder-Dundas has put forward a good case. If I had a case to put before the courts I would not mind the honourable member representing me, but he does go to the extreme.

Mr Jamieson: He seems to get half his fees from your side somehow or other.

Mr O'CONNOR: If it was thought that a person had been convicted of two or three crimes this would certainly be checked. If there is a person who is driving a vehicle on the road and he is not competent to drive and is thus a danger to other road users, surely it is our duty to ensure that he is taken off the road before he kills someone. That is the purpose of this clause.

Mr T. D. EVANS: I regret that the Minister appears to have failed completely to appreciate the argument put forward by the member for Boulder-Dundas. In the first instance the honourable member referred to clause 48 (1) which provides that the authority may refuse to issue a driver's license, or may cancel, suspend, or refuse to renew a driver's license—

Mr O'Connor: Conditionally.

Mr T. D. EVANS: —where it has reason to believe certain facts. We approve of the words, "where it has reason to believe",

instead of the words "where it suspects". With the words appearing in subclause (1) of the clause the authority may be called upon later, by a court of law, to show that the ground for refusal, or the action taken by the authority, was a reasonable ground. We endorse that formula, because there is no reference there to suspicion. However reference is made to the fact that the authority may, in certain circumstances, suspend a license.

The position is that a license may be in operation, and the authority under certain circumstances set out in subclause (2) may suspend that license. Subclause (2) states—

> Without limiting the operation of subsection (1) of this section, where the Authority suspects . . .

This refers only to suspension of licenses.

In regard to the power of the authority to refuse to renew or to refuse to issue a license, it has to have reasonable grounds. Where it is a case of suspension of an existing license the authority merely has to have suspicion; it need not have reasonable grounds.

Mr O'Connor: The authority cannot suspend a license on suspicion.

Mr T. D. EVANS: The member for Boulder-Dundas does not deny the right of the authority in given circumstances, and in the interests of keeping idiots off the road to suspend a license. However, the honourable member says the authority should have reasonable grounds to take such action, and that later on at the brief of the aggrieved person the authority should be able to be called upon by a court of law to show it has acted on reasonable grounds.

I repeat that subclause (1) refers to reasonable grounds, and subclause (2) refers to suspicion. We do not deny the right of the authority to take action under given circumstances, but we believe it should act on reasonable grounds.

Mr O'Connor: Can the authority cancel a license on suspicion? Of course not.

Mr T. D. EVANS: Without referring to the formula that is used, the operative words of subclause (2) are that the authority having some state of mind may suspend or cancel a driver's license.

Mr O'Connor: But not on suspicion only.

Mr T. D. EVANS: On suspicion only; but in subclause (1) the authority may refuse to issue a driver's license where it has reasonable grounds to believe certain things. It has been construed by a court that the formula based on reasonable grounds is where the authority acts on reasonable grounds, and that later on it can be called upon by a court of law to show that it has acted on reasonable grounds.

All we are trying to do is to make the two subclauses consistent, and to enable the authority to take action where it has reasonable grounds to act. The Minister does not understand the argument put forward by the member for Boulder-Dundas. That argument is sound, and I commend it to the Committee.

Amendment put and a division taken with the following result—

Ayes—19

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

Noes—24

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

Pairs

Ayes	Noes
Mr Harman	Mr O'Neil
Mr J. T. Tonkin	Mr Mensaros
Mr T. J. Burke	Mr Sodeman

Amendment thus negatived.

The CHAIRMAN: The question is that the clause be agreed to. Those in favour will say "Aye"; those against will say "No". I think the "Ayes" have it.

Mr HARTREY: I have an amendment on the notice paper.

The CHAIRMAN: I am sorry that I passed over it.

Mr HARTREY: I move an amendment—

> Page 47, line 14—Delete the words "subject to" and substitute the words "with or without".

I am sure it is not the intention of the Government to include the words "subject to". It appears the Minister does not have an understanding of their true meaning.

Mr O'Connor: I am prepared to agree to the amendment.

Mr B. T. BURKE: I rise to seek some clarification from you, Mr Chairman. It was my understanding that prior to the member for Boulder-Dundas moving his amendment you said—

> The question is that the clause be agreed to. Those in favour will say "Aye"; those against will say "No". I think the "Ayes" have it.

I would like you to clarify your position, and am implying that perhaps you were hasty on this occasion and had been hasty on other occasions.

The CHAIRMAN: That is not a point of order.

Amendment put and passed.

Mr HARTREY: I move a further consequential amendment—

Page 47, line 16—Insert after the word "issued" the words "subject to conditions and limitations".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 49: Offence of driving motor vehicles without appropriate driver's licence—

Mr HARTREY: I move an amendment—

Page 48, line 17—Delete the words "one hundred" and substitute the word "fifty".

The fine in the Bill is hefty but I am sure the Minister will not accept my amendment. He will tell me that the penalty is a maximum, not a minimum, amount, and that we should leave the matter to the judge. The Minister might as well make the amount $1 000 if he believes the magistrate will not impose a fine higher than $10.

Mr O'Connor: There are different degrees of crime.

Mr HARTREY: The crime under discussion is the crime of, for the first time, failing to license oneself as a motor driver. Although a person may still be qualified to drive, he might fail to renew his license and in such circumstances it is possible for him to be fined $100. No-one should be in a position to run the risk of such a fine for a simple offence of that nature. There is no reason, balance, or any kind of intelligence in it. The fine has been provided merely because the Minister says so, and he says so merely because someone in the Crown Law Department says that he must. That is all there is to it.

I can understand the tenor of the speech the member for Collie made a while ago, and for this reason I seriously take this matter up, although I do not expect to achieve anything.

Let us look at our sense of proportion. It is well known that if a man for the first time steals the wallet of an old-age pensioner in a rooming house, he would be very unlucky if he were fined $100 or any amount more than $50. I have had a good deal of experience of the police courts in various parts of the State.

Mr O'Connor: What is the maximum?

Mr HARTREY: There is none. It is a matter for the jurisdiction of the court, but the court would not fine such a person $100, yet that is the most contemptible offence of which I can think.

If a bookie operates in an hotel on a Saturday afternoon, the fine is $1 000. It is $50 for a person who steals the wallet of an old-age pensioner, and $100 for a person who on the first occasion forgets to renew his driver's license. For once let us have a little common sense! Just once let the Minister be kind and friendly.

Mr T. D. EVANS: Had it not been for the response of the Minister in respect of the remaining amendments proposed to clause 48 by the member for Boulder-Dundas, I do not think I would have bothered to speak on this occasion, because I would have been convinced that the Minister was completely impervious to reason, good sense, and understanding or recognition of the principles of natural justice. However, he has given me some confidence by accepting earlier amendments.

The Minister has referred to the heinous crime of the failure of a driver for the first time to renew his driver's license. Under the Criminal Code this offence would not be regarded as a crime at all, but as a simple offence. For such a simple offence the Bill provides a maximum penalty of $100.

I can recall that approaches from both sides of the Chamber were made to me as Minister on behalf of persons who had failed to renew their land agent's license and were therefore precluded from practising the occupation of a land agent. Remedial action was taken to amend the Act to give relief in that regard.

The amendment of the member for Boulder-Dundas deals only with a first offence and he rightly claims that the proposed penalty is harsh and unconscionable and, in my opinion, completely unjust.

The Minister referred to this offence as a crime. Perhaps I am being a little facetious, but if it is a crime let us follow the example of Gilbert and Sullivan, and make the punishment fit the crime. I consider that the amount proposed by the member for Boulder-Dundas is harsh, but obviously the honourable member believes that if he can halve the penalty he will have performed at least one stroke on behalf of human and natural justice.

If the Minister cannot accept the amendment, I ask him at least to provide a penalty of less than $100. Under the Bill the penalty for a first offence is $100, while for a second or any subsequent offence the penalty is $200. The situation is ludicrous and I recommend that the Committee accept the amendment.

Mr SKIDMORE: As one of those persons who came to Parliament to represent the working people, I believe I also represent all the people in Western Australia. Surely to goodness, when one looks at the question of a punishment for a crime one should fit the punishment to the crime. It seems that in some mysterious way those who drafted the Bill adopted some sort of criteria for the figures relating to punishments.

The old section of the Traffic Act sets the fine for a first offence at $40. However, the Bill now before us proposes to increase that fine to $100—an extra $60. For a subsequent offence the fine is to be

doubled from $100 to $200. The fine for a third offence remains the same. Surely the fine for a first offence should not be any more than $80. In my opinion even that figure is too high. As the member for Boulder-Dundas has said, a fine of $50 should be sufficient for a first offence.

A person could be picked up, and when asked to present his driver's license find that it is three days overdue. He would be subject to a $100 fine even though he had not previously committed any offence. I was picked up just recently because the ball on my tow-bar hitch supposedly obscured my number plate. Fortunately for me, my driver's license was current but it is completely wrong that a person should be subject to a fine of $100 if his license is overdue for renewal. Surely if there is any justice the Minister will accept the amendment. It certainly should not be more than $80.

Mr O'CONNOR: I do not propose to accept the amendment. The member for Boulder-Dundas mentioned the case of a person committing the hideous crime of stealing a wallet, and being fined $50. He pointed out there was no maximum fine, and he intimated that the fine could be as high as $500. However, one can well imagine the member for Boulder-Dundas pleading the case for the man who stole the wallet in order to feed his hungry children.

The point is there is a difference between crimes, and the penalty of $100 proposed in this Bill would be imposed only in the most severe case. I do not know of a case where the maximum penalty has been imposed in the past.

The member for Swan pointed out that the penalty was previously $40, but the fine has stood at that figure for something over 20 years. The increase falls into line with other penalties imposed under the Traffic Act. The penalty will not apply only to a person who has forgotten to renew his license, but to those persons who have never obtained a driver's license. Those people cause many problems. I believe a maximum of $100 is reasonable, bearing in mind that the figure of $40 has stood for 26 years.

Mr SKIDMORE: I am still unable to agree with the Minister. He said the figure of $40 has been in the Act for some time. It seems that the figure of $40 has not acted as a deterrent to people who commit the offence of driving a vehicle without a license, or of allowing somebody else to drive a vehicle.

Mr O'Connor: A figure of $40, applying 26 years ago, could not be compared with the same figure today.

Mr SKIDMORE: If the Minister wants an equation, how does he reconcile doubling one fine, and more than doubling another? If the first amount was wrong, the second amount must be wrong. It seems that the figures have been plucked out of the air.

Mr O'Connor: The new figure will fall in line with most penalties in the Road Traffic Code.

Mr SKIDMORE: That does not make it any better.

Mr O'Connor: Does it make it any worse? The honourable member is asking the question.

Mr SKIDMORE: The Minister said that the figure of $40 had been in the Act for 26 years. The fine of $100 will be doubled to $200 but the fine of $40 will be increased 2½ times.

Amendment put and negatived.

Mr HARTREY: The matter I now wish to raise is more serious than the $50 fine, proposed in my previous amendment. Subclause (2) provides that where a person, having applied for a driver's license and having been refused the issue of a license under the provisions of section 48; or having held a driver's license that is cancelled or of which the operation is suspended; or having been disqualified from holding or obtaining a driver's license, commits an offence, he may be arrested without warrant. The provision, "having been disqualified from holding or obtaining a driver's license", is particularly dangerous. It is quite clear that paragraph (a) of subclause (2) refers to an existing state of affairs. A person has applied for a driver's license and has been refused.

Paragraphs (b) and (c) could hold good for the whole of one's life. One does not cease to be a person who has had a license cancelled when one receives a new one. The license does not have to be cancelled five times; it need be cancelled only once, and for the rest of one's life one is "a person whose license has been cancelled".

The wording of the Bill obviously does not say what is intended. Let us assume I drove at a reckless speed at the age of 26 and had my driver's license statutorily cancelled for six months; and at the age of 49 I committed some other offence. I am still a person whose license has been cancelled and I am liable to punishment for driving without a license. I may have had a license for many years, having renewed it after the period of cancellation; but one cannot blot out the cancellation. The amendment I suggest will overcome the difficulty. I move an amendment—

> Page 48, lines 29 and 30—Delete the passage "commits an offence against subsection (1) of this section", and substitute the passage "commits, whilst still legally disentitled to hold a driver's licence, an offence against paragraph (a) of subsection (1) of this section".

Mr O'Connor: I am prepared to accept the amendment, anyhow.

Mr T. D. EVANS: I support the member for Boulder-Dundas with some confidence on this occasion because I believe the amendment he proposes is fundamentally required in order to make sense out of the clause, and no doubt the Minister will be willing to accept it. As the member for Boulder-Dundas pointed out, clause 49 (1) (a) refers to the act which gives rise to offences under circumstances later outlined, the act being that a person drives a motor vehicle of a class for which he is not the holder of the appropriate, valid driver's license. One of the circumstances under which he would commit the offence is, as the Bill has it, "having been disqualified from holding or obtaining a driver's license".

As the honourable member pointed out, at any stage in a person's lifetime he could be unfortunate enough to have had his license suspended, and it is a stigma which he would carry for the rest of his life. He could fall foul of this provision even though he were the holder of a current license.

