

We dealt with that earlier. The article goes on—

This would mean serving a log on every employer, even if he had only one employee, and would involve the unions in extra work and expense.

There was a meeting held on Monday evening, regarding which it was reported—

The executive of the Trades and Labor Council yesterday afternoon drafted recommendations for a meeting of the council tonight on future action by unions in opposition to the Bill.

Mr. Coleman said later that the text of the recommendations would be withheld until the meeting tonight.

We do not know what those decisions will be. As a consequence, I believe it is necessary to delete all words after the word "now" in order to give members on this side of the House some breathing space in which to investigate the points put forward by the Trades and Labor Council.

MR. O'NEIL (East Melville) [2.27 a.m.]: I move—

That the House do now divide.

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

Ayes—23

| | |
|----------------|-------------------|
| Mr. Bovell | Mr. Lewis |
| Mr. Brand | Mr. I. W. Manning |
| Mr. Burt | Mr. W. A. Manning |
| Mr. Cornell | Mr. Mitchell |
| Mr. Court | Mr. Nalder |
| Mr. Craig | Mr. Nimmo |
| Mr. Crommelin | Mr. O'Connor |
| Mr. Dunn | Mr. Runciman |
| Mr. Grayden | Mr. Wild |
| Mr. Guthrie | Mr. Williams |
| Dr. Henn | Mr. O'Neil |
| Mr. Hutchinson | |

(Teller)

Noes—22

| | |
|---------------|---------------|
| Mr. Brady | Mr. Kelly |
| Mr. Davies | Mr. D. G. May |
| Mr. Evans | Mr. Moir |
| Mr. Fletcher | Mr. Norton |
| Mr. Graham | Mr. Oldfield |
| Mr. Hall | Mr. Rhatigan |
| Mr. Hawke | Mr. Rowberry |
| Mr. Heal | Mr. Sewell |
| Mr. J. Hegney | Mr. Toms |
| Mr. W. Hegney | Mr. Tonkin |
| Mr. Jamieson | Mr. H. May |

(Teller)

Pairs

| | |
|------------|---------------|
| Ayes | Noes |
| Mr. Hart | Mr. Curran |
| Mr. Gayfer | Mr. Bickerton |

Majority for—1.

Motion thus passed.

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

Ayes—22

| | |
|---------------|---------------|
| Mr. Brady | Mr. Kelly |
| Mr. Davies | Mr. D. G. May |
| Mr. Evans | Mr. Moir |
| Mr. Fletcher | Mr. Norton |
| Mr. Graham | Mr. Oldfield |
| Mr. Hall | Mr. Rhatigan |
| Mr. Hawke | Mr. Rowberry |
| Mr. Heal | Mr. Sewell |
| Mr. J. Hegney | Mr. Toms |
| Mr. W. Hegney | Mr. Tonkin |
| Mr. Jamieson | Mr. H. May |

(Teller)

Noes—23

| | |
|----------------|-------------------|
| Mr. Bovell | Mr. Lewis |
| Mr. Brand | Mr. I. W. Manning |
| Mr. Burt | Mr. W. A. Manning |
| Mr. Cornell | Mr. Mitchell |
| Mr. Court | Mr. Nalder |
| Mr. Craig | Mr. Nimmo |
| Mr. Crommelin | Mr. O'Connor |
| Mr. Dunn | Mr. Runciman |
| Mr. Grayden | Mr. Wild |
| Mr. Guthrie | Mr. Williams |
| Dr. Henn | Mr. O'Neil |
| Mr. Hutchinson | |

(Teller)

Pairs

| | |
|---------------|------------|
| Ayes | Noes |
| Mr. Curran | Mr. Hart |
| Mr. Bickerton | Mr. Gayfer |

Majority against—1.

Amendment thus negated.

Debate (on motion) adjourned, on motion by Mr. J. Hegney.

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

House adjourned at 2.36 a.m.

(Wednesday).

Legislative Council

Wednesday, the 6th November, 1963

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

QUESTIONS ON NOTICE WATER FOR DOMESTIC CONSUMERS

Price and Consumption

1. The Hon. D. P. DELLAR asked the Minister for Mines:

(1) What is the current price per 1,000 gallons for water supplied to domestic consumers at the following centres:—

- (a) metropolitan area;
- (b) Merredin;
- (c) Geraldton;
- (d) Kalgoorlie;
- (e) Bunbury; and
- (f) Norseman?

(2) What is the actual consumption of water in each of these centres, over a twelve-month period?

The Hon. A. F. GRIFFITH replied:

(1) (a) Allowance for rates or annual charges—2s. per 1,000 gals.

Excess Water—

If rates or annual charges paid by the 30th November—2s. 6d. per 1,000 gals.

If rates or annual charges not paid by the 30th November—2s. 9d. per 1,000 gals.

(b) Water Allowance—1,000 gals. for each 4s. 6d. in the rates. For the first 10,000 gallons in excess of allowance:—

2s. 9d. per 1,000 if rates paid prior to the 10th March; 3s. 3d. per 1,000 if rates are not so paid; then 2s. 6d. per 1,000 gallons over the first 10,000.

(c) Water Allowance—1,000 gallons for each 4s. in the rates. 3s. per 1,000 gallons in excess of allowance.

(d) Water Allowance—1,000 gallons for each 4s. 6d. in the rates.

For the first 5,000 gallons in excess of allowance:—

3s. per 1,000 if rates paid prior to the 10th September; 3s. 3d. per 1,000 if rates are not so paid; then 2s. 6d. per 1,000 gallons over the first 5,000.

(e) Water Allowance—1,000 gallons for each 2s. 8d. in the rates.

1s. 3d. per 1,000 gallons for first 20,000 gallons in excess of allowance.

1s. per 1,000 gallons for all over 20,000 gallons.

(f) Water Allowance—1,000 gallons for each 4s. 6d. in the rates.

For the first 5,000 gallons in excess of allowance:—

3s. per 1,000 if rates paid prior to the 10th September; 3s. 3d. per 1,000 if rates are not so paid; then 3s. 3d. per 1,000 gallons over the first 5,000.

(2) Domestic Water Consumption in 1962-63 Year:

(a) 8,866,960,000 gallons.

(b) 45,169,000 gallons.

(c) 193,965,000 gallons.

(d) 255,205,000 gallons.

(e) The Bunbury water supply is not controlled by the Public Works Department, but by the Bunbury Water Board and this information is not readily available.

(f) 39,982,000 gallons.

LAND AT ESPERANCE

Availability for Selection

2. The Hon. G. BENNETTS asked the Minister for Local Government:

(1) Is the Minister aware of the large area of valuable land vacant on the eastern side of Esperance?

(2) As land is in demand in the Esperance district, will the Government consider making this land available for selection?

The Hon. L. A. LOGAN replied:

(1) The vacant Crown land east of Esperance for a distance of approximately 60 miles has been set apart for selection by Esperance Land and Development Company under an agreement between the company and the State. Development of this area is proceeding in the terms of the agreement.

(2) Partly developed farm units in the area referred to will in due course be offered for sale by the company.

This may not be the area to which the honourable member referred. If it is not, I would ask him to define it more explicitly, and then we will obtain the answer.

LICENSING ACT AMENDMENT BILL (No. 2)

Further Recommittal

Bill again recommitted, on motion, by The Hon. A. F. Griffith (Minister for Justice), for the further consideration of clause 10.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clause 10: Section 28 amended—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 6, lines 11 to 18—Delete all words after the word "Act" down to and including the word "provisions."

Yesterday evening Mr. Robinson moved to insert into this particular clause the words "forty-two, forty-three, forty-four." The proposed new subsection as it now stands provides that sections 57 and 58, and the other three sections to which I have just referred, would be excluded from the Bill. The honourable member did this to make sure that the condition which he thought might pertain did not, in fact, occur. I accepted the amendment because it looked to be all right. I have since had an opportunity of examining the situation and I find it is not all right for two reasons. There are a couple of other sections in the Bill which should also be expressly excluded, and without the expressed exclusion of these other two sections there might be a grave doubt about the particular clause limiting the provisions to sections 42, 43, 44, 57 and 58.

The amending clause provides that a licensee shall not hold two licenses unless it is otherwise expressly provided in the Act. To ensure that we knew what we were talking about the draftsman put in sections 57 and 58 because they specifically deal with cases where two licenses can be held.

Sections 57 and 58 are the exclusions. We wanted to ensure that there would be no confusion in respect of those two sections, and they were put into the clause. This clause, as it now reads, is a general cover clause which says—

Except where this Act provides otherwise—

That means, where there is any provision in the Licensing Act giving special provision and except where that is given. The clause continues—

—a person who is the holder of a license under this Act shall not during the continuance of the license be or become the holder of any other license.

The exceptions under the Act are all those things that are covered under sections 42, 43 and 44, and the other two sections to which I have referred. I found two other sections, which from memory are 44A and 44G. There may be others in the Act. If we deal with the matter in this way and others are subsequently found, there will

be some ambiguity concerning Parliament's intention. I am suggesting to the honourable member that the best method of tidying this up—and I have conferred with the draftsman on this point—would be to start again and take out not only what Mr. Robinson put in, but also other words. The clause would then read—

Except where this Act provides otherwise, a person who is the holder of a license under this Act shall not during the continuance of his license be or become the holder of any other license under this Act.

The rest of the words in the clause would be taken out. This provision will exempt anybody from holding two licenses under the Act, except where otherwise provided under the Act.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I would like to make it perfectly clear that the insertion of the provision concerning sections 57 and 58 was to make quite sure that there was no ambiguity about two licenses being held by the same person. The sections concerned deal with transfer and bankruptcy. Rather than be sorry, it is better to be sure and remove any ambiguity that might occur.

The Hon. H. R. Robinson: It would not be applicable to two hotels.

The Hon. A. F. GRIFFITH: No. It would be applicable only in regard to the transfer of one of two licenses when the transfer of one license was in mid-air. It could be due to a bankruptcy case or to a death, where two licenses might be held by the same person. Both those cases, and the other cases, are exceptions, and are provided for.

Clause, as further amended, put and passed.

Further Report

Bill again reported, with a further amendment, and the report adopted.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) (4.52 p.m.): I move—

That the Bill be now read a second time.

This Bill implements a Budget proposal to increase the fee payable on application for a motor driver's license from 10s. to £2. The present fee is inadequate to meet the cost of testing and registration of new drivers. The purpose of the Bill also is to bring in additional revenue with a view to keeping revenue deficits within manageable proportions.

It is desired to stress the importance of taking such necessary steps to conserve loan funds for capital works. It is expected that the increased license fee will bring in a further £19,000 during the remaining portion of the current financial year, and £38,000 in a full year. Though not of substantial proportions, such increased revenue will help to meet increasing traffic costs.

As with the present 10s. fee, the new fee of £2 will apply only in respect of an application for the initial licence. It will not be a recurring charge against applicants.

Debate adjourned, on motion by The Hon. W. F. Willesee.

STAMP ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.54 p.m.]: I move—

That the Bill be now read a second time.

This measure is one of several designed to raise additional revenue necessary for the financing of increased expenditure from the Consolidated Revenue Fund.

As was indicated by the Treasurer, when introducing the Budget, a deficit of more than manageable proportions would face the Government unless revenue collections were increased. An increase in revenue would also be helpful towards avoiding a continuing drain on loan funds as a consequence of revenue deficits.

The procedures enforced by the Commonwealth Grants Commission in determining the special grant for this State require us in effect to maintain comparability with New South Wales and Victoria, which are the standard States.

New South Wales in particular has found it necessary to increase taxation and charges of varying kinds in order to keep pace with the community's demands for expanding social services. There is no alternative, if we are to meet similar demands, other than to increase our taxes or finance more heavily from loan funds, through the funding of revenue deficits, at the expense of our works programme of schools, hospitals, harbours, water supplies, and such like, all of which retain their own importance.

Though Victoria may not be raising its taxes this year, so retaining a *status quo* in the standard in that regard, it should not be overlooked that Victoria has budgeted for a deficit of £2,477,000. That figure will need to be found from loan moneys as a deficit funding measure. We certainly have not loan fund surpluses available for such a purpose.

Capital funds are needed in this State for its development. It is essential to conserve them for that purpose, so it is necessary to implement the Budget proposals for increasing revenue collections, which will assist in keeping the revenue deficit to a manageable figure. This measure proposes, for instance, that the initial licence for a new vehicle, and the transfer of a licence, shall be charged with *ad valorem* duty in respect of the value of the motor vehicle to which the licence or transfer relates.

Duty is to be assessed at the rate of 10s. for every £100, and also for any remaining fractional part of £100 of the value of the motor vehicle to which the licence or transfer relates.

Motor vehicle registrations, which numbered 67,000 odd on the 30th June, 1946, numbered 178,000 odd 10 years later. This had increased to nearly 212,000 by the end of June, 1960, and at the present time the figure exceeds 255,000. The fact that we have one vehicle to every 3.02 persons in this State indicates the impact of motor vehicles on our way of life.

Parallel with this increase in registration has been the need to expend substantial funds on the provision of roads and their maintenance. The cost of police supervision and control of traffic, which is an important aspect of road safety, has assumed an increasing charge on the Budget.

There has been need to expand the force in recent years in terms both of personnel and equipment. The Police Force, along with other sections of the community, shares in the recently granted benefits of increased annual leave entitlements and higher rates of pay. Only recently it was necessary to make provision for an additional £60,000 not envisaged when the Budget was being prepared. This was necessary to cover salary increases during the current year. Additionally, a further 27 police officers are to be recruited in February next to cope with the incidence of increased annual leave on the effective working strength of the force.

In spite of all this, the number of motor vehicle accidents is increasing. Last year no fewer than 18,948 inquiries were carried out by the police.

Apart from the cost of these necessary police inquiries, there is the unhappy aspect of the impact such accidents have on hospital finances. These are often exceptionally heavy on account of unfortunate circumstances which render specialised surgical and other attention necessary.

Our net *per capita* expenditure on hospitals has been so much in excess of the average of New South Wales and Victoria that there is a need to increase hospital

fees. It has been necessary to provide substantially increased finance for the adequate maintenance of hospitals. An additional £543,000 was required from Consolidated Revenue for that purpose.

The Government, having regard to the factors enumerated in the foregoing explanation, believes it is reasonable to expect motor vehicle owners to make an additional contribution to Consolidated Revenue so that we may better meet the financial burdens imposed by the rapid and continual growth in motor vehicle registration on the State.

New South Wales imposed a similar duty last financial year, so altering our relative position with respect to State taxation as assessed by the Grants Commission. As a result, our adjustment for relative severity of taxation will now contain an unfavourable element, which we are in no condition to afford to ignore.

Duty is payable under the provisions of this Bill when a vehicle is first licensed, or when a licence is transferred. It is not payable on the ordinary renewal of a licence, or where a fee is not charged for the issue of a licence.

The exemptions from duty which will apply are: where a vehicle belongs to the Crown; belongs to a local authority; belongs to the Fire Brigades Board or any other fire brigade, if the vehicle is used exclusively for purposes connected with the prevention and extinguishing of fires; is used exclusively as an ambulance; is owned and used by a minister of religion, but only in respect of one vehicle where the minister owns more than one vehicle. Exemption will also apply in respect of a tractor—other than a prime mover—owned by a person who carries on the business of farming or grazing, and is used solely on his farm or pastoral holding and is not used on a road otherwise than in passing from one portion of the farm or holding to another portion of the farm or holding; and also, in respect of a trailer constructed and used solely for the purpose of carrying a gas producer or other motive power-producing plant to propel a vehicle and to carry fuel for that vehicle.

Licences are also granted free of charge to a wide range of charitable and public bodies. These institutions will accordingly not be required to pay duty. Duty will not be paid by dealers where vehicles have been licensed or acquired for the purpose of resale or demonstration.

It has been estimated the passing of this measure will bring in a further £280,000 for a full year, and £125,000 in this financial year on the assumption that it operates from the 1st January next.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 8 repealed and section substituted—

The Hon. F. J. S. WISE: I move an amendment—

Page 4, line 28—Delete the word "seven" and substitute the word "eight".

