

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.

I move—

That the Legislative Assembly insists upon its further amendment proposed as an alternative to the Legislative Council's amendment No. 2 to which the Legislative Council has disagreed.

The reasons given by the Legislative Council do not seem to make sense. Its reasons are—

The further amendment proposed by the Legislative Assembly is not in accordance with the amendment made by the Legislative Council in that it does not provide for the approval of Parliament to a report on the results of the engineering and economic studies based upon a comprehensive feasibility study and plan relating to the works proposed to be prepared by a competent independent authority.

I indicated very clearly that we had no particular objection to its amendment. The only point at variance at the time related to the closure as provided for in the schedule. As there seems to be some degree of conflict I feel the best way is to insist on the further amendment, and to request a conference of managers so that the matter can be sorted out.

Mr. Hutchinson: When do you propose to have the conference?

Mr. JAMIESON: We have to request a conference, and if it is agreed to it will be held some time next week.

Question put and passed.

Report

Resolution reported and the report adopted.

Assembly's Request for Conference

Mr. JAMIESON: I move—

That the Legislative Council be requested to grant a Conference on its amendment insisted upon in the Perth Regional Railway Bill, and that the Managers for the Legislative Assembly be the Member for Mt. Lawley (Mr. O'Connor), the Member for Perth (Mr. Burke), together with the Mover.

Question put and passed and a message accordingly returned to the Council.

House adjourned at 10.12 p.m.

Legislative Council

Tuesday, the 14th November, 1972

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

QUESTIONS (2): WITHOUT NOTICE

1. CLOSE OF SESSION

Target Date

The Hon. A. F. GRIFFITH, to the Leader of the House:

Having regard for the length of the notice paper in the Legislative Assembly and the fact that a number of important Bills—for which adequate time for consideration will have to be made available—are still to come from that House to this Chamber, is it still the Government's intention, as previously expressed, to conclude the session on Friday?

The Hon. W. F. WILLESEE replied:

I discussed this very matter with the Premier yesterday and asked him whether he thought he could still conclude the session by Friday, and he said he thought so, but that he would reconsider the matter late on Thursday, as he had no intention of sitting into the small hours on Saturday morning. That is the position as far as I know it. I admit that we have a formidable amount of legislation in front of us and it is difficult to forecast how much time will be necessary to deal with it. However, if late on Thursday, after studying the notice paper again, we consider we are not in a position to deal with it by a reasonable time on Friday, we will not sit on the Friday, but will come back next week.

PORT HEDLAND HIGH SCHOOL

Air-conditioning

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) Is the Minister aware of the temperatures experienced in the Hedland Senior High School on Wednesday the 8th November, 1972?
- (2) Will the Minister now reconsider air-conditioning for the transportable units and project sections in view of the temperatures of 48°C (118°F) and 57°C (135°F) experienced by students and teachers within these areas?
- (3) If not, does he consider it reasonable to have students and teachers working in these temperatures?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) and (3) The difficulty of working in conditions such as experienced at Port Hedland is fully recognised. However, it is not possible to provide air-conditioning for the demountables without cancelling other urgently required works. Furthermore, as the major part of the Hedland Senior High School is fully air-conditioned it should be possible to minimise the amount of time spent by any single group of students in non-air-conditioned accommodation.

QUESTIONS (2): ON NOTICE

1. FISHING

Abalone

The Hon. R. F. CLAUGHTON, to the Leader of the House:

Will the Government give consideration to the proposal to exclude the taking of abalone by professional fishermen along metropolitan beaches within an area extending a quarter mile offshore?

The Hon. W. F. WILLESEE replied:

The Government is considering a proposal in relation to the protection of some beaches against the taking of Abalone by Professional Fishermen.

The Abalone Fishermen on the West coast have formed an association and have agreed to carry out their operations in a responsible manner. Departmental officers have had a number of discussions with members of the association concerning the proper management of this limited entry fishery. Regarding the latest proposal the Administrative Officer and Supervising Inspector of the Department of Fisheries and Fauna will be having discussions with the parties concerned.

At the present time there are no areas closed to the taking of Abalone with the exception of two research areas. A copy of the Direction to Licensing officers issued in relation to establishment of the Abalone fishery as a concession fishery is Tabled. (See Paper No. 383.)

2. FIREWORKS

Injuries

The Hon. R. F. CLAUGHTON, to the Chief Secretary:

What has been the incidence of injury from fireworks since legislation was enacted for their control?

The Hon. R. H. C. STUBBS replied:

Since enactment of Legislation for the control of fireworks in 1967, the incidence of injury from fireworks has shown a marked decline. No child has been admitted as an in-patient to the Princess Margaret Hospital for injuries caused by fireworks since August, 1967.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.47 p.m.]: I move—

That the House at its rising adjourn until Wednesday, the 15th November, at 2.30 p.m.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.48 p.m.]: I do not intend in any way to oppose this motion, but, with the best intentions possible, I would counsel the Leader of the House not to move this motion at this stage of the proceedings after today. It may well be that because of the amount of business still remaining on our notice paper he may want to resume earlier. Once this motion is passed he could not conceivably resume before 2.30 p.m. tomorrow. So I counsel the Minister to wait until towards the end of the day's proceedings before moving the special adjournment.

I know it is a good idea to give members an indication of the time the House will sit on the following day, but if we intend to conclude on Friday, we will not do so if we do not sit before 2.30 p.m. on Wednesday and Thursday.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.49 p.m.]: I thank the Leader of the Opposition for his comments. I had intended to review the situation before moving a special adjournment in relation to Thursday. The reason for my stipulating 2.30 p.m. tomorrow is that I gave an undertaking to two members that I would give them time to research Bills for which they have the adjournments; that is, the Teacher Education Bill and the alumina refinery Bill. With that in mind I stipulated 2.30 p.m. for tomorrow, but I agree that on Thursday our commencing time could be 11.00 a.m.

The Hon. A. F. Griffith: You are satisfied that one morning allows sufficient time in which to research a Bill.

The Hon. W. F. WILLESEE: No, not really. However, I was asked not to go on with the Bills today and therefore in all fairness I thought that 2.30 p.m. would be a reasonable time to sit tomorrow. However, if necessary we could in the course of a week pick up the two hours we lose.

Question put and passed.

METRIC CONVERSION BILL*Second Reading*

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.50 p.m.] : I move—

That the Bill be now read a second time.

The object of this Bill is to amend the number of existing weights and measures references in Acts to express them in the metric system of measurement, and to provide for the amendment of other Acts, as required in the future.

The metric system of measurement is defined as the international system of units—S.I. being *système international d'unités*—and, in addition, approved units decimally related to S.I. units and units declared pursuant to the Commonwealth Metric Conversion Act, 1970.

The decision that Australia should convert to the metric system was announced by the Prime Minister in January, 1970. This decision stemmed from the report of the Senate Select Committee on the metric system of weights and measures presented to the Senate in May, 1968, which recommended that—

It is practical and desirable for Australia to adopt the metric system of weights and measures at an early date.

The Select Committee made this recommendation for the following reasons:—

Submissions to the committee from individual citizens, Commonwealth Ministers and departments, State Governments and departments, State instrumentalities, and organizations, overwhelmingly supported an early change to the sole use of the metric system and clearly indicated that there would be no insuperable difficulties in effecting such a change.

The metric system is already used by a large majority of countries of the world, representing about 90 per cent. of the world's population, and its use is extending further.

The United Kingdom is actively converting to the metric system and expects to be predominantly metric by 1975.

Approximately 75 per cent of world trade is being carried on in metric measurements.

Already 70 per cent. of Australia's export trade is to metric countries, or to countries converting to the metric system, and this proportion can be expected to increase as the nation's trade with South-East Asia grows. Some countries, including Japan, have made the use of the metric system mandatory for some of their import trade.

Almost without exception, education authorities favour the early adoption of the metric system on the grounds

that this would simplify and unify the teaching of mathematics and science, reduce errors, save teaching time, and lead to a better understanding of basic mathematical principles.

A cost advantage may be expected in the purchase of imported materials from the broadening metric system market, rather than from the shrinking market using the imperial system. Because of its inherent advantages over the imperial system of weights and measures, particularly its decimal nature, and the simple relationships between its units, all operations involving weights and measures would be greatly facilitated with, in many cases, a substantial increase in efficiency.

The advantages of the metric system, referred to in the previous paragraph, are most evident in the restricted system known as the International System of Units—S.I.—which is the internationally preferred system. The full advantages of decimal currency will not be experienced until decimal weights and measures are also used. The adoption of the metric system is widely accepted as a natural consequence of the currency conversion.

The use of decimal fractions of imperial units, while giving some advantages in restricted applications, is not an adequate substitute for the adoption of the metric system because of lack of universal recognition, and would lead only to proliferation of imperial units.

Industrial standards specifications play an important part as a basis for industrial purchases. The standards of the International Standardisation Organisation, the International Electro-technical Committee and the British Standards Institution are being increasingly expressed in metric units, so that a local manufacturer, hoping for overseas orders, must be prepared to work in both metric and imperial units, at the cost of efficiency.

The adoption of a different system of weights and measures would provide an opportunity to rationalise industrial practices and to reduce the varieties of sizes of materials and components.

The metric system has already been successfully adopted within Australia in many fields of activity, without difficulty, and with considerable satisfaction to its users.

Australia has, at present, a very large body of people who had experience of the metric system before coming to this country and who could greatly assist the dissemination of knowledge about the system and the building up of a confidence in its use.

Although no meaningful estimate could be made of the cost and benefits which would result from the adoption of the metric system, the committee is satisfied that the ultimate benefits would greatly exceed the costs of the conversion. The actual conversion costs could be considerably reduced by careful planning.

Almost every witness expressed the view that the ultimate adoption of the metric system by Australia was inevitable. As it was also generally accepted that the cost of conversion is increasing substantially each year, it follows logically that conversion should be commenced with the minimum delay.

To give effect to this decision, the Commonwealth introduced the Metric Conversion Act which received Royal assent in June, 1970. This Act provided for, *inter alia*, the establishment of a Metric Conversion Board to help plan and guide the changeover.

Since its appointment in July, 1970, the board has established a comprehensive framework of 11 advisory committees, some 90 sector committees, and also a number of subcommittees to assist it in its task. These committees composed of Commonwealth and State Government officers and representatives from appropriate private firms and organisations drawn throughout Australia, in close liaison and co-operation with Government departments, industries, associations, etc., have prepared or are preparing recommended conversion programmes for the changeover.

Unlike the conversion to decimal currency when it was possible to have a single conversion date the metric changeover will extend over a number of years. The various sectors will commence conversion at different times and they will convert at different rates. Broadly, a conversion period of 10 years commencing in 1970 has been set, and the Metric Conversion Board hopes that 60 per cent. of the conversion will be completed by 1976.

The stage has now been reached where a number of sectors are converting or will soon be converting. To enable these programmes to be implemented, it will be necessary to amend references in existing legislation. The relationship between imperial units and metric units is not as simple and direct as the relationship between decimal and sterling currency. Whereas it was possible to effect the majority of amendments necessitated by decimalisation by a general Act setting out the equivalents, this is not so for metrication. In fact, all references in Acts and subordinate legislation will have to be dealt with specifically.

This Bill therefore provides for amendments to 19 Acts, as set out in the schedule. The proposed amendments have been prepared by calculating the precise equivalents and then rounding them to a practicable and workable metric measurement. Some of the amendments have been included because it is important that particular Acts are amended in time to allow the appropriate sector of activity to adhere to a conversion programme. Although it is not critical that they should be amended in the near future, others have been included because there is sufficient information available to allow the references to be converted and it is considered desirable to effect the amendments as soon as practicable.

Because it is desired to be able to effect various proposed amendments at different times, to the extent of various amendments to the one Act at times, amendment numbers have been allocated to permit precise reference to each amendment. The dates shall be fixed by the Minister administering the Act so amended by notice published in the *Government Gazette*.

The Bill provides the necessary machinery for selective conversion in Government, industry, commerce, and other sectors to accord with timetables of conversion not yet approved by the Metric Conversion Board. In some cases it may be necessary to act quickly with conversion applying uniformly throughout Australia and a simple method is needed to effect the change from imperial units to metric units.

For this reason clause 5 permits references to weights and measures contained in Acts of Parliament to be amended by proclamation. It has to be noted that under the provisions of the clause the power cannot be exercised unless it is necessary or expedient to do so, and further, a precise limit is fixed on the value of the unit that may be altered. It is not intended that this clause should be used as a device to avoid amending the relevant Acts of Parliament in the usual way, but only in cases of emergency. Moreover, either House of Parliament will be able to disallow any proclamation issued under the proposed clause.

Arising out of some questions as to proclamations raised by the Leader of the Opposition in another place, the Premier has requested that certain aspects be clarified in this Chamber in reply to Sir Charles Court's queries and for the information of members of Parliament generally.

Sir Charles Court stated that he felt the clause in its present form would permit alterations to quantities but not to terms. Legal opinion is that proclamation under clause 5 may not include an amendment to terms, but the Premier considers that,

though this is a disadvantage, because of the desire to keep changes to a minimum, the Government will have to put up with it. If, in the future, changes are necessary by proclamation, it will simply be a matter, for example, of changing mileage to kilometerage instead of mileage to distance.

Another clause has a similar provision in that it enables statutory instruments—proclamations, Orders-In-Council, regulations, by-laws, etc.—made under an Act of Parliament to be amended in the manner set out in the clause. This clause may be used to change instruments made under the Act of Parliament for which no power to amend is contained in the parent Act. It is also proposed to use the powers contained in the clause to provide a simple method to amend local government by-laws and other similar subordinate legislation which would otherwise require the giving of public notice, advertising in newspapers, and the like.

It is considered unreasonable to expect local government councils to be forced to bear the heavy expense of advertising and giving public notice of the very numerous amendments to their by-laws that would be brought about by metric conversion, particularly as a majority of the amendments would be merely a substitution of the nearest metric unit for the expressed imperial measure.

The clause permits either House of Parliament to disallow, and this retains for both Houses of Parliament the same powers of disallowance they would have had if the by-laws were amended in the ordinary way.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

TRAFFIC ACT AMENDMENT BILL (No. 3)

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Minister for Police), and passed.

FIRE BRIGADES ACT AMENDMENT BILL

Dissent from President's Ruling

Debate (on dissent from President's Ruling) resumed from the 9th November.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.04 p.m.]: In my opinion, Mr. President, I should firstly formally move that your ruling given on the question raised before the House be disagreed with. I say that because, with the utmost respect to the Clerks, I do not think the proceedings of the House were quite correctly recorded in the Minutes of the Proceedings of the

Legislative Council last Thursday afternoon. Perhaps I could come back to that in a few moments.

The **PRESIDENT**: I think the honourable member must restrict himself to the point of order under question.

The Hon A. F. GRIFFITH: I am going to do exactly that, of course, Sir. However, is it not competent for me to point out that at the stage at which the point of order was raised we were in fact in Committee? The Chief Secretary asked the Chairman for a ruling and it is then recorded in the Minutes that I moved the President's ruling be disagreed with. I do not think I did so at that stage. I simply wrote you a note which said, "Mr. President, with respect I disagree with your ruling."

According to Standing Orders, unless the matter is of such an urgent nature that it must be considered the same day, the debate must be adjourned. Therefore, the matter not being so urgent that it had to be considered on that day, I formally moved the motion that I respectfully disagreed with your ruling. The Minutes state that on the motion of the Chief Secretary the debate was adjourned until the next sitting. I understand from the provision of the Standing Order, the debate is adjourned accordingly to the next sitting day. As I have stated, I feel the proceedings were not quite correctly recorded.