I think it is a bad piece of drafting and the Minister should be willing to accept the amendment proposed by the member for Boulder-Dundas.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 50: Learners' permits—

Mr O'CONNOR: I move an amendment—

Page 49, lines 28 and 29—Delete the words "a person who is the" and substitute the word "any".

Amendment put and passed.

Mr O'CONNOR: I move an amendment—

Page 49, line 35—Delete the word "the" and substitute the word "any".

Amendment put and passed.

Mr HARTREY: The amendment I propose merely corrects a spelling error. I move an amendment—

Page 50, line 24—Delete the word "giving" and substitute the word "given".

Amendment put and passed.

Mr O'CONNOR: I move an amendment—

Page 50—Add after subclause (4) the following new subclauses to stand as subclauses (5) and (6)—

(5) The Authority shall not cause or permit a person applying for a driver's licence to undergo a test for the purposes of satisfying it of his ability to control the class of motor vehicle for which the driver's licence is sought unless that person has paid a fee of one dollar and been issued with a testing permit.

(6) A testing permit issued under subsection (5) of this section—

(a) is valid for a single test only; and

(b) authorizes the holder to drive a motor vehicle during the conduct of the test as if he were at that time the holder of the appropriate driver's licence. .

This provision will permit people undergoing a test for a driver's licence to be covered by third party insurance on payment of a fee. At the moment learner drivers are not covered by insurance whilst being tested, and this has caused some concern to the Police Department.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 51: Cancellation of drivers' licences issued on probation—

Mr HARTREY: I move an amendment—

Page 50, line 29—Delete the word "defined" and substitute the word "mentioned".

As it happens, the offences are not defined in section 277 of the Criminal Code—they are simply mentioned. Section 277 reads as follows—

Any person who unlawfully kills another is guilty of a crime which is called wilful murder, murder, or manslaughter, according to the circumstances of the case.

So the offences are not defined, they are merely mentioned, and it is an important difference.

Amendment put and passed.

Mr HARTREY: I move an amendment—

Page 50, line 29—Delete the passage ", or 280".

The reason for this amendment is that section 280 of the Criminal Code refers specifically to the crime of manslaughter which is already mentioned—but no longer "defined"—in section 277. There is no sense in repeating this.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 52 put and passed.

Clause 53: Driver failing to give name and address to patrolman, failing to stop, etc.—

Mr HARTREY: I move an amendment—

Page 53, lines 36 and 37—Delete the words "has reasonable grounds for believing", with a view to substituting the words "believes on reasonable grounds".

Subclause (4) refers to a patrolman who has reasonable grounds for believing that a person has committed an offence. I would prefer a reference to a patrolman who believes on reasonable grounds that a person has committed an offence. The

Minister may say it is a fine point but this is not so. A man may have reasonable grounds for believing something without actually believing it at all. I wish to ensure that a policeman believes something and believes it on reasonable grounds before he takes action. There is a marked difference if one looks at the phrases in this way.

Mr O'CONNOR: The honourable member is quite right—this may be a fine point. However, I am not prepared to agree to his amendment. It is quite possible that a patrolman may believe something on grounds that are afterwards found not to be correct. This may lead to some difficulty. I agree with the honourable member but I believe the wording in the Bill is the most appropriate.

Mr HARTREY: I cannot possibly accept that sort of explanation. The Minister may please himself—he accepts it or he does not accept it. Unfortunately, I am not in the same happy position. I cannot accept the proposition that because a patrolman has made a mistake, or is subsequently found to have made a mistake, it makes any difference to his belief at the time. There is certainly a distinction to be drawn between the two phrases. Of course, it depends on what we want to say in the Bill. Does the Committee want to say it does not matter a damn whether the patrolman believes a thing or not, so long as the magistrate believes it? It is the patrolman who will take the action, and if he does not believe at all—on reasonable grounds or on any other grounds—that what he is doing is correct, he should not be doing it. I am asking that the man who will take the action should be required to believe on reasonable grounds that a person has committed an offence. If the patrolman does not believe the person has committed an offence, it does not matter whether or not there are reasonable grounds. This is the English language and this is the high court of Parliament. Never have I pleaded in any court so vainly as I have here tonight, and I am not talking nonsense here any more than I have in many courts of law.

Mr Clarko: Well said.

Mr HARTREY: As the honourable member may find out if I ever defend him. I may have reasonable grounds for believing the world is flat, but I do not believe it at all, although a lot of the people on it are flat.

Mr T. D. EVANS: I regret that the Minister has not seen fit to accept the amendment because the argument he put forward to justify his nonacceptance of it was couched in words which actually supported it. The Minister referred to a patrolman who took certain action believing that the grounds were reasonable and that he was acting correctly. If it were shown later that the grounds were not reasonable, many difficulties might arise. The amendment would obviate these difficulties.

If the Minister is not prepared to accept the amendment, I suggest humbly that with the addition of a few words the point which the member for Boulder-Dundas wishes to have clarified would be clarified. Subclause (4) commences—

> Where a patrolman has reasonable grounds for believing . . .

Of course, at a later date a court could be called upon to determine whether the grounds were in fact reasonable. An objective test will be applied by a court and it may say the grounds were reasonable. However, the next test is subjective—the court will have to inquire into the state of mind of the patrolman at the time of the event and it might say there is no evidence to show that the patrolman did believe an offence had been committed.

The court might say, "Looking at the facts objectively, we say the grounds were reasonable for him to so believe, but we cannot say whether or not he believed", and in those circumstances the patrolman could be in trouble. If the Minister is not prepared to accept the amendment, perhaps he would accept an amendment to make the subclause read—

> Where a patrolman has reasonable grounds for believing and does in fact believe that a person has committed an offence . . .

Then the patrolman will be protected and the point the member for Boulder-Dundas raised will also be covered. As the provision stands now it can be said the court might later say the grounds were reasonable, but that there was no evidence that the patrolman did in fact believe and that he took action without the proper state of mind. I think it is in the interests of the patrolman as well as of natural justice that the amendment be accepted.

Amendment put and negatived.

Clause put and passed.

Clause 54: Duty to stop in case of accident, etc.—

Mr HARTREY: I move an amendment—

> Page 54, line 11—Insert after the word "shall" the words "unless himself disabled from doing so".

Mr O'Connor: This amendment is acceptable.

Amendment put and passed.

Mr HARTREY: I move an amendment—

> Page 54, line 14—Insert after the word "also" the words "if it is in his power to do so".

A similar provision appears in clause 57, so there is no reason why it should not appear in this clause.

Mr O'Connor: I am quite happy with the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 55 to 58 put and passed.

Clause 59: Dangerous driving causing death, injury, etc.—

Mr HARTREY: I move an amendment—

Page 57, line 13—Delete the words "or to any person".

The whole clause is bad in every possible way, and I would certainly ask the Minister seriously to consider striking out this obnoxious expression, because we already have a proviso in the Criminal Code which deals with a situation which ought properly to be dealt with as a crime. The situation defined in this clause could not conceivably be a crime. There might not be any sort of offence at all, and yet the situation is treated as the most serious of the four offences found in clauses 59 to 62. This is an astonishing situation.

If members look at the Criminal Code they will find section 291A, which has been the law in this country since 1945, reads as follows—

> (1) Any person who has in his charge or under his control any vehicle and fails to use reasonable care and take reasonable precautions in the use and management of such vehicle whereby death is caused to another person is guilty of a crime and liable to imprisonment with hard labour for five years.
>
> (2) This section shall not relieve a person of criminal responsibility for the unlawful killing of another person.

So the offence in section 291A of the Criminal Code does not of itself amount to manslaughter, but it is of itself a crime. Section 266 of the code states—

> It is the duty of every person who has in his charge or under his control anything, whether living or inanimate, and whether moving or stationary, of such a nature that, in the absence of care or precaution in its use or management, the life, safety, or health of any person may be endangered, to use reasonable care and take reasonable precautions to avoid such danger; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

Those words have been defined by the judges of the highest courts of the British Empire, and certainly of the highest court in Australia, to mean that there must be a degree of negligence which amounts to recklessness—to an "I don't give a damn" attitude. If a man having in his charge anything which is dangerous to human beings so handles it that he does not give a hoot whether or not it damages anyone he may be guilty of the crime of manslaughter under section 266 of the Criminal Code, and he could very easily be guilty of the crime of manslaughter under section 280 of the code.

However, section 291A of the Criminal Code permits a jury to find a man not guilty of the crime of manslaughter, but guilty of a specific offence in relation to the use of a motor vehicle. The reason for that is that there are so many people who drive motor vehicles and who are afraid of having accidents in their motor vehicles that when they hear of someone who has had an accident in which a person has been killed they immediately feel more at one with the person who had the accident than with the person who was killed, because they realise how easy it would be for them to be in the same situation. So juries have been notoriously reluctant to convict persons of manslaughter charges arising out of traffic accidents, more so than in respect of any other kind of accident resulting in death. But in any case judges have held that in the case of the charge of manslaughter under section 266 of the Criminal Code the negligence must be a degree of real recklessness —"a reckless disregard for life or limb".

This is a phrase the courts have repeatedly used. Therefore, members can take it that as the code presently stands, the man who drives the motor vehicle has a proper defence; unless he has shown a reckless disregard for life or limb, he is not guilty of a crime.

The CHAIRMAN: The honourable member has two minutes remaining.

Mr HARTREY: Clause 59(1) states—

> A person who causes the death of or grievous bodily harm to another person by driving a motor vehicle in a manner (which expression includes speed) that is, having regard to all the circumstances of the case, dangerous to the public or to any person commits an indictable offence which may, at the election of the person charged, be dealt with summarily.

I would not be dealt with summarily; I would go to a jury on a thing like that. Why should it be so worded? If a person has killed someone, there is no doubt that whatever he did, it was dangerous to that person—highly dangerous! So, that is complete stupidity.

On top of that, it refers to the manner of driving but says nothing about the attitude of mind which directed a person's driving. Under this Bill, if the manner of driving causes death, the driver automatically is guilty, even if he has no recklessness in his mind. The law has held for years that if a person drives in a manner dangerous to the public, it is not an excuse to say, "I was driving as well as I could. I cannot drive any better than that." However, it is an excuse on a charge of manslaughter; there must be more than just inability to drive a motor vehicle to convict a man of manslaughter. There must be a degree of *mens*

rea or guilty conscience or recklessness on the part of the person charged which would amount to criminal negligence.

The CHAIRMAN: The honourable member's time has expired.

Mr B. T. BURKE: I support the amendment moved by the member for Boulder-Dundas.

Mr HARTREY: I have referred to this point in my speech during the second reading stage, but I should like to elaborate on it now because it is vital that we understand it. If we agree to this clause in its present form, it does not matter tuppence whether or not the driving was dangerous to the public; there is no need to worry about that. The words "any person" mean any member of the public; he must be a member of the public; he would not be a duke or a king or someone right outside the public sphere. If the driving is dangerous to any person it must be dangerous to the public, because the public is only a combination of persons. That is all we would have to prove.

Let me give members an example in this regard. I refer to the man driving along the road and waving to a friend across the road and perhaps answering a shouted query. He takes his mind off his job; that is negligence; it can be penalised in civil law but not as a crime. Let us suppose he goes through a traffic light and is involved in an accident which kills his passenger. The way the Bill is written now, that man automatically is guilty of negligence causing the death of his passenger. That is not the law of England; it never has been. Of course, if members opposite want to use their majority of five, it can be the law of Western Australia. However, if they choose to so use their majority, they can bet their lives on the fact that they will not have a majority of five in the next Parliament.

Mr O'CONNOR: I have been advised that section 291A was inserted in 1949 to provide for a lesser degree of negligence than manslaughter. However, this became confusing and caused several cases to be lost. The amendment moved by the honourable member seeks to delete certain provisions from the designation. In the case Thomas *v.* Davies in 1966, Mr Justice Wolffe held that the term "driving a vehicle in a manner dangerous to the public" applied to the behaviour only of the driver and the public outside him; it did not refer to a person inside the vehicle. I believe there could occur an incident involving an individual or a busload of people and I cannot see how the honourable member can seriously suggest that a driver who killed or injured a passenger while driving a vehicle in a manner dangerous to that passenger could escape liability. I believe the clause as it exists is in its correct form and I oppose the amendment.

Mr Hartrey: Mr Chairman—

The CHAIRMAN: Order! The member for Boulder-Dundas has spoken three times on this amendment—once when moving the amendment, once again at length and the third time just before the Minister replied. I point out also that due to an error on my part, the honourable member was given extra time when he spoke for the second time.

Mr Hartrey: I bow to your ruling, Mr Chairman. It would not matter if I spoke all night; I would not change their minds.

Amendment put and a division taken with the following result—

Ayes—19

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

Noes—24

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

Pairs

Ayes	Noes
Mr Harman	Mr O'Neil
Mr J. T. Tonkin	Mr Mensaros
Mr T. J. Burke	Mr Sodeman

Amendment thus negatived.

Clause put and passed.

Clause 60: Reckless driving—

Mr HARTREY: This is a clause which proposes to re-enact a section of the Traffic Act with some modifications. That section sets out a serious type of offence; namely, wilfully driving in a manner dangerous to the public. "Wilfully driving" is a phrase which has been given special interpretation in this particular context. Ordinarily, the word "wilfully" means an act of the will. If a person walks into a shop he does so because he wants to walk into that shop. In this context the word "wilfully" is contrasted with the word appearing in the Traffic Act; that is, with driving which is objectively wrong as against driving which is subjectively wrong. The subjective test of an offence is: What was the state of mind of the person concerned? But the objective test is: What did he actually do?

