I think it would be dangerous to try to define light refreshments.

The Hon. G. C. MacKinnon: It could be anything except a knife and fork job.

The Hon. F. D. Willmott: The menu you read out is substantial.

The Hon. W. F. WILLESEE: It is quite a big meal. I also gave an undertaking that I would make further inquiries into clause 27 (2b). I think Mr. Ferry had moved an amendment which he later withdrew after I had given him an explanation. I was specifically asked whether it had any relation to bingo. There is nothing in that clause to permit clubs to conduct bingo. Representations were made to the effect that many clubs, such as bowling clubs, are granted permits to conduct small lotteries. It was considered that it would be a serious situation if it were possible for them to dispose of those tickets in this type of lottery.

The Hon. V. J. FERRY: I thank the Minister for his comments. I raised another query on which I sought information and this dealt with section 111 of the Act which relates to the rationalisation of licenses. I would like to have some expression of current thinking in this matter, bearing in mind that there are a number of points throughout the State where there are a good number of licensees in certain areas who will be competing for the custom.

The Hon. W. F. WILLESEE: I think Mr. Ferry outlined the difficulties of licensees in localities where the population has declined for one reason or another. He proposed that a compensation fund should be provided to help in the re-establishment of such businesses elsewhere. I am advised that the question of a compensation fund was exhaustively examined by the committee appointed to inquire into the licensing laws of Western Australia and it was considered that the present provisions of division 111 of the Act contained adequate means whereby licensees could transfer from one district to another where conditions may be better and where their trading enterprises will not be subject to loss by a shift of population. Licensees are thus provided with the advantage of being able to transfer to an area protected from undue competition.

Mr. Logan cited the disabilities of the Geraldton Yacht Club and said that despite the fact that it had its own premises the club is required to obtain a provisional license to sell liquor if the club holds a function; and it is necessary for it to purchase liquor from a hotel. It is not possible to legislate for individual cases. At first glance the approach seems reasonable on the case as it was made out, but to cover this aspect it would be necessary to amend the Act. I do not propose to do so in this Bill but I will suggest to the Licensing Court that it have a look at possible amendments which may be included in this type of legislation in the future.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and returned to the Assembly with amendments.

House adjourned at 5.11 p.m.

Legislative Assembly

Thursday, the 26th October, 1972

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

IRON ORE (McCAMEY'S MONSTER) AGREEMENT AUTHORIZATION BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Graham (Minister for Development and Decentralisation), and read a first time.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

MR. MAY (Clontarf—Minister for Mines) [11.05 a.m.]: I move—

That the Bill be now read a second time.

It has become evident that the following amendments are necessary to the Coal Mine Workers (Pensions) Act, 1943-1971, namely:—

1. Section 2—An amendment to cover the definition of "consultants" employed in the industry.
2. Section 9—Child Allowance—
   (a) to make the child allowance a trustee payment to the parent or guardian; and
   (b) to extend the payment of child allowance, at the Coal Mine Workers Tribunal's discretion, in order that the child may be assisted in obtaining a higher education.

For these reasons this Bill is brought before the House, and to give members a clearer understanding of the intentions of the proposed legislation, I make the following explanations.

The SPEAKER: Order! There is too much talking at the back of the Chamber.

Mr. MAY: With regard to the proposed amendment to section 2 of the Act, a difficulty has been experienced through companies engaging workers and classifying them as "consultants." Instead of these people being employed in the normal duties one would expect of a consultant, they are in fact carrying out the duties of men who would normally be engaged as permanent employees within the industry.

This has enabled the companies and the consultants in this category to avoid contribution to the pensions fund and, furthermore, has avoided the responsibility of terminating the services of the consultant at the compulsory retirement age of 60 years as stipulated in the Act.

This situation has had the effect of creating a certain amount of ill-feeling among the employees and, undoubtedly, should be corrected.

The amendment required is a minor one which simply extends the definition of "mine worker" to include any person employed as a consultant in or about a coalmine after a period of two months of such employment. The proposed addition of paragraph (k) in subsection (1) of section 2 of the principal Act remedies this problem.

Under the Act as it exists at present, payments for child allowance are considered as income when social service benefits are being computed, and because of this the social service entitlements of the parent are minimised.

It is felt that this procedure is unjust, and, therefore, an amendment is proposed to section 9 of the principal Act so that the payment of child allowance becomes a trustee payment to the parent or guardian.

A further amendment is proposed to subsection (4) of section 9 of the Act so that the payment of child allowance may be extended for a child over the age of 16 years beyond the present discretionary limit of 18 years of age. This will encourage children to attain a higher level of tertiary education.

The other amendments proposed relate to sections 10A and 21(2). These amendments are consequential to the amendments proposed respectively to sections 2(1) and 9(1) (b).

The amendment to section 10A simply excludes all moneys paid "on trust" in the assessment of a pensioner's income, whilst that in respect of section 21(2) makes it obligatory for both the mineowner and the "consultant" to comply with the contributory sections of the principal Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. Williams.

DENTISTS ACT AMENDMENT BILL

Second Reading

MR. DAVIES (Victoria Park—Minister for Health) [11.10 a.m.]: I move—

That the Bill be now read a second time.

The Bill to amend the Dentists Act provides for the enactment of legislation to—

1. Provide wider disciplinary powers for the Dental Board;
2. Provide for the employment of auxiliary personnel in the dental health team; and
3. Provide a committee, known as the dental charges committee, to review charges made for dental services following the complaint of an aggrieved person.

There are a number of other amendments, consequent upon the enactment of the main proposals, and required to allow the main proposals to function in the context of the Act. Many of the amendments fall in this category and thus this comparatively straightforward Bill appears voluminous.

In regard to disciplinary powers, at present section 30 of the Dentists Act provides that the Dental Board shall, after suitable inquiry, strike off the register the name of any dentist who—

has been convicted of an offence which, in the opinion of the board, renders him unfit to practise as a dentist;

is addicted to alcohol or drugs or suffers from a mental disorder within the meaning of the Mental Health Act, 1962; or

has been guilty of misconduct in a professional respect.

This section of the Act provides that "misconduct in a professional respect" does not include conduct which seems trivial or does not, in the public interest, require that the dentist should be disqualified.

The Dental Board has drawn attention to the fact that the Act provides no disciplinary powers other than disqualification. There are, however, occasions when the matter before the board does not require that the dentist should be disqualified from practice, but is serious enough to require the board to impose some penalty. Accordingly, the Bill provides that section 30 of the Act be re-enacted.

The new section will permit the board to disqualify a dentist if after inquiry it deems this action appropriate, but the re-enacted section also provides a series of graduated penalties the board may impose instead of disqualification.

It is proposed that the board may censure the dentist, or require him to give an undertaking with or without security in relation to his future conduct: he may be

requested to work under supervision or complete a specified course of instruction or study.

The board may impose conditions in relation to his practice, order a fine to be paid—not exceeding $1,000—or suspend the dentist from practising, generally or in any specified field, for a period not exceeding 12 months.

The new enactment provides appropriate safeguards to permit proper inquiry and the institution of appeal to the Supreme Court, against any decision of the board.

As the amended Act will permit dental therapists to carry out certain acts of dentistry, this section of the Act will also apply to dental therapists.

As regards the employment of dental therapists, the Bill provides for the enactment of new sections to the Act.

Dental therapists, or school dental nurses as they are known in some other States, are young ladies who have completed a course of training and are equipped to carry out certain acts of dentistry under the supervision of dental practitioners.

In Western Australia the education for dental therapists is provided at the Western Australian Institute of Technology. The two-year course leads to a Diploma of Dental Therapy. A significant feature of the training is the high level of skill attained by the therapists in the treatment of children. I understand that during the course of their training, they would complete many more fillings than would the dental student. This occurs because the therapist trains only in a specific and limited area and does not acquire skills over a wide range of treatment as does the dentist. The levels attained, however, are a guarantee that a high standard of care is available from the therapist.

Dental therapists are employed in other States in school health programmes only. In Western Australia it is proposed that they should be employed in private practice as well as in the Government services.

By providing for the employment of dental therapists in private practice, the availability of dental care will be increased. There is considerable experience now with dental therapy schemes, and the proposals in the Bill lean heavily on this experience.

The acts of dentistry which a therapist is permitted to perform have been enunciated by the Australian Dental Association in its national health policy.

The duties detailed in the Bill follow closely the policies of the association, with two exceptions; namely, in Western Australia we will permit the therapists to be employed in private practice, and we will not limit their usefulness by restricting their activities to children. It is intended to permit as much advantage as possible to accrue from the utilisation of dental therapists.

The proposed new sections require the therapist to have recognised qualifications for registration, define the practice of dental therapy, require a dental practitioner to prescribe and supervise any treatment conducted by a therapist and provide for the therapist to be subjected to the same disciplinary code with respect to dental practice as is required by a dental practitioner.

The final major amendment contained in this Bill relates to a dental charges committee.

There has been concern for some considerable time about levels of charges made by some individual dentists. The Australian Dental Association has recognised this problem and has provided review procedures for patients of its member dentists through its "counselling" committee.

I understand this committee functions to inquire into and arbitrate on disputations between an aggrieved patient and the dental practitioner. Appeal to this body has only been available, however, when the dentist concerned was a member of the Australian Dental Association and, in some cases referred to me, has not been as effective as is desirable. Also, there are a number of practitioners who are not members of the association and patients attending these dentists do not have recourse to such arbitration or review services.

Accordingly, the dental charges committee is to be established to conduct such "dental charges review" procedures.

The Bill provides for a committee of four—A representative of the Public Health Department; two dentists, appointed by the Australian Dental Association and the Dental Board respectively, and a person nominated by the Minister responsible for consumer affairs.

The committee will review charges made for dental services after application by the aggrieved patient—the committee is charged to consider factors which may have influenced the level of fees charged and to fix an amount of remuneration as considered a reasonable charge for the services performed, taking into account all the circumstances under which the service was provided. The legislation proposed in respect of this committee is similar to legislation successfully operating in New South Wales and Canberra.

Mr. Hutchinson: Is the profession in agreement with this proposition?

Mr. DAVIES: I understand so. The committee is not a price fixing committee for all dental fees—this is a function of another Act. The committee is one for review of individual cases—extending a

"counselling" service, as is already available to patients of some dentists, to others to whom such facilities are not now available.

Several other matters are included in the proposed amendments.

Firstly, the number of the members of the Dental Board will be increased by the addition of a legal practitioner. This is considered necessary to assist the deliberations of the board with its wider responsibilities.

Secondly, the section of the Act dealing with the qualifications of persons seeking registration as dentists is to be strengthened. At present the Act permits registration of a person who holds a degree from a dental school in the United States. There is no requirement that such a dentist should be eligible for registration in his own country. The amendment to this section will ensure that a United States dentist, to be qualified for registration in Western Australia, will be one who is eligible for registration in one of the States of America; that is, he will not be a person who for some reason or other is disqualified from practising in the United States.

An additional amendment to this section deals with the matter of primary qualifications of persons seeking registration. The present Act requires an applicant to have a "degree" or "diploma" from a recognised university dental school. The case could arise that a person who applied for registration had acquired a degree or diploma in a specialty area—for example, oral surgery—but did not have a satisfactory basic qualification in the performance of general dental practice; that is simple fillings, etc. Under these circumstances, registration permitting him to practise general dentistry in Western Australia could lead to a lowering of standards in this State.

I understand that the whole question of recognition and reciprocity between Australian and overseas qualifications is being considered by a special committee of the Commonwealth.

The changes proposed—that is, to require a person to have a satisfactory primary qualification prior to registration in this State—will provide uniformity with other Australian States and facilitate the establishment of reciprocity between Australian and overseas dental qualifications.

The third point is the Bill also provides for a temporary registration to be granted to persons who come to Western Australia for postgraduate education or teaching purposes, and whose primary qualifications may not be acceptable for registration.

Under Colombo Plan arrangements, for example, dentists from South-East Asia may come to Western Australia for additional experience. The new section will permit these people to be registered temporarily for up to three years. This provision will permit Western Australian dentistry to make a useful contribution in the field of dental education for our near neighbours.

Fourthly, two features relative to monetary matters are included—

(a) Several sections of the present Act stipulate the amount of license fee or certificate fee as the case may be. Each time it becomes necessary to change a fee it is done by amendment of the Act.

It is now proposed that reference to the amount of fees for licenses, etc., be deleted from the Act and the board be given authority to prescribe the amount of fee by regulation.

(b) Provision is made for members of the board, other than those who may be officers under the Public Service Act, to be paid for attendance at meetings.

This is an outline of the principal features of the Bill.

Debate adjourned, on motion by Dr. Dadour.

FIRE BRIGADES ACT AMENDMENT BILL

Second Reading

MR. TAYLOR (Cockburn—Minister for Labour) [11.24 a.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to repeal section 32 and amend section 37 of the Fire Brigades Act. The Fire Brigades Board has sought authority to reorganise the top operational officer command structure of the brigade to provide for shorter and more effective lines of day-to-day communication, direction, and command.

To do this the board requests that section 32 of the Act which deals with the appointment of the deputy chief officer be repealed and re-enacted, and the reason for such action is now outlined.

Prior to 1970 the fire brigades in Western Australia as constituted under the Act, were—expressed in operational and technical terms—administered by a chief officer assisted by a deputy chief officer. By 1970 growth in public demands on brigade services necessitated a substantial degree of specialisation which was met by the establishment of a number of self-contained departments, the command and direction of which was entrusted—under the chief officer—to three assistant chief officers created by the board under the authority of section 29 of the Fire Brigades Act.

The departments created were—

Fire prevention—specialising in techniques of preventing fires. General staff and training—specialising in logistics and training. Country departments—specialising in fire protection outside the metropolitan boundary and all round development and supervision of volunteer fire brigades.

Practical experience has demonstrated that the chief officer can adequately cope in the personal supervision and direction of the three departments; and that on this new order of things the deputy chief officer's post has become superfluous. However, what has developed into a shortcoming is the absence of an operational officer to command directly the four shifts and co-ordinate brigade resources overall.

To remedy this defect the board proposes to create a fourth post of assistant chief officer thus further contributing to the redundancy of the deputy chief officer post. The board considers that the one over four command structure will also have the effect of making the post of chief officer a more competitive one, a factor which retention of the post of a deputy makes impracticable.

As the present chief officer retires early in January 1973—thus making the post of deputy chief officer vacant on the same date—the board proposes to time the change in uniform command structure accordingly.

In regard to section 37 which deals with the contributing towards expenditure, at the present time the cost of the board's operations is shared between the fire insurance companies 64 per cent., local authorities 20 per cent., and the State Government 16 per cent.

The statutory requirement to provide 20 per cent. of the board's income has become an increasing burden to local authorities and it is contended that a greater proportion of the cost of fire prevention and control should be borne by the insuring companies.

In at least two other States, insurance companies are required to bear 75 per cent. of the cost of fire protection with the balance borne equally by local authorities and the State Government. Consequently the Bill proposes to amend the section to provide for contributions as follows: insurance companies 75 per cent., local authorities 12½ per cent., and State Government 12½ per cent.

As insurance companies have already budgeted for their contributions this year at the present rate it is proposed that the new rate shall apply from the beginning of the next financial year. It is anticipated that the saving to local authorities in 1973-74 will be in the order of $400,000, and to the Government $180,000.

Debate adjourned, on motion by Mr. Ridge.

ALUMINA REFINERY (MUCHEA) AGREEMENT BILL

Second Reading

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [11.29 a.m.]: I move—

That the Bill be now read a second time.

The Bill before us has been framed to serve two main functions; to authorise the execution of an agreement between the Government and the parties concerned facilitating the establishment of an alumina refinery in the general vicinity of Muchea, and to repeal the Alumina Refinery (Upper Swan) Agreement Act, 1971.

Members will be familiar with the background to this Bill. The Alumina Refinery (Upper Swan) Agreement Act, 1971, provided for the establishment of an Alumina Refinery at Warbrook in the Upper Swan Valley if the Government, through the Environmental Protection Authority, was satisfied that no deleterious environmental effects would result.

Following examination and consideration of the probable effect the establishment of an alumina refinery at Warbrook would have on the total environment of the district, the Environmental Protection Authority recommended against the establishment of this industry in this particular area, and the Government accepted this recommendation.

Subsequently, several alternative sites for the refinery were examined and the Government has reached agreement in principle with the companies concerned on a site immediately north-west of Muchea.

On this occasion the Environmental Protection Authority has been able to make a thorough examination of the Muchea site before the final draft agreement with the companies was submitted to Cabinet.

I am pleased to be able to inform members that the Muchea site has been approved in principle by the Environmental Protection Authority and with your permission, Sir, I table a copy of the authority's report dated the 12th October, 1972.

The report was tabled (see paper No. 450).

Other Government departments concerned with various aspects of the proposal have participated in discussions with the companies and their recommendations have been incorporated in the Bill now before us.

The parties to the Alumina Refinery (Muchea) Agreement with the Government are the same as those to the original agreement; namely, Hancock Prospecting Pty. Ltd., Wright Prospecting Pty. Ltd., Metals Miniere Limited, and Pacminex Pty. Ltd. which propose to establish the refinery in conjunction with a bauxite mining operation on leases in the Darling Range on a joint venture basis.

In negotiations with the joint venturers on the use of the Muchea site as an alternative to the Warbrook site the Government had to recognise that the new location would increase both construction and operating costs considerably.

The Muchea site is some 16 miles north of Warbrook, placing the refinery further from the principal bauxite reserves, further from the proposed shipping facility at Kwinana, and further from Perth where the bulk of both the construction and operating work forces are expected to be housed.

With your permission, Sir, I table Plans A, B, and C referred to in the agreement, showing the plant site, the bulk storage site at Kwinana, and the mining area respectively.

The plans were tabled (see paper No. 449).

Because this project is based on bauxite reserves which are of low grade by world standards it could well have been completely uneconomic had it not been possible for some economies to be introduced with respect to the Muchea site. The project would, in fact, have been marginal even on the operating costs applicable to the Warbrook site.

Had the project proceeded at the Muchea site on the same terms and conditions as previously applied to the Warbrook site, the joint venturers would have been faced with additional costs estimated at $8,000,000 in initial capital costs, and $850,000 per annum in operating costs. It is apparent that a project, the economics of which were already marginal, would have to fail if it had to bear the full amount of these additional costs.

However, the Bill does make provision to provide a degree of relief for the joint venturers with respect to these additional costs. It proposes to make available at peppercorn rental an area of Crown land on which the refinery and ancillary works will be sited.

This, incidentally, is in contradistinction to the previous arrangement under which the company intended to purchase freehold land. Approximately 4,835 hectares, or 11,947 acres, of Crown land north-west of Muchea have been set aside. Of this area, approximately 810 hectares, or 2,000 acres, will be used for the refinery and the surrounding buffer zone. Part of the balance, about 2,000 hectares or 5,000 acres, will be used for red mud ponds, roads, railways, and pipelines.

Members will appreciate that the company has available to it some 12,000 acres, as already described, in which it will choose the areas best suited to its requirements having regard for the needs from an environmental or pollution protection point of view, and also taking into account the fact that the natural gas pipeline passes through those 12,000 acres. However it is possible—and this is the essence of the agreement with the company—that the ponds and others activities will be so placed as not to interfere with that pipeline.

Here I must point out to members that the plan published in *The West Australian* yesterday morning was not the right one and it had an unfortunate effect. The company felt that the department had to some extent gone back on its undertaking. The Forests Department was most concerned because it thought that the mud ponds were to be established in an area where it was intended that pines would be planted.

The situation is that alternative areas were discussed and one of them was rejected, and it had particular application to the Forests Department. However *The West Australian* showed both of them as being the area, the subject of this agreement. I repeat, what I said earlier: Even in respect of the area set out in the plan only some 7,000 acres of the 12,000 reserved for the company will in fact be used.

Mr. Lewis: Has the Minister personally seen the area?

Mr. GRAHAM: No, I have not. Officers of very many Government departments have. I think about a dozen of them or more have seen it and they are all satisfied in respect of it. I could list those officers later if need be.

The provisions of the Bill relating to lease of Crown land to the joint venturers will make the project sufficiently attractive to allow it to proceed and to provide employment for thousands of people during the construction stage and more than 700 people at the refinery and other areas once production is commenced.

Establishment costs for the project are expected to be of the order of $200,000,000. Most of this money will be spent within Western Australia and will act as a significant stimulant to the State's economy in addition to providing a direct boost for the many service and manufacturing industries which will become suppliers during the construction and operating stages of the project.

New employment created by the establishment of the Muchea refinery will extend well beyond the 700 people who will be directly employed by the refinery. Many hundreds more people will be employed to a greater or lesser extent in transport and service industries. Additional benefits will accrue directly to the State through royalties on all alumina produced, through railway freight charges on transport of bauxite, alumina, lime, and caustic soda, through bulk wharfage charges and through rentals on land for bulk storage adjacent to the shipping facility at Kwinana.

Apart from land, a number of other changes to the commitments of both the joint venturers and the Government have become necessary to make the alternative site attractive to the joint venturers.

The Main Roads Department has agreed to provide access from the Muchea-Gingin road to the refinery and has also undertaken to construct by the time the refinery is completed a main road from Wanneroo to North Muchea, a distance of some 21 miles. This road will have regional significance and will provide a rapid connection between the residential areas of Perth's northern suburbs and the refinery.

Mr. O'Connor: Who will pay for that road?

Mr. GRAHAM: The Main Roads Department. This is an exercise which, very largely, would have been undertaken by the Main Roads Department in any event. The alteration now is that it will be scheduled in order to fit in to suit the requirements and the timetable of the company.

It is anticipated that the majority of the refinery work force will live in the Perth metropolitan area, particularly in the northern suburbs. The proposed road will minimise the travelling time involved and enhance the refinery as a work place for metropolitan residents. All other roads will be built at cost to the joint venturers.

The railway giving access to the refinery and mining areas will be constructed by the Western Australian Government Railways at cost to the joint venturers. A new standard gauge or upgraded dual gauge railway, will connect the refinery site with Millendon Junction.

Provision has been made in the Bill for the joint venturers to contribute to the cost of flashing lights, boom gates, or grade separation at any level crossing where operations relating to the project bring about an increased level of conflict between trains and road vehicles. We will not insist that it be done immediately, but when there is a requirement for it. In this respect the Government has the right to call on the joint venturers to provide an equitable share of the cost of a road overpass near Upper Swan.

Other railway works will include sidings branching from the Avon Valley line to be built by the W.A.G.R. at cost to the joint venturers to give access to mining areas adjacent to Brockman Valley and Red Swamp Creek, and sidings at Kwinana to facilitate the unloading of alumina and the loading of caustic soda and lime.

Railway freight charges have been varied from those provided in the original agreement. The W.A.G.R. has been able to offer a lower rate per ton-mile after taking account of the longer distances involved in hauling bauxite to the Muchea site, and in hauling alumina from Muchea to Kwinana.

The shipping berth at Kwinana will be provided by the Fremantle Port Authority without capital contribution from the joint venturers.

Mr. Gayfer: Where?

Mr. GRAHAM: As shown on the plan which has been tabled. To continue: However, they will be required to provide at their cost all necessary bulk handling equipment such as unloaders, conveyors, storage silos, and pipelines and in addition pay bulk wharfage charges and other port charges at the normal rates as set from time to time by the Fremantle Port Authority.

Sir Charles Court: Coming back to the railway freights, have you a note setting out the cost per ton-mile as distinct from the cost per tonne-kilometre?

Mr. GRAHAM: I can supply that information without any difficulty, if the honourable member will remind me.

The Bill has been framed to provide even greater specific protection for the environment than previously, particularly in the matter of protection of underground waters and in the restoration of mining areas.

The red mud disposal areas will be sealed in the normal way as provided in previous agreements for the establishment of alumina refineries. But a new level of protection providing a safeguard against contamination in the unlikely event of an escape of caustic effluents from red mud disposal areas has been introduced in this Bill.

The joint venturers will draw their water requirements from underground aquifers through a well field system encircling the red mud ponds, designed to intercept and collect any leakage or seepage from the red mud disposal areas.

Mr. Sewell: Is there any intention to use water from the Gingin Brook?

The SPEAKER: Order!

Mr. GRAHAM: There is no intention to use surface water, but to draw underground on the site itself. To continue: This method will immediately restrict the effect of any leakage to the immediate area of the particular red mud disposal pond involved. A groundwater monitoring system will be installed to facilitate detection for any leakage so that permanent corrective measures can be taken to reseal any of the ponds which may, through unforeseen circumstances, have developed a leak.

At this point I feel I should emphasise that it is not considered likely, for one moment, that there will be any leakage in this area any more than there have been leakages at Kwinana or Pinjarra. Adequate provision is made, either directly in

the agreement or by means of other Statutes which have been passed by this Parliament—or which may be passed in the future. However, some sort of whipped up concern seems to have been expressed and for that reason it is stated a little more specifically what is to be done in order to satisfy—we would hope—all of those who previously have expressed some doubts.

Restoration and reafforestation of areas of land disturbed during the normal course of mining will, under the provisions of the Bill, be restored in a manner which will fit the inclusion of the land in a national park. This provision has been incorporated in the Bill in view of the suitability and importance of the Darling Range escarpment as a national park area; bearing in mind the possible need to extend our national park system at some time in the future.

Upon members perusing the report by the Environmental Protection Authority it will be seen that reference is made to some earlier examinations—one as recently as the 21st September, of this year. The report laid on the Table of the House today is dated as recently as the 12th October, of this year.

Owing to an inadvertence one of the earlier reports was apparently given to West Australian Newspapers, and a wrong plan was also provided at the same time. Some parts of the earlier plan no longer have any application. I repeat: This is the full, comprehensive, and final determination of the Environmental Protection Authority. It is a pity that the earlier report and plan were made available because, as I mentioned earlier, it has caused concern to a number of people who thought there had been departures from what had been originally agreed.

Mr. Lewis: The Minister has mentioned that the source of the water supply will be from underground.

Mr. GRAHAM: Yes. It will be remembered that the earlier proposition provided that part of the water supply was to be drawn from underground, and the rest of the water was to be supplied by the Metropolitan Water Supply, Sewerage and Drainage Department.

Members will notice that the agreement contained in the Bill embraces practically all of the clauses of the earlier measure. Adjustments have been made on two counts: The geographical aspect, and alteration of conditions in order to meet the new financial circumstances.

As is known Parliament accepted the measure which was introduced last year. Had the report of the Environmental Protection Authority been a favourable one the agreement would have been signed by the Premier, on behalf of the State, and the company would currently be in action.

Consequently, I do not anticipate there could be any reasonable objections to the Bill in respect of these matters. Perhaps there is room for argument as to some of the adjustments which have been made because of the site and financial factors.

The decision of the Government, which accepted the report of the Environmental Protection Authority, was, of course, most disconcerting and upsetting to the company which had anticipated from all its studies and from the talks it had had with appropriate Government departments that there would be no difficulty. The facts of the matter are that the company was thus disappointed as, doubtless, were very many others.

I wish to pay a tribute to the company and to officers, not only of my department but of very many other Government departments and authorities, for their cooperation and for having worked under intense pressure. The reason is, it is highly desirable—indeed, it is essential—to this project that the legislation be passed during the current session of Parliament.

Fortunately the overseas partners—the joint venturers with the local people—and those with whom there had been market negotiations were tolerant and patient enough to agree to allow things to remain where they were in order that we might have a meaningful exercise in endeavouring to arrive at some alternative agreement following the cancellation of the Warbrook project. I think that is all I need to say.

Mr. Gayfer: Could you tell me whether the jetty is to be at Kwinana and whether it is expected to outload grain at the jetty at the same time? There is no sign of a jetty on the map.

Mr. GRAHAM: Mention is made of this in one of the documents. I think it is the E.P.A. report but, if not, I can state specifically that there is a corridor and I understand the jetty facilities will be at the end of the corridor.

Mr. Gayfer: It will not be used for grain?

Mr. GRAHAM: Not as far as I am aware.

Mr. Gayfer: Will you check?

Mr. GRAHAM: Yes.

Sir Charles Court: Before you resume your seat, can you explain why, in view of the reasons you gave for the deferment of the Mitchell Plateau project, you anticipate that this project will move on the timetable you have announced?

Mr. GRAHAM: That statement is a little wrong. There was no deferment in respect of the Mitchell Plateau. It is possible for those involved to start business tomorrow, next year, or the year after.

Sir Charles Court: You have given an extension for eight plus four years which is 12 altogether.

Mr. GRAHAM: If it be required. Those involved with the Mitchell Plateau project will step into the production—or into the construction of the project and subsequent production—as soon as world conditions and markets available to that company are within sight. Mr. McGregor has stated this could well be in 1975 which could mean movement within the next 12 months.

Sir Charles Court: There is also the fact that they have had to surrender their trump card in respect of Mitchell Plateau to Pinjarra.

Mr. GRAHAM: I think we ought to return to the other project.

Sir Charles Court: There must be a reason for your confidence that this will commence construction in 1974.

Mr. GRAHAM: The reason is that the company has informed us accordingly. I can assure the Leader of the Opposition I am not plucking something out of the clouds.

Sir Charles Court: It has us intrigued in view of the reasons you gave for the other project.

Mr. GRAHAM: These are the reasons pertaining to these companies. I hope there may be another iron-ore producing project before very long. It is possible that some are better at obtaining markets or that some are attached to companies which are producers of the particular product, and so on. I do not think that we as a Government—or as a Parliament—should necessarily be the regulating factor. If these companies feel they have the competence to obtain markets, we should do everything to make that possible for them. "A" could be the winner and "B" the loser, but that is the spirit of what is termed "private enterprise." Let them fight it out.