I am sure, with your years of experience in the Chair as our President, you will appreciate that no member disagrees with your rulings in any critical way or without due respect to the office that you hold. I do not think it is necessary for me to say that, but I do. I disagree with your ruling with the utmost respect, appreciating the task that you have before you. It would probably be correct for me to say that I wrote the required note to you according to the Standing Orders last Thursday afternoon after a decision made in haste rather than in contemplation. I had to make the decision whether or not I was to agree with your ruling on the spot. You will recollect that I did this hastily and I even wrote an incorrect note the first time. However, my intention was at least to afford myself the opportunity to look at the question, particularly in relation to the fact that you and the Chairman of Committees are in conflict over this particular matter. By disagreeing with your ruling, I was given an opportunity to research the situation to enable me to put forward a case and, naturally enough, to allow the House to decide the issue.

It is important to my way of thinking, particularly when there is such a diversity of opinion between yourself and the Chairman of Committees or one of the deputies on a point as important as this, that we have time to look into the matter. When

I am finished, quite conceivably a student of research could get up in the House and say, "I think you have argued in the reverse direction on a previous occasion." If that be so, at that time I must have considered my argument a valid one. My memory does not allow me to remember all the various proceedings of the House.

Mr. President, in the first place I think it is important for me to summarise what took place up to the point when you gave your ruling. You will recollect that the Bill went through the second reading stage much more quickly than any of us anticipated. We straightaway proceeded into Committee and the Committee agreed to clauses 1 to 3. Then Mr. Williams rose to move his amendment—the amendment which is on the notice paper to page 2, line 16, of clause 4—and the Chief Secretary rose and asked the Chairman of Committees, as recorded in the Minutes, for a ruling as to whether or not the amendment was in order having regard for section 46 (3) of the Constitution Acts Amendment Act.

As you well know, Mr. President, and as members well know, section 46 (3) reads as follows:—

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

So in the first instance, I suppose it is necessary for us to decide in this House whether or not this Bill does raise a charge or burden upon the people. However, I will come to that point as I proceed.

The Chairman had received some prior notice of the question to be posed by the Chief Secretary and he acknowledged this in giving his ruling. He said—

I have considered the request by the Chief Secretary for a ruling as to whether the amendment proposed by The Hon. R. J. L. Williams is in order, and having studied section 46 of the Constitution Acts Amendment Act and consulted Erskine May's *Parliamentary Practice* as to whether the amendment constituted, (a), a charge or burden on the people or, (b), a charge upon public funds, . . .

Now I point out that the Chairman said he had looked at section 46 of the Constitution Acts Amendment Act. I can only presume that he meant to say he had looked at subsection (3) of section 46 which was the subsection upon which the Chief Secretary asked for a ruling. The Chairman then went a little further and gave an opinion upon two bases—(a) as to whether it was a charge or burden on the people, and (b) as to whether it was a charge upon public funds. He then said—

. . . I rule that the amendment is in order as it is not a charge or burden on the people because it does not impose a direct or indirect tax; and is

not a charge upon the public fund as the proposal for expenditure is already covered by a general authorisation in the existing Statute.

In other words, the Chairman addressed himself to two matters although he had only been asked to rule on one question. I am not criticising the Chairman for this—I merely point it out.

On the other hand, when you gave your ruling, Mr. President, you will recollect that the proceedings were that the Chief Secretary disagreed with the Chairman's ruling and then in accordance with the Standing Orders, you resumed the Chair, and the debate ensued on the ruling given by the Chairman. I had something to say, the Chief Secretary had something to say, and he read a legal opinion expressed upon the point by the Parliamentary Draftsman. You suspended the sitting and retired to your own chambers in order to consider the issue. You then came back to the House and said—

The point of order arising out of the amendment moved by The Hon. R. J. L. Williams will, if agreed to, increase the Treasurer's required contribution to the annual expenditure of the Fire Brigades Board from 12½ per cent. to 16 per cent.; this in my opinion, is increasing a "charge or burden on the people" pursuant to subsection (3) of section 46 of the Constitution Acts Amendment Act.

So you gave your ruling directly on the subject put to you by the ruling of the Chairman. The question you were asked was, "Is the amendment proposed by The Hon. R. J. L. Williams in order, or does it conflict with section 46 (3) of the Constitution Acts Amendment Act?"

At this stage it is necessary for me to tell you, Sir, that the principal Act which actually appropriates the moneys for the running of the Fire Brigade Board in the first place is the Fire Brigades Act, and the section that appropriates the money is section 37 (1) (a), (b), and (c). This Act was first introduced as a Bill in 1916 and it was accompanied by a message from the Legislative Assembly. Under the provisions of the principal Act the contributions show that the Treasurer would pay a quarter and he was authorised to do this out of Consolidated Revenue appropriated for the purpose. The local authorities were to pay three-eighths, and the insurance companies were to pay three-eighths.

An amending Act was introduced in 1941 which amended the original Act of 1917. At this point I should say that the first Bill was originally introduced in 1916 and it became an Act in 1917. So the 1941 amendments were to the 1917 Act.

No message accompanied that Bill; yet contributions were changed to read—Treasurer, two-ninths, which is less than one-quarter; local authorities were to pay

two-ninths, which is less than three-eighths; and insurance companies were to pay five-ninths, which is more than three-eighths. In 1942 the Act was consolidated. No message was received from the Legislative Assembly, and no change was made in the contributions of the three nominated to contribute under section 37(1) paragraphs (a), (b) and (c).

In 1963 another Bill was introduced to change again the basis of contribution. That Bill arrived in the Legislative Council with a message and the change was made to give effect to the fact that the Treasurer would pay 16 per cent., the local authorities would pay 20 per cent., and the insurance companies would pay 64 per cent.

This again was a decrease in the contributions of the Treasurer, a decrease in the contributions of the local authorities, and an increase in the contributions of the insurance companies. Indeed this has been the tenor of the legislation since it was first introduced in 1916. The contributions under this Act have remained the same since the amending Act of 1917.

I will come back to that a little later, because it shows that amendments to this legislation have been introduced here both with and without a message. The Bill which we now have before us has been received from the Legislative Assembly without a message, which indicates that the Government's legal advisers feel that the Bill does not require a message because it does not constitute a charge upon the people.

Had it been a charge upon the people, however, we would then have to invoke the provisions of section 46(7) of the Constitution Acts Amendment Act which says—

Bills imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

That aside, this Bill deals with other matters, in which case the imposition of taxation, if there is such an imposition—and at this point I do not admit there is—will be covered by section 46(8) of the Constitution Acts Amendment Act which says—

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

Either an error was made in the presentation of the Bill to the Legislative Assembly, or the draftsman who prepared the Bill was satisfied that the measure was not a charge upon the people and that therefore it did not require to fulfil the provisions contained in section 46(8) of the Constitution Acts Amendment Act and, consequently, subsection (7) of that section

did not apply anyway, because although the Bill deals with more than one specific matter it would have no effect.

I think we must look at what the charge upon the people is. I know that you, Sir, are an ardent pupil of Erskine May, as I have had to be over the last couple of days in respect of this matter. I find that Erskine May deals with this aspect in the same manner as it was dealt with by the Chairman of Committees. As I have already mentioned the Chairman of Committees addressed himself to the two problems and gave his ruling after having considered whether the amendment proposed by Mr. Williams was (a) a charge or burden upon the people, or (b) a charge upon public funds. On page 682 of Erskine May's *Parliamentary Practice* under the heading "Charges upon the Public Revenue" we find the following:—

A charge "upon the public revenue" or "upon public funds" now means an obligation to make a payment out of the Consolidated Fund or the National Loans Fund, i.e. an item of national expenditure. In relation to expenditure, financial procedure is, with one exception mentioned below, exclusively concerned with charges payable out of the two Funds. Charges upon the public revenue are divided into *charges payable out of moneys to be provided by Parliament*, i.e. moneys voted year by year (c) in response to demands presented in the form of estimates; and *charges upon the Consolidated Fund and the National Loans Fund*, i.e. moneys payable out of the Funds under statute without further parliamentary authority. In addition—and this is the exception just mentioned—under S. O. No. 89, "the releasing or compounding of any sum of money owing to the Crown" (i.e. the writing off of any portion of a debt owed to the Consolidated Fund) is treated as a charge.

We can dispense with that, because that was not the basis of your ruling, Mr. President. We come to the basis of your ruling under the heading "Charges upon the People", which states—

The term "charge upon the people" is now primarily taken to connote any impost in the nature of a tax or customs duty the proceeds of which are payable into the Consolidated Fund (see pp. 758-9). But in a secondary sense it also includes any burden upon local rates.

It then goes on to show the local rates. A further reference in Erskine May will show that a charge must be new and distinct. On page 735 of the 18th edition of Erskine May it is stated—

(I) A charge must be new and distinct.—The question may arise whether a proposal for expenditure

or for increased expenditure is not already covered by some general authorization. The test for determining this question in the case of a substantive proposal, i.e. a provision in a bill, as introduced, is a comparison with existing law.

(a) *Provisions in bills.*—The comparison of provisions in a bill with the law on the subject, as it exists, may show that, while such provisions undoubtedly involve expenditure, the power to incur such expenditure is covered by general powers conferred by statute.

So we reach the point where the Chairman says that there is a general authorisation for the expenditure under this Bill in the existing Statutes. If you, Sir, will refer again to section 37 of the principal Act you will find, as I said a few moments ago, that paragraphs (a), (b), and (c) laid down in 1917 the basis on which the contributions would be made; and in respect of the Treasurer it said in effect that "the Treasurer of Western Australia out of the Consolidated Revenue which is hereby appropriated for the purpose accordingly."

I do not know what the contribution of the Treasurer was in 1917 to the Fire Brigades Board. A lack of time has not afforded me the opportunity to check that aspect, but whatever it was, it was X £s.d. in those days. In the years 1918 and 1920 and right up to the date of the first amendment to the principal Act, without doubt the amount paid out of Consolidated Revenue would have increased from time to time. I submit that for the increased expenditure the Treasurer of the day would have had for the years that went past after 1917, he did not come to Parliament with any taxing Bill under the Fire Brigades Act, any more than he came to Parliament in 1916 with a taxing Bill.

The Treasurer got the money to support the Fire Brigades Board in exactly the same way as he got the money to pay his own salary in 1918. He got it out of the Consolidated Revenue Fund, which is a collective fund into which people pay all sorts of taxes and revenue and which is distributed far and wide and in so many ways that I cannot this afternoon relate them to the House.

I know that into that fund also goes a specific tax if the legislation provides there shall be a specific tax. But this Bill does not so provide. It says in effect that whatever amount is needed by the Fire Brigades Board shall be contributed on this basis and the Treasurer is hereby authorised to pay it out from year to year.

As an aside, I think it will be remembered that I asked a question of the Chairman as to whether the greyhound racing

legislation needed a message, because I thought it may impose some cost upon the Crown. I was acquainted of the fact that the Greyhound Racing Control Act did not have a message; that it did not need a message, because it had power to raise its own funds.

I asked from where it would get its first dollar and the Chief Secretary said, "I presume it will get it out of Consolidated Revenue." I still presume it will get this out of Consolidated Revenue, or from some other source; or it may borrow that money.

Perchance the only source from which this money can come is Consolidated Revenue because the greyhound racing legislation did not provide for a specific tax for the purpose of running the board; it provided a tax for bookmakers and betting and it related how some of that money was to go the greyhound racing board. But mark you, Mr. President, the method of raising that tax was contained in a specific Bill which had to be introduced in another place and sent here with a message. I simply give that as an example of the situation.

If you are correct, Sir, in the ruling you have given—and you have said that in your opinion a charge or a burden upon the people will be raised as a result of this amendment which Mr. Williams has moved—I then suggest that probably the Bill requires a message anyway from the Legislative Assembly. We are masters of our own destiny in relation to these matters.

I have it on fairly good authority that as a matter of law, any compliance or non-compliance with the Standing Orders of this Chamber is not subject to review by a court. There are precedents for this, but the only question that has to be decided in matters of this nature is whether or not the Bill is in order; and this is a matter for determination not by courts of law, but solely by the Legislative Council.

With respect I would say if you, Mr. President, are in order then we should look into the Constitution Acts Amendment Act. First of all we should ask: Why did the Chief Secretary address himself to section 46 (3) of the Constitution Acts Amendment Act which states that the Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people?

He did not ask about section 46 (2) which states—

The Legislative Council may not amend Loan Bills, or Bills imposing taxation, or Bills appropriating revenue, or moneys for the ordinary annual services of the Government.

If you, Mr. President, are correct then we should look at section 46 (6) which states—

A Bill which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

The Bill before us does two things: it alters the formula and it repeals a section of the Act which has no relationship to the formula: therefore on that premise the Bill could be out of order.

I have already referred to section 46 (7) which states—

Bills imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

This Bill does not deal with the imposition of taxation. In fact, it deals with nothing more nor less than a rearrangement of the disbursement of the revenue already collected; in other words, the Bill authorises the disbursement of the money already held in Consolidated Revenue.

From memory I think that for this year the sum of \$838,000 has been appropriated by the Government as the cost of its share to maintain the fire brigades. That amount appears in the Estimates. Should some factor—such as a big increase in wages or in the cost of vehicles—arise which requires the Government's contribution next year to be increased beyond \$838,000 to, say, \$1,000,000, then a Bill will not be presented to Parliament, but there will merely be an item in next year's Estimates allocating \$1,000,000 in exactly the same way as the \$838,000 has been allocated in this year's Estimates.

This is not a Bill to raise revenue; it is merely one to rearrange the dispersal of revenue which has already been collected. I must draw attention to section 46 (8) of the Constitution Acts Amendment Act which provides—

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

It is not necessary for me to quote section 46 (9), but the Government should realise that no infringement or nonobservance of any provision of section 46 shall be held to affect the validity of any Act assented to by the Governor at any time prior to the 31st January, 1951.

If my memory serves me correctly, at that time the Government of the day was a little fearful that some legislation might be found to be invalid, and the Constitution Acts Amendment Act was amended to provide that any infringement or nonobservance was covered.

Before the Bill was transmitted to this House, a member in another place moved an amendment to bring the Government's

contribution back to 16 per cent., to provide that the local authorities pay 9 per cent. instead of 12½ per cent., and for the insurance companies' contribution to remain at 75 per cent. The effect of that amendment was to add 3½ per cent. to the Government's contribution, because he sought to increase it from 12½ to 16 per cent. No member in another place took exception, and the amendment was moved by a private member. However, it was defeated. The point is no objection was raised to it.

The reason for my motion to disagree with your ruling, Mr. President, is based on the fact that I consider the Chairman of Committees gave a correct ruling in this instance. He said it was not a charge or a burden on the people, and it was not a charge on public funds because the money had already been collected. I say to members that this Bill does not raise revenue; it is not a Bill which imposes a charge on the people; it is not a Bill which imposes a charge upon public funds; it is merely a Bill which seeks to rearrange the moneys within the confines of Consolidated Revenue at the present time. It is nothing more nor less than that.

It is necessary for us to debate an issue of this nature, but of course I am prepared to abide by the decision of the House. I am interested to hear the views of other members who may not share the view I hold. In the circumstances when we find disagreement between your ruling, Mr. President, and that of the Chairman of Committees—and whilst I am most reluctant in the ordinary course of events to move to disagree with your rulings—I feel that since your ruling will stand as a precedent it is incumbent upon me to put forward these facts for the consideration of the House.

