

I do not have time to quote further. I want to draw attention to the fact that the Department of Agriculture in Western Australia views very seriously the question of pollution, in any form, to agricultural products.

Mr. Graham: So does the Government.

Mr. GRAYDEN: The situation is that the Department of Agriculture has gone out of its way to inculcate in the minds of farmers the need to keep grain free from pollutants of this kind. On the other hand, this measure would be setting a bad example in the vicinity of the great installation constructed by C.B.H. I support the amendment moved by the Leader of the Opposition.

Progress

Progress reported and leave given to sit again, on motion by Mr. Harman.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. J. T. TONKIN (Melville—Premier) [11.29 p.m.]: I move—

That the House at its rising adjourn until 11.00 a.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 11.30 p.m.

Legislative Council

Wednesday, the 8th November, 1972

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTION ON NOTICE WATER SUPPLIES

Jerramungup

The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) What is the capacity of the dam which supplies the town of Jerramungup with water?
- (2) What is the population of—
 - (a) the town which normally uses this supply; and
 - (b) the country surrounding the town which would require supply in time of drought?
- (3) In the past, has this supply had to be used for emergency stock water, or are there sufficient other drought supplies conveniently situated in the area?

The Hon. W. F. WILLESEE replied:

- (1) 3.270 million gallons.
- (2) (a) 250;
(b) Not known.
- (3) No. There are sufficient other drought supplies within 20 miles of Jerramungup.

TRAFFIC ACT AMENDMENT BILL (No. 3)

In Committee

Resumed from the 1st November. The Deputy Chairman of Committees (The Hon. R. F. Claughton) in the Chair; The Hon. J. Dolan (Minister for Police) in charge of the Bill.

Clause 3: Section 32B amended—

The DEPUTY CHAIRMAN: Progress was reported after clause 3 had been partly considered.

The Hon. I. G. MEDCALF: I had hoped the Minister would indicate that he had considered the amendment I have on the notice paper to insert a new subsection 32B(12).

I have carefully phrased the proposed new subsection to overcome what I believe were the difficulties raised by the Minister previously, when he felt there was an implied slur on the Police Department in the phraseology which was supplied to me by the Crown Law Department. By way of explanation, I would say that I conveyed to the private members' Parliamentary Counsel the fact that I would like an amendment which did not place upon the police the onus of having positively to prove that they had taken steps to ensure that the medical treatment of the injured person was attended to.

It is a fact that the courts regard very jealously any invasion of what is normally the criminal law. If we make it legal for a doctor to take a blood sample of an unconscious person or one who is incapable of giving his consent, then the view of the Crown Law Department is a proper one. The courts do not like this sort of thing, and therefore they make the police prove every element of an offence.

The fear of the Crown Law Department has been that the insertion of an amendment, as originally proposed by me, would require the police, before its members can obtain a conviction under this provision, to prove that they had taken every precaution to verify that the medical condition of the accident victim had been attended to. This might cast a very difficult task on the police. No doubt, the police would do that in all cases, but advantage might be taken of the police because of their inability to establish this fact when the case is taken before the court.

It was not my intention to add to the burden of the police by my original amendment; therefore I changed it substantially. I am proposing that a separate subsection be added, so that it does not become part of the original clause. My amendment is simply a statement of direction, of request, of intention, or of guidance to the Police Force.

This is an attempt at a reasonable compromise. It is the sort of action which the police will take in any case, but nevertheless it is desirable to have this provision in the legislation. I therefore move an amendment—

Page 3, after line 13—Add a new paragraph as follows:—

(d) by adding after subsection (11) a subsection as follows—

(12) Where a person is apparently unconscious or seriously injured a member of the Police Force or an inspector shall facilitate the provision of medical assistance for that person.

The Hon. J. DOLAN: The latest amendment proposed by Mr. Medcalf would appear to be just as objectionable as any other provision discussed where the question of instructing police officers or inspectors in the manner or the circumstances under which they should obtain early medical assistance for injured people is concerned.

In fact, his latest amendment indicates that unless the person is unconscious or seriously injured, a member of the Police Force or an inspector need not worry about a person's injuries, or obtaining medical assistance for that person.

I am happy to inform the honourable member and other members that if such a provision existed in the Statutes, police officers and traffic inspectors would have no alternative but to disregard the provision. They would have the same consideration for people no matter what the degree of injury sustained, whether they are conscious or unconscious, whether the injury is serious or not serious; every person is treated in the same way, in so far as obtaining medical treatment at the earliest possible moment. It is ludicrous to think otherwise and a serious insinuation to have to say it.

I have said it before in this Chamber and I think it will stand repeating: that police officers and inspectors have always regarded it as their first duty to facilitate the medical treatment of injured people, no matter what the degree of injury may be and no matter what the circumstances may be. It does not matter whether the person in question is an ordinary citizen walking along the footpath, an escaped criminal, or a person to be charged with a

drinking-driving offence; if there is any indication whatsoever that medical attention is necessary, this is their first concern.

There are many instances that have occurred over the years where police officers and inspectors have been required to obtain medical attention for people arrested for a variety of offences—people who have escaped custody and people they have come across in the course of their inquiries. There would not be an instance of medical attention not being afforded a person as soon as possible before any other consideration or inquiry relating to the suspicion of an offence, including any offence of the type under discussion with this Bill. There has been no necessity to say it before, whether a person has been conscious or not, and I see no reason to say it now with this Bill, just because it is a drinking-driving offence.

In the early stages of induction into the Police Force, a probationary constable is informed of the old maxim which really sums up, in a few words, what being a policeman is all about. These words are, "the protection of life and property." He carries these words foremost in his mind right throughout his career and it is denigrating to his profession that after more than 100 years, suddenly it is seen fit to remind him of his priorities in one particular set of circumstances.

I think it is also significant in these circumstances to reflect for a moment on how this blood sample would be taken from an unconscious or injured person, and this provides a further safeguard.

The Traffic Act prescribes that any sample of blood taken for these purposes is to be taken by a medical practitioner within the meaning of the Medical Act, 1894; and whether a sample of blood is taken at a hospital, a doctor's surgery or any other place, it must be a doctor who takes the sample. I cannot conceive of a medical practitioner attending an injured person in any of these circumstances, delaying the treatment of such a person as seems to be implied by some and, for this reason, I cannot see how a police officer, or an inspector, could delay or prejudice the treatment of an injured person in preference to obtaining a blood sample, if a medical practitioner has to take the sample. After all, a police officer or an inspector may only request of a medical practitioner a sample of blood and in practice a medical practitioner complies with that request in its order of priority. Once a medical practitioner attends a patient then medical assistance has been obtained whether it is for the purpose of taking a blood sample or some other reason.

In support of what I have just said, I would like now to refer to legislation introduced into the South Australian Parliament on the 25th October, 1972. I have a copy available for the perusal of members.

The amendments carry far-reaching provisions relating to drinking drivers and accidents and the requirement of persons to submit to the various scientific breath and blood tests.

I do not intend to labour the actual provisions or the technicalities involved, but I think there are significant comparisons to be made with our own legislation relating to the very matter under discussion.

The provisions of the South Australian Bill are that in the event of an accident, where a person above the age of 14 years who suffers injury in the accident attends at or is admitted into a hospital for the purpose of receiving treatment for that injury, it is the duty of the medical practitioner who attends on that person to take a sample of blood.

There are provisions for a blood sample not to be taken where it would be injurious to the medical condition of the patient or if such person objects and persists with the objection. But I think it is significant that in South Australia, under the terms of this Bill, where every injured person apparently of or above the age of 14 years, no matter what the degree of injury, is required, with certain exceptions already mentioned, to submit to blood sampling, they have not seen fit to remind the police officer of his priorities in achieving the purposes of the Bill.

In South Australia, as in every other State of Australia, no-one has seen fit to remind the police officer of his priorities, and there will be, unfortunately, many of those people in South Australia in an unconscious or a serious state through injuries caused in traffic accidents just as there are here. I simply think it is something that goes without having to be said, either in these circumstances or in any other circumstances in which police officers or traffic inspectors are involved in referring people to doctors or hospitals for medical treatment whether they are conscious or unconscious.

I went to some extraordinary pains to get that information and, as I have said previously, I can only repeat that I oppose **the amendment and I ask the Committee, also, to oppose it.**

The Hon. G. C. MacKINNON: That was very interesting. It is a pity, to my mind, that it was completely unnecessary, because nobody argues on the grounds referred to by the Minister; they are not in question. The question is that if a policeman or any other properly trained person is left to his own choosing he would, without doubt, look to the medical welfare of an injured person. What is worrying us is that the provision in the Bill is a departure from the norm. My colleague, Mr. Medcalf, has gone to great pains to elaborate on that departure and, indeed, I had some words to say about it myself. In this departure a certain obligation has been placed

on the policeman to ensure that a blood sample is taken from a person, presumably, before anything else is done.

The Hon. J. Dolan: No, the honourable member is wrong.

The Hon. G. C. MacKINNON: Had the Minister not been so touchy about thinking we were attacking the police instead of realising that we were trying to help the police and ensure that they had adequate protection, and had he told us that he had checked with Crown Law and found there was no overriding obligation on a policeman to do this new act rather than the normal humanitarian thing by giving assistance, we would have been convinced. To my mind the police will still be under a statutory obligation to tell a medical practitioner that they want a blood sample.

The Hon. J. Dolan: As soon as a person is handed over to a doctor he becomes the doctor's patient.

The Hon. G. C. MacKINNON: There could be an argument and a doctor could desire to treat a patient—and obviously this has been done. However, it is our job to protect the police in the execution of their duties and nothing in what the Minister has said indicates that the police are protected. There is nothing to indicate that if a policeman does not say anything about a blood sample he will not be hauled up before the inspector.

Mr. Medcalf is trying to ensure that when a policeman acts in the ordinary humanitarian manner he will not be called on next morning to explain his actions. For that reason I feel constrained to support the amendment moved by Mr. Medcalf.

The Hon. I. G. MEDCALF: I am really quite surprised that the Minister has adopted exactly the same line as he adopted previously. Where the police are given a right to do something without the consent of a private person, I cannot see why they should object to a statement that the medical treatment of a person shall be paramount.

The Minister referred to the South Australian Act which was passed in 1972. I have not studied that Act, but the fact that it has been passed in South Australia does not really have any bearing on the situation in this State because there is a different set-up in South Australia. In the course of describing the South Australian Act the Minister has, in fact, admitted that it contains exactly the same requirements in relation to the medical profession as those I am trying to include in relation to the police. The Minister said it contained a provision that in taking a blood sample a doctor is not required to do so if, for medical reasons, he considers the treatment of the person will be prejudiced. In other words, the medical provision in South Australia is similar to the one which I wish to introduce.

If the medical profession has such a provision, why should not the police? After all, the police are no different from ordinary citizens, any more than are members of the medical profession. They come from the citizenry and if it is good enough for the medical profession that it should first look to the medical treatment of an injured person, why should not it be good enough for the police?

As Mr. MacKinnon has said, it will be a defence for a policeman. We are saying that a blood sample will be taken where a person is incapable of submitting himself. In giving this authority to the police how do we know they would not welcome a defence being provided, that where a person is apparently unconscious or incapable medical treatment should come first?

The Minister made an extraordinary statement that because I had stated it was to apply only to unconscious or seriously injured people, by implication I was suggesting the police did not have to look after the medical treatment of people who were conscious. That, of course is preposterous.

I have deliberately restricted this, because I do not want to include all cases. I am restricting my amendment to the needs of people who are forced to submit to a blood sample. Where a person is not unconscious, or seriously injured, he can nominate his own medical practitioner.

This right is already given, because the police may require a person to submit himself to a medical practitioner nominated by that person. But where a person is unconscious he could not do that and, in those circumstances, the police will nominate the medical practitioner and cause a blood sample to be taken.

I cannot see why the Minister is making such a fuss about this, because it is not sensible to make a fuss about a matter like this. I should have thought the Minister would see this as being an aid or an assistance to the police, rather than a cause for criticism. The Minister has never heard me criticise the police. I am aware that the police have had a fine record in rendering medical assistance ever since the force was first established in the United Kingdom in 1832. This is a self-evident truth.

For the first time, however, we are requiring people to be dealt with when they are not in a position to give their consent or take any active part in the proceedings—they may be unconscious or seriously injured.

In such circumstances I think we should stress the fact that the medical requirements of a person should be given first priority, particularly if he is in need of medical treatment. I cannot see why this matter should be of concern to the Minister.

The Hon. J. DOLAN: My thinking must be astray. Whether a person is unconscious or anything else, a blood sample can only be taken by a doctor; not by a policeman. Does Mr. Medcalf admit it is the doctor who takes the blood sample?

The Hon. I. G. Medcalf: I do not have to admit that because it is in your Bill.

The Hon. J. DOLAN: If it is the doctor who takes the blood sample surely he must first see the patient. If he is a medical case he then becomes the doctor's patient; he is not the responsibility of the policeman. If a doctor is called to a man who is unconscious it is the doctor's first obligation to see that he receives medical treatment.

The doctor can refuse to take a blood sample. He could say, "This man needs medical treatment and a blood sample will not be taken until the medical treatment is carried out."

The South Australian legislation, while providing for a blood sample to be taken, excuses the medical practitioner if he feels it is necessary for him to give certain treatment before the sample is taken. It is Mr. Medcalf who is making the fuss not I. I ask the Committee to oppose the proposition, and I will leave it at that.

The Hon. A. F. GRIFFITH: The Bill provides that in the case of an unconscious person the policeman concerned shall cause a blood sample to be taken. That is No. 1 priority under the legislation.

I accept what the Minister has said concerning a doctor taking a blood sample. As Mr. Medcalf has said, that is in the Bill. The only time a policeman's authority is abrogated is when the doctor says, "I will not take the blood sample in the interests of the man's health." The Minister can surely see that.

The Hon. J. Dolan: He has the right no matter what the circumstances may be.

The Hon. A. F. GRIFFITH: Until he exercises that right the policeman still has a statutory obligation to obtain the blood sample because the Bill says he shall.

The Hon. J. Dolan: It does not say he "shall"; it says he "may be required."

The Hon. A. F. GRIFFITH: As Mr. McKinnon has said, all we seek to do is to add a paragraph which will have the effect of protecting a man's health and, more importantly, of protecting the policeman.

The Minister says he cannot see why Mr. Medcalf is making such a fuss, but on the other hand I cannot see why the Minister is protesting so much about this matter because, as he has said, the policeman does this now and, if this is the case, why should we not spell it out in the Act?

The Hon. D. J. WORDSWORTH: I find the taking of blood from an unconscious person most repugnant. I do not think I am alone in this because traditionally it has been considered an assault if a blood sample is taken from an unconscious person.

I know there is very little medical evidence to show that there is any danger in the taking of a blood sample from a person who is fit; but I wonder what would happen if a person dies after a blood sample has been taken.

There are several people who have to live with this sort of thing. The police have to live with it, because they must order the taking of the blood sample. The doctor must also live with it. I suppose he can object, and he obviously will object where a particularly bad case is involved.

In many cases, however, people just die of a heart attack or something similar which it may not be possible for a doctor to foresee when the patient is brought in. I do not know whether those associated with the person who happened to die would not hold this against the police and the doctor. The coroner would certainly have to mention the matter during the inquest and say whether in fact the taking of the blood sample could have had an effect.

I do not know whether one can definitely say there is absolutely no chance of this sort of thing having any effect. It is obvious why we are all apprehensive about the person who is quite obviously drunk and who is a little more than unconscious and has not suffered a great deal of damage; we appreciate that in such a case a blood sample should be taken.

We all recognise the fact that the police are at times very frustrated when it is not possible for them to bring in a conviction. All the Government is trying to do here is to bring in a conviction without any thought being given to the possibility of endangering a person's life.

In the event of a sample being taken at any time later, surely the effect of drugs, etc., given for medical treatment must in some way influence the blood sample. I should have thought it would be necessary to take a blood sample early in the process of treatment.

The Hon. I. G. MEDCALF: My amendment refers to the case of a person who is apparently unconscious or seriously injured—that is the only case I am referring to. The Minister asked me to admit that the blood test must be carried out by a doctor. My answer to him was, "I do not have to admit that because it is in your Bill." Perhaps he thought I did not know that it is in the Bill, but if he wants me to admit it I will readily do so. I never had any illusions about the fact that the blood sample must be taken by a doctor. I never suggested the policeman would take it. However, in the first instance, the

policeman has to make the decision as to whether or not the blood sample is taken. Will the Minister admit that?

The Hon. J. Dolan: Would you say that again?

The Hon. I. G. MEDCALF: Who makes the additional decision as to whether or not a blood sample should be taken—the doctor or the policeman?

The Hon. J. Dolan: I would take it that in certain circumstances the policeman would remind the doctor.

The Hon. I. G. MEDCALF: I thank the Minister for that.

The Hon. J. Dolan: The doctor may remind the policeman, although there is no compulsion on him to do so.

The Hon. I. G. MEDCALF: The policeman is the one to make the decision because the Bill quite clearly says, "A member of the Police Force." The blood sample must be taken by a doctor and probably this would be done in hospital in the case of a seriously injured person. What about a young police officer who has to decide what to do in these circumstances? I know the police officers are well trained, but a young officer who knows the law has been changed—that is, subject to the passage of this legislation—is just as liable to ask for a blood sample from a seriously injured or an unconscious person as from a person in perfectly good health. He knows he has an obligation to decide whether or not he should cause a blood sample to be taken from a seriously injured or unconscious person.

Does the Minister not agree that the police officer would appreciate the ordinary guidance given to Red Cross workers, St. John Ambulance men, and to every citizen, that the medical treatment of the person should come first? I think this provision needs to be strengthened although I am well aware that the Commissioner of Police would say his young recruits know very well that they must look after the medical treatment of an injured person even if they think he is drunk. This legislation will give the policeman powers which he did not have before, and I see no objection to repeating the simple guide given to any member of the public, St. John Ambulance men, and so on, that medical treatment should come first.