Mr. Runciman: What is the attitude of the Forests Department? There has been some criticism with regard to the Alcoa development.

Mr. GRAHAM: This is acceptable to the Forests Department and to other departments also. I can make available to the honourable member—if he cares—the piece of correspondence from the Forests Department itself, which is contained in this somewhat bulky file.

Mr. Runciman: I asked the question because of other developments. The Forests Department has always been very critical.

Mr. GRAHAM: It has been vetted with the Forests Department and, as I say, with all Government departments. There was some concern at one time regarding the potential danger, or threat, to underground water supplies. This has been resolved through Geological Surveys, the Public Works Department, and so on. I would have no objection to particulars of this file being made available to members. I do not mean that it should be laid on the Table of the House, but there is nothing secret or anything to be hidden in connection with it. It has been cleared by all the departments which are directly affected.

I wish to make one other remark before I resume my seat. I want to clear the issue that I was not earlier condemning West Australian Newspapers, although I certainly do not know why they did not seek the information from the Minister in charge of the Bill. It was owing to an unfortunate circumstance that both a superseded report and an outdated plan were involved. I have not seen the original, but it would appear that these were misinterpreted instead of the clear ones which are available to us. They created a situation in which some information which was not in accordance with the facts was conveyed to the public at large. In consequence of that, some people became unnecessarily concerned.

I emphasise this as officers of my department have been worried because their integrity has been questioned. Some of these people were a little irate in connection with it all. I suppose these accidents happen.

Perhaps I could make a second final point—if that be possible. It would appear that there is still some of the element abroad which is endeavouring to create doubts and fears in the minds of people. I did not see it myself, but I am told that on television last evening people were interviewed and the proposition was put to them that there is a possibility of air pollution and all sorts of things happening in the Yanchep area. Naturally enough, people are disturbed. I do not know where a certain gentleman, by name of Roberts, obtained all his particulars in almost a few minutes.

Mr. Lewis: It is a very desirable area of the State.

Mr. GRAHAM: Nobody denies that. However, this is something which has taken top-ranking professional and other officers of the State, of the Commonwealth, and of the company a long time to carry out their researches, investigations, and considerations. However, apparently, in a matter of a few hours Mr. Roberts was able to give firm conclusions which have an effect of disturbing a number of people.

Mr. O'Connor: He was the specialist on a land development scheme, the rail sinking, and everything else.

Mr. GRAHAM: What is the relevance of that comment?

Mr. O'Connor: You said you wondered where he got his information from.

Mr. GRAHAM: Yes, in respect of what impact this particular site is likely to have. I would like to ask him—and Environment 2000—why it is that a refinery of comparatively limited proportions has all these deadly qualities about it respecting air, earth, and water and its effects upon the people, the animals, the trees, and the grasses when it is so many miles away from Perth?

Yet a refinery many times larger is being constructed four miles from Pinjarra and a spanking new town is being erected approximately four miles from that giant undertaking. There is the prospect—nothing has yet been finalised—of an alumina refinery on the outskirts of the fair city of Bunbury, and no concern is being expressed there. But the Pacminex project seems to some to have everything it should not have, and I begin to wonder what influences are at work making and fostering these far-fetched, exaggerated, ridiculous statements—it would appear without any proper investigation being made.

Mr. Rushton: Dr. Roberts investigated the coastal plain some time ago.

Mr. GRAHAM: That could be so, but it was not generally known until a few days ago exactly where the site of the Pacminex refinery would be.

Mr. Rushton: I think he researched that over some years.

Mr. GRAHAM: I would say the Commonwealth and State departmental officers at the top level who have been working on this matter for months should have been in a position to get to the facts of the situation. They have done that in exactly the same way as they did with regard to other projects. I should correct myself: not in exactly the same way but more thoroughly, more painstakingly, and in greater detail than ever before in connection with this project. That was done when it was proposed the refinery should go to Warbrook. It has been done to a greater degree on this occasion.

On top of that, the Environmental Protection Authority, which condemned the previous project, has given its blessing to the site in this particular area. I would say even the most finicky of us should be satisfied that everything possible has been done and that there is no reasonable prospect of any damage to the environment, the inhabitants, or anyone else.

Mr. Gayfer: As the Minister has been good enough to table the E.P.A. report on this matter, would he also table the E.P.A. report on the Kwinana outloading section? If such a thorough investigation was made, surely the pollution aspect as far as Kwinana is concerned would have been investigated.

Mr. GRAHAM: The honourable member will appreciate that the Environmental Protection Authority is not under my jurisdiction.

Mr. Gayfer: I said you were good enough to table the other papers; would you table these? It must have been investigated.

Mr. GRAHAM: I will endeavour to arrange that with the responsible Minister.

Sir Charles Court: If it is any consolation to the Minister, when the Alcoa project was mooted there was a tremendous amount of upheaval and public opinion. When we went to Pinjarra, a seminar was held down there with all the same people who are criticising this project, and they painted a picture of the diabolical situation that when they were asleep at night water could be trickling into the underground reservoirs. It is not new.

Mr. GRAHAM: No, but one would have hoped some of the people attached to these organisations were responsible persons, and if their fears in respect of a certain area were unfounded they would accept an identical type of industry on a smaller scale. But apparently they learnt nothing. It seems to be part of the process to condemn an alumina refinery wherever it might be proposed to erect it.

Sir Charles Court: You have to put yourself into their mentality. They think you and I are the destroyers and they are the responsible people.

Debate adjourned for one week, on motion by Sir Charles Court (Leader of the Opposition).

Message: Appropriations

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

GOLD BUYERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th October.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [12.06 p.m.]: The Minister has explained the background of this very small Bill. It is part of a total process that is going on within Australia and a number of other countries to remove from the legislation any suggestion of racial discrimination.

This Bill amends section 7, the proviso to which now reads—

> Provided that no certificate or license shall be issued to any Asiatic or African alien, nor to any person of Asiatic or African race claiming to be a British subject, without the authority in writing of the Minister first obtained, nor to any manufacturer of jewellery or other manufacturer of gold.

If this Bill is accepted by the Parliament, the proviso will then read—

> Provided that no certificate or license shall be issued to any manufacturer of jewellery or other manufacturer of gold.

We have no objection to the legislation.

We could, of course, make a rather long speech and remind members of the Government of some of the speeches they made when we attempted to do similar things in relation to other legislation during our term of office. However, by reason of the fact that they have deleted reference to Asians in the Mining Bill presented to this House, I gather they have now accepted the international move that is being made in these matters these days. This is an extension of the principle and we support the Bill.

MR. MAY (Clontarf—Minister for Mines) [12.07 p.m.]: I thank the Leader of the Opposition for his acceptance of the Bill.

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. May (Minister for Mines), and transmitted to the Council.

PERTH REGIONAL RAILWAY BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Jamieson (Minister for Works) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

> Clause 5, page 3, line 9—Insert after the section designation "5" the subsection designation "(1)".

No. 2.

> Clause 5, page 3, line 18—Add a new subclause (2) as follows—
>
> > "(2) Before discontinuance in accordance with section 3 of the scheduled railway and before commencement of construction of any part of the Perth Regional Railway referred to in subsection (1) of this section, the Minister shall obtain the approval of Parliament to a report on the results of the engineering and economic studies applicable to that part, such report to be based upon a comprehensive feasibility study and plan relating to the works proposed to be prepared by a competent independent authority."

Mr. JAMIESON: I move—

> That amendment No. 1 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. JAMIESON: I move—

> That amendment No. 2 made by the Council be agreed to, subject to the following further amendment:—
>
> > Delete new subclause (2) and insert in lieu the following:—
> >
> > > (2) Before commencement of construction of any part of the Perth Regional Railway referred to in Sub-Section (1) of this Section, the Minister shall obtain the approval of Parliament to the construction of the Perth Regional Railway. For this purpose the Minister shall lay on the table of both Houses of Parliament, the results of an engineering feasibility study and a Regional Economic Study of the effects of the Perth Regional Railway on the Perth Region.

Since this Bill was last before the Chamber, I have had the opportunity to look briefly at some commuter systems overseas, some of which incorporated sections of underground railways and commenced in the manner we are planning for Perth.

I looked at the progress of the system in Washington, D.C., and also the BART system in San Francisco. Although only one section of the BART system is running at the present time, its future expansion was very thoroughly explained to me. I was most impressed with the commuter system being developed by the Toronto Commission. It indicated to me that we are on the right track, as that city is comparable with Perth.

The Toronto subway was commenced when the city had a population of about 700,000 people. It started with a single loop which has been extended to meet the requirements of an expanding city. This system has had a very remarkable effect on the land usage around the various stations in the Toronto area. High-rise buildings, both commerical and residential, have been effectively incorporated along the railway system.

I was very much taken by the remarks of Mr. G. Warren Heenan, the past president of the Toronto Real Estate Board. He had this to say—

> If an urban rapid transport system never earned a dime, it would pay for itself many times over through its beneficial impact on real estate values and increased assessments.

The land usage in this area has developed and spread tremendously over the period of a decade. At the moment we think of high-rise buildings in connection with the city area, but we must look to the spread of these buildings into the suburbs to obtain the maximum use of our transit system. If the system is fast, clean, and integrates with bus transport, it will carry the maximum number of people.

Within the central section of the Toronto system, commuters pay one fare only. Trams and trolley buses still operate in certain sections and meet up with the single loop of the underground. Diesel buses feed the commuters to the many stations. The underground system in the central city must extend into a fast commuter system taking passengers to the suburbs.

The Government has been criticised about the proposed expenditure. When I mentioned the sum of $560,000,000 overseas, the experts simply laughed. They said that we must expect to pay this and a lot more to develop a commuter system, but we will receive value. Perhaps we will not get it back in fares, but we will certainly help overcome the chaos on the roads if we can bring some of the motorists back to public transport. We cannot do this with our present system.

The longer we delay commencing a rapid transport system, the greater will be the cost. In my opinion the Government is fully justified in initiating studies. Indeed, the result of the studies will have to be tabled because, as I said in the earlier debate, such a scheme would need a proportion of loan funds. Parliament must grant this allocation before the plan could be proceeded with. Therefore, I see no objection to naming the type of report to be tabled in Parliament. We need an economic regional study of the effects of the railway on the Perth region as well as an engineering study. At this stage we are simply seeking approval for the undertaking of the studies.

The Council's amendment would not meet the situation because certain developments in the central city envisage the closure of at least certain sections of the Perth-Fremantle railway line. After the new loop of the 3 ft. 6 in. rail has been completed, we expect to close one section so that we may develop the central city. During an earlier debate in this Chamber, the plan of this development was shown to the House.

For those reasons I have moved to amend the Council's amendment. This will allow us freedom to develop the city centre or any other section we may desire to develop, but at the same time will ensure that a report will be presented to Parliament before any construction is commenced.

The need for substantial reports regarding engineering concepts, finance, etc., was made abundantly clear to me during my visit to the United States and Canada. It appears that for years many cities in the world followed a trend away from underground systems. No underground system had been constructed in America for a considerable number of years. Once the Toronto system was commenced, cities such as Rio de Janeiro and Sao Paulo in Brazil commenced construction of underground systems.

In many principal cities of America the authorities are at present conducting studies or are working on underground systems which are designed to keep the commuter away from the road system and to allow maximum use of highways without creating additional roads. In that country kiss and ride and park and ride stations are being encouraged. A combination of those concepts in outer suburban areas is the ultimate in commuter transportation. Indeed, we have a similar system at Midland. We should extend this idea to generate more custom for the railways.

I think only about 16 per cent. of our commuters travel by bus, and only about 21 per cent. overall travel by some form of commuter transportation to and from work and school. This compares with percentages in excess of 30 in other capitals of the Commonwealth.

Mr. O'Connor: Even 30 per cent. is not really high enough.

Mr. JAMIESON: It is not a bad percentage. In Sydney and Melbourne the percentage may be up to 36 or 38, but in other places such as Hobart it is very low, and reduces the average. Due to the varying geographical conditions existing in the capital cities of Australia, different modes of transport are used. Were it not for the fact that in Adelaide some 4 per cent. of commuters travel by push cycle, probably this State would have the lowest percentage of the mainland capitals.

Predictions are that our city will grow rapidly. I understand that in Toronto the population increased from about 700,000 to 1,400,000 within two decades. Therefore, we can see the necessity to act now to protect ourselves in the future. Although we cannot provide the necessary finance for an underground system at the moment, we must plan and budget for it. We hope that the attitude expressed by both sides of the

Federal Parliament regarding the problems of urbanisation and urban transportation indicates that whatever Government is in power in the future will assist us in this matter.

The member for Mt. Lawley seems to boggle whenever sums of over $100 are mentioned. When we start talking about $50,000,000 or $100,000,000 he gets worried. However, other countries have overcome the problem facing us, and there is no reason to suggest that we cannot. I am sure this move will prove to be the right one in the long term, and although we cannot say how it will be financed in the ultimate, we must carry out research and modernise the present system as much as possible.

Indeed, I think the Commonwealth would be prepared to assist us with the electrification of the metropolitan system, but I do not know whether it would assist us with other aspects of the urban rail system.

Mr. O'CONNOR: The amendment made by the Council requires that before the discontinuance of any section of the present railway is undertaken, a report must be submitted to the Parliament. The Minister's amendment states that a report must be made to the Parliament before the commencement of construction of any part of the Perth regional railway system.

If the Bill is amended in either of those two ways it will be a better measure than that which left this Chamber; but I would prefer to see the Council's amendment accepted. That amendment indicates that the views presented in this Chamber were correct. The Minister has been honest enough to say that he realises certain engineering works are necessary.

Mr. Jamieson: We always appreciated that. We said it would be four years under either scheme.

Mr. O'CONNOR: The trouble was that the Minister presented us with an airy-fairy scheme.

Mr. Jamieson: It is not that.

Mr. O'CONNOR: It certainly is.

Mr. Jamieson: It is a concept.

Mr. O'CONNOR: That is one of the reasons the people in another place amended the Bill so that Parliament will know what is happening. The Minister also said that I boggle at any sum of money over $100.

Mr. Jamieson: Well, you do. You do not seem to be able to keep it in perspective.

Mr. O'CONNOR: One would not call a sum of $546,000,000 a small amount.

Mr. Jamieson: It is not a great amount for transportation.

Mr. O'CONNOR: No, one handles that amount every day! In a State with approximately 1,000,000 people, $546,000,000 is a great deal of money.

Mr. Jamieson: If we were to spend it now, it would be.

Mr. O'CONNOR: As the Minister has said, he does not know from where the money will come. Like him, I agree that over a period of time we will receive some money from the Commonwealth for the proposed works and the urban transport system. However, if we approached the authorities in the Eastern States and asked them to come back to Western Australia to look at these proposals, they would laugh at the expenditure of $546,000,000 for a scheme such as this, especially when a comparison is made with the population in the Eastern States and the works that are required there. I may as well say to the Minister, "Why cannot we go ahead with a rail system to Paynes Find, because in time to come a large number of people will be residing there?"

Mr. Jamieson: You are going from the sublime to the ridiculous.

Mr. Graham: Your PERTS plan would have cost approximately the same.

Mr. O'CONNOR: The PERTS report indicated from where the money would come.

Mr. Jamieson: No, it did not. You read it again. It made certain suggestions, that is all.

Mr. O'CONNOR: It indicated from where the money could come.

Mr. Jamieson: We could do that, too, by using the same method.

Mr. O'CONNOR: But you have not done so.

Mr. Jamieson: Yes, we could. We said we could fall back on the financing of it by following the very suggestions of Nielsen in his report.

Mr. O'CONNOR: The problem concerning the plan for the areas in question is that it was drawn within a week or two and it lacks detail. A line was drawn around the city, and when the plan is subjected to close scrutiny it falls down in every respect. No one knew where the line was to go, how it would affect other areas, and from where the money was to come. The Minister has admitted all this in the Chamber.

Mr. Jamieson: I did not. I said it was a concept.

Mr. O'CONNOR: When we pointed to all the difficulties that would be met in these proposals, the Minister merely said that they could be overcome, but we want to know how they will be overcome. We

want to be acquainted with all the problems in a scheme such as this and what steps will be taken to resolve them, because they will be very great problems.

Mr. Jamieson: If you were handed a report you would not understand it anyway.

Mr. O'CONNOR: The Minister may be in the same category as myself.

Mr. Jamieson: I would be, but I am saying that you would not understand the report if a copy were handed to you.

Mr. O'CONNOR: We want some details of the proposals from engineers and people who understand them.

Mr. H. D. Evans: Why do you always get involved in name calling?

Mr. O'CONNOR: Whom did I "name-call"?

The CHAIRMAN: Order! We will keep to the amendment.

Mr. O'CONNOR: I will be happy to do that, Mr. Chairman, and continue in that line. The amendment suggested by the Minister is an improvement on the provision in the Bill when it left this Chamber. However, I believe the amendment suggested by another place is better from all points of view, and, from my point of view, this is the one I will support.

Mr. JAMIESON: The Leader of the Opposition may run his own affairs if he so desires, but I would point out that he cannot see behind his head. The member for Dale tried to rise to his feet to speak.

Sir Charles Court: When the Minister began to get up, I gathered that the member for Dale sat down. I knew what he was trying to do.

Mr. JAMIESON: I extended some courtesy towards him when I saw what he was trying to do. Let us run the Chamber fairly; the Leader of the Opposition cannot see what goes on behind him.

Sir Charles Court: Don't get excited about it. I want to hear your comments.

Mr. JAMIESON: My comment, in reply to the proposition put forward by the member for Mt. Lawley, is that he entered the debate originally not prepared to be convinced about this proposal. He grabbed the bait of the amount of $550,000,000 approximately and started to run it all around the community without fully understanding the situation. All the features surrounding the amount of $550,000,000 were already tied up in the concept laid down in the Nielsen report to which the member for Mt. Lawley and his leader, I understand, had fully subscribed originally, and as a consequence we could not get anywhere with it. The amazing feature of the discourse the honourable member was engaged in a few moments ago is that he made no mention of the section I am prepared to take out with the amendment.

Mr. O'Connor: The Fremantle one?

Mr. JAMIESON: Yes. It is a question of Tweedle-dum and Tweedle-dee, except for the Fremantle concept, and we want to be able to manipulate or manoeuvre the development of the centre of the city as it becomes necessary. In our original concept this was to be done. It can be done with our funds; we have no problem in regard to that. We will be able to carry out the development of the centre of the city, and indeed, in the ultimate, the development of the Cultural Centre associated with it if we have this coverage. We may not necessarily need it, but it is possible we may.

In replying to the question as to where the lines will go, the member for Mt. Lawley's leader often introduced legislation dealing with railway lines, and if we look at every one of them, in many cases there is a deviation of up to a mile. This proposal gives a deviation of about half a mile. I am now speaking from memory. What is wrong with that? This is standard practice in any approval given to a railway concept. The Leader of the Opposition need not prompt the member for Mt. Lawley; he is doing quite well on his own.

Sir Charles Court: Don't be so suspicious.

Mr. JAMIESON: There is nothing to be suspicious about.

Mr. O'Connor: There is a great deal of difference between a variation of half a mile in the middle of the Nullarbor Plain, and half a mile in the centre of the city.

Mr. JAMIESON: Of course there is, but we have to make provision to be able to manoeuvre in these matters. It was just too ridiculous for the member for Mt. Lawley to go around with a compass in his hand saying, "You could not get around those roads, or you could not get around something else."

When the proposal was first introduced I indicated it was a concept and this was how it had to be considered. We have to obtain some sort of approval. We cannot call in engineers and other people to carry out a study unless they are clothed with some authority. If they had to work on a property the owners would tell them to get off because they would have no rights. What we are aiming at is to give them those rights. I have indicated to the member for Mt. Lawley all the way through that the concept could not proceed without an appropriation from the Parliament. The Government would have to get money from the Parliament unless the Commonwealth Government came in and financed the whole project, which it is not likely to do. As a consequence the proposal would have to be referred to the Parliament.

It is passing strange there was no attempt on the part of the Opposition to move an amendment. It merely sought to kill the whole concept, and when the Bill went to another place that Chamber, of course, tossed it around and returned the measure with this amendment. There are people who have been saying some strange things about this proposal. I recall reading an article in the Press written by someone who lives south of the river who stated he would not be associated with it because it would be of no assistance to the people residing in that part of the city.

If those people were to look at the movement of population, and the use of the railway system when it becomes a very rapid system, they would realise that the people who reside in that area of Victoria Park, where there are a number of high-rise buildings closely associated with the railway, would be the ones who would benefit and would feed such a system.

The people would be provided with quick, clean, and adequate transport to the central business district. Indeed, this would be the means of propping up the central business district. That has been the experience in other parts of the world. If the people cannot get into the central business district of a city it dies, and the valuations fall. Consequently the area becomes stagnant, and turns into a secondary locality.

It would be most undesirable for that to occur in Perth. I am sure the people with commitments in the city, such as the banking and the insurance people, would not want to see this happening.

Mr. Rushton: We do not know what the central business district of Perth is to be. The Government has not told us.

Mr. JAMIESON: If the Government did tell the honourable member he would not know. It is fairly obvious that the central business district will be confined by the northern leg of the ring road.

Mr. Rushton: It is planned for 90,000 people, but the figure has nearly reached that already.

Mr. JAMIESON: It is on this point that I had an argument with Dr. Nielsen. The member for Dale is raising the same argument. I reckoned that Dr. Nielsen underestimated the figure, but he said he had not. The member for Dale now agrees with me that the figure for the central business district will be much higher.

Basically the central business district is developing in its area of heaviest density; that is, along Adelaide Terrace and St. George's Terrace. It is obvious that in the ultimate it must spread north. It cannot extend southwards, unless it crosses the river to the south and starts another entity.

It is fairly obvious where the central business district will extend to. I have already indicated the heaviest area of development. As a consequence, when we start a regional loop we try to pick up the area where the greatest number of people require transport. We should not pick up the other areas initially, but we should make plans so that they can be accommodated later.

That was the concept we adopted originally. We tried to convey our views to the Parliament, but the matter became bogged down with arguments on the raising of finance for the project, and whether finance would be available the next day or in the years ahead. The State cannot obtain the finance now, but in 10 years' time when more progress has been made on the project the availability of finance might be quite different.

Possibly a period of four years will be required for research to be undertaken, for assessments to be made, and for engineering investigations to be carried out. All of what I am now saying has been said before, and appears in the current *Hansard*.

Mr. O'Connor: How long do you say it will take?

Mr. JAMIESON: I said at least four years, and within that time we would have all the information available. However, initially we must have a concept. Had it not been for the concept of undergrounding the railway system in Toronto, that city would not have been able to get its project off the ground. The commuter traffic to the city was found to be very low in volume, and a lot of trouble was experienced in finding ways to overcome that. Toronto was the first city after the World War to make a move in undergrounding its suburban railway system, and it has proved to be a great success.

I have instanced Toronto more than other cities, because I realise the significance of what the Minister for Railways has said. If we start to deal with cities with a population of 2,000,000 to 10,000,000 we will be operating in a different sphere. When Toronto started with the move on the undergrounding of its suburban railway system it had a population of just over 700,000 people. Today, or two decades later, the population has almost doubled to 1,400,000.

Sitting suspended from 12.45 to 2.15 p.m.

Mr. JAMIESON: To conclude, the Government desires the authority to go ahead and investigate the scheme. There is no doubt that the result of the investigations from the financial and engineering points of view will have to come back to Parliament if my amendment is passed. However we still want room to manoeuvre so far as the centre of the city is concerned and therefore I must insist on retaining the provision which allows the closure of certain sections of the railway.

Mr. W. G. YOUNG: Quite frankly I cannot see why the Minister is not prepared to accept the amendment from another place. All we are asking is that a feasibility study be undertaken before any railway closure takes place. Once the railway line is pulled up from the markets to Fremantle we will be committed to go ahead with the whole proposal because no alternative will exist.

The Minister has already indicated that four years will elapse before the actual construction work will commence and therefore I can see no reason for the Government not accepting the amendment from another place.

Mr. RUSHTON: At the outset I must say I support the proposal for a rapid transport system, but such a system must be established by the adoption of logical procedures in their correct sequence. I disagree with the proposal to close down the railway in the centre of the city. As I understand the proposal two terminals will be established, one at either end of the city from which the ring system will operate. This is entirely illogical. The Minister must quickly institute a feasibility study. When we know the result of that study we can take the next step.

The Minister said that there is no doubt about the final result, but there are doubts because many good people, including railway planners, have researched this issue and they do not like the proposal. In addition, the central business district population of the future is not known, and the Government has made no determination on the corridor plan. Consequently a little more thought should be given to the whole idea.

Some Ministers have suggested that other plans might be adopted. For instance, it has been proposed that cities be established in other parts of the State. If this occurred, it would supposedly limit the present city.

Obviously more thought is necessary. Consequently I suggest the Minister should accept the amendment from another place because it would allow him to get on with his research without committing Parliament to some plan with which at some future time it might not wish to proceed.

I cannot see why the Minister should have this power. Surely the people of Western Australia would desire to have a feasibility study before a project of this size is commenced. No determination has been made of the future population trend, or of the central business district work force.

The Minister has said he could not move because he would have to bring the matters to Parliament. If that is so there is no need to accept the suggestion put forward by the Minister. I support the proposal from another place.

Mr. JAMIESON: I have already stated, *ad nauseam*, that reports can be submitted and planning carried out until one does not know where one is going. We must have some sort of concept on which to base a report before it is put forward.

One of the problems associated with the Nielsen report—as I understand it after talking to Nielsen—is that he was asked to bring down a report on transport needs, and make a recommendation on how to finance a transport plan. This he did, and he had to keep within a limited scope.

A tremendous amount of study was put into the report which he brought down, and the result of that report can be computerised and applied to other systems of transportation. However, the concept put forward was a piecemeal approach because it suggested that we go into a busway system immediately, and then into a rapid transit system.

The present concept is to bring that planning forward and spend the money now rather than in 20 years' time when the cost of land resumptions and other matters associated with railway construction will have risen substantially. The present concept was developed in consultation with the steering committee and my ministerial colleagues. We agreed to accept the concept which was put forward. The next step was to obtain the legal rights to carry out development. Naturally, the first consideration is the studies.

The member for Roe mentioned the railway, and it seems obvious that the physical removal of any railway could not take place until the Cockburn loop is completed. At that time we would want to feel free to move in and develop the centre of the city. When the Cockburn loop is completed it will accommodate goods traffic on the 3 ft. 6 in. gauge. Until that line is completed there is no way in which to accommodate the 3 ft. 6 in. goods traffic, unless it goes through the centre of the city. Nowhere in the world does a railway system drag produce through the centre of the city. One system is not effectively compatible with the other.

Mr. Gayfer: What produce is dragged on that line?

Mr. JAMIESON: Wheat, could be one product.

Mr. Gayfer: All wheat is carried around the city on the broad gauge line.

Mr. JAMIESON: Other products are taken through to Leighton. If the member for Avon were to sit on the bridge at Thomas Street and observe the goods trains he would find out that a considerable amount of produce is carried on that line.

Mr. R. L. Young: Is that where the Minister spends his time?

Mr. JAMIESON: The kindergarten hours are over.

The CHAIRMAN: Order!

Mr. O'Connor: What is the Minister for Agriculture saying?

Mr. Graham: Nothing about knives in backs.

The CHAIRMAN: Order!

Mr. JAMIESON: The line will be needed for goods traffic for some time. There is no access way other than via Mundijong, and that is not acceptable to the Railways Department for the long haul involved. As a consequence, the line could not be closed down at this stage.

As soon as the plans are available we want to move and plan development. I see nothing wrong with a situation whereby a proposition would be brought to this Chamber so that we could argue the merits of the feasibility and engineering studies, and the regional economics.

It would be anybody's guess what the feasibility study will cost. Basing the cost on the Nielsen report—which cost somewhere around $250,000—it could be fairly expensive. However it must be done. That is a prime requisite. While it is being done, authority is needed for it to be done. Then it will come back to Parliament.

As far as the other aspects of the Bill are concerned, they are less significant, but in our planning for the future we desire to have room to manipulate development as we think it is necessary.

The bus depot proposal is going through now. If we can turn that into a reasonable parkland complex, it will look less like a bus depot and be less of an objectionable feature associated with transport than if it were stuck out on its own.

That is the reasoning behind our actions at the present time and we ask the Committee to support the proposed amendment.

Mr. O'CONNOR: I, for one, have no objection to certain moneys being spent on the engineering and various other details associated with a plan such as this. There is no doubt it is necessary to improve the pattern and to look forward as far as transport in the city of Perth and throughout the metropolitan area is concerned. We must also realise that if large sums of money are to be spent in this field, and $550,000,000 on an underground railway—

Mr. Jamieson: It is not an underground railway. You keep saying that but it is not so.

Mr. O'CONNOR: If the Minister wants to go on and discuss it, that is all right with me.

Mr. Jamieson: You should keep to the right figures. They have all been given to you.

Mr. O'CONNOR: That is so. But many of these works arise from the necessity to put the railway underground. Certain road funds will be expended. I am not trying to cover this up.

Mr. Jamieson: About half of that figure related to the electrification of the whole system.

Mr. O'CONNOR: The figure given for electrification was $30,000,000. That is not half of $546,000,000.

Mr. Jamieson: About half the figure for railway construction. It has all been summed up.