I would like to point out to the Minister that this move of mine is not intended to destroy the Bill or to cause it any harm. We do not know what will be the outcome of this debate, but if the House records a vote to the effect that your ruling is in order then it will be competent for us to proceed with the Bill, and it would be obvious that the amendment moved by Mr. Williams is out of order. If this be the case the Government ought to take the Bill back to the Crown Law Department, and make sure that it does not proceed without a message from the Governor. In accordance with our Standing Orders and the Constitution the Bill should be presented in this House accompanied by a message.

On the other hand, if the ruling of the Chairman of Committees is correct—that the Bill does not impose a charge upon public funds but is simply a rearrangement of the disbursement of revenue—then

it will be in order for us to proceed with the Bill after a determination has been made by the House.

I take the opportunity to say that I have not risen to cause the Bill any harm. I know that I am not now permitted to speak on the Bill which is designed for a good purpose; but at a later stage when we are able to proceed with the debate on the measure I will express my thoughts on this point.

I thank you, Mr. President, and members for giving me a patient hearing. I wait with interest to hear the views of other members.

THE HON. F. D. WILLMOTT (South-West) [5.44 p.m.]: Mr. Arthur Griffith has dealt with this matter at considerable length, and has argued whether the Bill is in order or whether it should have been presented to this House accompanied by a message. I agree with most of what the honourable member has said but the ruling which you, Mr. President, were asked to give was not on the Bill, but on the amendment proposed by Mr. Williams. I have also studied this matter fairly deeply, and I think it is of concern to every member of this House that rulings of this sort are studied deeply, because what we decide will create a precedent for the future. If we were to decide in the terms of your ruling, Sir, we would gradually restrict and continue to restrict the operations of this House.

Mr. Arthur Griffith has dealt with the definition contained in Erskine May's *Parliamentary Practice* relating to charges upon the people. This is regarded as being primarily an imposition in the nature of a tax or customs duty, the proceeds of which are payable into Consolidated Revenue. I do not propose to deal with that any further, because Mr. Arthur Griffith has already covered that aspect. However, if we turn to page 758 of Erskine May's *Parliamentary Practice* we will find set out the tests for determining matters which involve charges upon the people as follows:—

Matters which are covered by the term "charges upon the people" may be briefly summarized as (1) the imposition of taxation, including the increase in rate, or extension in incidence, of existing taxation, (2) the repeal or reduction of existing alleviations of taxation such as exemptions or drawbacks, (3) the delegation of taxing powers within the United Kingdom, (4) the granting of borrowing powers and (5) provision for the payment into the Exchequer of receipts which do not arise from taxation.

When these tests are applied to the amendment moved by Mr. Williams, I do not consider the amendment in any way imposes a burden or a charge upon the

people. Furthermore, in the matter of tests it is also stated—and I believe these are the important words—

Impositions are not generally charges unless the proceeds are payable into the Consolidated Fund.

I believe this provision takes us to what was said by Mr. Arthur Griffith—that appropriation, for the operation of the Fire Brigades Act, is made from the Consolidated Revenue Fund—and, as Mr. Logan has said, it is dealt with in the Estimates.

The alteration contained in the amendment moved by Mr. Williams does not come under the heading of "a further burden on the people." The burden was put on the people with the appropriation of revenue for the operation of the Act. The burden was placed on the people with the introduction of the parent Act with a message at the time. Any alteration in the disbursement of that money, after the appropriation has been made, cannot be regarded as a burden on the people. I think that is made clear by the definition, which I will repeat as follows:—

Impositions are not generally charges unless the proceeds are payable into the Consolidated Fund.

That provision means the amendment will have to impose further taxation, which has to be paid into the Consolidated Revenue Fund, if it is to be ruled out of order. If this is related back to the tests to which I have referred, I believe, with due respect, Mr. President, that the ruling given by the Chairman of Committees was completely correct. The more I look at references in Erskine May's *Parliamentary Practice* the further convinced am I that the ruling given by the Chairman of Committees is correct.

I am dealing only with the proposed amendment—and that is the matter on which you, Mr. President, have been asked to rule—and I do not think it can be, in any way, considered a burden or a charge upon the people. I repeat: That charge was made when the money was appropriated, and any alteration as to how that money should be used is not, in my opinion, a further charge.

If your ruling is correct, Mr. President—and I say this with the greatest of respect—it would not be possible to deal with many Bills and amendments in this place. A Bill introduced into this Chamber could provide for the setting up of a body consisting of five members. However, this House could decide that the body should consist of six members and, under your ruling, Sir, that increase could be considered as a charge on the Crown or on the Consolidated Revenue Fund.

The Hon. A. F. Griffith: An increase in the charge.

The Hon. F. D. WILLMOTT: We all know that is not the case, and that is why I have already stated that we must

be very careful when we consider this matter as a charge on the people or a further burden on the Crown. I agree with my leader that your ruling, Mr. President, should be disagreed with and that the ruling given by the Chairman of Committees is, in fact, the correct one.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.50 p.m.]: I intend to speak in support of your ruling, Mr. President. I believe you gave the correct ruling. The amendment moved by Mr. Williams will raise the contribution made by the Treasurer and will be a direction to the Treasurer to use Consolidated Revenue in a manner additional to what was proposed originally, and this will constitute a charge upon the people. Money will be used from Consolidated Revenue.

The Hon. A. F. Griffith: The Government is already doing that now.

The Hon. W. F. WILLESEE: The question, therefore, resolves itself on the validity of the amendment. A very valid point raised was whether or not the Bill should have a message. As has been said, on a previous occasion a similar Bill did have a message, and on two other occasions similar Bills did not have messages.

The Hon. A. F. Griffith: One Bill did not have a message, and two Bills did.

The Hon. W. F. WILLESEE: The point is that there have been other instances, and whatever the result of the decision on this matter I am prompted to seek further opinion.

However, I agree with the Leader of the Opposition. We have two conflicting rulings; one from yourself, Sir, and one from the Chairman of Committees, and I think it is imperative that we clear up the matter at this stage. Regarding the point raised by Mr. Willmott, and concerning tests for determining whether matters involve charges upon the people, the following appears on page 758 of Erskine May's *Parliamentary Practice*, Eighteenth Edition:—

Matters which are covered by the term "charges upon the people" may be briefly summarised as (1) the imposition of taxation, including the increase in rate, or extension in incidence, of existing taxation . . .

The provision goes on and refers to the other points raised.

I claim that the amount of money taken by way of appropriation, by the Treasurer, at date is in terms with the legislation now before us; that is to say, it is based on his 12½ per cent. figure. If we alter that figure to 16 per cent. we impose a charge upon the people. In simplifying the issue to these terms I consider that your ruling, Mr. President, is correct, and I support it.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [5.54 p.m.]: I have listened with interest to the contributions made by the Leader of the Opposition and Mr. Willmott, and also to the comments of the Leader of the House. I am of the opinion, Mr. President, that your ruling is perfectly correct.

The Bill as presented to this Chamber, from the Legislative Assembly, was perfectly legitimate and it did not require a message because, in fact, it provided for a decrease in taxation. It certainly was not a Bill which would make a charge of any description on the people. It seems to me that this is the basis on which we have to consider the question. The decision sought was on the amendment proposed by my colleague, Mr. Williams.

Mr. Willmott said that the money to operate the Fire Brigades Board was provided in another Bill, which had a message, but that does not come into the argument as I see it. The Bill now before us will have no effect whatsoever on the money provided by the Appropriation Bill.

This Bill will take effect from a date in 1974 and it will affect any appropriation made from that time on. It would seem to me that the amendment will provide for a charge upon the people by virtue of the fact that, as the Leader of the Opposition has said, Consolidated Revenue is raised from all sorts of sources including taxes on the people.

The provisions of the amendment state that the contribution by the Government will be increased from 12½ per cent. to 16 per cent., and any suggestion of an increase will mean an increased charge against the people through the various taxing measures used by the Government.

It seems quite clear to me that the present Bill will have absolutely no effect on the appropriations which have been made for the current year; it will have effect only on the appropriations to be made in future years. The suggested increase will come out of Consolidated Revenue, which will have to be contributed by the people.

Without referring to Erskine May, it seems logical to me that your ruling Mr. President, is correct.

THE HON. G. C. MACKINNON (Lower West) [5.58 p.m.]: I suppose life would be simpler if it were always a matter of straightout logic and all matters which we discuss were related to it. Unfortunately, that is not so.

It seems that after a very careful and excellently worded address by Mr. Arthur Griffith, followed by Mr. Willmott, the difference between public revenue and a charge on the people, is not understood. It may not be logical, but it is a fact that the terminology and the difference stems from the time when the King governed

through Ministers, when there was a distinct difference. The difference is in the definitions.

Although Mr. Arthur Griffith spelt it out in clear terms, and although Erskine May spells it out in clear terms, it does not seem to be understood that a charge upon the people is precisely and absolutely that and nothing else. It is a tax directly imposed and directly collected; not passing through Consolidated Revenue, the fire brigades funds, or anything else.

The Standing Order under which this particular amendment was considered refers to a charge upon the people, which is a tax, an impost, or a customs duty. From memory, page 682 of Erskine May says "a direct tax or customs duty." Whether or not the taxpayer has to pay for it next year or in 10 years' time is absolutely irrelevant—even though it might sound logical—because we are dealing with Standing Orders and rules that come down and pass through.

I speak on this question with some emotion. It is not the first time I have disagreed with a ruling such as this. I speak with emotion because I believe under the ruling the activities of this House can be severely limited, as Mr. Willmott pointed out. If this ruling is correct, in logic it would be out of order for this House to deal with any increases of any sort in any cost to the Government.

The Hon. A. F. Griffith: An extra word in the Bill.

The Hon. G. C. MacKINNON: I have on the notice paper amendments to increase by two the personnel of a committee which it is proposed to set up under a Bill. The personnel of a Government committee are paid out of Consolidated Revenue; therefore, on the logic of Mr. Clive Griffiths and the Leader of the House, they are paid for by the people. For that reason, I cannot move those amendments. They will be out of order if they are objected to by anyone in this House. The Act to which the Bill before us relates does not raise revenue. It is an Act dealing with putting out fires. It is "An Act to consolidate and amend the law"—

The PRESIDENT: Order! I direct the honourable member's attention to the fact that the question before the Chair is my ruling on an amendment; not the Bill.

The Hon. G. C. MacKINNON: The amendment about which we are speaking is an amendment to "An Act to consolidate and amend the law relating to the prevention and extinguishing of fires and the protection of life and property from fire." It is not an amendment to an Act to raise a tax.

The ruling was given under a Standing Order and under the Constitution Acts Amendment Act, Subsection (3) of section

46 of that Act specifies a charge upon the people, not a charge upon revenue. They are distinct and separate charges and must not be confused. They are totally different things. A charge can be made upon the revenue without affecting taxation because the Government can cut its expenditure somewhere else if it likes. Anyhow, expenditure is a matter of estimates and is not determined until the following year.

A charge upon the people must be collected from the moment of passing the Bill. Taxation on the people is not automatically involved in the amendment moved by Mr. Williams. It might be involved in the fullness of time if the Government so decides in its discretion and if the Government brings forward another Bill so to do.

We are all guilty of saying, "The Crown pays for that," when we mean the people—the taxpayers—pay for it. But in terms of legislative language, which is the language we should use, there is a great difference; and the difference was pointed out by Mr. Willmott and Mr. Arthur Griffith.

I believe this matter should be studied very closely by everyone who has an interest in this House, in its retention, and in its right to operate in reviewing a wide range of legislation. I have not studied this matter purely in relation to the amendment under discussion. This matter has been a hobbyhorse of mine for some years. I believe implicitly that the opinion given is wrong, and I believe other rulings have been incorrect in terms of Erskine May. With great respect, Sir, I believe your ruling on this occasion is also wrong.

THE HON. L. A. LOGAN (Upper West) [6.05 p.m.]: Mr. President, we are discussing disagreement with your ruling on a ruling given by the Chairman on an amendment proposed by Mr. Williams. The amendment proposed by Mr. Williams would read—

The Treasury of Western Australia shall contribute 16 per cent. of the amount of the estimated expenditure for the year ending—

The estimated expenditure for the year in the Estimates of Revenue and Expenditure is \$838,000, which is 16 per cent. of the total expenditure. How can it be a charge on any individual when that is what the amendment amounts to? The amendment says "16 per cent. of the estimated expenditure." It cannot be a tax. Who would pay the tax? There is no charge on taxation. Everything else has been said about the matter but, with all respect, Mr. President, I believe your ruling is wrong.

Sitting suspended from 6.07 to 7.30 p.m.

THE HON. R. F. CLAUGHTON (North-Metropolitan) [7.30 p.m.]: I feel the question to be decided by this Chamber is a most important one because even in the short time I have been here the matter has arisen on a number of occasions. I am sure in the future the right of this Chamber to amend or introduce Bills which may be considered to impose a charge upon the Government will be questioned.

I do not pretend to have any great knowledge of the matter, so I will speak from what I have been able to learn in my experience in this place and from what I have heard in the debate so far.

The way in which the motion to disagree with the President's ruling was initiated has been called into question. As I recall the events, the Leader of the Opposition moved to disagree with the ruling, and was asked to present his motion in writing to you, Sir. That is actually what took place. The note to which the Leader of the Opposition referred was the written motion that he was required to present according to our Standing Orders.

It has been said in discussion outside the Chamber that a message was not required in relation to the Bill, because it actually reduces the charge on the Government. I am not fully aware of the requirement of our Standing Orders in relation to messages regarding money Bills; or whether a message is required in this Chamber or only in another place where money Bills may be initiated.

In respect of the amendment moved to the Bill in Committee, we must bear in mind that the parent Act was originally passed in about 1917 and it included reference to amounts of money; it was not until later that the amount was expressed as a percentage of the estimated cost of fire brigade services.

The Hon. A. F. Griffith: Can you tell me what was the stated amount?

The Hon. R. F. CLAUGHTON: No, I cannot.

The Hon. A. F. Griffith: No, because it was not stated; it was presented as a fraction, and then it was changed to a percentage.

The Hon. R. F. CLAUGHTON: I am merely repeating what I thought the Leader of the Opposition had said; I may be mistaken.

The Hon. A. F. Griffith: I am sorry, you are mistaken.

The Hon. R. F. CLAUGHTON: The Leader of the Opposition mentioned a sum of three-eighths.

The Hon. A. F. Griffith: That is not an amount.

The Hon. R. F. CLAUGHTON: That is so; but I thought the honourable member also referred to actual sums of money.

The Hon. A. F. Griffith: The only amount I mentioned was \$838,000, which had been appropriated in the Estimates.

The Hon. R. F. CLAUGHTON: If, instead of being expressed as a percentage the amount had been stated as a sum of money—which is, in fact, what it is—

The Hon. A. F. Griffith: No.

The Hon. R. F. CLAUGHTON: The percentage represents a sum of money.

The Hon. A. F. Griffith: That is right; a variable sum.

The Hon. R. F. CLAUGHTON: Well, had an amount of \$838,000 been mentioned in the Bill instead of the amount of 12½ per cent., and the amendment moved by Mr. Williams was to substitute a greater sum—say, \$1,000,000—for the sum of \$838,000, I do not think there would be any question at all that we would be making a charge upon the Government.