As it has been held that there must be a guilty consciousness in the person accused, the subjective test is the right one. It must be shown that the accused was conscious of doing something wrong when he actually did it. A man who

is merely driving in a manner dangerous to the public is endangering other people and therefore that man is guilty of dangerous driving. However, he is not guilty of reckless driving because he does not have a state of mind which is indifferent to the safety of the public. His state of mind is that he hopes he is doing a fairly safe job both for himself and the public.

There is a marked difference between the words used in the present Traffic Act and the words used in this clause. Section 31 of the Traffic Act reads—

> Every person who wilfully drives a vehicle at a speed, or in a manner, that is . . . dangerous to the public commits an offence known as reckless driving.

In section 31A there is a change of only one word, because it reads—

> Every person who drives a vehicle at a speed, or in a manner, that is . . . dangerous to the public commits an offence known as dangerous driving.

The omission of the word "wilfully" converts what is consciously an offence into what is known as an offence that is not consciously an offence, and therefore is a less serious offence. However, when we insert the words, "or to any person" in this clause it destroys the effect of the provision in regard to the public.

Let us suppose a man is driving along a country road in the middle of the night at a speed of 50 or 60 miles an hour. There is no traffic on the road whatsoever. If he is driving at that speed with poor lights he is driving in a manner that is dangerous to himself, and he is "any person". If members of the Committee do not intend to discriminate between the conduct of a person who recklessly endangers the public and one who does not, I cannot make them. However, I will say that although the Government has a majority of five at the moment I am sure it will not have that majority after the next election is held.

This Act, when proclaimed, will come into operation fairly soon and magistrates will have to make decisions upon its provisions and it will be found that people will be convicted of acts they did not think they could be charged with. Members of this Committee will go on record as having voted for this rotten law. When questioned on it their only answer will be, "I voted for it because the boss told me to." Members of the Liberal Party are supposed to be quite free to vote how they like.

Tonight I am speaking with the anger of a prophet and I am warning members that they do not know what they are doing if they approve of this legislation. I have had 36 years' experience of traffic offences being heard in the courts, and the members of this Committee will hack the Traffic Act to pieces without any appreciation of what they are actually doing, in much the same way as they did to other Acts when they agreed to the fuel and energy Bill. Yet every member on the other side of the Chamber thought that was a marvellous piece of legislation.

This measure is more vital to the welfare of the community because it will affect every town in the State on every day of the week, year after year. I repeat that members of the Government may have a majority of five tonight, but it will not have a majority of five in two years' time when it faces the people after agreeing to this legislation, because it is careless and ill-advised. The Government knows that it has not had anyone with any legal standing in the community prepared to defend it. The Minister is a fine man with many admirable qualities but he would not have a clue about the meaning of this legislation. The Minister has said he was told that the reason for enacting section 291A of the Criminal Code was to provide an alternative to a charge of manslaughter based on a lower degree of negligence than that applicable to manslaughter! I tell him it was not. It was to provide a less drastic penalty for a person guilty of manslaughter by traffic accident, because juries rejected the idea that even a reckless driver causing death should be liable to a sentence of life imprisonment.

The penalty was modified in the hope that persons will be convicted of offences entailing a penalty of five years' imprisonment, but not of offences entailing a penalty of life imprisonment.

In all seriousness I ask members not to agree to the clause. The Minister should have it examined again, and recommit the Bill for further reconsideration of the clause. In the meantime, I move an amendment—

> Page 58, line 17—Delete the words "or to any person".

With the inclusion of those words the whole idea of reckless or careless driving to the danger of the public would be destroyed. There seems to be some distinction between endangering the whole populace, and endangering oneself; but under this clause a person commits an indictable offence if in a moment of negligence his attention is distracted and an accident occurs which results in the death of a passenger. In such a case the driver is guilty of an indictable offence and is liable to imprisonment for four years.

Mr O'CONNOR: I oppose the amendment. The member for Boulder-Dundas has said that this is rotten legislation, but I say the legislation will be much more rotten if we agree to the amendment. The honourable member is a lawyer and I have a great deal of respect for

him, but I do not always agree with his views on certain aspects—certainly not with his views on this clause.

We know it has been settled in law that driving in a manner dangerous to the public applies only to people outside the vehicle involved. Surely we as legislators should also be concerned about the people inside a vehicle—whether they be passengers in a car or in a bus. It is to protect those people that the words have been inserted.

The member for Boulder-Dundas said he was not concerned whether the people were inside or outside the vehicle; if that is so he should agree to the clause because it will affect people both inside and outside the vehicle.

Mr Hartrey: I do not accept that. There is a big difference between the public and the passengers in a motorcar.

Mr O'CONNOR: The people inside a vehicle are also members of the public. What about the 40 passengers in a bus? Are they not members of the public? I think the argument of the honourable member is weak in the extreme. The people we should protect should include those inside and outside the vehicle, because they are all human beings and are susceptible to being killed.

Mr T. D. EVANS: I can contribute no more than the member for Boulder-Dundas has put forward, and I cannot clarify the situation more than he has clarified it. Perhaps the Minister can indicate by a nod whether, subsequent to the second reading debate when the member for Boulder-Dundas raised the point which is the gravamen of his present complaint, he has sought advice from his advisers.

Mr O'Connor: I have.

Mr T. D. EVANS: If the objectionable words "or to any person" were deleted then I would say the provision in clause 60 reflected more truly the offence which has as its counterpart the offence covered by section 31 of the Traffic Act. The marginal note to section 31 refers to a reckless driver or to the state of mind of the driver, whereas the wording of that section describes the actual driving and not the state of mind of the driver.

If we look at the marginal note to clause 60 we see it is a misnomer. It is not the province of this Committee to worry about marginal notes, but in my view the marginal note to clause 60 should be amended by the Clerk in accordance with the content of the clause.

I still feel that the provision in clause 60, with or without the words "or to any person", hardly refers to reckless driving. As I understand the position, a person who acts in a reckless manner is one whose mind adverts to the likely consequence of his action, and he is deemed to have considered the effect that if he proceeds and pursues a certain course of action it will result in a possible consequence. Nevertheless, having adverted to the likely consequences he proceeds with that course of action, and if an accident results he is deemed to be responsible for it.

This brings me to the point raised by the member for Boulder-Dundas in relation to clause 60 (1). I instance the case where the driver is the sole occupant of a car. He could be smoking a cigarette while he is driving. In normal circumstances the act of smoking a cigarette cannot be regarded as a reckless circumstance. However, the lighted end of the cigarette might drop on his knees, and momentarily he might take his eyes off the road and an accident might result. Although he is the sole occupant of the car it could be claimed that he drove in a reckless manner and committed an offence by taking his eyes off the road momentarily; but this can hardly be regarded as reckless driving.

I think the marginal note is a misnomer and does not describe the offence created by clause 60. I come back to the point that I regret the Minister will not accept the amendment. I am sure he will live to rue his action.

Amendment put and negatived.

Clause put and passed.

Clauses 61 and 62 put and passed.

Clause 63: Driving under the influence of alcohol, etc.—

Mr O'CONNOR: I move an amendment—

> Page 60, lines 11 and 12—Delete the passage "alcohol, drugs, or alcohol and drugs" and substitute the passage "alcohol, which expressly includes any drug or drugs,".

Mr T. H. JONES: Has this amendment been circulated, because we have not received a copy, and we are entitled to one, surely?

Mr O'Connor: It is a matter of clarification only.

Mr T. D. EVANS: Parliament has not sat for a week and the Minister has had ample time to follow the orthodox procedure and have the amendment placed on the notice paper.

Mr O'Connor: If you do not wish to accept the amendment, I do not care.

Progress

Mr T. D. EVANS: I move—

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

If the Government wishes to sit at a later stage of the sitting, that would suit the Opposition, but we do believe we should have an opportunity to study the amendment.

Motion put and a division taken with the following result—

Ayes—19

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

Noes—24

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

Pairs

Ayes	Noes
Mr Harman	Mr O'Neil
Mr J. T. Tonkin	Mr Mensaros
Mr T. J. Burke	Mr Sodeman

Motion thus negatived.

Committee Resumed

Mr O'CONNOR: I was of the opinion that the amendment had been circulated. In view of the fact that it has not been, I seek leave to withdraw my amendment, and I will endeavour to have it moved in another place.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 64 and 65 put and passed.

Clause 66: Requirement to submit sample of breath or blood for analysis—

Mr T. H. JONES: I move an amendment—

Page 64, line 14—Delete the word "or" and substitute the word "and".

It will be appreciated that this is one of the most important changes being made under the Bill. Are we introducing a police State in Western Australia, because this clause allows for spot checks on the road?

I want to make it quite clear that we are concerned about the road toll, but we are equally concerned about the effect of this clause on the rights of the individual.

The clause virtually replaces section 32B of the Traffic Act under which it is mandatory for a policeman to have good cause for apprehending a driver. This is not the case under clause 66 which provides that a patrolman may require a person to provide a sample of breath or blood for analysis. At present a policeman must have reasonable grounds for suspecting the driver before he can demand a sample of breath or blood for analysis.

All that a patrolman would have to say is that a person, while driving, had alcohol in his body. In the view of the Opposition, this will allow for spot checks in hotel carparks. The Minister might say that is not the intention of the Bill but it is quite clear what a patrolman will be able to do. It is tantamount to conducting spot checks.

We are concerned with drunken driving and, as the member for Boulder-Dundas clearly indicated the other night, one person is able to consume liquor to a greater extent than is another person, and be quite capable of controlling a vehicle. I do not think the Minister would disagree with that statement. Any number of members in this Chamber could fit into that category. Many of them would be capable of consuming liquor to the extent of having 0.08 per cent of alcohol in their blood, and still be capable of driving a vehicle in the normal manner.

We are absolutely opposed to the provision now before us. It should be completely rewritten so that the civil liberties of drivers are not interfered with. We believe this provision will lead to practices which have not existed previously.

Mr O'CONNOR: I intend to oppose the amendment moved by the member for Collie. First of all, at the present time it is necessary for a policeman to wait until a person who is obviously under the influence of alcohol commits a breach of the regulations or is involved in an accident before he can be apprehended. I believe that such a person should be apprehended before an accident occurs. This request came from the National Safety Council. It is a reasonable amendment and it is an attempt to prevent accidents from occurring. We have received many requests to reduce the permissible alcohol content to 0.05 per cent.

Mr T. H. Jones: By the Country Party or the National Alliance?

Mr O'CONNOR: The request has come from many people outside of Parliament. We have not moved to reduce the alcohol percentage to 0.05, but we believe that where a person is under the influence we should try to prevent his being involved in an accident. Under this particular provision a patrolman will be able to apprehend a person where reasonable grounds exist for him to believe that the person is under the influence of alcohol. If the person's alcohol content is not over 0.08 he will have nothing to worry about. I oppose the amendment.

Mr T. D. EVANS: This clause is probably one which would be best compared with a pot of jam around which one would expect to find a host of blowflies buzzing. I believe this clause will attract most attention, not only from Parliament, but from the community generally.

It is true that the preliminary words in the clause have been taken from section 32 of the existing Traffic Act. Under the

existing system, a member of the Police Force, or an inspector, has to have reasonable grounds for believing, whereas it is proposed that a patrolman will have to have reasonable grounds to believe. The difference is only grammatical. The amendment is designed to remove any doubt at all, and remove the possibility of random testing without reasonable grounds. If the Minister is not prepared to accept the amendment I suggest he retrace his steps to the discussion which took place on clause 48, and give an undertaking that he will consider the amendment with a view to having it inserted in another place. The amendment will change the wording to "where a patrolman believes on reasonable grounds", rather than "has reasonable grounds to believe".

The member for Boulder-Dundas made the point that a court, looking at a situation subsequent to the event, may well decide that it appeared the patrolman did have reasonable grounds to believe. However, whether or not in fact he did believe is another matter. If the legislation requires the patrolman to believe on reasonable grounds, at least there will be some safeguard against the possibility that a patrolman, in the absence of a demonstrable accident, will fall to the tempation of inventing his evidence. In other words, the patrolman could hang around a parking area outside a hotel, or some other gathering where people were known to be consuming alcohol, and obtain his evidence in that way.

I believe policemen have dignity, like other people, but some could be tempted. The cornerstone of our society is community respect for the law enforcement body. The Bill as it stands will provide a means whereby there will be a temptation to invent evidence. I do not say that all patrolmen will fall to the temptation. We should provide for a court to examine a situation where, in fact, a patrolman did believe on reasonable grounds, and not that he had reasonable grounds to believe. That would provide some semblance of protection, and the Minister would achieve what he wants. I ask him to consider the proposed amendment for insertion in another place.