Mr. O'CONNOR: We consider it is necessary to try to organise a future plan for the metropolitan area. We must try to improve our public transport system, and it is not easy to do so. Right throughout the world there have been problems in this field. London has a very efficient system from the point of view of the individuals and the commuters, but the loss on it amounts to about $360,000,000 a year in an area where there are many millions of people. I am trying to point out that if this sort of money is to be expended, we must not only expect to expend it but we must also expect the system to run at a loss.

Mr. Graham: The PERTS scheme, which you seem to favour, would have involved almost exactly the same capital outlay to carry the same number of people, and obviously it would have the same financial result.

Mr. O'CONNOR: The PERTS scheme put forward a plan, and 12 months of research work went into it. The scheme now proposed seems to have been drawn on a map. It is a different scheme and a more expensive one.

Mr. Graham: This is a variation. The Government had the same advisers as did the previous Government.

Mr. O'CONNOR: A six-mile inner ring railway is certainly a variation.

Mr. Jamieson: There is no six-mile railway. You are exaggerating. That includes the ultimate two loops.

Mr. O'CONNOR: We cannot talk about what we propose to do today and forget about tomorrow.

Mr. Jamieson: You must include the Nielsen concept of the railway in 20 years' time. He did not go into the financing of it at all. He did not go as far as that.

Mr. O'CONNOR: The point I make is that we must take into consideration not only the outlay but also the loss in the future. We must consider the proposal in conjunction with a town planning scheme so that we will know where our transport will come from. In the scheme, we do not know that. There is no planning in that regard. A plan has been put forward by the

Metropolitan Region Planning Authority; we do not know where that is. The Ritter scheme was put forward; we do not know where that is. When organising a major transport scheme, surely one of the major factors is to know where the transport is coming from and where the development will take place. If that is not known, one does not know how the transport system will operate.

I prefer the amendment that was made in the Upper House. If that is not accepted by the Government, I would prefer to accept the amendment made by the Minister at this point of time than to leave the Bill as it stands. I indicate my views accordingly.

Mr. RUSHTON: The Minister said he just wants us to agree to a concept. It is the concept to which I object. At this point of time, the rail route is somewhere through the middle of Hay Street and Murray Street, and as I understand it the present rail route will not carry a rail system. It will go to the north of the city proper. That seems to me to be wrong.

The reports of the engineers and the planners which I have seen indicate there is a far better concept available to us. We must hope the Minister's advisers will recommend that concept when this matter is researched in detail. I believe the present concept, with limiting terminals at each end of the city, is just not on; it is not workable. For that reason, I think the concept put forward by the Minister is not realistic. We are not attempting to detract from his efforts, or his glory, or whatever it might be.

Mr. Jamieson: It is not glory to me. It is just work; that is all.

Mr. RUSHTON: We hope it is, for the good of the metropolitan region and the State of Western Australia. Why does the Minister not produce a realistic plan? There are so many good alternatives, and one of them is certainly superior to the present proposition. It is not reasonable that we should allow the Minister to root around in the city, ripping up railway lines and so on. He should come up with something that is rational and practical. The present proposal is not my idea of a concept. It would be a total change.

Therefore, I ask the Chamber to agree to the amendment that has come from the other place, because it is practical. Let us do this in logical steps.

Mr. Graham: I am afraid you are trying to prevent the Government from getting on with the job.

Mr. RUSHTON: No, not at all.

Mr. JAMIESON: I must be very critical of the member for Dale. I thought he had studied the proposal. Something he said has convinced me he has not studied it. He said the idea of a shuttle from one terminal to the other was not on. That was never contemplated, never suggested by me, and was never in any plan.

Mr. Rushton: You have terminals at either end of the city.

Mr. JAMIESON: No. It does not terminate at each end of the city.

Mr. Rushton: It is not a through system.

Mr. JAMIESON: It has never been proposed that it will terminate at each end of the city. The honourable member has failed to study the proposal. I produced everything that was available on the concept. It is fairly clearly set out in the documents I read which were supplied by the advisory committee to the Government subcommittee.

Mr. Rushton: Explain the through system for me. Tell me how it works.

Mr. JAMIESON: I am not prepared to do that now. Obviously the honourable member has not bothered to study it.

Mr. Rushton: It goes around on a ring system.

Mr. JAMIESON: I am not going to go around in circles as the honourable member is, or I will end up as giddy as he is. Clearly the situation is that we want coverage for the concept. If the honourable member wants to argue about it he will have plenty of opportunity when the report is presented to Parliament.

Apparently he wants to argue about where each ticket machine will be. I do not know whether the machines will be made by I.C.M. or Xerox, because that does not concern us at the moment.

We want to prepare a concept. It is of no use a person going to a builder and asking him to build a house if he does not know what type of house he wants. We have put forward the ideas which we want to be examined thoroughly, and the matter will be brought back to Parliament.

Mr. Rushton: How far do you want to go in the meantime?

Mr. JAMIESON: Do I have to explain it again?

Mr. Bertram: No.

Mr. JAMIESON: Then, I will not.

Question put and passed; the Council's amendment agreed to subject to the Assembly's further amendment.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

NOISE ABATEMENT BILL

Second Reading

Debate resumed from the 25th October.

DR. DADOUR (Subiaco) [2.44 p.m.]: The Bill before us is a most important one. I feel it is most necessary and, as the member for Cottesloe said, we agree with it. We realise that noise can be a hazard to health and can greatly interfere with our way of life. However, the Bill contains certain aspects which I find a little hard to accept.

I realise the difficulty of preparing legislation such as this. I am aware that the Public Health Department has worked on the subject for 20 years or more and has a dossier—I do not think it is secret—about a foot thick. It has devoted a great deal of time to the subject. The Bill was produced at the instigation of Mr. Claude Stubbs, as the Minister stated in his introductory speech. I give full marks to that gentleman for his action because I believe this legislation is necessary.

We are breaking new ground, and it is difficult to prepare legislation in virgin territory. The only other legislation I know of in any other country is concerned only with community noise, and not with the combination of occupational and community noise. I hope the Minister will bear with me a while because I feel sure the measure will generate much debate at the second reading stage, and also in the Committee stage. A number of amendments are already on the notice paper, and I feel more will be drafted.

Even after the Bill is passed I am sure a great deal of discussion will ensue in the drafting of regulations. Probably they will have to be redrafted before they are laid on the Table of the House. I believe the drawing up of regulations could result in amendments being produced to the legislation before us.

As members probably know, noise is produced by the oscillation of molecules—such as molecules of air. They oscillate and cause surrounding molecules to oscillate so that a chain reaction occurs and the sound travels. Sound intensity is measured in decibels, and the frequency of sound—or the degree of pitch—is measured in hertz units, or cycles per second.

Nuclear explosions—and remember they last only a few seconds at most—produce at their source a noise of such intensity that it can kill. Noise can be a killer.

Mr. Williams: I think you are hertzing the Minister!

Dr. DADOUR: Even a Saturn rocket blast-off produces a sound intensity of 174 decibels for a few seconds, and a person anywhere near the source of that sound would certainly be killed by it.

It is alarming to think that the sound emanating from several pop groups has been found to be just below the level where it can kill. I have been close to pop groups whilst they have been performing, and I was not surprised to read that the noise they make is not far below the lethal level.

Mr. Bertram: It is music, not noise!

Dr. DADOUR: If my hearing is correct somebody in the Chamber really likes that kind of pop music.

Mr. Bertram: That is not the point. I am just telling you it is music, and not noise!

Dr. DADOUR: That depends upon how one looks at it. I always thought the honourable member was peculiar; now I am convinced!

Mr. Bertram: It is a question of being with it.

Dr. DADOUR: One does not have to be with it; one has only to get close to it. Of course the electric guitar is the most offending weapon and it produces a high level of sound. Injury can and does occur with the high noise level caused by pop group music. Hence there needs to be some restraint on this type of noise.

I shall now give a few examples of the sound levels that are common to most people. The level from a siren blast ranges between 110 to 120 decibels; from power motors from 90 to 100 decibels; from heavy traffic or a noisy cocktail party from 80 to 100 decibels; from moderate conversation from 30 to 40 decibels; and from the rustling of leaves approximately 20 decibels.

That will give members an idea of the types of sound between zero and 100 decibels. The average sound level in factories is between 70 and 115 decibels, and the average level in offices is approximately 60 decibels. I imagine the sound level in this Chamber is about 60 decibels.

We all know that a very high frequency noise is capable of shattering glass. Some very low pitch noises, which are barely audible, can contribute to a condition like drunkenness or giddiness. In a car driver such a condition is extremely dangerous. Sometimes people who are subjected to these noises become quite euphoric and unbalanced. Their visual judgment may be impaired, and the effect may cause them to become careless in their behaviour.

Excessive noise in factories has been known to reduce the efficiency of the workers. Monotonous and repetitive noises, such as the noise I am making, can have a semi-hypnotic effect! That would give members some idea of the noise levels, of which there is no mention in the Bill.

Irritation by noise can affect the health of people, and bring about irritability, tension, depression, and even stomach disorders. Excessive and irritating noise in the home often prevents proper communication. The nerves of people become worn with such noise going on day and night, and this usually leads to strain in family relationships.

There is nothing worse than having a neighbour who is extremely noisy and who continues playing music until 4.00 a.m. Once I had such an experience. Next door

to me lived five students from the university or W.A.I.T.; these boys were from the South-East Asian area. They played electric guitars and bongo drums. They persisted with the noise from these instruments well into the night, and the noise level was terrific. The whole house shook.

I was located 60 feet from where the noise came, and there was a swimming pool between us. Yet the whole hillside virtually shook with the vibration from the noise caused by these young gentlemen. The nerves of people can become worn as a result of such noises. Young children generally create a great deal of noise, but loud noises can lead to obnoxious behaviour by the children.

I now turn to the provisions in the Bill. I ask the Minister what does the term "social well-being" in the part dealing with offences and remedies mean? Will he be able to tell me explicitly? The Bill contains a provision which refers to what it terms as "reasonable persons." What would be the position of a person who owns a dog that barks? On one side of his property he might have a neighbour who is not reasonable, who does not like dogs, and who cannot stand the barking of dogs, despite the fact that the barking of the dog might be reasonable in this instance; and on the other side he might have a neighbour who has no objection at all to this type of noise.

In the one case the person regards the barking of the dog as an offence, but in the other the person is quite tolerant to it. The test of whether or not a particular noise is acceptable should be an objective, and not a subjective, test.

I believe that clause 8 which deals with injuries to health should be included in the Workers' Compensation Act. To illustrate my point, a factory might be established near a residential area. Someone might buy a vacant block near it, on which he builds a home. He then experiences the noise nuisance and makes a complaint. The factory might have been established for 50 years and the noise has been coming from it all that time. Provision should be made to safeguard the owners of such a factory.

Turning to clause 13, I am of the opinion that the Minister should not have the power of delegation of authority to the commissioner, for the simple reason that the commissioner is not answerable to Parliament but the Minister is.

I draw attention to the provision in clause 27 relating to noise on premises. The local authority concerned should not be given the power to determine what is a nuisance. I believe this is a matter for the courts to decide. The local authority might be harsh in its determination, while the court might be more liberal. In my view this question should be decided by a court.

Turning to clause 28, the local authority should submit any noise complained of to a test, before it issues a notice. A local authority may cause a test to be carried out—the equipment for the making of such tests is expensive—and make a charge against the people against whom the complaint has been made, even though no action is taken subsequently. In my opinion it is very wrong to permit a local authority to make such a charge against a person against whom no action is taken.

Turning to clause 32, which deals with nuisance outside a district, a noise complained of might not be deemed by one local authority to be an offence; yet the neighbouring authority would be able to institute proceedings against the party causing that noise. I think proceedings should only be taken by the local authority which has made an investigation with a view to bringing about an abatement of the noise.

The provision in clause 33 confers on the commissioner a great deal of power. Under this provision he is empowered to take steps to bring about an abatement in noise which he deems to be offensive, and to recoup from the owner the cost of any tests made. I believe the court should determine what action should be taken.

Clause 34 deals with a complaint by three persons. This provision should be amplified and I notice that an amendment for this purpose appears on the notice paper.

Clauses 35 to 39 contain powers wider than those enjoyed by the police. Why should an inspector not have to obtain a warrant from the court before he enters a home? We must remember that under these provisions the privacy of one's home can be violated and this is a very serious step to contemplate. I do not consider that a person should be able to enter a home without a warrant merely because of a complaint about noise. A warrant should be obtained to give proof that a reason exists for one's privacy being violated.

Clause 40(a) is unusual to say the least. No precedent outside the Companies Act—and that is for fraud only—exists for its inclusion. If a secretary is ordered to keep a factory operating he can, under this provision, be held responsible for the resultant noise. This is going a little too far.

I do not like the fact that the local authorities will obtain the benefit of the penalty imposed because such a provision could be open to abuse. Already it is intended that they should recoup the money spent on testing. My contention is that a person probably will not be game to keep a dog because the authority could fine him if it barked. If the local authorities desired they could make plenty of

money out of this Bill. I do not say they will, but we are leaving the situation a little open, to say the least.

I do not believe that the advisory committee should be composed only of academics or specialists. Those who run the factories should be represented—those who have the practical experience. We do not yet know what the accepted noise levels will be, and we will not know until the regulations are drafted. It is essential that the committee comprise a smattering of businessmen, industrialists, academics or specialists, and workers.

It is necessary to have someone on the committee who has knowledge of the accepted noise levels. For instance, a barking dog may be a nuisance, but the level of noise involved may not be above the accepted number of decibels.

Industrialists would know how much it would cost and how much time would be involved in installing plant which would be less noisy. It could be extremely costly. Consequently any advisory committee must be composed of representatives from a wide range of fields.

Without saying a great deal more, I merely wish to summarise the points I have made. More detail should be given concerning clause 48. The regulations should be drafted with the help of the practical and professional people on the advisory committee. The draft regulations should then be submitted to Parliament for discussion. I do not believe any trouble would be experienced in having them agreed to.

The legislation should include a list of those industries which are to be affected by it. Also it is important that the inspectors should have certain qualifications and that these should be stated in the Bill.

The accepted noise levels must be declared; and the onus of proof should be on the plaintiff, with ample opportunity for the defendant to disprove the allegations. At the moment under this legislation, the defendant is guilty until he is proved innocent, and this is contrary to British law. I do not want to make it hard for the legislation to be implemented, but we ought to retain our basic philosophy of British law—that is, that no man is guilty until his guilt is proved which, as I have said, is not the situation under this legislation. If it is intended, the provisions certainly do not indicate this.

All references to the Workers' Compensation Act and the Factories and Shops Act should be deleted. As I said, the advisory committee should have as members not only academics and specialists, but also industrialists and workers.

Mr. T. D. Evans: Don't you think this legislation should concern itself with the gradual onset of lack of hearing brought about by working conditions?

Dr. DADOUR: We already have regulations covering this under the Factories and Shops Act and the Workers' Compensation Act.

Mr. T. D. Evans: Not under the Workers' Compensation Act. It is deficient in this regard.

Dr. DADOUR: The Factories and Shops Act covers the position in sections 46, 48, 61, 62, and 107.

Mr. T. D. Evans: But some workers are outside the ambit of the jurisdiction of that Act and they have no coverage for lack of hearing brought about, for instance, by boilermakers' deafness.

Dr. DADOUR: I suppose the Minister also realises that community noise can cause deafness.

Mr. T. D. Evans: Of course. This Bill takes care of that.

Dr. DADOUR: Let me continue. As I was saying, the advisory committee should comprise people from all walks of life and should cover all those who would be affected by the legislation. It should not comprise academics and specialists only.

We should delete all references to conflict of interests and we should delete the provisions which give an inspector the unqualified right to act without competent advice. In any order made to overcome excessive noise or vibration, ample time should be allowed to enable the necessary replacement of equipment.

As I mentioned, we should be more explicit concerning complaints by three persons, and also the right of entry by inspectors for the purpose of investigation. An inspector could enter a factory and find no-one in attendance. He may turn off some mechanism and this could be dangerous. He may turn off a water pump which would result in flooding, thus causing a great deal of damage.

Another aspect already mentioned is that of trade secrets. A local government inspector can enter a factory and he could become aware of trade secrets. Members can imagine the situation if such trade secrets became known to outsiders. Some protection should be afforded in this regard.

An employer should also be protected against any employee who might use clause 8 (2) merely to be a disruptive influence. An employee could go to his employment knowing full well that the work may injure his health. Then when it did, he would still be liable to compensation.

At the same time he could make a noise far in excess of what is reasonable. Then he and two of his workmates could complain and the employer could be fined because of these disruptive tactics. We should have some safeguards against this sort of practice. I know it sounds farfetched but it could happen.

I conclude by saying the concept of the Bill is excellent. As the member for Cottesloe has said, the measure has been presented too hastily. I think more time should have been taken in preparing it. I know the Public Health Department has thrown everything it has into the Bill so that we may air it in the Parliament and work out what we consider is good and what we consider is not good. In this way, we should make good legislation. I am sure that is the aim of members on both sides of the House; that they hope to make good legislation of this Bill.

MR. GRAYDEN (South Perth) [3.11 p.m.]: I shall be brief in my remarks. I support the Bill subject to the reservations which have been expressed by some of the previous speakers, particularly the members for Cottesloe, Bunbury, and Subiaco.

Without any question, a Bill of this kind cannot be lightly introduced because it could have a grievous effect on industry. Our economic well-being depends to a very large extent on industry. However most of the arguments in that respect and most of the shortcomings in the Bill have been adequately canvassed.

I do not represent an electorate where industrial noise affects my constituents to any great extent. However, they are affected by noise in other ways. Therefore, legislation of this kind is absolutely vital if we are to alleviate the situation.

For some years we had a speedboat problem in South Perth. On the weekends speedboats raced on the Swan River and the noise from them could be heard up to two miles away. With the construction of high-rise buildings on the foreshore of the Swan, the problem was aggravated. When the boats were racing it was completely impossible for residents in many of these buildings to hold a telephone conversation, to watch television and hear what was going on, or even to hold a conversation with someone else in the flat or home unit. The problem went on for some years. However, I am happy to relate that the present Minister for Works took a sympathetic view to some of the representations made to him and gave an undertaking that, as soon as possible, he would change the racing area. He has now done that and the people in South Perth have been freed from something which had upset them for a number of years.

Mr. Davies: Where did the speedboats go?

Mr. GRAYDEN: I think they have gone north of Heirisson Island.

Mr. Davies: Probably there will be complaints from my electorate.

Mr. GRAYDEN: I do not think so. I believe the racing area is a mile or at least some considerable distance—from any residential area. If this is so, it will not be a problem to the residents. Certainly the residents of South Perth were relieved to see the speed boats go.

The people in South Perth experience other problems with noise and I wish to touch on some of them. For example, the Pagoda faces Melville Water in Como. Large dances are held at the Pagoda and have been for many years. Loud speakers are used at the dances. Residents within several hundred yards of the Pagoda have complained that, on certain nights, it is impossible for them to get to sleep before the early hours of the morning. Recently I received a petition stating, in part—

> We the undersigned and attached hereto being deprived of our rest and the loss of the right to peaceful living, brought about by excessive noise from loud speakers installed in the Pagoda dance hall, and operated on various nights of each and every week do hereby apply for a court order, to restrain the Leasee of 110 Melville Parade, from committing this nuisance and to compel the said Leasee, owner, or hirers to reduce the noise, to the satisfaction of each or every resident.

It is signed by a large number of people. For years I have been receiving petitions of this kind from people who live in the vicinity of the Pagoda. Although the local authority has taken action on many occasions, it has not had the necessary power to deal effectively with the situation.

There are many other dance places in South Perth and Como. For instance, a number of restaurants hold dances. Many of them have bands which cause excessive noise and, in addition, loud speakers are used.

These kinds of problems apply in all areas where these establishments are operated. I have mentioned this fact, because the situation does exist. It is vital for some sort of legislation to be passed to cope with the problem. This legislation is certainly an attempt to do this and will be welcomed from that point of view.

Once again I reiterate that the needs of industry are vital. We cannot have legislation which will cut across the requirements of industry. Therefore, I hope we will arrive at some compromise which will be acceptable to all. With those reservations, I support the Bill.

MR. FLETCHER (Fremantle) [3.17 p.m.]: As this is a Government Bill naturally members would expect me to support it.

Mr. Hutchinson: Support it on its merits.

Mr. FLETCHER: I do support the measure and I shall make a few brief comments principally to demonstrate that it is justified; in fact, it is overdue.

I have evidence in my possession of the impact of noise on the health of members of the community generally and of children, in particular. One of my duties is Convener of the A.L.P. Standing Committee on Transport and I have received correspondence from the Australian Labor Party requesting that the committee bring down recommendations in regard to moving Perth Airport from its present location to some alternative site. This is not a small request. It was necessary for me to obtain evidence to justify the request that the airport be shifted from its present site to somewhere else. To this end I wrote to Dr. B. M. Johnstone, who is a senior lecturer at the Department of Physiology at the University of Western Australia. I shall summarise the letter I wrote to him on the 16th October, 1970. I informed him that the present Minister for Works had at that time been fortunate enough to hear him give a splendid lecture on the deleterious effect of noise on children and adults alike. I said that I would deem it a favour if he could present me with any material to assist in this respect.

On the 23rd October, 1970, he addressed a letter to me in my capacity as Convener of the A.L.P. Standing Committee on Transport. He states in part—

> With reference to your request about the effect of aircraft noise. I am enclosing a resume of a talk delivered to an A.N.Z.A.A.S. Symposium in September this year. There are two major studies on the "objective" effects of aircraft noise on body functions.

He refers in the first instance to a report on mental hospital admissions and aircraft noise, written by certain authorities on this subject, in *Lancet* on the 13th December, 1969. He gives the relevant page numbers.

I consider it is important that all members listen to the conclusions which read as follows:—

> Their conclusions are that mental hospital admissions are increased in the high noise area (greater than 95 PN db) near Heathrow Airport, compared with a matched population close by but from a lower noise area. The increases are significant for total admissions and when looked at closely, all categories of mental illness show increased admissions from the noisy area with the greatest being those middle aged females suffering from "organic mental illness", where the rate is twice that expected. This is a well controlled and well documented study.

It then gives the details of a study in Japan.

The SPEAKER: I hope the honourable member does not intend to read at length. He may summarise the details.

Mr. FLETCHER: You will notice, Sir, that I summarised the earlier comments and I will do the same with these. I do not think it is necessary to read all the data and statistics, but I would like to quote one paragraph as follows:—

> The influence of Jet noise on growing processes and the reaction time of children . . .

and the author gives the Japanese authorities and tells us where to find them. He goes on to say—

> They studied children living near (closer than 1½ miles) Atsugi (military) Airfield and concluded growth of body weight was depressed, the longer the noise exposure the greater the depression so that after 6 years' schooling they were 10% less in weight than their control group (being more than 2 miles away). Both height and chest girth were less by about 3%. They also had higher blood pressures by about 10%.
>
> A measure of reaction time also showed significant differences. About 80% of female children living 2 miles from the air field had a reaction time of less than 1/3 of a second, whereas of those living closer than 1 mile, only 20% had a reaction time less than 1/3 of a second . . .

The SPEAKER: I think the honourable member could summarise the material more than he is doing.

Mr. FLETCHER: I am doing my best.

Mr. Williams: It is not good enough.

Mr. FLETCHER: He goes on to say that 80 per cent. had a reaction time greater than one-third of a second. He gives other relevant percentages and details which it is unnecessary for me to quote.

I read these comments to the House to ensure that members realise the serious effect of noise nuisance on the health of the community. This Bill is justified for that reason alone. However, I wonder what impact the legislation could have on the noise nuisance emanating from the airport? Incidentally, I point out that despite the committee of which I am convener having considered this subject and brought in a recommendation to resite the airport, it is still at Guildford. Our committee suggested that the airport should be at Pearce

and that the Air Force base should be relocated at Cunderdin, where it would annoy Country Party members.

Mr. W. G. Young: What have we ever done to you?

Mr. FLETCHER: We even suggested it could be relocated at Garden Island. As I say, no-one took any notice of the committee's recommendation.

Part II of the Bill deals with offences and remedies and states that noise nuisance is to be an offence. I have already pointed out that our own airport could be a hazard to the health of people living nearby. The Minister in charge of the Bill, knowing that the airport is controlled by a Commonwealth authority, probably realises that the legislation will have no impact on such a body. However, I am wondering whether a citizen could take legal proceedings against the authority in relation to noise nuisance emanating from the airport. I would also mention that local authorities and citizens living near the airport have agitated to have the airport relocated, and they are still agitating. I ask the Minister to consider the question of whether or not the noise nuisance from the airport would fall within the provisions of this legislation. I also ask whether local citizens will be able to seek relief under the legislation and, if not, what remedy they can seek. With those remarks I support the Bill. I believe it is quite justified and even overdue.

MR. LEWIS (Moore) [3.26 p.m.]: I would like to commend the Minister for introducing this Bill in an endeavour to abate the noise problem. It is a very complex and difficult task to attempt to assess the effects of noise on the human body and, through natural adjustment, a human being is usually able to overcome problems in due course. Noise of a certain degree of decibels which may cause great inconvenience to one person seemingly has no adverse effect on another. However, we are not yet able to assess the long-term effect on such a person.

I do not expect this Bill to achieve a spectacular result. I anticipate that the advisory committee will find in due course that amendments to the proposed Act will be necessary. The Bill will need to be administered with common sense.

This measure endeavours to deal with community noise and industrial noise, and the ramifications in both these fields are very wide. I remember visiting the Midland workshops as a young boy. I was very impressed with the noise of the pneumatic hammers, although I do not believe they are used so widely today with the development of welding techniques.

Even farmers are subjected to industrial noise. Some years ago I consulted a specialist about some loss of hearing. One of the first questions he asked was, "Do you drive a diesel tractor?" When I admitted I did, he said that was the cause of my deafness. I do not know whether or not this is so; doctors are not always right. However, it could be so. I know that the wearing of earmuffs would avoid the danger, but people driving tractors are no more keen to wear earmuffs than they are to wear shirts in the summertime.

We have many different types of community noise. The member for South Perth touched on this aspect and I think the example which strikes me most forcibly is that of the dance bands. I am sure other members of Parliament, and particularly Ministers of the Crown, have felt the effects of sitting too close to the band when they are attending a function. Members and Ministers appreciate the courtesy extended to them, but it is unfortunate that they are usually seated very close to the dance band. However, whether they are seated close to the band, or in some distant part of the hall, people find that some of these dance bands, with the amplification of the music—if it can be called music—are rather overpowering and they leave such functions with a sense of relief. I am sure other members have had similar experiences.

The member for South Perth also referred to some restaurants where there are juke boxes and the fact that one cannot enjoy a meal in such places, because invariably someone inserts a coin in the juke box and turns up the volume to such a great degree it almost persuades one to use another coin to turn the music off.

I think the effort behind this Bill is well worth while. The legislation is needed to assess the degree of noise as it affects members of the community both in industrial and social spheres so that something may be done about it if it offends. I repeat what I said a few moments ago; namely, that a good deal of common sense and tolerance will be needed to administer the legislation. We have to assess what is good for the community as a whole, both economically and industrially, because we could put clamps on industry and as a result stultify the progress of the State. We do not want to do that. On the other hand, we do not want to injure permanently those who are directly employed in industry.

However, there is a fine line, and in defining this fine line a great deal of common sense will have to be used. So, all in all, the Bill represents a commendable effort on the part of the Minister who has introduced it and I hope it will continue to make progress from time to time. We cannot expect spectacular results from it immediately, but if its introduction does something to alleviate noise it will be well worth while.

MR. DAVIES (Victoria Park—Minister for Health) [3.32 p.m.]: I thank most sincerely all those members who have taken part in the debate. They have recognised the need for legislation of this kind and have taken the trouble to point out what they believe to be deficiencies in the Bill. For my part I have had a look at them and during the Committee stage I will be able to explain further the attitude of the Government. However, if we try to draw an analogy with the Clean Air Act we will be able to balance our judgment when we consider this Bill in Committee, because it has been modelled on the clean air legislation. As the previous speaker has just said, it will require a great deal of time for it to become fully operative, and much common sense and tolerance will have to be exercised in order to ensure that the impact of the legislation on the community will be such as not to cause any undue hardship.

A problem does exist, and each of us needs to do something about it. It is because each of us recognises the problem that we are supporting the legislation generally. This Bill could have been dealt with as two separate measures, as I indicated earlier; one dealing with community noise, and one dealing with industrial noise.

Mr. Hutchinson: It may have been better to do that.

Mr. DAVIES: I looked at this possibility, but it may have meant unnecessary duplication. However, what we have undertaken to do is to deal with the promulgation of the regulations separately, and not as a whole. I think the greatest need is in regard to community noise. It is from this field that the greatest number of complaints come to me, and from the debate in the House I think that other members are placed in a similar situation.

Mr. Williams: I think you will find that you will have the greatest number of complaints when you start to consider the industrial side, and this has to be tackled fairly soon in some fields.

Mr. DAVIES: This is the second part with which I was about to deal. Industrial noise constitutes a great problem so far as health is concerned, and during the debate on the Bill the question was raised as to whether or not this should be brought under the Local Government Department. It was put under the Public Health Department after collaboration with the Local Government Department and the Department of Labour. It was decided that the Public Health Department should accept the responsibility of administering this legislation, because that was the body that had the facilities to deal with occupational health problems.