The Hon. G. C. MacKinnon: You have introduced a totally new term—"charge upon the Government." Do you mean a charge on the people?

The Hon. R. F. CLAUGHTON: Since the Government represents the people I cannot see how one can distinguish between the two.

The Hon. G. C. MacKinnon: That has been explained to you by three speakers.

The Hon. R. F. CLAUGHTON: I am not sure it has been.

The Hon. G. C. MacKinnon: If you don't believe us, read Erskine May. He explains it.

The Hon. R. F. CLAUGHTON: Who, in fact, actually posed the amendment?

The Hon. V. J. Ferry: The amount is already appropriated.

The Hon. R. F. CLAUGHTON: Yes, it is appropriated in the Budget presented by the Government each year.

The Hon. A. F. Griffith: You are destroying your own argument because no amount is mentioned in the Bill; it is measured in a percentage or a fraction.

The Hon. R. F. CLAUGHTON: But, in fact, it represents the same thing, does it not?

The Hon. A. F. Griffith: It is variable from year to year; that is the whole point.

The Hon. R. F. CLAUGHTON: It is varied according to the amount estimated to be required for the functioning of the fire brigades.

The Hon. A. F. Griffith: Obviously you will vote with me because now you are absolutely right.

The Hon. R. F. CLAUGHTON: The Leader of the Opposition interprets my remarks differently from the way I interpret them.

The Hon. A. F. Griffith: I interpret them in the way you are saying them. As you said, you do not know very much about Standing Orders.

The PRESIDENT: Order!

The Hon. R. F. CLAUGHTON: I would say that my knowledge of Standing Orders is incomplete. However, I am doing my best to follow the argument.

The Hon. A. F. Griffith: I am only referring to what you actually said.

The Hon. R. F. CLAUGHTON: Well, we are not in dispute on that point.

The Hon. A. F. Griffith: About your knowledge?

The Hon. R. F. CLAUGHTON: No, in respect of Standing Orders. It would seem fairly obvious to me that where a percentage is mentioned it relates to a specific sum of money. If the percentage is increased obviously the sum of money is increased. Therefore, the amendment increases the charge on the Government.

The Hon. V. J. Ferry: That money is already taken care of under a different Bill.

The Hon. R. F. CLAUGHTON: In what way? If, as the amendment suggests, the amount is increased by one-quarter, then an amount of, say, \$800,000 would be increased to \$1,000,000. In that case the Government must find further moneys from somewhere. It can find extra funds only by imposing charges upon the people.

The Hon. L. A. Logan: Where does it say in the Bill that this is a tax or a charge?

The Hon. R. F. CLAUGHTON: I do not see how it can be interpreted in any other way. The Stamp Act mentions a tax of so many cents in the dollar; it does not refer to a total amount of money.

The Hon. L. A. Logan: Read the Bill.

The Hon. R. F. CLAUGHTON: The Stamp Act does not mention specific amounts of money.

The Hon. L. A. Logan: But it mentions that it is a tax.

The Hon. R. F. CLAUGHTON: Of course it is.

The Hon. L. A. Logan: Well, this Bill does not mention that.

The Hon. R. F. CLAUGHTON: I can only say this is a prime example of splitting hairs. The honourable member implies that an amount of, say, 0.3c in the dollar is not a percentage, but in fact it is.

The Hon. G. C. MacKinnon: If this move succeeds how will my tax bill change?

The Hon. R. F. CLAUGHTON: One could say that the percentage mentioned in the Bill represents, say, 0.16c in the

dollar; it could be expressed in those terms. However, the Bill mentions percentages. In essence, if the percentage is increased the amount of money required to be paid by the Government is also increased. I suggest that the matter before us cannot be likened to the instance referred to by Mr. MacKinnon. He referred to an amendment to another Bill to increase the number of members of a council; but that does not necessarily increase the charge upon the Government unless it is decided to pay the members of the council.

The Hon. V. J. Ferry: Most members of councils receive allowances.

The Hon. G. C. MacKinnon: In the case I mentioned the Bill specifically states that the members of the committee shall be paid. My proposed amendment was to increase the number of members from seven to nine. This Chamber agreed to that.

The Hon. Clive Griffiths: You may be perfectly right, but that is an altogether different argument.

The Hon. G. C. MacKinnon: What piffle!

The Hon. J. Dolan: Don't take any notice of him.

The PRESIDENT: Order!

The Hon. R. F. CLAUGHTON: It is, in fact, a different argument.

The Hon. G. C. MacKinnon: You do as you are told, Mr. Cloughton.

The Hon. R. F. CLAUGHTON: If the Government has set aside a certain amount of money to run the council referred to by Mr. MacKinnon, and then it was decided to increase the members of the council, the same amount of money could be shared amongst more people. In that case the total amount would not be increased. However, in the matter before us the Government cannot avoid increased expenditure if the amendment is accepted. If we can change the rate of contribution of the Government from 12½ to 16 per cent., then we could just as easily change it to 100 per cent.

The Hon. L. A. Logan: It still wouldn't make any difference; it is not a charge.

The Hon. R. F. CLAUGHTON: Someone would have to find the extra funds, and it would mean the burden upon the people would be increased tremendously.

The Hon. A. F. Griffith: That is right. Your example suits my argument. Do you intend it to?

The PRESIDENT: Order! I would ask members not to interject. The President has given a ruling. Several members have made speeches and now they are interjecting on another speaker; yet the President has not an opportunity to interject.

The Hon. R. F. CLAUGHTON: Thank you, Mr. President. I have before me a paper prepared by the Clerk of the Parliament. It was circulated to all members several years ago and it refers to the question before us. I recommend to members that they secure a copy of it. I think it would be prudent for this Council at some time to set its Standing Orders Committee the task of examining this question to see whether it can be clarified so that similar arguments do not arise in the future. Mr. President, I support your ruling.

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [7.45 p.m.]: At the outset, I wish to say that I agree with your ruling, Mr. President. On this occasion I have again taken Crown Law advice, and that department again supports the proposition which I put forward the other evening. Firstly, I will not quote Erskine May, because I have not even looked through Erskine May during all the years I have been here. However, from what I can ascertain from various members over the years it would appear that one could have two bob each way on Erskine May; that is, if one wished to look for some support of an opinion it could be found in Erskine May, and, on the other hand, if one wanted to obtain a view opposite to that held by someone else that could also be found in Erskine May.

Therefore I do not intend to delay the House by airing my knowledge of Erskine May, because it is completely nil; and also I have not been a student of Standing Orders. Some members are quite skilled in the interpretation of Standing Orders, but I am not, and so I did the next best thing—I again accepted the opinion of the Crown Law Department. With your indulgence, Mr. President, I will read the following to the House:—

At your request I have examined the remarks made by the various Honourable Members of the Legislative Council yesterday after you had sought a ruling as to whether the amendments moved by the Hon. R. J. L. Williams to the Fire Brigades Act Amendment Bill were amendments which the Legislative Council was not competent to make.

There is little that I can add to the opinion which I furnished to you yesterday, namely that there are really only two points involved in considering whether the Hon. Member's amendments are in order. The first point is whether the Bill contains provisions which constitute a "proposed charge or burden on the people" for the purposes of section 46(3) of the Constitution Acts Amendment Act. The second point, obviously, is whether the amendments proposed to the Bill are amendments which would increase any such proposed charge or burden.

In my opinion the liability of the Treasurer to contribute 12½ per centum towards the annual estimated expenditure of the Fire Brigades Board is a proposed charge or burden on the people for the purposes of section 46 (3) of the Constitution Acts Amendment Act. This is so because it is "the people" who, by taxation or other means, ultimately provide the funds required to maintain the Consolidated Revenue Fund.

In order to resolve the second point it is only, therefore, necessary to ascertain whether the Hon. Member's amendments seek to increase that proposed charge or burden on the people. It is plain in my opinion, that the proposed charge or burden on the people contained in the Bill is the proposal that the Treasurer pay 12½ per centum of the Board's annual estimated expenditure; the Hon. R. J. L. Williams seeks to increase this to 16 per centum, and thus, in my opinion, his amendments are amendments which would increase a proposed charge or burden on the people which is contained in the Bill. It is immaterial that presently the Treasurer is required to contribute 16 per centum, for that is not what the Bill proposes as a charge or burden for the years ending 30th June, 1974 and thereafter.

The Hon. Leader of the Opposition first takes the point that in his opinion the Bill reduces the impost upon the people because it requires insurance companies to pay more than their present rate of contribution, and because it reduces the liability of local authorities. In my opinion it is immaterial that insurers' liability increases under the amendments to the Bill proposed by the Hon. Member because in my opinion, as stated earlier, the relevant proposed charge or burden on the people for the purposes of section 46 (3) is the Treasurers' liability to make contributions from public funds, namely the Consolidated Revenue Fund.

The Hon. G. C. MacKinnon refers the House's attention to the provisions of subsection (1) of section 46, and in particular, to the provisions of that subsection which provide that Bills, *inter alia*, for the demand or appropriation of fees for services are not Bills imposing taxation. There are two comments which might be made on that point. It is, in my opinion, doubtful that the contributions demanded by the Fire Brigades Act for meeting the annual expenditure of the Fire Brigades Board are fees for services within the meaning of subsection (1) of section 46. If the Hon.

Member is right, I feel that the same point could be argued about every item of appropriation in the annual Appropriation Act which seeks to provide the general funds for a department or other Government instrumentality which provides a service to the public; but irrespective of the answer to that point, attention must be drawn to the fact that subsections (2) and (3) of section 46 clearly draw a distinction between Bills imposing taxation and Bills imposing a charge or burden on the people. Section 46 (3) must be speaking of a wider category of charges or burdens on the people than Bills merely imposing taxation, for otherwise subsection (3) would be absolutely superfluous having regard to the terms of subsection (2). In addition, the proviso, "provided that any such request does not increase any proposed charge or burden on the people" in subsection (4) of section 46 must be speaking of Bills of a different kind than the Bills referred to in section 46 (2), for the House's power to request amendments is retained in relation to the Bills referred to in section 46 (2), but is denied in respect of the Bills referred to in section 46 (3).

With the greatest respect to the views of the Honourable Members as recorded in the *Hansard* of Thursday, 9th November, I am still of the opinion that the amendments of the Hon. R. J. L. Williams are amendments to which subsection (3) of section 46 of the Constitution Acts Amendment Act applies, and I agree with the Hon. President's ruling. Accordingly, I am also still of the opinion that the proviso to subsection (4) of that section (referred to earlier in this opinion) also operates to prevent the Legislative Council from requesting amendments in the terms moved by the Hon. R. J. L. Williams.

The Hon. A. F. Griffith: Can you tell me the reason for this Bill originating in the Legislative Assembly when it was a measure arising from the administration of one of your departments?

The Hon. R. H. C. STUBBS: We were simply told that it should be introduced in the Assembly.

The Hon. A. F. Griffith: But why?

The Hon. R. H. C. STUBBS: I did not ask.

The Hon. G. C. MacKinnon: But you are the Minister; you should ask these questions.

The Hon. R. H. C. STUBBS: I suppose the honourable member asked a great many questions when he was Minister.

The Hon. G. C. MacKinnon: If a bloke asked me to put my hand in the fire I would ask him why.

The Hon. R. H. C. STUBBS: That is the ruling of the Crown Law Department which has been supported by the Solicitor-General. He agrees with it entirely. Let me say, too, that in regard to the Bill being accompanied by a message, the Crown Law Department still maintains that this Bill does not need a message. It has confirmed that statement by a further opinion. Therefore I support your ruling, Mr. President.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [7.54 p.m.]: I intend to take only a few minutes to reply. Firstly, I was just wondering whose signature appeared on the bottom of the minute the Chief Secretary quoted a few moments ago.

The Hon. R. H. C. Stubbs: It was written by Mr. Viney, and he obtained a further opinion before he sent it on to me.

The Hon. A. F. GRIFFITH: It is the signature of Mr. Viney?

The Hon. R. H. C. Stubbs: Yes.

The Hon. A. F. GRIFFITH: I know Mr. Viney very well and I greatly respect his opinions.

The R. H. C. Stubbs: I repeat it was also the opinion of the Solicitor-General.

The Hon. A. F. GRIFFITH: I respect the Solicitor-General, both as a man and as a lawyer, and the opinions he gives. However, it irks me a little, Mr. President, when a Minister rises to his feet and says, "I do not know anything about Standing Orders. I only know what the Crown Law Department tells me, and this is it."

The Hon. R. H. C. Stubbs: I said I was not a student of Standing Orders.

The Hon. A. F. GRIFFITH: It behoves every member of this House to be a student of Standing Orders. If someone wants to milk a cow he should know which end of the cow he should approach, and the Minister ought to know something about the Standing Orders of the House, because our proceedings are conducted under those Standing Orders.

The Hon. R. H. C. Stubbs: Probably I am one of those persons who call a spade a spade.

The Hon. A. F. GRIFFITH: I do not know how to take that remark and I will let it go.

The Hon. J. Dolan: He did not mean anything.

The Hon. A. F. GRIFFITH: If it was supposed to mean something I will treat it with the contempt it deserves.

The Hon. R. H. C. Stubbs: Perhaps I should elaborate on it.

The Hon. A. F. GRIFFITH: If it was supposed to mean something, I will treat it with the contempt it deserves. On the point

raised by Mr. Claughton, I could not help feeling that the water he was treading was getting deeper and deeper as he proceeded.

As to whether this amount should be shown as a fraction or as a percentage, could I draw the attention of the House to the fact that paragraph (a) of section 36 (1) of the Act reads as follows:—

Before the thirty-first day of July in every calendar year or within such extended time as the Governor may approve, the Board shall prepare estimates of—

(a) the probable expenditure to be incurred in the operation of this Act within each district during the year ending the next following thirtieth day of June;

It reads, "the probable expenditure." It is not expressed as an amount of money, because it could not be expressed. The board has the task of making up the amount it anticipates expending before the 30th of July of each year.

In this year it is made up of a sum which provides for appropriation from Consolidated Revenue; that is, moneys already collected from other sources. It provides that the Fire Brigades Board shall receive \$838,000 for the purposes of this Act. Next year the amount may be less than that. Last year it may have been more or less than that, but whatever the sum is, whether it rises or falls, under this Act the Treasurer is authorised to pay that amount of money. If the Government decided it would curtail the activities of the Fire Brigades Board—and I am presuming this Act is subject to the Minister—and the board decided to curtail, very strictly, its activities and requirements for next year so that its expenditure would be half of what it spent this year, then of course the contribution the Government would have to make from Consolidated Revenue and from moneys already collected would be half that amount; that is, half the amount it was for this year and, who knows, that may be the case next year. I have given this demonstration only to answer the point raised by Mr. Claughton.

The Hon. R. F. Claughton: You avoided the question I raised in regard to the percentage of the amount required.

The PRESIDENT: Order!

The Hon. A. F. GRIFFITH: I am not avoiding anything.

The Hon. R. F. Claughton: Perhaps I precipitated what you were about to say.

The Hon. A. F. GRIFFITH: The honourable member was not even that bright. I was not avoiding the question he raised, nor was the honourable member

precipitating what I was about to say. As the honourable member does not appear to know, I am simply pointing out to him the method by which the board was to raise this money. When the board decides how much money it wants, it then says, "In this way we will get this amount. We will get 16 per cent. from the Treasurer, 20 per cent. from the local authorities, and 64 per cent. from the insurance companies."