My obvious purpose is that the board shall consist of eight members instead of seven. The principle contained in it is on all fours with the State Electricity Commission, and the Act which governs it. Members will find that the State Electricity Commission Act contains provision for the employees of the commission to have representation. Parliament went further than that and said the appropriate branch of the Australian Workers Union should be consulted, and names submitted by it for selection of a person to be nominated to the commission. That is the position of the State Electricity Commission, which has been mentioned as being parallel with this sort of legislation.

I differ from the Minister on the expressed view that the purpose of this Bill is on all fours with the State Electricity Commission legislation, for the very obvious reason that one is a lot of inconsistency drawn together under one heading, whereas this is taking over one instrumentality to operate under a different form, or heading, of control. My amendment is also parallel with every primary producers' board in the State. I recall many Bills I introduced into Parliament dealing with potatoes, onions, and marketing boards, to which no objection was taken, whether they were dealing with a consumers' representative being on the trust, the market trust, or a representative being on a marketing board.

So the principle has been accepted in all cases of marketing boards, whether they be defunct or still in operation. The intention is to have eight members on the board, in addition to the general manager who, we expect, will be the present Under-Secretary for Water Supplies. Of the others one shall be an engineer; one the Under-Treasurer, or an officer of the Treasury; one a representative of the City Council; two shall be members nominated from a panel of six names from the Local Government Association, and each to be appointed by the Governor. If this amendment is successful, I propose to move a further amendment which I have on the notice paper.

The Hon. L. A. LOGAN: I must ask the Committee not to accept the amendment. Although Mr. Wise's point of view may be fair enough, I do not think I said at any stage that this board was similar to the State Electricity Commission; apart from saying that if the board could emulate the State Electricity Commission in regard to borrowings, it would be all right. One representative is to be nominated by the Perth City Council, and two by the Local Government Association, and they could quite easily be union members. The Government is not nominating these people. The people nominated by the Perth City Council and the Local Government Association are to be ratepayers. So there will be three men representing the ratepayers—the general community—on the board. The Perth City Council has been given the right to nominate from outside its councillors, and it could pick a ratepayer within the City of Perth as a representative on the board.

The Hon. J. Dolan: The clause does not say that he shall be a ratepayer, or even that he shall live in the City of Perth. He could come from anywhere.

The Hon. L. A. LOGAN: Does not the honourable member think the City of Perth would nominate somebody from its own area?

The Hon. J. Dolan: What it might do and what is in the Bill are two different things.

The Hon. L. A. LOGAN: I still maintain that the wording says it should nominate a representative from the ratepayers. Surely it would not nominate the mayor of Esperance, as was suggested.

The Hon. J. Dolan: I said that was possible.

The Hon. L. A. LOGAN: Because of the diversity and numbers of local authorities affected it would be difficult for them to decide on a panel of names for submission to the Minister. That is why it is stated that it must be either a councillor, a president, or a mayor. I have met a good many councillors and mayors, and I would say they come from all walks of life and avenues of employment. Whilst the nominee is not classified as a union representative he is certainly representing the people who are footing the Bill. After all, we are all ratepayers, so the nominee will, I think, be a ratepayer; and these representatives will, I am sure, only make decisions in accordance with policy laid down for the benefit of the community. I see no reason why we should increase the number on the board.

The Hon. G. BENNETTS: I support the amendment. It is funny there should always be opposition to a member of a union sitting on a board. How would the ratepayer members be elected? Would it be by ballot or by picking the names out of a hat? If either were the case it would be all right.

Some of the boards can be stacked against the workers or ratepayers. In other words, the chairman could pick out a person he thinks would be his mate. Therefore I would like a representative of the union in order to keep harmony.

Point of Order

The Hon. A. L. LOTON: On a point of order, I would ask your ruling as to whether this amendment is in order. In view of the provision contained in clause 120—that portion of the funds for the functioning of the board is to be appropriated by Parliament—there must be some draw on the Treasury. It is for this reason I ask your ruling.

The CHAIRMAN (The Hon. N. E. Baxter): I will leave the Chair until the ringing of the bells.

Sitting suspended from 5.17 to 5.28 p.m.
Chairman's Ruling

The CHAIRMAN (The Hon. N. E. Baxter): Mr. Loton has raised the question as to whether this amendment is in order. My ruling is as follows:—

I consider the amendment is quite in order. Under clause 8 no amount is specified as the remuneration of board members, and the funds necessary for the functioning of the board will come from several sources as mentioned in clause 120. In my opinion, there is no effective imposition of additional charges.

I therefore rule the amendment in order.

Dissent from Chairman's Ruling

The Hon. A. L. LOTON: With due respect, I must disagree with your ruling because, in my opinion, the amendment would definitely impose a charge upon the Crown. It does not have to be any specific amount. We were dealing with the Fire Brigades Board last night, and a sum of, I think, £1,300 was set aside for the expenses of the board members. That sum is mentioned. Therefore, whether the number is increased from eight to nine or from nine to 10 is beside the point.

The CHAIRMAN (The Hon. N. E. Baxter): I refer the honourable member to Standing Order No. 255.

The Hon. A. L. LOTON: Very well. I will state my objection in writing.

The CHAIRMAN (The Hon. N. E. Baxter): I would like the honourable member to say under what Standing Order or section of the Constitution Acts Amendment Act he disagrees with my ruling.

The Hon. A. L. LOTON: You, Sir, drew my attention to Standing Order No. 255, and I have objected to your ruling as required; and I have stated in my objection that I maintain this is a charge on the Crown under the Constitution Acts Amendment Act.

I might say, Sir, it would be a good deal easier, seeing that I have raised a Point of Order, if I were handed a copy of your ruling so that I could have a look at it. It is somewhat difficult to hear what you say from the Chair.

The CHAIRMAN (The Hon. N. E. Baxter): I gave a verbal ruling to save time. My ruling is now in the process of being typed.

[The President Resumed the Chair]

The CHAIRMAN (The Hon. N. E. Baxter): I have to report that Mr. Wise moved an amendment to clause 6, and Mr. Loton requested my ruling on the amendment. I ruled that the proposed amendment was in order, and Mr. Loton has now objected to my ruling.

The PRESIDENT (The Hon. L. C. Diver): I will leave the Chair until—

The Hon. A. F. GRIFFITH: Before you leave the Chair, Sir, I suggest that the Chairman of Committees should put this matter to you in the right concept and say why the ruling was given. Mr. Loton, as I understand the position, asked whether Mr. Wise's amendment imposed a charge and therefore infringed the Constitution Acts Amendment Act. I think you know all this, Sir, but you only know it unofficially.

The PRESIDENT (The Hon. L. C. Diver): I am prepared to hear debate.

The Hon. A. L. LOTON: Unfortunately I still have not received a copy of the Chairman's ruling, so I will address my remarks to you, Sir, as I was previously addressing them to him.

I have raised the Point of Order because the Constitution Acts Amendment Act at page 167 of our Standing Orders says in section 46 (3)—

The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

The Chairman, in ruling against my Point of Order, said that there is no specific amount mentioned in the Bill and therefore there is no direct charge on the people. Because of the wording of clause 120 of the Bill, there is no doubt in my mind that there must be a charge on the Crown. Clause 120 has this to say—

The funds necessary for the effectual exercise by the Board of the powers conferred on it by this Act shall be—

(a) such moneys as are from time to time appropriated by Parliament for that purpose.

Point of Order

The Hon. F. R. H. LAVERY: When Mr. Loton addressed you just now, Sir, he said that he raised his Point of Order under the Constitution Acts Amendment Act. I regret that he did not. All members would know that he raised his Point of Order

under clause 120 of the Bill. He did not mention the Constitution Acts Amendment Act in any way whatsoever.

Debate (on dissent) Resumed

The PRESIDENT (The Hon. L. C. Diver): Order! The Hon. Mr. Loton may proceed.

The Hon. A. L. LOTON: I am in some doubt as to what Mr. Lavery is getting at.

The Hon. F. R. H. LAVERY: I was just thinking the same about you.

The Hon. A. L. LOTON: That is all right. If the honourable member will listen for a few moments, I will try to explain matters in plain language that he may understand.

Point of Order

The Hon. F. R. H. LAVERY: On a Point of Order, Sir, the Chairman has been at a disadvantage because he was not asked the questions that you are now being asked by the honourable member.

The PRESIDENT (The Hon. L. C. Diver): I point out to Mr. Lavery that I will make such determinations in due course.

The Hon. F. R. H. LAVERY: Thank you.

Debate (on dissent) Resumed

The Hon. A. L. LOTON: Mr. Wise moved to alter the wording of clause 6 of the Bill in order to increase the membership of the board by one. The measure says that the remuneration of the members of the board shall be a sum recommended by the Governor—an unspecified sum, and therefore we do not know what it will be. Clause 120 provides—

The funds necessary for the effectual exercise by the board of the powers conferred on it by this Act shall be—

(a) such moneys as are from time to time appropriated by Parliament for that purpose.

Money, in order to be appropriated, has to be voted by Parliament, and the vote can only come from the Treasury bench. There is no other way of Parliament appropriating money. Therefore whether the members are paid £1,000 or 10s. is dependent on the recommendation of the Governor, and it is a charge on the Crown, in my opinion; and it is on those grounds that I asked the Chairman whether the proposed amendment was in order. The Chairman has ruled that the amendment is in order. I have disagreed with his ruling and now I have stated my case to you.

The Hon. G. C. MacKINNON: There is a parallel case in *Hansard* of 1946, page 2957, where this House did precisely what is being done now; or what it did was precisely the same in effect. At the time the State Housing Bill was being considered and an amendment had been moved to delete one unpaid member from the board for the purpose of providing for a woman

to go on the board—actually replacing an unpaid member, a civil servant, with a woman member. The amendment was sent to the Assembly—it was not picked up here. Mr. Fox was in the Chair when the matter was dealt with in the Assembly, and the Premier had this to say—

I regret that this aspect entirely missed my notice when we were drawing up reasons for disagreeing to the amendments. I ask your ruling, Mr. Chairman, whether it is valid for the Legislative Council to move in this way to impose a charge on the Crown.

The Chairman said—

This conflicts with subsection (3) of section 46 of the Constitution Act which reads—

The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

It is not within my power to rule the amendments out of order, this being a Council matter.

There was some further discussion, and the amendment was disallowed—the Assembly just disagreed with it and stated as its reason that it continued to disagree.

There are a number of other cases recorded in *Hansard* where the same thing has happened, and each time this ruling has been applied by various Chairmen. I have mentioned the particular instance in 1946 because it is so parallel to the present case.

The question resolves itself, I feel, on an understanding of what is meant by “effectively imposed”. *May* deals with this point; and I shall refer to *May* although that authority has no application to this Chamber other than by usage, because our Standing Orders contain no authority to refer to House of Commons rules; and *May* is perhaps, 95 per cent. House of Commons and 5 per cent. House of Lords. *May* deals fairly clearly with “effective expenditure”; and, in this case, I agree with Mr. Loton that the expenditure under the Bill is not fixed. Therefore this charge is effectively imposed.

The examples given in *May* are the sort where an exact sum of money is allocated; and where an exact sum of money is allocated, it does not matter whether the board is increased by 20, because no further expenditure can be imposed. *May* mentions such things as Queen Anne's Bounty where the actual sum of money is set aside, and fixed and determined, and it would not matter if one or 1,000 people were on the pay roll, because when the money runs out, that is the finish; but that is not the position with the Bill before us. In this instance, the money voted by Parliament must vary depending on whether we have 50 or 50,000 people on the board; and if

the money to be voted by Parliament does vary, then unfortunately the amendment is out of order.

That is quite specific under *May's* definition. There are many pages in *May* on this subject and they need to be read in order to get an appreciation of the point. I quoted the case in *Hansard* because it is so parallel to the present one, being the matter of an extra paid person on a board.

The Hon. N. E. Baxter: Were these conditions existing then?

The Hon. G. C. MacKINNON: There were actually three members nominated to the board, and the Premier on that occasion had this to say—

I intended to move that the Assembly continue to disagree to the amendments insisted upon by the Council. Before doing that, I would like to ask for a ruling. Amendments Nos. 1 and 2 concern the appointment to the housing commission of a woman. To achieve that objective, a private member of the Legislative Council moved to strike out the word “three” in Clause 9 and insert the word “two.” The Council agreed. It decided to insist on there being only two public servants appointed and that another person be added who shall be a woman. Clause 12 prescribes that the members of the commission other than the three who are officers of the Public Service may be paid and receive fees and allowances. The Council's amendments mean that the Council has moved to impose a charge upon the Crown, inasmuch as it has proposed to take from the board one unpaid member and to appoint a paid member in his place. I regret that this aspect entirely missed my notice when we were drawing up reasons for disagreeing to the amendments.

It is on those ground that I support Mr. Loton.

The Hon. F. J. S. WISE: Any motion of this kind moved to disagree with a Chairman's ruling, or a President's ruling, or a Speaker's ruling, can bring forward arguments year after year differing very substantially, and not at all in parallel. One could undertake research of *Hansard* and find no absolutely parallel cases upon which to determine such an issue. But it does get back primarily to the two aspects which were mentioned by Mr. MacKinnon: where the charges are new and distinct; and where the expenditure is effectively imposed.

May goes into quite lengthy detail on the pros and cons of those aspects and you, yourself, Mr. President, have given rulings in the past on them. There is in this case a much more important angle to consider and that angle is contained in the Bill itself. The very clause mentioned by Mr. Loton to buttress his case—clause 120—gives a full and distinct

reason why the amendment is in order; and wholly, not substantially, in order. Clause 120 gives the authority for expenditure by the board and the relevant portion reads as follows:—

(1) The funds necessary for the effectual exercise by the Board of the powers conferred on it by this Act shall be—

- (a) such moneys as are from time to time appropriated by Parliament for that purpose;
- (b) all revenue received by the Board for rates, charges, or rents and all other moneys whatsoever received by the Board under the authority of this Act; and
- (c) such moneys as the Board may borrow under and subject to the provisions of this Act.

The sums will be unlimited in their appropriation by Parliament and unlimited in their collections for unspecified purposes entirely; and one cannot detach the identical moneys to be paid to this board from the moneys appropriated by Parliament, even though they might be specific.

The Hon. A. L. LOTON: For the same reason, they cannot be divorced.

The Hon. F. J. S. WISE: There certainly seems to be considerable doubt that a new charge will be imposed, and, certainly, a doubt as to whether it will be a specific charge levied upon a specific body. But it is neither. In the three provisions in clause 120 there is opportunity for this board to have money available to it for any matter or for any expenditure, ordinary or extraordinary, necessary for its functioning.

The Hon. N. E. BAXTER: Mr. MacKinnon referred to our usage of *May* and stated that *May* was for use by the House of Commons; but one has to trace this principle back to the early days, and to the power which Kings had over money matters. If we put this matter to a test and apply the principle of *May* as to what constitutes a charge on the Crown or a burden on the people we will find it is clearly stated by *May*.

Point of Order

The Hon. A. L. LOTON: On a point of order, Mr. President, I have disagreed with the Chairman's ruling. Is he in order in stating his case on the floor of the House?

The PRESIDENT (The Hon. L. C. Diver): I know of nothing in Standing Orders that prevents the honourable member from stating his case.

The Hon. A. L. LOTON: Is there anything in Standing Orders to say he is entitled to speak?

The PRESIDENT (The Hon. L. C. Diver): There is nothing in Standing Orders to prevent the Chairman from speaking, and unless the House disagrees I propose to allow him to continue.

Debate (on dissent) Resumed

The Hon. N. E. BAXTER: May I point out that Standing Order No. 255 states—

If any objection is taken to a decision of the Chairman of Committees, the objection must be stated at once in writing. The Chairman shall thereupon leave the Chair and the Council shall resume. The matter having been reported to the President, the Members having addressed themselves thereto, the President shall give his ruling or decision, and, if the President's ruling or decision be not challenged, the proceedings in Committee shall be resumed where they were interrupted.