The South Australian legislation includes this provision, and I see no reason for its not being included here. If the Committee is not satisfied that the amendment is necessary, perhaps it is my fault. I believe this is important enough to be included in the legislation, and I propose to persist with the amendment.

Amendment put and a division called for.

Bells rung and the Committee divided.

The **DEPUTY CHAIRMAN**: (The Hon. R. F. Cloughton): Before tellers are appointed I give my vote with the Noes.

Division resulted as follows:—

Ayes—15

Hon. C. R. Abbey	Hon. N. McNeill
Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. G. W. Berry	Hon. T. O. Ferry
Hon. V. J. Ferry	Hon. R. J. L. Williams
Hon. A. F. Griffith	Hon. W. R. Withers
Hon. Clive Griffiths	Hon. D. J. Wordsworth
Hon. J. Heitman	Hon. F. D. Willmott
Hon. G. C. MacKinnon	(Teller)

Noes—14

Hon. R. F. Cloughton	Hon. L. A. Logan
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. S. T. J. Thompson
Hon. J. Dolan	Hon. J. M. Thompson
Hon. L. D. Elliott	Hon. F. R. White
Hon. J. L. Hunt	Hon. W. F. Willesee
Hon. R. T. Leeson	Hon. R. Thompson
	(Teller)

Amendment thus passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with an amendment.

STATE FORESTS

Revocation of Dedication: Assembly's Resolution

Message from the Assembly requesting the Council's concurrence in the following resolution now considered:—

That the proposal for the partial revocation of State Forests Nos. 22, 27, 33, 37 and 70 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on 31st October, 1972, be carried out.

Motion to Concur

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) 13.19 p.m.): I move—

That this House concurs with the resolution contained in message No. 128 from the Legislative Assembly regarding the partial revocation of State Forests Nos. 22, 27, 33, 37 and 70.

In moving this motion, members are advised that six areas are affected. I would mention that the information is given in hectares and one hectare equals 2.471 acres.

Area No. 1 is of approximately 7.5 hectares adjoining the catchment boundary to be exchanged with the Pickering Brook Sports Club for a similar area of reserve located in the catchment. The exchange was instigated by the Metropolitan Water Board to remove the club buildings from the catchment area.

The second is one of approximately 8.9 hectares, two-thirds of which has been clean-cut of timber because of dieback infection, and is to be exchanged for an equal area of the adjoining private property which contains massive laterite unsuited to cultivation. There is no evidence

of dieback on this land which contains an adequate stocking of growing stock and saplings.

Area No. 3 is approximately 3.2 hectares applied for by an adjoining landholder. The land has been cleared of millable timber and release will provide a more satisfactory boundary to both State forest and private property by removing a salient.

The fourth entails an exchange of an area of approximately 5.5 hectares sought by an adjoining holder. The land is mainly swamp country containing poor timber and is required as an area for summer feed. In exchange the department will receive about 16.4 hectares of better uncleared jarrah country, inclusion of which will remove a salient from State forest. Because of the disparity in area the Forests Department will bear all costs of the exchange.

Area No. 5 is a small area of approximately 2.8 hectares containing little marketable timber which will become an unmanageable salient with a proposed release of the adjoining Nelson location 3537. Its release will enable a reasonable and economic fenceline to be constructed.

Area No. 6 is an area of approximately 51 hectares containing no marketable timber and is not suitable for pines. Approximately 13.7 hectares will be granted as compensation to an adjoining landholder for an area of approximately 5.3 hectares of productive land resumed for drainage purposes. The balance of approximately 37.3 hectares will be created as a drainage reserve vested in the Minister for Works.

The Legislative Assembly seeks the concurrence of this House with its resolution that the foregoing partial revocations of dedication be carried out and I commend the motion to the House.

THE HON. F. D. WILLMOTT (South West) [3.24 p.m.): I have examined the areas it is proposed to take from State forests for various purposes and I see no reason to delay the House on this matter for any length of time, because I agree with the revocation of dedication in regard to all of them.

Although I have criticised the Forests Department on many occasions for not being co-operative in the past, I sincerely believe its attitude has greatly changed in the last two or three years and it is much more amenable to reason in circumstances such as those surrounding these revocations from State forests. I know some of these areas quite well and the revocations now being sought have been wanted for some considerable time by some of the landowners concerned. I am therefore pleased to see that action is now being taken in regard to them.

Area No. 2 which is to be exchanged has been clean-cut of timber because of the effect of dieback infection. Unfortunately I believe that dieback will be even more

prevalent in the future, because it is spreading all too fast among our jarrah forests and it is possible that in later years some of these areas will be made available, if they are suitable, for pine plantation. There is no doubt that some of the areas affected by dieback will not be suitable, because they are too wet and, as members know, this disease is spreading very fast where water is moving on the surface.

As I said at the commencement of my remarks I see no reason to delay the House on this motion, and I wish to indicate that I agree with it.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.27 p.m.]: I am deeply indebted to Mr. Willmott for assisting the expeditious passage of this motion through this House. The honourable member speaks with authority on this subject and therefore his support of the motion is most encouraging. The document has not been tabled for long, but Mr. Willmott has taken the opportunity to study it. Once again I thank him for his remarks and commend the motion to the House.

Question put and passed, and a message accordingly returned to the Assembly.

PARLIAMENTARY SALARIES AND ALLOWANCES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th November.

THE HON. L. A. LOGAN (Upper West) [3.28 p.m.]: The Leader of the House explained this measure quite fully yesterday evening when he introduced the second reading. The Bill follows a recommendation made to the Parliamentary Salaries Tribunal which apparently indicated its support. It was found that the tribunal had no power and that legislative action was needed for it to become effective.

As far as I know the Bill is not opposed by any political party and therefore there is no need to delay its passage. I support the measure.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [3.29 p.m.]: I will avail myself of the opportunity to speak somewhat longer than did Mr. Logan and indicate by my remarks the general interest of all members of Parliament.

The Bill seeks to amend sections 4 and 7 of the principal Act. Section 4 is a schedule in the Act listing all those who should receive consideration by the tribunal, and section 7 provides for the adjustment of the salaries of these officers and members of Parliament. So I think,

Sir, you would agree it is competent for me, in a fairly wide sense, to discuss questions that will arise as a result of the amendments in the Bill to sections 4 and 7.

May I say at the outset that the Leader of the Country Party obviously has a greater persuasive power over the Premier than I. The Government has made attempts to give recognition to the Whips of the third party in each House and has agreed to introduce a Bill for that purpose; but at the same time the Premier has seen fit to turn down flat every single request I have made to him in relation to the office of the Leader of the Opposition in this Chamber.

I have risen to my feet on at least two occasions to say that it was not until I assumed this position that I realised how sadly lacking the previous Administration left the man who occupies this position; and to the previous occupants I again express my extreme regret that we did not become far more conscious of the difficulties under which the Leader of the Opposition in this Chamber labours because of the lack of assistance he receives in his office.

I do not want my remarks to be interpreted in any way as being criticism of the Country Party. Although this Bill specifically provides for an emolument for Country Party Whips, I am interested in the general conduct of the Act of Parliament which provides for salaries and allowances for members. I am also interested in the fact that the Bill before us is not the same as the legislation originally introduced in another place; I am interested in just how Parliament will continue to work if this Bill is passed; and in the general approach to increases in emoluments and allowances for members of Parliament. I hasten to add that I have not necessarily given those points in their order of priority.

When I received the original legislation introduced in another place, I made the following note alongside it:—

Such amount as the tribunal shall determine.

I made that note because it seemed to me that the Bill, as originally introduced, breached the principles which lay behind the adjustment of salaries of members of Parliament and officers. As the Minister explained, this point was observed by the Government which introduced an amendment in another place, and consequently the Bill before us includes a provision to empower the Parliamentary Salaries Tribunal to make an allowance available to the new people to be listed under section 4. The tribunal will have a meeting and make a determination as to what salary the two people will receive.

When the 1967 legislation was introduced the previous Government considered the question of Whips and leaders of parliamentary parties, but the Government of the day—of which Mr. Nalder was a member—decided that the people set out in section 4 in the interpretations should be those people who should be recognised by the tribunal, and the last person mentioned in section 4 (2) is—

the person who not being a Minister of the Crown is the leader of a party in the Legislative Assembly of at least seven members other than a party whose leader is the Premier or the Leader of the Opposition.

The Act gave no recognition to the leader of a third party in this Chamber, nor to a Whip of a third party in another place or in this Chamber. However, I do not deny the right of the Government to introduce the Bill and I do not intend to oppose that concept because if that is what the Government desires and if the Leader of the Country Party has such persuasive powers over the Premier, I can only smile somewhat ironically and accept the position.

Not very long after the change of Government, I asked the Premier for secretarial assistance, and the answer I received was, "No, but the matter will be kept under review." At approximately the same time the Leader of the Country Party, representing seven people in another place, was given a secretary; but the Leader of the Opposition in this House was turned down flat. Do members consider that type of treatment is fair? I certainly do not. I have remained silent up to this point, except perhaps to grumble to myself at what appears to me to be an unreasonable attitude on the part of the Government. I have grumbled to myself when I have had to sit down hour by hour to study the Government's Bills and do my own research work at a considerable disadvantage.

At the same time as I have been grumbling to myself I have seen this favouritism being meted out to the leader of another party while the Government is unprepared to do anything for the Leader of the Opposition in this House. Is the Government so prejudiced against the Legislative Council that it should adopt this attitude? That it is prejudiced against this House is very obvious; but apparently it is prepared to break its prejudice down in order to provide a Whip for a third party in the House.

The official Whip in this House has asked me to refer to the Minister the merit or demerit of having another Whip, and to inquire how this will work. I know it can be said that at the moment the system works unofficially, because the Country Party has an unofficial Whip who, I understand, co-operates with the Whip of my party (Mr. Heitman). However, I would

like the Leader of the House to tell us the situation with regard to pairs. Parliament recognises pairs for the benefit of Ministers and members who must be absent on official or private duties, or as a result of sickness. These pairs are arranged by the Whip.

On occasions in this Chamber the Government has taken pairs off and put them back again. Once or twice this has been done for reasons I have found a little difficult to understand, with the greatest respect to my friend, Mr. Willesee.

The Hon. W. F. Willesee: I think we will always differ on those two issues.

The Hon. A. F. GRIFFITH: I think so too. I want to say right here and now to the Leader of the House that if it is to be a case of—

Off agin, on agin,

Gone agin.—Finnigin.

he can forget the pairs until we can come to some arrangement and stick to it. A member or Minister cannot go away and be paired on one item and not on another.

The Hon. W. F. Willesee: How do you pair on a private member's issue?

The Hon. A. F. GRIFFITH: It cannot be done.

The Hon. W. F. Willesee: That is where you get your "Off agin, on agin."

The Hon. A. F. GRIFFITH: I object to the pairs being taken off at a stage when the Government thinks its future might be at stake.

The Hon. W. F. Willesee: I do not know of any occasion on which that has happened.

The Hon. A. F. GRIFFITH: The Leader of the House does not know how close he has been. However, I will let that pass. I am sure Mr. Heitman will want to know from the Leader of the House when this Bill passes—and, of course, it is quite obvious it will pass—whom the Government Whip, Mr. Ron Thompson will approach and to whom he will account. Perhaps I have used the wrong word, because Mr. Ron Thompson does not have to account to Mr. Heitman at all. Mr. Ron Thompson and Mr. Heitman co-operate with each other. My question is: To whom will Mr. Ron Thompson go and to whom will Mr. Heitman go?

As Leader of the Opposition, I make it quite clear that I think Mr. Ron Thompson should approach Mr. Heitman and that the new Country Party Whip, who will be designated under this measure, should, in turn, co-operate with the Opposition Whip in the Legislative Council, Mr. Heitman.

It would be useless for a member to go to one Whip and be refused a pair but to go to the other Whip and be granted a

pair. This would make the position ludicrous and we ought to sort out the position.

I consider the tribunal has done an excellent job. As members know, it was set up some years ago to avoid the necessity for members of Parliament to stand in judgment of their own worth. The idea was to have salaries and allowances payable to members of Parliament laid down by an independent authority which would take evidence, look into the situation, and strike a salary every so often. The Act provides it shall be struck every three years.

I refer members to the words which appear on page 9 of the last assessment which are as follows:—

The deterioration in his economic position which has resulted from the fact that his remuneration has been unchanged for the past three years requires in our view that we should take this opportunity of making a substantial readjustment. At the time when the last Determination of the Tribunal was made it was anticipated that a triennial review would be sufficient (as in the case of a number of other salaried occupations) to keep the ordinary Member of Parliament more or less in line with those various groups in the community with which his position could in 1968 be regarded as comparable. In consequence no adjustment clause was inserted in the Determination, as might have been done under the provisions of section 7 (3) (d) of the Act. Experience has shown that this was an omission which should not be repeated.

Let us look at section 7(3)(d) of the principal Act, which is to be amended. It states—

- (d) determine that any specified part of the remuneration payable to members shall be subject to adjustment in accordance with variations in the cost of living on such basis and according to such scale and method as may be determined by the Tribunal and specified in a determination;

With the greatest respect to the members of the tribunal, I contend the adjustment clause which the tribunal has made in this report does not fulfil the objectives which I think it should have fulfilled. The national wage case granted \$104 a year to the national wage. Of course, that amount of \$104 a year was handed on to members of Parliament as it was handed on to everybody else.

Let us look at the questions I asked of the Minister the other day in relation to salaries paid to under-secretaries and senior officers.

Sitting suspended from 3.45 to 4.03 p.m.

The Hon. A. F. GRIFFITH: Before the afternoon tea suspension I think I had reached a point where I was proposing to draw attention to some questions I put to the Leader of the House recently and the answers I received. I asked the Leader of the House—

- (1) At the 15th September, 1971, what were the salaries paid to senior officers of the State Civil Service beyond and including the salary of an Under Secretary?
- (2) What increases have occurred in this range of salaries since that date?
- (3) What were the effective dates of such increases?

The answer to part (1) was—

(1) Special 1 (including Under Secretaries)	\$
Special 2	16,784
Special 3	17,428
Special 4	18,072
Special 5	18,721
Special 5	19,365

The answers to parts (2) and (3) were combined under three columns, and I will read only the second and the third columns—

	National Wage Case (\$104 p.a.)	
	19-5-72	28-7-72
	\$	\$
Special 1 ..	16,888	18,750
Special 2 ..	17,532	19,250
Special 3 ..	18,176	19,750
Special 4 ..	18,825	20,500
Special 5 ..	19,469	21,250

It is of interest to note that on the 8th January, 1965, an under-secretary in a Government department was paid \$9,208. Three months later he received a basic wage adjustment which brought him up to \$9,248. In January, 1966, seven months later, his salary went up to \$10,380. Eighteen days later he received another increase as a result of negotiations with the Civil Service Association and his salary went up to \$10,422. Six months later his salary went to \$10,500; seven months after that to \$10,762; five months after that to \$10,818; six months later to \$11,600; nine months after that to \$11,670; 10 months following that to \$13,000; four months later to \$13,300; and roughly nine months later to \$14,730. On the 1st January, 1971, his salary was increased to \$15,617, and following that his salary went up to the figures I have previously given.

I quote those figures for a reason. The tribunal said a member of Parliament should receive an adjustment according to the national wage, which has been interpreted to mean that sum and that sum only should be paid to a member of Parliament. However, that was not so in the case of an under-secretary, who not only received the \$104 but also had his salary increased by \$2,000 per annum since the

last adjustment made to the salaries of members of Parliament on the 15th September, 1971.

The Hon. L. A. Logan: It is too much.

The Hon. A. F. GRIFFITH: I am not going to say whether or not it is too much, and I am not going to say whether or not it conflicts with the Government's Prevention of Excessive Prices Bill.

When the various political parties put their cases to the tribunal which made its finding in June, 1971, one of the submissions made was that the salary of a member of Parliament should be equated with that of an under-secretary. I want it to be clearly understood that I am not finding fault with the tribunal's assessment. I must not do that and I am not proposing to do it. However, the tribunal said—

It was suggested that the position of an Under-Secretary, who currently receives over \$15,000 annual salary, might be taken as comparable with that of an ordinary member. We have given careful consideration to these views but on the whole we are not prepared to accept the reasoning that it is necessary or proper to advance the salary of an ordinary member to so high a figure. We think that it is preferable, when considering the question of inducement, to look at the position, not of an under-secretary who has reached the highest ranks of the Public Service, but of a public servant, a business executive, a union official, or a wage earner, who is of an age around 30 or 40 years and who is the type of man who might well consider Parliamentary service.

At that time the tribunal said, "Be that as it may in respect of Under-Secretaries, we do not think we should have regard for that." The tribunal then proceeded to fix the base salary at \$10,000 per annum.

However, whilst the situation of under-secretaries has climbed in the last 12 months to a very satisfactory level as far as the under-secretaries are concerned, the position of members of Parliament must have deteriorated, and this little Bill we have before us seeks to adjust one tiny section of the problem by adding something which has not previously existed. For that reason I wonder whether or not the right thing is being done.

In the light of experience, I think a mistake was made, and the tribunal recognised it because on page 9 of its report it said—

Experience has shown that this omission should not be repeated.

The omission was that of not making provision for an adjustment in the period between the deliberations of the tribunal, which take place every three years. I think when the current three-year period ends in June, 1974, the situation of a

member of Parliament will be lamentable, to say the least, because his financial position will fall away very sadly, as it did on the last occasion. It must not be forgotten that there was a time when the salaries of under-secretaries and members of Parliament were on a par, but they have now changed almost beyond recognition.