As the member for Cottesloe will readily understand, this is the reason the clean air department, to a large degree, was placed under the Public Health Department—because of the existing facilities and the expertise that exists within that department. However, that does not mean that it is all powerful. It means that the Public Health Department will need to co-operate very closely with other departments in framing the regulations and in applying them.

What has been said about the effect this legislation will have on industry could be very true. In Western Australia we do not want standards to be so severe that they will prevent industry from coming to this State. No Government would want that and for that reason the regulations will be based on the codes of the Standards Association of Australia. These have been mentioned, and until they are finalised our regulations will certainly not be finalised; that is, presuming there is no undue delay. So the intentions are that the standards will be finalised by the end of the year, and it is after that time that the regulations under this legislation will be finalised. I will not say they will be exact, but they will be close to the exact standards set by the Standards Association of Australia.

So in that regard the position of the Government is made clear. We recognise the danger and the need and, as the member for Moore has said, we recognise that we need to exercise tolerance and common sense to put this legislation into effect. The framing of the clean air regulations took a considerable time because it became apparent there were so many difficulties associated with framing them properly that the work could not be done in a hurry. I believe that when I was sitting on the other side of the Chamber I was a little sarcastic about the delay in the framing of those regulations, but I hope the members of the present Opposition will be a little more tolerant with me in regard to the framing of the regulations under this piece of legislation. We will adopt the standards set by the S.A.A., and we invite the co-operation of all members of the community in framing them. It is because we have the experts on public health in the Public Health Department that the legislation is being looked at in that field.

Mr. Hutchinson: On the question of interdepartmental liaison, did you discuss the matter with the Factories and Shops Department to see whether noise abatement could be dealt with under one Act or the other, and what could be done in regard to consistency?

Mr. DAVIES: The file shows that back in 1971 the Minister for Labour referred the matter to our department for some mutual discussions on what should be done concerning the legislation, and I am assured that was carried out.

Mr. Hutchinson: You are sure of that?

Mr. DAVIES: I am assured of that by the author of the Bill. Of course, as the member for Cottesloe would know, when a Bill

is brought before Cabinet a copy is distributed to each Minister who has the responsibility to make known to the officers within his department anything that is likely to affect that department. It is also possible that argument may have been precipitated at times. There can be differences of opinion, of course, although it did not happen on this occasion.

Mr. Hutchinson: I say again, there is no reference in the Bill before us as to consistency with other pieces of legislation and there was a paramount need for some reference to be made to the factories and shops legislation—the relevant section being section 107, I think—which deliberately states that that legislation prevails over any other legislation. I know this is new legislation, but there should be some reference to the Factories and Shops Act, in my view.

Mr. DAVIES: The remarks of the member for Cottesloe almost fully cover the remarks of every other member in the House. I have the honourable member's comment on this fairly fully, so I will be able to explain, I think, in due course, the various points he raised. Perhaps if I could first run through two or three of the points made by other speakers this may help clear the decks.

I cannot honestly tell the member for Fremantle whether the legislation will have the effect of closing the Perth Airport, but I will have the matter checked for him. From a personal point of view there have been times when I had hoped it would have such an effect on the airport.

I would like to refer to the last point raised by the member for Subiaco when he spoke about noise from one local authority area drifting into another local authority area. Apart from the instance of the Perth Airport, the other instance was that mentioned by the member for South Perth when he told us that the noise from the speedboats drifted in two separate directions thus affecting two local authorities which, of course, precipitated the need to bring in the clauses within the legislation to cover that aspect.

I was aware of the comments of Dr. Brian Johnstone. Indeed in this morning's paper, on page 5, there is reference to a speech he made to the Institute of Technology with regard to noise and his remarks were complimentary to Parliament for the manner in which it is dealing with legislation of this kind.

The member for South Perth also spoke about the Pagoda ballroom and other such establishments within the swinging city of South Perth. This also posed a problem which again was raised by the member for Subiaco as to who has the prior right; the people who were first located in the area or those who came in later.

I think any court when dealing with such a claim will certainly consider this aspect, because if people build alongside a heavy engineering factory they surely would not expect the factory to cease operating merely because the people concerned happened to build a house in that locality. Some responsibility must rest on the local residents and those looking to the future. But here again the court will be aware of such problems and will deal with them accordingly. I thought that the local authorities already had the power to stop loud music which was being used for the purposes of advertising.

Mr. Hartrey: Only in the streets.

Mr. DAVIES: Here again the legislation will make it easy for people to take action. It should also be appreciated, however, that people must be given the opportunity to enjoy themselves at some time or another.

Mr. Grayden: I do not think it is a real problem; it is only a matter of turning down the volume.

Mr. DAVIES: That is so; the owners of these establishments must also accept some responsibility and turn down the volume of the music that is being played.

Mr. Thompson: Some of them take the knobs off the volume control.

Mr. DAVIES: I must agree that it could be most distressing for people who may be living next door to dance halls and other establishments from which noise is emanating.

The member for Moore said that when one is an official guest at a function one is generally given the seat next to the orchestra, because it is supposed to be the pride of place. He has found this to be most distressing, and one wonders whether it is not done deliberately with a view to cutting off all conversation.

The member for Subiaco referred to the framing of regulations and the need to co-opt the various parties concerned. I believe that under clause 22 (1) of the Bill there is power for such parties to be co-opted and for this reason the advisory board was kept small because the members of the board would be the people giving the advice.

If this were not done the organisation would become huge, particularly if we included representatives from the unions, the Chamber of Manufactures, the Employers Federation, the local tree society, and so on.

I believe that larger committees will only be a waste of the people's time; whereas if we have a small, expert committee and co-opt people who will give the proper advice it would be far better. Incidentally I have been given a firm undertaking that this will be done. It is

the only effective way to use the manpower that is available to us. If this is not being done I will certainly do all I can to see that it is.

Sitting suspended from 3.45 to 4.05 p.m.

Mr. DAVIES: The only other member who spoke and whose comments I have not dealt with, apart from the member who took the adjournment and led the debate from the Opposition side of the House, was the member for Dale. However, I think most of the matters he raised have fallen within the points with which I have already dealt. He was somewhat critical of the Bill because no guidelines were set down. We did not propose to offer any guidelines because we believe such a system would not be workable. The Standards Association criteria will be the guidelines under which we will work, and for that reason we did not include anything along those lines. The same applied to the Clean Air Act.

Mr. Hutchinson: The Minister did not say that when he made his introductory speech.

Mr. DAVIES: I am sorry it was an omission for which I apologise. I hope I have made our intention abundantly clear now. The honourable member said that an offender was guilty until he was able to prove himself innocent. Whilst we often talk about such a situation the other way around, in fact that is what generally happens. If one is taken before a court of law for a traffic offence one is as good as guilty until proved innocent. Subclause (3) provides ample protection.

The question of trade secrets has also been discussed by some members, including the member for Dale. I do not really care whether the penalty is $1,000 or $10,000, because it will be the maximum figure. If a matter goes before a court the amount of the penalty can be sorted out and imposed according to the offence. I can recall that we debated this point at length while discussing the Environmental Protection Bill. The penalty imposed under that Act is $1,000, and on this occasion it is proposed it should be $500. I think the seriousness of this aspect can be over-emphasised. After all, inspectors have been going into factories and onto properties since about 1911. They may not have been closely associated with any particular function within a factory or on a property, but I think the point can be over-emphasised.

I do think that industrial spying is not as rampant in Australia as it might be in America these days. We have to remember that we will be dealing with civil servants and they are, generally speaking, people with a keen sense of responsibility. However, if members decide to increase the penalty to $1,000 it will be of little consequence to me.

As I have said, the penalty provision is very similar to—if not, word for word with—that passed by this House when debating the Environmental Protection Bill.

I will now refer to the comments of the member for Cottesloe who replied to the Bill on behalf of the Opposition. He mentioned the avenues which were available under the provisions of the Local Government Act. His remarks concerned me a little because I thought the Local Government Act might have been overlooked. However, as a result of research I find that subparagraph (i) of section 244 of the Local Government Act reads as follows:—

> 244. A council may so make by-laws—
>
> (i) for prohibiting or regulating the making of noise or obnoxious odours, caused by persons for advertisement purposes, or in connection with addressing the public, or by the use of motor cycles, g r a m o p h o n e s, amplifiers, wireless appliances, bells, or other instruments or appliances, on or in a street, way, footpath, or other public place, or in private property;

Obviously, many of the complaints made to local authorities do not fall within that category. I have received a number of letters from different local authorities asking when something is to be done regarding noise because local authorities have insufficient power. Indeed, I believe a recent survey carried out by the Melville City Council showed that out of a total of 23 complaints only three could have been dealt with under the by-laws made under the Local Government Act, had the council made by-laws—which it had not. However, a total of 20 complaints could not have been dealt with under the Local Government Act.

Mr. Hutchinson: As I said, if the Minister does not intend to deal with the situation through separate legislation there is a need to tidy up the existing legislation.

Mr. DAVIES: That is why I said we feel it is necessary to gather all the legislation together in one Act. I was surprised to find that the provisions of the Factories and Shops Act cover less than one-third of the work force. It does not cover the Civil Service—which is a large sector of the work force. Many other sections are not given protection under the Factories and Shops Act. That is one reason it was not competent to use the provisions available under that Act. It is interesting to note, of course, that although under section 45 of the Factories and Shops Act regulations can be made by the welfare committee in regard to noise—and although that provision has been in existence for some nine years—not one regulation has been made.

The concern regarding noise has been paramount for at least the last five years —if not, the last nine years—and although the committee may act in an advisory capacity it is limited and has to go to another section of the community to get advice. I believe this is not the body which should deal with noise, particularly as it would cover less than one-third of the work force.

I have already mentioned the composition of the advisory committee. The question has been raised in regard to the powers of inspectors, and some concern was expressed. I would point out that the provisions in this Bill are, I believe, the same as those in the Clean Air Act, and the Environmental Protection Act. It was suggested that the qualifications of inspectors should be set out in the Bill. However, I think such a procedure would hamstring the department. The Clean Air Act does not set down any qualifications and because of that the Clean Air Council has been able to appoint three professional specialists in air pollution. Two have the qualification of Doctor of Philosophy, and another has tertiary qualifications in chemistry and engineering. They are highly qualified inspectors.

If standards are set they could be too high or too low. It has to be remembered that people who are referred to as inspectors might not normally be considered to be very powerful or highly qualified. However, we have two inspectors with the qualification of Doctor of Philosophy and another inspector with tertiary qualifications in chemistry and engineering. I think this illustrates that if the qualifications are left open the best persons available can be appointed.

Mr. Williams: That does not make for practical people to be appointed. The inspectors do not have to stand the cost of implementing their suggestions or their recommendations.

Mr. DAVIES: Of course, theirs will not be the first and last word. Theirs might be the first word, but the matter will not start and finish at that point. It will go to the proper authorities which will consider whether or not the people who are affected should have their alleged injustices put right. They can appeal to the Minister or the commissioner. That is not expressed in the Bill but I believe it is evident; just as with the Clean Air Council, and so on, the requirements can be reviewed from time to time in the light of the best information available.

Mr. Williams: Is it not better to have even a small group of practical people who are advised by or seek the advice of professional people?

Mr. DAVIES: The member for Bunbury calls them practical people. I call them the people best qualified for the position. They may be both theoretically qualified and practical.

Mr. Williams: In industry that is quite often not the case.

Mr. DAVIES: This is where we have some difficulty in setting standards. Are they to be practical or theoretical men?

Mr. Williams: I believe you will have more difficulty with this sort of advisory committee than you would have if you looked at it from the practical angle.

Mr. DAVIES: I am talking about inspectors, not the committee.

Mr. Williams: The same applies to inspectors.

Mr. DAVIES: There is some difference between inspectors and an advisory committee. We can argue that matter later.

Another statement that was made was that this Bill did not bind the Crown. I know it is a boring Bill but I would have thought the honourable member would have read past page 2. The first line on page 2 reads, "This Act binds the Crown." That is not unreasonable. It was probably overlooked by the honourable member, because it is right at the top of the page and he might not have expected it to be so prominent. It is there for all to see in line 1 on page 2—"This Act binds the Crown."

Mr. Williams: What about clause 24?

Mr. DAVIES: Clause 24 means that no person who legitimately carries out his business can be sued by any person or industry when he has done his duty in accordance with the Act. If after all the proper processes were carried out an industry or person had to do something to eliminate noise, neither the inspector, the advisory board, the Minister, the commissioner nor anybody else could be sued. It is a normal provision which is inserted to prevent people from being sued when they carry out their duties in accordance with the legislation. It has nothing to do with the Act binding the Crown. The opinion is held that this is a safeguard for people who are carrying out their duties.

The powers of the welfare board appointed under the Factories and Shops Act need to be considered, as does section 107 of that Act. It is not conceded that there is any inconsistency with the terms of section 107 of the Factories and Shops Act. The Crown Law opinion is to the effect that there are no inconsistent provisions. There are powers which might become inconsistent in the future but they are not now inconsistent. There are no regulations under the Factories and Shops Act which relate to noise, and the question is largely academic. The provisions of section 24 of the Interpretation Act ensure that the will of Parliament prevails over any earlier legislation. There is a very long established principle that Parliament cannot fetter its own future actions.

Perhaps I should read the Crown Law opinion in regard to this matter because the member for Bunbury suggested we seek an opinion on it and I was pleased to do so. The opinion I have received reads—

> With respect I cannot agree that the purpose of a consolidating statute is to deal with all aspects of a subject matter in the one Act. That is more descriptive of the role of a codifying Act.
>
> The object of a consolidating Act is to consolidate in one Act the provisions contained in a number of prior statutes relating to the same subject matter.
>
> "Consolidation is the reduction into a systematic form of the whole of the statute law relating to a given subject, as illustrated or explained by judicial decisions."
>
> "The very object of consolidating is to collect the statutory law bearing upon a particular subject, and to bring it down to date, in order that it may form a useful code applicable to the circumstances existing when the consolidating Act was passed."
>
> "The consolidation merely places together in a later volume of the statute book enactments previously scattered over many volumes."
> (Craies on Statute Law, 6th edition.)
>
> The need for a consolidation of the Acts relating to Factories and Shops in 1963 is well exemplified by the number of statutes set out in the first schedule of the Factories and Shops Act, 1963.
>
> The only significance of an Act being characterised as a consolidating Act or a codifying Act is that it assists the Court in selecting the appropriate rules or presumptions of legal interpretation in interpreting the Act and in ascertaining the legislative intention. For instance, if an Act is characterised as a consolidating Act then previous legal decisions on an Act which has been repealed and the contents of which have been re-enacted in the consolidating Act are held applicable to the latter Act. There is also the presumption that unless it appears expressly to the contrary a consolidating Act is not intended to change the law.
>
> In the case of a codifying Act such as, for instance, the Criminal Code, there is no such presumption.
>
> However, there is nothing invalid about the insertion in a consolidating Act of a provision making a substantive change in the law.
>
> Whatever the intention of Parliament at the time of passing the Factories and Shops Act in 1963, it cannot affect or be indicative of the intention of Parliament in passing an Act in 1972.
>
> Apparently research in the last 10 years has revealed a great deal more knowledge concerning excessive noise and vibration than was known in 1963.
>
> In any event the legislative intention of any particular Parliament generally cannot bind or fetter any future Parliaments.

I think that deals with the question of the consolidating Act.

Mr. Hutchinson: There is no mention in that legal opinion as to whether there should be reference to consistency in the legislation you are introducing.

Mr. DAVIES: I will give the honourable member a copy of the opinion so that he can see it for himself. The opinion is that it is quite all right for this Bill to go through as it is. The committee can act independently, and if a matter went to court the court would probably take each of the Acts into consideration.

Mr. Hutchinson: I concede the legal force but it is unsatisfactory not to have some reference.

Mr. DAVIES: I think it is recognised that there is overlapping in many Acts and it is not always possible to eliminate it. I do not know that we could eliminate it by reference, but I am prepared to have a look at it. An Act dealing solely with noise would probably be the legislation under which measures relating to factories and shops would be considered. In view of the fact that the Factories and Shops Act has such limited application, it might be preferable to delete from the Factories and Shops Act any reference to noise in factories and deal with it under this legislation.

Common sense will be needed in working out and applying the regulations. It will take at least six months for the first section to be agreed upon, and probably 12 months for the industrial noise question to be dealt with. I do not think at this point of time we should worry about amending the Factories and Shops Act.

Mr Hutchinson: You might consider seeing your colleague the Minister for Labour regarding the necessary amendment of his Act consequent upon this.

Mr. DAVIES: That may be appropriate. As regards research into the Bill, the draft was subjected to appraisal by a special committee consisting of an ear, nose, and throat specialist, an occupational health physician, a doctor of philosophy specialising in noise, two doctors of philosophy who are architects—one specialising in the acoustic properties of building materials and the physics of sound, and the other in the social effects

of noise—and a psychologist specialising in acoustics. They were happy with the contents of the Bill, knowing the detail would be filled in in the regulations. It would be ideal if all the regulations could be embodied in the Bill, but that is not possible. We will draw upon the specialist committee, which will co-opt other people as necessary.

I have given an undertaking as to what the criteria will be, and I have given an undertaking that outside organisations will be called in to consider the regulations. The regulations will then have to run the usual procedure of being published in the *Government Gazette* and being laid on the Table of the House, and all that goes with the promulgation of regulations.

I thank members for their understanding of the situation. I appreciate the fact that they have come up against some of the difficulties which the drafting committee struck. If we can approach it slowly and with a good deal of common sense, as the member for Moore said, I believe we will be able to lead Australia in this field. Other States are about to bring down legislation, but we have taken the lead.

I should also comment that at the international United Nations conference on the environment held in Stockholm this year, the question of noise pollution was brought up by the Federal Minister (Mr. Howson). He was the only person at the conference who thought to bring the matter forward as a question of pollution. The Commonwealth Government has been interested in this legislation, and we have received requests for copies of the Bill from several parts of the world. I have pointed out that it is experimental to a large degree and that the true effectiveness of it can only be judged when the regulations are published.

Question put and passed.

Bill read a second time.

QUESTIONS (31): ON NOTICE

1. LAMB MARKETING BOARD

Nomination Forms for Deliveries

Mr. W. G. YOUNG, to the Minister for Agriculture:

As completed nomination forms for the right to deliver lambs to the Lamb Marketing Board must be returned by 1st November, 1972, would he make an announcement to this effect to alert the industry to this need as non-compliance could result in the board not accepting delivery of next season's lambs?

Mr. H. D. EVANS replied:

The Lamb Marketing Board appreciates that all nominations cannot be received by 1st November.

The board indicated in a Press release of 25th October that nomination forms should be completed either before November 1st or as soon as possible after that date.

Late nominations will not be declined.

2. BUSH FIRES ACT

Duties of Wardens

Mr. W. A. MANNING, to the Minister for Lands:

(1) Has there been any change in the responsibilities of wardens under the Bush Fires Act?

(2) If so, what are the changes and the reasons?

Mr. H. D. EVANS replied:

(1) and (2) There has been no change in the responsibility of wardens under the Bush Fires Act; rather there has been a shifting of emphasis away from the role of enforcement of the Act and towards education and liaison. The title "warden" has been changed to fire liaison officer to better describe their function.

3. SCHOOL BUS SERVICES

Brookton-Narrogin

Mr. W. A. MANNING, to the Minister for Education:

In view of his reply refusing any further hostel accommodation in Narrogin for senior high school students, will he provide a bus service from Brookton each day through Pingelly to pick up students from that area—thus freeing hostel accommodation for those living at a greater distance?

Mr. T. D. EVANS replied:

A bus service as proposed is not practicable as it involves nearly 100 miles of running per day, exclusive of distance travelled from farms to pick up points. Existing services to Brookton and Pingelly would arrive too late to enable the through bus to arrive at Narrogin for the school opening.

A detailed survey would need to be undertaken and this is not warranted as vacancies exist in other hostels.

4. FAUNA CONSERVATION

Operation "Noah": Ord Dam

Sir CHARLES COURT, to the Minister for Fisheries and Fauna:

(1) What stage has Operation "Noah" reached at the Ord?

(2) Is further work to be done this summer?

(3) If so, is this the final stage?

(4) (a) Have financial, equipment, personnel and other needs been organised;

(b) if not, what is the delay?

Mr. Taylor (for Mr. BICKERTON) replied:

(1) Phase I of Operation "Noah" was completed in mid-January 1972. This included a biological survey, planning and rescue work from some of the smaller islands.

(2) Phase II originally planned for this summer incorporated taking animals off the larger islands as the water level rises and reduces the size of these islands and rescuing animals from smaller islands before they become submerged.

(3) Further work may be required in the summer of 1974 if the wet season of 1973 does not substantially fill the dam.

(4) (a) Equipment purchased for phase I is stored at the dam site and would be sufficient for phase II. An approach is being made to the Treasury by the Department of Fisheries and Fauna for a specific allocation of funds to allow engaging of personnel for the continuation of Operation "Noah".

(b) See (4) (a).

5. TRAFFIC INSPECTORS

Employment in Police Force

Sir CHARLES COURT, to the Minister representing the Minister for Police:

Of the eight traffic inspectors not re-employed by the Police Department (*vide* question 10, Tuesday, 24th October, 1972), will he please advise—

(a) the areas from which these came;

(b) the number that desired to be re-employed and made application to be re-employed;

(c) the reasons why they were not re-employed?

Mr. MAY replied:

	Inspectors
(a) Northam Town ..	 2
Busselton Shire ..	 2
Port Hedland Shire	 2
Pinjarra Shire ..	 1
Esperance Shire ..	 1

(b) Three.

(c) One applicant was over sixty years of age.

One applicant considered salary inadequate.

One applicant received employment in a neighbouring shire before his application could receive consideration.

6. COMMUNITY WELFARE

Northam Office

Mr. McIVER, to the Minister representing the Minister for Community Welfare:

(1) When does the lease expire for the office occupied by the Department of Community Welfare at Northam?

(2) What arrangements have been made to house the department if the existing premises are to be vacated?

(3) Is it intended to increase the staff attached to the Northam office?

Mr. T. D. EVANS replied:

(1) The lease of the Northam office by the Department of Community Welfare expired in July 1972 and since that date a weekly rental basis on behalf of that Department has existed by arrangement between the Public Works Department and the West Australian Trustees.

(2) Inquiries have been made for the past six months in an endeavour to obtain alternative office accommodation but to date these endeavours have not been successful. Intensive inquiries are continuing in this regard, especially in view of the precarious rental situation that at present prevails.

(3) It is not the intention of the Department of Community Welfare to increase the field staff at the Northam Office which at present comprises three district officers. There is, however, the need for additional accommodation for the use of homemakers and other ancillary services such as the public health sister and visiting psychologist. Any new accommodation would also be required to include provision for a general conference room.

7. KWINANA-BALGA POWER LINE

Route: Armadale-Kelmscott

Mr. RUSHTON, to the Minister for Electricity:

(1) Did the meeting called by the Town Planning Department early in 1971 with the Shire Councils of Armadale-Kelmscott and Gosnells agree that the S.E.C. 330kV power line should follow Allen Road alignment?

(2) What representations have been made to have this powerline sited south of Allen Road alignment?

(3) Is the reason for routing the powerline through Mr. Poad's developed property its rural zoning?

(4) If "Yes" to (3), what is the zoning and state of development of the land north and adjacent to Allen Road?

(5) Will he table a plan showing the powerline route from South Western Railway, Kelmscott, to the southern terminal, Bibra Lake and Kwinana showing the conflict of the flight path from Jandakot aerodrome?

(6) What is the length of the flight paths from the Perth airport and Jandakot aerodrome to the 330kV power lines?

Mr. MAY replied:

(1) The meeting recommended avoidance of Roleystone and suggested that the lines should follow the rural belt between the shires.

(2) The Shire of Gosnells pointed out that adherence to rural zoning would locate both lines in Armadale-Kelmscott Shire.

(3) The general route has been determined by geographic features of the metropolitan area and locations of other services. Mr. Poad's extensive holding is necessarily traversed.

(4) See (2).

(5) Relevant plans may be inspected and explained at the Commission's office.

(6) Perth airport—End of N.S. runway in airport to outer line approximately 5¼ miles.

End of S.W.N.E. runway in airport to outer line approximately 3½ miles.

Jandakot airport—End of E.W. runway in airport to outer line approximately 5¾ miles.

8. WHEAT

Quotas

Mr. W. G. YOUNG, to the Minister for Agriculture:

Has any consideration been given to re-allocating wheat quotas to farmers whose quotas have been cancelled because of their failure to deliver wheat—

(a) in the "new land" category;

(b) in the "recently purchased property" category?

Mr. H. D. EVANS replied:

(a) and (b) The matter of reinstating cancelled wheat quotas to those farmers concerned in both the new land and recently purchased categories is under consideration at the present time. I expect all aspects of this matter will be discussed by the Wheat Quota Advisory Committee and a recommendation made to me in the near future.

9. TRAFFIC CONTROL

Albany Town Council: Police Takeover

Mr. W. A. MANNING, to the Minister representing the Minister for Police:

(1) Are special terms being quoted to the Albany Town Council as an inducement to hand over traffic control to the Police Department?

(2) What are these terms?

(3) Will they be applicable in any other areas?

Mr. MAY replied:

(1) No.

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

10. WATER SUPPLIES

Bindi Bindi and Calingiri

Mr. LEWIS, to the Minister for Water Supplies:

(1) What plans are there in either the long or short term for the reticulation of farm lands in—

(a) Bindi Bindi area;

(b) Shire of Calingiri?

(2) What proposals are there for improving the Calingiri town supply?

Mr. JAMIESON replied:

(1) (a) There are no current water supply proposals which include the reticulation of farmlands in the Bindi Bindi area.

In the long term, information is being gathered on areas not yet reticulated to enable consideration to be given to the case for further extensions to the Comprehensive Scheme.

(b) As for (a).

(2) An underground source suitable for supplementing the existing town water supply at Calingiri has recently been proven at Yenart some six miles from the town.

Construction of the scheme will be dependent on the availability of finance and the priorities of works including proposals for some towns which as yet have no reticulated water supply.

11. MINISTERS OF THE CROWN

Portfolios: Reallocation

Mr. RUSHTON, to the Premier:

Does he intend to have another reshuffle of ministerial portfolios before the next State election?

Mr. J. T. TONKIN replied:

The Member need not be concerned as, in the unlikely event of a re-shuffle of Cabinet being considered desirable, I assure him there is no possibility of his being involved.

12. HOUSING

Lake Grace

Mr. W. G. YOUNG, to the Minister for Housing:

Is it the intention of the State Housing Commission to erect any houses in Lake Grace this financial year?

Mr. Taylor (for Mr. BICKERTON) replied:

Not at present. The construction programme for all country centres is kept under review in the light of applicant demand and tenancy turnover.

13. DECENTRALISATION OF INDUSTRY

Rail Freight Concessions

Mr. WILLIAMS, to the Minister for Development and Decentralisation:

(1) Since the introduction of the new scheme of freight concessions for regional industry, 29th May, 1972, how many industries have applied for these concessions?

(2) What number—
  (a) have been granted;
  (b) have been rejected;
  (c) are still under consideration?

(3) Of those granted what is the freight concession percentage involved and in what towns are the industries situated?

(4) How many industries have now had their previous freight concession—
  (a) discontinued;
  (b) reinstated?

(5) Of those mentioned in (2) how many are—
  (a) new industries;
  (b) established industries?

Mr. GRAHAM replied:

(1) Five.

(2) (a) Two.
  (b) Nil.
  (c) Three.

(3) Northam—the final rate is yet to be determined;
  Albany—10%.

(4) (a) 32 terminated under the terms of conditions laid down by the previous Government.
  (b) None.

(5) (a) One.
  (b) Four.

14. DECENTRALISATION OF INDUSTRY

Government Assistance

Mr. WILLIAMS, to the Minister for Development and Decentralisation:

(1) Since the introduction of concessions to regional industry, 29th May, 1972, how many industries have applied for the following—
  (a) 100% financial assistance;
  (b) 75% financial assistance;
  (c) 5% subsidy interest on loans?

(2) What number—
  (a) have been approved;
  (b) have been rejected;
  (c) are still under consideration,
  and of these how many in (a), (b) and (c), are—
  (i) new industries;
  (ii) established industries?

(3) Of those granted and rejected what types of industries are involved and in what towns are they situated?

Mr. GRAHAM replied:

(1) (a) Five.
  (b) Four.
  (c) Two.

		100%	75%	Interest subsidy
(2)	(a)	One	Two	Two
	(b)	Two	Nil	Nil
	(c)	Two	Two	Nil

(i) New industries—
  (a) Three.
  (Note.—does not balance with (a) above as one firm obtained both forms of assistance).
  (b) Two.
  (c) Four.

(ii) Established industries—
  (a) One.
  (b) Nil.
  (c) Nil.

(3) Granted—
  Extruded plastics production—Northam.

Meat production—Albany.
Moulded plastics—Denmark.
Tannery—Northam.

Rejected—

Tube mill—Northam.
Wool Store—Albany.

15. EDUCATION

Boarding-away-from-home Allowance

Mr. McPHARLIN, to the Minister for Education:

(1) Because of lack of accommodation at country high school hostels within reasonable distance of numerous country centres which may force parents to send children far greater distances than is satisfactory, will he give consideration to making an increase in the living-away-allowance above the prescribed rate?

(2) Will he give consideration to provide financial assistance for fares and transport costs for these students?

Mr. T. D. EVANS replied:

(1) Consideration has been given to living away from home allowances and increases have been approved as from 1st January, 1972.