If we raise the insurance companies' contribution from 64 per cent. to 75 per cent, those people who are responsible for keeping this board in business—the policyholders—will pay more. So we could conceivably interpret this provision as meaning that the people will pay more for the service they are getting, because they will pay more as sure as God made little apples.

All Mr. Williams' amendment proposes is to decrease the amount which will be taken out of Consolidated Revenue for this year to a sum less than the sum the Act now provides; and that is not raising a charge upon the people; it is not a burden upon the people. It is simply disseminating portion of the Consolidated Revenue Fund in another direction. If the salary of an under-secretary is to be increased, a Bill is not necessary for that purpose.

The Hon. Clive Griffiths: His amendment is clearly increasing it.

The Hon. A. F. GRIFFITH: If we have a Bill to amend a judge's salary, as we did the other night, it is perfectly clear that this must be stated within the Bill because it sets out that the judge shall receive a specified sum of money.

However, that is not the case with the Bill before us which states that the Government's contribution will be a percentage of what the board requires.

I simply say again that it is purely a reassessment of the situation and, in fact, next year if the Government finds itself in the position that it saves a sum of money which the Fire Brigades Board did not need, then that money will stay in the Consolidated Revenue Fund and will help in some other directions to meet the charges the Government has to pay in a hundred and one ways. That is all I need to say on the point.

Motion (dissent from President's ruling) put and division taken with the following result:—

Ayes—14

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

(Teller)

Noes—10

Hon. R. F. Claughton	Hon. Clive Griffiths
Hon. D. K. Dans	Hon. T. O. Perry
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. W. F. Willesee

(Teller)

Pairs

Ayes	Noes
Hon. C. R. Abbey	Hon. J. L. Hunt
Hon. G. W. Berry	Hon. R. T. Leeson

Motion thus passed.

The President's ruling disagreed with.

Committee Resumed

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. H. C. Stubbs (Chief Secretary) in charge of the Bill.

Clause 4: Amendment to section 37—

The CHAIRMAN: Prior to the discussion on the points of order, The Hon. R. J. L. Williams had moved the following amendment:—

Page 2, line 16—Delete the words "twelve and one-half" and substitute the word "sixteen".

The Hon. W. F. WILLESEE: I would like to ask the Chief Secretary if he would seek leave to report progress so I can ascertain from the Crown Law Department whether or not the Bill should have a Message. As Mr. Arthur Griffith indicated, this matter has been debated in the past and before we proceed any further with the Bill I would like to have the point clarified.

The Hon. A. F. GRIFFITH: I do not mind the proposal of the Leader of the House, but I would point out that we and not the Crown Law Department are the masters of our own destiny. Although Ministers do rely on the advice and opinions of the Crown Law Department—and heaven knows I have relied upon them heavily in the past—I point out that no-one has requested a ruling as to whether the Bill requires a Message. I have not. During the Committee stage earlier I simply asked whether this Bill had been received with a Message and I was told it had not. I am not asking whether the Bill requires a Message.

The Hon. L. A. Logan: The Chief Secretary has just reaffirmed that it does not.

The Hon. A. F. GRIFFITH: That is right. In the course of his remarks the Chief Secretary said that the Crown Law Department indicated the Bill did not require a Message. Incidentally the Crown Law Department does not rule; it merely gives an opinion. Is it not competent for us to continue with clause 4?

The Hon. R. F. Claughton: You would not accept the Crown Law Department's opinion on the other matter. You accept it on one point and not on another.

The Hon. A. F. GRIFFITH: I did not say whether I accepted it or not.

The Hon. R. F. Claughton: You voted against the Crown Law Department's ruling.

The Hon. A. F. GRIFFITH: I simply said that the Crown Law Department had expressed an opinion. I did not say whether or not I agreed with it. I wonder why we cannot debate the clause. I am on my feet because I do not want the impression to be gained that because the House voted that the President's ruling was out of order, the Legislative Council in any way stopped the progress of the Bill. I have made it perfectly clear in the first place that I consider the Bill has merit in some respects, although very little merit in others.

I am of the opinion that we ought to proceed and that we ought to give the local authorities the benefit of \$400,000 per year decrease in their contributions to the Fire Brigades Board as a result of altering their percentage from 20 to 12½ per cent. I am equally sure that it is a convenient method for the Government to hand on another 3½ per cent. by decreasing its own proportion from 16 to 12½ per cent. and causing the fire insurance companies to pay 75 per cent. instead of 64 per cent.

In appearing to make a good fellow of itself the Government is very conveniently forgetting that someone must pay and the people who will pay are those who pay fire insurance premiums because the fire insurance companies are not philanthropic organisations. They will not say, "God bless this Government!" So many are saying the reverse these days that it does not matter. They will not take this without handing it on in some way. They must hand it on to every one of their policy-holders.

Mr. Williams' amendment seeks to give a better distribution of the burden which must be met by the Government, local authorities, and the insurance companies.

We must bear in mind that percentages to be contributed have been altered time and time again. Let us move into the position a little more gradually and let the Government bear its reasonable and fair share of the obligation. As Mr. Logan has indicated, the money—a sum of \$838,000—has already been appropriated for this year.

Consequently, nobody will receive any benefit this year. The following year is the one which will count. The Government already has the money in its coffers to pay this year's amount, which is provided for in the Estimates. In that respect, we are not making any alteration to the existing proposals for this year, as far as I am aware. Let us see what the position will be in the following year and not alter the Government's contribution at this stage.

The upshot of my remarks is that I wonder why Crown Law must be consulted. We are masters of our destiny in this Chamber, excepting the fact that the Bill may or may not require a Message. I have not asked for a ruling on this and I do not propose to do so. The advice given to the Chief Secretary is that the Bill does not require a Message. I consider this must be the position, because the legislation was introduced in the Legislative Assembly; however, the Chief Secretary cannot tell the Committee why it was introduced in another place.

The Hon. W. F. WILLESEE: That is the one point which makes me wonder whether the Bill should have been accompanied by a Message. I merely want to clear up this point so that I may know we are doing the right thing.

The Hon. A. F. GRIFFITH: The Leader of the House can still clear up the point. If his advisers consider the Bill should have been accompanied by a Message, there are certain procedures by which the Bill can be taken away and a Message obtained. At least I believe this is the position; I am not too sure about the procedure.

The CHAIRMAN: I do not know whether I stated the question correctly. The question is that clause 4 stand as printed to which The Hon. R. J. L. Williams has moved—

Page 2, line 16—Delete the words "twelve and one-half" and substitute the word "sixteen".

The question is that the word proposed to be substituted be substituted.

The Hon. F. D. WILLMOTT: Mr. Chairman, I wish to raise the point of what actually is the question before the Chair. I think the question should be, "that the words proposed to be deleted be deleted."

The Hon. A. F. Griffith: I thought the question before the Chair was that the Committee do now report progress.

The Hon. F. D. WILLMOTT: The Leader of the House has not moved that yet.

The Hon. W. F. Willesee: I said that I would move it; I wanted to give a reason.

The Hon. F. D. WILLMOTT: As the Leader of the House has not moved it, the question is that the words proposed to be deleted be deleted. Earlier this afternoon we debated a ruling on this amendment. Neither I nor any other member who spoke raised any question concerning the validity of the legislation in connection with whether it should have been accompanied by a message. In my opinion, it should not require a message and, in this respect, I agree with Mr. Arthur Griffith. Unless the Leader of the House were to ask for a ruling, I see no reason at all for not continuing with the debate on the Bill. In

my opinion it does not require a Message and, as far as I am aware, no member has asked for a ruling as to whether or not the Bill is valid; the only ruling asked for was on the amendment.

Therefore, I contend we should continue with the Bill and deal with the question before the Chair from which the ruling arose in the first place.

The CHAIRMAN: The question is that the words proposed to be deleted be deleted.

The Hon. W. F. WILLESEE: By now I have made my position clear. I am not adamant in connection with this point. As it was brought out in the debate on the President's ruling that there has been one case for and one case against, this created in my mind a doubt as to what is the right action. This is all there is to it.

If, in view of Mr. Stubbs' remark, the Committee is satisfied that the Bill is in order, I have no objection to proceeding with it. I had no ulterior motive whatsoever; I merely want to ensure that the Bill is in order. Even if we reach the point of returning the measure to another place, the question could still be examined in the Legislative Assembly.

The Hon. A. F. Griffith: I suggest the Leader of the House does not move the third reading today.

The Hon. W. F. WILLESEE: The way we are going, I do not think we will reach the third reading stage today.

The Hon. L. A. LOGAN: The amendment proposed by Mr. Williams will, in effect, reduce the contributions paid by insurance companies from 75 per cent. to 71½ per cent., but they will still be contributing 7¼ per cent. more than they are at the present time.

The Hon. A. F. Griffith: They will be contributing 71½ per cent.

The Hon. L. A. LOGAN: I would like to know whether it is the intention of insurance companies to pass this on immediately; in other words, I want to know whether new forms, containing new insurance premiums, will be issued. If this is the case, the insurance companies may well write on the forms that this has happened because of Government action. Alternatively, the insurance companies may be prepared to absorb this amount for the time being, because the extra 3½ per cent. will not make such a great difference if the contribution is to be increased by 7½ per cent. anyway. If the insurance companies could give some assurance that they will not pass on this amount I may give some thought and consideration to the amendment moved by Mr. Williams.

The Hon. A. F. Griffith: The insurance companies will not pay 3½ per cent., but 7¼ per cent. more if this amendment is accepted.

The Hon. L. A. LOGAN: I am talking of the difference of 3½ per cent., which, in effect, is the substance of Mr. Williams' amendment. If the insurance companies are to contribute an extra 7½ per cent. anyway, an additional 3½ per cent. is not very much greater and should not make a great deal of difference to the person who is paying the premiums.

The Hon. W. F. Willesee: Who would be in a position to give that assurance?

The Hon. L. A. LOGAN: I know it is difficult.

The Hon. W. F. Willesee: How could that assurance be given? No member of the Chamber could give it.

The Hon. L. A. LOGAN: Overall, we could be talking of a small amount of money. The difference, whether it is contributed by the insurance companies or comes out of Consolidated Revenue would be, I believe, \$180,000.

The point I am making is that if the insurance companies add 7½ per cent. to their present premiums, an additional 3½ per cent. would not represent a much greater burden in the long run.

I do not wish to see the Bill defeated and so deny local authorities the right to reduce their contribution to 12½ per cent. I must give this matter a great deal of thought. I wish to hear further debate before I make up my mind.

The Hon. R. J. L. WILLIAMS: In moving this amendment I had one simple concept in mind; namely, justice. I do not apologise for the constitutional wrangle which has come out of it. Nobody could tell me that to allow an insurance company in this State to pay the maximum contribution is just when the basic ratings show certain inequalities.

Fire brigade costs in this State include considerable charges for the installation and maintenance of hydrants. These are not part of fire brigade costs anywhere else in Australia. Therefore, why should the fire brigades pay this charge in Western Australia?

Secondly, in all other States, private insurance companies are not so heavily penalised, because in very State except Western Australia fire brigade charges are paid on all insurance on Government property. We do not do this in Western Australia. These are but two inequalities. The Western Australian State Government Insurance Office contributes only on premiums received through the charter under its Act. It contributes nothing on those premiums that it places in the Government Fire, Marine, and General Insurance Fund, although the property may have been valued at many hundreds of millions of dollars. If the Government is worried about the reduction of 3½ per cent., let me say here and now that if contributions, by way of insurance, were paid on all Government properties, the premiums of insurance

companies would drop dramatically. I am accusing no Government, either past or present, but merely drawing attention to an inequality.

Mr. Logan has said that he wonders what the insurance companies will do. I, also, wonder. In 1971-72 the contribution was \$27.86 for every \$100 of premium. In 1972-73 it is estimated that the amount will be \$31.32. If the rate is to be 75 per cent., this will mean that an extra \$5.39 will be paid on every \$100 premium, making a total of \$36.71. If our supposition is correct and insurance companies pass this on, this will be the amount. I think the insurance companies will have no option but to pass it on.

A third inequality exists in that the measure will penalise the person who takes care of his property. I have said it before, but I must repeat, that the prudent person will be penalised three times. Firstly, he is taxed by the State. In one form or another, money is taken away from him. This money goes into Consolidated Revenue. Secondly, he pays his rates to the local authority by which a fire levy is paid. Thirdly, if he is sufficiently prudent to insure his property, he will pay an increased premium.

To my mind this is going back to the 19th century. Perhaps the effect of my amendment will cause the Government to have a good, hard look at some reforms in what is an extremely important and efficient service.

The Hon. R. Thompson: What contributions do the other States make?

The Hon. R. J. L. WILLIAMS: I am not sure and I cannot tell the honourable member off the cuff. I am willing to look into this in an endeavour to find out the information. However, I am sure the Chief Secretary would have this information at his fingertips.

My information is that, in point of fact, these inequalities exist between the States. I would even go so far as to say that the actual responsibility for the protection of people—be it from fire, flood, earthquake or any other form of damage—is, in my book, a Government responsibility. I consider the Government is ducking its responsibility by reducing its contribution and transferring it to one section of the public only. I would not mind guessing that every member in this Chamber would contribute to it. However, not every member of the community in this State contributes towards fire insurance.

How often do we read in the paper that premises have been burnt down and the persons concerned were not insured? Perhaps they do not feel they should carry insurance and this is a private decision. However, if loss of life or limb is involved, it is the Government's responsibility to provide a service to protect that life or limb. That is what government is all

about; the betterment of the community in general and, in particular, where it sees a need.

This is the only reason for my moving the amendment. I want to ensure, in the first place, that the amount contributed by the Government shall not be reduced and, secondly, I hope that the Chief Secretary, who is a man I respect, will have a good look at the constitution of the whole of the fire brigade service in this State. Perhaps he could persuade the Premier that, on the next occasion he goes to Canberra, he may well ask the Commonwealth Government to have a good look at the question of fire brigades throughout Australia. Fire brigades are a fourth arm of defence, whether we like it or not. They are not merely asked to fight fires but to come into every rescue operation it is possible to envisage—from car accidents, to oil spillage, or to rescuing a humble cat from the top of a tree. On every such occasion, the fire brigade is called in.

The Hon. W. R. WITHERS: I wish to speak purely on behalf of those people within my province who have no fire brigade services. I will vote against this clause unless I receive some assurances from the Chief Secretary. I might add I am in a bit of a quandary because if I vote against the amendment proposed by Mr. Williams and then find the clause goes through in its amended form, I would be in trouble if I did not have the assurance of the Chief Secretary. So it would appear that I will have to vote for the amendment and hope the Chief Secretary can give me the assurance I am after.

These are the assurances I am seeking: Will the insurance companies place a surcharge on any of their policy holders? If this is so, will the surcharge be placed on the policies covering houses which are in regions not covered by a fire brigade service?

The Hon. S. J. Dellar: They already pay more now.

The Hon. W. R. WITHERS: That is quite correct, but I want to know whether they will pay even more to provide funds for a fire brigade service they do not have. If the Chief Secretary assures me that these people will not have to pay more, then I will consider voting for the clause. If he cannot give me that assurance I will have to vote against the clause. However, in case I am on my own all the way through, I must consider saving the money of some of my constituents by voting for Mr. Williams' amendment in either case.

The Hon. R. H. C. STUBBS: I cannot give Mr. Withers that assurance—I do not know what the insurance companies will do. I know that in the northern area we are trying to improve the fire-fighting services. All over the State we are opening new stations and encouraging volunteer firemen wherever possible.