It does not say anywhere at all that the Chairman of Committees cannot enter the debate when the Council resumes.

Dealing with what constitutes a charge on the Crown or a burden on the people, reference to *May* will show that he uses a system and analyses whether an amendment moved creates either a charge on the Crown or a burden upon the people. This reference can be found in chapter 26, page 716, dealing with expenditure and financial resolutions. This section is commonly used on these matters. Unfortunately, I have not got a copy of *May* with me but he definitely states that unless there is set out in the Bill precise details showing that there is a charge or burden upon the Crown, the amendment moved is in order. This deals specifically with amendments moved in either House of Parliament; it refers to one House or the other. I maintain that I gave my ruling on that principle. Mr. MacKinnon has quoted what he claims to be a parallel.

The PRESIDENT (The Hon. L. C. Diver): Order! I would draw the honourable member's attention to the fact that I think it is highly undesirable for this House to further refer to a ruling in another place. Over the years this Chamber and the other place have disagreed over this very point. Therefore, I think it is highly undesirable to carry on and refer to the mention of records in the other place.

The Hon. N. E. BAXTER: With all due respect to you, Sir, I did not intend to quote a ruling of another place but to refer to a ruling given in this Chamber some years ago. Have I your permission to quote that ruling?

The PRESIDENT (The Hon. L. C. Diver): I prefer that you did not.

The Hon. N. E. BAXTER: Then any reference made by Mr. MacKinnon to previous rulings should also be disregarded by members.

The Hon. G. C. MacKinnon: We are not speaking to convince members but to put our views to the President. He may accept them or reject them as he sees fit.

The Hon. N. E. BAXTER: I understand, and stand corrected by Mr. MacKinnon. Regarding what constitutes a charge or a burden upon the people or the Crown, I agree with Mr. Wise, who mentioned clause 120. That is the clause under which Mr. Loton challenged the Bill, not under the Constitution Acts Amendment Act. He merely asked for my ruling as to whether this was a charge on the Crown under clause 120 of the Bill.

I maintain that, as money is to be appropriated by Parliament over a period from revenue received from rates and charges, etc., there is no additional burden imposed upon the Crown. The overall amount that the Crown will be appropriating will not be increased by this amendment going into the Bill.

The Hon. A. F. GRIFFITH: I feel constrained to say, without offering any offence to anybody, that I think it is totally wrong for the Chairman of Committees in this House to get up and justify, or endeavour to justify, a ruling that he has given. I think it is for members to debate and decide whether, in our opinion, the Chairman of Committees is correct in his approach, or you yourself, Sir, are. I realise there is nothing in Standing Orders to prevent Mr. Baxter from doing just what he has done, but I think it undesirable that he should carry on.

Another matter I feel constrained to mention is that we seem to have quoted to us in this House, when it becomes a question of a ruling, what is contained in *May*; what is the precedent laid down and established in *May's Parliamentary Practice*. This book is the book of rules which applies to the Mother of Parliaments, the British Parliament, but it certainly cannot override the Constitution that we have written for ourselves and under which we practise.

The Hon. F. J. S. Wise: And which we are consolidating.

The Hon. A. F. GRIFFITH: Yes, as Mr. Wise says, which we are consolidating. What is stated on this particular point is quite clear, but I am in doubt in my own mind, frankly, whether the amendment moved by Mr. Wise has application to section 46 of the Act. I am in doubt about that point, but I am in no doubt that the Constitution Acts Amendment Act is specific upon the point, stating that the Legislative Council may not amend a Bill so as to increase any proposed charge or burden upon the people. The authority that *May* gives regarding the practice has relatively

nothing to do with this case, because the Constitution Acts Amendment Act cannot be overridden by *May*.

I repeat, I feel constrained to say that, because I have heard rulings given in this House with complete disregard for the fact that our own Constitution covered the specific point. I think it is very important that we stick to our own Constitution and not take as precedents the happenings recorded in *May* which, I repeat, deals with the practice in the Mother of Parliaments where there is no Constitution such as we have.

The other point I would like to make, with the greatest respect to you, Sir, is that I could personally find no fault with Mr. Baxter quoting a ruling of this Chamber. This practice has operated in the past. The other House—I know of a number of instances of this nature—always has regard for what this House does, and it has no right to disagree with what this House does. Neither have we a right to disagree with what the Legislative Assembly does.

The Hon. F. J. S. Wise: Except our amendments.

The Hon. A. F. GRIFFITH: I am speaking of points of order. *Hansard* will show that time and again the Chairman of Committees in another place, when asked to rule, has said that he has no control over what the Legislative Council does, and that the Assembly has no right to say a Council amendment is out of order; that all that can be done is to disagree with the amendment. There are many precedents for that recorded in *Hansard*.

I have made these comments without offering any offence to anyone, but I am convinced in my own mind that the Chairman should give his ruling from the Chair, regardless of whether it is right or wrong, and he should not try to justify it after he has resumed his seat on the floor of the House.

The Hon. W. F. WILLESEE: Speaking to the point on which the Minister concluded his remarks, I think it is desirable that the Chairman should give reasons for his decision, because it helps us to decide whether the decision is correct. A bland statement on what should or should not be done is insufficient for us to make up our minds.

The Hon. F. J. S. Wise: In another place the Chairman is the first one to speak.

The Hon. W. F. WILLESEE: It is in the best interests of knowledge, and in the best interests of this House, that we should have available to us all the information possible before we give a decision.

The Hon. A. F. Griffith: This is a question which the Standing Orders Committee could well discuss.

The Hon. W. F. WILLESEE: To me, that is a very reasonable statement. In fact, I think it is a very good suggestion coming from such an eminent person. I be-

lieve we are here to adjudicate to the best of our ability on matters of this nature with the assistance of all the knowledge at our disposal. Not all of us are professors, and not all of us have the capacity to study *May* and his two satellites, June and July. I maintain that we should support to the full, as frequently as possible, freedom of speech in this Chamber.

The Hon. H. K. WATSON: I propose to commence my contribution at the point where the Minister concluded. That is, I think we should, unaided by *May* or any other authority, have a look at section 46 of our own Constitution. We have heard the words "charge upon the people" and "a charge upon the Crown" bandied about as if the two expressions were synonymous. My first submission is that they are not synonymous. Section 46 (3) of the Constitution Acts Amendment Act reads as follows:—

The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

A "charge upon the people," Sir. That contemplates nothing more than this: If we have a Bill which seeks to impose a tax or charge upon the people it is not within our province to amend it.

The Hon. F. J. S. Wise: To raise the tax.

The Hon. H. K. WATSON: But in my submission that is where section 46 (3) begins and ends; namely, "a burden on the people for the benefit of the Crown." Section 46 (3) is confined to that only. I submit any questions raised under that section are restricted within that narrow confine.

Again, the entirely separate and distinct question of a charge upon the Crown or, in other words, an expenditure of public funds, or an expenditure of money from Consolidated Revenue, is not touched by section 46 (3), but by section 46 (8). This subsection reads—

A vote, resolution, or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by Message of the Governor to the Legislative Assembly.

Mr. Wise has given the correct answer on the point of order that has been raised on this question; namely, that further on in the Bill itself there is a provision which states the funds of the board shall consist of such moneys as are appropriated by Parliament. Until such moneys are appropriated, this board is not entitled to any advance from Consolidated Revenue.

To my mind, the Bill clearly contemplates that in due course, when the Estimates are agreed to in another place,

there will be contained therein an item of expenditure in respect of this board which the Governor may approve. For those reasons I think the Chairman's ruling is quite in order.

The Hon. A. L. LOTON: Firstly, in reply to Mr. Watson, I would point out that we cannot anticipate legislation, and so it follows that we cannot anticipate that legislation is going to be introduced to appropriate revenue for the purpose of the Bill now before us. In reply to the point raised by Mr. Wise, when he referred to clause 120, and when he said, "the funds necessary" and so on, I would point out that the wording in proposed new section 127A, as embodied in clause 121, reads as follows:—

When the moneys in the Fund Account referred to in section one hundred and twenty-seven of this Act are not sufficient—

Therefore that wording is quite definite in its interpretation that the moneys collected from other sources are not going to be sufficient to meet the requirements of the board, and in that event the Treasury must make money available. For the information of members I will quote this proposed new section 127A again. It is as follows:—

127A. (1) When the moneys in the Fund Account referred to in section one hundred and twenty-seven of this Act are not sufficient to meet in full the expenditure incurred by the Board under this Act, the Board, in addition to any other power to borrow money conferred on it by this Act, may, notwithstanding the provisions of any other Act, with the consent of the Governor, requisition the Treasurer for any moneys required by the Board for the purpose of meeting that expenditure and the Treasurer may pay to the Board forthwith the amount so requisitioned out of moneys available to him, being moneys appropriated by Parliament for the purpose.

The Hon. F. J. S. Wise: That should include the words "if and when", because it may never happen.

The Hon. A. L. LOTON: But it does not say "if and when".

The Hon. F. J. S. Wise: But it will.

The Hon. A. L. LOTON: I can only quote the words that are in the Bill, and not the words which may or may not be inserted. I am quoting the words in the Bill, and I quote part of them again—

When the moneys in the Fund Account referred to in section one hundred and twenty-seven of this Act are not sufficient—

the Treasury must make money available. I base my argument on that point.

Sitting suspended from 6.10 to 7.30 p.m.

President's Ruling

The PRESIDENT (The Hon. L. C. Diver): Having listened to the debate on the Chairman's ruling and having studied section 46 of the Constitution Acts Amendment Act in its entirety, I am convinced that the amendment does not in any way conflict with that section, and I therefore uphold the ruling given by the Chairman of Committees.

Committee Resumed

The CHAIRMAN (The Hon. N. E. Baxter): Mr. Wise has moved to delete the word "seven" on page 4, line 28, and substitute the word "eight".

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

Ayes—9

| | |
|----------------------|----------------------|
| Hon. D. P. Dellar | Hon. J. D. Teahan |
| Hon. J. Dolan | Hon. W. F. Willesee |
| Hon. J. J. Garrigan | Hon. F. J. S. Wise |
| Hon. R. F. Hutchison | Hon. F. R. H. Lavery |
| Hon. R. H. C. Stubbs | (Teller) |

Noes—13

| | |
|----------------------|------------------------|
| Hon. A. F. Griffith | Hon. R. C. Mattiske |
| Hon. J. Heltman | Hon. H. R. Robinson |
| Hon. J. G. Hislop | Hon. S. T. J. Thompson |
| Hon. A. R. Jones | Hon. H. K. Watson |
| Hon. L. A. Logan | Hon. F. D. Willmott |
| Hon. A. L. Loton | Hon. J. Murray |
| Hon. G. C. MacKinnon | (Teller) |

Pair

| | |
|-------------------|------------------|
| <i>Aye</i> | <i>No</i> |
| Hon. E. M. Heenan | Hon. C. R. Abbey |

Majority against—4.

Amendment thus negatived.

Clause put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Section 11 repealed and section substituted—

The Hon. J. DOLAN: Mr. Chairman, I stood a moment ago. I have an amendment standing in my name on the notice paper which is in relation to clause 6, on page 5 of the Bill.

The CHAIRMAN (The Hon. N. E. Baxter): I am afraid the honourable member did not stand up when I moved the question on clause 6.

The Hon. J. DOLAN: I stood, Sir, but I am afraid you did not see me.

The CHAIRMAN (The Hon. N. E. Baxter): I suggest that the honourable member have the Bill recommitted at a later stage of the sitting.

The Hon. J. DOLAN: Very well, Sir.

Clause put and passed.

Clauses 10 to 30 put and passed.

Clause 81: Section 75 amended—

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

Ayes—14

| | |
|----------------------|------------------------|
| Hon. A. F. Griffith | Hon. R. C. Mattiske |
| Hon. J. Heltman | Hon. J. Murray |
| Hon. J. G. Hislop | Hon. H. R. Robinson |
| Hon. A. R. Jones | Hon. S. T. J. Thompson |
| Hon. L. A. Logan | Hon. J. M. Thomson |
| Hon. A. L. Loton | Hon. H. K. Watson |
| Hon. G. C. MacKinnon | Hon. F. D. Willmott |
| | (Teller) |

Noes—12

| | |
|----------------------|-----------------------|
| Hon. G. Bennetts | Hon. H. C. Strickland |
| Hon. D. P. Dellar | Hon. R. H. C. Stubbs |
| Hon. J. Dolan | Hon. R. Thompson |
| Hon. J. J. Garrigan | Hon. W. F. Willesee |
| Hon. R. F. Hutchison | Hon. F. J. S. Wise |
| Hon. F. R. H. Lavery | Hon. J. D. Teahan |
| | (Teller) |

Pair

| | |
|------------------|-------------------|
| <i>Aye</i> | <i>No</i> |
| Hon. C. R. Abbey | Hon. E. M. Heenan |

Majority for—2.

Clause thus passed.

Clauses 82 to 122 put and passed.

Clause 123: Sections 129, 130 and 131 repealed—

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

Ayes—14

| | |
|----------------------|------------------------|
| Hon. A. F. Griffith | Hon. R. C. Mattiske |
| Hon. J. Heltman | Hon. H. R. Robinson |
| Hon. J. G. Hislop | Hon. S. T. J. Thompson |
| Hon. A. R. Jones | Hon. J. M. Thomson |
| Hon. L. A. Logan | Hon. H. K. Watson |
| Hon. A. L. Loton | Hon. F. D. Willmott |
| Hon. G. C. MacKinnon | Hon. J. Murray |
| | (Teller) |

Noes—12

| | |
|----------------------|-----------------------|
| Hon. G. Bennetts | Hon. R. H. C. Stubbs |
| Hon. D. P. Dellar | Hon. J. D. Teahan |
| Hon. J. Dolan | Hon. R. Thompson |
| Hon. J. J. Garrigan | Hon. W. F. Willesee |
| Hon. R. F. Hutchison | Hon. F. J. S. Wise |
| Hon. F. R. H. Lavery | Hon. H. C. Strickland |
| | (Teller) |

Pair

| | |
|------------------|-------------------|
| <i>Aye</i> | <i>No</i> |
| Hon. C. R. Abbey | Hon. E. M. Heenan |

Majority for—2.

Clause thus passed.

Clauses 124 to 157 put and passed.

Clause 158: Twelfth Schedule amended—

The Hon. F. R. H. LAVERY: I would like the Minister to explain the amendment proposed in paragraph (e), where it refers to the office being closed at noon, and also the words "Sundays and holidays". Does this mean that if there is a break in the mains, no repairs will be done until Monday? What is the reason for this amendment? I have never seen those words in any other Bill.

The Hon. L. A. LOGAN: When this Bill becomes law the position will be no different from that which obtains now. Emergency services are operating at all times, and they will continue to do so when this legislation becomes law.

The Hon. F. R. H. LAVERY: The Minister has still not answered my question. What does the paragraph mean? The Minister has told me what happens when

there is an emergency. I asked two questions and the second question I asked was why was it necessary to have the words "when the office will be closed at noon" taken out of the legislation. Also, what do they mean?

The Hon. L. A. LOGAN: It will mean that the words "Hours of attendance at the office of the Local Court from 9 a.m. to 4 p.m., except on Saturdays, when the office will be closed at noon," will be altered, and the schedule will read "Hours of attendance at the office of the Local Court from 9 a.m. till 4 p.m., except on Saturdays, Sundays and holidays". That is all it means.

Clause put and passed.

Clause 159 put and passed.

Title put and passed.

As to Report

The CHAIRMAN (The Hon. N. E. Baxter): The question is that I do now report the Bill to the House.