(2) The Education Department is not responsible for the provision of travel allowances to students.

16. LAND

Release for Agriculture

Mr. THOMPSON, to the Minister for Lands:

Now that a renewed confidence is in evidence in the wool and wheat industries, is it his intention to release more land for agricultural purposes?

Mr. H. D. EVANS replied:

The matter has been considered and present advice suggests that general alienation of large new areas would be premature. Attention will be given to undeveloped pockets of land in the existing agricultural areas.

17. WHEAT

Quotas and Production

Mr. THOMPSON, to the Minister for Agriculture:

(1) What is the State wheat quota this year?

(2) What is the expected harvest in this State this season?

Mr. H. D. EVANS replied:

(1) The State quota of 88 million bushels adjusted for 1969-70 shortfall (7 million bushels) and 1971-72 over-quota (11 million bushels) gives an 84 million bushel delivery entitlement to W.A. growers for 1972-73.

(2) Co-operative Bulk Handling estimates 75 million bushels of wheat. The Department of Agriculture estimate will be made on 27th October.

18. MIDLAND JUNCTION ABATTOIR

Effluent Disposal System

Mr. THOMPSON, to the Minister for Agriculture:

(1) What is the present position regarding a proposal to replace the existing effluent disposal system at Midland abattoirs?

(2) Is he aware that a meeting of men employed at Midland workshops is pressing for relief from smells from the effluent system and other noxious trade establishments in areas adjacent to the workshops?

Mr. H. D. EVANS replied:

(1) Design work is in progress and funds have been allocated to meet construction costs. The estimated date of completion of the system is October, 1973.

(2) Yes. The Member will appreciate that the proposed course of action recognises the need to provide relief in the long term.

The recent smell problem which was associated with mechanical breakdown of by-product equipment has now been overcome.

19. WHEAT

Quotas

Mr. THOMPSON, to the Minister for Agriculture:

(1) With the dramatic change that has come over the wheat industry as a result of several factors, including increased sales to mainland China, will he state what his attitude is to wheat quotas?

(2) Will consideration be given to pressing for an end of wheat quotas?

(3) In the event of wheat quotas remaining, will he say—

(a) from whom increased supplies of wheat will come in the future;

(b) will growers who do not have a quota be able to deliver their wheat to the board should supplies of quota wheat be less than the State quota?

Mr. H. D. EVANS replied:

(1) to (3) The issues raised in this question are being examined by the States and the Commonwealth, as well as growers' organisations. These issues, as well as others affecting the wheat quota and wheat supply situation, will need to be considered further.

As this stage it would be premature to make any definite statement as final conclusions will be a result of State, Commonwealth and grower representations. I would anticipate that a number of alternatives will be considered.

20. KALAMUNDA SCHOOL

Toilets and Staff Room

Mr. THOMPSON, to the Minister for Education:

(1) Is he aware that, although officers of the Education Department have recognised a need to increase toilet accommodation at Kalamunda primary school, particularly for women staff members, there appears to be little being done to relieve the problem?

(2) Is he also aware that the staff room at the school is inadequate?

(3) Will he state when additional toilets and a new staff room will be provided?

Mr. T. D. EVANS replied:

(1) In view of the declining enrolments at the school, the toilet facilities are adequate for the number of pupils attending.

Improved staff toilets will be provided as soon as higher priority needs in other schools have been met.

(2) It is recognised that the existing staff room is not as large as is desirable. Priority must be given to other schools without such a facility.

(3) The provision of the additional facilities cannot be undertaken in the present financial year.

21. STOCK FEED AND COUNTRY WATER SUPPLIES

Surveys

Mr. THOMPSON, to the Minister for Agriculture:

(1) Has there been a survey made of the stock feed position bearing in mind that many areas of the State are experiencing a dry year?

(2) If so, is it anticipated that sufficient feed will be available at prices that can be paid by those unfortunate farmers who will be forced to buy feed?

(3) Has any study been made of water supplies in the areas not served by the comprehensive water scheme?

(4) Is he satisfied that adequate water exists throughout those farming areas that have experienced below average falls of rain?

Mr. H. D. EVANS replied:

(1) Information available indicates there is now no carryover of oats or barley from last season.

(2) It is anticipated that the coming harvest will provide sufficient stock feed for the summer period.

(3) Departmental officers have completed some, and are continuing other investigations in those shires which have requested to be declared "water deficient".

(4) Indications are that, although on-farm supplies vary considerably and many are below expected requirements, there will be sufficient supplies available on a district basis.

22. RAILWAYS

Hoardings

Mr. THOMPSON, to the Minister representing the Minister for Railways:

(1) How much revenue is raised annually from the advertising signs that are placed along railway reserves?

(2) Will he consider removing these signs or does he consider the money raised to be more important than aesthetic values?

Mr. MAY replied:

			$
(1)	1971	....	15,000
	1972	....	17,500
	1973	....	20,000

Thereafter $25,000 plus 5% of the net revenue, per annum.

(2) Under the provisions of the agreement entered into in 1970, during the term of the previous Government, Australian Posters Pty Ltd were given exclusive rights for commercial advertising on Railway property.

The contract is for a period of ten years with an option to renew for a further ten years. It provides for expenditure by the company of $150,000 for initial improvements and up-grading to be completed by December, 1973.

In view of these circumstances, an expression of opinion as to removal of the signs or their aesthetic values has little relevance.

23. PACMINEX ALUMINA REFINERY AT MUCHEA

Environmental Protection

Mr. THOMPSON, to the Minister for Environmental Protection:

Will he table all reports and recommendations made by the Environmental Protection Authority on the proposed new Pacminex project?

Mr. DAVIES replied:

I see no objection to these being tabled at an appropriate time, which will be decided by the Premier, to whom the reports were made directly, in consultation with myself as Minister for Environmental Protection and the Deputy Premier who is responsible for the Agreement Bill before the House.

Indeed, I believe the report has already been tabled.

24. ELECTRICITY SUPPLIES

Albany Office Accommodation

Mr. COOK, to the Minister for Electricity:

(1) Has the Government any plans to upgrade office accommodation for staff in Albany?

(2) If so, is it proposed to alter existing premises or build a new office block?

(3) If a new office block, where will it be located, what will it cost, when will tenders be called, and when is it expected work will commence?

(4) If extension to existing premises are planned, would he advise—

(a) the estimated cost of the extensions;

(b) when is work expected to commence?

Mr. MAY replied:

(1) Yes.

(2) New premises will be built.

(3) The location will be at the corner of Chester Pass Road and Kelly Street. Tenders have already been called and a contract let for $94,289. Work should commence shortly.

(4) (a) and (b) See (2).

25. IRON ORE

Rhodes Ridge Agreement

Sir CHARLES COURT, to the Premier:

(1) What information did he make public to the Press about the undertakings given by the Government to the Opposition in respect of the Rhodes Ridge agreement on 2nd June, 1972 and the subsequent discussions 11th October, 1972 and my 12th October, 1972 letter?

(2) Did he make available to the Press a copy of my 12th October, 1972 letter and the information he and his colleague supplied to the Hon. A. F. Griffith, M.L.C. and me when we conferred 11th October, 1972?

Mr. J. T. TONKIN replied:

(1) and (2) I cannot recall having made public to the Press any statement, or having given the Press access to any papers relating to the matters mentioned in the questions.

If the Leader of the Opposition has reason to believe otherwise, and can furnish some sort of proof, I shall be pleased to give the matter further thought.

I find it difficult to see the purpose of the Leader of the Opposition's questions, as they do not appear to conform to the ordinary rules regarding the form and contents of questions, as set out in *Erskine May's Parliamentary Practice*.

26. ORD RIVER SCHEME

Water for Mineral Developments

Mr. RIDGE, to the Premier:

(1) As several weeks have elapsed since it was reported that the State Government was seeking Commonwealth approval to use water from the main Ord River dam for purposes other than irrigation, will he advise if he is yet prepared to be specific on the nature of the proposal?

(2) If "No" for what purpose is secrecy on the matter being maintained?

(3) Is he aware if the Prime Minister made details of the proposals available to the leader of the Federal Opposition as he undertook to do when answering in the House of Representatives on 27th September, 1972?

(4) If the information has been made available to the Federal Opposition, does he not consider that the State Opposition should be entitled to the same courtesy, particularly in view of the fact that Mr. Whitlam has publicly dubbed the Ord River scheme as a "grandiose failure"?

(5) Does he still contend that the mystery Ord project would involve the use of a "lot of water and a lot of money"?

(6) Would it be necessary for the State Government to seek Commonwealth approval to use water from the Ord River dams for the purpose of mining, extracting and refining minerals in the area?

Mr. J. T. TONKIN replied:

(1) to (5) I am aware it was reported that the State Government was seeking Commonwealth approval to use water from the main Ord River dam for purposes other than irrigation, but no direct application has been made to the Commonwealth on the matter and further, no statement has been made by me that a direct approach had, in fact, been made, or was necessary to be made. I have several times reminded reporters that the reports were not accurate.

The misunderstanding seems to have arisen from the fact that I have said large developmental projects being considered for the Pilbara, and submitted to the Commonwealth, could possibly require the use of water from the Ord.

(6) No. The use and disposition of the water is under the complete control of the State Government.

27. ORD RIVER SCHEME

Water for Mineral Developments

Mr. RIDGE, to the Minister for Mines:

(1) Have any proposals that would involve "a lot of water and a lot of money" been put to the present State Government in connection with the mining, extraction and treatment of minerals in the East Kimberley region?

(2) If "Yes" will he provide details?

Mr. MAY replied:

(1) No.

(2) Answered by (1).

28. WATER SUPPLIES

Kimberley River: Feasibility Study

Mr. RIDGE, to the Minister for Works:

(1) Has the Government ever authorised a study (preliminary or otherwise) to determine the cost and engineering feasibility of pumping water from Kimberley river catchments to areas south of the 20th parallel of southern latitude?

(2) If "Yes" will he provide details?

(3) If "No" will he advise if he considers that a study of the nature referred to in (1) will be necessary in the near future?

Mr. JAMIESON replied:

(1) No.

(2) Answered by (1).

(3) No.

29. ABORIGINES

Health and Welfare: Commonwealth Scheme

Mr. RIDGE, to the Minister for Health:

(1) Is he aware of a scheme which operates in the Northern Territory whereby the Commonwealth Government makes a payment to the wives of managers of remote pastoral properties who devote time to caring for the health and welfare of resident Aborigines?

(2) If "Yes" will he broadly outline the scheme and indicate the amounts which are paid to trained and untrained people who are eligible to participate?

(3) Has consideration been given to the implementation of a similar scheme in outback areas of Western Australia where properties often support large Aboriginal populations?

Mr. DAVIES replied:

(1) Yes.

(2) My only information is that supplied to me by the Member in his letter dated 17th April, 1972.

(3) Yes. The position in this State is as advised to the Member in my letter to him of 28th June, 1972.

Since that time I have received one application for the type of assistance that could be provided, but the person concerned did not measure up to the criterion set out.

30. MINING

Hanwright Company: Exploration Costs and Royalties

Mr. MENSAROS, to the Minister for Mines:

Is he now in the position to answer a question the subject matter of which was ruled being *sub judice* on 7th October, 1971, viz:

(1) Is the statement contained in an article published on page 84 of 2nd October, 1971 issue of the London weekly *The Economist*—"Hanwright would be compensated for exploration costs incurred and would receive a royalty on ore mined in the Angelas for 21 years"—correct?

(2) If (1) is "Yes", would he explain to the House on what basis these royalties will be paid?

Mr. MAY replied:

(1) No. However, it is assumed that the question relates to the rights of occupancy which were previously held by J. D. Nicholas, W. G. Nicholas and D. F. D. Rhodes Pty. Ltd. in respect of certain of the Angela reserves which became the subject of rights of occupancy granted to Australian Steel and Mining Corporation Pty. Ltd.

For the information of the Member condition 11 (g) of the rights of occupancy provides that in the event of the grant of a mining tenement to the occupant, the Minister shall require:—

"payment by the occupant to the previously registered holder of this reserve (or that holder's nominee) of a royalty at a rate of 0.25 per centum per ton on the value of the ore (as determined by the Government) shipped or sold over the first twenty-one (21) years production period, but no longer".

(2) Answered by (1).

31. BOATS

Launching Ramp, East Fremantle

Mr. HUTCHINSON, to the Minister for Works:

(1) Further to questions I asked on the future closure of the Putney Road boat launching ramp in East Fremantle, and further to the request I made in the course of my speech on a grievance day on the same subject, has he had time to reconsider the problem of financial policy changes regarding the construction and maintenance of boat launching ramps generally and in particular the proposed new ramp at Preston Point?

(2) What is the estimated cost of constructing a ramp at Preston Point complete with adequate land backed facilities?

(3) What was the annual amount, received by the Government, in boat license fees prior to the recent increases that have been made?

(4) What is the estimated annual total for the year in which the increases were made?

(5) What is the estimated annual total for the first year of full application of the increases?

(6) Is it a fact that the new powered boat license fees are—

less than 16 ft.—fee $4;

16 ft. to 35 ft.—fee $7;

exceeding 35 ft.—fee $8?

(7) What were the comparable fees prior to the increases being made?

(8) Will he give consideration to formulating a policy in which the Government will at least accept a partnership with local government in the future construction and maintenance of boat launching ramps?

Mr. JAMIESON replied:

(1) I have this matter under consideration and have arranged to meet a deputation from the East Fremantle Town Council on Monday, 30th October, 1972, to discuss the Preston Point ramp.

(2) This will depend on the size of the ramp to be constructed. However, an estimate has been prepared to construct a launching ramp at Preston Point complete with adequate land-backed facilities at a cost of $75,000, which includes $15,000 for the construction of a 36 ft. width launching ramp.

(3) 1970-71—
Revenue—$18,312.
Expenditure—$56,800.

(4) 1971-72—
Revenue—$99,907.
Expenditure—$103,768 (which includes $25,000 committed for new boat under construction).

(5) 1972-73—
Estimated revenue—$103,000.
Estimated expenditure—$104,266.

(6) Yes. The average boat license fee is lower in this State than in the Eastern States and only two States, including Western Australia, charge no license fee for boat operators.

(7) Standard fee $1 per annum irrespective of size. This did not cover the costs involved (refer 3 above).

(8) This matter is under consideration.

QUESTIONS (3): WITHOUT NOTICE

1. KALAMUNDA HIGH SCHOOL

Septic System

Mr. THOMPSON, to the Minister for Education:

(1) Is he aware that the septic system at the Kalamunda High School has failed and that smells from the unit are causing some students to be sick?

(2) Is it true that a demountable classroom has been placed directly over the effluent disposal

drain and that students and teachers in this room, and others adjacent, are subjected to considerable discomfort?

(3) Does he not agree that the present situation presents a danger to health?

(4) Will he take immediate steps to ensure safe and efficient disposal of waste waters from this school which has a population in excess of 1,000 students?

Mr. T. D. EVANS replied:

(1) Yes.

(2) Yes.

(3) Yes.

(4) I am advised that the Public Works Department has taken immediate action to relocate the drain.

2. IRON ORE

Rhodes Ridge Agreement

Sir CHARLES COURT, to the Premier: Arising out of the answer he gave to question 25 today I am afraid I cannot understand his reference to nonconformance with *Erskine May's Parliamentary Practice*, but I shall deal with that aspect later and for the sake of my own edification I shall research it.

I have received a number of approaches—two to be precise—from Press people asking me what have been the developments arising from the undertakings reported in *Hansard* of the 2nd June, this year. I said to the two men concerned, "Do you not think it is a matter to raise with the Premier?" My question arising from that is this: If the Premier has not released this information, which he says he has not—and I accept that—is he prepared to release the information?

Mr. J. T. TONKIN replied:

I see no purpose in releasing the information, but I have no objection to the Leader of the Opposition making any statement he likes to make in reference to it. It could be that after I see any statement he makes I will also make one.

Sir Charles Court: I thought it was a matter of courtesy that they should get the information from you.

BOOKMAKERS' TURNOVER TAX

Allocation

3. Mr. RUNCIMAN, to the Premier:

(1) Has he received representations from racing and trotting clubs expressing concern at the Government's budgetary proposals to increase the bookmakers' betting turnover tax, and to channel the whole of the money collected from the tax into Consolidated Revenue?

(2) Bearing in mind the severe restrictions in development and maintenance that this decision will have on clubs will he give some consideration to easing the situation?

Mr. J. T. TONKIN replied:

(1) and (2) If the honourable member places the question on the notice paper I shall certainly give consideration to the answer that is sought.

SALES BY AUCTION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Stephens, read a first time.

NOISE ABATEMENT BILL

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Davies (Minister for Health) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Noise nuisance to be an offence—

Mr. HUTCHINSON: The reply of the Minister to the second reading debate revealed to the Opposition a number of points which were appreciated and, perhaps with beneficial effect, could have been included in his introductory speech. In one sense it is part of the work of the Opposition to extract necessary information from the Government.

My purpose in rising is to point out the difficulties that are being experienced in knowing what might be the accepted noise level, beyond which a hazard exists. In his introductory speech the Minister might well have given members the benefit of the studies that have been made by his department, and perhaps a layman's guide on the hazards associated with various intensities of noise levels.

It would be very difficult to frame regulations. It was brought to my notice recently by an industrialist that a compressor operating equipment to drive sheet piling in the city area could create a noise level of, say, 80 to 85 decibels. The firm for which this man works had arranged to test with a noise meter the noise levels created in the city during the day and at peak periods. The level ranged from 70 to almost 100 decibels.

What happens when the noise from the compressor driving the sheet piling is joined with the other city noises, and what adjustments should be made? The combination of these two sources of noise can

be extrapolated into other fields of activity within the community. This points to the difficulties in framing regulations.

I am happy to know that the Minister has said that regulations will be framed generally on the recommendations of the Standards Association of Australia. I feel sure members would like the opportunity to examine them, and to play a part in their making. I shall move an amendment later on, and this will ensure that the advisory committee during the formative development of regulations will comprise representatives who will give it the breadth of vision that is so essential.

The Minister made reference to the provision in this clause during the second reading. It is the protection given to people to prove that the level of sound or vibration produced does not exceed the level prescribed. We have to know what is the prescribed level, and its relationship to other noises. It is important that when regulations are being framed there will not be academics to determine what the level or circumstances should be. I would like the Minister to comment on this clause.

Mr. DAVIES: I can appreciate the point raised, and I think it highlights the need for experts on the advisory committee. I could not say what occurs when the noise of a pile-driver joins with the noise of city traffic, but as I understand the position, the noise of the pile-driver would stand alone. Here again, I could not say, and this is why, as the honourable member rightly pointed out, the advisory committee must obtain expert opinions.

As I have said, the committee will not be the only determining body. It will seek outside opinions, and I believe it should have the right to seek the information from those best able to provide it. I would suggest that the member for Subiaco with his specialised knowledge might be able to tell us what happens when traffic noise is joined with the noise of a pile-driver. I understand that with the sophisticated machinery now in use, a single noise coming from a single source can be registered. It must be proved that the noise about which the complaint is made did not exceed that permitted under the regulations. The person involved does not have to concern himself with traffic noise. If the regulations stipulate a standard, and the level of noise can be assessed, then surely anyone defending an action, if a defence becomes necessary, could similarly deal with the matter.

Dr. DADOUR: As the member for Cottesloe said, this clause leaves a lot to be desired. I would like the Minister to explain what is meant by the "social well-being" of a person. This expression appears in clause 7 (1). Should the provision not deal with a reasonable person making a complaint about noise? During my second reading speech I referred to the barking of a dog. The noise could be offensive to those on one side of the dog owner's home, but not offensive to the people on the other side, and yet the level of noise could be below the accepted levels. As I said before, the test should be objective and not subjective.

We do not know the acceptable noise levels or the levels which are injurious to health. It is very difficult to establish accepted levels because everyone has a different level of tolerance. A person living in Scarborough Beach Road might not be affected by a decibel rating of 73 at noon, but if that same person were in a cul-de-sac he could be affected by a rating of 45 at midnight. Peak-hour traffic can have a rating as high as 100 decibels and jackhammers can have a rating of 98.

It would be very difficult to stipulate what is acceptable and what is not acceptable. This will have to be covered by the regulations and we will just have to wait to see if those regulations are workable.

I cannot give any indication of what level would be acceptable. I again ask the Minister what is meant by the expression "social well-being" of a person. Is the person who makes the complaint a reasonable person?

Mr. DAVIES: These points are properly highlighted by the honourable member and I cannot answer his queries. We are providing only for the authority. It is no good drafting regulations if no authority has been established. Nevertheless, the authority must be provided with certain guidelines and they are fairly broad. We have been unable to narrow them down any further.

What the honourable member says is quite right. Noise in the middle of the day might not be noticed, but the same noise could be intolerable at night time. This is why the experts who are named in the Bill will comprise the committee. If a case is taken to court, it may be thrown out because of some legal deficiency, but these problems can be dealt with only as they arise. This legislation must be adopted in a spirit of common sense and co-operation. I do not have the expertise necessary to answer the honourable member's questions.

Dr. DADOUR: Subclause (3) contains the provision that the defendant is guilty until he proves himself innocent. I know that in traffic offences this concept is adopted, but the situation is different in connection with noise.

The noise about which a complaint is made could have occurred some time previously and it might not have been repeated since that time. Nevertheless, the person responsible for the noise could be charged.

Mr. DAVIES: Any offender will have ample time before he finds himself in court. If he refuses to take action and a certificate is issued that the sound in question was above the level permitted under the regulations, the defendant would merely have to give similar proof that the sound was below that level.

Dr. Dadour: How can he measure it when the sound has not been repeated?

Mr. DAVIES: He will have plenty of opportunity to know that he will end up in court, and if he does nothing about the matter he deserves to take the consequences. How does a person prove any case when he goes to court? If I am in court charged with not having used indicator lights, and I say I did use them, who is to be believed? I have to prove through witnesses that my indicator lights were working. A person charged under this clause will merely have to prove that the noise for which he was responsible was not above the permitted level and he will be cleared of the charge. This is the clause which provides that protection for him.

Dr. DADOUR: If the noise occurred in the past, maybe a week or a fortnight previously, how can the person responsible prove that the level was not above that permitted? He may be involved with three people who are unreasonable and their word is enough. How can he prove his innocence? Must he get another three people to say that the noise level was not above that permitted? If the noise has occurred in the past, how can he measure it? This is where the offence is different from traffic offences and I believe the provision is unjust.

Mr. WILLIAMS: The member for Subiaco has a point here and I will hammer the Minister on it because we have a problem with the legislation. It is an area in which it will be very hard to prove anything. For instance, let us consider the industrial noise of a lathe. An employee could be turning a piece of metal, and because of the turning, irrespective of how he tries to prevent the noise with lubricants or by sharpening the tool, perhaps he will not be able to stop a very high-pitched squeal. If the operator has some difficulty, and the high-pitched squeal affects his health, how does he prove that that noise was responsible for putting him over the hill if that noise cannot be duplicated at the same level? The levels of noise will vary on these machines.

I am trying to emphasise that a tremendous number of problems will have to be taken into consideration. Some control will have to be exercised by someone somewhere along the line. This also applies to the next two clauses which deal with workers' compensation. This is another area in which it will be very difficult for anyone to prove that a particular noise at a certain level has caused injury; because it may not be possible for him to reproduce the same noise. This is certainly the case in respect of the machine to which I referred, but it can also apply to numerous others. It may not be possible to reproduce the sound which affected a person's health.

Mr. DAVIES: I do not think that any court would accept that one noise on one occasion was responsible for a certain condition. No-one would ever be in that position.

Mr. Williams: I think you will get them because people are people.

Mr. DAVIES: I do not believe a court would rule that one noise on one occasion was responsible for a person's deafness, and I would hate anyone to believe that this was the intent of the Bill. These provisions are to cater for continuing annoying noise or harmful noise, the levels of which can be measured by competent people. No proceedings will be successful involving one isolated high-pitched squeal, although I am quite certain someone will try it.

Dr. DADOUR: Mr. Chairman—

The CHAIRMAN: The honourable member has already spoken three times on clause 7.

Clause put and passed.

Clause 8: Injuries to health—

Mr. HUTCHINSON: This and the following clause should be rewritten. The provisions should be simply phrased and should provide that any proceedings involving compensation to employees who suffer the hazards of noise in industry are covered by the Workers' Compensation Act. This is pioneering and exploratory legislation, and it is premature at this juncture to be too rigid with provisions concerning compensation payments when so many complex matters are associated with hearing hazards right throughout the spectrum of our lives or the lives of employees.

Therefore, I think it is not appropriate that the matter of compensation should be dealt with under this legislation. I appreciate that the following clause makes reference to the Workers' Compensation Act and I will speak of this anon. However, in the next clause the Commissioner of Public Health is to be made the agent for compensation purposes. I do not think the legislation is well written.

My prime point is that, with so much left in the melting pot as to determinations by the Standards Association of Australia in connection with studies on hearing hazards in industry, it is impossible to determine at just what intensity of sound men begin to suffer this damage. At the moment it is impossible to determine how much of the noise is attributable to the rest of community life.

Until these matters are worked out properly it is too early to include it in exploratory legislation of this kind. For this reason I believe clause 8 should be opposed. At this juncture there is no practical possibility of working out proper tables.

When I spoke to the second reading I referred to a series of tables on the intensity of noise which have been produced by the Standards Association of Australia. I mentioned that these take some time to read but are not exhaustive. Many other factors are involved. I understand the Minister will rely quite heavily on the Standards Association of Australia and, until it arrives at some conclusions in regard to compensation, it would be wrong to include this in the legislation. I hasten to add that I am not opposed to compensation payments which are an integral part of industrial life. However, until we know exactly where we are going Parliament would be unwise to step into this field. For these general reasons I oppose clause 8.

Mr. HARTREY: As the Committee knows I enthusiastically support the Bill and, particularly, clause 8. There is nothing in the argument put forward by the member for Cottesloe, about the extreme difficulty of determining whether a person in employment has suffered damage to his hearing from constant exposure to loud noises.

Anyone with any experience at all of what is known as boilermakers' deafness, for example, will have no difficulty in realising that people employed in an atmosphere of constant pounding and thundering of hammers on iron, which creates inordinate noise, do suffer deafness of gradual onset.

As we all know, the Workers' Compensation Act provides compensation to a person who has experienced personal injury by accident in the course of his employment. However, the accident has to be a specific episode; or at least an identifiable series of episodes. In the case of gradual onset of deafness, it is impossible to assimilate that condition to an accident.

For this reason, there is a third schedule to the legislation which deals with industrial diseases, the occurrence of which could not come within the definition of "accident." Of course, it is quite possible for a disease to be also an accident. Let us suppose a man becomes soaking wet while he is at work, contracts a chill and develops pneumonia. That illness is a personal injury by accident arising out of or in the course of his employment.

On the other hand, silicosis, the notorious mining disease which a person could not possibly contract in a day, a month, or six months unless he were exposed to massive quantities of dust—and this would be virtually impossible—is treated as an industrial disease, because it is one of gradual onset. It is deemed an accident for the purposes of the legislation, but it is not so in the literal sense.

At the present time compensation is paid for loss of hearing under the Workers' Compensation Act when it is in fact a personal injury resulting from an accident. For example, an employee may be exposed to a violent noise, such as an explosion, and damage is done to his eardrums. In this case he would be compensated for total or partial loss of hearing. In the case of partial loss of hearing, the compensation is a percentage related to the loss actually suffered.

Mr. Williams: This is provided he has taken precautions in respect of industrial safety.

Mr. HARTREY: It is provided he has suffered personal injury by accident in the course of his employment. The Workers' Compensation Act is not concerned with contributory negligence; it does not depend on negligence at all. An employee may be injured through his own negligence but he can still receive compensation. Of course he would not receive common law damages if it were due entirely to his own negligence. Do not let us confuse workers' compensation liability with ordinary common law liability.

It is not at all difficult to find that the considerable noise involved in the processes of, say, machine mining on the goldfields, where the employees work with drills and in confined spaces, causes industrial deafness. I see many workers who are affected.

Mr. Hutchinson: May I interject?

Mr. HARTREY: I wish the member for Cottesloe would not interject while I am addressing the Chair.

Mr. Hutchinson: The member for Boulder-Dundas has been known to interject.

Mr. HARTREY: I suppose that in the course of 12 months I see, on an average, at least 50 or 60 working miners in connection with mining problems and workers' compensation. Of course, I also see miners in connection with other matters dealing with their own personal interests and my profession. A least one-third of those whom I see are hard of hearing, and more than 15 per cent. are almost deaf. One has to raise one's voice to be heard.

Mr. Williams: If one were to talk to the same fellows where there was a constant noise in many cases they would be able to hear.

Mr. HARTREY: I do not cause a constant noise in my office.

Mr. Williams: That is a matter of opinion!

Mr. HARTREY: The member opposite, of course, does create a constant noise; there is no doubt about that. I think it is highly desirable that there should now be a belated recognition of industrial deafness.

In 1924 provisions were included in the Workers' Compensation Act of this State for compensation to be paid for industrial diseases of gradual onset. That legislation was introduced by a really liberal government in England in 1906, so it was not revolutionary when it was adopted by both Houses of this Parliament in 1924. Goodness knows, the members of another place were conservative enough in those days! Power was inserted in the Act, through the provisions of subsection (10) of section 8, to allow the Minister for the time being administering the Act to add by proclamation, from time to time, any industrial disease and any industrial process.