Mr. HARTREY: I support the remarks of the member for Kalgoorlie. I think he has hit the nail on the head. I also support what has been said by the mover of the amendment. There is no doubt that this provision goes a long way towards random testing. This particular clause would probably cause more indignation amongst the public than would the more ghastly provisions which were passed earlier. The public will not understand the ghastly things we have done in clauses 59, 60, and 61, but they will understand what a random test is and they will resent it, especially when it is perpetrated upon them. It will soon be found that this is the most unpopular thing we have done tonight, although by no means the worst. Let us vote for what the Minister wants —I would not even call for a division—but he will pay for it later on, although it is not nearly as offensive as what we have already done.

Sir Charles Court: We are prepared to accept the responsibility.

Mr B. T. BURKE: I refer to something horrible the Minister said in an offhanded fashion when referring to the possibilities of apprehension under this clause of the Bill. He said if the person who was apprehended did not have 0.08 per cent of alcohol in his bloodstream he would be "okay anyway". That kind of attitude properly went out with the dark ages—the times when we would say it was all right to detain people and put them through various tests to prove their position, and if they passed those tests everything was all right. It is repugnant to me.

Perhaps the Minister did not mean to say that, or perhaps he believes it is all right to stop a person in the street, submit him to a test, and after he had passed the test, whether or not it was imposed on reasonable grounds, say no harm was done to that person's name.

Mr Hartrey: He said the same about fingerprinting.

Mr B. T. BURKE: If that is so, I am ashamed to be a member of this Chamber, because it is not an attitude with which I have any sympathy whatever.

Mr Coyne: You can resign if you want to.

Mr Watt: Would you have any smpathy for someone who was responsible for the death of his wife and family?

Mr B. T. BURKE: Of course not, but to say those are the only options open is to presume we can either let people be smashed up or we can stop them before they take one drink. Other options are open to the Government. So do not put that simplistic option to members on this side of the Chamber. The attitude expressed by the Minister in such an offhanded fashion is completely repugnant to me.

Mr Watt: What are the other options?

Amendment put and a division taken with the following result—

Ayes—19

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

Noes—24

Mr Blaikie	Mr Laurance
Sir David Brand	Mr McPharlin
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Ridge
Mr Coyne	Mr Rushton
Mrs Craig	Mr Shalders
Mr Crane	Mr Sibson
Dr Dadour	Mr Stephens
Mr Grayden	Mr Thompson
Mr Grewar	Mr Watt
Mr P. V. Jones	Mr Young

(Teller)

Pairs

Ayes	Noes
Mr Harman	Mr O'Neil
Mr J. T. Tonkin	Mr Mensaros
Mr T. J. Burke	Mr Sodeman

Amendment thus negatived.

Clause put and passed.

Clause 67: Failure to comply with requirements of patrolman, etc.—

Mr HARTREY: I move an amendment—

Page 67, line 28—Add after the word "offence" the following proviso—

Provided that this section does not apply to a medical practitioner merely because he refuses to co-operate in the taking of a sample of any person's blood for analysis.

Mr O'Connor: Agreed.

Mr HARTREY: I understand it is agreed to, and I am not very surprised.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 68 put and passed.

Clause 69: Blood analysis—

Mr HARTREY: I am astonished at the words "or otherwise in a proper manner". There does not seem to be anything offensive about the words themselves, but the context in which they are used makes them completely absurd. Subclause (1) commences—

Where, pursuant to the provisions of section 66, a medical practitioner takes a sample of a person's blood for analysis the sample shall be taken in accordance with the regulations, or otherwise in a proper manner . . . .

In other words, the sample will be taken lawfully or otherwise properly but unlawfully. If that is the sort of law we are making here tonight we have all gone crazy. Enough of us have remained in the Chamber tonight so the excuse cannot be used that we must have been under the influence of liquor to pass such legislation. Can the Minister tell me what is the proper manner of doing something contrary to the regulations? I have never heard of this in my life. I say to the Minister: Do not accept this amendment, just pass the clause as it is, as he deserves to have legislation like this on his record. I move an amendment—

Page 69, lines 1 and 2—Delete the words "or otherwise in a proper manner".

Mr O'Connor: I will accept your advice.

Mr HARTREY: I hope the Minister will give us an explanation of another way to take a blood sample which is proper and also within the regulations, and I would also like to know who told him this.

Mr O'CONNOR: I do not propose to accept the amendment. It may happen that some minor deviation occurs when a blood sample is being taken. A court may decide that a sample has been taken properly if there was not a real breach of the regulations and the sample was taken by a medical practitioner. However, if a sample was taken improperly, the court would disregard it. I believe the clause is satisfactory.

Mr T. D. EVANS: I regret that the Minister has not accepted the invitation so generously extended to him by the member for Boulder-Dundas to explain what is intended by the words "or otherwise in a proper manner".

Mr O'Connor: The court would decide that.

Mr T. D. EVANS: I am sure that in the future all judges and magistrates will forever remember the Minister. These words will provide dollars for lawyers, heartbreaks for accused persons, worrying moments for medical practitioners, and I believe a great deal of worry for those who preside in courts of law. The juxtaposition of these words as an alternative to taking a blood sample strictly in accordance with the regulations is absurd to say the least. Already tonight the Minister has been put in a position where he has had to accept amendments to correct errors drawn to his attention, and I refer particularly to amendments moved by the member for Boulder-Dundas. We have evidence that the Bill was badly drafted, and this is another example.

Mr O'Connor: Not at all. If you do not want me to accept any amendments, I will go along with that. I have tried to be co-operative.

Mr T. D. EVANS: If a blood sample is not taken in accordance with the regulations, it is taken unlawfully. These words will put a burden on the courts. It is absurd that a blood sample could be taken unlawfully and yet properly.

Mr B. T. BURKE: My eyes are opened a little wider the further we proceed with this Bill. I could understand the inclusion of the words which are the subject of this amendment if there were some definition of the word "proper" to which one could refer and from which one could gain guidance about the variations it would be permissible to entertain in taking a blood sample. However, such a definition is not there. We have a set of regulations which the Bill sets out to say should be obeyed, but then we see that the regulations can be broken, we suspect in a minor manner

only, but we have no proof of that suspicion. The Minister has not produced any; he has said simply that the court can decide the issue.

Why not let the court decide quite simply whether the blood sample is taken in a proper manner without bothering to refer to any regulations? Whichever way the sample is taken it seems very likely that the prosecuting officer will say that the deviation—no matter how large it is—does not constitute a departure from the proper manner. So there are two options: either remove the provision which relates to the proper manner, or explain properly what is meant by the words so that we do not have an elastic ruler with which to judge actions that are lawful and actions that are unlawful. That is not politicking, it is common sense.

Unless they are explained definitively, we cannot be expected to accept propositions that do not make sense. Why have regulations governing the taking of blood samples if departures from those regulations can be deemed to mean that the sample was taken in a proper manner? Why ask judges to decide what is and what is not a proper manner when we have regulations to do the job? It is much too easy to avoid the responsibility of complying with the regulations by putting in an escape clause such as the one that seems to exist. If it seems to exist but does not really exist, then perhaps it is not too much to expect that an explanation is provided in some other part of the Bill. It seems irrelevant to have the requirement that regulations must be complied with and then to say that if they are not complied with it does not matter because the blood sample was taken in a proper manner and that is good enough.

I would be interested to know why the Minister will not accept this amendment, and why, if he insists on retaining these words, he will not agree to insert enough information to allow people—and particularly those involved in or concerned with this legislation—a guideline within which they can legitimately take issue if they are charged with an offence after a blood sample has been taken. There would be some sense to the proposition if the Minister were to say, "A proper manner means where the regulations were not obeyed but the deviations were A, B, C, or D."

Mr Young: You are suggesting that judges could be made irrelevant by regulations.

Mr B. T. BURKE: I am not suggesting that. I am suggesting that regulations will be made irrelevant by judges. That is what the Minister is saying.

Mr Young: That is the exact opposite of what you are saying.

Mr B. T. BURKE: We will take it step by step again. The Minister has said that on the one hand we shall have regulations governing the taking of blood samples.

Mr Young: He has not said that. You are suggesting he should have said "absolutely governing". You cannot frame any law or regulation to cover every single situation, because you would have to write until doomsday.

Mr B. T. BURKE: If the member for Scarborough wishes to presume upon the intelligence of the Committee and suggest that the legislation handled by the Minister is not his suggestion and is something for which he is not responsible, then let that be upon his head. I have said that the Minister said firstly there shall be regulations governing the taking of blood samples.

Mr Young: He did not say "absolutely".

Mr B. T. BURKE: Of course he did not, and if the member allows me to finish perhaps he will change his mind. The Minister added to that a reference to "a proper manner". The point I am making is that in the absence of any definition of what constitutes a proper manner or a deviation from a proper manner, there is no point in having regulations. The judges who will be called upon to adjudicate in any case in which a blood sample has been taken either in accordance or not in accordance with the regulations will make the regulations irrelevant, because the escape clause is there and that escape clause is not defined as to its dimensions or to whom it shall give access. That is the point I made.

Mr Young: The word "proper" is very significant, and a judge would recognise it even though the member for Balga may not.

Mr B. T. BURKE: That is very true, but I would suggest that whether or not I recognise that, the most recent statement of the member for Scarborough is a significant departure from what he said one minute ago.

Mr Young: Not at all.

Mr B. T. BURKE: Let me reiterate: It is completely unnecessary to include in this clause the provision to allow blood samples to be taken in a proper manner, regardless of what the member for Scarborough says about the understandings that different people will have about what is meant by "a proper manner" in this part of the Bill. If the Minister insists on retaining this phrase, then let him state his ground quite firmly and commit himself by telling us what is "a proper manner". If he will not do that then let him remove the words from this part of the Bill.

In any case, I cannot see what is the problem. It is not a major matter. If the Government wishes to make allowances for the slips policemen often make when they take blood samples, then it should make proper allowances and define them clearly. No-one wants to see people

who are guilty of an offence being acquitted of that offence because of a technicality.

Mr Hartrey: Who said?

Mr B. T. BURKE: Well, except for one member, no-one wants to see a guilty person acquitted because of a technicality.

Mr T. D. Evans: Nobody knows whether or not he is guilty until the court has decided the issue.

Mr B. T. BURKE: Let me qualify it further: I do not want to see a guilty person acquitted of an offence because of a technicality. But in any case it is just not necessary to include these words. Frame the regulations properly and we will not need to add words which detract from the meaning of the regulations and make them irrelevant.

Mr SKIDMORE: The member for Balga has very adequately covered the points I intended to raise. However, I would like to make a contribution on the grounds of being one of those people who could be involved in a drunken driving charge and having blood samples taken for the purpose of establishing whether or not they have exceeded the allowable limit. Some people cannot afford a lawyer and must defend themselves on such a charge in the court.

I wonder whether the Minister has considered the plight of such a person who could be faced with a court decision on the basis of, "It does not appear the regulations have been abided by, but 'or otherwise in a proper manner' seems to fit the bill, so you are guilty." Surely people are entitled to a little more protection than those words give them. Surely the regulations should provide the manner in which blood samples should be taken for analysis. Surely if we make a regulation it is quite improper to allow anybody—whether it be a judge, the plaintiff's lawyer, or the defendant's lawyer—to argue that the blood sample was taken in a proper manner. What an opportunity for argument that would provide. I would have liked to have such an escape clause in the area in which I have been involved; I would have had a birthday!

I agree with the member for Balga it is completely stupid to leave to the jurisdiction of a judge the determination of what is a proper manner. Judges all over the country could make contrary decisions.

Mr Young: That is why we have courts of appeal; because not even judges agree.

Mr SKIDMORE: So for the sake of something so simple we should encourage appeals?

Mr Young: I am not suggesting it should go to a court of appeal. I am saying the reason judges are fallible is that humans are fallible.

Mr SKIDMORE: I differ a little from the member for Balga. I have been involved in jurisdiction in the industrial sphere for a long time, and I would certainly grab hold of any technicality available to me to win a case. It seems to me that is exactly what the Minister is providing in this case. He is developing an area of greyness; an area in which solicitors will have a birthday and in which people can determine what they believe is "a proper manner". This is an area which should not be left to the interpretation of the individual. Surely regulations should be made to fit the Act. It is not even British justice to ask a person to defend himself on the basis of this clause.

Mr Hartrey: Don't mention British justice.

Mr SKIDMORE: I know it is a phrase the Government fails to understand. I find myself unable to accept the Minister's refusal to delete the words. This provision will place the prosecution in a position which is just as invidious as that of the defendant. The prosecuting sergeant will be open to challenge in respect of what is "a proper manner". Let the Minister understand that what we are putting forward is just and proper. If members opposite wish to make a mockery of the law by allowing such a provision to remain, let it be upon their heads. This is precisely what the Bill will do. Members opposite are making a mockery of a regulation which they believe fits the bill. This clause will involve interminable arguments as to what is a proper manner and for that reason I support the amendment.

Mr O'CONNOR: I find it hard to believe that members opposite have spoken in defence of the person who drives with an alcohol content of 0.08 per cent.

Mr Skidmore: That is not what we are saying.

Mr O'CONNOR: Of course it is; there is no doubt about it.

Mr Skidmore: It could be less than 0.08.

Mr Jamieson: That is filth! You always do this when you talk.

Mr O'CONNOR: How will the case get to court if it is under 0.08?

The CHAIRMAN: Order!