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

Ayes—14

| | |
|----------------------|------------------------|
| Hon. A. F. Griffith | Hon. J. Murray |
| Hon. J. Heltman | Hon. H. R. Robinson |
| Hon. J. G. Hislop | Hon. S. T. J. Thompson |
| Hon. A. R. Jones | Hon. J. M. Thomson |
| Hon. L. A. Logan | Hon. H. K. Watson |
| Hon. G. C. MacKinnon | Hon. F. D. Willmott |
| Hon. R. C. Mattiske | Hon. A. L. Loton |

(Teller)

Noes—12

| | |
|----------------------|-----------------------|
| Hon. G. Bennetts | Hon. R. H. C. Stubbs |
| Hon. D. P. Dellar | Hon. J. D. Teahan |
| Hon. J. Dolan | Hon. R. Thompson |
| Hon. J. J. Garrigan | Hon. W. F. Willesee |
| Hon. R. F. Hutchison | Hon. F. J. S. Wise |
| Hon. F. R. E. Lavery | Hon. H. C. Strickland |

(Teller)

Majority for—2.

Question thus passed.

Bill reported without amendment.

Recommittal

Bill recommitted, on motion by the Hon. J. Dolan, for the further consideration of clause 6.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 6: Section 8 repealed and section substituted—

The Hon. J. DOLAN: I move an amendment—

Page 5, lines 7 to 14—Delete paragraph (e).

This is the paragraph which gives to the Perth City Council the right to submit the names of three persons to the Minister from whom one member of the board will be chosen. That gives the Perth City Council one member on the board; but under the next paragraph it is possible for it to get two further members, which would mean that it could have three

members on the board, and that would be an undue proportion. I think paragraph (e) should be deleted, and then I will move to insert another paragraph to provide for one member of the board to be a member of the Metropolitan Water Supply Union.

I should like the Minister to explain the clause because we were at cross purposes a little while ago. On reading the clause I am of the opinion that the Perth City Council may appoint anyone at all, but if the Minister is prepared to state that the paragraph means that the member representing the council shall represent the ratepayers, and that it implies that the person must be a ratepayer of the Perth City Council, I will be prepared to accept the assurance.

The Hon. L. A. LOGAN: I would say that the paragraph definitely implies that the council's representative will represent the ratepayers of the City of Perth. I would go further and say that if I were the Minister in charge and the Perth City Council produced three names to me, and not one of the persons was a ratepayer of the City of Perth, I would promptly tell the council to submit a panel of names of persons who did represent the ratepayers of the City of Perth.

The Hon. J. Dolan: Thank you.

The Hon. L. A. LOGAN: I think we have to appreciate, too, that a large part of the revenue of the Metropolitan Water Supply Department comes from the City of Perth, and for that reason alone I think it is justly entitled to a representative on the board. We can all appreciate, knowing what the water rates in the City of Perth are, and the limited amount of water the ratepayers use, that it would be wrong to delete the paragraph. I hope members will not agree to the amendment.

The Hon. H. C. STRICKLAND: So that the Committee may get a full appreciation of what the honourable member has in mind, I think he should foreshadow his further amendment.

The Hon. L. A. Logan: He told us.

Amendment put and negatived.

The Hon. J. DOLAN: I move an amendment—

Page 5, lines 25 and 26—Delete the words "at the time he is so appointed." This amendment refers to paragraph (f). This paragraph gives the right to whoever is appointed to remain a member of the board even though he ceases to be a member of the local authority, either as a mayor, a president, or a councillor. I envisage the position where a member of the board may possibly lose his seat within a matter of weeks or months of his appointment to the board. There is also a possibility that he may leave the district and cease to be a ratepayer; and he could even

leave the metropolitan area altogether, but under this clause he could still remain a member of the board.

I asked the Minister whether it was implied by paragraph (e) that the representative of the City of Perth had to be a ratepayer. I submit that at the time he is so appointed, if he ceases to be a mayor, a president, or a councillor, then, according to the Minister's own words, he ceases to represent the ratepayers, and consequently his appointment should be terminated at once.

The Hon. L. A. Logan: You are not mixing the two up?

The Hon. J. DOLAN: No. The first part says, "Each of whom shall represent the ratepayers." If he ceases to represent the ratepayers his appointment should be terminated and he should be replaced. I think the amendment will tidy up the clause and ensure that these people represent the ratepayers, as well as the remaining members of local governing authorities.

The Hon. L. A. LOGAN: These words are put into the clause for the reason stated by Mr. Dolan, that they must be either a mayor, a president, or a councillor on their appointment to the board. That is essential. It could be that during their three-year term they lose that qualification and, under the Bill, they can remain in that position until the expiration of the period. If they do not hold the qualification they cannot be reappointed.

The Hon. R. Thompson: You are changing your tune from what you said on the second reading.

The Hon. L. A. LOGAN: No, I am not; it is exactly what I said on the second reading.

The Hon. F. J. S. Wise: Would you agree to the amendment being modified to read, "at the time he is appointed or re-appointed."

The Hon. L. A. LOGAN: Yes, that would be acceptable.

The Hon. J. DOLAN: I ask the leave of the Committee to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. J. DOLAN: I move an amendment—

Page 5, line 25—Delete the word "so."

Amendment put and passed.

The Hon. J. DOLAN: I move an amendment—

Page 5, line 26—Insert after the word "appointed" the words "or re-appointed."

I think this will meet the desire of the Minister, and the point put forward by Mr. Wise.

Amendment put and passed.

Clause, as amended, put and passed.

Further Report

Bill again reported, with amendments, and the report adopted.

AVON VALLEY RAILWAY

*Cancellation of Members' Inspection:
Personal Explanation*

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [8.23 p.m.]: Before proceeding with Order of the Day No. 5, Mr. President, I would like to make a personal explanation on behalf of my colleague the Minister for Railways. In the Legislative Assembly this afternoon the Minister for Railways made a personal explanation, because he felt there may have been some thought of discourtesy on his part, because a certain journey arranged for today did not eventuate. So that it will not appear that he has been discourteous in this matter, he has asked me to read the following statement:—

In case it was felt that there was some discourtesy on my part in respect of the visit to the Avon Valley today, I would like to explain the situation that arose. It was planned that some 47 members of Parliament would go to Avon Valley today, leaving here at 9 o'clock. However, when the House rose this morning, I was advised by a representative of the Opposition that Opposition members would not be able to accompany the party, and I was also advised that some members on the Government side had expressed a desire for the visit to be postponed because they would not get the best advantage from it.

Having regard for what I had been told, I agreed to cancel today's visit. I did my best, in conjunction with some officers of Parliament, to contact all the members that we knew were going, but apparently we missed some. Likewise, the Clerk of the Legislative Council undertook this morning to contact as many Legislative Councillors as he could, but again, apparently, some were missed and arrived here expecting to go on the visit at 9 o'clock.

If any inconvenience was caused, I am very sorry for it.

The Minister for Railways asked me to make this explanation to the House, and he is indeed sorry for any misunderstanding that might have resulted. He hopes his explanation will be accepted.

FLUORIDATION OF PUBLIC WATER SUPPLIES BILL

Dissent from President's Ruling

Debate resumed, from the 24th October, on the motion by The Hon. A. F. Griffith (Minister for Mines) to dissent from the

President's ruling upholding the ruling of the Chairman of Committees (The Hon. N. E. Baxter) that the following amendment by The Hon. F. J. S. Wise (Leader of the Opposition) to clause 9 did not effectively impose a charge on public funds and was therefore in order:—

Page 6, line 20—Insert after the word "direction" the words "provided a referendum of the electors on the roll of the Legislative Assembly within the water supply authority's area has first approved of the direction of the Minister."

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [8.38 p.m.]: I am sure you will appreciate, Mr. President, that in moving to disagree with your ruling upon this matter it is not my intention, or my desire, to be in any way discourteous to you; but merely to carry out what I think is a duty of mine, on behalf of the Government, in the sincere belief that the ruling you have given, Sir, is an incorrect one.

In an attempt to justify my argument, I propose to put forward certain matters to the House. When the Chairman of Committees gave his ruling on this matter in a previous session of Parliament, I addressed myself to the House in a spontaneous manner without much opportunity of studying the situation, in the belief that my spontaneous action was in fact justified; because I felt at the time that the ruling of the Chairman of Committees was an incorrect ruling.

I find no reason to substantially withdraw in any way the view I held on that occasion, but I would like the opportunity to state my view perhaps more clearly on this occasion, since I have had more chance of looking into the matter than I had on the previous occasion. I think it is well that we should be reminded, when considering this question, of what was said not only by the Chairman but by yourself, Mr. President. In his ruling the Chairman said—

To determine whether an amendment is a charge upon public funds, there are certain tests. One of these is that the expenditure must be "effectively imposed." I consider the proposed amendment does not give precise detail to establish clearly that any particular sum will be absorbed and therefore consider that no charge has been effectively imposed.

When you, Mr. President, gave your ruling you said—

In his ruling the Chairman has stated that to be a charge expenditure must be effectively imposed. I have studied *May's Parliamentary Practice* on this point and I cannot see how the proposed amendment effectively imposes any particular expenditure.

I feel that a Government which was required to conduct such a referendum might well do so at the time of a general election and the expenditure would then be covered by existing appropriation.

I find also that *May* states that if the financial provisions of a Bill are drawn in general terms they will cover amendments which would be out of order if the terms were drawn in precise detail.

I consider the terms of the Bill are very general and I therefore uphold the Chairman's ruling.

I suggest that neither you, Sir, nor the Chairman of Committees, when giving your rulings had regard for anything else but the precedent and the procedure which are laid down in *May's Parliamentary Practice*. Whilst *May* is a guide to the British Parliament, it cannot, in my opinion, and it does not and could not, override the Constitution of the West Australian Parliament, which is quite specific on this point and on other points.

In respect of the specific point I referred to, the Constitution Acts Amendment Act is quite definite, as indicated in section 46 about which we heard quite a lot this evening. There are specific matters on which the House is competent to judge, such as whether legislation introduced in, and amendments made by, this Chamber are competent to be introduced or made under the Constitution Acts Amendment Act.

A Bill for an Act relating to the fluoridation of water supplies was introduced in the Legislative Assembly on the 12th September last, and the Lieutenant-Governor and Administrator recommended that appropriation be made for the purposes of the Bill. The purposes of the Bill are to establish an advisory committee whose members shall be paid, and to require a water authority to add fluorine to its public water supply whenever, on the recommendations of the committee, the Minister so directs.

Rather than being general in its approach, I suggest the Bill is absolute in its approach. It has two principal functions in mind, and they are the ones which I have just mentioned. The only expenditure that is likely to be incurred by the Crown is the revenue to be paid to the members of that committee, except in the case of a water authority failing to carry out the direction given by the Minister, when the Minister may cause fluorine to be added to the water supply. But the cost involved is recoverable from the authority.

It is important to dwell on those two matters. The only expense involved on the part of the authority is the expense to fluoridate its water supply, pursuant to the direction of the Minister. Regarding

the effect of the Lieutenant-Governor's message, it is stated in *May's Parliamentary Practice*—which is the guide we follow in matters of this kind, although it cannot override the principles which are set out specifically in the Constitution—that—

The guiding principle in determining the effect of an amendment upon the financial initiative of the Crown is that the communication to which the Royal demand or recommendation is attached must be treated as laying down once for all (unless withdrawn and replaced) not only the amount of a charge, but also its objects, purposes, conditions and qualifications.

That appears in the 16th edition of that publication, on pages 700 and 701.

In relation to the standard thereby fixed, an amendment infringes the initiative of the Crown not only if it increases the amount, but also if it extends the objects and the purposes, or relaxes the conditions and qualifications expressed in the communication by which the Crown demanded or recommended a charge.

The amendment moved by Mr. Wise would have the effect of preventing the implementation of the Bill, unless the Government of the day instituted a referendum; otherwise this legislation would be prevented from being put into effect. But such a referendum would have to be held at the expense of the Crown, because the Bill does not do any more than specify the purposes and the two matters I have mentioned. Of course, the cost of fluoridation is to be borne by the water supply authority.

I refer to the point raised as to whether or not the amendment is out of order. As Mr. Wise said, in view of section 64 of the Constitution Acts Amendment Act, this is a question of deciding whether or not some new charge has been imposed as a result of something which is done, other than is proposed in the Bill before Parliament. It is not a matter for the courts to decide. It is purely one to be decided by this House. When addressing myself to this question I said this House, in accordance with the Constitution under which it works, determines the matters which come before it. It appears that lately we have had a great deal of debate on matters which have come before the House; and a spate of similar questions have been put before the Chairman of Committees and yourself, Mr. President.

The section in *May's Parliamentary Practice* to which I have referred has been held to be directory and not mandatory, and to be for parliamentary guidance only. It is submitted that Mr. Wise's amendment infringes the financial initiative of

the Crown by extending the objects and the purposes for which Crown revenues must be found for the purposes of the Bill.

I submit that a simple test would be this: If the present Bill should become law, without any amendment, and then at a subsequent session of Parliament a Bill should be introduced to require a local referendum before the water supply authority was required to add fluoride, could such an amending Bill be introduced in this House without a Governor's Message, or would it have to be initiated in another House? I suggest it would have to be initiated in another House, and it would have to have a Governor's Message, because the terms of the measure would be specified. It would relate to the conduct of a referendum in a particular area, or by a particular local authority.

Another test is this: If the majority of Bills submitted to this House included a provision similar to the one contained in the amendment of Mr. Wise, to the effect that the Bill should not become law without a referendum being conducted, then, of course, the financial initiative of the Crown would be infringed, to say the least. If the Bill with which we dealt prior to this one contained a clause to the effect that it would not become operative until a referendum was held, then surely it would infringe the financial initiative of the Crown; so would any Bill, if a similar amendment was agreed to.

I submit there is no difference in principle between an amendment specifically requiring a local referendum, and an amendment preventing the implementation of the legislation without a favourable local referendum, which would be the case in this instance. Mr. Wise readily conceded there would be a charge imposed, because he said, "I readily concede it involves the cost of holding a referendum."

There are three tests for deciding whether or not an amendment would constitute a charge upon public funds. One of them was used by Mr. Baxter, and you, Sir, in your ruling confirmed the use of that test. If you were satisfied that one of those tests was satisfactory, the other two remain to be fulfilled, but they have not been.

The first test is this: Is the charge a new and a distinct charge? Mr. Wise posed that question to the House when he said the question to be decided was whether this was a new and a distinct charge. Is it a charge not already provided for in the Bill?

The second test is this: Is it payable out of the exchequer? The third test is this: Is it effectively imposed? The Chairman of Committees considered it was effectively imposed, and that was sufficient to show the amendment was in order, and you, Sir, confirmed his view.

The necessity to hold a local referendum in the case of a public water supply to which a direction has been given is clearly a new and distinct charge. Today it is not in existence, but tomorrow it is. Consequently, the cost of the referendum would have to be paid by someone. It would have to be paid out of the exchequer of the State.

You suggested, Sir, that the referendum might be held at the time of a general election, and that the expenditure would then be covered by the existing appropriation. I submit with respect that not only would this delay for a very long time the implementation of a referendum, but it would only go towards minimising the cost rather than avoiding it, because the cost would have to be met whether it was held on the day of an election or a different day.

The Hon. G. C. MacKinnon: You have unopposed seats, of course.

The Hon. A. F. GRIFFITH: If I am allowed, I will develop that theme as I go. I can only repeat that it would merely minimise the cost. Some additional cost must, of course, be involved, whether it be minimised or otherwise.

Thirdly, the expenditure is effectively imposed unless it is imposed, what would be the result? The legislation, of course, would remain a dead letter. So it is effectively imposed.

Now, referring to *Erskine May*, at page 755 of the 16th edition, under the general heading of "Matters Requiring the Queen's Recommendation—1. Moneys to be Provided by Parliament", he says—

The most frequent cause of expenditure of this type is that of charges upon moneys to be provided by Parliament for salaries and other expenses caused by the imposition of novel duties upon the Executive Government by the legislation of the Session".

Illustrations given under this heading include the following:—

- (2) The expense arising out of the imposition of new duties on an existing department or authority.
- (3) A charge is also involved by any proposal whereby the Crown would incur a liability or a contingent liability payable out of money to be voted by Parliament".