Those members who are familiar with the provisions of the Workers' Compensation Act will know that the third schedule is printed in two columns. In the first column appear the names of the industrial diseases and in the second column appear the names of the processes in which that disease is most frequently contracted. If a man is working in an industry specified in the second column of the third schedule there is a presumption that, if he suffers from the corresponding disease, then that corresponding disease has been caused by that process. It is then up to the employer to disprove the claim.

Since 1924 successive Ministers—Labor and Liberal—have had the power to add industrial deafness, or "boilermaker's deafness" to the compensable diseases in the schedule. Neither has done so so far. The time has arrived when it will have to be done and we have an execellent opportunity to encourage the Executive to do this now by passing the clause contained in this Bill. That clause will attract public attention to the extent of this industrial hazard, to the consequences of the hazard, and to the rights of the workers to some redress for the loss they suffer.

Mr. HUTCHINSON: I suppose I should say that I am indebted to the member for Boulder-Dundas for his discourse. I would like to point out, as I did during my second reading speech, that I acknowledge, the Opposition acknowledges and, indeed, there is a general acknowledgment that there are noise levels in industry which are hazardous to individuals. That is the problem which must be tackled, and it is appropriate that it should be tackled now.

I think there is a legitimate field in which to try to emphasise the complexities associated with trying to determine the various scales of compensation which should be payable. I do not think it is properly written in this Bill. The honourable member opposite does believe it is properly written, but I do not. I believe it would have been better had greater interdepartmental liaison taken place and had greater and wider knowledge been sought regarding the studies which have been carried out by the Standards Association of Australia.

I am not joking or trying to pull the wool over anyone's eyes when I say this is a complex problem. I again refer to my second reading speech where I quoted a number of items from the Standards Association. It is a reputable organisation and it has comparable organisations in many parts of the world which submit treatises of many kinds to which industry and politicians must have regard. The Standards Association of Australia claims that this is a field which still remains to be studied.

Mr. Hartrey: It has been studied since 1924.

Mr. HUTCHINSON: The member for Boulder-Dundas is making a noise. I hope he will concede my right to interject!

I want to say again I know the brutal majority of the Government will have its way and when the Bill leaves this Chamber it will still include clause 8. I want to pass on the difficulties which have been pointed out to me by representatives of industry, and the difficulties which I have found to exist as a result of my personal study and as a result of my direct reference to the Standards Association of Australia.

I think the provision is premature at this juncture and it should be treated very much the same as pneumoconiosis is treated in the schedule to the Workers' Compensation Act, to which the honourable gentleman opposite referred. I hope the Minister will have regard for what I have said in this connection.

Dr. DADOUR: I sincerely hope the Committee realises that we are not talking about deafness, and deafness alone. Although deafness could be the most important—and probably the most prevalent—disability which could occur as the result of noise, as I said during my second reading speech continuous noise, such as that associated with a factory, can cause tension, irritation, depression, stomach disorders, and many other complaints.

Clause 8 will extend the provisions of the Workers' Compensation Act but I believe this matter would be better dealt with under that Act. We are not talking about noise deafness only, but other events which may occur.

A continuous noise can have a semi-hypnotic effect, make a person half dopey, and cause him to get his head caught in a machine. Many things can happen as a result of noise. This matter would be better dealt with under the Workers' Compensation Act. If it is dealt with in both Acts, the Workers' Compensation Act may

be abused. For instance, there may be additional claims which could come under the Workers' Compensation Act, and result in higher premiums. Subclause (2) does not deal with noise; it deals with health hazards. Health hazards should be dealt with under the Workers' Compensation Act which was framed many years ago and has served well.

Subclause (2) of clause 8 acknowledges the principle that an employee knowingly accepts work for an employer in an area or industry where he knows he will be affected by noise. When he is so affected he can take action for protection under this legislation. With the member for Cottesloe, I believe clause 8 should be deleted and the matter left under the Workers' Compensation Act; otherwise duplication and confusion will arise. Other conditions, as well as deafness, can result from noise, and for that reason I believe this matter should remain under the Workers' Compensation Act.

Mr. DAVIES: In this legislation we are dealing with noise. We acknowledge that noise can cause injury, and this is the proper place in which to make reference to it. It is difficult to legislate without overlapping in certain instances, and this must be one of the instances. The fact that it is acknowledged in this Bill to be compensable does not mean it is not dealt with under the Workers' Compensation Act. The provisions in regard to injury under that Act will apply, but because this is a Bill dealing with noise it acknowledges that injury can be caused by noise.

Mr. HUTCHINSON: The Opposition will ask for a division on this clause, not because we do not believe industrial deafness should be compensable but for the reasons I have already given. It would be better dealt with under another Act. The Australian Standards Association has also emphasised that prevention is better than cure and that much of the industrial deafness which has allegedly occurred because of noise in industry could have been avoided by the constant use of proper protective devices. I make the point that we will seek a division on this issue in order to demonstrate that we do not think this pioneering and exploratory legislation is correctly written.

Mr. DAVIES: That is a strange attitude. Naturally, I will accept the division, but I think now is the time to do something about the matter. For years we have been talking about deafness being compensable. As the member for Boulder-Dundas said, efforts have been made since 1906 to do something in this regard. We could go on putting it off indefinitely. A tremendous amount of work needs to be done, but this is the time to begin doing something about a problem that has been with us for as long as noise has been with us, and no-one has tackled it before.

Clause put and a division taken with the following result:—

Ayes—21	
Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Bryce	Mr. May
Mr. Burke	Mr. McIver
Mr. Cook	Mr. Norton
Mr. Davies	Mr. Sewell
Mr. H. D. Evans	Mr. Taylor
Mr. T. D. Evans	Mr. A. R. Tonkin
Mr. Fletcher	Mr. J. T. Tonkin
Mr. Hartrey	Mr. Harman
Mr. Jamieson	*(Teller)*

Noes—21	
Mr. Blaikie	Mr. Reid
Sir David Brand	Mr. Ridge
Sir Charles Court	Mr. Runciman
Mr. Coyne	Mr. Rushton
Dr. Dadour	Mr. Stephens
Mr. Gayfer	Mr. Thompson
Mr. Grayden	Mr. Williams
Mr. Hutchinson	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	*(Teller)*

Pairs	
Ayes	Noes
Mr. Bickerton	Mr. O'Neil
Mr. Brown	Mr. Mensaros
Mr. Moller	Mr. McPharlin
Mr. Graham	Mr. Lewis

The CHAIRMAN: The voting being equal, I give my casting vote with the Ayes.

Clause thus passed.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr. Davies (Minister for Health).

(Continued on page 4517)

LEADER OF THE OPPOSITION

Financial Affairs: Personal Explanation

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [5.39 p.m.]: I ask for leave to make a personal statement.

The SPEAKER: The Leader of the Opposition has asked for leave to make a personal statement. If there is a dissentient voice leave will not be granted. Is there a dissentient voice?

There being no dissentient voice, leave is granted.

Sir CHARLES COURT: I thank the House—and particularly the Premier—for the opportunity given me to make this personal statement.

In the limited time at my disposal—especially with the House in session, and because of other official commitments—I have examined the so-called "dossiers" and found that they can be broadly analysed to consist of a mixture of facts and plain untruths juxtaposed with journalistic extravagances of expression and connecting, wrongly, facts that are unrelated. They have been set down in a way that leads to innuendo and imputation. One dossier includes reports of statements made by others that are foul untruths.

The whole collection appears to have been published recklessly, without verification, which, in itself, appears to lead to the belief that the author has embarked on a deliberate campaign of vilification to gain some end, the nature of which is obscure, but which is aimed at my person.

It is not necessary for me to restate facts, but it is necessary to correct any impression of sinister action or conduct on my part by a wrong connection of facts.

It is not possible, within the short time available, to deal with all the content of the dossiers in absolute detail, so that if I do not appear to answer any point, it is only through lack of time. It is not because of the lack of desire to do so. I think, however, I have covered every point of significance. If anyone feels an important point has not been answered, I will be only too pleased to deal with it subsequently.

I intend to highlight all the extravagances of expression that coloured the information in the dossiers and were wrongfully intended by the author to influence the reader to conceive of me as a person wrongfully using influence for my own gain.

It is not only what is said, even if it be factual, but what is not said about the same thing, that gives rise to innuendo; for example, loans have been referred to of a given amount of money for a given purpose. What is not said, or even commented upon, is that such loans were armslength transactions in which I was not involved either as, or for, a negotiating party, and that they were made by the parties concerned at full normal commercial rates of interest with normal and proper security after proper valuations. In each case the lenders presumably exercised unfettered commercial judgment when making the loans.

By juxtaposing the statement that my brother-in-law was at one time the Commonwealth valuer next to a statement about a loan, the author imputes some snide relationship between the two matters. This is his method of creating an aura of suspicion concerning which I shall have more to say later.

A glance through the facts included in the dossiers presented by the author indicates a fairly mundane lot of facts around and through which the author has tried to weave a sinister coating of journalistic sensationalism. This is more evident in the Homeric House dossier than it is in the Sir Charles Court dossiers. I quote a few instances of what I would call journalistic sensationalism as follows:—

> "This is but one example of the incestuousness of many firms previously or currently quartered at Homeric House. In fact, the combinations and permutations of interest that they have in one another's business activities are dizzying to contemplate and almost impossible to calculate".
>
> "Hendry, Rae & Court is the better known of the two ventures that have brought Sir Charles wealth and influence that extends into as many strata of W.A.'s commercial life as there are levels of allegory in a Randolph Stow novel".
>
> "A full scale enquiry (on Landall's migration scheme) which is being urged by two Government backbenchers, would ruin several big reputations".
>
> "Landalls had the happy knack of cornering development contracts in W.A., ... as a result the other developers gave up their import (migrants) actions and left the field to Landalls".
>
> "Any reader whose mind is not reeling at this stage and whose memory is not gasping for breath . . . .'
>
> "There are other listed companies whose association with some of the Homeric House coterie would reward investigation. A perusal of the files related to them shows that though they diverge into labyrinthine tributaries, they lead back eventually to the main chamber".

He uses expressions that connote something distasteful, for example—

incestuous
inbreeding
dizzying
mind reeling
grandiose
magic
empire building

and the reader is presumably intended to be left with a cumulative impression of growing disquiet.

The author attempts to connect unrelated facts. Loosely linked by the author are—

Westralian Nickel Exploration N.L.,
Landall Holdings Ltd.,
St. Johns Court Ltd.,

A Rural and Industries Bank loan for the bridging finance for the building of St. Johns Court flats,

A Commonwealth Superannuation Board loan to replace the bridging finance,

Hotel Holdings Limited and Riverside Lodge Hotel and a loan by the Defence Force Retirement Benefit Fund,

A relative by marriage being a Government valuer,

Rockingham Park Pty. Limited, and
Kimberley finance Corporation Pty. Limited.

The loose thread of connection is implied because of the transactions between the parties or common director appointments. The author implies that I manipulated the whole of these boards of directors to do my bidding, and that this would be to my own gain.

He does not say how the thread was pulled by me, but suggests that the whole has been turned into "the hub of financial power in Western Australia in only six years."

I say that these parties are all well and capably managed by their own separate capable boards of directors and executives over whom I wield no influence. I also say that any transactions between any of the parties will have been proper commercial transactions and each party will have been separately satisfied as to their commercial worthiness and propriety. Business life being what it is, a deal can only be finalised at armslength if both parties are satisfied as to each aspect of the transaction as it affects their separate interest. There is no doubt in my mind that any transactions between the parties named were at armslength. Each party is accountable to its own separate body of shareholders or beneficiaries who are properly represented by independent directors or trustees, as the case may be.

I would like to deal briefly with the problem of how to combat innuendo. Being an intangible thing, as compared with a positive statement, to combat it requires either a similar intangibility or a positive and proved case. It is not even a case of one man's word against another's, because one of the men in this instance does not say anything positive, but merely builds up an elaborate mixture of truths, half-truths, lies, and reported statements, surrounds them with extravagant phrases, loosely connects them, and leaves the reader to sort it all out knowing full well that he has pointed the reader's mind in a particular direction and—he hopes—a damaging direction.

I believe my own credibility would be accepted in this community as being better than the author's. I have a firm belief that in this community justice can still be done and the truth will stand firm against insidious attacks.

I have commented so far on the general overall concept of the dossiers, their construction and, so far as I read them, their objective to discredit me. I now want to deny emphatically the untruths contained in them. There are small untruths and big ones. The biggest one is the innuendo and I have already commented upon that. However, it should be obvious that small untruths, when exposed, are indicative of the author's capacity to state large ones, or his absolute lack of care to substantiate anything he is told or thinks he knows.

He says, "Mr. Browne also told me that Court had been a partner in the business of I. S. and M. Carrati . . ." I have never been a partner in this firm.

He says, "Martins finally supplied on receipt of a promissory note which was signed by Mr. Court, according to Mr. Kennieson." I have never signed such a promissory note, nor was I involved in any such dealings with Archie Martin & Son.

The author says, "Mr. Kennieson told me that Mr. Court had shifted substantial sums of money out of Australia to Hong Kong using the shipping company Flotta Lauro to do so."

I do not know whether Mr. Kennieson said that or not, but in any case, as I have said before, it is an outright lie.

He says, "He (Mr. Kennieson) then told me that a Hong Kong company using this money was currently negotiating with the Department of Decentralisation and Development to build a textile mill in Western Australia to use Ord River cotton, thus bringing Mr. Court's money back into Australia. Mr. Kennieson told me that Mr. Court urged W.A. garment manufacturers to buy their fabrics from this mill at a recent seminar in Sydney which he addressed." Again I do not know whether Mr. Kennieson said so or not, but it is a lie.

The author says, "Mr. Grayden told me that at the time of flotation of Hamersley Iron, Mr. Court had engaged in arranging allotments of original issue shares in the company to members of the State Parliament who represented North West electorates." Mr. Grayden, on his own initiative, has effectively given the lie to this claim, and I thank him for this.

He says, "A Mr. Robert Franzen informed me in February, 1972, that he was in a position to obtain the numbers of bank accounts which Mr. Court holds in both Hong Kong and Singapore. Mr. Franzen told me that in excess of $250,000 was held by Mr. Court in banks in each of those cities." I do not know whether Mr. Franzen did so inform the author, but it is a lie. There are no such accounts, nor have there ever been such accounts.

He says, "A businessman related the following anecdote to me—'A businessman went to the Department of Industrial Development seeking a loan to establish a new business. The Department told him that they could not help him and recommended a finance company which could help. He went to see the finance company and lo and behold it turned out to be the Minister's finance company'."

When I was Minister for Industrial Development a lot of businessmen approached the department. Some the department could help and others it could not. If the department could not help, it tried to assist by suggesting where to try to get the

help needed. I have no knowledge of any office directing a person to any particular company or bank.

At no time did I refer a person to Kimberley Finance Corporation Pty. Ltd., if that is the one he has in mind. In any case, it is not my finance company. I have already informed the House of the fractional interest of my family's company —Cherrita Pty. Ltd.,—in the Kimberley Finance Company.

The author says, "What I had discovered was that Kimberley Finance had prospered through association with the Landall Group, an organisation which had shown remarkable success in winning State Government contracts, including a housing contract at Karratha, the Government sponsored town to service the Pilbara."

So far as I am aware, and Landall has verified this, that company has not built a single house at Karratha, nor any other building in that town, apart from one small building currently under construction for a private party.

He says that when Minister for Industrial Development, I "continued to go to extraordinary lengths to arrange finance for this private enterprise venture and to promote it to the public in Australia and abroad."

As the author was writing about his aerial tour of inspection of the Robe River areas with Mr. Lang Hancock, I presume he refers to that venture. I stand on the record in this matter. I claim to be a better judge than the author as to what is viable and what is not, but I refer the House to the fact that the Robe River Project is in full swing and is a vital one in the State's best interests.

By way of interpolation, I would say that, of course, we all know now it has actually commenced production of export pellets.

The author sought some evidence that I profited personally from my promotion of this venture, but failed lamentably, as he was bound to do when searching for something that does not exist.

I consider I have shown to the House some of the major untruths contained in the dossiers. There are other minor ones, illustrative of the author's desire to distort, or his inability to distinguish fact from fiction, or unwillingness to verify his statements.

He refers to "David Dvoretsky, a Director of Automotive Investments Pty. Ltd." I am assured Mr. Dvoretsky is not, and never has been, a director of that company which, incidentally, is not a private company but is a company listed on the Stock Exchange and whose proper name is Automotive Investments Limited.

He refers to "Automotive Investments Pty. Ltd. which is associated with the Sheraton, Perth's newest and tallest building."

I am assured Automotive Investments Ltd. has no connection whatever with the Sheraton Hotel or any of the companies that built, own, or lease it.

He refers to George Maxwell Evans, a former partner of mine, and says "Evans' own chartered accountancy firm also used to be in an office on the third floor of Newspaper House Arcade. It was absorbed by Hendry, Rae & Court and he became a partner."

Evans never practised on his own account, or had a separate chartered accountancy firm. He trained under articles at Hendry, Rae & Court and, after qualifying and gaining overseas experience, returned to join the firm as a partner.

He refers to "franchises" under which Landall and four other developers "entered into virtual competition with the W.A. immigration office." I know of no such "franchises" being granted by the Brand Government.

I now turn to the efforts to produce, by spellbinding, an illusion that company facts, recorded at the Companies Office, have some sinister imputation when extracted and bound together in a dossier. Of what use is it to know that Cherrita Pty. Ltd. is my family's company and that my former partners in Hendry, Rae & Court all have family companies with a few investments?

I interpolate: If anyone wanted to hide the truth of his private affairs, the last thing he would do would be to name a family company after his private house. My home happens to be called Cherrita. Had I wished to hide anything I would have invented some obscure name; but that was never my intention.

It is said that Homeric House has thus become "the hub of financial power in W.A. in only six years." Any wheel which revolves on that hub will be a small one indeed.

The dossier of June 3rd, 1970, attempts hardly much more than to list a lot of information extracted from the Companies Office files. The author appears to be mesmerised by this information, but succeeds only in displaying his abysmal ignorance of company matters. This is pointed up in the Homeric House dossier by his confusing the reasons for the use of Homeric House by a lot of companies as a registered office. This, every company by Statute must have. A visit to the office of any large scale chartered accountant or solicitor will demonstrate the point I am seeking to make.

Mere presence of the name does not necessarily imply "power" or control.

A lot is made of the "weapon" of the voting power I hold in Cherrita Pty. Ltd. There are many family companies incorporated in Australia, all with the same general format.

What those studying the memorandum and articles of association want to understand, if they are not experienced in these matters, is that any voting rights on my share die with me or cease automatically if I dispose of my one share. The same applies to my wife if she outlives me. Such provisions are normal to family companies and for good practical reasons, which any professional man will explain to members.

I want now to touch upon the attempt, by insinuation, to label my brother-in-law as having been a party to the valuations which are, quite properly, required to support loans by such bodies as the Commonwealth Superannuation Board and Defence Forces Retirement Benefits Fund.

The said gentleman, Mr. Victor Steffanoni, is of such high repute in the community that it is a crying shame even to have to make mention of him. Anyone who has done business with him would regard him as the soul of honour.

The author states, in one dossier, that Mr. Victor Steffanoni retired from the position of Commonwealth Valuer in the Taxation Department in November, 1966, but refers to it as "being of insignificant coincidence" that he held that post and that it was required that investments—by way of loan—by Commonwealth bodies such as the Superannuation Board must be investigated by the Commonwealth Valuer.

Why should the author refer to it at all if it was of "insignificant coincidence," except to create the illusion of sinister collusion as to the valuations?

I am advised, Mr. Steffanoni has not, at any time, been associated with the loans referred to in the dossier; they were approved by the Commonwealth valuer—I want members to note this—in the one case two years and in the other case four years, after Mr. Steffanoni's retirement from that post.

I must resist the temptation to go on listing the errors and omissions of these infamous dossiers.

However, I would like to dispel in anybody's mind the myth of my personal wealth and my influence. My wife, my family, and I have managed to save by sensible living and careful husbanding something towards the day of my retirement so that we shall not be a burden upon the community and will be able to maintain independently a reasonable standard of self-supported comfort.

"Wealth" as a word has different connotations in the minds of different people. I cannot know what it might conjure up in members' minds, but I can accumulate no more than my income—less income taxes, less personal living—can, by careful husbandry, permit.

My family left me no large legacies. As members know, I was brought into this world in very poor circumstances.

I can say that my public service, far from aiding and abetting me to garner "wealth" has done exactly the reverse—a fact concerning which I have no regrets.

As to my "influence"—used in the sense of financial power—I have none and never seek it. My wife and I have no more than the usual aspirations of decent Australian citizens, to live in reasonable comfort and to be independent.

In view of the limited time imposed upon one when making a personal statement, let me finish by reminding the House of the danger of encouraging persons, like the author of these scurrilous documents, to tread these corridors and elsewhere carrying about with them, for the ears of those who are prepared to listen, such gutter material. The most salutary treatment of such persons is to conduct them to the presence of the person they are maligning, to request them to present their material to him face to face and then to require that the information be discussed openly with that person.

If "dossiers" can be compiled in secret, transported about in secret, discussed in secret, and then their existence hinted at through various channels as though they contained the truth, then our very freedom and peace of mind are indeed in danger.

Opposition members: Hear, hear!

Sir CHARLES COURT: I hope the Government loses no time in dissociating itself from the methods that have been used by Pratt—and anyone who has connived with him—in this instance, against me.

Mr. Jamieson: It is a pity the member for South Perth did not convey that to him.

Mr. O'Connor: The Government did nothing for the six months it had the dossier.

The SPEAKER: Order!

Sir CHARLES COURT: I think the Minister for Works' comment is irrelevant. I do thank members for their indulgence because if they think, as my colleagues do, they must be just as concerned about this situation as we are. I conclude by saying it is I today and it could be anyone else tomorrow, and I know my own colleagues are appalled at the tactics that have been employed on this occasion.

Opposition members: Hear, hear!

BILLS (4): RETURNED

1. Totalisator Duty Act Amendment Bill.
2. Totalisator Regulation Act Amendment Bill.
3. Industrial Lands Development Authority Act Amendment Bill.

   Bills returned from the Council without amendment.
4. Liquor Act Amendment Bill.

   Bill returned from the Council with amendments.

BILLS (3): RECEIPT AND FIRST READING

1. Greyhound Racing Control Bill.
2. Prevention of Cruelty to Animals Act Amendment Bill.
3. Dog Act Amendment Bill.

Bills received from the Council; and, on motions by Mr. T. D. Evans (Attorney-General), read a first time.

NOISE ABATEMENT BILL

In Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Davies (Minister for Health) in charge of the Bill.

Progress was reported after clause 8 had been agreed to.

Clause 9: Evidentiary provisions as to noise levels—

Mr. HUTCHINSON: On the previous clause the Opposition took a stand on the principle that matters relating to compensation could be more properly dealt with under the Workers' Compensation Act, as are other industrial diseases, and the Committee was divided on that issue. This clause has evidentiary provisions as to noise levels, and for all practical purposes is a consequential amendment. I do not intend to take a tedious stand on it. I merely wish to say that I oppose the clause.

Clause put and passed.

Clause 10: Cost of administration—

Mr. RUSHTON: In the discussion on this clause the Minister will be given the opportunity to tell us how the cost of administration of this legislation by the local authorities will be defrayed. I suppose some small portion of this cost should be borne by local authorities, but I am sure the Minister does not consider that the local authorities should bear the total cost.

I am of the opinion that local authorities should be given some financial assistance towards defraying the cost of administration, and there is an obligation on the Government to provide financial assistance.

Mr. DAVIES: I do not know of any Act under which Government funds are handed over to local authorities for the purpose of administering legislation. If there were any, I am sure the local authorities would be annoyed; it would probably imply that the Government wanted to have some control over them.

Contrary to what the member for Dale has suggested, I am wondering how local government can help the Government, because we are bringing down this legislation to help the local authorities as much as any other party.

Sir Charles Court: Are you not imposing some extra burdens on local authorities by this legislation?

Mr. DAVIES: The local authorities are seeking power to control noise. They cannot expect the Goverment to legislate to give them that power, and also to pay for the administration of the legislation. It will, no doubt, cost the Government some money to enforce and to police this legislation, and my view is that local government should provide the Government with some money for the administration of the Act.

Mr. RUSHTON: The Minister administers the Health Act, and is provided with funds for that purpose. The Bill before us is one which promotes health, and therefore some of those funds should be used for the administration of this legislation. It includes provisions which confer certain powers on the Commissioner of Public Health to take steps which will have a bearing on the local authorities, and he will be making decisions which local authorities will have to put into effect. I am not challenging the procedure that has been proposed.

I merely wish to point out that Parliament is being asked to enact legislation to safeguard the health of the community, chiefly through the medium of the local authorities. I am sure that local authorities would be appalled at the thought of having to bear the full cost of administration when they have no means of raising the money for this purpose other than by increasing the rates. I agree that the Minister for Health is not provided with sufficient money to promote and safeguard the health of the people, but I would point out this Bill will impose a burden on the ratepayers.

Research is being undertaken by the Government into noise abatement, and the administration of the legislation will be a big task. Local government will be called upon to carry out a major portion of the task. If local authorities have to raise the necessary finance by increasing their rates, it would bring about a sectional tax. I suggest that it would be fairer for the cost of administration to be spread over the whole of the community. There is no conflict as to the desirability of the legislation, but there is a difference of opinion as to the apportionment of the cost.

Mr. THOMPSON: I understood the Minister to say that local government had asked for this measure to be introduced. In his second reading speech he could have given us some statistics or information to indicate to what extent this legislation was requested by local government.

I have discussed this matter with the Shire of Kalamunda to seek its reaction. The shire hopes that some law will be introduced to control noise. It pointed out

that it has framed by-laws covering noise abatement, but it considers that its powers are not sufficiently wide to enable it to do what it has been asked to do.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. THOMPSON: Before the tea suspension I had risen to question the Minister on one aspect of the Bill. I asked him the extent to which local authorities had indicated to him their desire for this legislation. I understood the Government had stated that it introduced the Bill on its own initiative.

I believe that increasingly local authorities are being saddled with costs and it is being reflected quite markedly in some areas, but particularly it is being felt by those local authorities which accept their full responsibility.

Recently the local authority with which I am closely associated—that is, the Shire of Kalamunda—had to make a fairly sharp increase in rates because of the extra burdens placed upon it. This legislation will place an even greater impost on local authorities.

Provision is made for them to recoup some of their costs if they succeed in a court action, but we all know that administrative costs are not recoverable. It is possible that some authorities will have to increase their staffs in order to police the legislation. It appears that those items which will involve local authorities in administrative costs are being imposed on them while certain avenues of revenue are being taken from them.

Mr. DAVIES: As I said before, people are always asking the question: Who will pay? In regard to pollution generally this is one of the greatest problems. Does the polluter pay?

The honourable member asked me about representations I had received concerning this legislation. I can recall that I was approached by the City of Subiaco, by the local authority in South Perth, and by the one in Perth. They are some I can recall offhand which formally and informally indicated their limitations. I have already referred to section 244 (1) which outlines these limitations.

The cost involved by the local authorities will depend on the enthusiasm with which they approach the problem, and local authority members have a responsibility to the people who put them in the position and keep them in it. If they want to meet any demands from the people under their jurisdiction they must be prepared to pay for it. There is nothing new or novel in the approach we are proposing. Model health by-laws are made and the local authorities pay to support and implement them. The cost involved will depend on the degree to which they follow up these matters.

As the honourable member indicated, provision is made for recovery of costs, but cases will not be taken to court capriciously. I am certain that local authorities will adopt a responsible attitude. Under clause 21 they have an avenue by which to recover their costs and they should not be out of pocket if they take a proper case to court. If they do not take a proper case to court, or the case is thrown out for any reason, even if it be on a technical point, of course they will have to bear the burden. This is part of every-day living. We cannot expect the Government to provide the wherewithal for the local authorities to police the regulations any more than the State Government can expect the Commonwealth Government to pay because we are doing something about the address on noise pollution, given by Peter Howson in Stockholm.

Everyone has his own avenue of responsibility. If local authorities desire to accept the regulations and take action under them—they can take action under no other legislation at present—then of course they must be prepared to pay. I would hate to think it would be an unbearable burden on local authorities because, like Governments, local authorities are finding rising costs very difficult to meet. It is a problem with which we must all contend. I still maintain that we are providing the avenue by which the local authorities can do something about an existing problem and it is their responsibility to pay for it.

Mr. RUSHTON: We have heard of nothing else but the Government asking the Commonwealth for this, that, and the other thing.

Mr. May: We thought you would make a worth-while contribution!

Mr. T. D. Evans: Say something worth while!

Mr. Jamieson: It is like a gramophone!

Several members interjected.

The CHAIRMAN: Order!

Mr. RUSHTON: What is the difference? This is the grass roots government. Local authorities need a helping hand. The Minister accepts that he can through the commissioner impose upon them whatever by-laws he desires. The local authorities are there to do as they are told. They are told what they will do, when they will do it, and how they will do it; and they carry the burden. The burden is actually carried by a few who own land in the area. I consider that the Minister should accept the fact that now is the time we should make approaches for financial help. As a matter of fact his own counterparts in the Federal sphere are saying that local authorities must have relief.

This matter will affect only a few people and it is the discrimination which will hurt. The shires will be told what to do,

and how to do it. Most of us are aware of the difficulties which now confront shires in carrying out their health responsibilities.