Mr O'CONNOR: Some members seem to think that samples can be taken without authority; this is not the case. The dispute is in regard to a technical medical method, as all members would realise. If a medico departs from the regulations but conforms with medical practice, what is wrong with that? This is why the clause has been inserted. Not being a medical man, I do not know the precise details—

Mr Hartrey: And not being a lawyer, you do not know what you are talking about.

Mr O'CONNOR: There are many things that the honourable member does not know about.

Mr H. D. Evans: Personal abuse!

Mr O'CONNOR: If I have it thrown at me, what is wrong with throwing it back? I see nothing wrong with the term "proper manner". The courts can decide if there is any dispute.

Mr B. T. Burke: What is the definition?

Mr O'CONNOR: Will the honourable member keep quiet? I can never stand on my feet without him constantly interjecting.

Mr B. T. Burke: You flounder around. The only thing that rattles is your head.

Mr O'CONNOR: We are used to Mr Nasty. He can never stand without hurling abuse.

The CHAIRMAN: Order! The Minister will address the Chair.

Mr O'CONNOR: The term "proper manner" relates to the taking of a blood sample by a doctor which, although not within previously prescribed regulations, is stated by the doctor to be an uncontaminated, true sample. I see nothing wrong with this and I oppose the amendment.

Mr HARTREY: I repeat that the expression "proper manner" is completely absurd in the context. It is quite all right for an Act of Parliament to require that something be done properly; however, it always prescribes the manner in which it should be done. If the Minister cared to add to the paragraph, "proper manner in this section means whatever the prosecutor takes it to mean" at least he would have something to put before the court and there would be no chance of the accused being acquitted. That is all we want to achieve. We can protect everybody from drunken drivers by arresting anybody we feel disposed to arrest and convicting him. That will put the breeze up everybody else so much that it will be regarded as a kind of reign of terror.

They said in the days of the French Revolution that imprisonment was a kind of disease—one contracted imprisonment and finished up on the guillotine. It had no relationship to one's conduct or anything else, except for the fact that there was a terror being run by a fellow called Robespierre. If this legislation is passed, we will have a terror being run by a fellow called O'Connor. We will contract imprisonment and convictions as one might contract leprosy, so the Minister has used leprous language in this section of the Bill. The clause states—

> . . . shall be taken in accordance with the regulations, or otherwise in a proper manner . . .

It says nothing about whether it should be done lawfully or unlawfully. As long as somebody who has an interest in the case says that it is all right to do it unlawfully, that is all right. Who has a better interest in the case than the prosecutor? He starts the case. It does not matter about the defendant. If we get him out of the charge, we might encourage his drunkeness. Good heavens, what a dreadful thing! We must not get the accused acquitted, especially on a technicality.

Mr O'Connor: If he is guilty, why should he be acquitted?

Mr HARTREY: Then change it. I will go back on what I say. Put in whatever the Minister for the time being considers to be a proper manner. He could go in as a witness and convict everybody in the State. This is absolutely farcical. I am thoroughly enjoying myself this evening in this completely farcical atmosphere. I have not been to a really good circus for a long time—in fact, since I was a child.

Mr Young: I suppose you were in centre ring.

Mr HARTREY: This is a three-ring circus and this clause is the climax. When I was a young fellow, the Keystone comedies were very popular. This legislation is Keystone comedy of a different sort. The Government proposes that we should be able to convict a man according to law or according to the antithesis of law, as long as we do it properly. Then, afterwards, we can take him out and hang him, as long as we do it properly.

Dr DADOUR: I do not wish to confuse the issue. As a medical practitioner I have often been called upon to take blood. The regulations set out very clearly in steps how this should be done. However, there are many variations to the manner in which a medical practitioner can take blood. I remember one occasion when taking blood I varied the procedure slightly; I had to discard the sample and start again, which was quite unnecessary. There is an arithmetical number of variations which would have to be written into the legislation to cover the situation and, in this respect, I can see why the Minister has worded the clause in this way.

An important point to note when taking the blood of a person suspected of being under the influence of alcohol is never to use a skin cleanser with an alcohol base. There may be occasions when the doctor has only a piece of cotton wool; in that event, he must use nothing else but cotton wool on dry skin. Other occasions may arise when only soap and water or just water may be available. Surely this should be acceptable. However, according to the regulations *per se*, it is not acceptable.

Every doctor has his own technique for taking blood samples and the method can be easily varied; however, nothing would

be wrong with the sample, and nobody should be able to opt out of a charge on such a technicality. It is almost impossible to write regulations covering this entire matter. On many occasions, blood samples may be taken under adverse conditions. The doctor may be in the middle of a road with inadequate lighting; the person involved may firstly agree to a sample being taken and suddenly object; many problems can arise.

That is why from a technical point of view I accept the wording of the clause as it stands. I do not like to see people convicted unnecessarily, but if they are guilty there is no reason that they should not be convicted. They should not be permitted to opt out on some stupid technicality relating to the blood sample not being taken in the prescribed order. On that point, I oppose the amendment.

Mr SKIDMORE: In regard to this clause, I am more amazed than I have ever been during the debate on this Bill. We have just heard the member for Subiaco stating that there are problems associated with the taking of blood samples, but that these problems may be solved by the adoption of certain measures. If that is what the regulations are all about, I think it is a very substantial argument for saying that this provision should not be implemented in any Act.

The Minister is very naive if he believes that in a court of law a solicitor will suddenly drop his defence of a client because of a technicality and on the assumption the defendant will not be convicted. To me this would seem to be an amazing turnabout in a court of law.

I have not caught up with all the legal issues involved, because I do not profess to be as knowledgeable as other members of this Chamber. However, I can say that it would be naive to think that an industrial advocate would not take advantage of a client in a proper manner. I have said before that regulations are provided to protect both the prosecutor and the person charged. However, this provision affords protection only to the prosecutor if he fails to substantiate that the regulations have not been adhered to. If this is the sort of law the Government wants to practise it is not my sort of law, because if this provision is agreed to it will destroy the very tenet of the law.

This provision is ludicrous and ridiculous. The people who have advised the Minister in regard to it are equally stupid and culpable because with this provision we will be creating a situation whereby a loophole will be left to enable many people to beat the law on a technicality. It must be borne in mind that the prosecution can also lose a case on the same technicality, so it is a two-way deal for all concerned. This clause, however, has only one deal. It will allow the prosecution that has failed to say, in effect, "We will find some loophole to water the offence down so we can get a conviction." It should be the responsibility of the court to determine what is a proper regulation, and therefore the Act should determine what is a proper regulation.

Mr O'Connor: Proper manner.

Mr SKIDMORE: The word "manner" is used merely to indicate some form of regulation. That is what I put forward and I doubt whether it could be argued against. The Government is playing with words and leaving a loophole for people who fail, in some way, to carry out the regulations as required.

I appreciate the interest taken by the member for Subiaco in this provision in his role as a medical practitioner in view of the fact that difficulties may be faced when a blood sample is taken. To me this seems to be a difficulty that can be easily overcome. All we have to do is alter the regulation. However we should not leave it to some judge or some court to determine what the regulations are supposed to mean. I will continue to use every avenue open to me to oppose this clause, because it represents an attack on any person who faces up to a court in trying to prove that he is innocent of any charge.

Mr HARTREY: The wording of the proposition in this clause is a travesty of the English language and completely contrary to every fundamental principal of British justice as administered by the best judiciary in the world: namely, the British judiciary. That judiciary is followed by England, Canada, Australia, and even all the coloured countries which have inherited British justice. It is much superior to the standard of justice in other nations. British justice is so much the better because it is based on the strict principle that if a man is charged with an offence it must be proved beyond a reasonable doubt and in the manner prescribed.

Basically two factors must be proved. Firstly, it must be asked: was an offence committed? Secondly, is there any evidence to show that the accused committed the offence? If it is hearsay evidence it cannot be admitted. Hearsay evidence may be truthful evidence but it will never be accepted in a court of law. We are being asked to pass a law that, in future, in the hearing of traffic cases, hearsay evidence will be admitted. This will greatly increase the risk of any person being charged by a patrolman for committing a traffic offence. So this is a measure for the benefit of patrolmen and the new proposed authority.

It will be a splendid opportunity for the Government to have this provision passed tonight, because its members will never be in a more receptive mood. The Government is doing something that is entirely contrary to the principle the Liberal Party talks about, but unfortunately it does not have a clue about it—not tonight anyway—because the members of

that party have not shown a spark of intelligence or shown any sympathy towards the principle of British justice.

I do not blame the Minister because he was not trained in that way, but surely to goodness some members out of the 24 who have voted continuously against the amendments proposed tonight have some consideration for British justice that is meted out to the Australian people. We should be proud that we have inherited the legal traditions of Britain.

There is something wrong if we allow the Crown Law Department to make a travesty of the law, the judiciary, and our principles. I am not criticising the Crown Law Department, but the fuel and energy Bill was a splendid example of this, as is the Bill before us. If that is the sort of legislation we are to enact it will be a blot on the history of the Parliament of Western Australia; and as a member of that Parliament I protest against such an enactment, and express genuine sorrow that through profound political obstinacy and ignorance of the result we are enacting this legislation.

In due course we will know what the words "or otherwise in a proper manner" mean. I am sure that the judicial interpretation is that they do not mean anything. I do not think any magistrate will say that the words "or otherwise in a proper manner" mean anything, because they are completely inconsistent with the words preceding them.

Mr SKIDMORE: I am endeavouring to convince the Minister that he should change his mind. Surely in a court of law the defendant has a right to know under what method he is charged. If a person is charged with committing an offence because his blood sample gives a reading of over 0.08 per cent alcohol, it is not unreasonable that the lawyer representing him should know what the regulation is. Most of our laws lay down the criteria upon which people are subjected to the processes of the law. If we examine clause 69 we will see that it does not give the defendant an opportunity to know the basis on which he is prosecuted.

Here are regulations with which the people must abide, and a defendant must endeavour to get over them. When the lawyer of a defendant is able to use as a defence a technicality relating to the breach of the regulations, he has a right to do so. That is what the law is about; it is a question of getting the defendant off, whether the defence be based on a technicality or on some other issue.

However, the prosecutor is not concerned because he is able to make use of the expression "or otherwise in a proper manner" and could suggest that the proper manner should be in certain terms because some circumstances arose out of the taking of the blood sample. If there is a breach of a regulation surely it is a sufficient defence to prove that the regulation is wrong, and on that ground the defendant should be acquitted. If the Government, its advisers, and the Minister for Police feel that the words proposed to be deleted should remain in the clause, then my respect for them will be decreased. A defendant should be given the opportunity to defend himself in a right and proper way. I do not agree that the words should be retained in the clause. I feel the Minister will lose nothing by agreeing to their deletion.

Mr BRYCE: I feel as strongly on the provision in clause 69 and on the absurdity of the inclusion of the words which the amendment seeks to delete as do my colleagues. When the Minister was invited to indicate his reason for the retention of the words "or otherwise in a proper manner" he failed to do so. He mumbled a number of times during the debate on the clause and said many guilty people were getting off. That seemed to be the principal objection of the Minister. If he sincerely believes that he has a responsibility to say so publicly: that the words "or otherwise in a proper manner" have been included to enable the Government or the Minister to gain some satisfaction from the wholesale increase in the statistics relating to the number of persons convicted of drunken driving.

Mr O'Connor: Have you been out of the Chamber?

Mr BRYCE: I have been in the Chamber during the entire debate on the clause.

Mr O'Connor: You must have been asleep if you did not hear my reply.

Mr BRYCE: I did hear the Minister's reply, but he failed to indicate clearly what the inclusion of the words meant in practise.

Mr O'Connor: It means a sample taken to give a reliable result.

Mr BRYCE: The real reason for the inclusion of the words is that the Government would like to cast a net and catch a greater number of offenders for committing this offence. When the member for Subiaco made his contribution he indicated there were certain technical problems related to the taking of blood samples. If he is correct on a professional basis in respect of the technical problems, why bother about the inclusion of regulations? Why should not the clause lay down that a medical practitioner should take samples of the blood of apprehended persons in a proper manner, and leave the position wide open?

Why bother to include the words "in accordance with the regulations"? As other members on this side have said, if regulations must stipulate the basis on which the samples should be taken, why leave the situation wide open so that

rather than the prosecution having to prove the defendant guilty of the offence, the reverse would apply?

The clause is quite absurd. At least half a dozen members on this side have clearly indicated that it brings Parliament into contempt and it goes against the principle upon which the law of this land is based. The member for Boulder-Dundas has clearly indicated the stupidity and hypocrisy involved in this clause.

Mr B. T. BURKE: I was a little hurt and taken aback to hear the Minister refer to me as being nasty.

Mr O'Connor: You are.

Mr B. T. BURKE: Again he has slung an arrow my way.

Mr O'Connor: Can you not throw any back?

Mr Skidmore: I think you both enjoy it, you know.

The CHAIRMAN: Order!

Mr B. T. BURKE: It is not in my nature—

Mr O'Connor: You said I was rattle-headed, but at least I have something to rattle.

The CHAIRMAN: I ask the member for Balga to address his remarks to the Chair and to confine them to the question before the Chair.

Mr B. T. BURKE: I once saw a cartoon, and—

Mr O'Connor: You must have looked in the mirror.