The crux of my submission to the Government in respect of this Bill is that we should not merely leave it on the basis of providing for a Whip for a third party in the Legislative Assembly and the Legislative Council, and providing—as the Bill obviously does—that the tribunal must meet to determine the emolument to be paid to the new appointees. The Government should see to it that the tribunal has another look at its determination of June, 1971, before we get too far out of kilter with the rest of the community.

I gave evidence before the tribunal on the last occasion and I told the tribunal about the situation of the Leader of the Opposition. I suppose I was speaking for myself at the time but I would like it to be understood that I was also speaking for anybody else who might occupy the position the next day, the next week, or the next year, if such circumstances arose.

I pointed out to the tribunal that the extent of the assistance I receive is that rendered by Miss MacKinnon—a very able person who renders assistance to you, Sir, to the officers of Parliament, the Chairman of Committees, and myself. I have never attempted to overload her with work that I feel she would not be able to handle. I am sure she could not fulfil the requirements of the position I hold. So I sit at my desk and at home laboriously writing what I want in the way of speech notes and research notes in my own handwriting. I would point out that to research the legislation which comes forward is no sine-cure.

I say with due modesty that probably the only thing which stands to my advantage is the fact that I had 12 years' experience on the other side of the House and I have a reasonably good memory which enables me sometimes to put my hand on things which other people may not be able to find so readily if they did not possess the necessary experience. But so often do I fail when I try to remember things.

The Leader and the Deputy Leader of the Opposition in the Legislative Assembly and the Leader of the Opposition in the Legislative Council placed before the tribunal a joint submission that more secretarial assistance should be made available to them. As you know, Mr. President, Sir Charles Court has a secretary and a typist; the Deputy Leader of the Opposition has

no assistance whatever; and I have already cried heavily upon your shoulder in respect of my own situation.

I think the tribunal, with all due respect, misunderstood the case put to it, because at page 24 of its report it said—

We were asked to increase the salary or allowances of the Leader and the Deputy Leader of the Opposition in the Legislative Assembly and of the Leader of the Opposition in the Legislative Council to enable them to procure additional secretarial and office assistance.

The report goes on to relate the assistance provided to those officers at present, and explains how difficult it is to provide assistance.

I apologise to the tribunal, because I did not ask it—or I do not think I did—to increase my salary so that I could pay somebody else. I asked the tribunal to include in one of its determinations the fact that such assistance should be provided. However, the tribunal said—

We recommend therefore that the Government examine the position with a view to ensuring that adequate secretarial and office assistance is provided for the three Officers referred to. Similar observations apply to the suggestions made to us that motor cars should be available for the Deputy Leader of the Opposition in the Assembly and the Leader of the Opposition in the Council.

The only reason I mention that, Sir, is to draw your attention to the fact that the Government has seen fit to provide the Leader of the Country Party with a secretary; and it has seen fit to go out of its way to introduce the Bill before us to make allowance for Whips of the third party in both the Legislative Assembly and the Legislative Council; yet it refuses to do anything whatever about that recommendation of the tribunal.

I say that is not fair. I suppose the provision of a motorcar is a privilege which any member would like to have if the Government were inclined to provide it. It is regrettable that the Government of which I was a member also turned a deaf ear to this matter. Whilst I did put up a plod for the then Leader of the Opposition, I say again that as a Government we were quite mean in our approach to the situation. Perhaps we did not appreciate how difficult it is for those members who are in Opposition. However, I now realise how difficult it is and I have a much keener appreciation of the situation.

I am sure that you, Mr. President, and the Ministers opposite will not condemn me for bleating about a situation in which recognition is given to the request of Mr.

Nalder, but a blanket refusal is given to the request submitted by the officers I have mentioned, although it was said that the matters would be kept under observation. I hope someone is still observing them, although I would say that observation is doing me no good.

One letter I received from the Premier stated that the Leader of the Country Party had a secretary, and this had to be taken into account in the overall position of the Opposition. I ask you, Sir: In the name of creation, of what value to me is the secretary of the Leader of the Country Party? I am amazed and surprised that the Premier should write a letter of that nature because that young lady typist is of no value whatsoever to me.

I felt I could not rise and say I support the Bill without passing those remarks, because deep in my heart I know these matters should be attended to. If ever I have the opportunity, I will jolly well see they are attended to if it is at all possible to do so. In the meantime what appears to me to be a continued antagonistic attitude on the part of the Premier leads him to refuse to have any regard for the requests made to him. I will leave the subject at that.

I would mention in passing that shortly we will deal with a Bill to provide a substantial increase in the salaries of judges in our community. I have no objection to that, because I was the Minister for Justice for a long time and about every two years I introduced a Bill to increase the salaries of those gentlemen. I am quite sure that when the present Bill is introduced I will support it as a result of my experience in that field.

However, this is another indication that something should be done about the situation. I think experience has taught us that three years is too long a period. As the tribunal must be called together to fix the salary of the Country Party Whip in this House and in another place, I see an opportunity here—if the Government is willing to grasp it—for the tribunal to clarify the situation following the national wage case. I cannot conceive that it was intended that a member of Parliament would receive an increase of \$104 a year, while under-secretaries receive an increase of \$2,000 a year in addition to that \$104. Surely something is wrong with the whole set-up when members of Parliament do not receive a similar increase.

In clause 3 of the Bill proposed new section 7 (7) states—

Notwithstanding any other provision of this Act,—

The word "Notwithstanding" has reference to section 7 (2), which states—

At intervals of not more than three years . . .

Proposed new section 7 (7) continues—

—if the Tribunal at any time after the commencement of the Parliamentary Salaries and Allowances Act Amendment Act, 1972, but before the date of revocation of the determination made by it on the 29th day of June, 1971, makes a determination—

To explain that: the Act states that salaries may be adjusted only every three years, but section 7 (3) (d) states that this may be done according to the cost-of-living fluctuations within that period of three years. However, the Bill says that notwithstanding any of that, for the purposes of fixing the salary payable to the two gentlemen who will be appointed Whips of the third party, the tribunal shall meet to make a determination. Proposed new section 7 (7) continues—

—solely as to the salary to be payable to such a Whip in the Legislative Council or such a Whip in the Legislative Assembly, or to both such Whips.

Therefore, it is intended that the tribunal will meet solely for that purpose. If we delete from that proposed new subsection the words which state that the tribunal will meet solely for the purpose of declaring a salary for those Whips, we would leave the situation open so that the tribunal could investigate the deterioration of the salaries of members of Parliament which has occurred within the short space of only 18 months. This would mean that members of Parliament would not be left to wait for a further two years before consideration is given to another increase. It will be 18 months before consideration is given to an adjustment, but two years before anything is done, because the Act provides that a determination shall not be made until three years have elapsed since the previous determination.

Then, of course, we would have to make some other appropriate amendment to subclause (3)(b) in order to delete similar words. By so doing two purposes will be served. The Bill introduced by the Leader of the House would be passed in an amended form, and it would require the tribunal to meet and fix a salary for those two gentlemen; at the same time the tribunal would be in a position to consider the situation of salaries of members of Parliament.

I think every member of the House will appreciate his own situation and will have at least some regard for the points I have made. I reluctantly support the Bill, and I do not use the word "reluctantly" with intended criticism of members of the Country Party. It is the prerogative of the Government to provide officers for those members if it so wishes, and I do not argue with that. My reluctant support for the Bill is due to the narrow approach adopted by the Government because, upon

persuasion by a member of a political party, the Premier was prepared to introduce the Bill to give recognition to the Whips of the third party in each House. However, the Premier is prepared to wipe off—I am inclined to use the expression "like a dirty shirt"—requests made to him by any member other than Mr. Nalder. I think that is a lamentable state of affairs.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.29 p.m.]: The Leader of the Opposition dealt with the Bill in considerable detail. His first question regarding whether some Whips should have precedence over others is a matter we will have to discuss. Certainly I will not say arbitrarily what will happen.

The Hon. A. F. Griffith: I would like to know before we pass the legislation.

The Hon. W. F. WILLESEE: Even if the legislation is passed nothing can be done this session. I think it is a question of our getting together to discuss it. At the moment I recognise Mr. Griffith as the Leader of the Opposition, and Mr. Heitman as the Liberal Whip; I also recognise an unofficial Whip of the Country Party. That is the basis on which we work. However, if the parties in opposition are recognised as a composite Opposition then there is only one Whip through which we can deal.

The Hon. A. F. Griffith: I would be agreeable to being recognised as a composite Opposition any time the Country Party likes to say so.

The Hon. W. F. WILLESEE: There is only one Leader of the Opposition in the House. The point I make is that the question will not arise during this session of Parliament, because any Bill introduced will not be assented to before we meet again in March. We should reach agreement between ourselves as to the position of the additional Whip. If the position were reversed, and the present Government were in Opposition there would be only one Opposition Whip.

The Hon. A. F. Griffith: There will be two when you are in Government.

The Hon. W. F. WILLESEE: Yes, and one is to be the senior Whip, provided there is a composite Opposition. The question of pairs has worried me for a considerable time, even when I was the Leader of the Opposition. We have not been able to resolve this question with complete satisfaction. We get by reasonably well under the rule of thumb method on which we work, but there is no written agreement as to what shall be done in the granting of pairs.

The Hon. A. F. Griffith: The only time you get on better than you are now is when you are over here and I am on the other side of the House!

The Hon. W. F. WILLESEE: I would not argue with the honourable member about that, because I am in an amiable frame of mind. The Bill proposes the appointment of a Country Party Whip in each House of Parliament, and the fixing of their salaries and allowances by the tribunal.

I am in agreement with the points which have been raised by the Leader of the Opposition, but we should get together to arrive at some agreement when Parliament is not in session; especially should we try to agree on the degree of clerical assistance to be made available to members. Without adequate assistance it is possible that the present holders of parliamentary positions will not be interested in them in the future. We can safely determine what is required in the light of experience.

The Hon. A. F. Griffith: I have already pointed out what is required in the light of experience, but I have been wiped off.

The Hon. W. F. WILLESEE: That is correct, but the Leader of the Opposition is not the only one to be treated in that manner. For the help I received from the Leader of the Opposition I have endeavoured to help him as much in return. It seems neither of us can get anywhere.

The fact is that over the years the job of members of Parliament has grown, and today the demand for clerical assistance is greater than in previous years. The clerical staff of Parliament has doubled since I was first elected to this Parliament, but still frequently we hear complaints from members about the lack of assistance. There is some merit in arriving at a reasonable agreement on what is required by the leaders of the various parties, in particular by the Leader of the Opposition in this House. I go so far as to say that a vehicle should be provided to the Leader of the Opposition.

The Leader of the Opposition has mentioned about taking these matters before the tribunal. Although I have not the documents before me at the moment, I understand there was a time when the Leader of the Opposition in the Council and the Deputy Leader of the Opposition in the Assembly were on parity.

The Hon. A. F. Griffith: Are you not referring to the Leader of the Government in the Council and the Deputy Premier, because they were on the same basis until the last adjustment?

The Hon. W. F. WILLESEE: I thought the holders of the two offices I mentioned received the same figure. However, the last decision of the tribunal lifted the emolument of the Deputy Leader of the Opposition in the Assembly, and thus his counterpart in the Legislative Council fell behind.

The Hon. A. F. Griffith: The same happened to the Deputy Premier and the Leader of the Government in the Council.

The Hon. W. F. WILLESEE: I might be wrong, but I understood this related to the Leader of the Opposition in this House and the Deputy Leader of the Opposition in another place. I hope that the amendments suggested by the Leader of the Opposition are not proceeded with. However, the remarks he has made should be noted.

The Hon. A. F. Griffith: Would you be prepared to ask the Premier what he thinks of such a proposition?

The Hon. W. F. WILLESEE: I am prepared to do that. Furthermore, I am prepared to submit to him the remarks that have been made by the Leader of the Opposition, because it is true to say that members suffer a general disability, in an atmosphere of rising salaries. I take the point that years ago some members in the Government and the under-secretaries of Government departments were on a parity as regards remuneration; but for some reason the salaries of members of Parliament were not adjusted at one time, and ever since that occurred there has been a disparity in favour of the under-secretaries. For some reason which I cannot understand, the difference has not been levelled out.

Even today, with a system of a review on a three-yearly basis, the salaries of members are not keeping pace with the other increases. That being the case the proposal for a yearly review has merit, even though the tribunal may not grant an increase annually. In that respect I agree with what the Leader of the Opposition has said. However, for the present I ask that the Bill be passed as presented.

The Hon. A. F. Griffith: Even before you have posed the question to the Premier that a simple amendment could be made to bring about the desired result?

The Hon. W. F. WILLESEE: At this stage I would not like to agree to amendments being made to this piece of legislation.

The Hon. A. F. Griffith: Why?

The Hon. W. F. WILLESEE: Because it has been introduced to deal with the position of the Whips. The Leader of the Opposition has raised certain issues with which I am in agreement. His comments will be submitted to the Premier, and if they are agreed to I see no reason why another Bill cannot be presented.

The Hon. A. F. Griffith: Like fun! You were told as a boy that the time to grab opportunity is when it is before you.

The Hon. W. F. WILLESEE: As a boy I was told many things, but I have been disillusioned many times.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Amendment to Fourth Schedule—

The Hon. A. F. GRIFFITH: I would be getting close to the situation when I hazard a guess that many of us are disappointed with the reply of the Minister. All I ask him to do is to take my suggestions to the Premier for consideration before the Bill is passed.

I am still of the opinion that a simple amendment to clause 3 would bring about the desired objective. However, I cannot hold out much hope of success, and neither can members in general, that a specific Bill will be introduced to provide for the adjustment of the emoluments and allowances of members of Parliament, if the tribunal thinks fit that these should be increased.

The Hon. W. F. Willesee: Let me give it a try.

The Hon. A. F. GRIFFITH: The Leader of the House did not come down in the last shower, and neither did I. I hazard a guess that we will not hear anything more about my proposals. Here is an opportunity for the Leader of the House to take my proposals to Cabinet, but he has brushed them aside and said he will not do that until the Bill is passed. It is hopeless for members of my party to try to do anything with the Bill before us, because no doubt the members of the third party will vote for it.

All that the Leader of the House is asked to do is to present the proposals to Cabinet. If Cabinet disagrees with them there is nothing more we can do. On the other hand if Cabinet agrees and sees some merit in the argument put forward then it may be possible to achieve the objective of effecting a simple amendment to enable the tribunal to look into the matter.

I think it is a pretty simple request and I am disappointed that the Leader of the House does not intend to take advantage of it. He could have postponed the Committee stage of the Bill until next week and in the meantime brought the matter to the notice of Cabinet. I again ask what is wrong with doing that?

The Hon. W. F. WILLESEE: It is just a question of the way we want to do it. I am not saying that I will not do it; I want to put it up as a separate issue and pass the present Bill as it is. If I were to submit this matter to the Government at the next Cabinet meeting I doubt whether I would get a decision in view of the lateness of the session and the concentration of the work.

This was treated as a minor Bill but the Leader of the Opposition has raised a major issue which I believe to be right. I give an assurance that I will examine it sincerely. However, it is new material and I do not think I am in a position to accept the suggestion in the terms put forward by the Leader of the Opposition. I am concerned with what he has had to say because I believe him to be right, not only from the point of view of the salary figure, but also because of the other issues applicable to parliamentary officers, and particularly with regard to the Leader of the Opposition. I am inclined to incorporate all these matters in a single issue. I refer to other issues such as secretarial assistance and motor vehicles.

I do not want to give members the impression that I am not in favour of what has been said, or that I am being obstinate about the matter. However, I desire the Bill to be passed in its present form and I repeat my assurance to the Leader of the Opposition.

The Hon. A. F. GRIFFITH: Of course, I accept the word of the Leader of the House and I have to leave it at that. However, no new material has been introduced. In fact, the deletion of a few words from the Bill would give effect to what I have suggested. It will be observed that I have not moved an amendment, which would put the Government on a spot.

I am jolly well tempted to move an amendment but I will not press the matter any further. I must say that here is an opportunity to put right something which, in my opinion—and in the minds of many other members to whom I have spoken—should be done at this opportunity. I am disappointed that the opportunity will not be availed of at this most appropriate time.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

FIRE BRIGADES ACT AMENDMENT BILL*Second Reading*

Debate resumed from the 7th November.

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.52 p.m.]: This is a short but interesting Bill, and is presented in two parts. The first part merely seeks to do away with the position of Deputy Chief Officer, and create a new position in the structure of control. I do not think any member of this House would reasonably argue against that provision, because it is necessary to the fire brigades which we have.

I say that with, perhaps, a little knowledge, having assisted the fire brigades some three years ago in drawing up a training programme for the school at Belmont. I also had the pleasure of lecturing there for some 14 days. Here and now I would like to pay tribute to the Western Australian Fire Brigades Board. It has had to increase its efficiency and its use of equipment out of all proportion during the last five years since Perth, and the metropolitan area, have been inundated with high-rise buildings requiring specialised techniques to deal with any possible outbreak of fire which may occur.

A great deal of research and a great deal of know-how are required, as is a great deal of training and intercommunication with other fire brigades not only in Australia, but overseas. It is significant that in the role of fire fighting today, in the United States of America, there is a five-year course leading to a degree in fire fighting. It is a very rigorous course, indeed. One or two officers of the Western Australian Fire Brigades Board have even gone so far as to attend the fire college which is established at Gloucestershire in England.

It is probably prudent at this time to remind members who are, no doubt, well aware of the history of fire brigades that in the second part of this Bill we refer to conditions which pertained in the 17th and 18th centuries; no more, and no less. On the one hand we have the sophisticated equipment of the latter part of the 20th century, but on the other we have the implementation of policies which were the policies of the 17th, 18th, and 19th centuries.

I suppose the first well organised fire brigades to exist were in Rome, during the first century. They disappeared after Nero had his little go. From the knowledge we can gain by reading history books it seems that organised fire fighting remained an extremely haphazard affair.

I think the first fire engine was invented by a Dutchman, Van der Heide in 1672. He was an engineer and an artist, and he built the first fire engine and, incidentally, he also made the first flexible hose out of leather.