The Hon. W. R. WITHERS: I appreciate that, but that is not the question.

The Hon. R. H. C. STUBBS: I cannot give the assurance at all. Mr. Ron Thompson asked what some of the other States were paying. In my second reading speech I said that two of the major States of Australia made Government contributions of 12½ per cent. to fire brigade services, and the third State made a contribution of 11.01 per cent. Our present exercise is for the sake of uniformity.

One assurance I can give the Committee is that if this Bill is amended the Government will not accept it. We want all the Bill or none of it. If the Bill is lost, it simply means that the local authorities will not get \$400,000. I therefore oppose the amendment.

The Hon. A. F. GRIFFITH: Of course that is a threat—nothing more nor less.

The Hon. R. H. C. Stubbs: It is my duty to tell you.

The Hon. A. F. GRIFFITH: Is it the Chief Secretary's duty to threaten the Chamber with what will happen?

The Hon. J. Dolan: It is not a threat, it is a statement of fact.

The Hon. A. F. GRIFFITH: It is a statement of fact that the Government will not consider any amendments. It will lose the Bill if the Committee does not pass it in its present form.

The Hon. R. H. C. Stubbs: That is correct.

The Hon. A. F. GRIFFITH: Perhaps the Chief Secretary will tell me which two States pay 12½ per cent. and which pays 11 per cent.?

The Hon. R. H. C. Stubbs: I cannot tell you specifically. All I can tell you is that three States are paying these percentages.

The Hon. A. F. GRIFFITH: The Chief Secretary does not know the States, and yet the Government brings us this Bill in the interests of uniformity.

The Hon. R. H. C. Stubbs: That is right.

The Hon. A. F. GRIFFITH: Uniformity with what?

The Hon. R. H. C. Stubbs: Uniform charges for fire brigade services all over Australia.

The Hon. A. F. GRIFFITH: I would have thought that if the Government desired uniformity it would have found out what all the States are doing in regard to contributions.

I feel that the Government should have consulted the Fire and Accident Underwriters Association to determine the impact of this Bill on the policy holders. I, for one, am extremely anxious that the local authorities should receive the benefit of

this deduction. I had a letter from Mr. White, the Secretary of the Local Government Association, asking me to support the Bill, particularly in relation to the situation in which the local authorities would find themselves as a result of the reappraisal of the percentage. He says that unless the local authorities decide to expend the \$400,000 in some other direction, all the rates may be reduced. With the greatest respect to Mr. White, and not knowing the total rate of contribution, I feel this would be a very small reduction to every ratepayer.

The insurance companies are being asked to pay an extra 11 per cent. This increase will be passed on to people who hold insurance policies for their own protection. In the process these people benefit the whole of the community because under the provisions of this Bill the insurance companies will make a 75 per cent. contribution. I share Mr. Williams' opinion—it is not equitable. We have had gradual contribution increases over the years. First of all the Treasurer paid a quarter—25 per cent.; local authorities paid three-eighths—37½ per cent.; and the insurance companies paid the same. Of course, the 37½ per cent. paid by the local authorities was found from the ratepayers' money.

This contribution has been gradually reduced. By an amending Bill in 1941, the Treasurer paid two-ninths—22 2/9th per cent.; local authorities contributed two-ninths—22 2/9th per cent.; and the insurance companies five-ninths—55 5/9th per cent. The next adjustment was to 16 per cent., 20 per cent., and 64 per cent. This measure seeks an adjustment to 12½ per cent., 12½ per cent., and a contribution of 75 per cent. by the insurance companies. It appears that the Government has arbitrarily fixed on an amount which will relieve the local authorities of \$400,000. However, that \$400,000 plus the \$180,000 which the Government will save out of the Consolidated Revenue Fund must be found from somewhere and it will be found by all the policy holders other than those enumerated by Mr. Williams.

In the light of that, is it fair for the Government to say, "If you do not like this Bill we will not accept anything else"? We know that if the Committee presses for an amendment and it is agreed to, we will be held responsible for cutting the local authorities out of \$400,000—if that is the decrease in their contributions to the Fire Brigades Board.

That sounds to me to be pretty rough. Obviously the Government has had some prior discussion because the Chief Secretary is able to come to this Chamber and say, "That is the Government's view. If you do not like it you can lump it. There will be no reduction for local authorities and the Act will stay as it is."

I thought that Parliament was a place where one House could proffer amendments to the other and if the amendments were in order, we could suggest to the Government that they be looked at. At least the Government in another place should look at this amendment rather than have the Chief Secretary make the statements he did. It is pretty tawdry sort of treatment when we who support the amendment moved by Mr. Williams are trying to help local authorities while also trying to arrive at a reasonably equitable adjustment in the amount of money to be contributed by the Government and the insurance companies.

The Hon. L. A. LOGAN: In view of the so-called statement of fact made by the Chief Secretary, I have now to start to think of the effect of this legislation on the individual and not only on local authorities. On a very rough and quick calculation, I believe that the individual policy holder would pay more under the increase of 11 per cent. to the insurance companies proposed in this Bill than under the 20 per cent. already imposed on local authorities. Therefore I am prepared to take the risk of accepting the amendment and letting the Government throw the Bill out.

Sometimes we must look at the individual and the result to the individual and not only to the local authorities, despite the fact that we want to help them. Therefore, I am prepared to take the risk. If the Government throws the Bill out that will be its responsibility and not ours.

The Hon. J. HEITMAN: I am very disappointed with the remarks made by the Chief Secretary. Obviously if he does not get his own way he will throw the Bill out. I thought this legislation was a genuine attempt to ease the burden on local government. Not all local governments have fire brigade services. Most country shires have bushfire brigades which work in a voluntary capacity under the Bush Fires Act. They accomplish a great deal of work by voluntary effort.

Of course they do not come under the Act we are discussing at the moment. But among the towns that do come under the Act we find that over the last seven years the rates for Bunbury have increased by over 300 per cent. and those for Geraldton by over 200 per cent. I had a letter setting out the exact amounts.

The Hon. J. Dolan: Are you talking about the council rates or the fire rates?

The Hon. J. HEITMAN: I am talking about the fire rates; we are discussing the Fire Brigades Act Amendment Bill.

The Hon. J. Dolan: You merely said rates.

The Hon. J. HEITMAN: This means that like every other utility in the district the costs in connection with fire brigades have gone up because the local authorities will have to pay 20 per cent. These increased rates would also affect Albany, Northam, and Kalgoorlie, quite apart from Bunbury and Geraldton.

Every one of these towns has had its rates increased over the last seven years by tremendous amounts, only because of the costs involved in connection with fire brigades. I thought the Minister would have made a genuine attempt to ease the burden on local authorities in regard to their payment into the fire brigade fund.

The Hon. L. A. Logan: Bearing in mind that he is the Minister for Local Government.

The Hon. J. HEITMAN: I thought the Minister would have eased their burden, particularly when we realise that for the most part this work is carried out on a voluntary basis. Firemen undergo tremendous exercise and training to keep themselves fit for the work they undertake in country areas. As the Minister knows, during Easter special fire brigade sports are held to ascertain which is the best fire brigade in the State. Practically all this work is done on a voluntary basis.

The Government has an opportunity to ease the burden on the local authorities which have been paying far more than the Government has paid in the past, but the Government is quite prepared not to proceed with the Bill even though the amount involved is only 3½ per cent. of the figure mentioned. By doing this the Minister will be robbing the local authorities of \$400,000. I cannot see the logic in the Minister's argument and I am very annoyed that he should adopt this attitude, because I thought he would be fair-minded enough to try to ease the burden on the local authorities rather than endeavour to bluff his way out of things.

The Hon. W. R. WITHERS: I am most upset that the Minister has not answered my questions. I wonder how much the Minister considered the people when having this Bill drafted, or when he said that he cannot tell what the insurance companies are going to do; that he does not know whether or not they will make a surcharge.

I have heard local authorities referred to as though they were some nebulous machine-like body. They are not machines; they are made up of people.

I am stunned that the Minister should say that the Government will not accept the amendment. I will not vote for the Bill unless the Minister can give me an assurance that the people will not be expected to pay a surcharge on their insurance premiums for a service they do

not receive. The people in the isolated areas pay more than anybody else in the State.

The Minister has apparently not conferred with the insurance companies, because had he done so he would have been able to answer my questions. Why did he not ask the companies what surcharge they had in mind? The charge to the public will not be 11 per cent. as expressed in the Bill; it will be more, because other charges are made on top of the initial charges—there are service charges, accounting fees, and so on.

This will increase the cost of living by increasing the rentals of homes. Those who do not have insurance policies will have to pay more. I rise to speak for those who do not enjoy the facility of a fire brigade service and who are possibly going to have to pay a surcharge for a service they do not receive. I will vote for the amendment, though I would like to vote against it. If my fears are well founded I will have saved something for those who are not given the benefit of the services mentioned. I still intend to vote against the Bill.

The Hon. J. DOLAN: Mr. Withers has asked Mr. Stubbs for an assurance on certain matters; but did the honourable member himself ring up any insurance company and ask what the effect of the Bill might be? That is the least he could have done. Heaven knows how many insurance companies there are of which the Minister is expected to make inquiries.

The Hon. W. R. WITHERS: Do you know how many insurance companies there are in this State?

The Hon. J. DOLAN: I should imagine there would be hundreds of them which would be affected.

The Hon. W. R. WITHERS: Don't you think the Minister would be in a better position to obtain the information?

The Hon. J. DOLAN: The honourable member could have rung up at least one company and obtained the information he wants.

The Hon. W. R. WITHERS: I have an insurance agent and I know what the answer will be from one company. I do not know what it would be from the others.

The Hon. J. DOLAN: It would have helped had the honourable member given us this information.

The Hon. W. R. WITHERS: Move over and I will help you if you want to be helped; but surely the Minister could have done this.

The Hon. J. DOLAN: The Minister did not know and he said so. The Minister said that after consultation with the Treasury and an examination of the proposition throughout the Commonwealth the Government had come up with this Bill which it decided was fair.

I was interested in the letter Mr. White wrote to the Leader of the Opposition asking for his support for local government in this matter. Of course he was all for it and I do not blame him. We, too, are all for it. From the figures I have I see that the amount taken from premiums was \$9,000,000 and the insurance companies paid out \$4,000,000 only.

Surely this means that the insurance companies rather than the Government are getting the best piece of the cake. I think it is time members faced up to this fact. Mr. White felt that the contributions by councils should be reduced below the present 20 per cent; that they should come down to 12½ per cent.; but he is not prepared to decide whether the reduction should be at the expense of the Government or the insurer. He said that although the insurers had the most to gain from the activities of fire brigades it is intended to leave it entirely to the discretion of the Government.

The Government carried out investigations and had discussions with two of the major States that were paying 12½ per cent. These States would be of the same political flavour as the Opposition.

The Hon. A. F. Griffith: Which two States are these?

The Hon. J. DOLAN: I do not know.

The Hon. A. F. Griffith: Then how can you say they are of the same political flavour as the Opposition?

The Hon. J. DOLAN: The figures for three States were given; two of them were paying 12½ per cent. and the other 11.01 per cent. The Bill provides for 12½ per cent. These were the mainland States. If we omit South Australia we still have two of the major States which do not pay more than our Government thinks is a fair thing.

The Hon. A. F. Griffith: Is South Australia one of these?

The Hon. J. DOLAN: I do not know.

The Hon. A. F. Griffith: Is Victoria one of them?

The Hon. J. DOLAN: The Leader of the Opposition is trying to dodge the issue. It is possible that South Australia is not one of these States.

The Hon. R. J. L. Williams: South Australia pays the hydrant charges.

The Hon. J. DOLAN: These are side issues. The fact is that those who benefit most from fire insurance are the insurance companies—the insurers—and they are paying the bulk which is 75 per cent.

Mr. Stubbs was quite candid in saying this was the decision of the Government, that the Bill should be accepted as proposed, because it was thought to be fair to all Government bodies. It is not fair to accuse Mr. Stubbs of threatening members.

He has merely stated the Government's intention, whether we like it or not. I know that Bills have been brought down and amendments have been proposed to such legislation.

The Hon. A. F. Griffith: You used to propose amendments.

The Hon. J. DOLAN: Of course, but we did not get to first base.

The Hon. A. F. Griffith: So you would not deny us the right.

The Hon. J. DOLAN: I do not deny the Leader of the Opposition the right to which he is entitled as a member of this Chamber; but the Government is also entitled to bring down Bills and state its opinion and if it feels it is not fair for the Government to be expected to pay more than 12½ per cent., surely that it fair enough.

All Mr. Stubbs said was that the Bill should be passed as presented. I certainly do not want to throw any brickbats but we must get the position fair and square.

If any member wants information about 100 or 200 insurance companies and whether they will impose a surcharge, he is entitled to obtain it. If I were a member of the Opposition and intended to move an amendment I would ring a couple of insurance companies and seek this information. No doubt they would tell me that they will have to impose a surcharge. If the companies lose anything no doubt they will pass on the buck to somebody else.

The Hon. W. R. Withers: They can only pass it on to the public.

The Hon. J. DOLAN: They would then be running true to form.

The Hon. W. R. Withers: Why did you not tell us that?

The Hon. J. DOLAN: Why did not the honourable member find out himself?

The Hon. W. R. Withers: I am not presenting the Bill.

The Hon. J. DOLAN: The honourable member is asking a lot of questions, when he could have found out the information for himself. The Government has introduced the Bill which it considers to be fair. In this the Government contribution is to be reduced to 12½ per cent., and this has been done after a review was made. The Chief Secretary is perfectly honest in saying that the Government will not agree to amendments.

The Hon. A. F. GRIFFITH: There is no doubt in my mind that the Minister was perfectly honest in what he said. He made a statement with which I agree. However, I do not agree with the statement made by him that the insurance companies will be passing on the buck. Let me tell him that the Government is anxious to pass the buck in this case in order to be relieved

of \$180,000 per year in its contribution to the Fire Brigades Board. By so doing it will pass on the buck to the policy holders. The Minister should not talk about passing the buck, because members of the Government are champions at this. I think the example of two States has been used, but the Minister for Police told us about three States.

The Hon. R. H. C. Stubbs: In two States the Government contribution is 12½ per cent., and in one it is 11 per cent.

The Hon. A. F. GRIFFITH: I presume that in the interests of uniformity we are asked to agree to reduce the State contribution to 12½ per cent. However, when we ask what other States contribute this percentage the Minister for Police said that more than likely they were States of which the Governments were of our political opinion. What has that to do with the matter?

The Hon. J. Dolan: You said it was wrong of this State to do that.

The Hon. A. F. GRIFFITH: I did not say that at all. We simply suggest that it is more equitable in a rearrangement of the contributions to the Fire Brigades Board for the Government to maintain its existing contribution of 16 per cent. Under Mr. Williams' proposal the Government will contribute 16 per cent., the local authorities 12½ per cent., and the insurance companies 7½ per cent. instead of the 75 per cent. proposed by the Government.

The crux of the matter lies in the 3½ per cent. increase in the contribution by the insurance companies. I am annoyed at the methods used by the Government to dispose of the amendment moved by Mr. Williams by asking for a ruling as to whether it is in order. When that failed the Chief Secretary told us if we did not accept the Bill we would not get anything. However, if the Government drops the Bill the fault for the loss of \$400,000 in rebate by the local authorities will lie with the Government; and it will not be our fault at all.