On the subject of Mr. Wise's amendment, it would require a Government department, presumably the Electoral Department, to conduct this referendum and to undertake new duties which are certainly not provided for in this Bill. This would be a novel expense; and, of course, that conflicts with section 46 of the Constitution Acts Amendment Act. Furthermore, as I pointed out the other night, if this amendment were properly and correctly set out, it would have to be done in the manner I have previously stated. In

the short space of time I had on that occasion to look up the question, I found that a referendum was provided for in the Licensing Act and all the schedules; and the methods by which it was proposed this referendum should be carried out were in those schedules. If this amendment were passed, it would require the tidying up process to put it in correct order.

May I say in conclusion that if the honourable member was in the position in which I am placed now, he would feel it his duty to ask the Chairman or you, Sir, whether or not the Chairman or you thought that an amendment of this nature imposed an expenditure on the Crown. Whether he would agree with me or not, I suggest that if you ruled in the manner in which you have ruled on this occasion, he would be likely to disagree with your ruling. I cannot say whether that would be so. If he did, he could only use the arguments I have been using in the last 10 or 15 minutes.

The Hon. F. J. S. Wise: That is an interesting hypothesis.

The Hon. A. F. GRIFFITH: That may be so. Of course, that is something which I cannot debate any further with the honourable member. However, in the event of any honourable member submitting a case to ask the House to agree that this was a new imposition, and that therefore the amendment conflicted with section 46 of the Constitution Acts Amendment Act, the reasons in argument submitted could only be the reasons I have submitted. It is with regret that I am obliged to disagree with your ruling, and I trust this House will support me.

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

Ayes—13

| | |
|----------------------|------------------------|
| Hon. A. F. Griffith | Hon. R. C. Mattiske |
| Hon. J. Heitman | Hon. H. R. Robinson |
| Hon. J. G. Hislop | Hon. S. T. J. Thompson |
| Hon. A. R. Jones | Hon. J. M. Thomson |
| Hon. L. A. Logan | Hon. F. D. Willmor* |
| Hon. A. L. Loton | Hon. J. Murray |
| Hon. G. C. MacKinnon | (Teller) |

Noes—14

| | |
|----------------------|-----------------------|
| Hon. N. E. Baxter | Hon. H. C. Strickland |
| Hon. G. Bennetts | Hon. R. H. C. Stubbs |
| Hon. D. P. Dellar | Hon. J. D. Teahan |
| Hon. J. Dolan | Hon. H. K. Watson |
| Hon. J. J. Garrigan | Hon. W. F. Willesee |
| Hon. R. F. Hutchison | Hon. F. J. S. Wise |
| Hon. F. E. H. Lavery | Hon. R. Thompson |
| | (Teller) |

| Aye | Pair | No |
|------------------|------|-------------------|
| Hon. C. R. Abbey | | Hon. E. M. Heenan |

Majority against—1.

Question thus negatived.

Committee Resumed

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 9: Fluoridation of public water supplies—

The CHAIRMAN: We had reached the stage on this clause where Mr. Wise had moved the following amendment:—

Page 6, line 20—Insert after the word "direction" the words "provided a referendum of the electors on the roll of the Legislative Assembly within the water supply authority's area has first approved of the direction of the Minister."

The question is that the words proposed to be added be added.

The Hon. A. F. GRIFFITH: I am only going to say that I cannot see any purpose in supporting this amendment. The question I pose to the Committee is this: If a referendum is conducted and is carried by something in excess of 50 per cent. of the people who voted, then that will be sufficient authority for the water supply authority in that area to add fluorine to its water in the parts per million which the Bill permits; but what about the remaining, say, 49 per cent.? Of course if the referendum failed, that would be a different matter.

The Hon. L. A. Logan: You are still denying the right to those who want it.

The Hon. A. F. GRIFFITH: Exactly.

The Hon. R. Thompson: They can get it in tablet form.

The Hon. A. F. GRIFFITH: We have heard a great deal about that argument. The Government is prepared to accept the responsibility for introducing this legislation. I sincerely believe it is a health reform and I therefore oppose the amendment.

The Hon. A. R. JONES: I rise to oppose the amendment and I feel we should fight against it most strenuously. During my second reading speech I covered the point that a referendum would serve no good purpose, one of the reasons being that so many people know very little of this subject. There are hundreds and thousands like myself who would not be in a position to cast an intelligent vote. I say that advisedly but in no way casting a reflection upon those who are not competent to absorb the written material forwarded to them or any argument which may be made verbally to them. Only a few people, I believe, are competent to judge this sort of thing.

The Hon. R. F. Hutchison: Who are they?

The Hon. G. Bennetts: That is a curly one.

The Hon. A. R. JONES: I feel there are many people competent to judge. It is quite apparent that the honourable member has no confidence at all in those who are appointed to look after the health of the people of this State.

The Hon. R. F. Hutchison: Not always.

The Hon. A. R. JONES: The people who are competent to judge are those who have a say in the medical and dental well-being of our people; and those to whom I refer will, without exception, tell us that this is a good thing and should be accepted.

The Hon. R. F. Hutchison: Many of them will object to this.

The Hon. A. R. JONES: We cannot go past their advice. The honourable member cannot help interjecting, and again she helps my argument by her interjection. She will have an opportunity to tell us of any members of the health administration of the State who object to this proposal. I have not heard of one, but she may have.

I believe there are many reasons why the authorities want the fluoridation of water. Statistics may help to show why it is necessary, and why it will be a waste of time, and in fact a wrong thing, to hold a referendum on the matter.

In Western Australia we have, in the metropolitan area, one dentist to every 2,000 people; and there are about 200 dentists in the metropolitan area. In the country we have one dentist to every 10,000 people, and we have approximately 37 dentists in the country. So in all we have approximately 237 dentists practising in Western Australia.

Members of the Army and the Air Force have been told that it takes one dentist to keep 1,000 men fit once those men have been made completely fit so far as their dental work is concerned. On those figures we would want something like two or three times the 237 dentists that we have in this State.

In Western Australia 25 dentists retire from the profession each year for various reasons—some because of age, some leave the profession, and some pass on. We can train only 16 or 17 dentists each year, and we have been able to induce another 10 to come here, so we are maintaining the *status quo*.

Some very interesting figures were obtained some time ago at Medina. Some 998 children were inspected, and 6,753 cavities were found—nearly seven cavities per child. It has been found that one dentist can fill 200 cavities per month and attend to other work. On that basis it would take six dentists to catch up the lag in 12 months, and by that time a further 2,300 cavities would be observed. So the treating of children—and I am only speaking of children—seems to be a never-ending job.

There are 190,000 children at schools, and there are 1,140 dentists needed to catch up on the work of making these children dentally fit in 12 months, and it would take 190 dentists to keep them fit thereafter. These figures are very revealing; and, of course, they do not take into consideration any other work which has to be done on adults.

I feel that is a strong argument why the dental and health authorities are so worried about the dental health of our children and feel it is imperative that the advantage of fluoridation of water should be available to them.

The Hon. R. Thompson: They do not talk of closing down fruit shops and chocolate factories.

The Hon. A. R. JONES: I am pleased the honourable member is helping my argument; because the dental clinic, which is another Government institution, is doing a wonderful job. It does not just fill teeth and make plates, but takes a prominent interest in the children. I have here a paper which is headed, "Department of Health Education." On this, provision is made to record the name and date of birth of each child, and so on, and then follows a series of questions as to what the child is fed on, what it drinks, how many chocolates it eats, etc. The dentists are able to follow the routine of the child's home life and know what foods it eats, and so can advise the parents. I feel the dental department is doing an excellent job in trying to educate the people.

The CHAIRMAN (The Hon. N. E. Baxter): Order! I hope the honourable member can connect his speech with the amendment before the Chair.

The Hon. A. R. JONES: Most certainly I can, because I am trying to show how important it is that we should have fluoridation, and why we should not waste time on a referendum, but should get on with the job very quickly.

The Hon. R. F. Hutchison: You would know, wouldn't you?

The Hon. A. R. JONES: It is obvious how interested the dental people are in the health of our children. It is a lot of nonsense to say that these people are not interested other than in filling cavities, and so on. It may be a waste of time talking, but I felt I should not let these figures lie idle, but should reveal them in order to press the urgency of this matter.

It is urgent that we should go on with the fluoridation of water; and again I wish to quote a man who has given me a lot of information, and a man of whom we should all take notice—Dr. Owen Makinson, B.D.S. (Sydney), D.D.S. (Chicago), F.D.S. London, D.O.Rth., M.Sc. (Michigan). Dr. Makinson is Lecturer in Conservative Dentistry and Dental Materials at the Institute of Dental Surgery at the University of London; Reader in Conservative Dentistry Australian College of Dentistry at University of Melbourne; Professor of Conservative Dentistry at University of Baghdad; newly appointed Senior Lecturer in Conservative Dentistry at University of Adelaide.

Dr. Makinson has had a wide experience; and, what is important to me, he has three young children. He has worked in areas where there is fluoridation of water, and he was able to make comparisons. He says there is no doubt in his mind that fluorine in water is a very good and necessary thing. I asked him if it could be taken or given in any other form and he said that it could be given in tablets. I asked him if that was a good and proper way to give it. He said, "No, the most simple and beneficial way is through the fluoridation of water, because it would take an army of people to try to keep young children taking tablets." Again I stress it is important that we should carry on with the fluoridation of water and not waste time with referendums.

This man says that the administration of fluorine by tablets is not a practical solution to the problem because the people just would not be able to do it. But he, knowing the advantages of fluoride to his children, insists that they have it. But even then the children sometimes do not have it.

It would be an utter waste of time to have a referendum on this question and we would not get a proper result that would benefit the people.

The Hon. R. F. HUTCHISON: I have been rather quiet, and I support the amendment. I will put the end of my argument first. I think that in a democracy it is wrong to impose a blanket compulsory imposition on people when there is as much doubt, as there is in regard to the effectiveness of fluoridation. If a democratic referendum of the people was held, and passed by a majority, I would bow to the view of the majority. Otherwise I am very much against the imposition of any mass medication.

I have been in 13 countries within the last three years, and I found in America and England as many arguments against fluoridation as I did for it. In America some municipalities provided fluoridation, and now they are doing away with it. The different opinions I heard overseas have left me very much in the air as to the worth of fluoridation. When public opinion is so divided—and it is here—it is morally wrong to impose fluoridation on every person in the community.

I had seven children and, strangely enough, I was raised in the Cue district. I had very good teeth until I was about 18, and when I was about 20 years of age and started to have children I lost every one of my teeth through decay. My children were not born in Cue. They were born in Perth, and four of them have excellent teeth and have not lost any, yet I have two grandchildren who are fitted with dentures.

I have heard medical men express the decided opinion that diet has a greater effect on teeth than anything else. They

are of the opinion—and I am quite sure that many laymen agree with them—that a great deal of dental decay in children's teeth in these times is caused by drinking too much aerated waters and eating too many sweets. I still maintain that it is morally wrong to attempt to impose on a community any reform, no matter what it might be, on which the people should make their own decision.

We do not have to be experts to have ideas on this subject. When Dr. Hislop made his speech on the Bill I heard him speak disparagingly of another medical man in America. To quote another opinion for the information of the House, I cut out an article from a magazine dealing with this subject, and it reads as follows:—

Reprinted from the Archives of
Environmental Health

April 1962, Vol. 4, p. 459

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Medical Association

Correspondence

The Physiologic and Hygienic Aspects
of the Absorption of Inorganic
Fluorides

To the Editor:— This refers to my article entitled "The Physiologic and Hygienic Aspects of the Absorption of Inorganic Fluorides," in the February, 1961, issue of the ARCHIVES.

In a review which appeared in *Nutritional Reviews*, September, 1961, Vol. 19, No. 9, the following statement is made: "the way in which he (Waldbott) has obtained many of these symptoms from questionnaires with leading questions has been described elsewhere." This refers to a letter by Dr. Heinrich Hornung, a German health officer, published in the *Journal of the American Dental Association* (52: 325, 1956) under the political impact of fluoridation promotion.

Since this statement is incorrect and may interfere with an unbiased evaluation of my data, as it does in the above-mentioned review, I would appreciate it if you would clarify this matter to your readers.

At no time have I canvassed population groups with a questionnaire, as alleged by Dr. Hornung, nor have I ever made a diagnosis on the basis of a questionnaire. A questionnaire was used for screening patients who had first contacted me because they suspected that they were suffering ill effects from drinking fluoridated water. Subsequently, these patients were either examined by me personally, or their cases were studied on the basis of reports from their private physicians and from hospital records.

George L. Waldbott, M.D.,
2930 West Grand Boulevard,
Detroit 2.

That shows the split in opinion among the medical people, in the same way as we have heard of the difference in opinion on the fluoridation of water supplies in this State. I think a referendum held among the people is the best way to decide the question. Many referendums have been held in the past to decide various questions, and that is the most democratic way to ascertain the majority opinion of people in any community.

The Hon. A. F. Griffith: What referendums?

The Hon. R. F. HUTCHISON: I can only tell the Minister that we had referendums when the Minister was only a very young boy. A referendum is the only fair way to decide this question. If fluoridation is so necessary for the people's welfare, why are not people educated through the medium of health clinics and maternity clinics? Almost every mother today is confined to hospital to have her baby, and that is where a commencement should be made to educate people on the question of fluoridation of water supplies.

Only recently I had an argument with a woman who said that her little girl would take fluoride tablets readily, but her little boy would not touch them. If it were my child, I would soon find a way to ensure that he took his fluoride tablets if I considered they were necessary to maintain his teeth in a healthy condition.

This is a very important question, and fluoridation of water supplies should be taught to people attending health clinics and to young mothers in maternity clinics. It is most essential that young mothers should be trained to learn something of this subject. A mother is a poor specimen if she will not look after her child. If she believes in fluoridation she could be taught to give her children fluoride tablets.

I think the holding of a referendum is the only democratic way to find the opinion of the people on this subject. I brought a lot of literature from both England and America setting out arguments both for and against fluoridation of water supplies. I have not read all of it, but I would be only too glad to let any honourable member peruse it if he so desires. The Government in this State has already published many booklets on the subject, and I would like to know what justification the Government had for publishing so many.

The Hon. H. K. Watson: You want to cost the Government many more tens of thousands of pounds.

The Hon. R. F. HUTCHISON: This is a very controversial question and the Government should not impose its will on the people, because there are as many for it as there are against it. We could soon find the answer by a referendum.

I support the amendment moved by Mr. Wise and I am not going to quote the volumes of literature that have been

printed setting out arguments for and against fluoridation. One could read such arguments for weeks, but can any medical man in this State tell me with absolute certainty that fluoridation will not have any ill-effect on people suffering from diabetes, blood diseases, or allergies? If medical practitioners could prove beyond doubt that fluoridation would not have a deleterious effect on such people, we would be justified in agreeing to this Bill.

We are becoming a nation of elderly people, as it were, and I am most concerned at all the suffering I see around me today, caused by arthritis and other ailments. Therefore, I want to know if any medical man can publicly guarantee that fluoridation will not cause any more pain to people who are affected with various ailments. No person has the right to impose anything on another. There are other ways to introduce fluoridation to the people if the Government so desires. People can be educated in the use of fluoride through maternity and health clinics.

The next point on which we should have assurance is whether fluoridation of public water supplies will have a deleterious effect on people. The next thing is that we should hold a referendum to ascertain the decision of the people on the subject. I support the amendment.

The Hon. R. THOMPSON: I am one who, three months ago, was in favour of fluoridation, but at present, after studying the arguments for and against it, I am an opponent of fluoridation. As a result of all the reading I have done, and listening to every argument submitted by various members in this Chamber, I am still unconvinced that anybody here knows anything about fluoridation. I think the finest speech during the debate was that made by Mr. Wise. He quoted world authorities and pointed out the dangers of fluoridation to members.