The Hon. J. Dolan: Does the honourable member mean that he was an artist, or that fire fighting was his profession?

The Hon. R. J. L. WILLIAMS: He was an engineer, but he was also an artist and could knock out a portrait which would now probably be worth about \$500,000.

The first fire brigade to be formed in the English-speaking world was organised in the United Kingdom in 1698. It was formed by a London insurance company known as the Hand-in-Hand Insurance Company. It formed a number of fire brigades among the Thames water men, and

that was the first occasion that the term, "firemen" appeared in our history books.

Until the 18th and 19th centuries it was the duty of church wardens in London and Westminster to see that fire cocks were fitted to water mains, and to provide fire engines and proper ladders, of one, two, and three storeys in height. Those provisions were laid down in the laws in the reign of Queen Anne and George III. However, the legislation created no organisation for using equipment, apart from requiring constables and beades to see that the pumps worked and that the goods were not stolen. By 1832 some 30 insurance companies had formed their own private fire brigades in London.

The Hon. R. Thompson: Is that figure from memory?

The Hon. R. J. L. WILLIAMS: Roughly! Those fire brigades proved to be rather ineffective in so far as that when a person insured his premises with, say, the Hand-in-Hand Insurance Company he would be protected only by the fire brigade associated with that company. Since 1666 fire had been a terrible enemy to the people of London, and it still is today. However, when a fire occurred, in those days, the horse-drawn fire engines of the Hand-in-Hand Insurance Company would rush to the reported premises and if those premises bore a plaque over the door saying that the premises were insured by the Hand-in-Hand Insurance Company then the firemen would fight the fire. It is reported in history that if a fire brigade arrived at the scene of a fire, and the building did not bear the plaque of the insurance company which employed the fire brigade, the enginemmen returned to their depot.

The Hon. J. Dolan: They would not have a sign saying, "Fire postponed?"

The Hon. R. J. L. WILLIAMS: No, I do not think so. So, in brief embryonic form, the staff of the organised fire brigades were employed by the insurance companies of the day.

If we jump two centuries and come to the 20th century we find that fire brigades followed a certain pattern throughout the world. However, in Australia we updated our fire brigades and equipment, but in the financing of them we have stopped still. Perhaps there is good reason for this but I fail to see it.

From my experience it would appear to me—and I say this quite seriously—that to be effective fire brigades should not have to operate on finance belonging to the State Government, on finance belonging to the insurance companies, or on finance belonging to local authorities. In point of fact, to be effective fire brigades should be the fourth arm of defence and, as such, should be part of Commonwealth funding. Be that as it may; that is the ideal. That situation, in point of fact,

now exists in all English-speaking countries of the world except Australia and New Zealand.

If it were not for the goodwill of the people in our communities fire brigades could not operate. I believe The Hon. R. T. Leeson would tell us that without the volunteer firemen content in the Kalgoorlie fire brigade, that town would be hard-pressed to provide fire fighting services.

The volunteer firemen, throughout this State, have done a tremendous job for the community, and all credit is due to them. All credit goes also to those regular members of the Western Australian Fire Brigades Board because we do not use those men just for fire fighting. We use them for every other hazardous rescue operation which occurs.

They have mechanical means with which to open cars as we would use a tin opener to open cans. In the event of there being an accident in which two cars happen to be locked—and even though there may be no fire—somebody will call the fire brigade. If somebody falls down a well the fire brigade is called. If somebody attempts suicide from a high-rise building, again the fire brigade is called.

Accordingly the fire brigade is called upon to do a great deal more than fight fires. Certainly one of its main jobs—a job which it does very well in the circumstances—is fire prevention.

If we look at the Bill, however, we will see certain inequities which I find difficult to match up. It is because of these inequities and inequalities that I have placed an amendment on the notice paper.

If members consider the present-day contributions made to fire brigades they will find that the fire insurance companies—God knows why—pay 64 per cent.; the local authorities 20 per cent.—and that constitutes a very hard burden for them—and the State Government pays 16 per cent.

I have with me some figures which were quoted in another place and which were passed on to me, from which it will be seen that the charges levied on country councils from 1965 to 1972 were fairly high.

In a town like Bunbury, for example, we find that during the five-year period from 1965 to 1972 the charge has been increased to \$16,491; an increase of some 334 per cent. The figure for Geraldton shows a cash increase of \$14,570 over that period indicating a total rise of 289 per cent. The figure for Albany during that period is an increase of \$15,520, which constitutes a percentage increase of 284 per cent. The increased figure for Northam is \$7,273, representing a percentage increase of 147 per cent. The total increase for Narrogin is \$1,035, which is an increase of 117 per

cent; while the figure for Kalgoorlie shows an increase to \$10,521, representing a percentage increase of 102 per cent.

Let me say here and now that I believe the local authorities should be relieved of this load and the Bill, as such, purposes a reduction in contribution from 20 per cent. to 12½ per cent. I think the local authorities can do with the easing of the rate which they must find.

However, do not let us delude ourselves that these savings to local authorities will be passed to the ratepayers, because they will not. Even if the local authorities hold the rate as it is now, we hope they will be able to provide further services for their ratepayers.

Having said that, I would like to point out that we come to the anomalous position of the Government now wishing also to reduce by 3½ per cent. its contribution to the fire brigades and to increase the contributions of the insurance companies from 64 per cent. to 75 per cent. The Government and the local authorities will bear the cost of 12½ per cent. each. The Government adopts the most fallacious argument to support its case.

In considering the aspect of life assurance I would say that I do not know of any Government which will say to those who assure their lives, "If you wish to assure your life you must contribute to medical research, cancer, tuberculosis, and you must do all these necessary things out of your premiums."

I am under no illusion in regard to this matter. If this proposition is increased to the insurance companies as such the amount will only be passed on to the premiums of the policy holders and, therefore, the prudent person who wishes to insure his property and the contents of his house against fire will then have an additional tax to pay, because after all the insurance companies are not philanthropic organisations.

To the best of my knowledge and research the insurance companies have never said, "You require a fire brigade." Approaches have been made to insurance companies to ask them whether they would support a fire brigade if it were started in a certain town; to which the companies have replied, "Yes, we will give it some support, by all means." I would indicate that here is the equality that is proposed: we find that 75 per cent. shall be the contribution of the insurance company, and 12½ per cent. will be the contribution of the Government and of local government.

Accordingly when one looks at the composition of the Fire Brigades Board one would expect to see that same proportion reflected in the constitution of the board. Out of the 10 members on the board, the insurance companies should have roughly seven but we find that these companies

only get three out of the 10, and there is no proposal to alter this representation. The insurance companies pay the piper but they are not allowed to call the tune.

If we look further we will find that the Government advances the argument that this is done in the other States. It is quite true that it is done in the other States with, however, one or two differences. I quote—

Prior to 1952, Local Authorities were responsible for the cost of installing and maintaining fire hydrants. By an amendment to the Act in 1952, this cost and responsibility was transferred to the Fire Brigades Board, with the result that the Local Authorities have since saved many hundreds of thousands of dollars. When this saving is taken into account in order to obtain a fairer comparison with the other two States paying 75%, the Local Authorities' contribution is reduced, in fact, well below their present 20%.

In every other State excepting South Australia, the Local Authorities are responsible for the cost of installing and maintaining fire hydrants within their districts. In South Australia, the Government Engineering and Water Supply Department pays the cost. Nowhere else in Australia are Insurance Companies asked to contribute. This is one aspect which must be taken into consideration when drawing comparisons.

We have certainly had South Australia quoted to us a good deal from time to time, although I do not know why. If we look at the computed costs we will see what the position is. As I have said, fire brigade costs in this State include all the considerable charges for the installation of hydrants and maintenance which are not part of the cost to fire brigades elsewhere in Australia. In other States the private companies are not so heavily penalised because in every State except Western Australia the fire brigade charges are paid on all insurances on Government property. But this is not the case in Western Australia.

Where in other States the Government Insurance Office writes the business, the premiums paid in respect of Government property are included in the declared premiums on which contributions are based. Where the Government office does not, the insurances on Government property are underwritten by the private companies which also include the premium in their declared incomes. There is, therefore, a larger pool of premium and a consequent reduction in the cost per \$100 of premium.

Were this to be the case in Western Australia, the burden on private insurance companies would not be so heavy. As it is, the Western Australian State Government

Insurance Office only contributes on premiums received through the charter under its Act. It contributes nothing on those premiums it places in the Government Fire, Marine and General Insurance Fund, in which property to the value of many hundreds of millions of dollars is insured.

For example, let us consider one such installation alone—the Fremantle Port Authority. I do not know how much we would insure that for. I feel certain, however, that despite the excellent fire precautions in existence at Fremantle should a major fire occur the fire brigades would attend the fire without thinking in any way of insurance premiums or the like. When we talk about the ravages of a fire, as such, this must be considered as a community loss. If the insurance companies make a loss this is adjusted within the premiums in the following year to ensure that the loss is not quite so apparent.

The fire brigade does not say when it comes to our door, "Are you insured, because if you are then as a policy holder you have paid your premium and the tax on the premium to the private company, or the S.G.I.O., or whatever, and we can fight your fire."

If the Government reduces the amount of its contribution it will mean that the ordinary person will have to pay this extra hidden tax. That is what it amounts to.

This is a very clever way of introducing another tax which the prudent person will have to pay. We can rest assured that the Government is not doing anybody any favours.

I do not propose to discuss my amendment until the Committee stage but I think it is obvious what it seeks to do. I will develop my argument on that fact a little further when the Bill goes into Committee.

My point is that fire protection as such is now such a complex thing that it is time we got out of the 17th, 18th or 19th century form of financing this aspect; we should ensure that the method of finance is in keeping with the latter half of the 20th century.

It is time we considered this problem on a national basis and it is also time the Premiers, who go cap in hand to that place in the East, considered matters such as this when they draw up their Budgets.

It is the citizen's right in this community to expect from his Government the maximum protection that can be given in the case of fire, earthquake, flood, or any other disaster.

If the Government reduces its contribution to the fire brigades it will dodge its responsibility to the community.

I oppose the second half of this Bill and I will discuss the matter further in Committee.

THE HON. N. McNEILL (Lower West) [5.13 p.m.]: I must express my support for the views put forward by Mr. Williams, particularly in respect of the latter part of the Bill which deals with the contributions under the Fire Brigades Act made by the Government, by local authorities, and by insurance companies.

What in fact intrigues me about this matter is the final portion of the Bill and the manner in which the Government seeks to justify its purpose in relation to these contributions. There seems to be little doubt that the purpose of the Government is to inflict a further tax upon the people. Mr. Williams described as clever the manner in which the Government is carrying this out; but I would describe it as a devious means of inflicting a tax on the community.

I wonder what type of thinking prompts the Government to take such action. Is it merely the reversing of a procedure or a trend, which I am sure we have all come to expect? One is prompted to ask why the major responsibility for the provision of fire protection and fire brigades should rest in the main with the insurance companies?

I cannot accept that this is a correct attitude. I agree with Mr. Williams that the responsibility for fire protection—and we are told this throughout the hazardous times of the year and more particularly during fire prevention week—rests upon the whole community. In fact, the community as a whole and as individuals cannot, for all practical purposes, bear that responsibility financially or otherwise, and the community delegates the responsibility to the Government to carry out on its behalf. A further trend now is that the Government wishes to renege on its responsibilities to the extent that it uses the devious means of increasing the contribution being made by the insurance companies. Of course it is clear that the insurance companies will pass on the additional cost to all policy holders—in other words, to all of us who carry insurance cover.

What of the other people who do not bother to insure their property? Either these people do not consider insurance a worth-while investment, or they adopt the attitude that it is someone else's job to ensure their property is adequately protected and is not destroyed by fire.

I was closely involved with one of the worst fires this State has ever experienced—at Dwellingup. To my absolute astonishment I found that a number of people whose homes were destroyed in the fire carried no insurance at all. These people lost everything, but they were in fact reimbursed later because of the loss they suffered. What of the people who had paid insurance premiums for a lifetime?

There are still those who avoid paying insurance premiums, and they will not bear any of the additional cost which the Government endeavours to put on to the community via the insurance companies.

I believe that the view of the community is that the Government should bear the responsibility for fire protection. I cannot therefore let the Bill pass without voicing my objection to it.

Let me say a word about the contributions made by local authorities, and I am referring mainly to country local authorities and their activities in regard to fire prevention and control. Many of the local authorities have a volunteer fire brigade. Let us contemplate for a moment the burden these districts will carry if the legislation is passed. The point has been made that the people should not bear the extra burden, and this applies even more to the local authorities. Accordingly, I have no objection to the contribution made by the shires being reduced as is provided in the legislation. We must not forget the contribution made by the local people in terms of their participation in volunteer fire brigades. If we try to assess the contribution in terms of money, we may well find that it runs into a very considerable figure. Of course, we do not attempt to assess this, but we must recognise, nevertheless, that it is a contribution in kind of very great value.

The premiums paid by policy holders in an area which has a fire brigade are lower than those in an area which does not have one. Under this proposal, the concession will be more than offset by the additional contributions which are to be required in the future. We are told that the extra burden will be borne by the insurance companies, but we must realise that it will be passed on to the community itself, and more particularly to the fire-conscious sections of the community. I do not think this is reasonable, and it is not acceptable for the Government to bow out of its responsibilities.

We are told that this will amount to a saving to the Government of \$180,000. It is simply a further tax on the community but it is not regarded in any sense as a budgetary measure. It is a tax nonetheless.

I therefore take this opportunity to vent my objection. I note the amendments placed on the notice paper by Mr. Williams. I believe these are perfectly reasonable, and I look forward to discussing them further during the Committee stage of the debate.

Debate adjourned, on motion by The Hon. D. K. Dans.

PERTH REGIONAL RAILWAY BILL

Assembly's Message

Message from the Assembly notifying that it had agreed to amendment No. 1 made by the Council, and had agreed to No. 2, subject to a further amendment, now considered.

*Assembly's Further Amendment:
In Committee*

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. J. Dolan (Minister for Railways) in charge of the Bill.

The CHAIRMAN: Amendment No. 2 made by the Council is as follows:—

No. 2.

Clause 5, page 3, line 18—Add a new subclause (2) as follows—

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

The further amendment made by the Assembly is as follows:—

Delete new subclause (2) and insert in lieu the following—

(2) Before commencement of construction of any part of the Perth Regional Railway referred to in subsection (1) of this section, the Minister shall obtain the approval of Parliament to the construction of the Perth Regional Railway. For this purpose the Minister shall lay on the Table of both Houses of Parliament, the results of an engineering feasibility study and a Regional Economic Study of the effects of the Perth Regional Railway on the Perth Region.

The Hon. J. DOLAN: I move—

That the further amendment made by the Assembly be agreed to.

I do not wish to cover all the ground again as the Bill has been discussed at length earlier. To a certain extent I suppose we are seeking the completion of the legislation.

The Hon. A. F. Griffith: Will you promise me one thing? Do not produce another report.

The Hon. J. DOLAN: We do not want to start that again. We have no objection to seeking final parliamentary approval for the underground railway. However, we must have freedom to act as we think fit in regard to the Perth-Fre-

mantle railway line. That is the basis of the amendment submitted by the Legislative Assembly.

The Hon. L. A. LOGAN: I do not believe the Minister thinks we are as naive as that. The further amendment moved in another place is an insult to the intelligence of the members of this Committee. Lengthy discussion ensued in this Chamber to ensure that a report was made and brought to Parliament before any work was undertaken. If members read the suggested amendment they will see that if we agree to it we will accept the building of the railway, because clause 5 provides that it shall be lawful to construct each of the parts of the railway. All the Government has to do is lay a report on the Table of the House because it would already have permission for the construction of the railway under the provisions of clause 5.

I do not need to go through all the arguments. We have not had a report on the feasibility of the undertaking, and until we see this, I do not think we should agree to the construction of the railway.

The Hon. F. R. WHITE: If subclause (2) is deleted, we will be agreeing to the discontinuance of the Perth to Fremantle railway. We will be agreeing to the pulling up of that section of the railway and its replacement with a busway. In addition, we will delete the proviso which requires the tabling of a comprehensive report from an independent authority and its approval by both Houses of Parliament before any construction of the Perth regional railway can take place.

The long title of the Bill reads, "An Act to Authorize the Discontinuance of portion of the Railway from Fremantle to Guildford, to Authorize the Construction of Perth Regional Railway." If we delete subclause (2), we give the Government the authority to construct the Perth regional railway.

The Legislative Assembly's proposed new subclause (2) commenced as follows:—

Before commencement of construction of any part of the Perth Regional Railway referred to in subsection (1) of this section, the Minister shall obtain the approval of Parliament to the construction of the Perth Regional Railway.

This provision is covered in the long title and in subclause (1). The only new provision is that the results of an engineering feasibility study are to be laid on the Table of the House. It does not say that Parliament has to approve the feasibility study. It does not say that it must be carried out by a competent independent authority. The proposed subclause does not alter the intent of the long title of the Bill in any way at all, and I consider it would be most undesirable for this Committee to agree

to it. We would give our approval not only to the construction of the Perth regional railway, but also to the discontinuance of the Perth to Fremantle railway.

This railway should not be constructed unless it is backed by a report from an independent authority following a feasibility study. Naturally, I do not support the Minister's proposal.

The Hon. I. G. MEDCALF: It seems to me that the proposal that has come to us from the Legislative Assembly begs the question. I use that phrase because the real question at issue in this Chamber is that there should be a proper comprehensive study made before Parliament is asked to approve this railway. I am not satisfied that an adequate comprehensive study has been carried out. In fact, that is an understatement, because it is apparent that no independent feasibility study has been carried out on engineering and feasibility aspects as desired by this Chamber. This Chamber, therefore, inserted an amendment that the railway line should not be constructed until there was a proper engineering and feasibility study made and a plan submitted. That seems to me to be the basic question exercising the minds of all members.