Mr HUTCHINSON: I want to align myself with the concern expressed by members on this side in relation to this further impost which will be placed on local government. Some shires will be able to absorb this work by giving it to their existing health inspectors, but the costs to be considered are those of administration. The salary of the inspector will have to be taken into account, as will the costs of clerical assistance.

Mr. T. D. Evans: Is the honourable member aware that, quite aside from this measure, assistance is available to local governing authorities by means of the Local Government Assistance Fund provided for in the Budget?

Mr. HUTCHINSON: I hope the inclusion of that fund in the Budget reflects the necessity to raise substantially the money which is made available to local government.

Mr. Bertram: Won't they get their costs back from the defendants?

Mr. HUTCHINSON: I am talking about administrative costs in the area of local government. There is no doubt that the Commonwealth Government is concerned. We cannot continue to load costs onto local government without, perhaps, giving the local authorities other fields of taxation in the same way *mutatis mutandis* as the financial relationship operates between the Commonwealth Government and the State Government. I am concerned that additional costs are to be imposed on local government.

Mr. DAVIES: I am sure we are all concerned about rising costs, but I believe the concern in this instance is out of all proportion. I am sure no local authority will have to appoint a special inspector to control noise. I believe the job will be done by existing health inspectors, or a departmental inspector will be called in to help and advise. An inspector will have only isolated cases with which to deal and he will receive assistance from the Public Health Department. A local shire will not have to do anything about a complaint if it does not want to do so.

Any three persons can take action—or in special circumstances, one person—so if the shire is concerned about costs it does not have to act on a complaint. The complaint becomes the responsibility of the individuals concerned.

I am sorry I mentioned the Commonwealth-State relationship. I was only trying to point out that the shires believe we should help them, and I was arguing that the shires should also help us.

Mr. Rushton: Will inspectors be available from the department without cost?

Mr. DAVIES: Yes. Under the provisions of the Clean Air Act we have expertise available in the department. I cannot imagine that the department would refuse to assist a shire which sought advice.

Noise is a problem which Parliament wants to overcome, and the shires want to overcome it too. We intend to give the shires some authority, and some will accept it with more enthusiasm than others. A worry I have is that some shires may want to turn their areas into veritable tombs, with no noise at all. On the other hand, I do not know what we can do for anyone who wants more noise. I do not believe any great additional impost will be placed on shires.

Clause put and passed.

Clauses 11 to 13 put and passed.

Clause 14: Noise Abatement Advisory Committee—

Mr. HUTCHINSON: I move an amendment—

Page 8, line 16—Delete the word "five".

Clause 14 sets out the composition of the advisory committee. It will consist of six persons—the Commissioner of Public Health, and five other persons. The five other persons will have academic and scientific qualifications, and they will make up a specialist committee. One shall be a person who is a legally qualified medical practitioner recognised as an expert in the field of occupational health. One shall be a person who is a legally qualified medical practitioner recognised as a consultant in relation to conditions of the ear, nose, and throat. One shall be a person who is recognised as an expert on matters relating to the design and construction of buildings and the problems of noise control in buildings. One shall be a person who is recognised as an expert in the physics of sound, and the remaining person shall be one who is recognised as an expert in relation to the effect of noise on the mental and social well-being of persons.

In the main, that committee is loaded with academics. There could be appointments to the committee from the field of industry, but the measure does not specify this. I believe the committee will be lacking in this regard, despite the Minister's suggestion that only an academic or a scientific committee is required.

At an earlier stage in the debate I said I believe it is essential to have a breadth of representation on the committee to ensure that, at the formative stages of decisions, during the birth of regulations, and in dealing with practical matters in this complex field, the committee has representatives of industry and local government.

Even if we extend the number from five to nine—which, incidentally, does not count the Commissioner of Public Health—it

would still be a comparatively small committee. Although I do not quite agree with the Minister, he did say that, to a great extent, the provisions in this measure rest on the structure of the Clean Air Act. Most members in this Chamber are aware that two committees are appointed under the Clean Air Act. One is a council and the other an advisory committee. It is the advisory committee which has a scientific majority. Even so, there are representatives of industry and of local government on the advisory committee apppointed under the clean air legislation.

In the matter of the appointment of members to the advisory committee I urge the Minister not to be adamant in his stand. He would be wise to broaden the field to ensure there is a greater breadth of understanding at the formative stages of decisions.

I have never been greatly enamoured of what I consider the corny expression, "Justice must not only be done but must appear to be done." I have never used it before, but perhaps on this occasion I will do so, although it is with some apologies.

Although it may appear to industry that its views can be met with the present constitution of the committee, in practice industry would always feel it was not getting a fair go. If for no other reason, it would be good liaison; it would make for understanding between the Minister, industry, and local government if we were to broaden the constitution of the committee.

Therefore, I urge the Minister to agree to the deletion of the word "five" so that the Committee may subsequently insert the word "nine." I would like the additional four members to be two members of the Chamber of Manufactures and two members of the Local Government Association.

Mr. DAVIES: I am not surprised at the amendment and I can fully appreciate the reasons for it. If I were prepared to accept it, I would say that it does not go far enough. This Bill is based on the clean air legislation and what the member for Cottesloe says is quite true; under that legislation there is a council, a scientific advisory committee, and a committee. The initial draft of a Bill which came to me on this file had provision for a council and a committee. I think the Chamber knows very well that I hate setting up committees if I do not consider they are necessary. I believe a deal of duplication in work occurs under the Clear Air Act, because one body considers something and then passes it on to the next body for its consideration.

The initial draft contained provision for a noise abatement advisory council comprising a great stream of people representing Government departments and associations, the Chamber of Manufactures, the Chamber of Mines, local government, and the Trades and Labor Council. In fact, it had provision for all the usual ones that we see.

I said, "Is this really necessary? Must we go through the processes of selecting these people? Must we have them nominated and appointed? Must we arrange meetings, bring them all in, and keep busy responsible people away from their proper duties?" Their proper duties are to go about their own business. I wanted to see whether there was any way to overcome this difficulty because I really abhor Governments appointing so many committees.

Mr. Hutchinson: That is always understood.

Mr. DAVIES: I understand the Commissioner of Public Health is on 36 committees; this will probably make the 37th. If one rings up half of the top civil servants at almost any time one finds they are out at a committee meeting, such as the Land and Housing Advisory Committee or the Town Planning Committee. I think we are making the committee duties of our civil servants so top-heavy that they cannot do their proper work.

This is one of the reasons for not introducing the Bill last April. I must be honest in this. I suggest that we should look at the situation again. I thought we should have a tight expert committee comprising members with the right to draw on any section at any time for extra advice. Is there anything wrong with this? I do not believe there is. These people have the responsibility, of course, but we must ensure that people who want to have a say are given the right to have that say.

Many subjects could be discussed on many occasions. Local government might want to talk on one but the Trades and Labor Council might not be interested. Similarly, the Chamber of Manufactures might want to talk on something, but the Chamber of Mines might not.

The whole Civil Service structure is becoming bogged down with too many committees. Perhaps it is a personal fetish, but I want to ensure that as few committees as possible are brought into existence. I am sorry to say I have had to bring a couple of committees into existence. One was appointed under the Hospitals Act last year. I can assure the Chamber that the committee was appointed only after I had been fully convinced there was a real need for it and it would do the job. Only this week have I been able to appoint the members of that committee, because of many factors which have caused delays.

I do not like committees and I believe government can run without them. It is the experts who count and they can bring in at any time people who are likely to give them the value of the particular knowledge they have.

I do not deny that local government has a good deal to contribute. Similarly, the Chamber of Manufactures, the Chamber of Mines, the Employers Federation, and the trade union movement have a great deal to contribute on particular matters. I believe we would be wasting time by forming a large committee which really could become top-heavy and not do the job we hope it will do.

Those are my reasons for opposing the amendment. If I believed the amendment were necessary I would want to see it much wider than the restrictive provision proposed.

Mr. Hutchinson: Who else would you appoint to the committee?

Mr. DAVIES: Once we open it to any, we have to open it to all.

Mr. Williams: No.

Mr. DAVIES: Local government could claim it has to be present at every meeting. This could apply, similarly, to the Chamber of Manufactures, the Chamber of Mines, and the trade union movement. They would all have to have the right to attend if they were going to have a say.

Mr. Hutchinson: You might bring in two more.

Mr. DAVIES: Then we get to the Department of Environmental Protection which deals with noise pollution; then town planning; and surely the siting of factories and houses is all-important; then we get to the Clean Air Council. These are the people I knocked out of the Bill. We said, "We will call on you and be pleased to have your assistance if it is required." Let us use the people who have particular expert knowledge, and enable them to drag in such other people as they require. I hope it will work.

It is an innovation, to say the least, because I do not know of any other Minister on this side—I cannot speak for the Ministers of the last Government—who has gone out of his way to try to limit the formation of committees. I am sorry when I must legislate for a committee because I would rather see committees done away with, if possible.

Mr. WILLIAMS: I am sorry the Minister has taken this attitude. I can see his point regarding the enlarging of this particular committee but, as I said in my second reading speech, as regards the noise abatement advisory committee the Minister has put the cart before the horse by having a specialist committee rather than a committee of practical people.

The committee does not have to include everyone, because clause 21 of the Bill contains the power for the noise abatement committee to co-opt other people. There is nothing in this Bill which is political. We are trying to help the Minister make this a better measure which will operate in the interests of everyone. I suggest the Minister might consider nominating a number of responsible people—be it five or nine—from various areas of industry and from local government. Not every section of industry can be represented but I am sure those organisations which were not represented on a committee of practical people would be happy to say, "We are not on the committee but we can be co-opted and we can ask to be heard at any time we wish."

I feel the type of committee proposed in clause 14 will begin to be run by theorists. Not every professional man is practical. I think it is far better to have the practical person who has to face the actual problem in the field, than a theorist who says, "This will work in theory but you fellows can work it out in practice." Why not have the practical people who have to implement the recommendations of the committee asking for the advice of the specialists? I believe that would result in better value from the Bill.

I ask the Minister to give us an assurance that he will have another look at this part of the Bill relating to the advisory committee—perhaps even between here and another place—with a view to reorganising it. At the present time, I agree with the amendment moved by the member for Cottesloe, which will give representation to practical people. As the Bill stands, it is purely a committee of theorists. Lord save us from being run by theorists! I believe that would be the end of us all.

Mr. RUSHTON: I support the remarks of the member for Cottesloe and the member for Bunbury. The Minister could consider a number of alternatives. If he accepts the suggestion of having practical people on the committee, he could still have five members and the commissioner. Three of the members could be technical men, and the other two could represent the other sectors. Until the Minister acknowledges this principle, we will have to stay with the amendment proposed by the member for Cottesloe. The Minister would respect the wish of the Chamber by having at least two practical people. We are suggesting four practical people, but not with any disrespect for the other people the Minister would appoint.

It has been acknowledged that local government will have a big part to play in this legislation. Surely the knowledge of representatives of local government would be valuable to the Minister because the way the legislation is implemented will be half the battle. It is hoped none of the people appointed to the committee will have sectional interests but that they will have experience. The main thing is to have a committee of good people—be the number six or nine—to get together and work out to the best of their ability and with

goodwill what the Minister, the Government, and this Parliament have in mind. It is not so important to have one representative of local government and one representative of the Chamber of Manufactures as to have the best available people with experience in this field.

The representative of local government would be selected for his ability and interest in local government. He would play a valuable part in working out the criteria, guidelines, and regulations. It will take a long time to work out the procedure, and it will certainly take this committee many hours of conscientious effort to make this legislation practicable. I support the amendment moved by the member for Cottesloe.

Mr. THOMPSON: I note that only one member of the committee designated in the Bill is a public servant. I believe there should not be too many public servants on these committees because, as the Minister said, it becomes very difficult to contact senior public servants when they are involved in so many committees.

I support the amendment of the member for Cottesloe because I think we need practical people on the committee. Local government should be represented, bearing in mind the responsibility that will be placed on local government as a result of this legislation.

Dr. DADOUR: I support the amendment moved by the member for Cottesloe. My experience is that a committee composed of academics is quite hopeless. In my opinion we need four or five people representing the industries concerned. Such representatives would know the cost of solving the problem of noise. It will be costly to bring noise abatement schemes into factories and the cost will have to be absorbed by industry.

Mr. Hartrey: It is costly now.

Dr. DADOUR: Noise abatement should be instituted at the pace at which industry can absorb the cost. The committee must have a representative of local government and only a minority group of academics. If the Government wishes to bog the committee down, it should appoint only academics.

Mr. HUTCHINSON: The Minister is not acting as I hoped he would. He is quite adamantly expressing his view, and he is so wrong. Instead of two representatives from the Chamber of Manufactures and two from local government, we could appoint one from each and also include a representative from the Chamber of Mines, the T.L.C., and the Employers Federation. I would be prepared to negotiate on this point, but I feel it is basically wrong to set up one specialist committee.

I wholeheartedly agree with the earlier remarks of the Minister when he talked about his dislike of committees generally, his dislike of appointing them, and his further dislike of large committees. He is certainly treading no new ground as a Minister when he speaks in this vein. However, Ministers find they have to appoint committees. This legislation provides for the setting up of an advisory committee of a highly complex nature to deal with matters where specialist advice is necessary. However, the advisory committee must also give a great breadth of advice. It is not good enough for the Minister to say that the advisory academic committee may seek advice from the Chamber of Mines, the Chamber of Manufactures, or from the people who pay the piper—the employers. As I say again rather reluctantly, justice must appear to be done and the employers must be represented.

I hope the Minister will change his view. Perhaps he will agree to an alternative form of my amendment, something along the lines of one representative of the Chamber of Manufactures, one of local government, and the inclusion of representatives of one or two of the other bodies he has mentioned. I agree it is impossible to include everyone, but if we are to have a committee it must be a properly representative committee.

Mr. DAVIES: I thought my action would have been wholeheartedly applauded. I have limited the committee and put it in a position where it may receive advice unrestrictedly. Members must realise that the advisory committee will deal with two aspects—it will deal with community noise and industrial noise. We really need three committees—an advisory committee, a committee which is knowledgeable in community noise, and a committee which is knowledgeable in industrial noise.

Mr. Williams: Theoretically that is correct. If we set up a practical committee as well as an advisory committee, the Minister could bring in the representatives he wanted under clause 21.

Mr. DAVIES: I do not believe we should go this far. The Commissioner of Public Health is a civil servant, and it is essential that he or his representative be on the committee. Another member should be an expert in the field of occupational health. I do not know an expert in this field outside our department, although we may find such a person at the university or at the W.A. Institute of Technology. In practical terms I feel that these members would be appointed from within the department, but please do not hold me to that statement.

I believe Opposition speakers have been destroying their own argument. One member said that he realised it is impossible to have a representative from every section

of industry. The Chamber of Manufactures is made up of many branches and one representative would not know the entire workings of the chamber. We would not be restricted if we could call on specific representatives as necessary.

Another member said there are many alternatives. This is the problem—how do we choose the best alternative? We cannot say that the committee we decide to appoint is the best committee. However, if we have a strong core of academic men —I hate using the word, but the member for Bunbury put it in my mouth—

Mr. Williams: You do not have to use it.

Mr. DAVIES: I cannot think of a more descriptive term.

Mr. Williams: This is why I used it.

Mr. DAVIES: In my opinion the best committee would contain a core of academic people who would be able to draw advice unrestrictedly from a catchment area. This is what I am hoping to accomplish. If the committee does not seek expert advice, the Chamber of Manufactures, local authorities, the Employers Federation, and the trade union movement will be entitled to gripe. I do not see the committee meeting on the first Monday of every month, sitting down to scones and tea, and talking to each other. I am disappointed because I thought a move in the direction I have suggested would have been applauded.

Mr. HUTCHINSON: I think the Minister is incorrect, but apparently he will not change his mind, and that is a pity. Again the brute force of a majority will be used. The Minister did say that the Commissioner of Public Health is on many committees, and I know this from my own experience as Minister for Health.

Mr. Davies: What about moving an amendment, "or his deputy"?

Mr. HUTCHINSON: I intend to suggest to the Minister just that. His deputy is mentioned a little later in the Bill but I wonder whether the words "or his representative" may be better. Quite often the Commissioner of Public Health cannot be present at public functions, and on many occasions it has been said that he should have a representative to represent him legally. However, it would be out of order to move an amendment as we now have an amendment before the Chair. I wanted the Minister's advice, and I will be content if I know that he will ask his colleagues to agree to this in another place.

It will not satisfy my wishes regarding wider representation; but it is an amendment which perhaps the Minister should have included. I will be content if he gives me an assurance the amendment will be made in another place.

Mr. WILLIAMS: I believe the proposed members of the committee are not the right people to make recommendations to the Minister. The advisory committee is to be established under clause 14, and the membership is defined. These are the people who will co-opt others in order to obtain information and convey recommendations to the Minister. I believe the Minister has this the wrong way around. He should have practical people to co-opt academics to obtain advice in particular situations. Practical people should make the decisions in practical areas.

I would like the Minister to give further consideration to this matter, rather than go ahead with the amendment of the member for Cottesloe. I want the Minister seriously to consider our proposition, because we feel strongly about the matter. It is proposed that academics will make decisions, whereas in actual fact I believe practical people should make decisions and submit recommendations to the Minister, with the assistance of academics.

Dr. DADOUR: From my experience, academics would set hard and fast decibel ratings for factories. I doubt whether academics would ask a practical man for advice. I think the committee would simply say that the noise level was endangering the hearing of the workers, and the factory would have to close down until the noise rate was reduced.

As the Minister will realise, it could cost hundreds of thousands of dollars to convert a factory to use less noisy machinery, and unemployment could result.

Academics should be co-opted to act in an advisory capacity to a committee of practical men who would deal with problems from the point of view of practical experience. They would know how much time and money would be involved in making changes. The changes must be made slowly because industry could not afford to make great changes in one fell swoop.

Mr. RUSHTON: We agree that the Minister has made a sincere attempt to arrive at the best working committee. Obviously there is merit in a small committee of six, and it could work effectively.

However, we would like to see practical people helping the Minister to make the legislation work. Obviously people who are dealing with practical problems will be able to make decisions which will be of great help to the Minister. Practical men would have available to them specialists who would submit scientific reports, which would be evaluated by the committee just as we evaluate matters in this Chamber. Obviously the Minister should have the best advice possible. I will certainly support the provision if the Minister gives an undertaking that he will rethink the matter and have the provision changed in another place. I believe the personnel of the committee should be changed.

Mr. DAVIES: Now we have a complete change of tenor. Earlier in the debate the emphasis was on the difficulty which will be encountered in the establishment of standards. Members asked how standards will be established, what will be the danger level, and who will be the judge. That is the very reason that we propose an academic advisory committee.

Mr. Hutchinson: You just want further debate.

Mr. DAVIES: I am merely pointing out the change in tenor.

Sir Charles Court: You are as bad as the Minister for Labour was yesterday.

Mr. Hutchinson: You have selected one segment, and you have no regard for the breadth of our debate. You are stimulating debate.

Mr. DAVIES: I am trying to explain why, after considerable investigation and discussion, I withdrew from the Bill a number of other people proposed to be included on the advisory committee—and the list was as long as my arm. We decided that we must have people who know which standards and readings to adopt, and how to apply them to the community. Such people could call on the community and industry to ask them how they would be affected.

Mr. Hutchinson: They would not do that nine times out of 10.

Mr. DAVIES: I am giving an undertaking that they will.

Mr. Hutchinson: How can you be present all the time?

Mr. DAVIES: The committee is responsible to me. When it produces regulations for gazettal the Minister has a responsibility to ensure that proper investigation has been carried out. Believe me, my desk is stacked high with files because I check these matters carefully. Perhaps I spend too much time on them. However, I give an undertaking that the committee will gather information and assess standards. Technical men are required to assess standards because the standards are technical. The people who are to apply the standards must be experts, and not factory managers.

Mr. Williams: That is the trouble. They are too expert. They are theorists.

Mr. DAVIES: Members opposite asked me to gazette the standards. I undertook to do that, and members opposite were happy. Now they say the men who will set the standards are not practical enough. Who will set the standards; people with training, or those who say what they think is correct?

Mr. Williams: The people proposed do not necessarily have training for on-the-job decisions, whereas others have.

Mr. DAVIES: How are they considered to have special qualifications if they make an "on-the-job" decision?

Mr. Williams: They have to temper their thinking on the job with practical application.

Mr. DAVIES: Would they be able to say, because a person is being subjected to 85 decibels for 24 hours a day—

Mr. Hutchinson: You have the advisory committee.

Mr. DAVIES: This will be an advisory committee that will accept any advice it can from people in the community. I intend to be firm on this. I have conducted a great deal of research on it. I wiped a great deal from the Bill, because I did not want to overload the committee. I thought members of the Opposition would applaud me for doing that, but apparently I have done the wrong thing according to them. I am not convinced, because these men will be the experts who will assess the standards, apply them, and talk to people in industry and in the community generally to ascertain what practical effect they are achieving. On the other point raised by the member for Cottesloe, I agree it should be the Commissioner of Public Health or his deputy.

Mr. Hutchinson: The deputy is mentioned further on in the same clause.

Mr. DAVIES: Yes, that is correct; in subclause (4). I will have a look at that. It is only proper that the Commissioner of Public Health or his deputy should be present at any meeting of the advisory committee. The present Commissioner of Public Health has only about 18 months to serve before he retires. It is quite likely that his deputy would be better suited to the position to provide oncoming knowledge in the future. I apologise for not noticing before that the Commissioner of Public Health or his deputy is mentioned in subclause (4) of this clause.

Mr. Rushton: You will have five specialists on the advisory committee. How will you understand what they put up to you, when you are not a specialist?

Mr. DAVIES: They will obtain advice from people who will be affected by this legislation. They will be advised of what practical results will be obtained from any steps that are taken. If I am satisfied that they have spoken to representatives of industry and the community generally I will be happy to agree to the regulations. They will have to be published in the *Government Gazette* and laid on the Table of the House where they will be closely scrutinised. Once they are laid on the Table of the House, how will any member be able to assess whether they are good or bad?

Sir CHARLES COURT: I support the amendment of the member for Cottesloe. The Minister is overlooking a vital point. This is formulative legislation and will succeed only if there is goodwill. There is

an old saying, "Beware when the experts agree; you can be sure they are wrong." There is historical evidence of this which proves it to be right.

Mr. A. R. Tonkin: How can that be proved?

Sir CHARLES COURT: This is factual. The honourable member should read one of the Churchillian essays to see what he said about it and how much trouble he got into when the experts agreed.

Mr. A. R. Tonkin: There seems to be an intellectual strain over there.

The CHAIRMAN: Order!

Sir CHARLES COURT: If the honourable member thinks he is—

The CHAIRMAN: Order! The Leader of the Opposition will address the Chair and members will cease to interject. The Leader of the Opposition.

Sir CHARLES COURT: Thank you Mr. Chairman. When attempts are made to have legislation of this type adopted there has to be someone on the committee who will bring forward at least the viewpoint of the man who pays the bill and the man who has to live with the legislation. With only one exception none of these people have to live with this type of thing. They can have all the grandiose ideas in the world, but when the ideas do not work they will merely say, "It is too bad."

We had this sort of experience in the agricultural field. Look at all the trouble some people got into by accepting the advice of experts. I hope the Minister will get some representation on the committee to ensure there is goodwill, because without it the scheme will collapse. The experts have a role to play, but this has to be tempered by applying some practical knowledge to the problems that will be met, and the Minister will be well advised to strive for a balance on the advisory committee.

Mr. HARTREY: Whatever validity there may be in the arguments put forward by members of the Opposition, they cannot be bolstered by the proposition put forward a few minutes ago by the Leader of the Opposition. His proposition is that when the experts agree they are bound to be wrong.

Sir Charles Court: The idea is to beware.

Mr. HARTREY: One of the strongest criticisms aimed against the profession to which I belong is that there are differences of opinion even among the most learned judges. However, when we get a unanimous decision from the judges of the High Court we are invited by the Leader of the Opposition to presume they are all wrong. It is such a stupid proposition, I could not resist having something to say about it.

Sir Charles Court: One has a better chance of winning an appeal to the High Court if all three judges of the Supreme Court are unanimous against one in their decision!

Mr. DAVIES: At the risk of provoking debate I must point out to the Leader of the Opposition that I do not know whether he was present in the Chamber earlier in the evening when I gave my reason for bringing down this legislation in the way I did. He talks about promoting goodwill and I could not agree with him more. However we have to opt for one committee or the other. We have to opt for a small committee with power to co-opt, or for one that is as wide, as big, and as long as one's arm. I have opted for the one suggested in the Bill and I believe we can certainly create goodwill if we agree to the personnel of the committee as suggested in the Bill.

With great regret I oppose the amendment. It has been drawn to my attention that in subclauses (3) and (4) of clause 14 there is provision for the appointment of the deputy of the Commissioner of Public Health to the advisory committee, so the undertaking I gave earlier in the debate no longer stands. If the Commissioner of Public Health is not available his deputy will become a member of the committee, and if both are not available a deputy can be appointed from among the members of the committee.

Amendment put and a division taken with the following result:—

Ayes—19	
Sir David Brand	Mr. O'Connor
Sir Charles Court	Mr. Ridge
Mr. Coyne	Mr. Runciman
Dr. Dadour	Mr. Rushton
Mr. Gayfer	Mr. Thompson
Mr. Grayden	Mr. Williams
Mr. Hutchinson	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning
Mr. Nalder	*(Teller)*

Noes—19	
Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Bryce	Mr. May
Mr. Burke	Mr. McIver
Mr. Davies	Mr. Moller
Mr. H. D. Evans	Mr. Norton
Mr. T. D. Evans	Mr. Sewell
Mr. Graham	Mr. A. R. Tonkin
Mr. Hartrey	Mr. Harman
Mr. Jamieson	*(Teller)*

Pairs	
Ayes	Noes
Mr. O'Neil	Mr. Brown
Mr. Mensaros	Mr. Bickerton
Mr. Lewis	Mr. Taylor
Mr. Stephens	Mr. Cook
Mr. Reid	Mr. J. T. Tonkin
Mr. Blaikie	Mr. Fletcher

The CHAIRMAN: The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Clause put and passed.

Clauses 15 and 16 put and passed.

Clause 17: Quorum—

The CHAIRMAN: There is a word spelt wrongly in the clause. It appears as "consitute" but it should be "constitute." The error will be corrected.

Clause put and passed.

Clause 18: Disqualification of members—

Mr. HUTCHINSON: There is an amendment on the notice paper in my name which is consequential on the amendment that has just been negatived. For that reason no useful purpose would be served in continuing with my proposition which seeks to avoid the disqualification of representatives to whom I tried to give representation so as to give the advisory committee a broader basis.

Clause put and passed.

Clauses 19 to 23 put and passed.

Clause 24: Indemnity—

Mr. HUTCHINSON: My purpose in giving notice of my intention to oppose the clause and thus to bring about its deletion was to have a new clause inserted, but that virtually already exists although not totally in accordance with what I wanted, which was that the Act should bind the Crown. In fact, the Crown is bound under a preceding provision.

Clause put and passed.

Clauses 25 and 26 put and passed.

Clause 27: Service of abatement notice—

Mr. HUTCHINSON: I move an amendment—

> Page 14, line 8—Insert after the word "premises" the words "other than premises registered as factories under the Factories and Shops Act, 1963".

This is the part of the Bill which deals with the problems of noise on premises, and they fall into the category of the problems to be considered by local government.

Earlier I spoke about the proliferation of inspectors who have been appointed under many Acts to carry out various duties. These inspectors are given the power of entry, but many of us do not like that very much although we appreciate that such power must exist. The needless entry by inspectors into premises should be avoided, if at all possible.

It was felt that local government inspectors should be restricted to investigation of local government complaints, and should not be permitted to enter into factories and shops registered under the Factories and Shops Act. It is to avoid the overlapping of functions which does occur under this legislation that I have moved the amendment.

Mr. RUSHTON: Earlier the Minister mentioned that local government did not have an obligation to respond to complaints if it did not wish to. This clause states that where the local authority is satisfied about a nuisance on any premises it shall serve a notice, etc. Is the Minister of the opinion that if the authority is not satisfied it can opt out of the matter? Where it is proved that a noise nuisance does exist then in my view the local authority has an obligation to enforce this legislation.

Mr. DAVIES: The point I tried to make earlier was that the success of this legislation would depend on the manner in which it was followed up by local authorities. If local government is keen about this question, wants the Government to do something about it, and requests authority for this purpose, then we have to give that authority.

We are dealing with two types of noise, including community noise. However, community noise can be created irrespective of where it comes from. It may come from a factory, a dance hall, a canning works, a milk processing plant, a hospital, a brass band, a beer garden, a football match, or similar places that generate noise. If we are effectively to control community noise as distinct from industrial noise this right must be given.

Many factors must be taken into consideration and the member for Subiaco drew our attention to a very important one. Who has prior right if a factory is established and a person takes up residence later? Would a court or local authority support a claimant if he took up residence in the district after the factory had been established? As I pointed out earlier, we must be very careful of the effect of the regulations on industry. We do not want to stifle industries or put any of them out of business; but surely if they are not being reasonable or are not doing all they can for the community, some avenue must be available through which action can be taken against them; and this clause provides that avenue.

Mr. Williams: In the situation you just described of a factory being in existence and the resident coming afterwards, under this clause does it not say that the local authority shall serve a notice?

Mr. DAVIES: I do not think so. If the management of the factory was not doing something about the problem—and some managements can be very difficult as, indeed, can some neighbours; and the member for Subiaco referred to a problem with his neighbour—I do not think the local authority would have a responsibility to do anything if it did not want to.