This amendment will give a right to people who, under the Bill, would be forced to ingest fluoride in their drinking water to hold a referendum on the subject. Is there anything wrong in submitting such a question to a referendum? Government members say it would cost money. From memory, in answer to a question asked in this Chamber, the Minister stated that a figure of £3,700 had been expended by the Department of Public Health to promote the fluoridation of public water supplies. If such a sum of money can be used to promote fluoridation, surely a like amount, or even a greater sum, could be expended on the holding of a referendum to permit the people, in a democratic way, to decide whether their water supply should be fluoridated.

In the past we have had to take compulsory measures in respect of public health. To date, I think most of the measures we have taken have proved to

be beneficial to the community generally. However, if we consider some of the drugs that have been put on the market over the years, we realise that some people react considerably to various drugs. Penicillin is one that comes readily to mind, together with the sulpha drugs. Further, there is the wonder drug that was introduced to control T.B. about 10 years ago, and I know the first person who was found to be allergic to it. That drug was streptomycin. I know the endeavours that medical men made in trying to prevent that one person from being allergic to streptomycin.

I listened most attentively to Dr. Hislop when he made his speech, and I can only say that his views did not tally with the speech he made on the 15th November, 1950. On that occasion, when speaking on the use of compulsory X-rays in an attempt to control tuberculosis, Dr. Hislop made an excellent speech. At that time he was not in favour of compulsory X-rays, and on pages 1921 and 1922 of *Hansard*, vol. 2 of 1950, he had this to say—

I submit there is not the slightest need for compulsion at this stage. From 1860 when the first known records were available, down to 1940, the fall in the actual rate of T.B. in Australia has shown a complete and steady decline. Within a matter of four years of appointing a full-time official to control tuberculosis . . .

I do not want to read what he had to say out of context. However, I wanted to bring out the point that he was not in favour of compulsion.

The Hon. H. K. Watson: Did he suggest a referendum?

The Hon. R. THOMPSON: Definitely not. On page 1922, Dr. Hislop had this to say—

"Give us power and we will wipe this scourge out"—that is the cry we hear. We have heard the cry down the ages. It was heard from Alexander the Great, from Napoleon and from Hitler. All asked for power, and where did it get them? The granting of power of compulsion over the individual in relation to this particular disease will get us nowhere.

Dr. Hislop, and every other member of this Chamber, knows that millions of people died from the scourge of T.B., but it has been controlled by mass X-rays, streptomycin, and other drugs. However, I have yet to hear of one kiddy dying because of a cavity in a tooth. If people want their children to have fluoride and the Government is sincere, it should make fluoride tablets available to the general public. That would be a testing ground to see how many people are interested, because, as far as I know, the man in the street is not interested in having his children swallow fluoridated water.

The Hon. A. F. Griffith: Make your own speech, but do not doubt the sincerity of the Government, please.

The Hon. R. THOMPSON: I am entitled to, because the Minister for Health, in another place has been dogmatic all the way through in regard to this Bill. He has only accepted one small amendment which provides that one-millionth part will be added to the water supplies, and that will be the maximum. Otherwise, he has given no quarter. I cannot support this Bill unless it provides for a referendum of the people.

Point of Order

The Hon. J. G. HISLOP: I would like your ruling, Mr. Chairman, on this point: Is it essential that I speak only on the referendum, or can I do as others have done and reply in full?

The CHAIRMAN (The Hon. N. E. Baxter): I have allowed a certain amount of latitude because I think it is necessary on this particular question.

Committee Resumed

The Hon. F. R. H. LAVERY: I will not hesitate to state where I stand on this matter. First of all, I stand for a referendum; and, secondly, I am an anti-fluoridationist. I have not made up my mind during the last six or seven weeks; I have been studying this matter over a period of 12 years, but perhaps not as fully as some of my learned friends have done. Before speaking on the referendum, I would like to pay a tribute to some sections of the Western Australian community, because I believe when Dr. Hislop spoke on this matter, he castigated men in the same profession as himself. He ridiculed them, and that leaves me cold.

The CHAIRMAN (The Hon. N. E. Baxter): I do not think the honourable member should make a second reading speech. I may have allowed too much latitude on this matter, but I think the honourable member should keep as close to the amendment as possible.

The Hon. F. R. H. LAVERY: Dr. Hislop suggested that the people against fluoridation were not of a very high standard. I would like to pay a tribute to the body of men in our dental profession; and I am not saying this because a certain gentleman is now sitting in the gallery, but because I have seen the work he and his committee have done in trying to educate parents in this State to take a more active part in the dental care of their children's teeth. I extend to them the fullest praise for what they have done, and make no apology for doing so. I also want to pay a tribute to those people who have placed propaganda before us. I say this, irrespective of whether we agree with it or not. The people who belong to the Water Purity Committee, and who have attended this Chamber so consistently, have done something great for this State.

In order to prove that a referendum is necessary, I will quote a letter dated the 21st November, 1961, and written at Parliament House, Canberra by Donald A. Cameron, the Minister for Health. It reads as follows:—

Dear Mr. Edwards,

I have to acknowledge your letter of 6th November, 1961, and your remarks about fluoridation of water supplies.

The National Health and Medical Research Council is the highest advisory medical authority in Australia; by "highest" one means "best qualified." Its resolution was taken after a full discussion of the implications involved and is a recommendation only. Local authorities and metropolitan water supply authorities will give consideration to the recommendation taking into account the quantity of fluorine, if any, currently present in the drinking water. The need for increasing the concentration of fluorine in the water supply must be established.

In other words, the question of whether any particular water supply is fluoridated must rest with the local health authorities and with the consumers in the area supplied.

The following people: Gordon King, Kenneth Sutherland, Eric G. Saint, W. B. Macdonald, Ralph Crisp, A. L. Dawkins, Cyril Fortune, J. T. Irvine, Robert Godfrey, and Noel Peverill, are local doctors of repute, and they are said to support fluoridation. I bow to their knowledge; but I would also state that I have the names of 41 people—eminent people throughout the world—who oppose the addition of fluoride to drinking water. It is not my intention to read out these names, but I will lay this piece of paper on the Table of the House for members to have a look at if they so desire.

I think everyone in this Chamber will agree with the dental profession of this State, and of the Commonwealth, that fluoride does assist the early growth and strength of children's teeth.

The Hon. R. F. Hutchison: It mottles them, too.

The Hon. F. R. H. LAVERY: We should have a referendum because citizens in my electorate have written over 70 letters to me, but I will only quote two of them, and will not mention the persons names. One is from an architect of some standing, and it reads as follows—

As members of your electorate we strongly urge you not to vote for the fluoridation of the water supply. We have a family of three young children and are all concerned about this matter.

In view of the alternative,—that those who require the attributed benefits of fluoridation can obtain same through their individual efforts, we consider it to be a gross and unnecessary infringement of the individual's rights to allow mass medication in this form.

Another letter reads as follows:—

It is with grave concern that I view the legislation proposed by the Minister for Health, as reported in the local Press, regarding the fluoridation of the metropolitan water supply.

After reading considerable literature convincing me of the value of fluorides in lowering the incidence of dental caries in young children, I am not convinced, however, as to its absolute safety. The fact that so many eminent world authorities are either convinced of the dangers to general health, or are not sure of the results of prolonged ingestion of this chemical, I feel that the position, one way or the other, has not been proved scientifically yet.

In view of the doubt which still surrounds this question, I hope you will vote against this legislation when the time comes.

You have been very patient, Mr. Chairman, with all speakers tonight. However, I want to reply to the interjection of the Minister. When another member was speaking, the Minister inquired when a referendum had been held. Was the Minister opposed to the referendum in connection with the nationalisation of banks? Was he opposed to the referendum in connection with unfair trading practices and price controls? Of course he was not!

There is another reason why we should have a referendum. We have read the damning statement that was made by two young scientists at Oxford a short while ago. The Minister who introduced the Bill in another place saw fit to have the legislation laid aside while he sought information from England.

Point of Order

The Hon. A. F. GRIFFITH: I do not wish to interrupt the honourable member, but this is not in any way connected with the clause that is before the Committee. To say that you have been tolerant towards us is an under-statement, Mr. Chairman. The honourable member will have ample opportunity of discussing these matters in connection with other clauses. I have not introduced into the debate the question as to why the Government postponed the Bill. At present we are dealing with the question of whether we should have a referendum.

The CHAIRMAN (The Hon. N. E. Baxter): The Minister is quite right.

Committee Resumed

The Hon. F. R. H. LAVERY: I bow to your ruling, Mr. Chairman. I could go on for some time, but it is obvious that the Minister is not happy to hear what I am saying.

The Hon. A. F. GRIFFITH: That sort of thing does not go down with me, because I am always anxious to listen to what members have to say. Surely you will concede me the point, Mr. Chairman, that there is a right place in which to say certain things, and a point in the Bill in which to bring them forward. The honourable member should not suggest that I do not wish to hear what he has to say, because I do. I know what he wants to say, and it would be so easy for me to refute it.

The Hon. J. M. THOMSON: I refer members to the amendment moved by Mr. Wise. When speaking to the second reading debate, I said that I was opposed to a referendum. I am still opposed to a referendum for these reasons: We could have a poll taken at Albany, at Mt. Barker, and another at Denmark. Mt. Barker might accept a referendum, but the other two places might reject it. Any referendum would have to be truly effective in its application. There would be a diversity of opinions expressed for and against the proposal. If we are to have fluoridation, and this Bill is to become law, then a referendum would have to be held in all places where there is a water supply authority. I emphasise the point that I am still opposed to mass medication, and I am opposed to fluoridation. Parliament will have to accept the full responsibility for passing this legislation. This is a matter that should be decided by both Houses of Parliament. I am not in favour of having a referendum, for the reasons which I have already given, and I oppose the addition of these words to clause 9.

Amendment put and a division called for.

The CHAIRMAN (The Hon. N. E. Baxter): Before the tellers tell, I cast my vote with the Ayes.

Division taken with the following result:—

Ayes—13

| | |
|-----------------------|----------------------|
| Hon. N. E. Baxter | Hon. R. H. C. Stubbs |
| Hon. G. Bennetts | Hon. J. D. Teahan |
| Hon. D. P. Dellar | Hon. R. Thompson |
| Hon. J. Dolan | Hon. W. F. Willesee |
| Hon. J. J. Garrigan | Hon. F. J. S. Wise |
| Hon. F. R. H. Lavery | Hon. R. F. Hutchison |
| Hon. H. C. Strickland | (Teller) |

Noes—14

| | |
|----------------------|------------------------|
| Hon. A. F. Griffith | Hon. J. Murray |
| Hon. J. Heitman | Hon. H. R. Robinson |
| Hon. J. G. Hislop | Hon. S. T. J. Thompson |
| Hon. L. A. Logan | Hon. J. M. Thomson |
| Hon. A. L. Loton | Hon. H. K. Watson |
| Hon. G. C. MacKinnon | Hon. F. D. Willmott |
| Hon. R. C. Mattiske | Hon. A. R. Jones |
| | (Teller) |

| | | |
|---------------------------|------|------------------|
| Aye | Pair | No |
| Hon. E. M. Heenan | | Hon. C. R. Abbey |
| Majority against—1. | | |
| Amendment thus negatived. | | |

The Hon. F. J. S. WISE: This clause is the crux of the Bill. It is the operative clause of the Bill. This clause has been introduced on instructions from a Minister—not a Minister of this House—and it is the result of overzealousness on the part of departmental officers. In my view this Parliament has been presented with a very serious affront in recent weeks.

I have noticed officers of the public service frequenting the corridors; frequenting places set aside for the private use of members; accosting members; stopping members when they were walking from one place to another; and, indeed, walking with members. I have no doubt that they are men who are zealous in their work. They are perhaps experts in their subjects; and they are men who, I believe, would not dare to act on their own volition. They have been impertinent and offensive in a manner which I seriously resent; and if it continues the matter will be reported to the President.

There must be something very wrong with the case when such things happen; when such men who have the great privilege of visiting Parliament have taken it upon themselves, or have been instructed so to do, to take such a course. I make no apology for any action I will subsequently take if it occurs again in my line of vision.

The Hon. H. C. Strickland: Hear, hear!

The Hon. A. R. Jones: To whom do you refer?

The Hon. F. J. S. WISE: I refer to senior officers of the Health Department. This clause is the crux of the Bill; without it the Bill cannot operate; without it there can be no fluoridation or direction from the Minister. I regret very much the Government has made it necessary for me from now on to oppose the measure.

Without a division the Bill was supported at the second reading in order to enable it to be debated in Committee in the hope that there would be a referendum. That has been denied, and I hope the Committee in its wisdom will not pass the Bill.

The Hon. A. F. GRIFFITH: I feel somewhat surprised, and more than a little sorry, that apparently some action by some officers of the Public Service has been in doubt.

The Hon. F. J. S. Wise: Obviously canvassing.

The Hon. A. F. GRIFFITH: I cannot help but say that I am surprised that such a charge should be made against officers of the department. I would expect that

because of the conscientious belief that certain people have about this subject they might take advantage of opportunities to talk to people. But goodness, gracious me, is there anything really wrong with that?

The Hon. F. J. S. Wise: Positively intruding and lobbying.

The Hon. A. F. GRIFFITH: Positively intruding and lobbying?

The Hon. F. J. S. Wise: Yes.

The Hon. A. F. GRIFFITH: There were a few hundred people in the gallery of the Legislative Assembly the other night. What were they doing?

The Hon. R. C. Mattiske: Being addressed by the leaders of their party in the gardens.

The Hon. A. F. GRIFFITH: What were they doing? They were talking to members of their party as they came out of the doors, and were asking them to debate a particular measure before the House.

The Hon. R. Thompson: But they were not in the corridors.

The Hon. F. J. S. Wise: They were not in places set aside for members.

The Hon. R. F. Hutchison: What about—

The Hon. A. F. GRIFFITH: You get up and make your own speech in a minute!

The Hon. F. J. S. Wise: You go as far as you like. I will be following you and you be careful. I will produce the instances.

The Hon. A. F. GRIFFITH: The honourable member can say what he likes.

The Hon. F. J. S. Wise: And you can say what you like.

The Hon. A. F. GRIFFITH: The honourable member can speak after I do: he can follow me.

The Hon. F. J. S. Wise: I will.

The Hon. A. F. GRIFFITH: I have no doubt about that, but I reserve the right to say what I think, and I repeat: I am very disappointed—

The Hon. F. J. S. Wise: So am I.

The Hon. A. F. GRIFFITH: —that such an accusation should be made.

The Hon. F. J. S. Wise: It is true.

The Hon. A. F. GRIFFITH: There are occasions, of course, when all Governments have to ask members of the Civil Service to come to Parliament for certain reasons. I have taken advantage of the advice that has been given to me on certain matters; and saw other Ministers do the same thing when I was sitting on the other side of the Chamber.

The Hon. F. J. S. Wise: Quite proper.

The Hon. A. F. GRIFFITH: That is quite proper?

The Hon. F. J. S. Wise: Yes.

The Hon. A. F. GRIFFITH: That is quite proper: All right. We have no argument upon that point. As regards the other matters, I do not know. The honourable member mentioned the question of the referendum and the vote that was taken. We accepted the vote on the previous occasion regarding whether the amendment was in order. I accepted it.

The Hon. H. C. Strickland: You must do.

The Hon. A. F. GRIFFITH: Of course I must, and so must we all accept the result of the vote on clause 9, clause 10 or any other clause in the Bill. I suggest it is not an affront to Parliament for the Government to present this Bill, or any other Bill that it conscientiously believes it should present for the consideration of Parliament. As long as I am here I will continue to express my point of view in the way that I think it should be expressed, without discourtesy or affront to any member.

The Hon. R. F. Hutchison: That's funny coming from you.

The Hon. F. J. S. WISE: I do not know who raised the question about the Bill being an affront. I certainly did not.

The Hon. A. F. Griffith: I am sorry if I misunderstood you.