It is the basic question exercising my mind, because in the second reading stage that was the important point I emphasised. With the expenditure of so many millions of dollars of public funds we are entitled to know that this expenditure is justified and has been recommended by independent experts who have studied the question, not only from an engineering point of view, but also from an economic point of view. That has not been established.

This Chamber said it wanted that established. It was prepared to let the Bill go through, and it is still prepared to do so provided this comprehensive feasibility study is acceptable to the Chamber. In studying the further amendment put forward by another place, it will be seen that it says that the Minister shall obtain the approval of Parliament to a report. It was the report that had to be approved; not the commencement of the construction.

The commencement of the construction is an administrative matter. Once we have a report from people who have valuable knowledge and know what they are talking about, the rest of the Bill would follow. This is the basic difference in the two amendments. The amendment put forward by the Legislative Council provides that Parliament must approve an independent comprehensive report. The further amendment from the Legislative Assembly provides that we have to approve of the construction of the Perth-Fremantle railway. This is a strange sort of amendment, because we have agreed to the first part of

the clause subject to this amendment which will provide it is lawful to construct the Perth-Fremantle railway. So having said that, we are not saying it is not lawful to construct it without our approval. We said before it was lawful to construct it, but our approval must be given to the comprehensive plan prepared by experts. That is the right approach.

Therefore I could not support the further amendment by the Legislative Assembly; firstly because we do not have a proper comprehensive plan, and secondly it is gobbledygook, because it says it is lawful to construct a railway after which it says it cannot be constructed without the approval of Parliament.

The amendment does not seem to me to be sensible, nor is it a proper substitute for the amendment we put forward. I have studied both amendments and I cannot find anything to recommend the one from the Legislative Assembly.

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

Ayes—10

Hon. R. F. Cloughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. W. F. Willesee
Hon. J. L. Hunt	Hon. D. K. Dans

(Teller)

Noes—18

Hon. C. R. Abbey	Hon. T. O. Perry
Hon. G. W. Berry	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. Clive Griffiths	Hon. F. R. White
Hon. J. Heltman	Hon. R. J. L. Williams
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. V. J. Ferry

(Teller)

Question thus negatived; the Assembly's further amendment not agreed to.

The President resumed the Chair.

The Chairman reported that the Committee had considered the Message and had agreed to disagree with the further amendment made by the Legislative Assembly and that it insists upon its original amendment No. 2.

Report, etc.

Resolution reported and the report adopted.

A committee consisting of The Hon. L. A. Logan, The Hon. I. G. Medcalf, and The Hon. J. Dolan (Minister for Railways) drew up reasons for not agreeing to the Assembly's further amendment.

Reasons adopted and a message accordingly returned to the Assembly.

Sitting suspended from 5.41 to 7.30 p.m.

NOISE ABATEMENT BILL

Second Reading

Debate resumed from the 1st November.

THE HON. G. C. MacKINNON (Lower West) [7.32 p.m.] I doubt if there is a member in the House who does not have the desire to do something to alleviate the problem of noise. Noise is one of the major pollutants of our environment, and yet, as Mr. Stubbs pointed out, although it has been with us for centuries, it is the last pollutant to be firmly dealt with, and this is the case throughout the world. There is a good reason for this—it is an extremely difficult problem to cope with. Given sufficient money it is comparatively easy to deal with the pollution of waterways. The techniques necessary to deal with pollution of the atmosphere are fairly well known. However, such statements do not apply to noise. The proof of the pudding is in the eating, and we can see that very little has been done about the problem.

In his second reading speech the Chief Secretary pointed out that the problem has existed for centuries, and there are writings extant to prove that it existed in Roman times. In fact, we can go back further than that, if we believe in the Bible, the Walls of Jericho fell after a mighty noise was made around them.

Some years ago, after a speech made by Mr. Stubbs when he was sitting in the chair now occupied by Mr. Willmott, I had occasion to institute some inquiries in regard to legislation for the control of noise. I undertook some research myself, and I remember asking Mr. Logan to make some inquiries on one of his visits overseas. The best we could come up with was the provision which is now embodied in this legislation; that is, a complaint by three people to the local authority will result in action being taken. This provision was contained in an English Statute. It was the only reference we could find at the time because, as I said, noise pollution is very difficult to deal with.

Over the last few weeks I have attempted to find whether we have in Western Australia a man of a comparative degree of competence in regard to noise as that possessed by Dr. Macey in relation to air pollution.

The Hon. D. K. Dans: There is such a man.

The Hon. G. C. MacKINNON: That is news to me and news to all the authorities I have consulted. What is his name?

The Hon. D. K. Dans: I do not know his name but I will refer to him later.

The Hon. G. C. MacKINNON: I will be delighted if the honourable member can tell us about this man. I could find a man competent in acoustics, but that is a different matter, and even these men are fairly rare. The consultant in regard to acoustics for our concert hall was also responsible for the acoustics for the concert hall in Christchurch. However, that

is a different problem. Such an expert is concerned with the fact that the interior of premises should be so built that a musician performing on the stage may be heard with equal clarity in every section of the hall. Such a person may design a Chamber like this so that one may be heard whether one whispers or one roars. That is an acoustic engineer.

I was attempting to find an entirely different type of engineer; an expert in noise as Dr. Macey is in the field of clean air. Dr. Macey has an understanding of the amount of air pollutants and the mathematics which apply to the amount of premier-source energy burnt in furnaces, the rate of heating in a chimney stack, and how high the stack should be for dispersal of the pollutants, making due allowance for all the meteorological peculiarities of the local climate. I am advised that no such man with equivalent qualifications on noise exists in Western Australia, but Mr. Dans helps me and says that he knows someone.

The Hon. D. K. Dans: I may be wrong, but I hope to tell the House about this gentleman later.

The Hon. G. C. MacKINNON: This is a science which has not excited a great deal of attention. One of the difficulties is that the very things we want to use make noise. For instance, when I am attempting to sleep in on a Sunday morning, and the man next door uses his power lawnmower, I feel a little bad-tempered. However, when I get up an hour later and use my mower, I feel that the neighbours should be prepared to put up with it because everyone knows lawns must be cut and this is the only time I can do it. I do not want a contractor to cut my lawn during the week because he brings the bindi and I would have to spray the lawn. We all adopt this attitude, and we must bear in mind that there are many procedures where it is almost impossible to eliminate noise—for instance, I do not know a way to nail down a tongue-and-groove floor without making a noise. The acoustics are not so good that I can hear Mr. Clive Griffiths when he speaks as softly as he did then.

The Hon. A. F. Griffith: Can you hammer in a nail without making a noise?

The Hon. Clive Griffiths: Use a rubber mallet.

The Hon. G. C. MacKINNON: Yes, we could use a rubber hammer. We are faced here with a dilemma. I return to my earlier remarks: we all want to deal with noise pollution but we realise very serious problems are involved and the legislation before us magnifies those problems. I can understand Mr. Stubbs' view. We all know that from the time he entered this House he has been very enthusiastic about the control of noise and the inclusion of noise as a disability-causing factor in the Workers' Compensation Act.

We applaud him for his tenacity which ultimately brought about the introduction of this Bill. I believe implicitly, however, that some of the provisions relating to noise are wrongly placed in the Bill. I want to draw a comparison in general terms. If members get an opportunity I would like them to look at the provisions in the Clean Air Act and compare the problems relating to the two kinds of pollution. With air pollution, we have the problem of the air outside industrial plants; that is, the air that members of the community breathe in the street, in the market place, and in the fields. The principal cause of pollution of that air is industrial plants and motor vehicles.

In some parts of the world the order would be reversed. In San Francisco and Los Angeles, with their particular climatic conditions—which fortunately we do not have—motorcars would represent the main cause of air pollution. In this State with our climate, and in the United Kingdom, because there is not enough sun for photosynthesis to take place, this is not so.

We have another problem relating to air pollution. We have the problem of the industrial plant itself. An extreme case would be a nuclear enrichment plant in regard to which we would not dare expose anyone to the air surrounding it. The Clean Air Act does not deal with the conditions within the industrial plant, because I think they must be covered by the Factories and Shops Act, the Health Act, and the like. Let us look at what causes noise.

The Hon. L. A. Logan: There are many noises in this Chamber at times.

The Hon. G. C. MacKINNON: The reason for this is that the Chamber, acoustically, is very good, and the noise carries. As I have said, there are two main sources of noise—industrial plants and vehicles travelling along the road and, strangely enough, this noise is caused by the identical people who cause air pollution. The parallel is extremely close.

I would point out that there are two distinct noises: the noise in the streets and the market place, in the fields and the like; and noise within the industrial plant itself. The proper way to deal with noise in the plant is the way it is dealt with now, and that is under the Factories and Shops Act, the Health Act, and the awards, because it may well be that in certain processes the noise factor which cannot be dealt with in another way is dealt with in an award which lays down that a worker shall work only one hour and have a rest. He may get a special rate to compensate him for the work he is performing. It is physically impossible to isolate completely noise within a factory. Technologically it is extremely difficult to prohibit all noise within a factory and keep the factory viable and competitive, and it has to

remain competitive if the employees are to retain their jobs. This is an important matter.

I quoted it before and I repeat a famous statement made by an Indian industrialist, a very famous man who was speaking at a large seminar. He said, "From where you sit, well clad on a comfortable chair with a full belly, pollution is a problem, but from where we sit, ill clad on the ground with an empty belly, pollution means work and food." This represents the two sides of the coin, and members should not forget that those two sides exist as much for us as they do for the under-privileged, because without work we do not eat and the standard of our economic conditions drops. This is something we must always bear in mind.

Let me return to the analogy between these two forms of pollution, because it is important that we understand this analogy and appreciate it. I believe the Bill should not have moved into the area of noise within the industrial plant. The administration or the control of noise within the industrial plant should have been left where it is now—in the Factories and Shops Act, the Health Act, and in the industrial awards. It is of no use saying we cannot schedule people through different jobs. I well recall the case of a girl who worked in the South Australian State-owned laundry. She was employed on the major rotary skirt ironer and she worked for only 45 minutes at a time, because the nature of the work was such that she could not work any longer. At the conclusion of 45 minutes she switched to the shirt folder for a period. That operation is scheduled under the award.

The operation performed by that girl is extremely speedy; she is obliged to maintain speed, because the ironer is operated at an extremely high rate. Another girl works for an hour-and-a-half on the rotary iron, following which she has a spell. That is the sort of operation that is carried out in these industries. There are many ways of coping with noise within the industrial plant itself. I believe that aspect of noise should be left out of the Bill.

There is also an endeavour in the measure to deal with various provisions which are embodied in the Workers' Compensation Act. I object to this, but I will deal with that aspect later. I will now deal with the principle of the Bill and its general terms. I repeat that I am convinced the analogy I have drawn is accurate, and I trust I have convinced the members of the House that the analogy is an accurate and proper one.

The Hon. L. A. Logan: You are doing very well.

The Hon. G. C. MacKINNON: Again I refer members to the Clean Air Act, because this was an extremely difficult Act to draft as we were framing pioneer legislation in

Australia. We led the rest of Australia in bringing forward this measure. We had the advantage of being able to learn from the spectacle that had been created in the United Kingdom, from where we were able to draw a great deal of technical information. We do not have a similar advantage in regard to introducing legislation to deal with noise, because similar legislation does not exist. The Clean Air Act was the result of extremely close collaboration between those who caused air pollution and those whose responsibility it was to safeguard the health of the population; namely, the officers of the Health Department. Ultimately they came up with the Clean Air Bill which, of course, became an Act.

Under the Clean Air Act, there is constituted an Air Pollution Control Council and a Scientific Advisory Committee and their functions are to carry out investigations into the problems of air pollution, and, subject to the Minister, to administer this Act.

The Minister has some authority as I have reason to know. Probably the most dramatic and noticeable achievement under the Act was the cessation of the pollution from the Rivervale cement works. Members will recall the dramatic change. Indeed, I was to open the establishment on a Monday. The equipment was given a trial run on the Friday and so dramatic was the change that those in authority were not game to turn the plant off again so that it could be opened by me on the Monday. They had to let it go. The effect of the equipment was as dramatic as is the case when a fire hydrant is going full bore and is then suddenly turned off.

Strangely enough, to the best of my knowledge the company has found that expenditure of the \$400,000 was economic. Those who know the area are aware of the tremendous troubles caused by the lime dust, but it was stopped like magic. So the Minister had some say.

The composition of that council is worth studying, bearing in mind what I have said about those who cause the pollution. One of the remaining 12 members shall be an officer of the State Electricity Commission, which is probably the biggest single cause of pollution in this State. I am not saying that against the commission, but every time we turn on a switch a bit more fossil fuel is emitted and this causes pollution. We all want the electric light and when we turn on a switch we think we are being clean, but we are not because such action causes pollution. It may be at Muja or South Fremantle, but it is, nevertheless, causing pollution.

The council shall also consist of an officer of the department now known as the Department of Development and Decentralisation. That is fair enough because that department is responsible for industry. Another shall be an officer from the Town Planning Department. That is an obvious choice. Another shall be an officer from the

Department of Local Government, which is again an obvious choice. Yet another shall be an officer from the Department of Labour; and that is fair enough. Also on the council shall be a person employed on the staff of the University of Western Australia; in other words, a scientist.

Among the remaining members of the council shall be a person nominated by the Trades and Labor Council to which there is no objection, a person nominated by the Local Government Association, and three persons nominated by the Chamber of Manufactures.

So on the body which administers the Act are representatives of all those people directly responsible, and the chairman is the Commissioner of Public Health. Who better, because he is the man to whom we all look in the ultimate to safeguard our health? He is the man who is responsible under the Minister, and this is proper and reasonable.

In forlorn and lonely splendour sits the Commissioner of Public Health on his own to administer the Bill designed to control noise. On this subject we have less guidance and we can draw on less experience from overseas than we can for clean air legislation.

Someone might say that he has an advisory committee, but so has the Clean Air Act. Let us have a look at that. The Act provides—

For the purposes of giving advice and assistance in connection with the discharge by the Council of its functions under this Act, there shall be established a Committee to be called the Scientific Advisory Committee.

The committee consists of a chairman and seven other members, and shall comprise a person who is a legally qualified medical practitioner employed in the Public Health Department who shall be the chairman. That is not the commissioner. As a matter of fact I think it was Dr. Letham. Also on the committee is a person who is a fuel technologist, because most of the foul air is caused by the burning of fossil fuel; a person who is an engineer in the Public Works Department, because a specific engineer is required; and a qualified meteorologist, which appointment might seem odd, but strangely enough it is tremendously important.

I referred a little while ago to Los Angeles which has the peculiarity of being in a horseshoe-shaped hollow in which the air movement is only slight; in fact only three miles one way or the other, the air is so dirty it hangs around for days. Quite frequently that city gets these temporary inversions which is almost like pulling a blanket across the top; nothing can get out.

Our situation of course is entirely different. It is common knowledge that the pollution we cause today can by tomorrow

be 70 miles out to sea if an easterly wind blows or 70 miles inland if we have one of our westerly winds. This is about the windiest city on earth.

The Hon. J. Dolan: Is that the air pollution legislation?

The Hon. G. C. MacKINNON: Yes. I am comparing the two pieces of legislation.

The Hon. J. Dolan: I see.

The Hon. G. C. MacKINNON: Had not the Minister noticed that?

The Hon. J. Dolan: No. I thought you were talking about air pollution.

The PRESIDENT: Order! I ask the honourable member to refer to the Bill before the House.

The Hon. G. C. MacKINNON: The Bill before the House, Sir—

The PRESIDENT: Order! I cannot see how the direction of winds can affect noise in the context in which the honourable member is referring to it.

The Hon. G. C. MacKINNON: I rarely take issue with you, Sir, but I am comparing the difference in the way legislation works, and I mentioned that certain scientific people are necessary under the two pieces of legislation. I think this is terribly important. I was indicating the similarity in the problems and the differences in the treatment; but let us leave the meteorologist.

Also on the advisory committee is a person who is a chemist and two persons nominated by the Chamber of Manufactures together with one from the Mines Department.

Let us have a look at the composition of the advisory committee under the noise Bill. It shall consist of the Commissioner of Public Health and so he will chair both. He will be completely in charge of this legislation when it is passed and will also be on the advisory committee. That will make him a pretty busy person, and he is already busy enough. The committee shall also consist of five persons as follows:—

- (i) one shall be a person who is a legally qualified medical practitioner recognised as an expert in the field of occupational health;
- (ii) one shall be a person who is a legally qualified medical practitioner recognised as a consultant in relation to conditions of the ear, nose and throat;
- (iii) one shall be a person who is recognised as an expert on matters relating to the design and construction of buildings and the problems of noise control in buildings;
- (iv) one shall be a person who is recognised as an expert in the physics of sound; and

- (v) one shall be a person who is recognised as an expert in relation to the effect of noise on the mental and social well-being of persons.

The point is that the advisory committee under this Bill will not have a single representative of those likely to make the noise or of those likely to face the cost. The advisory committee consists entirely of academics, and I have nothing against academics except I would hate the country to be run by them. I do not think this is a proper composition.

The fundamental difference in the two pieces of legislation goes far deeper than this. It is a matter of trust. The Government which introduced the Clean Air Act trusted those who were responsible for the smells. It got together with them and said, "We have a problem which we want to solve. Will you help us?" They said, "Right." The people framing the noise legislation did not trust them and they are right on their little Pat Malone because not one representative of the people whose co-operation is needed will be on the committee. The co-operation of such people is absolutely necessary if the legislation is to succeed.

We do not want to drive manufacturers to Western Port in Victoria or to Newcastle in New South Wales; we want them to manufacture in Western Australia. I believe the Bill needs to be amended to bring it into line and to include these people so that we may work out, in an atmosphere of harmony and co-operation, a solution to the noise problem.