Mr B. T. BURKE: I will ignore the Minister—

The CHAIRMAN: Please do.

Mr B. T. BURKE: —relying on you to protect me, Mr Chairman. I once read a cartoon—

Mr Watt: Billy Bunter?

Mr B. T. BURKE: You can see how hard it is for me to desist, Mr Chairman.

The cartoon consisted of a man standing on a stone with a bearskin around his middle, campaigning for office; and, to a crowd standing around him, he denied the rumour that there was a housing shortage. He said that the shortage was just a vicious rumour started by people with nowhere to live!

The point about that story is that this clause is taking us back to the stone age and to the proposition that if we cannot catch people legitimately we will catch them illegally. The Minister has continually implied that the purpose of the words to which we object is to prevent the flight of people who quite rightly belong on the list of the guilty. He did not explain properly that that was his intention because he quite naturally shied away from saying as much in so many words, and I would also. What he did do was to indicate that there are a number of minor reasons which might not invalidate the blood sample, but which might invalidate the prosecution's case in court; and he seemed to imply that these minor reasons should not be allowed to bring down a case which was otherwise sound.

It is my opinion that he then contacted the member for Subiaco who, like a knight in shining armour, drew his sword and jumped into the fray. As far as I am concerned there would at least be something to be said for the proposition if the regulation clearly stated the Government's intention. If, for example, it is the Government's intention that the blood should be taken after the driver's jugular vein has been cut, then the Government should say so.

If, as the member for Subiaco proposes, there are a number of reasons which should not be taken into account, but which would nevertheless invalidate the blood sample, and because they are so varied it would be impossible to incorporate them in regulations, then I am willing to agree with him that it would be an impossible task to set down all those variations that will be accepted by a court. However, as the member for Ascot so ably pointed out, there is no need to set down the variations. All we need say is simply that a doctor shall take the blood sample in a proper manner.

I cannot understand why the Minister takes such strong exception to those words. The member for Scarborough has some special knowledge about the meaning of the word "proper", but the Minister does not have that knowledge because he said the court will decide what it means.

Mr Young: That is exactly what I say, too. The court will decide what "proper" means.

Mr B. T. BURKE: That is perfectly right, and it will take on its meaning once the decision has been handed down—not now. So we are abdicating our responsibility and saying to other people, "Tell us what we are saying." That is unacceptable to me.

Mr Young: We have been doing that for 500 years. That is why we have law courts. Didn't you know that?

Mr B. T. BURKE: During the 23 years under a non-Labor Government, that might have been the case, but it is certainly not the case under a Labor Government.

Quite clearly it is unnecessary to use this method to achieve the end the Government would seem to want to achieve. If it wished to achieve that end, then it should make a net big enough and with a mesh small enough to entrap any driver and any person. Why do it surreptitiously and so inefficiently?

Mr YOUNG: I do not want to waste the time of the Committee because we have had a long debate, but it is passing strange to me that of all the points raised tonight by the member for Boulder-Dundas, the Opposition has decided to dig in its toes in respect of this particular amendment. The member for Boulder-Dundas commenced the debate by referring to a provision which is unlawful; then the member for Swan, at some later stage in the debate, referred to hearsay evidence; and now we have heard the contention of the member for Balga in regard to illegality. We have run the whole gamut of misquotes on what this particular clause means.

No-one has taken into consideration for one moment the fact that this provision could well act to the benefit of a person who has been apprehended and has been suspected of having a blood alcohol content above the permissible limit. It could well be that the provisions which the member for Balga so proudly states we ought to be able to write into our Statutes and provide a perfect law could exclude something that a qualified medical practitioner, acting in a proper manner, might well pick up to the benefit of the person accused.

If we accept the vaguest possibility of that occurring, we must ask ourselves what we are talking about. We are talking about the words "or otherwise in a proper manner". This has been overlooked by members of the Opposition.

Mr B. T. Burke: We have to talk about them in their context.

Mr YOUNG: Of course we do, and we are talking about the context of clause 69 which refers to blood samples and regulations. I was just coming to regulations. The assumption of members of the Opposition is that Ministers can draft regulations, acceptable to Parliament, which will be absolutely perfect at all times.

Mr B. T. Burke: We did not say that.

Mr YOUNG: The member for Balga has consistently taken the line that we have to be capable of writing specifically into the laws of this State exactly what steps must be taken by people in regard to these tests.

Mr B. T. Burke: I did not. I said that the complete absence of any steps would be an acceptable alternative because you are not provided with an elastic ruler.

Mr YOUNG: The honourable member even referred to the situation by saying that if it was desired to catch a person why not regulate so that his jugular vein would have to be cut in order to provide a sample of blood. The suggestion made by the Opposition really and truly is that regulations can obtain all things, and that we—via this place—can write exactly what is right in regulations. The suggestion, therefore, is that whatever is done or said in this place is absolutely perfect. In that case we could do away with law courts, magistrates, and judges because the law would be so clear and so definite that everyone would understand it.

Mr Skidmore: That cannot be done.

Mr YOUNG: That is exactly the point. The member for Swan has taken an attitude tonight which suggests that judges or magistrates are persuaded by a person making a prosecution to accept what he says, provided that person claims he has acted in a proper manner. The remarks can be read in *Hansard*. It is a farce because it is clear that a judge or magistrate, sitting in judgment, has to take notice of the evidence.

Mr Skidmore: I did not say that. Various magistrates make various decisions.

The CHAIRMAN Order!

Mr YOUNG: Fair go! The assumption from the other side of the Chamber is that regulations have to be perfect and that the words, "a proper manner" can be twisted by anybody to influence a judge or a magistrate sitting in judgment.

Mr Skidmore: I cast no aspersion.

The CHAIRMAN: Order!

Mr YOUNG: The assumption is that if a judge or magistrate was not satisfied that a medical practitioner had acted in a proper manner he would have to call for an expert medical opinion.

Mr B. T. Burke: Why?

Mr YOUNG: To prove whether the words, "in a proper manner" had been complied with. Once he has called that evidence he can sit in judgment. He is the only person who will determine the interpretation.

Mr Hartrey: He may not call for evidence.

Mr YOUNG: With all due respect, the word "proper" in this context means that the job has to be done properly. The magistrate cannot simply accept that because the prosecuting sergeant says something is proper it is, in fact, proper. The magistrate has to consider whether it is and, of necessity, he ought to be qualified to do so.

If any member on the other side of the Chamber thinks we can frame legislation to enable anyone in this community to know exactly where he stands—as claimed by the member for Swan and the member for Balga—they have another think coming. I am sure the member for Boulder-Dundas would agree with what I have said. Judges and magistrates have to have sufficient flexibility to judge within the law. Justice, referred to so often by the member for Boulder-Dundas, is that a person must be guilty beyond reasonable doubt. A series

of regulated tests will never be a perfect guideline for that. If a judge or a magistrate has the flexibility to say that he believes, on the evidence presented to him, that the tests have been done in a proper medical manner, he will be in a better position to judge whether a person is guilty or innocent. That seems to have been overlooked by members of the Opposition.

Mr B. T. BURKE: I rise to put the situation as I see it, following the short address by the member for Scarborough. He seems to have missed the whole point. I do not believe that anyone has said that any law written in this place defines quite clearly, and in a manner which escapes any contradiction, the rights and wrongs of any situation. We have tried to say that when it is unnecessary to write law that does not escape contradiction, when it is unnecessary to frame a law in a fashion that allows contradiction, then the law should not be written that way. If it is possible to take the onus off the judge—and the interpretation of a phrase or a word out of his hands—the onus should be taken from him.

Mr Young: Does the honourable member think that perfect regulations can be written?

Mr B. T. BURKE: It does not matter whether the regulations are perfect, or completely imperfect. It is a matter of writing regulations containing definitions or confines within which people can move. It is a case of writing regulations so that a person can say, with a fair amount of accuracy, "This is what we think is the case." I am not saying that if this part of the Bill was to say quite simply that a blood sample shall be taken by a qualified medical practitioner, and in a way which does not prejudice the results obtained, that would be a perfect law. It might be a very imperfect law but at least it would not be a law shrouded in the confusion caused by the three words, "a proper manner".

The member for Scarborough assumed, at great length, that the members of the Opposition quite wrongly believed that a judge would call for evidence although a qualified legal practitioner interjected that the judge was not able to do so.

Mr Skidmore: A classic example of "a proper manner".

Mr B. T. BURKE: That is the whole point. What is "a proper manner"? While judges will undoubtedly make interpretations, what we are trying to point out is that it is not necessary to abdicate our responsibility in this case. It is not necessary to fail to legislate because we can legislate at least to narrow down confusion to an area perhaps more acceptable. That sums up the objections I have to what was said by the member for Scarborough.

Amendment put and a division taken with the following result—

Ayes—16

Mr Barnett	Mr Hartrey
Mr Bateman	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr May
Mr B. T. Burke	Mr McIver
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr A. R. Tonkin
Mr T. D. Evans	Mr Moller

(Teller)

Noes—23

Mr Blaikie	Mr McPharlin
Sir David Brand	Mr Nanovich
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr Ridge
Mr Coyne	Mr Rushton
Mrs Craig	Mr Shalders
Mr Crane	Mr Sibson
Dr Dadour	Mr Stephens
Mr Grewar	Mr Watt
Mr P. V. Jones	Mr Young
Mr Laurance	

(Teller)

Pairs

Ayes	Noes
Mr Harman	Mr O'Neil
Mr J. T. Tonkin	Mr Mensaros
Mr T. J. Burke	Mr Sodeman
Mr Fletcher	Mr Grayden

Amendment thus negatived.

Clause put and passed.

Clauses 70 to 78 put and passed.

Clause 79: Drivers' licences issued overseas—

Mr HARTREY: I move an amendment—

Page 83—Delete paragraph (c).

Subclause (2) reads—

> (2) Where, in the opinion of the Authority, a person referred to in subsection (1) of this section—
>
> (a) suffers from mental or physical disability likely to affect his ability to drive a motor vehicle efficiently, having regard to the safety of the public generally;

That is all right. It continues—

> (b) is otherwise unfit to drive a motor vehicle, or having regard to the safety of the public generally, it is not desirable that he should be permitted to drive a motor vehicle; or

That is all right. It continues—

> (c) has been convicted of an offence in connection with the driving of a motor vehicle,—

Why should that allow the authority at any time to give a man notice in writing of the withdrawal of the permit conferred by the proposed subsection? Why should a person who has been convicted of an offence in connection with driving a motor vehicle lose his license simply because he comes from somewhere else? There are certain provisions in this State

which automatically provide for the forfeiture of a driving license and if a person comes within the ambit of those provisions he should have his license withdrawn. It is fair enough that where in the opinion of the authority a person is mentally or physically incapable or is unfit to drive a motor vehicle he should forfeit his license. But why should the fact that he has been convicted of an offence in connection with driving a motor vehicle, perhaps 10 years earlier and in another country, be a ground for withdrawing his license? What use is that?

Mr O'CONNOR: I oppose the amendment. This clause is identical with section 75 of the present Act.

Mr Hartrey: That does not make any difference. It is just as silly.

Mr O'CONNOR: The honourable member might think so, but the clause refers to a person who has been convicted of an offence in connection with driving a motor vehicle. If a person comes from overseas and has an international license we cannot cancel the license because it is not a local one. This provision enables the authority to prevent him from driving. If the person thinks he has been unfairly dealt with he can appeal and I do not think he will have any problems; but if a person with an overseas license commits an offence we should be able to prevent him from driving on the road, and we intend to do so.

Amendment put and negatived.

Clause put and passed.

Clause 80: Validity of drivers' licences issued in other States—

Mr HARTREY: The same thing—

Mr O'Connor: The same answer.

Mr HARTREY: This clause relates to people who come from other States of Australia. I do not know what constitutional right we have to discriminate against people from other States, but I think it is wrong. It is fatuous to have a provision that if a person has been convicted of an offence in another State—goodness knows how long ago, and whether or not the license from the Eastern States is valid—authority to drive in this State may be withdrawn. That is an unfair and unjustified discrimination against a person merely because he does not happen to be a resident of Western Australia.

I move an amendment—

> Page 84, lines 31 and 32—Delete paragraph (c).

Amendment put and negatived.

Clause put and passed.

Mr Barnett: Ha, ha!

The CHAIRMAN: I point out to members of the Committee that they have the right to call for a division if they do not think the vote has been awarded correctly. I also point out that I have given a number of calls to the Opposition side when in my view there has been an obvious win on their side.

Clause 81 put and passed.

Mr O'CONNOR: I move an amendment—

> Page 85, after line 19—Insert the heading "PART VI.—MISCELLANEOUS.".

This is an omission. The heading should have been included.

Amendment put and passed.

Clauses 82 and 83 put and passed.

Clause 84: Liability for damage to roads, etc.—

Mr HARTREY: I move an amendment—

> Page 86, line 38—Add after the word "road" the words "Such damages may be recovered by proceedings in any Court of competent jurisdiction.".

This clause is a repetition of the equivalent section in the Traffic Act. However, we are not told how the local authority is to proceed to obtain damages. Does it go to the Traffic Court, the Supreme Court, or some other court? The inclusion of the reference to any court of competent jurisdiction would mean that for damages of less than $1 000 a local authority would apply to the Local Court, for damages in excess of $10 000 the local authority would issue a writ in the Supreme Court, and for any sum in between an action would be heard in the District Court.