The Hon. F. J. S. WISE: At any stage the Government is entitled to produce to Parliament for its deliberation a Bill in any form that the Government desires. I raised the question, and I raised it with the deliberate use of words—and, Mr. Chairman, I have an idea of the meaning of words—because overzealous officers, or officers directed by a Minister, were accosting members and endeavouring to influence them within the precincts of the House. That cannot be denied, and it happened in places which are private to members. That is true, and there are members in this Chamber—several of them—who know it is true.

I think it is unfortunate. This issue is so controversial that in both Chambers it has engendered heat in the course of the debate; it has engendered sharp differences of opinion, although some of the issues have been debated on their merits.

The subject matter of the Bill is contained in this clause. So far as I am concerned, we have not had sufficient argument as to why fluoridation should be imposed on all the people at the will or whim or direction of one person.

Clause put and a division called for.

The CHAIRMAN (The Hon. N. E. Baxter): Before the tellers tell I give my vote with the Noes.

Division taken with the following result:—

Ayes—13

| | |
|----------------------|------------------------|
| Hon. A. F. Griffith | Hon. R. C. Mattiske |
| Hon. J. Heltman | Hon. J. Murray |
| Hon. J. G. Hislop | Hon. H. R. Robinson |
| Hon. A. R. Jones | Hon. S. T. J. Thompson |
| Hon. L. A. Logan | Hon. F. D. Willmott |
| Hon. A. L. Loten | Hon. H. K. Watson |
| Hon. G. C. MacKinnon | (Teller) |

Noes—14

| | |
|----------------------|-----------------------|
| Hon. N. E. Baxter | Hon. H. C. Strickland |
| Hon. G. Bennetts | Hon. R. H. C. Stubbs |
| Hon. D. P. Dellar | Hon. R. Thompson |
| Hon. J. Doan | Hon. J. M. Thomson |
| Hon. J. J. Garrigan | Hon. W. F. Willseet |
| Hon. R. F. Hutchison | Hon. F. J. S. Wise |
| Hon. F. R. H. Lavery | Hon. J. D. Tannah |
| | (Teller) |

Pair

| Aye | No |
|------------------|-------------------|
| Hon. C. R. Abbey | Hon. E. M. Heenan |

Majority against—1.

Clause thus negatived.

Clause 10: Power of Committee to add fluorine to public water supply if water supply authority defaults—

The Hon. A. F. GRIFFITH: I just want to say that with your casting vote, Mr. Chairman, clause 9, the operative clause in the Bill, has been deleted. However, I propose to go on and complete the Bill.

The CHAIRMAN (The Hon. N. E. Baxter): Order! I would like to point out to the Minister that my casting vote did not delete clause 9. I do not have a casting vote, and my vote did not delete the clause.

The Hon. A. F. GRIFFITH: I beg your pardon, Mr. Chairman. It was your voting with the Noes which helped to defeat the clause. The voting was 14 to 13 against the clause.

The Hon. F. J. S. Wise: He was with all the other people who voted, and we are entitled to vote.

The Hon. A. F. GRIFFITH: Quite so, and I am not arguing about that. I am merely pointing out the fact and saying that although the Bill appears to be inoperative, I propose to carry on and complete the Committee stage.

The Hon. A. R. JONES: This clause contains some matters which are relevant to other parts of the Bill, and I would like to take the opportunity of saying how surprised I was to hear what Mr. Wise had to say.

I would like to make some reference to the statements that have been made, and in answer I would say it was purely by accident that I first went to the dental health clinic a few weeks before the Bill

came to this Chamber. I was so interested that I arranged for two Country Party members to inspect the clinic, and we asked many questions and sought advice from the authorities.

The CHAIRMAN (The Hon. N. E. Baxter): Order! Clause 10 deals with the power of the committee to add fluoride to the public water supply. The honourable member can speak on the third reading stage if he wishes to speak generally.

The Hon. A. R. JONES: I do not wish to say any more, and I thank you Mr. Chairman for the latitude you have extended me.

The Hon. A. F. GRIFFITH: I would like to say that in my opinion Mr. Jones was entitled to say what he did. If Mr. Wise was able to talk about these people being in the precincts of the House when debating clause 9, I think Mr. Jones should have the same facility on this clause.

The CHAIRMAN (The Hon. N. E. Baxter): I have given a fair amount of latitude in the discussion on this clause. A lot of these speeches can be made on the third reading stage, otherwise we will get nowhere.

The Hon. G. C. MacKINNON: There was a division on your motion, Sir, to report a Bill, a little while ago. Had the question been negative, I take it the Bill would not have been reported. So we cannot be sure that this Bill will go to the third reading.

Personal Explanation

The Hon. A. R. JONES: I would like to make a personal explanation concerning the matters mentioned on clause 9. I would like to explain the position in which I found myself, and the reasons why some of these people came to the House. I have only seen one of the dental officials here; and I have not seen him accost anybody in the House. I certainly have not been accosted by him. These gentlemen went out of their way, and gave their time to help us in the matter, and I think they deserve our thanks. It is all right for those people who understand the matter before the Chamber, but fluoridation is not a matter that I understand. I was not compelled to seek this advice by anybody. I was certainly not told by any Minister or anyone else, to get the information I sought.

Committee Resumed

Clause put and passed.

Clause 11 put and passed.

Clause 12: **Maximum and minimum concentration of fluorine in water—**

The Hon. F. R. H. LAVERY: We have had information through the Press of investigations made by scientific men in England who feel that in their opinion the intake of fluorine could be detrimental

to the enzymes of the body. I have here some information given by Professor Hugo Theorell who is a Nobel Prize winner, and who won his award for work on enzymes. He found that fluoride inhibits the growth of enzymes. We also have Dr. J. Forman, a leading American allergist, warning that "Enzymes are inhibited or destroyed by fluoride." He concludes by saying—

This is a fact that those who propose to add fluoride to drinking water, overlook.

Dr. James B. Sumner of Cornell University, U.S.A.—a Nobel Prize winner in the field of enzyme chemistry warns—

Everybody knows fluoride and fluorides are very poisonous substances and we use them in enzyme chemistry to poison enzymes, those vital agents in the body.

That is the reason things are poisoned, the enzymes are poisoned and that is why plants and animals die.

(Every body cell contains 50,000 to 100,000 enzyme systems.)

I oppose the clause.

The Hon. J. G. HISLOP: Can Mr. Lavery tell the House the percentage of fluoride used in those experiments? If he cannot do so, it is wrong to bring forward a statement which he cannot corroborate. Enzymes are not destroyed by the amount of fluoride in drinking water; they are only destroyed by a much higher percentage of fluoride in water. This is merely being used by those opposed to fluoridation. It is even considered that the action of the small amount of fluoride used in water depends largely on an enzymatic action, and in some cases it stimulates this action.

The Hon. F. R. H. LAVERY: I cannot answer the question asked by Dr. Hislop except to refer him to the passages I have already quoted.

The Hon. A. F. GRIFFITH: I do not want to delay the Committee, but I feel it should know why the Government delayed the further passage of this Bill. It was delayed because of the opinions that were expressed in the newspaper as to what happened to human cells as a result of experiments made by British research workers.

The Hon. F. R. H. LAVERY: The Government should be commended for delaying the legislation until it received that information.

The Hon. A. F. GRIFFITH: *The West Australian* of the 26th October, 1963, reported that human cells were killed by sodium fluoride at a twentieth of the strength of fluoride drinking water. The report quoted the *British Medical Journal* dated the 26th October, 1963. My colleague requested the Health Education Council to obtain the U.K. Health Ministry's evaluation of the B.M.J. article, and

a cable was sent on the 26th October, 1963. The Bill was delayed until a reply was received. The reply is as follows:—

Ministry of Health,
Alexander Fleming House,
Elephant and Castle,
London, S.E.1
1st November, 1963.

Dear Sir,

Sodium Fluoride and Cell Growth

I am writing in response to your telegram of the 31st October requesting our evaluation of a letter in the British Medical Journal which suggests that fluoride can inhibit the growth of living cells.

A letter from Berry and Trillwood of the Churchill Hospital, Oxford, on "Sodium Fluoride and Cell Growth" appeared in the British Medical Journal of October 26th (page 1064). The authors claim that:—

1. Human cancer (HeLa S.3 Oxf) and mouse fibroblast cell lines are inhibited in laboratory media containing 0.1 p.p.m. sodium fluoride.
2. A further experiment made with media containing up to 10 p.p.m. sodium fluoride indicates that this is probably due to a decreased rate of cell division rather than a direct and immediate killing of cells.

No information is given of the fluoride content of the media which were used as the control in these experiments.

We take the view that these experiments are *in vitro* and bear little or no relation to what actually happens in the body. Cancer cells differ from normal human cells in their metabolism, and in particular in their capacity for rapid reproduction.

Singer and Armstrong (J. Applied Physiology 15, 508, 1960) showed that the human body has an ability to maintain a constancy of the fluoride content of the plasma and extra cellular tissue fluids in spite of large variations in fluoride intake. Thus apart from transient increases following meals the fluoride content of the plasma was within the range of 0.14 to 0.19 p.p.m. regardless of whether people were living in an area having 0.15, 1.1 or 2.5 p.p.m. fluoride in their water supply. Only when the water had a fluoride content in excess of 2.5 p.p.m. was a rise in the plasma level noted. From this it would appear that any inhibition of cell growth which might take place in the body is a normal physiological process taking place in every human body regardless of all reasonable variations in fluoride intake.

Higher concentrations of fluoride occur in tissues containing calcium where it is stored in solid mineral form and would not affect cell growth and in the kidneys. Except where the intake of fluoride is grossly excessive variations in the amount of fluoride ingested have not been shown to have any harmful effect on the kidneys.

Careful comparisons have shown that no differences in growth can be detected in children born and brought up in areas having wide variations in the fluoride content of their respective drinking waters.

We understand that Professor Jenkins of Durham intends to write to the British Medical Journal in reply to the letter from Berry and Trillwood and if he does so we hope that his letter will be published in the issue for the week ending 9 November.

Yours faithfully,

E. O. Croft.

The Government delayed the passage of the Bill until it had an opportunity of obtaining some information from the British Ministry of Health. The letter I read came from the British Ministry of Health in response to a telegram from the Minister for Health in this State. Having been satisfied with the explanation given, and with the accuracy of the reports that have been made, the Government considered the matter should be further dealt with by Parliament.

The Hon. J. G. HISLOP: Regarding the percentage of fluoride, I propose to put before members some of the facts set out in the letter from Berry and Trillwood. They said that in the experiments carried out no significant reduction in cell reproductive capacity was detected in concentrations of sodium fluoride up to 10 parts per million. However, at 100 parts per million there was total disappearance of visible cells from the plates. The letter goes on to state—

The growth of the two types of mammalian cells *in vitro* has thus been shown to be inhibited by extremely minute quantities of sodium fluoride in the growth medium—quantities equivalent to those recommended for use in drinking water. As significant decrease in cell reproductive capacity does not occur until very much higher fluoride concentrations are reached, this reduction of growth is probably due to a decreased rate of cell division, not to direct and immediate cell killing.

In the experiment mammalian cells were separated from the body and put into a test tube which contained a certain defined media of a strength equal to that of drinking water. A slowing down of the cell reproduction was seen. The point

that is overlooked completely in this experiment is that, in relation to human beings, these cells were kept in a constant solution of one part per million, but in the human body there is a very selective mechanism by which the body will maintain the balance of fluoride in the blood at a specific level, even though an increased quantity of fluoride has been taken. The excreta and stabilising apparatus in the human body would maintain the specific level, but this apparatus played no part in the experiment conducted in cells separated from the human body.

That experiment has no bearing whatsoever on the question of injury to human cells. It is regarded in almost every scientific journal that the selective mechanism of the human body maintains the specified level of fluoride, even though a larger dose might have been taken. Therefore there can be no reason to use this experiment as a means of preventing the fluoridation of water supplies.

The Hon. J. DOLAN: I would like to read this sentence in relation to the three findings referred to by the Minister, "They believe they have shown that more research is necessary to get the effect of fluoride on the whole human body."

Clause put and passed.

Clause 13: Power of Committee to rescind or vary any recommendation—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 10—Insert after subclause (2) the following new subclause:—

(3) Where a water supply authority has provided equipment or apparatus to be used for the purposes of adding fluorine to any public water supply under its control pursuant to this Act if—

(a) the Committee rescinds any recommendation made by it under section thirteen of this Act, that relates to the water supply authority; and

(b) the water supply authority is no longer required by or under this Act to add fluorine to the public water supply,

the Minister shall pay, to the water supply authority for the purpose of defraying the costs incurred by it in providing the equipment or apparatus, such amount as may be agreed upon between the Minister and the water supply authority and in default of agreement such amount as may be determined by arbitration under and in accordance with the Arbitration Act, 1895, unless

the Minister and the water supply authority agree on some other method of determination.

An undertaking was given by the Minister for Health in another place that an amendment along these lines would be moved in this House. It caters for the situation where a water supply authority would be recouped the cost of the equipment which became redundant, should the committee rescind a decision to fluoridate the particular water supply.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 14 to 16 put and passed.

Title put and passed.

As to Report

The CHAIRMAN (The Hon. N. E. Baxter): The question is that I do now report the Bill to the House.

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

Ayes—13

| | |
|----------------------|------------------------|
| Hon. A. F. Griffith | Hon. J. Murray |
| Hon. J. G. Hislop | Hon. H. R. Robinson |
| Hon. A. R. Jones | Hon. S. T. J. Thompson |
| Hon. L. A. Logan | Hon. H. K. Watson |
| Hon. A. L. Loton | Hon. F. D. Willmott |
| Hon. G. C. MacKinnon | Hon. J. Heitman |
| Hon. R. C. Mattiske | (Teller) |

Noes—13

| | |
|-----------------------|----------------------|
| Hon. G. Bennetts | Hon. R. H. C. Stubbs |
| Hon. D. P. Dellar | Hon. J. D. Teahan |
| Hon. J. Dolan | Hon. R. Thompson |
| Hon. J. J. Garrigan | Hon. W. F. Willesee |
| Hon. R. F. Hutchison | Hon. F. J. S. Wise |
| Hon. F. R. H. Lavery | Hon. J. M. Thomson |
| Hon. H. C. Strickland | (Teller) |

Pair

Aye

No

| | |
|------------------|-------------------|
| Hon. C. R. Abbey | Hon. E. M. Heenan |
|------------------|-------------------|

The CHAIRMAN (The Hon. N. E. Baxter): The voting being equal, the question is resolved in the negative.

Question thus negatived.

Bill defeated.

FACTORIES AND SHOPS BILL

Second Reading

Debate resumed, from the 29th October, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. R. THOMPSON (West) [10.45 p.m.]: If we had listened to the introductory speech of the Minister on this Bill we would find that it has two main functions, one being to set up a factory welfare board, and the other to set up a retail trade advisory committee.

It seems an innocent Bill until one starts reading it. I am not taking any liberty when I make my next remark, because the matter was mentioned in the Minister's speech. I say, without fear of contradiction, that this Bill is linked up with a Bill in another place at present. I refer to the Industrial Arbitration Act Amendment Bill. I can see much in this

Bill which ties up with many of the things I have read in the Press reports in respect of another Bill.

The PRESIDENT (The Hon. L. C. Diver): Order! The honourable member cannot anticipate other legislation.

The Hon. R. THOMPSON: With all due respect, Sir, the Minister mentioned the arbitration Bill in his speech. He stated that inspectors would be appointed under the Bill. I could find his exact words for you if you want them. Therefore I made that point, because I say there are implications.

When we look at the composition of the board we find that there is going to be a duplication. Under one piece of legislation there will be a group of people to be called the Retail Trade Advisory Committee; and yet, when the factory welfare board is in existence, there will be a totally different group of people. The function, in the main, of both those bodies is to look after industry. There is not much difference between the industry in a shop and that in a factory.