We are entitled to pursue this matter. If the Government wants to make out a case on the basis of uniformity it should tell us what percentage each of the other States is contributing. If their contributions turn out to be uniform there might be good reason for introducing uniformity in Western Australia by adopting their rate. However, there are six States in Australia, but only two have been mentioned by the Chief Secretary. In fact, the Government does not know which States are contributing 12½ per cent. and which 11 per cent.

There is the Fire & Accident Underwriters Association and also the nontariff organisation to which a great many of these insurance companies belong. The Chief Secretary could have directed an

officer of his department to make inquiries at the insurance companies and to tell them, "We are proposing a reassessment of the contributions to the Fire Brigades Board. So that we can tell Parliament what the increase is likely to be to the policy holders by increasing the contribution of the insurance companies from 64 to 75 per cent., can you give us any idea of the increased premiums?" I am sure the insurance companies would have given him some idea.

As for the Minister for Police making the suggestion to Mr. Withers that he should have rung up the insurance companies, I suppose every one of us could do that. I myself spent a great deal of the time between last Thursday and this afternoon in trying to find out whether there is any validity in the ruling of the Chairman.

The Hon. G. C. MacKinnon: You did that without any staff to help you.

The Hon. A. F. GRIFFITH: I traced the position back to 1916 when the original Bill was introduced. I have not communicated with the insurance companies, and I do not think it is my job to do so. However, I feel sure it is the job of the Government to do that in order to justify the introduction of the measure. It is not enough for the Government to say that together with the Treasury it has made a reassessment of the situation.

In effect, the Government is saying that whether or not the policy holders like it the contribution by the insurance companies will be 75 per cent., by the local authorities 12½ per cent.—by which they will be relieved of \$400,000 a year—and by the Government 12½ per cent. by which it will be relieved of \$180,000 in contribution.

The Government has the right to do that, but what makes me very annoyed is its attitude of not being prepared to consider any amendments made by this Chamber, and the suggestion that if we insist on any amendments the Bill will be dropped. That is not correct parliamentary practice or procedure. It is a smelly proposition for the Chief Secretary to tell the members—whether one terms it a threat, a promise, or anything else—that amendments will not be accepted. This was said by him after due consideration by the Government.

Your ruling, Mr. Chairman, has not been held to be invalid; but with respect to the President, his ruling has been held to be invalid. For that reason the Committee stage of the Bill is continuing. Members would be wasting their time in putting forward their points of view, in view of the statement by the Chief Secretary that if members insisted on amendments the Government would not agree to them. That is not a reasonable attitude. If the Chief Secretary has not asked the

insurance companies what extra imposts they will have to place on their policy holders, will he do so?

The Hon. J. Dolan: I am prepared to do that myself.

The Hon. A. F. GRIFFITH: I will not be bluffed by the Government's statement that the Bill will not be proceeded with, because I can read the provisions in legislation. This Bill will not come into force before 1973. If the Bill is not proceeded with the responsibility will lie with the Government. If this Chamber amends the Bill, but the amendments are not accepted in another place by the Government and the Bill is dropped, the fault will not lie with us. It will be the decision of the Government which will cause the local authorities to lose the \$400,000 by way of reduction. Before the end of the financial year there will be another session which commences in March next.

The Hon. R. H. C. Stubbs: It seems we have had one session on this Bill.

The Hon. A. F. GRIFFITH: The Chief Secretary could have reduced the time of this debate if he had provided the information sought by members. Will the Chief Secretary consult the Fire & Accident Underwriters Association and the nontariff organisation to find out what the extra impost will be on the policy holders? Will he also get the Government to ascertain what are the contributions by the various State Governments so that we can determine whether on this occasion the Government is seeking uniformity? In the interests of the taxpayers who have to foot the bill in order to relieve the local authorities of \$400,000 a year and the Government of \$180,000 a year, the information should be supplied.

That is not an unreasonable request to make of the Chief Secretary. If he so desires he can move for progress to be reported in order to obtain the information. He should not say by way of threat, promise, or anything else "If you do not accept this the Bill will not be proceeded with and you are to blame."

It will be the present Government which will be to blame, and I want to sheet that blame right home where it truly belongs, in the light of the fact that no decision has yet been made.

The Hon. D. J. WORDSWORTH: I would be surprised if the Treasury has not already done this calculation because there is a stamp duty charge on insurance. If the rates of fire insurance are to increase there will be a considerable increase in the stamp tax. I would not be surprised if that is one of the main reasons for the introduction of this measure.

The Hon. R. J. L. WILLIAMS: Perhaps I can help the Chief Secretary, and the other members of the Committee who have

asked what the contribution is to be. During 1971-72 the contribution per \$100 of premium was \$27.86. During 1972-73, the contribution per \$100 of premium is \$31.32. That contribution is now to be increased to the Australian maximum, which will mean an additional \$5.39 for every \$100 premium. According to my calculations that makes a total contribution of \$36.71 per \$100 of premium.

There are two important points I want to mention. If there is to be a comparison of equality with the two other States which are paying 75 per cent., why is it that in every other State except 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 in Australia are insurance companies asked to contribute. In 1952 it was decided no longer to ask local authorities to contribute and an amendment was made to the Act for that purpose. If that saving by local authorities is taken into account there is a fair comparison with the other two States which are paying 75 per cent. It must be remembered that those two States also have the additional charge of providing fire hydrants.

One final factor: If one insures a house and property privately with the State Government Insurance Office one pays a contribution. I have with me a document headed, "Submission by Insurance Company representatives. Members of the Delegation presented to The Hon. R. H. C. Stubbs, Minister for Local Government and Chief Secretary." The document is in respect of contributions to the cost of maintenance of the W.A. Fire Brigades Board.

The Hon. G. C. MacKINNON: I think we all have reason to be extremely grateful for the thoroughness of Mr. John Williams. In addition to those questions directed to the Minister by Mr. Arthur Griffith, perhaps we could also ask if he can recall meeting those gentlemen when that submission was made, because it is tremendously enlightening.

The Hon. A. F. Griffith: Did you meet them Mr. Minister?

The Hon. R. H. C. Stubbs: Yes, I met them in my office.

The Hon. G. C. MacKINNON: This information, of course, makes it all the stranger that Mr. Dolan should jump to the defence of Mr. Stubbs. We should analyse the speech made by Mr. Dolan because I think it was the most illogical and emotional stuff we have heard for a fair while.

I cannot write shorthand so I was not able to get an exact copy of what he had to say. However, I think Mr. Dolan was getting to a declamatory situation when he

suggested that those who would be hurt would be the insurance companies. That is nonsense. Insurance companies insure against actuarial risk and their rates depend on the type of protection given. Insurance companies aim to make a profit, and their shareholders are people from all walks of life. There is nothing wrong with making a profit, and I think it is highly desirable because firms which make a profit pay taxes and it is out of those taxes that I get my salary.

Surely it must be accepted by others in my age group that after the normal defence services comes the fire brigade. It is an essential and integral part of defence, and it continues to fight through peacetime whereas other services do not. Everyone seems to imagine it will be the insured person who pays the bill, and that is probably right, but the idea is altogether wrong. I venture to say that in a climate such as ours if we did not have a fire brigade the Government would have to invent one.

It is an essential service and it is reasonable that the Government should pay a fair proportion. I think the risk in this State is higher than in the coastal areas of the Eastern States because they receive more rain than we do. I point out that most of the declaiming by Mr. Dolan was pointless. Mr. Williams has been able to give us details in answer to the very questions which Mr. Stubbs was asked and which he has failed to answer. I think the Committee has every reason to be grateful to Mr. Williams for bringing this matter to our attention.

The Hon. R. H. C. STUBBS: Firstly, Mr. Withers wanted an assurance from me and I can assure him that I am not going to give any such assurance, and that is that.

The Hon. W. R. Withers: Then I will vote against the Bill.

The Hon. R. H. C. STUBBS: Mr. Withers said that local government concerned people. My Government is aware of this and has given \$500,000 with which to set up a fund for local government. We intend to do the same this year.

The purpose of this Bill is to save local government a sum of \$400,000. We are also giving \$160,000 to local government to pay off interest owing on pensioner housing.

The Hon. W. R. Withers: Does the Minister know whether or not the people are gaining by that?

The Hon. R. H. C. STUBBS: Anyone in local government would know.

The Hon. W. R. Withers: But will the people gain?

The Hon. R. H. C. STUBBS: We are aware of the troubles confronting local government and we are trying to do something. However, the Government resents the Legislative Council trying to take charge of the Treasury, as will be the

position with the acceptance of the amendment moved by Mr. Williams. We want to get \$400,000 out of this for local government, and \$180,000 for the Government. The amendment proposed by Mr. Williams will reduce the amount available to the Government and, as I said, as a Government we are not prepared to accept that.

The Hon. S. T. J. THOMPSON: I think we have heard utter tripe from the Minister. He set out what the Government has done for local government, but he now says that if the Government does not get \$180,000 then local government will get nothing.

The Hon. A. F. GRIFFITH: Apparently the Minister saw the representatives of the insurance companies in his office at Parliament House. Was it because he asked to see them, or because they asked to see him?

The Hon. R. H. C. Stubbs: They requested to see me.

The Hon. A. F. GRIFFITH: No doubt because of the additional impost on them through the provisions of this Bill?

The Hon. R. H. C. Stubbs: That is right.

The Hon. A. F. GRIFFITH: Which organisation was it; the Fire & Accident Underwriters Association or the non-tariff companies?

The Hon. R. H. C. Stubbs: I think it was the Fire & Accident Underwriters Association.

The Hon. A. F. GRIFFITH: Did the Minister, at the time, tell those representatives what the Government proposed to do, and discuss with them the likely impost on their policy holders?

The Hon. R. H. C. Stubbs: What I told them was that this was a Treasury matter; that it emanated from the Treasury. I am referring to the amendment regarding the costs to the fire brigades. My part of the Bill relates to the other provision. The Treasury carried out the inquiry.

The Hon. A. F. GRIFFITH: The Treasury has made all the inquiries. Would it not have been reasonable for the Treasury to pass onto the Minister the result of the inquiry? Did not the representatives of the Fire & Accident Underwriters Association tell the Minister the charges were too high?

The Hon. R. H. C. Stubbs: I am not sure, but I think the representatives also approached the Treasury.

The Hon. A. F. GRIFFITH: Did they ask for the rates to be reduced?

The Hon. R. H. C. Stubbs: They asked me to reconsider.

The Hon. A. F. GRIFFITH: And the Minister said, "No."

The Hon. R. H. C. Stubbs: I wrote to them to the effect that we were not going to reconsider the matter; it was a Treasury proposition.

The Hon. A. F. GRIFFITH: In that case it would be useless my asking the Chief Secretary the result of the approach by the Fire & Accident Underwriters Association to get their fees reduced. It seems to me that instead of having to draw this information out of the Minister we could be told what has taken place. Can we not be told the results of the meeting with the deputation from the Fire & Accident Underwriters Association? The Minister heard the point of view of that deputation; I do not suppose they sat there and said nothing.

The Hon. Clive Griffiths: Like sticks of rhubarb!

The Hon. A. F. GRIFFITH: Could we not be told what was said, and the Government's response?

The Hon. R. H. C. Stubbs: Well, the Leader of the Opposition received a circular as did everyone else. They simply quoted that circular and I said that I would consider it.

The Hon. A. F. GRIFFITH: I do not know whether or not I received a circular. I do not recollect it.

The Hon. R. H. C. Stubbs: I was told it had been sent to every member of Parliament.

The Hon. A. F. GRIFFITH: It seems to me the Chief Secretary must have been told a good deal. I absolutely give up!

The Hon. V. J. Ferry: You are not a fisherman if you give up.

The Hon. A. F. GRIFFITH: Every time we have a debate in this Chamber which is in any way contentious, we cannot obtain information. Once before I said in a debate that I wish I had the self-control of the Chief Secretary. I really wish I had it because he can just sit there, give us nothing by way of information, and say, "If you don't like this, the Government will not go ahead with it, and I will tell you that again." That is what it amounts to—the Government does not like the Legislative Council interfering with the Government's Treasury Bills.

I want to inform the Chief Secretary that Parliament is an institution which comprises two Houses of Parliament—the Legislative Council and the Legislative Assembly. Under the Standing Orders as provided, it is our prerogative to pass amendments to legislation, whatever type of legislation it may be. We operate in the interests of the community, as does the Government, and sometimes much better than the Government.

Look at the time. It is 9.30 in the evening and we started this debate at 4.30 this afternoon. All we have done is argue the toss. All the Chief Secretary had to do was say, "I object to your amendments; I do not agree to them," and they would go down to the other place for the Government to consider them. But gradually, by

painful methods, we get information little by little. Instead of giving up, I feel inclined to sit here for another two hours. I might then be told what took place. It might take two hours and it might take a little longer.

It does not matter how we appeal to the Ministers to come to this Chamber with information about the Government's legislation, we just do not get it. We are told, "You can take this or leave it." I, as one individual in the Chamber, am not satisfied to take it or leave it. I am prepared to pursue the rights I have to question the Government, to ask about its legislation, and, if I am not satisfied, to record my individual vote in the manner I think fit. I repeat: I will not be bluffed by the Government. I do not care what the Chief Secretary says about what he intends to do with this legislation. That is on his own head. If the Committee agrees to the amendment moved by Mr. Williams, which I hope it does, the Chief Secretary can consider his actions. It will be his Government which will explain to the local authorities, and I hope he does not in my hearing blame the Legislative Council for the fact that local authorities do not get \$5,000.

The Hon. R. H. C. Stubbs: You have never heard me say that.

The Hon. A. F. GRIFFITH: I hope I will never hear it. If I do, I will make it well and truly known that the only point at issue as far as this Bill is concerned was a lousy 3½ per cent, which the Government is not prepared to shape up to. That is all it is—the difference between 12½ per cent. and 16 per cent. Perhaps I should not have used the word I did but it is a miserable amount of money, and in respect of it we cannot get any information other than what we draw out of the Chief Secretary.

After almost five hours we have found out that he saw the fire underwriters, that they made out a case to him, and that he refused it. It obviously does not leave me speechless but it leaves me agast.

The Hon. W. F. Willesee: I do not think that is the right expression, either.

The Hon. A. F. GRIFFITH: No, I do not think it is, because in the 18 months the present Government has been in office I have been surprised at nothing.

The Hon. W. F. Willesee: You have told us so often enough.

The Hon. A. F. GRIFFITH: Yes, and I have had occasion to do so.

The Hon. R. H. C. Stubbs: Change the record.

The Hon. A. F. GRIFFITH: The record is the same and it is being perpetuated with this Bill. I can remember other Bills we have debated with the Chief Secretary on which I have drawn out from him information on what has taken place by

asking a thousand questions to which I have received two answers which have helped the Government. I will not say any more. I hope the amendment is agreed to.

The Hon. W. R. WITHERS: The Minister has told us the Government is aware of people, that he is aware local government is made up of people, and that it is the intention of his Government to aid local government. I would like to know how he thinks he is aiding people with this measure. I suggest he does not know, because he has refused to give me an answer which has been intimated by Mr. Williams. The Chief Secretary has said he has no intention of giving me the answer, even though I have stated I will vote against the Bill unless I get that answer. I think it is reasonable that I should not vote for the Bill unless I get the answer. I would not be representing the people who have put me in Parliament unless I said, "I cannot vote for the Bill unless you tell me what it will cost the people who are paying insurance premiums."