Mr. Williams: Look at line 3 of subclause (1).

Mr. DAVIES: There is a proviso as to what shall happen if a local authority wants to do anything about the matter. If the local authority does decide to do something it shall serve a notice. People must

not suddenly find themselves in court. They must have the matter drawn to their attention and this is the reason for the inclusion of the provision.

Mr. HUTCHINSON: A degree of doubt exists concerning this amendment, but perhaps the Minister could tell me who should enter the factory premises. I am trying to prevent the local authorities having to do anything in this respect. I am trying to ensure that complaints regarding factories and shops are dealt with by those who are concerned with industrial problems and noise. Which of the authorities should deal with such a complaint—an inspector from the local authority, or an officer on the industrial side? It seems to me there is an overlap which I am trying to resolve.

Mr. DAVIES: I did seek an opinion on the matter, but I cannot find it at the moment. Local authorities will deal with community noise irrespective of from whence it emanates, although local authorities must have the right to go into a factory if they desire to do so. Actually they have the right to go onto premises for any number of reasons and I believe the reason in this Bill is no better or worse than any one of those other reasons. However if the problem related to industrial noise as affecting the well-being of an employee, an inspector from my department would enter the premises; but I will check that matter for the honourable member.

Mr. Hutchinson: We want to avoid the overlap.

Mr. DAVIES: The honourable member wants to know who will inspect what and when.

Mr. Hutchinson: Would not an industrial inspector, if the noise were minimised, achieve the objective in that other regard?

Mr. DAVIES: I will check that point before the third reading. It is fairly clear in my mind, but I agree there could be an area of overlap. The honourable member may have a point regarding industrial noise within the factory as it injuriously affects employees, but a complaint could also be made by people living a quarter of a mile away and the local authority may find it necessary to take some action. We do not want both inspectors involved, but we hope at least one would have the authority to make recommendations. However I will have the matter checked.

Amendment put and negatived.

Mr. HUTCHINSON: I move an amendment—

> Page 14, line 8—Insert before the passage ", it" the words "and a request to abate the nuisance is ineffective".

I want to ensure that before any notice is served some negotiation takes place. I want some conciliatory action to be taken and I consider my amendment would achieve this end. I do not want to stipulate that a complaint be made in writing because this would make it similar to a notice. I want to ensure that the local authority's inspector goes to the people involved with a view to ascertaining whether they will take some action concerning the complaint. This will give the people an opportunity to take what action is required to silence the noise or abate the nuisance and therefore it might not be necessary for a notice to be served. I have moved this amendment merely in an effort to introduce some form of conciliation.

Mr. DAVIES: The member for Cottesloe has moved this amendment in a spirit of conciliation and co-operation, and I am delighted to accept it in the same manner.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 28 and 29 put and passed.

Clause 30: Costs of local authority—

Mr. RUSHTON: This clause also relates to local authorities and I am wondering whether the Minister had any representations from the Local Government Association. I intended to move an amendment but after receiving certain advice I decided not to do so.

The clause highlights the reason that I spoke earlier. It is obviously intended that a local governing authority will recover its costs, but in some circumstances that cannot be done. The Minister commented on this clause. However, expensive administrative costs could be involved as a result of court actions. I ask the Minister whether he will seek a way to reimburse local authorities for costs involved. He has already said that he will make inspectors available at no extra cost.

Mr. DAVIES: Earlier in the evening I tried to indicate that I had some sympathy with local government, and I understood that local government would be reluctant to accept any additional expense. I have had some correspondence with the Local Government Association regarding clauses 27 and 30, and I replied to that correspondence on the 16th October after I received a Crown Law opinion.

Mr. W. A. MANNING: This clause covers an important point because it will throw an additional responsibility on local government and, in many cases, the local governing authority will not be able to recover costs. Also, I have been trying to locate a section in the Local Government Act which would grant the authority to recover costs. Perhaps the Minister could check on this point.

Mr. DAVIES: This matter was discussed at considerable length earlier in the evening while debating clause 10.

Clause put and passed.

Clause 31 put and passed.

Clause 32: Nuisance outside district—

Mr. RUSHTON: If a noise spreads across the boundaries of three shires, which shire will be responsible? It would appear that the person responsible for the noise could be subject to complaint from three shires. Could the Minister clarify the point?

Mr. DAVIES: I do not think we will force any local authority to take action at any time. If a border incident should arise then surely one local authority would elect to take action. We have to realise that there are sensible people in local government and surely there will be communication between the shires.

Clause put and passed.

Clause 33 put and passed.

Clause 34: Complaint by three persons—

Mr. RUSHTON: I have high hopes that the Minister will concede a point and accept my proposal to delete the clause and replace it with a new proposal. My intention is purely to simplify the matter so that instead of a case going to court some remedy will be found before reaching that stage. I think my amendment is self-explanatory and I hope the Minister will accept it.

Mr. DAVIES: This measure will not deal only with a complaint when it first arises. It presupposes that all the normal procedures will have been complied with. In other words, a person will have contacted his neighbour and asked him, say, to turn off the buzzer in his garage. A complaint will be made in the normal way and, if all else fails, a person can resort to the provisions of this legislation. Surely sensible, reasonable people would do this.

The tenor of the amendment, as I read it, means that any three people could start serving notices. We could not go along with that. We would be giving people authority to serve notices, but they do not need this authority. I can contact my neighbour, say, if he is annoying me by the noise he is making: I mention, incidentally, that none of my neighbours do cause any noise. I would be the greatest annoyance to them all.

Mr. Bertram: It is your offspring.

Mr. DAVIES That could be. The fact remains, a person goes through the normal processes. He does not need legal authority—the authority given by legislation—to be able to serve a notice. Indeed, I believe it would be extremely bad and it would highlight any antagonism which may exist because of the complaint and the nuisance. If someone were particularly nasty—and there are some nasty people in the community— he could say, "I have the authority to slap this on you." Such a person is not entitled to have that authority under this legislation. The people have to be properly appointed and they do not need any authority if they want to serve a notice, send a telegram, write a letter, or make a phone call.

I believe an amendment such as this would only complicate the measure, because this legislation will be used when all other normal processes have failed.

Mr. RUSHTON: Local government has sought this, I believe, because it wants matters to be sorted out before they go to court, wherever this is possible.

The Minister said that certain steps would be taken by sound, responsible people. However, we may find that people are involved who are not sound and tolerant and have been vexed by a nuisance.

As I see it, local government would be required to proceed. It would have no way of opting out. Local government would like to see some of these points resolved before it is required to act. This is a reasonable proposition and I hope the Minister will give the matter further consideration. Even if he cannot do so now, I hope he will reconsider the matter and perhaps arrange with one of his colleagues in another place to effect the amendment. This is a genuine attempt on the part of local government to be involved as little as possible in various court proceedings. They would like to see remedies before matters are taken to the court. There is a great deal to support this suggestion and I hope the Minister will reconsider it.

If the Minister will not reconsider it, I will have to vote against the clause and take the consequences. A spirit of goodwill has prevailed in discussions on this measure. For this reason I hope the Minister will have further research undertaken and possibly agree to arranging for the amendment to be made in another place.

Mr. DAVIES: I will read to the Committee what I wrote to the Local Government Association in regard to clause 34, because I had this matter fully researched. I said—

> It would seem that the suggested amendment to clause 34 embodies a most undesirable principle. I cannot accept the suggestion that private citizens be invested with the same responsibilities as a constituted local authority.

I interpolate to say that I was surprised the Local Government Association should want this. To continue—

> An abatement notice requires to be drawn in legal form. This would be beyond the experience and capacity of most citizens and would undoubtedly lead to legal complications if the Bill was amended as you suggest.

I have not heard a new argument advanced this evening and I cannot undertake to have the matter further researched, because it has already been researched by Crown Law. I believe it is an undesirable principle.

Mr. Chairman, I want to make certain I do not lose the chance to move my amendment. I believe the member for Dale is seeking to delete the clause.

Mr. Rushton: I would only have the right to vote against it.

Mr. DAVIES: I think I should move the amendment which appears, under my name, on the notice paper. I move an amendment—

> Page 18, line 7—Insert after the clause number "34." the subsection designation "(1)".

I have indicated that on the complaint of any three persons certain action can be taken. It was brought to my notice by one member that he knew of an occasion when only one person could reasonably be responsible for taking action. In this case, a person might not be able to avail himself of the advantages of this legislation, because he could not find two other persons to join with him. This is something we would have to watch carefully. We do not want one person acting alone—capriciously or spitefully—and taking someone e se to court.

Mr. Williams: "Frivolously."

Mr. DAVIES: That is a good word, because it appears in the legislation. We asked the draftsman to make a suggestion as to how the matter could best be overcome. The amendment on the notice paper states that one person may go to the local court, by way of a preliminary obligation *ex parte*, and prove that the circumstances are such that three persons are not involved. Other people may be affected but may be unwilling to join in. He must satisfy the local court that the complaint is not of a frivolous, vexatious, or unreasonable nature. It must be proved to the magistrate in chambers beforehand that conditions exist to warrant that person acting alone.

I believe there are circumstances which require us to make provision for one person to take action. I say this for a number of reasons.

Mr. HUTCHINSON: Following the brave show of co-operation which the Minister gave on a minor amendment of mine, I would like to say that I reciprocate on this matter. I will not oppose his amendment to this clause.

I do suggest that clause 34, as it stands, together with the new subclause, which undoubtedly the Minister will insert in the measure, could have been condensed in some way had it been approached with this idea in mind at the outset. The Minister may care to look at this to see whether it can be rephrased altogether as a new clause 34. I really have no objection to the amendment.

Amendment put and passed.

Mr. DAVIES: I move an amendment—

> Page 18—Add after subclause (1) the following new subclause to stand as subclause (2):—
>
> (2) A complaint may be made under subsection (1) of this section by less than three persons if a person who is the occupier of land and premises and is in that capacity aggrieved by the nuisance satisfies the Local Court, by way of preliminary application *ex parte*, that the circumstances are such that—
>
> (a) less than three persons are affected by the nuisance; or
>
> (b) other persons affected are unable or unwilling to join in the bringing of a complaint for economic or other reasons not related to the question of whether or not the nuisance exists; or
>
> (c) the enjoyment of land or premises occupied by him is affected in a degree substantially greater than is the case with other land or premises affected; and
>
> (d) the complaint is not of a frivolous, vexatious or unreasonable nature.

The proposed new subclause (2) was drafted by the Parliamentary Draftsman. It is as short as he could make it. It was necessary to fit in fairly fully the conditions under which one person could make an application to the court, because we did not want to give anyone the right to approach the court singly unless there were very good reasons for doing so.

Mr. RUSHTON: I will not pursue my objection any further but the point is that local government is wrapped up in all these proceedings, and once again it is a full obligation. The local authorities will need extra expertise in order to keep up with it, and they will be involved in additional costs because if there is much of this work they will have to employ another person, which will involve superannuation and all the other things that go with it.

This is another indication of the lack of co-operation with local government. We have objected to the participation of local government on the advisory body. We do not concede local government anything in the way of financial help, and we impose all the work on it. I cannot understand the Government not conceding a point

after local government has put its case to the Government. It is a matter of extending goodwill and reciprocation to the people who will do all the work.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 35: Appointment of inspectors—

Mr. HUTCHINSON: Clause 35 heads part V which deals with inspection and enforcement. Clause 35 deals with the appointment of inspectors. Subclause (1) states—

> (1) The Minister may appoint any person to be an inspector under this Act.

We do not believe it is good enough for the Minister to be able to appoint any person. Undoubtedly, he would want to appoint someone better than that, and perhaps the phrase used does not satisfy him. I hope he will give the closest consideration to the amendment I propose, and agree to it. I move an amendment—

> Page 18, lines 21 and 22—Delete subclause (1) with a view to substituting the following:—
>
> (1) The Minister may appoint as an inspector under this Act any person who has passed the prescribed examination, or who otherwise satisfies the Minister that he possesses a professional or technical qualification that necessarily implies a training and experience relevant for the purposes of carrying out the duties of an inspector and that he has a sufficient knowledge of the law relevant for that purpose.

As has been said on a number of occasions, the matter of noise hazards in industry and in the community is complex and many problems are associated with it. Much knowledge should be garnered by a man to enable him to discharge properly his duties and responsibilities under the legislation.

In my second reading speech I referred to a report of the Australian Standards Association which contained the comment that it was imperative that people appointed to deal with these matters have an intimate knowledge and practical experience of the physics of sound—to a lesser degree than a university graduate, of course—and the equipment which will be used, together with a knowledge of the law relating to this matter. Therefore, it is not good enough for "any person" to be appointed as an inspector.

I have not chosen this amendment lightly. I have selected it from an amending Bill which is at present before this Chamber. I refer to the Factories and Shops Act Amendment Bill, clause 4 of which seeks to amend section 12 of the Act. Section 12 of that Act relates to the appointment of inspectors and contains the same sort of wording as does the Bill we are now discussing in regard to the appointment of "any person" as an inspector. The Minister for Labour has determined, and Cabinet has agreed, that an inspector appointed under the Factories and Shops Act shall in future be required to satisfy the Minister—

> . . . that he possesses a professional or technical qualification that necessarily implies a training and experience relevant for the purposes of carrying out the duties of an inspector and that he has a sufficient knowledge of the law relevant for that purpose.

I cannot see there will be any strain on the Minister in agreeing to the amendment. If and when the Bill becomes law in its present form, it will take a considerable time for the regulations to be drafted. In that time the Minister must set about training men for the purpose of administering the legislation. The method I suggest could well follow the amendment the Government asked us to agree to in the Factories and Shops Act Amendment Bill.

Mr. DAVIES: I mentioned tonight that inspectors are appointed under various Acts for various purposes. The Clean Air Act provides—

> "inspector" is a person appointed an inspector for the purposes of this Act.

If I remember correctly, we passed the clause referring to inspectors under the Environmental Protection Act without debate last year. The wording in the present Bill is exactly the same.

Mr. Hutchinson: This gives us an opportunity to improve the situation.

Mr. DAVIES: We have to admit that we could have made a mistake. From the wording of the amending Bill brought forward by the Minister for Labour, and picked up by the member for Cottesloe, I do not think the appointment is limited in any way. I am sure the community would desire an inspector to have these qualifications as a minimum. I am happy to accept the amendment.

Amendment put and passed.

Mr. HUTCHINSON: I would like to thank the Minister for agreeing to the amendment which I moved. I now move an amendment—

> Page 18—Substitute the following for the subclause deleted:—
>
> (1) The Minister may appoint as an inspector under this Act any person who has passed the prescribed examination, or who otherwise satisfies the Minister that he possesses a professional or technical qualification that necessarily implies a training and experience relevant for the purposes of carrying out the

duties of an inspector and that he has a sufficient knowledge of the law relevant for that purpose.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 36 to 47 put and passed.

Clause 48: Regulations—

Mr. WILLIAMS: I would like the Minister to comment upon my suggestion that because of the complexity of the regulations and the problems which may arise, he could make draft regulations available to members before they are gazetted. I feel this would overcome the problem of a member moving to disallow a particular regulation. I do not think this can be written into the Bill, but the Minister may be prepared to give an undertaking.

This is not a political measure—we are attempting to look after the health of the community.

Mr. DAVIES: I believe this would be a departure from normal practice.

Mr. Williams: I realise that.

Mr. DAVIES: The idea could be carried over into other areas and may require further departures from normal practice. I feel it is important to seek the advice of people who understand what the regulations will mean and the effect they will have. I have given this undertaking.

Because of his business background, the honourable member may have some particular knowledge of the matter and he can give us the benefit of that knowledge. The avenues which will be open to anyone in business will be open to the honourable member and he can take advantage of them.

It may well be that the regulations are to be gazetted between sessions and it would not be convenient to inform members of the contents. I therefore feel I cannot give an undertaking but I inform the honourable member, because of his particular interest, I will let him look at the regulations before they are gazetted. However, this could depend on circumstances and I could not give a firm undertaking—the honourable member may be overseas or enjoying himself in his own electorate of Bunbury. However, I will keep the suggestion in mind, although I hope the honourable member will forgive me if I forget.

Clause put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

PREVENTION OF EXCESSIVE PRICES BILL

Third Reading

MR. TAYLOR (Cockburn—Minister for Prices Control) [9.37 p.m.]: I move—

That the Bill be now read a third time.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [9.38 p.m.]: I wish to say a few words to the third reading of the Bill for two reasons. The first reason is to emphasise the fact that we oppose the Bill.

Mr. A. R. Tonkin: We didn't know that!

Sir CHARLES COURT: Some members will be even more strongly opposed to it in view of the attitude adopted by the Government yesterday. I refer specifically to the fact that the Minister said he would accept a particular amendment and some of us were then prepared to go along with it.

Mr. Taylor: What amendment is this?

Sir CHARLES COURT: The amendment moved by the member for Stirling when he sought to delete a subclause and insert a replacement. Some of us were prepared to support the amendment when we heard the honourable member's explanation. This was not because we thought it was a perfect amendment but because we thought it was an improvement on the original. However, the crunch came fairly quickly after the member for Fremantle spoke. The Minister made it clear that he would insist on retaining subclause (4).

Mr. Taylor: Can you trace the history of the development of the debate before I made that statement?

Sir CHARLES COURT: Yes. During the course of the debate on the particular clause, some discussions had taken place across the Chamber as to whether or not we should end clause 8 at subclause (3).

Mr. Taylor: Do you mean to delete subclause (4) altogether?

Sir CHARLES COURT: Yes. The Minister posed the question of ministerial responsibility. Then the member for Moore entered into it and, not completely agreeing with his colleague, the member for Stirling, made the point that the clause should end at subclause (3). I agreed with that.

The only reason we agreed with the amendment prior to that was that it was better than the original subclause (4). The member for Stirling was under no misunderstanding that this was the reason we were supporting the amendment. Even he received a great shock when he found the Government was going to insist on the original subclause (4). That is one of the reasons we believe the matter should be raised again tonight.

The other point I would like to make—and I am glad the Deputy Premier is in the Chamber—is that a tremendous amount of stonewalling occurred on the part of Government members. For some extraordinary reason the Deputy Premier got upset about that and decided to keep us here like schoolboys being kept in class.

Mr. H. D. Evans: Is that why you were calling "Divide" all the time?

Sir CHARLES COURT: Are we not entitled to divide?

Mr. H. D. Evans: Certainly, when there is some purpose; but you are talking about stonewalling. That is what you were doing.

Sir CHARLES COURT: On what matter did we divide unnecessarily or outside of our entitlement?

Mr. H. D. Evans: Certainly you are entitled to divide, but is was a fiddly, stonewalling effort.

Sir CHARLES COURT: Are we to be denied our rights? Let us not forget we had years of this when members opposite were in Opposition. We had night after night of unnecessary divisions and stupid things such as the calling of quorums.

Mr. Jamieson: You moved the gag.

The SPEAKER: Order!

Sir CHARLES COURT: In view of the fact that the matter has been raised, I want to tell the Deputy Premier—and I hope he will tell his Premier—that for one hour last Thursday morning there were no more than seven members on the Government benches, and for 1½ hours there were no more than 11. Had we wanted to play around all we needed to do was to take our members out of the Chamber. It is not our responsibility to keep the House. We do not need pairs; the Government needs them.

Mr. Graham: What has that to do with it?

Sir CHARLES COURT: I am making the point that we could hold up the business of the House if we wished to. I want to tell the Deputy Premier that his own members were objecting to the amount of time wasted by the stonewalling of the Minister for Labour in regard to the Bill. Even his own Premier intervened in the debate, and his remarks bore no relationship to the amendment moved by the member for Narrogin. So if we were angry last night, we were entitled to be so. The Government will receive no co-operation—which it needs in a House like this which is so evenly divided —

Mr. Graham: Your members spoke no less than 47 different times.

Sir CHARLES COURT: —if it does not appreciate that the Opposition must be given some consideration. My main purpose in speaking now—

Mr. Jamieson: That is absolutely hypocritical.

Sir CHARLES COURT: —is to make it perfectly clear that we are opposed to the Bill. Some people who might have been prepared to agree to the Bill with certain amendments are now even more opposed to the measure as a result of the attitude adopted by the Government last night.

MR. O'CONNOR (Mt. Lawley) [9.44 p.m.]: I think I adequately indicated my opposition to the Bill last night. However, I would like to say I am disappointed that the Minister did not see fit to provide us with certain information we requested. Members on this side of the House indicated quite clearly last night the various parts of the Bill which they felt were obnoxious, and they indicated their opposition to those parts.

However, information which I feel could have been made available by the Minister was not given in reply to the speeches of members. For instance, we still do not know what is to be the size of the department which will be established under the legislation. We still do not know who will control the department, where it will operate, or the annual cost of running it. This is a cost to the taxpayer.

Leaving medical practitioners out of it, because we had enough of them last night, the Government did not provide sufficient reason for the exclusion of Government departments and instrumentalities from the legislation. The questions raised were not answered satisfactorily. As I pointed out last night, much of the average man's pay packet goes toward payments to Government departments for electricity, water supply, rates, etc.; yet those charges may be raised to any level because the departments are excluded from the Bill. But manufacturers and industrialists who provide their own capital—not the taxpayers' money—do not have the same advantage. We have seen large increases in some Government charges in the last few months—increases in price which have been greater than the increases in price of any other commodities.

I would like again to indicate my opposition to the whole Bill. I am most disappointed that the questions we raised were not answered. I hope the Bill does not pass through both Houses.

MR. W. A. MANNING (Narrogin) [9.45 p.m.]: I would like to record one point in case it is needed in the future if the Bill is not passed. The amendments which were moved to the Bill last night were defeated on the casting vote of the Chairman of Committees. The Chairman was able to secure his casting vote only by virtue of the fact that the Speaker was brought into the Chamber to vote. That made the numbers equal, and enabled the Chairman to give his casting vote. I would like members opposite to realise just what a mandate they have when it is necessary to bring the Speaker into the Chamber to make the numbers equal so that amendments may be defeated on the casting vote of the Chairman.

MR. BURKE (Perth) [9.46 p.m.]: Members of the Opposition say they are concerned for the welfare of the taxpayers of Western Australia. However, their most recent expressions of opinion bear out my belief that the present Opposition—and this also applied when it was in Government—stands to promote the welfare of areas of vested interest which will continue to profit and, in fact, profiteer, if we do not bridle the uncontrolled right they have at present.

The present Government seeks to promote the interests of the people of Western Australia.

Mr. W. A. Manning: I do not think the honourable member was even in his place last night.

Mr. BURKE: The Opposition would have us believe it is concerned for the public also, but it is not. By this measure we are merely seeking to ensure that justice is done and seen to be done. The Opposition wishes to preserve the rights of profiteers and that small percentage—

Sir Charles Court: Another speech for the *Daily News* tomorrow.

Mr. BURKE:—of the people of Western Australia—that 27 per cent.—represented by the Liberal Party members of the Opposition.

MR. BERTRAM (Mt. Hawthorn) [9.48 p.m.]: As further time is being wasted by idle repetition, I would like to place on record something which is not repetition but which I think should be said in order that the record may be straight.

Sir Charles Court: Legal fees, is it?

Mr. BERTRAM: The Opposition would have the House believe, and more particularly, it would have the public believe—the Joe Blows; the people in the street—that it is opposed to price fixation.

Mr. T. D. Evans: You know, there is no prize for second. The Leader of the Opposition was the author of "Joe Blow."

Sir Charles Court: You had better have a word with your Minister of Agriculture.

The SPEAKER: Order!

Mr. BERTRAM: I think it is most important that the record be straightened. Members opposite are not opposed to price fixation.

Sir Charles Court: Who said?

Mr. BERTRAM: That is the point I want to get across. As the debate last night indicated, there is on the books a great welter of Statute law which has been there for years and amounts to unbridled price fixation. The present Opposition had control of the State for 12 years or thereabouts, and it had control of the other place.

Sir Charles Court: Just name some Statutes.

Mr. BERTRAM: I refer the Leader of the Opposition to those Statutes named in the Bill, as amended. The Opposition had 12 years in which to do something about completely erasing price fixation from the Statutes—

Sir Charles Court: Name which Statutes.

Mr. BERTRAM: —or even erasing some of them. But it erased none, and added others. So much for the Statute law on price fixation.

All the Bill does is to bring the position into balance so that one profession is not subject to price fixing whilst others are. Whilst the members of one profession who have an effect on part of the public have their prices fixed, the members of another profession who affect a wider area do not have their prices fixed.

Sir Charles Court: Did not your colleague say that the members of your profession like it the way it is?

Mr. BERTRAM: I am not distressed about that. If one profession is subject to price fixing then the others should also be placed in the same position. So much for the tremendous body of Statute law which has been on the books for many years and condoned, acquiesed in, and built upon by the Opposition. Let there be no mistake; that is what happened.

The members of the Opposition should say what happens to be true in part; that is, they are all for price fixation by bodies other than the people. That is the point that has to be made. If price fixation is done outside the Statutes the Opposition is content with it; they consider it can be administered effectively and efficiently. However, the moment the people want price fixing it cannot be done effectively and efficiently. The Opposition puts up the argument there is too much red tape, or that something else is wrong and that price fixation simply cannot work. There is no doubt that the Opposition, wherever it is possible, wants price fixation other than by the people. They want price fixation by the people concerned; by the immediate vested interests.

To give an example, the Opposition would like the accountants to subject themselves to price fixation. They would like the real estate agents to fix prices themselves, and they do, and so it goes on. One could quote limitless examples, but since this is the time for placing such matters on record I am taking the advantage of placing my comments on record for the first time; not for the second or third time.

During the course of this debate the Opposition has said—

Mr. O'Connor: That fair competition is sound.

Mr. BERTRAM: —that the Bill is aimed at price fixation completely, despite the fact that the Minister has desperately stated that it is aimed at the person who wants to exploit his fellow man, and nothing more. This is what has happened in other States. I invite any person reading *Hansard* to satisfy himself about this.

Mr. O'Connor: It has happened with the Government here.

Mr. BERTRAM: Nobody is particularly concerned about fair competition; we are worried about unfair competition. The Minister has indicated that that is all he is interested in. Surely it is expressing a jaundiced opinion if somebody says we cannot trust the Minister.

Question put and a division taken with the following result:—

Ayes—19

Mr. Bateman	Mr. Jamieson
Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Bryce	Mr. McIver
Mr. Burke	Mr. Moller
Mr. Davies	Mr. Sewell
Mr. H. D. Evans	Mr. Taylor
Mr. T. D. Evans	Mr. A. R. Tonkin
Mr. Graham	Mr. Harman
Mr. Hartrey	*(Teller)*

Noes—19

Sir David Brand	Mr. Reid
Sir Charles Court	Mr. Ridge
Mr. Coyne	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Thompson
Mr. Hutchinson	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	*(Teller)*

Pairs

Ayes	Noes
Mr. Brown	Mr. O'Neil
Mr. Bickerton	Mr. Mensaros
Mr. May	Mr. Lewis
Mr. Cook	Mr. Stephens
Mr. J. T. Tonkin	Dr. Dadour
Mr. Fletcher	Mr. Blaikie

The SPEAKER: The voting being equal, I give my casting vote with the Ayes.

Question thus passed.

Bill read a third time and transmitted to the Council.

MEMBER FOR BLACKWOOD

Resignation: Statement

MR. REID (Blackwood) [9.58 p.m.]: Mr. Speaker, may I have your permission to make a personal statement?

The SPEAKER: The member for Blackwood seeks leave of the House to make a personal statement. If there is a dissentient voice leave will not be granted. As there is no dissentient voice, leave is granted.

Mr. REID: I thank you, Mr. Speaker, and I thank the Deputy Premier for providing me with this opportunity to say a few brief words.

I wish to give notice that at the rising of the House this evening I will offer my resignation as member for Blackwood in this Assembly. It is not my intention to give the reasons for my doing this. Members will know that the seat has been abolished.

The brief period I have been a member of the Legislative Assembly has undoubtedly been the most challenging and, at the same time, the most rewarding of my entire life. As has already been stated in this House on a number of occasions, it is a tremendous honour to be a representative of the people in the Parliament of Western Australia, and one is consciously aware of the responsibility of this office.

During the time I have been a member of this Chamber I have seen the Premier of Western Australia, who has been a member of this House for 39 years, leading the Government for its second term. I have seen the member for Balcatta, who has also had a very long history as a member of this House—of some 29 years—assume the office of Deputy Premier.

I saw the member for Greenough, Sir David Brand, step down from the leadership of the Liberal Party and from the position of Leader of the Opposition after a record term as Premier of Western Australia. I saw the present Leader of the Opposition, Sir Charles Court, take the place of Sir David Brand. I have served under the member for Katanning, The Hon. Crawford Nalder, who is the leader of my party.

These are the experiences I will value all my life, and I am very grateful for the many friends I have made and with whom I have been associated from all political parties. I thank you, Mr. Speaker, and the Government for providing me with this opportunity to make a statement.

[*Applause*]

House adjourned at 10.01 p.m.

Legislative Council

Tuesday, the 31st October, 1972

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

QUESTION WITHOUT NOTICE

ELECTRICITY SUPPLIES

Red Bank Power House

The Hon. J. L. HUNT, to the Leader of the House.

(1) Owing to the demand for power in Port Hedland, is it the intention of the S.E.C. to increase the capacity of the Red Bank power house at Port Hedland?

(2) If so, what is the intended increase and what was the capacity of the original power house?