This Bill will considerably alter the parent Act under which at present a shops and factories inspector can inspect premises and carry out investigations in respect of what has taken place in any particular instance. However, under this legislation with which we are now dealing, an inspector is not allowed to take any action in any competent court to deal with any offence. This is completely depriving the inspectors of something to which they have been accustomed in Western Australia; and they have carried out their job very prudently. They have not made prosecutions willy-nilly. Every prosecution made over the years has been well considered and has been proved to be a serious breach of the laws under the parent Act.

Under this Bill, although the inspectors are to have taken from them the right to institute proceedings against an employer or an employee, a person may not give evidence which might incriminate himself. Therefore, what is the good of appointing inspectors at all if they cannot ask a person to answer a question which might incriminate him?

One of the greatest mistakes in this Bill is the fact that the chairman of the factory welfare board will be the Secretary for Labour. I do not know whether this is supposed to be a slight on the Chief Inspector of Factories, but who would be a more competent person to be the chairman of the factory welfare board than the Chief Inspector of Factories?

There are to be two permanent members on the retail trade advisory committee, but in addition there will be a floating committeeman, someone who is appointed but who can be changed from time to time. Admittedly, set out is the group of people from whom a replacement may be made,

but this can be done just at the whim of the chairman. I believe this is wrong in principle and would be wrong in practice.

Although there are a number of amendments appearing on the notice paper to be moved by the Minister and another member, I can assure members that it is our intention to submit further amendments. Subclause (2) of clause 16 reads—

(2) A person shall not be required, under the authority of this section, to answer any question or give any information tending to criminate him, and before any person is questioned by an inspector pursuant to this section the inspector shall advise the person accordingly.

What is the good of having inspectors if when they enter premises and witness a serious breach which could endanger the lives of workers they are not allowed to question anyone about it unless they first point out to the person concerned that he is not to say anything that might incriminate him.

The Hon. F. R. H. Lavery: Even a policeman does that; he warns a person.

The Hon. R. THOMPSON: It is a ridiculous clause. All powers have been stripped from the inspectors. They have none left, except to report to the Public Health Department and to local authorities if there are any breaches of the health regulations, etc. An inspector cannot enter an establishment and ask questions as to how a certain incident occurred or how long a certain procedure has been in operation, because the person is not allowed to answer if such answer will incriminate him.

As Mr. Lavery said, a policeman warns a person, admittedly, but he has the right to arrest him. The factories and shops inspector has no such right. In fact he has no rights at all. He was previously permitted to take an employer or an employee, or any person, before the Arbitration Court but that power has been taken away, too. No wonder people are concerned when they read this legislation and compare it with another piece.

Other provisions in this Bill relate to what can be done in a factory, and the number of persons who constitute a factory before it can be registered. On this point, a very serious practice is in vogue in Western Australia at present. I realise that there is an amendment on the notice paper, but I cannot refer to it at this stage. According to the provisions in this Bill a factory is a place in which four persons are employed.

However, in the clothing trade at the moment there are plenty of home or backyard factories. An employer subcontracts to certain people who take the clothing home to make. There are, perhaps, mothers, and brothers, and sisters working all hours of the day and night in the manufacture of this clothing. Therefore that

becomes a factory outside a factory, and I certainly hope there will be an amendment to cover this situation adequately. We do not want to revert to the conditions which prevail in Japan and Italy, because up to date we have been able to pride ourselves on our working conditions.

I wish to stress again that I am definitely opposed to that portion of the Bill which provides that the chairman shall be the Secretary for Labour. If the Secretary for Labour has to perform the same volume of work he has performed in the past, he would not have time to act on this board. Although those on the board will not have much standing, they will have to attend to such matters as safety and health. If the members of the board carry out this work as they should do, they will be fully employed; and the Secretary for Labour, I do not think, could spare the time to be absent from his office for long.

When we look at the retail trade advisory and control committee, it will be seen that this committee is not necessary for the simple reason that, to keep the matter in conformity so that the people will have inspectors and the board will have a complete knowledge of all phases of industry—commerce and shops—it will be necessary for that one committee to study all sections of commercial and industrial life. Here we are going to have a duplication by two different committees, but under the one chairmanship. How that is going to function is beyond my comprehension. I would ask the Minister to have a serious look at this aspect. It would be better to make one board rather than a committee and a board, because it will not serve any useful purpose to have two committees.

Chemists' trading hours are also to be regulated and the chemist shops are to be told what they are permitted to do or not permitted to do. At the present stage I cannot read into this Bill how the chemists will be policed. I think that some chemists will remain open as they have done in the past, because there are loopholes in the amendment. I think this section dealing with chemist shops should be seriously looked at again. I do not think it will do what is intended.

Another point on which I would like a reply from the Minister is the age and the percentage of the basic wage applicable to junior labour. I am under the impression that at present 15 years is the minimum age for employment. In section 99 of this Bill there is no mention of the basic wage to be paid to females under 15 years. Perhaps it is because they cannot be employed at that age. However, I would like some clarification on that particular point.

By and large this is a Committee stage Bill. There are matters on which I will be arguing during the Committee stage and we will put amendments on the notice

paper to cover the clauses which, at the present time, we do not think are quite good enough.

The Hon. A. F. Griffith: If you put your intended amendments on the notice paper we can give them consideration fairly speedily.

The Hon. R. THOMPSON: Petrol roster stations will be governed by this Bill. It seems strange to me that last year, in another place, legislation was introduced along similar lines and it was turned down. It was not acceptable because it was the Opposition who tried to carry out the wishes of the majority of people regarding rostered petrol stations. The Government did not see fit to accept the legislation.

The Hon. A. F. Griffith: That is not quite right.

The Hon. R. THOMPSON: I tell you it is right. The Bill was rejected.

The Hon. A. F. Griffith: The conditions are different in this Bill.

The Hon. R. THOMPSON: There is no difference in this Bill. Last year, the Automobile Chamber of Commerce offered to have 24-hour roster stations and offered to double or treble the number that would remain open on Sunday mornings. That is all that is in this Bill; nothing else. It is exactly what was offered previously.

There is another passage in the Bill relating to privilege shops. For the life of me I cannot see what is meant by a privilege shop.

The Hon. F. R. H. Lavery: You will probably be surprised when you find out just what it does mean.

The Hon. R. THOMPSON: Yes. The Minister was not very lucid when explaining the section dealing with a privilege shop. It could be anything. There is an amendment on the notice paper which will try to tidy up that clause; but I think the House should be told, and told very clearly, what is intended by these privilege shops.

Much play has been made in the Press in respect of corner stores. The people I have spoken to regarding corner stores are not in favour of the extended hours. In spite of all the play that has been made on this particular point, I do not think it will help the corner store very much.

The Hon. F. J. S. Wise: Like shutting the stable door after the horse has gone.

The Hon. R. THOMPSON: Yes. As Mr. Wise implies, the chain stores have taken over and run the little shopkeeper out of existence. Now the Government is being big hearted and is going to allow the corner shop to stay open so that it can reap some of the fruits. I think this is very dangerous because it won't be very long before we see Boans, Foys, and other big stores becoming privilege shops. If that is not the case I want the Minister

to tell me so very plainly. At the moment I am not convinced, and if I do not believe what he tells me I will attempt to have an amendment inserted into the Bill.

As I said previously, this is a Committee Bill as far as I am concerned. Some parts of the Bill appear to be very good at first reading.

The Hon. A. F. Griffith: Now we are making progress.

The Hon. R. THOMPSON: On looking more closely it can be seen that the Bill definitely ties up with the Industrial Arbitration Act Amendment Bill.

THE HON. F. R. H. LAVERY (West) [11.10 p.m.]: I believe that this Bill is a Committee Bill; and I believe, using the words that were used by another member tonight, that this Bill will probably be passed by this Parliament. I want to ask a definite question and at the same time make a statement of fact. I ask for your forbearance, Mr. President, because I wish to quote an instance of another Act that went out of Parliament two years ago.

The question I wish to ask of the Minister is: What will be the position of the officers now employed under the Factories and Shops Act? I have in mind that when the unfair trading Act, which was brought in by the Hawke Government, was thrown out by the present Government during its first year in office, the officers who were employed by that department suffered great disabilities. What actually happened was this: The men employed under that Act were civil servants carrying out the instructions of the Government under the administration of the Act, and, as such, they deserved to be protected. But what happened to the two leading inspectors? One of those men was one of the highest qualified accountants in the Public Service in this State. Since that time he has held a very minor position in a records room. The other man was shifted from place to place.

Those two men suffered great disabilities and indignities so far as their family life in the community was concerned. Degradation was brought upon them by their being degraded in their positions. That should not have occurred, because they were public servants carrying out the duties of the Government then in office. So I ask the Minister in all sincerity, before this Bill becomes law, to see that some protection is given to those men who occupy positions in the Factories and Shops Department. I give the Minister credit for the fact that whenever I have asked for anything privately he has always assisted me—and I am not kissing the Blarney stone when I say that. I ask in all sincerity and trust that he will do something for those men.

THE HON. J. DOLAN (West) [11.13 p.m.]: There are some aspects of this Bill on which I wish to make a few comments.

I notice that there is to be appointed a committee known as the retail trade advisory and control committee. One of its duties, or prerogatives, will be to grant to any shopkeeper a permit authorising him to open his shop during additional hours, and so on.

First of all I want to read to the House the opinion of an authority on shopping and give the House the benefit of his views about extended shopping hours so that cognizance might be taken of them. This is what he had to say—

Ever since I returned from America in 1955 I have been consistent in my opinion that Australia's existing trading hours are in the best interests of all concerned.

It is a known fact that extended trading hours in the United States have increased the cost of doing business. This increase can only be covered by higher margins of gross profit, which means that the customer ultimately pays for the extended shopping facilities.

We have every reason to expect the same result if extended trading hours are introduced in this country.

For some of our stores, namely the larger supermarkets which we are now opening at an increasing rate, extended hours and late night shopping would offer obvious advantages.

However, there are a number of very good reasons why we are opposed to extended shopping hours, namely:—

- (a) There is only a certain amount of money available to be spent by each family each week on food and clothing. By extending the shopping hours this would only spread the trade out over a longer period.
- (b) As mentioned above, the cost of doing business would rise. This would be due to two main causes—the provision of additional labour and an increase in store operating expenses such as light and power, etc.
- (c) An alteration in the present wages awards for shop assistants would have to be effected to allow for the staggering of working hours. If this was not done, overtime rates would have to be paid and these could become prohibitive.
- (d) Additional strain on key store personnel would be undesirable. Most store managers and assistant managers would be unwilling to be away from their store for any length of

time and therefore extended hours would throw an additional strain on these men. As far as our company is concerned, we believe our men work long enough hours now.

Quite obviously the general public would vote in favour of night shopping and extended trading in the weekends because it would give families the opportunity to do their shopping together and thus relieve some of the burden from the housewife.

However, I doubt very much if these same families would vote for extended shopping hours if they knew that their weekly budget would be substantially increased as a result.

The House might wonder who made those remarks. That was the considered opinion of one of the greatest retail shop proprietors in Australia, Sir George Coles, who is also one of the founders of G. J. Coles & Co. So I issue to the House the warning that, in giving powers to this advisory committee, a close watch should be kept on the way it grants increased shopping hours, because of the problems which are involved, and because in the long run they will not assist anybody, or solve anything.

Many concessions have been granted to certain branches of commerce and trade over the years, and I would say that such concessions have proved to be progressive. For instance, there was an uproar when it was decided that banks should be closed on Saturday. It was stated that all kinds of worries and troubles would eventuate, but they did not eventuate; and, instead of hindering business in any way, I think everyone has found that this reform has done no one any harm but has done a considerable number of people in the community a vast amount of good.

Some inconvenience was suffered by all of us in the changeover when bakers did not have to deliver bread on Saturday, but I think most people have become accustomed to it now.

The Hon. G. C. MacKinnon: Not with the delivery of bread.

The Hon. J. DOLAN: I may be different to other people.

The Hon. A. F. Griffith: I think what we have become accustomed to with that reform is stale bread on Monday.

The Hon. J. DOLAN: Perhaps it will do some people good having to eat stale bread on Monday instead of eating freshly-baked bread. When milkmen were granted one day a week off we found that inconvenient for a while. In the past such a move would have been unheard of. Milkmen were expected to deliver milk on Christmas Day, New Year's Day, and on

every other holiday. It took us a long while to consider that, as workers, these men were entitled to at least one day off a week, and to deliver milk on only six days of the week, so that they could have some spare time to themselves.

I consider that this Bill, in the main, is a Committee Bill. There are some parts of it which will have to be debated clause by clause, and possibly amendments will have to be moved in order to satisfy those who have objections to some of the provisions.

I will start at the top. In the Bill it is provided that the Secretary for Labour shall hold the position of chairman of this proposed committee, but I consider that the Chief Inspector of Factories should occupy this office. As in every other State of the Commonwealth, the Chief Inspector of Factories in this State has been in charge of the Factories and Shops Department for many years, and he is a man with very great experience. He knows the types of factories, shops, and warehouses that are in this State, and he knows thoroughly the conditions that apply in them.

Even if the Secretary for Labour were appointed as chairman, he would still have to obtain the advice and assistance of the Chief Inspector of Factories to ensure that the Act was implemented properly. Therefore I consider that if we make a move to amend that particular clause in Committee we will receive some sympathy. Another aspect to which I would like to refer is that if an accident happens in those establishments covered by the legislation and such accident results in a fatality, there is no provision, as there is in other pieces of legislation, such as the Mines Regulation Act, for a representative of the workers to be informed of the accident immediately so that he can visit the scene of the fatality with a view to protecting the interests of the relatives of the deceased, or, if the worker has only been injured, of protecting the interests of the worker himself.

In these times that would be a moderate request and, in my opinion, such a provision should be inserted in the Bill. It can be readily seen that in regard to those accidents involving a claim for compensation, everything should be done to ensure that justice is served.

The Hon. G. C. MacKinnon: Every factory has a representative of the workers employed in the establishment.

The Hon. J. DOLAN: That does not follow. On many occasions when accidents take place there is no workers' representative present who is prepared to support a case in favour of the worker himself, or, in the case of a fatality, the relatives of the deceased worker.

The Hon. G. C. MacKinnon: What do you mean by that?

The Hon. J. DOLAN: It is plain enough. If a man is killed in a factory or some industrial establishment, the first step to be taken is to notify the Chief Inspector of Factories as soon as possible; but why could not the workers' union representative be notified at the same time? That is done when an accident in the mining industry occurs so that every action can be taken to ensure that the rights of the dependants of a deceased worker are protected. However, these are matters that should be considered in Committee, and when the Bill reaches the Committee stage I intend to move an amendment along the lines I have indicated.

Another point to which I would refer before I conclude is that relating to the retail trade advisory and control committee which shall consist of three members. The composition of this committee is explained in the Bill as follows:—

- (a) one shall be the person who for the time being holds the office of Secretary for Labour who shall be the Chairman;
- (b) one shall be a person willing to act as member appointed upon the joint written nomination of the bodies known as The Retail Traders' Association of Western Australia (Inc.), The Retail Grocers' and Storekeepers' Association of Western Australia (Incorporated), and Perth Chamber of Commerce (Incorporated) to represent the occupiers of shops; and
- (c) one shall be a person willing to act as a member appointed upon the written nomination of the Minister to represent the purchasers of goods from shops.

Why not have a representative of the Shop Assistants' Union as a third member of the committee? In these days I consider we have reached the stage in our progress where we must always consider the interests of the workers.

The Hon. H. C. Strickland: They are the real producers.

The Hon. J. DOLAN: Yes, that is quite correct. The interests of the employers are well represented. I think some consideration should be given to the third member being a workers' representative.

As I have said, I intend to move certain amendments in Committee, and at this stage I feel that although there are some good provisions in the measure there are others which will have to be carefully considered with a view to effecting some improvements.

Debate adjourned, on motion by The Hon. J. G. Hislop.

House adjourned at 11.25 p.m.

Legislative Assembly

Wednesday, the 6th November, 1963

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