I have already mentioned that when the Clean Air Act became operative schedules and standards were laid down. The standards agreed to had been tried and proven. Indeed, the success of the alkaline inspectorates, under Mr. Ireland, in the United Kingdom, stands as a model for the world to see. Dr. Macey, who took charge as senior engineer under the Clean Air Act, knew Mr. Ireland personally and had worked under him. He had all the relevant books. Of course he did not meet with everybody's approval and there were arguments within the industry but, in the main, they were capable of resolution and were resolved. I have with me the draft standards on noise for public review for May, 1971. These are liable to alteration. They have yet to be completed and finalised.

If members read the Minister's speech carefully they will find that every reference he has made is to research which is still proceeding, to standards yet to be presented, and to legislation which is being framed. The Clean Air Act was pioneering legislation, but we were able to base it on accomplished facts and on proven and set standards which had been resolved or were in the process of being resolved. Under the

clean air legislation we felt it essential to have the full and wholehearted co-operation of industry. We received the full co-operation but sometimes it was not wholehearted. However that did come.

Under the measure before us, there is no indication of co-operation and there are no machinery provisions by which it can be gained; indeed there are no administrative processes by which advantage may be taken of the skill, expertise, and goodwill which exists within industry.

As one who knows many industrialists, it never ceases to amaze me that so many people in high places can behave as though industrialists are ogres with forked tails, cloven hoofs, and horns growing out of their heads. Most industrialists have families of their own and, inevitably, children and grandchildren. Many are tremendously interested in our environment and, given the necessary protection and advantages, are willing to spend the money required to accomplish what we all want. Proof of this can be seen in the example set by Sir Eric Sandover who, with the management of Swan Portland Cement, spent \$400,000 to stop the lime dust. I ask members to consider the height of the chimney stacks at Kwinana. These were erected by Alcoa, without any argument at all. I ask members not to be fooled by the white emission, because 90 per cent. of that is steam.

The Hon. R. Thompson: I understand a man took a bag of this, dumped it on the manager's counter, but was told, "Do not worry because it is only steam."

The Hon. G. C. MacKINNON: Fair enough. This can happen anywhere. Despite that, this company has been extremely co-operative.

The Hon. R. Thompson: I acknowledge that, but this incident happened only a couple of weeks ago.

The Hon. G. C. MacKINNON: These funny situations occur occasionally. The Perth City Council had a plant burning bitumen over the crossing which is near the Royal Perth Hospital. When the council was told of the problems being caused, it cleaned this up.

Let us be honest about this. It is not so long ago that everybody fervently believed the old English adage, "Where there is muck there is money". We have only just come to realise that where there is muck ultimately there is always a tremendous price to pay either in cash or in loss of health and well-being. We have come to appreciate this.

For this reason, we are doing something about it, but it is important that the something we do is done in the right way and by co-operation rather than coercion unless all forms of co-operation have failed. I have no objection to coercion if it is necessary. In fact once or twice I had to

apply a firm hand when administering the Clean Air Act, but this was only after all other methods had failed. We will not succeed in this direction unless we have the goodwill of the people who are making the noise.

I shall deal with the simple example of the noise which emanates from motorbikes. This could be stopped tomorrow if every lad who rode a motorbike suddenly became convinced that the joys of hearing the burble of the exhaust were not worth the nuisance caused. These machines could be silenced. Many members in this House have ridden motorbikes at some time in their lives and know the feeling of power—the almost beautiful musical sound which comes from the burble of the exhaust of a high-powered motorbike. As I have said, this noise could be stopped, because all the techniques to stop it are known. The techniques for stopping the noise in that particular field are better known than those for stopping air pollution from unburnt hydro-carbons. However, I gather progress is being made in this direction with platinum catalysts.

I have dealt with the general problem and have mentioned the difficulties associated with standards which have not yet been adopted. Nobody in Australia at this time knows what the standards will be.

Let me continue a little further with the Bill. I consider this measure is so tremendously important that I must take a reasonable time to express my points of view to the House. I believe every member in this Chamber wants a Bill to deal with noise, but my point is that it ought to be more in line with the clean air legislation.

Incidentally, the Minister will be responsible for the regulations, exemptions, and so forth. I notice Parliament will have the power to examine the exemptions, but I will not deal in detail with the Bill clause by clause. I want to deal with it on a much wider basis than that.

I refer to page 4 which details, "Part II—Offences and Remedies." When certain matters are restricted to a commissioner, they can vary greatly from commissioner to commissioner. As we all know the present Commissioner of Public Health is approaching retiring age and another commissioner could be appointed within a year or so. As the Bill is printed, a body would not be laying down the regulations. I ask members to bear in mind that the regulations under the Clean Air Act took almost 12 months to frame. Certainly such regulations are not easy to frame, because of the many details involved.

I would like to deal in principle with clauses 8 and 9. At the appropriate time I propose to recommend that we delete

these from the measure. This is not because I disagree with them in principle, but because I do not believe it is proper for these provisions to be included in the noise abatement legislation. The proper place for them is in the Workers' Compensation Act. Their purpose is to fulfil another dream of the Minister for Local Government, The Hon. R. H. C. Stubbs, by making noise a compensable item under the Workers' Compensation Act. That is fair enough, but let this be done under the Workers' Compensation Act. If amendments are brought forward to that Act we can look at them then. If a trade union official wants to know full details of workers' compensation he should look at the Workers' Compensation Act. Similarly, if an employer wants to know his liability, he, also, should look at that Act and not be forced to look for parts of it under the noise abatement legislation. The clauses are wrongfully placed and should be deleted. I simply do not believe this is the right place for them.

Members will notice that amendments appear on the notice paper, under my name, to delete clauses 11, 12, and 13. My reason is, we should look at the suggestion of including a noise and vibration control council which would be properly representative.

The Hon. L. A. Logan: There is no reference to this council on the notice paper.

The Hon. G. C. MacKINNON: I have today handed the appropriate amendments to the Clerk of the House. At the moment clause 11 reads as follows:—

11. This Act shall be administered by the Minister and, subject to any direction by the Minister, by the Commissioner of Public Health.

I propose to move to insert a new clause which will read, in effect—

There is hereby established for the purposes of this Act a body by the name of the Noise and Vibration Control Council and one of its purposes is to administer the Act.

I believe this is the way it ought to be, and I would like that amendment discussed.

I have already mentioned clauses 8 and 9. The purpose of clause 14 is to set up a noise abatement advisory committee. Members will recall that I read out the composition of this committee which will, in fact, consist entirely of people with academic qualifications. Once again, I propose an amendment to this clause. A few minor amendments will be necessary but the major purpose of my amendment is to ensure that the committee will include a few other people. I suggest that two such people shall be nominated by the Chamber of Manufacturers and two by the Local Government Association. My reason is, that when scientists discuss these matters,

practical men should be available to point out the grave difficulties associated with a particular problem. I think this would lead to better co-operation and management of the whole committee. Consequently, I propose to test the feelings of the Chamber at the appropriate time.

There are a number of matters which, I believe, can be better discussed in detail in Committee. Consequently, in the main I will deal with the broad principles, as every member should when speaking to the second reading.

One or two amendments may be necessary in connection with meetings, but these can be dealt with at the appropriate time.

I refer members to clause 16 (8) on page 10 of the Bill which reads as follows:—

(8) In all cases of dispute, doubt or difficulty respecting or arising out of matters of procedure or order, or as to the determination of an interest, then, subject to the Minister, the decision of the Chairman shall be final and conclusive.

It has always been a question of argument in this House as to who shall have the deciding vote and resolve a deadlock. I have always considered such discussion a complete waste of time, because I do not believe any Minister who is intelligent enough to gain that position would ever accept a decision carried by such a slim margin as the casting vote of a chairman or by one vote. He would probably refer the matter back for further discussion. As I have said, I have considered discussion on this question a waste of time.

Clause 18 needs to be altered because it prohibits a person being a member of the advisory committee if he has any commercial undertakings. Of course, if we include on the council men with commercial interests it will be necessary to remove that provision. I have an appropriate amendment on the notice paper to do that.

It will be necessary to insert the words "the council and advisory committee" in a number of places to bring the Bill into line with the proposals I have presented in general terms. Clauses 23 and 24 will require amendment in several places, and clauses 36, 37, and 48 will also require similar amendment.

I propose to move to insert a new clause in order to include those people who cause a nuisance. I do not imagine that we should go so far as to include a representative of those who cut their lawns with power mowers on Sunday mornings, because surely the industry which manufactures those mowers could make them quieter if it were decided that were desirable. I think there are many other similar matters which originate at the hands of the manufacturers. It may be considered necessary to alter the constitution of the council.

I hope that what I have said in general terms—and the way in which I hope I have convinced members of the distinct analogy between air pollution and noise pollution—will lead the House to agree that measures for noise and air pollution should be of a similar nature. They should contain the same sort of administrative details. I am not sure that as the matters are so similar we should not use the same group of inspectors to police each. This would cut down the tremendous growth of the Civil Service with which we are faced.

Here we have groups of people which will have an inspectorate and so forth. Inspectors must go into factories and examine industrial processes. They must be sworn to secrecy, with a penalty of \$500 if they offend.

Obviously, on a subject such as this one could speak for an awfully long time, quoting legal opinions on various matters and discussing the effect of the overriding of the Factories and Shops Act. The Factories and Shops Act may be overridden despite the fact that it contains reference to noise. Section 107 of that Act states—

(1) Where there is inconsistency between the provisions of this Act or any Order in Council, regulation, rule or by-law made under this Act including those continued in force by this Act that relate to the safety or welfare of employees and the provisions of any Order in Council, regulation, rule or by-law made under any other Act, including those continued in force by that other Act, the former provisions—

That is, the provisions of the Factories and Shops Act. To continue—

—prevail in so far as they apply under this Act to any person, thing or circumstance and the latter provisions do not apply thereto.

Of course, regulations have been made under that Act which apply to certain things, but they will be overridden by the Noise Abatement Bill. One could debate that because there is legal opinion to the contrary. Be that as it may, I believe that noise in the factory should be a different matter, subject to different laws, and subject to the inspectorate and administration systems currently existing. Maybe appropriate amendments could be made, but they would have to be discussed. They should be made to the Workers' Compensation Act, and should not be included in the Bill before us.

I believe in general terms I have covered the points I desired to make. I want to repeat in order that I will not be misquoted in any way that I do not believe any person in this Chamber does not want to see some form of legislation enacted to control noise pollution. The control of noise pollution will be expensive to indus-

try and probably to the Government because the Bill does bind the Crown and there is no let-out for it. The Bill does contain a clause which gives the appearance that there may be a let-out, but it applies only to the administration of the measure and not to noise or vibration.

I believe everybody in this House wishes something to be done about noise. We realise that it will be expensive and that it will probably cost the taxpayer a great deal of money as the years go by. However, I believe that if we wish to stand any chance of success we must have not only the goodwill of the people and of industry, but we must also have active collaboration between the members of the council and the advisory committee. They must work side by side on the problem and place at the disposal of the State their technical ability and know-how as do the advisors who operate under the Clean Air Act.

I sincerely hope the Minister who conceived the Bill will be successful in his aim. If he is successful I suppose he will die a happy politician because I know how he feels about the subject. Indeed, he has told us on many occasions.

The Hon. R. H. C. Stubbs: And he will continue to tell you.

The Hon. G. C. MacKINNON: That is right. However, I believe he has done the cause he espouses a disservice by presenting a Bill under which the Minister and the commissioner are responsible for the total administration, and under which advice must emanate from academically qualified people, leaving no room for active collaboration and co-operation upon which I place such great stress.

I propose to support the second reading of the Bill. Probably that is obvious from the amendments I have placed on the notice paper.

THE HON. C. R. ABBEY (West) [8.23 p.m.]: The points made so strongly by Mr. MacKinnon are absolutely vital to the Bill. He stressed that co-operation is needed from industry, manufacturers, and the people who are responsible for noise. That is so terribly important. I am amazed that the Minister's advisers did not see the point referred to. In fact, I might say I am staggered because a sledge-hammer is being used to crack a nut and in this case it just will not work.

I would like to tell the Minister that, in common with most farmers, I probably suffer some disability of hearing due to the fact that I have driven a tractor for long hours. Farmers and their employees would be most happy to see a situation in which the manufacturers of tractors were required to bring about an abatement of the noise made by the machinery they produce. This is something that should have been done many years ago.

I would hope that, in general, the Bill is successful. It is quite possible that in the tractor field the problem of noise could be successfully overcome by the introduction of steam engines. We know that it is now possible to manufacture a steam tractor that is powered by a very small unit, usually driven by kerosene or fuel oil. Of course, some pollution may result; but this is an illustration of what may be achieved if incentives are great enough.

This comes back to the point made by Mr. MacKinnon; that if the manufacturer is represented on the council he will be given a greater incentive to reduce noise, and we will have more co-operation. A small percentage of people are unreasonable and will not listen, and they must be made to listen; the great majority of people, however, are fairly reasonable.

I would hope that the principles behind the measure will be put into operation as effectively and as quickly as possible.

I have had the experience—probably most other members of the community have also—of attending functions where the noise level is so great that one wonders whether one can remain in such an environment. Young people today seem to enjoy the noise which emanates from bands. I do not blame them for that, but I think at least a level should be fixed which cannot be exceeded by such bands. This is a problem which probably concerns the older generation more than the younger generation.

As the Minister is generally a reasonable man I hope he will take the point and not contest unduly the amendment to include on the proposed council all those who have practical experience. I would like to develop the council proposition a little further. In this case the advisory committee obviously will not have sufficient power to enable it to impress upon the Government, the Minister or the commissioner, exactly what action should be taken.

I believe we need a statutory body—a council which will be charged with the administration of the Bill. Perhaps that would be going a little further than the Minister intended to go. It may well be—and I do not know how the mind of the Minister works in this respect—that he feels it would be going too far; but I do not think it would.

The provision of a council, properly represented as indicated by Mr. MacKinnon, would be a far better method of tackling the job. I strongly support that principle. The council must have statutory powers which will enable it, firstly, to tackle the process of noise abatement in a quiet fashion. I hope it will not be thought that this will be achieved very quickly with the use of a big stick; but, rather, will it be achieved in the co-operative manner enunciated by Mr. MacKinnon. It seems to me that very much more can be achieved in this way.

Mr. MacKinnon has indicated that this is a Committee Bill. I think it should be treated in that way, and I hope further debate will be developed at that stage. I think the Bill, if amended as suggested, will turn out to be good legislation, and we should be able to reach a satisfactory conclusion in respect of it.

Debate adjourned, on motion by The Hon. R. Thompson.

PREVENTION OF EXCESSIVE PRICES BILL

Second Reading

Debate resumed from the 7th November.

THE HON. L. A. LOGAN (Upper West) [8.31 p.m.]: I could just stand up and say that if the measure is passed and becomes an Act of Parliament it would be impractical to implement. I could leave my contribution to the debate at that. However, I could accuse the Government of being hypocritical in introducing the Bill, but I prefer to say that it is not being "dinkum."

In dealing with the second aspect we should realise that this is a measure which seeks to control excessive prices, and charges for services. Since this Government has been in office it has increased the charges for the services it provides by at least several per cent. and in some cases by up to 200 per cent. At present before Parliament there are three Bills which, if passed, will increase charges and costs. I refer to the Long Service Leave Act Amendment Bill, the Workers' Compensation Act Amendment Bill, and the Fire Brigades Act Amendment Bill.

We have the present Government talking about the control of prices, yet it has been the greatest contributing factor to the increased costs and charges in the 18 months of its term of office. That is the reason I say the Government is not being "dinkum" in this attempt to control prices.

If one looks at the ramifications of the Bill and all that it portends to achieve, one must come to the conclusion that it is an impractical measure. There are very many variations in assessing the prices of goods and the charges for services. Any person who is charged with the responsibility of investigating these matters will have to possess outstanding managerial ability and great economic capacity, to be able to work out what is a fair and reasonable price or charge.

It is the commissioner who will make the determinations, but every member of a committee which is mentioned in the Bill will have to make the investigations. When we look at the ramifications of industry, trade, and commerce, we realise that the members of these committees will have to be experts in order to determine what should be the maximum charge or price. That is almost impossible to achieve.

My mind goes back to 1948 when the Government of which I was a member introduced a prices control Bill. The late Mr. Garnet Wood was the Minister who introduced the measure in this House. He said it was introduced in the hope that the legislation would be phased out within four or five years. The late Dr. Hislop was probably one of the strongest opponents of the measure.

The Hon. A. F. Griffith: That was when the Commonwealth relinquished price control.

The Hon. L. A. LOGAN: Yes. That legislation had a life of only 12 months, and as a result continuation measures had to be introduced for four years in succession. In 1952 when the continuation Bill was introduced I spoke very strongly against it. As far as I was concerned prices control had not been effective; in fact, it had been a failure. Despite the fact that such control covered the price of butter and cheese I voted against it, and at the time I called it a fruit salad Bill. This was a measure introduced by my Government.

Then there was the measure which was introduced to control rents. I can recall the occasion when the Government of which I was a member tried to extend some rent control legislation. The members of this House forced the Government to prorogue Parliament, because the Government could not introduce again the same Bill in the same session of Parliament. This House refused to pass that legislation, because members were satisfied that rent control was not in the best interests of the community. The Government prorogued Parliament for a fortnight, and commenced a new session.

The Hon. A. F. Griffith: You keep on saying that you were a member of that Government, but you were not a member of it. You were a private member of this House.

The Hon. L. A. LOGAN: I was a member of the Government. I did not say I was a Minister.

The Hon. W. F. Willesee: I think you are probably wrong. Were you not in Opposition at the time?

The Hon. L. A. LOGAN: No. There was a change of Government in 1947.

The Hon. A. F. Griffith: And the six years that followed were not disastrous years.