Mr O'Connor: I have no objection to the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 85 to 97 put and passed.

Clause 98: Proof of certain matters—

Mr HARTREY: To correct an obvious misprint, I move an amendment—

> Page 96, line 32—Delete the word "which" and substitute the word "whether".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 99 to 106 put and passed.

Clause 107: Offences generally—

Mr HARTREY: I move an amendment—

> Page 105, line 3—Delete the word "two" with a view to substituting the word "one".

It seems to me to be quite absurd that the Bill provides a maximum penalty of $100 for many offences but any offence for which a penalty is not prescribed will carry a maximum penalty of $200. It is reasonable to suppose that offences for which no specific penalty is prescribed are of a less serious nature than those for which penalties are prescribed.

It would be a matter of common sense and show some regard for justice for the Government to accept my amendment.

Mr O'CONNOR: I do not propose to accept the amendment. As I pointed out earlier, these are maximum penalties and the court has a discretion to impose a lesser fine.

Mr HARTREY: This is a ridiculous attitude to adopt. It is not reasonable to say that the magistrate will not impose a $200 fine so we should enable him to do so. If we have no confidence in the maximum penalty, why should we include it? Logically, a provision to which no specific penalty is attached ought not to attract a higher maximum than the large number of offences to which a specific penalty is attached. Why is the penalty of $200 there if it is not to be used?

Mr SKIDMORE: I might be accused of wearying the Committee at this late hour, but if I am accused, the Minister who introduced the Bill can take the blame. The question of penalties was discussed during the debate on a previous clause. We failed to convince the Minister that a fine of $50 should be imposed on a first offender. The Minister insisted that the fine of $100 be retained as all the other penalties provided in the Bill refer to $100.

We find the Minister doing another somersault in logic. He now feels it does not really matter that a penalty of $200 is prescribed. Surely the Minister must agree that where a penalty is not prescribed for an offence that penalty should be consistent with other penalties prescribed in the Bill. I hope that in the dying stages of the Committee debate we can convince the Minister that the penalty under this clause should be $100.

Mr B. T. BURKE: What worries me about this clause is that it is a continuation of what appears to be a very brutal exterior presented by this Government to the people of the State in a short time.

Mr Clarko: Knock off! How late do you think it is?

Mr Bertram: There is nothing wrong with that statement.

Mr B. T. BURKE: I have heard it said that the member for Karrinyup is a poor councillor and a worse politician; but I did not say that.

Mr Clarko: You wouldn't have the brains to because you know nothing about either area.

Mr Bertram: Yes he does, and he has a lot of potential to boot.

Mr Clarko: Potential for what?

The CHAIRMAN: Order! The member for Karrinyup will cease interjecting and the member for Balga will address himself to the Chair.

Mr B. T. BURKE: Thank you, Sir. I have also heard it said—

The CHAIRMAN: I would ask the member to confine his remarks to the matter before the Chair.

Mr B. T. BURKE: —that this sort of penalty—

The CHAIRMAN: Thank you.

Mr B. T. BURKE:—is necessary to the procurement of proper legislation. However, I am one with the member for Boulder-Dundas when he says that if it is not expected or desirable that a particular provision of a particular Bill should be used, then that provision has no place on the Statute book. It would seem far more sensible to me to suggest that in the absence of a prescribed penalty for an offence the legislation might well opt for a more lenient view and at least put on an exterior that appears reasonable and humane. If an offence is serious enough to warrant specific attention that attention should also include a prescribed penalty. If the bracket of offences is not so serious as to warrant a prescribed penalty, then the penalty laid down should lean towards the more lenient and compassionate point of view.

As I said at the outset, the worrying thing is that this clause, and the other clauses which resemble it, are a continuation of the brutality the Government has presented to the people. This Government has repeatedly said it believes in the broad flourish of the pen that obliterates and does not just cross out what has been put down on paper before it was used. Not only in this legislation, but in other legislation and in other areas where such severity has not been warranted this Government has seen fit to be harsh and unbending. What does it matter if the penalty is $100? The Minister has just said he believes the figure of $200 is a maximum.

Mr O'Connor: I don't believe it, I know it.

Mr B. T. BURKE: I will refrain from retorting.

The CHAIRMAN: Thank you.

Mr B. T. BURKE: The Minister has not said there is anything wrong with the penalty of $100; he simply said that $200 is a maximum. So it may well be that $100 will be the fine which will be imposed, in which case it will be acceptable to the Minister. He wants once again to say something that he does not seem really to mean. He wants to reject a point of view without saying that point of view is wrong, but merely by saying the more vulgar and crude method is just as efficient. Certainly a prescribed penalty of $200 will allow a magistrate or judge to fine an offender $100, but it is not the

belief of the Opposition that we should be as harsh or severe as the Government seems to want to be.

Amendment put and negatived.

Clause put and passed.

Clause 108: Savings—

Mr O'CONNOR: I move an amendment—

Page 105, line 23—Add after the word "done" the following passage—

, and it is hereby further declared that any suspension, disqualification or cancellation of a driver's licence ordered or made by or under the Traffic Act, 1919-1974 or The Criminal Code shall continue and have effect as if it had been ordered or made by or under the provisions of this Act and as if this Act had been in force when it was ordered or made.

As members will appreciate, this amendment is to ensure the continuity of operation of the Acts.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 109 and 110 put and passed.

Clause 111: Regulations, etc.—

Mr HARTREY: Mr Chairman, you will be pleased to note this is my swan song for this morning. I invite the attention of members to the wording of subparagraph (ii) of paragraph (1) of subclause (2), on page 108 of the Bill. How can one make any sense out of that subparagraph? I suggest the maximum penalty of $500 should be reduced to $200, and I will leave it to the Minister to decide whether the rest of the provision makes any sense. The provision states that for any subsequent offence minimum penalties, irreducible in each case, of from $20 to $200 shall apply. Which is the irreducible one? Certainly if the minimum is $20 that is all right, but if the minimum is $200 that is 10 times as much. How does the judge decide what to do? The provision states that he shall decide, "according to the nature of the offence or the circumstances by which it is attended"; and that is exactly what any judge considers in a case where there is no minimum penalty at all.

If a maximum penalty is set the judge may impose it in a bad case, and in a trivial case he will impose a comparatively small penalty. In this provision he is invited to say if it is a bad case it must be not less than $200, and if it is not such a bad case it can be as little as $20. That is absolutely stupid; but, of course, it is in keeping with the whole blasted Bill because none of it makes sense. I move an amendment—

Page 108—Delete subparagraph (ii) and substitute the passage "for any subsequent offence, a penalty not exceeding two hundred dollars."

That at least makes sense and leaves a discretion to the courts which it is proper we should give them. We have taken away every kind of discretion tonight; we have even given a court the direction to rule that something unlawful must be obeyed. Do not let us be so stupid as to say that we cannot make the penalty range from $20 to $200.

Mr O'CONNOR: This clause was inserted into the parent Act to protect the Main Roads Department and local authorities as a result of the damage caused to roads by the overloading of hauliers. I am quite sure members would know what damage has occurred in a number of areas because of overloading. I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

First and second schedules put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

MR O'CONNOR (Mt. Lawley—Minister for Traffic) [1.42 a.m.]: I move—

That the Bill be now read a third time.

MR T. H. JONES (Collie) [1.43 a.m.]: It is necessary for the Opposition to indicate clearly its final feelings on this measure. This is a repetition of the numbers game we saw in regard to the fuel and energy legislation, although the gag has not been applied on this occasion. The Liberal Party has completely evaded its election promise; it has not honoured the policy with which it went to the people. We record our strongest possible objection to this measure. The Government may have fooled the public up till now but subsequent events will clearly show that the patrolmen in the new traffic authority will also be policemen. I hazard a guess that they will perform both functions in country districts. However, time alone will tell.

The high costs associated with the administration of the two separate bodies will make it impossible for patrolmen and policemen to operate independently in small towns. I could be wrong, but, again, only time will tell.

I quote another extract from the Liberal Party policy speech. It states—

We will make this authority completely independent of the Police Force.

What hogwash! The Minister has admitted tonight that the patrolmen will also be policemen and as a consequence they are to be members of the Police Force and subject to the regulations and conditions applying to policemen. I do not know where the Country Party stands in regard

to this matter; we have not been able to find its policy speech. However, in my view, the Liberal Party stands condemned. It has not introduced the legislation it promised the people it would introduce. It has no mandate to establish such an authority, because it will not be independent of the Police Force.

This legislation is a complete guise. The Government has pulled the wool over the eyes of the public, but it is quite another thing to come into the House and use the numbers game to force the legislation through the House. But that is precisely what has happened.

The Government has let Mr John Citizen down. It has not honoured its election promise, and the Minister well knows it. I wonder how many more departures from previously stated policy we will see during the remaining period this Government has in office. Already, we have seen one of the biggest let-downs Western Australia has ever seen. In its "Let's put things right" booklet, the new traffic authority was to be completely independent of the Police Force, but this is not to be the case. The Minister did not know where he was going and, as a result, the new authority will be one big sham.

I do not want to be repetitious. We have all read the newspapers. Headlines stated, "WA to get a highway patrol". Where is it? Are they to wear pale blue uniforms or orange uniforms? We do not know what colour they will be. However, there was plenty of mention of this before and since the election. Members opposite can snigger if they want to; this Bill tonight has been rather a joke. I have noticed members opposite laughing as though it were a practical joke each time a member on this side stood to raise important issues. I wish members of the public had been here tonight to see their display; it was shocking. The Minister can say, "Oh!" if he likes, but the public have been let down and I am certain they will wake up to the situation.

Mr O'Connor: The rest of us will not.

Mr T. H. JONES: Members opposite again are making speeches sitting down. We want to register our final protest on this Bill. I think the Commissioner of Police has been let down. He has done a remarkable job in controlling traffic in the metropolitan area. Who can deny that? However, he is to be given only a token responsibility on this new authority, something to which he should never have been subjected.

We have heard it said many times that this new authority will be the answer to Western Australia's traffic problems. We have yet to see whether in fact this will be the case. The member for Warren has highlighted certain problem areas and I believe the Police Union will also encounter difficulties; only time will tell.

We on this side anticipate problems in regard to seniority and other matters. What about patrolmen? I will be very interested to see what will happen to those over the age of 60. I know what will happen; they will finish up on the dole because the Minister for Traffic has not been able to assure the House that they will be found positions in Western Australia when they are replaced by members of the independent traffic authority.

Mr O'Connor: You wanted to kick them out at 45.

Mr T. H. JONES: I did not.

Mr O'Connor: Yes you did; your Government did.

Mr T. H. JONES: But we were not going to just kick them out; we were going to guarantee them jobs in another department and the Minister well knows it. The Minister knows what was contained in our Bill in respect of the motor vehicle inspection branches.

I am waiting to see what some members will find will happen after this Bill is passed. Mr Lee of Donnybrook is over 60 years of age. He has a small house in Donnybrook and has a respectable family. Where will he go when he gets the axe after the passing of this legislation? What will happen to his superannuation benefits to which he has contributed for many years? What will happen to the other benefits that have accrued to him? The questions we are asking have not been answered by the Government.

I said initially that the public have not yet awakened to what these extra penalties mean. I think the member for Boulder-Dundas and other legal men on this side of the House have performed an excellent job tonight in clearly spelling out the impact this legislation will have on the average motorist of Western Australia. I hope that one day those members on the other side of the House who have voted in the various divisions that have been held on the clauses of this Bill will realise the impact the measure will have on John Citizen and all the motorists of this State.

Mr Clarko: It will keep him alive.

Mr T. H. JONES: It will keep him alive all right! We will see the penalties that will be inflicted after the Bill has been passed. The people have not awakened to that fact as yet. This proposed authority should not have been mooted purely on the ground of economics. It has been said that it will cost $693 230 more to administer the type of control proposed by this Bill than it will to administer control by the Police Force. Therefore on that ground alone the Bill should not have been introduced at this point of time. Further, that is only an estimate of the cost. I am wondering what the final cost will be. We will wait with interest to ascertain what the proposed authority will eventually cost.

Mr Bryce: If the Government runs out of money it can blame Canberra.

Mr T. H. JONES: Here is a chance for the Government to do something constructive. Labor Party policy would have saved the State a sum in excess of $693 000 a year. We have done all we can to protect the man in the street. Tonight we have argued and put forward a reasonable case so far as we have been able.

When the Bill is passed it will be up to the electors of Western Australia to realise the shortcomings of this Government. The people will mistrust the Government because it did not have a mandate to do what it has done. Had the Government introduced a Bill to establish an authority that was independent of the Police Force, I would have said, "Fair enough", but it did not have a mandate to go ahead with this measure; it merely had the numbers. It has been a numbers game all night.

We on this side of the House are disgusted with the Government's attitude and time alone will tell whether we are right or wrong. The Government made a mistake in passing the fuel and energy Bill and this is another instance of where it has made a mistake in passing the control of traffic in Western Australia from the police to another authority.