The Hon. L. A. LOGAN: If I remember rightly the McLarty-Watts Government governed the State from 1947 to 1953, and that is the time I am referring to.

The Hon. A. F. Griffith: Those were good years, but you were not a member of the Government. You were a private member supporting the Government.

The Hon. L. A. LOGAN: I was a supporter of the Government, and at that time I sat in the seat which is next to the one I am now occupying. I am saying this to indicate to the House that I am not opposing the measure before us purely because it has been introduced by the present Government. I oppose it, because I have been opposed to this type of control for a long time.

In 1952 I remarked that prices control only bred inefficiency, and I make the same statement now. In my opinion if any attempt is made to fix a maximum price it can only be based on the inefficient producer or manufacturer; so we arrive at a fictitious maximum price.

I notice that the Bill includes charges for professional services. I have not been advised what professions it applies to, but I presume it does apply to medical practitioners, dentists, architects, professional builders, and professional engineers.

The Hon. Clive Griffiths: And to lawyers?

The Hon. L. A. LOGAN: It does not cover lawyers, but I would like to know why.

The Hon. D. K. Dans: Lawyers control their own charges.

The Hon. L. A. LOGAN: That is what the honourable member thinks. If it is intended to cover all professions, then no particular profession should be left out. One might contend that the fees charged by doctors are controlled. Recently the Prime Minister wanted to restrict their fees, and the doctors did agree to maintain their present charges for the time being. It seems that all professional services, except those listed as being exempted, will come under the aegis of this legislation.

No-one can deny that the measure will not apply across the board, because if we look at clause 8 (2) of the Bill we find the following:—

(2) A committee shall, at the request of the Minister, and may, on its own motion or on receipt of representations made to it by any person, investigate any matter relating to the supply of goods or services with respect to which it is established.

What is the good of saying that the Bill does not apply across the board when it presents a person with the opportunity to go before the committee to demand an inquiry.

Mrs. Coleman who is the consumer representative on one board has objected to the price of eggs, but the price of this commodity is controlled; she objected to the price of milk, which is also under price control; and she objected to an increase in the price of bread, which is also under price control. If some people now object to the increase in prices of commodities

which are under price control what will be the position when this Bill becomes law? People should not claim that this legislation will not apply across the board.

I do not know whether this Government intends to exercise control over land prices, but it seems to me that under this measure every single item could be placed under control. In the long run where would we be heading if we agreed to the measure? I say this legislation will be an abject failure, just as every attempt made throughout the world to control prices has been a failure.

Reference was made by Mr. Ron Thompson to the service charge for attention to a hot water system. He pointed out that a charge of \$8 was imposed, and that this was fair enough. However, if a person applied to the commissioner or to the committee and demanded an investigation into the service charge of \$8 for attention to a hot water system, then according to what Mr. Ron Thompson told us the commissioner or the committee would regard the \$8 as a fair and reasonable charge.

The complaint of Mr. Ron Thompson was that as the two service calls related to two houses close together that person should not have charged \$8 for each call. If he is allowed to charge \$8 for a service, but not when there are two calls in the same locality, would not he attend to one call, proceed to the next suburb, and then come back to attend the second call? If he did that he would be entitled to charge \$8 for each service.

The Hon. R. Thompson: That was not my only complaint. I rang up on the Monday requesting service to the hot water system and I was told that the serviceman would be in my area on Thursday.

The Hon. L. A. LOGAN: The honourable member is referring to the time of the service, and not to the charge of the service which is a matter dealt with by the Bill.

It is so easy, under those circumstances, to dodge out. So the maximum charge would not be worth anything. We have to bear in mind that when dealing with service charges the biggest percentage is the actual cost of wages. However, wages will not come under the provisions of this Bill.

Another provision of the Bill will force a person to sell an article at a maximum price irrespective of the cost of the article, and irrespective of the circumstances of the case. Not only will a person be forced to sell at that price, but under the provisions of clause 24 he will be forced to sell any quantity at all which is demanded, irrespective of whether or not it is sold at a profit. Is it democracy to put a person in a situation such as that?

If, through some unforeseen circumstances—an increase in wages or a strike—a person were caught with a supply of goods on which a maximum price had been fixed he would not be able to sell those goods at a profit. He would be forced to sell them at the fixed price irrespective of the cost. Is that justice? I do not think it is.

I would like to know the exact reason for the introduction of this Bill because up to date we have not received one. We were given an excuse, and that excuse was that the introduction of the Bill was part and parcel of the Premier's policy speech. However, that is not the reason; that is only an excuse.

We should have been told, perhaps, which commodities would be under control, and those which ought to have a maximum price put on them. We should have been told what services and goods are to be subjected to price control. However, we have not been given any reason for the introduction of this measure.

The Bill provides for the setting up of a committee, and any number of other committees. There is no limit to the number of committees which can be formed. They can go on *ad infinitum*. The commissioner and the committee will be able to deal with the quality of goods. How any person appointed to a committee under the provisions of this Bill could judge the quality of certain articles without a reasonable and fair test over a period of time, I do not know. That is one of the reasons that I say the Bill is impracticable, and similar ramifications appear throughout it which will be impossible to put into effect.

I could go on in this vein for some considerable time but I do not think I need to. The Bill now before us is almost the same as the measure which was introduced in 1948 under a different title. Of course, the 1948 Bill included wages, which have been excluded from the present legislation. When the previous measure was allowed to lapse on the 31st December, 1953, I thought we had seen and heard the last of price control.

An article appeared in this morning's paper stating that Woolworths had announced a reduction in the price of more than 1,000 items. That store has been able to reduce prices despite increased costs, and in spite of competition from every other retail food store. It has been able to reduce prices under the present set-up, so why should we alter the system? I do not think prices would be reduced under the provisions of this Bill. Competition would be stifled.

Mr. Ron Thompson agreed with the Leader of the House that food stores would not come into the picture, but under the provisions of the Bill price controls will

be applied to any commodity. It will only need one or two cranky people to demand an inquiry and then the owners of the premises concerned will have to go through the whole ramification of supplying information to the prices control people. I sometimes think it would be better, on such an occasion, for the manager of the store concerned to walk out and let the commissioner and committee take over and manage the business. That is about what the Bill will mean: The committee and the commissioner will become the management of certain stores. I do not think we want that situation. In line with my thinking of 1952, which I have not changed, I oppose the measure.

THE HON. I. G. MEDCALF (Metropolitan) [8.53 p.m.]: I also oppose this measure. I do not propose to speak at length. I have listened with considerable interest to the comments made by various speakers particularly those of Mr. Arthur Griffith who spoke at some length yesterday. He quite effectively covered the subject of price control, and he could have spoken at greater length by dealing with the various clauses of the Bill. However, I think he wisely confined himself to asking a number of questions about the clauses in the Bill and, no doubt, at a later stage, if necessary, he will receive the answers to his questions.

Some of the questions asked by the Leader of the Opposition were mighty hard ones and I would not like to be in the position of having to answer them. I do not envy the Leader of the House if, and when, he comes to answer those questions which, I have no doubt, he has carefully noted.

I think it is an illusion to believe that we could have any benefits from price control through a measure such as this. That is my sincere opinion and I have maintained it over quite a long period. I do not believe that legislation such as this will change the normal rules which operate in the community in such a general area as price control over the range of goods and services covered by this Bill. However, I do concede that one could have price control under limited circumstances in what one might call a time of emergency. Also, one could have price control in an area where the normal laws of supply and demand do not operate. I quite concede that one can, and must, have price control during a period of war, even though, in some respects, it did not work satisfactorily by the time the last war ended, and in the years immediately following the war. However, price control did prove its value during the dark days of 1942 and 1943 when there was a shortage of essential services and goods.

During that period the manufacture of goods was controlled and the laws of supply and demand did not operate. It was necessary for the Government, what-

ever its political colour, to institute some form of quite rigid price control. However, that was during an emergency.

We have recently read that in the United States of America President Nixon introduced a price freeze, and Mr. Heath is also talking about a price freeze. However, those price freezes are for a limited period. I believe there are occasions when, perhaps, for a limited period during some great national crisis of a financial or economic order, or during an event of some other catastrophic nature, it is necessary to introduce a limited form of price control.

Price control also operates, as has been mentioned, in the area of the legal profession. In fact, it has operated in that sphere for quite a long time. When I was a young lawyer it was said that this was the only occupation which was permanently price controlled. It has been price controlled for as long as I can remember, because legal bills are liable to be queried and proved before the taxing master who is a public officer of the Supreme Court. His task is to satisfy himself that a proper charge has been made in all cases, and he quite rigorously exercises his authority where necessary, and reduces legal bills if he considers they are excessive.

The Hon. N. E. Baxter: That only applies if the bills are submitted to him.

The Hon. I. G. MEDCALF: If anyone wishes to invoke his services any legal bill can be put to him. On payment of a nominal sum of \$1 or so he will exercise his function and he will go through legal bills item by item.

That is price control and it is established in a very limited area where one might say the normal law of supply and demand does not operate for the simple reason that people who practise in that area have to qualify. There cannot be an unrestricted number of people in the legal field because, in the first place, they must have qualifications and for that reason there is a necessary restriction on the number who practise.

That is an artificial restriction on supply and demand. If the legal profession were completely open without any qualifications being necessary there would be no problem and there would be no need for price control because supply and demand would sort itself out and automatically determine the level of prices.

I believe it is only in a very limited sphere that price control will operate to the benefit of the community. I have another cause for concern. Not only is it an illusion to believe that price control is beneficial to the community at large but, in fact, it encourages the growth of monopolies and restrictive practices. This is well known in certain quarters because if prices are controlled they limit the number of people who will enter a particular field. Quite obviously, if prices and profits

are controlled the number of people who will enter that area will be restricted. That is quite well known.

I had a conversation, last year, with a big manufacturer who said that price control was of no concern to his company. In fact, he rather welcomed it because it would cut out competition. Therefore, I believe that price control is the antithesis of successfully controlling prices in the community. I do not believe that across-the-board price control is beneficial in any way whatsoever. It is an illusion for the housewife, and for the ordinary citizen.

For that reason I cannot go along with it, but there are some features of the Bill which I find particularly reprehensible. Other members have already touched on them and I wish to mention two of them very briefly.

I mention, firstly, clause 9, which contains a reference to an investigation. If any matter is to be investigated—and the matters seem to include the affairs of private individuals—it must be notified in the *Government Gazette* before the investigation starts; not after the investigation has been held and not after a report or a finding that something is wrong. Before the investigation even starts there is to be a notification in the *Government Gazette* that the matter will be investigated. As I read clause 8, such notification could include the name of the person whose activities were to be the subject of investigation. That does not seem to me to be fair or proper.

The second matter to which I wish to refer was, I think, touched on by Mr. Logan; that is, the requirements of clauses 24 and 25. I find clause 25 even worse than clause 24.

The Hon. L. A. Logan: I mentioned clauses 18 and 24.

The Hon. I. G. MEDCALF: I am referring to clauses 24 and 25. Clause 24 deals with a refusal to sell any quantity of goods on demand. A person who has in his custody or under his control any controlled goods for sale shall not refuse or fail, on demand for a quantity of the goods, to sell those goods in the quantity demanded. I wonder what would happen if a person demanded half a dozen boxes of poly-unsaturated margarine. Later there appears a defence that one was acting in accordance with approved practice, whereby it could be said the margarine was needed for the normal contracts of the business, but there are situations where certain goods are keenly sought after. However, that is not what I am really getting at.

I am really getting at what is contained in clause 25, which deals with a refusal to supply a service. If one were the proprietor of a bus and one were driving the bus and refused to supply that service, one would be committing an offence under clause 25. But if one happened to be

an employee driving that bus, one could go on strike and not commit any offence whatsoever. I do not think it is proper that there should be such a distinction. If one happened to be a television technician running one's own business and one refused to provide a service, one would be guilty of an offence under clause 25. The clause reads—

25. (1) A person who supplies any controlled service shall not refuse or fail—

(a) on demand for the supply of that service; and

(b) on tender of payment at the rate fixed under this Act for the supply of that service,

to supply that service.

Penalty \$500.

If one happened to be an employee, one could go on strike, but there is no penalty for that. It is not consistent.

One cannot with a clear conscience pass legislation like this because it contains so many anomalies. I have instanced two or three of them and other members have mentioned other anomalies. For those reasons I could not honestly subscribe my name to the list of those supporting this Bill.

THE HON. N. E. BAXTER (Central) [9.04 p.m.]: I well recall the late Hon. Gilbert Fraser introducing into this House in 1955 a Bill for prices control. His opening remarks were, "This will be one of the most popular Bills of the session." I think it was about as popular as the Act that existed from 1948 until 1953, when it was discontinued because this House would not have any more of the operations of price control and the way the commissioner set prices during those years. It was far from satisfactory for business people and the public. I recall that representatives of a certain business went to the prices commissioner to ask for an increase in the price of their commodity, which had remained at the same price for a number of years; but despite the fact that the costs of wages, freights, electricity, and practically everything else had increased he refused point blank to grant any increase in the price of that commodity; and that commodity was beer. If that is the type of price fixing the Government has in mind, I will not have a bar of it.

When we compare this Bill with the Bill of 1948, we find a great similarity. They are not exactly the same, word for word, but this Bill provides for an advisory committee, as did the measure in 1948; and this legislation provides for a single commissioner, as did the Bill in 1948. I would say much of the wording of the Bill before us has been taken from the Act of 1948. I refer particularly to part III of the Bill. On comparing it with the Act of 1948 members will see the wording is very similar.

To illustrate my point, I will read paragraphs (a) to (h) of clause 12 (2) of this Bill and paragraphs (a) to (h) of the comparable section of the Act of 1948. Paragraph (a) in the Act of 1948 reads—

- (a) different maximum prices according to differences in quality or description or in the quantity sold, or in respect of different forms, modes, conditions, terms, or localities of trade, commerce, sale, or supply;

Paragraph (a) of clause 12 (2) of the Bill before us reads—

- (a) differentially, according to differences in the quality or description of goods, or in the quantity, description, or volume of the service supplied, or in respect of different forms, modes, stages, conditions, terms, or localities of trade, commerce, sale, or supply;

The PRESIDENT: Order! Will the honourable member please state the number of the page from which he is quoting.

The Hon. N. E. BAXTER: I am quoting from the Prices Control Act, No. 3 of 1948, and specifically from page 13 of the volume. I then come to paragraph (b) of the Act of 1948, which reads—

- (b) different maximum prices for different parts of Western Australia, or in different proclaimed areas;

Paragraph (b) of clause 12 (2) of the Bill before us reads—

- (b) for the whole or different parts of the State and differentially for different parts of the State;

Paragraph (c) of the Act of 1948 reads—

- (c) maximum prices on a sliding scale;

Paragraph (c) of clause 12 (2) of the present Bill reads—

- (c) on a sliding scale;

Paragraph (d) of the Act of 1948 reads—

- (d) maximum prices on a condition or conditions;

Paragraph (d) of clause 12 (2) of the present Bill reads—

- (d) on and subject to any condition or conditions;

Paragraph (e) of the Act of 1948 reads—

- (e) maximum prices for cash, delivery or otherwise, and in any such case inclusive or exclusive of the cost of packing or delivery;

Paragraph (e) of clause 12 (2) of the Bill before us reads—

- (e) for cash, delivery, or otherwise, or on terms, and in any such case inclusive or exclusive of the cost of packing or delivery;

The wording is almost identical. I will not quote the other paragraphs but I simply state that the wording of paragraph (h) in each measure is again almost identical.

I ask the question: How does the Government propose to administer the provisions of paragraph (h) of clause 12(2)? That paragraph reads—

- (h) relative to such standards of measurement, weight, capacity, or otherwise as he thinks proper, or relative to prices or rates charged by individual traders or suppliers on any date specified by the Commissioner, with such variations (if any) as in the special circumstances of the case the Commissioner thinks fit, or so that such prices or rates will vary in accordance with a standard, or time, or other circumstance, or will vary with profits or wages or with such costs as are determined by the Commissioner.

After setting a maximum price on goods, will the commissioner go to the trouble of reconsidering that price when there have been variations in costs and wage rises, with a view to altering the maximum price in accordance with the increased costs? I say he will do as the commissioner did from 1948 to 1953: he will sit down solidly in his office and refuse to grant an increase.

This Bill will not work successfully in the interests of anybody because if price control is carried out as it was previously it will discourage enterprise. I cannot see that this legislation will cause a commissioner to act any differently from the way the previous commissioner acted.

Another clause in this Bill which rather astounds me is the one dealing with the power of the Minister. After the commissioner has set his maximum prices, the Minister is given power to veto them by publication in the *Government Gazette*, so he can undo all the work of the commissioner.

I cannot see this legislation operating in any way at all. We have tried this sort of thing. We tried prices regulation under the Commonwealth during the war years and up to 1948. We tried prices control from 1948 to 1953. We also tried rent control during that period. How successful were those controls? Some people derived great benefit from rent control but others were placed in disgraceful circumstances as a result of it. They were not getting a fair crack of the whip. The same applied to some of the maximum prices set by the prices commissioner.

After price control had been abolished in 1953, the then Leader of the Legislative Council (The Hon. Gilbert Fraser) introduced a Prices Control Bill in 1955. I opposed the Bill in that year. On that Bill we ended up with the Chairman being moved out of the Chair, and that was "goodbye" to the Bill.

In 1956 another fiasco took place when the Government of the day introduced what was commonly termed "the Unfair

Trading Act," which was intended to put a stop to unfair trading and profit control. I forget how long that Act operated, but the commissioner appointed under that Act got himself into a tangle when he took Cockburn Cement to court and lost the case. I believe the Commissioner for Unfair Trading went off half cocked with very little evidence. That was the end of the unfair trading legislation. It was rather useless after that.

I would like to see workable legislation exercising a certain amount of control on the price of goods. The prices of some goods are beyond what is reasonable. But how do we go about introducing legislation of this type which will operate in a manner that is fair to everybody—to the producer, the manufacturer, the retailer, the consumer, and everybody else involved? I make the suggestion to this House that a statutory consumer body be established—not with one commissioner but with a body comprising a number of persons to decide these issues.

The issue should not be left in the hands of one person after receiving advice from the advisory committee. We have had this provision before in prices control and it just does not work.

It was also suggested that our prices control would be similar to that in operation in South Australia. If the commissioner decides a price is too high, he goes to the people concerned and makes a suggestion. This type of co-operation will give far better results than legislation in which the commissioner fixes a maximum price and says to the manufacturers, "If you dare to charge more than the maximum price, we will hit you for a nice fine of \$500."

That is not the way to treat business people. I believe we would gain better results from co-operation with business people. If it is pointed out to a company, after thorough investigation, that a price is too high, we would usually find that the company will agree to bring its price down to provide a reasonable margin of profit. Such a company would realise that more stringent action could be taken if it did not comply with the request.

We could put teeth in the Bill for use where a company consistently refused to keep to a reasonable margin. This is the type of legislation I envisage rather than the Bill which is presently before us, which is no improvement on the 1948-1953 Act. There is nothing to recommend it any more than was in the earlier Act; as a matter of fact, in some instances it could be worse. I refer to the clause which gives the Minister power to veto the actions of the commissioner.

At the time of the introduction of the 1948 legislation, an attempt was made to set up a commission of three instead of

one commissioner. This attempt failed, but I believe the Government should have second thoughts about the legislation and withdraw it with a view to framing legislation to set up a small commission. It is an old but true saying that two heads are better than one, and when it comes to setting prices and making decisions of the magnitude required under this legislation, three heads are better than one.

I do not know whether the honourable member opposite is smiling at my comments, and I could not care less. This is my attitude to this type of legislation. I have already seen it in operation unsuccessfully. Members who were here prior to 1950, such as Mr. Logan, know very well what happened under the previous legislation. The Government should have another look at the measure and attempt to frame something more acceptable to the business people of Western Australia and even to the consumer. I do not believe this legislation would be acceptable even to the majority of consumers of this State. I cannot support it.

THE HON R. F. CLAUGHTON (North Metropolitan) [9.19 p.m.]: The title of the Bill is important because it illustrates the essence of the philosophy behind it. It is termed the "Prevention of Excessive Prices Bill."

I believe that the ideal situation from the point of view of the Minister administering the legislation would be that the *June Gazette* would show no prices listed as being controlled—in other words, no excessive prices were being charged.

Before going further into the details of the Bill, I would like to say I am a little surprised that Mr. Medcalf should attempt to draw a legal red herring—which is the only term I can think of to describe his comments—across some portions of the Bill. He referred to clause 25 which sets out the prescribed penalty for a person refusing to supply a service at a fixed rate. I was able to read further and see that in proceedings in respect of an offence against this clause, it is a defence to show that on the occasion in question, the defendant did not have sufficient capacity for service under his control to supply the service in addition to the service required to satisfy—and it is qualified by paragraphs (a) and (b).

Obviously if the proprietor of a bus service, as mentioned by Mr. Medcalf, were unable to run the service because of a strike, it is inconceivable that the commissioner would permit a complaint to be brought against the proprietor. As I say, I am surprised that Mr. Medcalf should attempt to draw such a legal red herring across the provisions of the Bill.

The Hon. I. G. Medcalf: Are you saying I was trying to mislead the House?

The Hon. R. F. CLAUGHTON: I am saying I am surprised that Mr. Medcalf addressed the House in these terms because it seems that a situation such as he postulated would be most unlikely to occur.

The Hon. I. G. Medcalf: Don't you think it is an offence to withhold a service?

The Hon. R. F. CLAUGHTON: The commissioner is the only person able to authorise a complaint to be brought against an alleged offender. I am saying it is inconceivable that a commissioner would authorise a complaint under those circumstances. The honourable member should have been able to read that into the legislation.

The Hon. I. G. Medcalf: Can't you read clause 25?

The Hon. R. F. CLAUGHTON: I have just read portion of it. Mr. Medcalf may speak again during the Committee stage if he wishes to.

The Hon. I. G. Medcalf: I may not have the opportunity.

The Hon. R. F. CLAUGHTON: He has had his opportunity to make a speech. During his second reading speech, the Leader of the House indicated that legislation of this type is in existence in various parts of Australia, and although the legislation is not fully operative, it had been allowed to remain on the Statute books because a situation may arise where it would be of benefit to the Government. In fact, two of the Governments in this position are Liberal-Country Party Governments—in New South Wales and Queensland. The Leader of the House told us that in New South Wales bread and petroleum are still controlled under the legislation. He also informed us that a number of other commodities are price controlled under separate legislation—commodities such as milk, gas, coal, and rent. So this is not an unusual step—it is something which is operative in other States of Australia. As I have said, the philosophy behind this legislation is not that all prices should be controlled, and the Leader of the House made this quite explicit during his speech. I will quote his remarks from page 4544 of *Hansard* No. 21 as follows:—

The controls proposed to be available by this Bill are not intended to be used to apply an "across the board" or "blanket" price control policy, but rather as its title implies to provide ways and means by which consumers may be protected from apparently excessive rises in prices of goods and services.

The Hon. A. F. Griffith: Perhaps you could tell us which goods and services will be controlled?

The Hon. R. F. CLAUGHTON: A little further on the Leader of the House said—

It is considered that the existence of this legislation could well have the effect of acting as a curb on price rises, in that manufacturers of goods and suppliers of services will be aware that they could well be called on to justify any rise in price.

The legislation spells this out quite clearly, and yet it has been repeatedly said by members of the Opposition that the Government envisages blanket price fixing. The purpose of this legislation is very far from that.

The Leader of the Opposition did not refer to the Bill at all. He said he did not propose to discuss the Bill.

The Hon. A. F. Griffith: I did not say anything of the kind. I said I did not propose to go through the clauses in the Bill. For some extraordinary reason you always like to quote me out of context and mislead the House. Why do you do that?

The Hon. R. F. CLAUGHTON: I do not have the Leader of the Opposition's speech in front of me.

The Hon. A. F. Griffith: If you do not have it, why do you make loose accusations?

The Hon. R. F. CLAUGHTON: I can only tell the House the impression the speech made on me.

The Hon. A. F. Griffith: It gave you the wrong impression.

The Hon. R. F. CLAUGHTON: If I am not quoting the words of the Leader of the Opposition, I apologise to that extent.

The Hon. A. F. Griffith: Apology accepted, once again.

The Hon. R. F. CLAUGHTON: The Leader of the Opposition was one of the members who spoke almost entirely of price control.

The Hon. A. F. Griffith: That is the object of the Bill—price control.

The Hon. R. F. CLAUGHTON: He referred to the 1948 legislation. The list of questions presented to the Leader of the House by the Leader of the Opposition were mainly directed at the idea of blanket price control.

The Hon. A. F. Griffith: You do not know what my intention was when I asked those questions.

The Hon. R. F. CLAUGHTON: Price control over a wide range of articles. Once again I feel the Minister in charge of the Bill would regard it as an ideal situation when no item is controlled at all. The legislation is directed at those items which are alleged to be excessively priced. On

examination, this may prove not to be so and the committee formed to examine the range of goods may make a recommendation to that effect to the Minister—in other words, the prices being charged could be justified. It is a prices justification Bill and not a price fixing or price control Bill.

Reference has been made to the old clichés of free enterprise. This is very much a cliché. It is very rarely that we find free enterprise operating quite freely. Restrictions or some form of control are placed upon a market in all sorts of ways, not only by Governments but also by businesses involved in the market.

Very few producers or retailers particularly like the perfect market situation; the price in a completely free market situation is one that is balanced by supply and demand. It is one of the concepts behind the co-operative movement, for instance, that the individual producer has little standing; it is only by acting in a co-operative way that the producers as a whole can obtain the price and the returns from the market that are advantageous to themselves and so protect their own interests.

There is, in fact, a wide range of devices used to manipulate the market to the advantage of the producer. Occasionally some devices are used by the buyer, but this is seldom done by the ordinary consumer; that is, the ordinary private individual who is buying his weekly groceries, furniture, and motor vehicle parts, is not able to manipulate the market in his favour. However sellers, quite often, are able to do this, and in fact they do manipulate the market.

I now wish to refer to the W.A.A.C.'s Motor Industry Journal, Vol. 38, September, 1972, issue. In this volume there is a long extract of a report prepared for the retailing section of the motor vehicle industry by an independent body. This report indicates some of the ways by which the market is controlled by a section of it. Those engaged in the industry speak in strong terms about the way this affects them. From page 28 of this journal I will quote one or two portions of the report which reads—

VEHICLE RETAILING AS A SECTOR OF THE ECONOMY

5. Oligopolistic Characteristics

New vehicles are strongly brand or make differentiated. No general department store has its house brand of motor car. As Dr. Peter Stubbs points out: "The important corollary of product differentiation is that once consumers select products according to their inherent or psychological differences from closely similar brands, price is no longer the paramount factor governing their choice".

This is a feature of what economists call oligopolies. An oligopoly is an industry which is completely dominated by a few large firms. (A monopoly of course, is the extreme version of an oligopoly. Here only a single firm dominates, e.g. Steel in Australia). Vehicle production is typically concentrated in a few hands. The difficulties of entering a market help promote oligopolistic situations.

This is the situation which prevails in the motor industry. The report goes on to show how this affects the retailing of motor vehicles. I think it would be worth while for members to have a glance through this report. It goes on to show how Federal Government tariff policies affect the motor industry and increase the manufacturers' profit to the disadvantage of the retailer and consumer.

On page 30 the report deals with the franchising agreement, and the following appears:—

The result in Australia is an unfortunate one. It is that sales agreements, as embodied in the standard forms used by most factories, represent legal devices which give a small group of large foreign companies considerable control over the economic future of a large number of relatively small businesses, substantially Australian in ownership, financing and management—without rendering such international corporations legally accountable for the control that they exercise.

I do not want to enter into an argument on the control of Australian industries, because that is a completely separate argument. My purpose in quoting that report was simply to show that, in fact, we do not have a free market situation in Australia. Many devices are used to reduce the competition felt by a retailer or manufacturer so he will not be subject to the pressures of competition. In other words, he does what he can to protect himself.

Advertising is another field in which this is done by a manufacturer trying to convince the public that his article has some particular value which articles produced by other manufacturers do not. Here again I am not condemning advertising. I am merely giving an illustration of one of the ways by which the market is influenced in favour of the retailer. These are things which are not available to the ordinary consumer. The point I am trying to make is that the scales are balanced in one direction, and in order to restore some balance the sort of legislation we are considering this evening is that which is required so that the consumer has someone to act for him.

It is very difficult for a consumer to act on his own behalf; it is almost impossible for him to take on a big company. Here

again I qualify that statement by saying that I am not condemning big business, because there are instances where large firms are approached by individuals and those firms make every effort to satisfy their customers because it is important to them to do so. It is also to the benefit of the customers themselves. However, this does not weaken the strength of the point I am making; namely, that the seller of the goods in many ways is able to effect the balance of the market in his favour and the consumer is very rarely in the position to do the same. Therefore this legislation is needed to restore the balance.

In the article I quoted there is reference to the fact that there is a monopoly over the sale of steel in Australia. Many secondary manufacturers who use steel may be adversely affected by the price of this product. So it can be seen that it is not only the family man, or the small consumer who may derive some benefit from this kind of legislation; some benefits could accrue to manufacturers at different stages of their processes, to those who use partly-finished products, or to the wholesaler and the retailer.

I have already said several times that I believe the Minister could prefer the ideal situation where goods are not price fixed, and should the Bill pass through this Chamber, a situation where no list of controlled goods appears in the *June Government Gazette*.

I feel that this is also desirable because price is an important element in the flow of goods onto the market. It is important that the price should find its own level, because if a commodity is scarce a high price brings about an increase in the supply, and the price is likely to be reduced, but if it is artificially low, the article in question is likely to remain in short supply. Therefore, we cannot just say that high prices are bad. I do not believe it is beyond the capacity of the persons who will be appointed to the committees that are envisaged under this legislation to take this practice into account.

I hope the members of this Chamber will not discard the Bill. I think it is worth a trial to find out how it will operate and to indicate what benefits, in general, can be spread over the whole community. I do not believe that the worst fears of some members are likely to be realised. The Government is not anxious to adversely affect retailers. It is just as keen as any other party to ensure that business activity flows unhampered. It will not only be those persons who are charging excessive prices that will be affected by this legislation. Very likely such persons have an unbalanced control of the market; that is, they have an advantage over other manufacturers, or, alternatively, the person who is charging the

excessive price may be the sole manufacturer of one article or the person who provides one particular service.

In fact, I can cite an example in regard to the rendering of a service where a complaint was made to a statutory board which is designed to control the profession in question, but also to ensure that malpractices do not take place. I will not mention the name of the profession, because I do not want to place any odium on it as a result of the action of one person who did not do the right thing. In this case the person seeking the service had work performed for him which cost \$170. Therefore, it was not a service which was provided cheaply. Within less than 12 months a fault occurred and the person asked that it be rectified. This was done at a further cost of \$35. The service was performed for one spouse in this family, but the other spouse objected that since the original cost was \$170 he did not think it right that payment should be made again for work that was expected to last for a long time. When the objecting spouse telephoned the person who had rendered the service he was abused and told he would now get a bill for \$120, and if he did not pay that amount he would be sued.

When this case was referred to the board as a legitimate complaint, the board, after considering the matter for a period of some weeks, decided it did not have the authority to deal with the offending person.

That was not an isolated complaint about the particular person involved, but the board was not able to deal with the complaint. If the actions of such a person could be controlled under the legislation, this would not be doing a disservice to the profession as a whole. In fact it would be of benefit to it if persons who behaved unethically were brought into line.

The other night Mr. Ron Thompson referred to a service charge of \$8. I attempted to interject at the time because he was referring to an electrician. I had a minor fault at my home, the service charge for which was \$4.40, which I did not think was unreasonable.

It is a fact that in the case of certain lines, and particularly electrical goods, the service is carried out only by the manufacturer or his agent. This applies particularly to hot water systems. No-one else can service them, so one is stuck with a certain firm or group. In other words, the manufacturers have a controlled market in their own interests and they are therefore able to charge what could possibly be excessive prices.

I agree with Mr. Ron Thompson that those making the charges should be made to justify them. Again, it may be found that the prices are not unjustified and if this were so, the industry concerned would

gain in standing as a result of such a verdict by the commissioner. Many people consider that service charges are unreasonable and if the commissioner could examine them and justify them, the industry involved would gain standing in the community. If the charges cannot be justified those responsible deserve to be told to reduce them.

I believe the Bill will provide a much-needed service for the community. It is foolish of people to think that unscrupulous persons do not exist.

The legislation must cover all items except those in the schedule, because it is not known at this stage what excessive prices will be charged. However, this does not mean that the price of all goods will be controlled, and this is certainly not envisaged.

I again appeal to members of the Opposition to support the legislation. If it has any faults, we want to know of them, but we owe it to the community to place the legislation on the Statute book.

Debate adjourned, on motion by The Hon. D. K. Dans.

House adjourned at 9.49 p.m.

Legislative Assembly

Wednesday, the 8th November, 1972

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

APPLE AND PEAR INDUSTRY BILL

Introduction and First Reading

Bill introduced, on motion by Mr. H. D. Evans (Minister for Agriculture), and read a first time.

PUBLIC ACCOUNTS COMMITTEE

Report

MR. HARMAN (Maylands) [11.04 a.m.]: I present to the House the fifth report of the Public Accounts Committee. I move—

That the report be received.

Question put and passed.

MR. HARMAN (Maylands) [11.05 a.m.]: I move—

That the report be printed.

With your indulgence, Sir, I would like to make one or two remarks. Members will recall that the Public Accounts Committee was established by this House at the beginning of the session in 1971 and this report is the fifth which the committee has presented to the House since that time.

Members will also recollect that previous reports have dealt with the criticisms contained in the Auditor-General's Report of

some aspects of departmental accounting, and investigations into excesses in expenditure from both the General Loan Fund and the Consolidated Revenue Fund.

This particular report deals with the procedures of departments relating to the contract system and the consequent expenditure of money from the General Loan Fund. Having been only comparatively recently formed, the committee thought it should investigate the procedures for estimating and for the letting of contracts, the amount of supervision undertaken by the departments in respect of these contracts, and the overall performance of the departments in the expenditure of the moneys allocated to them.

Apart from ascertaining whether the departments spent their money for the correct purpose, the committee also desired to ensure that the departments were performing in the manner thought desirable by it. As indicated in the report of the committee, I am happy to be able to say that we were generally satisfied with the contract system.

As I have said, the committee has been only comparatively recently formed and at this stage we feel we are only building up our expertise in these matters. Consequently, rather than make some firm recommendations we have decided to make observations on the contract system. However as the committee develops the necessary expertise it will be in a better position in the future to determine the recommendations which should be made.

This report also contains the Treasurer's comments on our third report. As is the case with most Public Accounts Committees in Australia we operate under what we term the "Treasury minute system" under which the recommendations or observations made by the committee are examined by the Executive and then tabled in the House. This guarantees that the matters brought to notice in the reports are examined at least by the Treasurer who makes certain observations. Such observations concerning our third report are to be found in the appendix to this, the fifth report.

Finally, I would like to thank the members of the committee for their diligence and the manner in which they have discharged their duties. I also thank our secretary for all the necessary arrangements he has made.

Question put and passed.

The report was tabled (see paper No. 476).

ALUMINA REFINERY (MUCHEA) AGREEMENT BILL

In Committee

Resumed from the 7th November. The Deputy Chairman of Committees (Mr. Brown) in the Chair; Mr. Graham (Minister for Development and Decentralisation) in charge of the Bill.