MR HARTREY (Boulder-Dundas) [1.53 a.m.]: Despite the late hour I feel I must join the member for Collie in a parting malediction to this Bill. I need no handkerchief to wipe from my eyes tears for the passing of traffic control from the Commissioner of Police, although I do agree with the proposition that has been put forward by my party; namely, that the control of traffic should be left in the hands of the police.

At the same time that is not the aspect of the legislation about which I am troubled. What I am troubled about is what this Bill, as it passes through this House tonight, will do to the law and to the judiciary of Western Australia and, further, to the fundamental provisions of British justice. Everything that is possible to be done to cast upon an accused person an additional burden in the matter of his defence, and in order to eliminate any means by which that person can lawfully defend himself, has been done and, in some respects, has been done ridiculously. Also, it has been done with the use of the absurd expression, "or otherwise in a proper manner". As if there could be any proper manner but a legal manner!

So I give this Bill my malediction. I have done everything I can to prevent the Bill's passing through this House. I wish to assure members once again that I have practised for many years in the Police Courts and in the Traffic Courts and I realised then the imperfections of the existing Traffic Act and hoped that that Act would come before this House one day for drastic overhaul. It did come before this House and I was a member of the House at the time. I looked forward to the removal of several deficiencies in the Act, but instead they have been reperpetrated, renewed, and even intensified by this measure.

As I said when I spoke during the second reading debate, this piece of legislation affects more people personally than any other Statute over which we have any control. Even the Education Act does not affect as many people as does the Traffic Act. This legislation affects people from the point of view of insurance; of penal clauses, civil action for offences for damages; personal injuries and compensation therefor. From every point of view this legislation is extremely important.

This measure has made a complete botch of the Traffic Act and the Government has forced it down our necks with that bludgeoning weapon—an overwhelming majority. However it has been made quite clear in my mind that although the Government has forced the legislation through this House with a majority of five, it will never have a majority of five again for many years to come, because this measure will be, substantially, a contributing factor to its defeat at the next election.

MR T. D. EVANS (Kalgoorlie) [1.57 a.m.]: I have some trepidation in rising in my place now, having heard what I believe to be a most eloquent speech made by the member for Boulder-Dundas. I say with full and due respect, and with no sense of exaggeration, that I believe he has, on this occasion, rivalled Shakespeare when, in that famous speech of Mark Antony he used the words, "I come to bury Caesar, not to praise him". In the words of the honourable member about whom I am speaking, the Government has certainly buried itself and is deserving of no praise whatsoever for some of the attitudes it has adopted in regard to this piece of legislation.

The reason I have risen to my feet now is to indicate that I regret, due to another pressing and perhaps more interesting diversion, I was absent from the Chamber when clause 109 of the Bill was debated. I take this opportunity now to draw the attention of the Minister to that clause in the hope that if I can convince him in the short time available that this clause certainly needs attention he will try to have consideration given to it in another place. Clause 109 comes under "Part VIII —Transitional Provisions", and reads—

> Where any provision of this Act is proclaimed to come into operation prior to the date fixed under section 4 of this Act for the repeal of section 22 of the Traffic Act, 1919-1974,—

Section 22 of the Traffic Act refers to the appointment and the powers and functions of traffic inspectors pursuant to local authorities.

To continue with clause 109—

> any reference in the firstmentioned provisions of this Act to a patrolman shall, until section 22 of the Traffic Act, 1919-1974, is repealed, be construed as including a reference to a traffic inspector or assistant inspector appointed under that section.

What it really means is that until such time as the traffic inspectors appointed under section 22 of the Traffic Act ceased to exist—that is until such time as the proposed authority covers the whole State with patrolmen—the traffic inspectors shall be deemed to enjoy the same powers and authority, and carry out the same functions, as patrolmen under the new Act.

I think the Minister will agree with that. This is certainly a transitional power, and one which will have a finite end. However, in the Minister's own words it could be 18 months before the authority would cover the whole State.

Mr O'Connor: I would expect three-quarters of the State to be taken over within the next six to eight months.

Mr T. D. EVANS: Would it not be true to say that 18 months from now there could still be traffic inspectors as defined under section 22 of the Act? By virtue of clause 109 traffic inspectors who could still be operating in 18 months from now will enjoy the powers, the functions, and the authority of patrolmen.

If we refer to clause 13(3)(a) we find that a patrolman is a police officer. A police officer has powers of arrest, whereas section 32 is the only section of the Traffic Act which gives the traffic inspector the powers of arrest; that is, in relation to a person driving a vehicle under the influence of alcohol or drugs. The Traffic Act does not give powers of arrest to a traffic inspector in respect of an offence which I believe in many instances can be far more dangerous to the public than is drunken driving; I refer to reckless driving.

Under the existing Act a traffic inspector does not enjoy the powers of arrest in respect of the offence of reckless driving. Obviously the public policy dictates that the powers of arrest shall be restricted to fully trained police officers; that is as it should be. So, if clause 109 is not amended it will provide that a traffic inspector, whilst he is operating and until such time as the new legislation covers the whole State, will enjoy the powers of arrest possessed by a police officer. Further, it means that he will enjoy or endure the powers and authority of police officers in fields quite distinct from traffic control. It may be stretching the long bow to say that a traffic inspector could arrest a person for being drunk and disorderly while he is walking along the street—an offence not associated with driving or attempting to drive a motor vehicle under the influence of alcohol or drugs.

I do not think that is what the Government intends, but that is what the clause will permit. I hope the Minister will take this opportunity to have the matter examined; I also hope that some suitable amendment will be made to the clause in another place.

Question put and a division taken with the following result—

Ayes—24

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

Noes—18

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

Pair

Ayes	Noes
Sir David Brand	Mr Harman
Mr Mensaros	Mr J. T. Tonkin
Mr Sodeman	Mr T. J. Burke
Mr Grayden	Mr Fletcher

Question thus passed.

Bill read a third time and transmitted to the Council.

BILLS (4): RETURNED

1. Public Authorities (Contributions) Bill.
2. Liquor Act Amendment Bill.
3. Rural and Industries Bank Amendment Bill (No. 2).
4. Stamp Act Amendment Bill (No. 2).

Bills returned from the Council without amendment.

ACTS AMENDMENT (ROAD TRAFFIC) BILL

Second Reading

Debate resumed from the 15th October.

MR T. H. JONES (Collie) [2.08 a.m.]: At this rather late hour it is not my intention to go into the Bill deeply. As the Minister said when he introduced the second reading, this measure is complementary to the Road Traffic Bill.

This is a very small measure which brings other Acts into consideration. In view of the fact that the Road Traffic Bill has passed the third reading we on this side of the House have no alternative but to support the measure before us.

The member for Welshpool has raised a very important matter in relation to what in his considered opinion is a weakness in the Bill. With those comments we support the measure.

MR JAMIESON (Welshpool—Deputy Leader of the Opposition) [2.09 a.m.]: In looking at the second reading speeches of the Minister to the Bill before us, and the one that has just passed the third reading, we find that both measures are so closely interlocked that we have to refer to them both, because they deal with matters arising out of the passage of the Road Traffic Bill.

I have in mind one point to which I believe some attention should be given. It seems that the establishment of the authority was dealt with without the Minister having any idea of who would administer its day-to-day operations. The legislation indicates that the Governor may appoint certain persons, one to be the permanent head of the department and then the schedule in this Bill proposes to delete the word "Director" and substitute the word "Authority". This will be absurd because many notices will have to be sent out "by the authority of the authority". Normally the permanent head of the department is given some kind of name, whether this be director, controller, or manager. In local government he is referred to as the town clerk or the shire clerk. Always the head has some titular standing. Under the Bill before us the head of the department is referred to merely as the permanent head of the department.

It could be said that any notices which must be issued could be signed by the chairman, but the legislation enables anyone to be the chairman, and thus some confusion could occur because the Commissioner of Main Roads, the Commissioner of Police, and the Director-General of Transport will be on the authority. With people in such a high bracket of salary, we usually find that if the one on the highest salary is not appointed as chairman, a great deal of dissention occurs and my experience in these circumstances has been that instead of the top men attending the meetings, the deputies do so, thus indicating that the function is not considered very important.

In this instance one would assume that the Director-General of Transport would have the edge on the others to be chairman. Surely if notices concerning the day-to-day operations of the authority are to be issued, they should be signed by the permanent head of the department. Therefore I consider the Minister should give an indication of what that permanent head will be called. I do not mind if he is referred to as the director, but the name "director" seems to be objectionable to the Government as it intends to delete it from the Act.

Most members would be aware that the word "Director" was used previously so that he would not be confused with the Commissioner of Main Roads or the Commissioner of Police and others on the lesser authority formulated at the time.

Mr O'Connor: He could be called the Commissioner of Traffic.

Mr JAMIESON: Already two other commissioners will be on the authority and, with a third, confusion could arise.

I do not think enough thought was given to the drafting of the Bill, because the permanent head of the department should have been given some name.

Instead of our licenses being signed by a person with a particular title, they will be signed "by the authority of the authority", unless provision is made for some particular person to accept the responsibility. At present the licenses are signed by the Director of Motor Vehicles while previously they were signed by the Commissioner of Police.

Surely we would not expect the authority to meet and determine on all matters of administration. This would not be reasonable, and I do not think it is the Government's intention. Nevertheless, the Government has left the situation very much open by merely referring to a permanent head of the department. I suppose he could sign himself as the permanent head of the department, but it is rather an inglorious title. However, it would be preferable to notices being signed "by the authority of the authority".

I consider the Minister should have this matter referred to the draftsman in order that the person might be given some title to place him in the top echelon of civil servants because he will be responsible for the administration of a big department. Perhaps amendments may be necessary to the two Bills, and these could be made in another place. We do not want the head of a department to be downgraded by his being referred to merely as the permanent head of the department, whatever that might mean.

That is my only complaint. I searched the Minister's speeches on both Bills and raised the matter with my colleagues who said that as far as they were aware the matter had not been mentioned in the course of debate. I feel that if it is to be raised, this is the time to do so in order that the Minister, in his wisdom, might take some action before it is too late and the legislation is finalised, thus providing us with the head of a department with no statutory name. If it were stipulated that the permanent head would be the chairman, that would be all right, because he could sign himself as the chairman, but the legislation distinctly provides that any one of the members on the authority may be the chairman. In this instance the person will be out on a limb because he

will be a man with no title except the permanent head. I would like the Minister to ensure that he is placed in the echelon in which he belongs. As the Minister is the parent of the child I think he should be named well.

MR O'CONNOR (Mt. Lawley—Minister for Traffic) [2.18 a.m.]: I thank the Deputy Leader of the Opposition for his comments on the Bill. His main concern involved the permanent head because he wanted to know what he would be called and how he would sign documents.

The authority will make the decisions in connection with who will sign the various documents, but they will be signed by the chairman or the chief executive officer. They could be signed by a less senior officer if required because, as members are aware, the authority has fairly extensive powers of delegation.

I can visualise no real problems in connection with this matter because once the authority is established any difficulties encountered will be immediately overcome.

The name of the person involved—chairman, chief executive officer, or whatever it might be—does not matter a great deal. The people on the authority are very competent.

Mr Jamieson: They are pretty well the same as those on the authority under the old Act.

Mr O'CONNOR: Yes. I believe we can rely on them to make the right recommendations. In connection with the question asked by the Deputy Leader of the Opposition, I would say that either the chief executive officer or the chairman would sign the documents involved. They would certainly not be signed "by the authority of the authority".

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

MR B. T. BURKE (Balga) [2.23 a.m.]: I move—

> That the third reading of the Bill be made an order of the day for the next sitting of the House.

Points of Order

Sir CHARLES COURT: On a point of order, Mr Speaker, I raise a question about the propriety of the mover in moving the motion. What is the alternative available to the Government? If the motion is defeated what will be the situation?

The SPEAKER: Before I consider this "helpful" motion—

Sir Charles Court: I am sure the Leader of the Opposition will not thank the member for Balga for this.

The SPEAKER: Order! I will leave the Chair and consult my advisers.

Sitting suspended from 2.24 to 2.25 a.m.

The SPEAKER: The motion as moved by the member for Balga must be put. It is a rather unusual procedure, but it can be put.

Sir CHARLES COURT: On a further point of order, Mr Speaker,—

Mr Bertram: The Speaker is still on his feet.

Sir Charles Court: That is all right; we know our manners.

The SPEAKER: Order! The solution is a simple one. The question will go to the vote and if the motion is defeated the Government may move that the Bill be now read a third time. Does the Premier wish to proceed with his point of order?

Sir CHARLES COURT: No, Mr Speaker. You have answered my point as to whether we should amend the motion as moved, or defeat it and then move our own motion.

Debate Resumed

Question put and negatived.

MR. O'CONNOR (Mt. Lawley—Minister for Traffic) [2.27 a.m.]: I move—

> That the Bill be now read a third time.

Question put and passed.

Bill read a third time and transmitted to the Council.

House adjourned at 2.28 a.m. (Wednesday)

Legislative Council

Wednesday, the 13th November, 1974

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (9) ON NOTICE.

1. FISHERIES

Prawning Licenses

The Hon. G. W. BERRY, to the Minister for Education:

(1) What are the criteria for the granting of prawning licenses in Western Australia?

(2) Is there any variation for different areas?