I wonder whether this is another Bill the Government wants thrown out so that it can say, "Look at the big bad bogeymen in the Legislative Council; look what they have done!" The Government will say to the local authorities, "We tried to help you but look what they have done." Yet the Minister will not answer the question, knowing that if he did answer it correctly he would possibly have one vote for the Bill. I have said I cannot vote for the Bill unless I have the answer. The Minister has said he will not give me the answer. Therefore, I will not vote for the Bill.

The Hon. J. DOLAN: Mr. Withers wants a certain assurance before he will support the Bill. Whether or not he votes for the Bill is not my concern. He wanted to know whether the Minister could tell him how much surcharge there would be because of the fact that the insurance companies' contribution would be increased from 64 per cent. to 75 per cent. Is that the question?

The Hon. W. R. WITHERS: That is the first part of it, and the second part is—

The Hon. J. DOLAN: Let us deal with that part. Under the amendment proposed by Mr. Williams, the insurance companies will pay 71½ per cent., which is 7½ per cent. more; so the amendment moved by Mr. Williams will take 7½ per cent. of the 11 per cent. Would Mr. Withers be prepared to admit that the greater proportion of any surcharge would be made up of that 7½ per cent?

The Hon. A. F. GRIFFITH: Mr. Williams' amendment will not take 7½ per cent. It will take 3½ per cent. It does not reduce it by 7½ per cent.

The Hon. J. DOLAN: We are referring to the contribution paid by the insurance companies. At present it is 64 per cent. It is proposed that it be 71½ per cent.

The Hon. J. HEITMAN: It is proposed by the Government that it be 75 per cent, and we want to reduce it to 71½ per cent.

The Hon. J. DOLAN: That means the insurance companies' contribution will be an extra 7½ per cent. Is that correct?

The Hon. A. F. GRIFFITH: If you will agree—

The Hon. J. DOLAN: The contribution would be increased by 7½ per cent. if it were increased to 71½ per cent. The difference between an increase of 7½ per cent, and an increase of 11 per cent, is 3½ per cent. Two-thirds of it is made up of the amount contained in the amendment proposed by Mr. Williams.

The Hon. W. R. WITHERS: That is not logical.

The Hon. J. DOLAN: If the contribution is 71½ per cent., the insurance companies would make a surcharge to compensate for it. The other 3½ per cent. is only half of that.

The Hon. A. F. GRIFFITH: It would not be as much.

The Hon. J. DOLAN: What would not be as much?

The Hon. A. F. GRIFFITH: The premium would not be as much. I do not think the Minister for Police understands the proposition.

The Hon. J. Dolan: Of course I do.

The Hon. A. F. GRIFFITH: Shall I sit down and allow the Minister to explain it to us?

The Hon. J. Dolan: I do not want you to do that. I know as much about it as you do.

The Hon. A. F. GRIFFITH: In that case, the Minister is a full bottle on the matter.

The Hon. J. Dolan: You would not be asking questions of the Chief Secretary if you knew all the answers.

The Hon. A. F. GRIFFITH: Oh, yes, I would.

The Hon. J. Dolan: Why not be big-hearted and give the Committee the benefit of what you know?

The Hon. A. F. GRIFFITH: I do not want to embarrass the Minister for Police. The Minister was quite right up to the point where exasperation got the better of him and he sat down. The Bill proposes to increase the contribution of the insurance companies from 64 per cent. to 75 per cent., and to decrease the Government's contribution from 16 per cent. to 12½ per cent. Mr. Williams' amendment proposes that instead of paying 75 per cent. of the bill the insurance companies will pay 71½ per cent. Therefore, the increase in the premium rate will not be as great as it would be if the contribution were 75 per cent.

The Hon. J. Dolan: I know that. That is not what I was arguing about.

The Hon. A. F. GRIFFITH: If the Minister knows that, why am I explaining it to him?

The Hon. J. Dolan: I was trying to tell you the increase of 71½ per cent. would be two-thirds of the total increase proposed by the Government. You would not listen.

The Hon. A. F. GRIFFITH: We both understand.

The Hon. J. Dolan: It took you a long while to wake up.

The Hon. A. F. GRIFFITH: No, it did not. I was awake. Mr. Williams seeks to reduce the contribution of the insurance companies by 3½ per cent. He also seeks to increase the Government's contribution so that it will remain at 16 per cent. Therefore, the impost on the clients of the insurance companies will not be as great as it would have been had the whole of the 11 per cent. been handed on to them. It is as simple as that. I repeat that what the Government is arguing about is a miserable 3½ per cent., which represents \$180,000 in its budgetary reckonings.

The Government has said, "Let us get out of this. We are now paying 16 per cent. We will make a reassessment. We will pay 12½ per cent. The insurance companies will have to increase their contribution, and every time an insurance premium is paid the Government will collect additional stamp duty on the increased premiums." If the increase is 5.39 per cent., as I think Mr. Williams said, I have no way of calculating what that would mean in stamp duty, but the Treasury can calculate it. If we work it out on the basis that \$5 stamp duty is payable on \$100, and convert that to the number of insurance policies in existence, not only would the Government be relieved of paying \$180,000 by putting it on to the policyholders of the insurance companies but it would also collect a considerable amount in the form of stamp duty.

There is no doubt about that. I would agree with the Minister for Police if he were to say that 71½ per cent. is a reasonable amount for the insurance companies to pay—

The Hon. J. Dolan: You are saying that.

The Hon. A. F. GRIFFITH: —and that would certainly bring the matter to a happy conclusion.

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

Ayes—15

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

Noes—7

Hon. R. F. Cloughton	Hon. R. H. C. Stubbs
Hon. D. K. Dans	Hon. W. F. Willesee
Hon. S. J. Dellar	Hon. R. Thompson
Hon. J. Dolan	(Teller)

Pairs.

Noes

Ayes	
Hon. G. W. Berry	Hon. R. T. Leeson
Hon. C. R. Abbey	Hon. J. L. Hunt
Hon. F. R. White	Hon. L. D. Elliott

Amendment thus passed.

The Hon. R. J. L. WILLIAMS: I move an amendment—

Page 2, lines 18 and 19—Delete the word "seventy-five" and substitute the words "seventy-one and one-half".

The Hon. A. F. GRIFFITH: I am sure we will all be glad when this is finished.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), and returned to the Assembly with amendments.

PERTH REGIONAL RAILWAY BILL

Assembly's Request for Conference

Message from the Assembly received and read requesting a conference on the amendment insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers now considered.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Railways) [9.52 p.m.]: I move—

That the Assembly's request for a conference be agreed to; that the managers for the Council be The Hon. L. A. Logan, The Hon. I. G. Medcalf, and the mover; and that the conference take place in the Select Committee room on Wednesday, the 15th November, at 6.45 p.m.

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

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL (No. 3)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Minister for Police), read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [9.54 p.m.]: I move—

That the Bill be now read a second time.

This measure has two main objectives. The first is to provide for a person other than the Manager of the Totalisator Agency Board to be appointed as chairman of the board, and the second is to provide for the payment into the Consolidated Revenue Fund of unclaimed refunds.

At present the Totalisator Agency Board consists of seven members, one of whom is appointed upon the nomination of the Minister; and as the Act now stands the person so appointed becomes the chairman of the board. Although the Minister is not obliged to do so, it has been the practice in the past to nominate the manager for appointment to the board and he has, therefore, automatically become its chairman.

The combination of the positions of chairman and manager is most unusual among Government boards and instrumentalities in this State and the Government sees no reason for a dual appointment in the case of the Totalisator Agency Board. In other States where there are Totalisator Agency Boards the position of chairman and manager are separate offices. There is no indication that this has been found unsatisfactory.

Indeed, the Act itself appears to envisage separate offices by providing on the one hand for the appointment by the Governor of a board including the chairman and on the other hand for the appointment by the board of a manager, secretary, and other officers as the board considers necessary. The board also has the power to remove the manager, the secretary, and other officers.

In view of the separate provisions for the appointment and removal of the chairman and the manager, the combination of these offices is not desirable.

It is possible, of course, under the existing provisions of the Act for the Minister to nominate a person other than the manager for appointment to the board, but if this step were taken the manager would cease to be a member of the board.

Although the Government is not in favour of the manager also being the chairman, it does agree that there would be advantages in his sitting on the board and accordingly the Bill provides for an increase to eight members, one of whom shall be the manager.

The proposal will not in any way affect the status or salary of the manager or, for that matter, any other member of the staff. Furthermore, there is no reflection on the present manager who has the full confidence of the Government.

The second objective of the Bill concerns the payment of unclaimed refunds into the Consolidated Revenue Fund. These refunds arise from bets placed on horses which are scratched or do not run

because of the abandonment or postponement of a race meeting. A number of these refunds are not claimed.

Currently the principal Act provides for unclaimed dividends to be paid into the Consolidated Revenue Fund, whereas unclaimed refunds are left to form part of the board's funds and are available for distribution to racing and trotting bodies.

It is normal for unclaimed moneys of various kinds, such as moneys held in bank accounts or by other organisations for which no owner can be located, to be paid to the Treasury. Unclaimed dividends, which are, of course, really unclaimed moneys, are treated in this way, but for some reason unknown to me unclaimed refunds arising from the board's operations are not so treated and this could be described as anomalous.

The provisions in the Bill concerning refunds are designed merely to bring the treatment of unclaimed refunds into line with the normal method of dealing with unclaimed moneys. It is estimated this change will yield an additional \$25,000 to the Consolidated Revenue Fund in the current financial year and produce an additional \$45,000 in a full year.

The Hon. A. F. Griffith: You have half the money back already.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

MARRIED PERSONS AND CHILDREN (SUMMARY RELIEF) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th November.

THE HON. I. G. MEDCALF (Metropolitan) (9.59 p.m.): This is a fairly lengthy Bill which effects a number of alterations to the law in relation to married persons. It is, in effect, an amendment to the law regarding married persons, but it constitutes a proposed new Act. It provides quite a lot of relief for married persons, both husbands and wives. It is not specifically designed to favour either husband or wife; it is, in fact, designed to provide relief which has been wanting or lacking in the law for some time.

I might say that the subject matter of the Bill has been mentioned in this House on a number of occasions, particularly by Mr. Ron Thompson, who seems to have taken up the cudgels on behalf of both wives and husbands on separate occasions.

When I first came into the House he was espousing the cause of wives, and on the last occasion I heard him he was putting forward the cause of husbands.

This Bill does attempt to rectify some of the ills which beset both husbands and wives in connection with their matrimonial difficulties. The protection given by the Bill, however, is of an interim nature only. As the Minister indicated in his second reading speech it is really what we may call only a *pro tem* piece of legislation pending the outcome of a Senate inquiry into matrimonial laws. It is anticipated that in due course the Federal Senate committee will produce a full list of the matters and suggestions for rectification of the law which will undoubtedly have a bearing upon the matrimonial laws of this State. When this report is made it is quite likely that this State will pass legislation of a complementary nature so that to a certain extent there will be a uniformity of laws throughout Australia governing the relations of married persons. That is thoroughly desirable, particularly in these days when people move from State to State with great rapidity and in one State cases are heard affecting the spouse who resides in another State, which often also affects the welfare and maintenance of children.

The Bill contains some quite revolutionary provisions as the Minister has already indicated. The first one to which I would like to refer is the provision that maintenance payments in future shall be made to a court. In the past matrimonial squabbles were regarded as being purely civil matters between a husband and wife in which the magistrate or judge held the scale, we might say, and adjudicated between them. However, the collection of maintenance or the enforcement of maintenance orders was clearly a matter for the parties themselves and if a wife wished to enforce an order she had to take proceedings herself and collect the money herself.

Under the Bill all maintenance payments will be made to the court. It will no longer be possible for maintenance payments to be made direct. It will be a condition of all maintenance orders made by the Married Women's Court that payments be made to the court officer specified or the court specified in the order, and not direct to the parties or their solicitors or to any private quarter.

The object of this is to avoid problems in assessing how much maintenance has been paid when there is an argument about the collection of payments or when it is a question of imprisonment of a spouse for failure to pay. This, of course, is an area of frequent disagreement between husband and wife. The husband is no longer able to pay and he is committed to prison for failure to pay a maintenance order. It is sometimes quite difficult to ascertain whether or not he is up to date. This provision will avoid that problem. It will also overcome the position when a husband claims he is no longer liable for the maintenance of one of his children who has

attained the age of 16 years. Under this provision the court will automatically know when the payment should cease and will be able to make the adjustment with the party who is liable to pay.

Therefore this rather revolutionary provision will probably be beneficial, although I think it has been criticised by the Law Society on the ground that it extends the inquisitorial nature of the court's function into an area formerly reserved for the parties themselves.

Clause 6 (b) provides an extension of the matters which the court can take into account in making a maintenance order. In addition to the matters of which the court previously took cognisance, henceforth it will be able to examine the standards of living of the parties prior to the hearing; the ability of the parties—that is, both parties—to provide for themselves and one another; the potential earning capacity of the parties and their means to pay maintenance; and the responsibility which one of the parties—husband or wife—might have for the maintenance of any other person who is being supported.

This is an unusual requirement on which I shall pause. Hitherto no-one has bothered much about any other person whom a party to the marriage might be required to look after, but this provision seems to include a *de facto* wife and perhaps children by other unions. This will mean that a husband can presumably claim as a reason for having his maintenance to his wife fixed at a lower level the fact that he has a *de facto* wife or perhaps illegitimate children somewhere whom he is required to maintain. So this is quite an unusual provision and is one of the factors the court can now take into account.

Another factor is the ability of either of the parties to increase his or her earning capacity if he or she is assisted in a course of training or in the establishment of a business. The Bill does not state who will provide the assistance, but it is interesting to contemplate that the magistrate will now take into account that if some assistance is provided the earning capacity may be increased thereby increasing the maintenance payments.

The duration of a marriage and the extent to which it has affected the potential earning capacity is another factor; and any other circumstances the court thinks relevant. So the court has an open charter to bring in any other matters it considers it should study when fixing the amount of maintenance.

Proposed new subsection (3b) of section 11 contains another important provision in that the wrongful conduct of one of the parties shall not disentitle that party, if that party is unable to provide for himself or herself. Normally, in former times, if a person committed a matrimonial offence that person disentitled himself or herself to

maintenance, but under the Bill the wrongful conduct of such a person will no longer disentitle him or her provided he or she has no means to provide for his or her necessities.

The Bill contains some important advances as well as some important provisions which will result in quite a substantial measure of relief for married persons whose marriages fall on evil times.

Clause 7 introduces a new principle; that is, what is to be known as a non-molestation order. A frequent cause of trouble is when a husband or wife molests a spouse by harassment, constant telephoning, or interfering by hanging around the house. Sometimes a spouse will look through the window at meal times and that sort of thing. The court will have power to prevent this by issuing a non-molestation order. If the party against whom the order is issued does not carry it out, then that party will be held in contempt of court and may face a term of imprisonment.

Here again the court is taking a very close interest in the affairs of the married couple and this is a distinct departure from the former situation. It is of course an easy thing to talk about a non-molestation order, but sometimes it is difficult for such an order to be invoked. If a married person is intent on hanging around the spouse there seems to be very little a court can do about it, but at least the court will now have the right to take some action and to attempt to rectify the situation.

When emotional factors are involved, as they are frequently in cases like this, it is often almost impossible to stop a person who is so affected molesting his or her spouse.

Clause 14 provides another new remedy which is that other persons—not only the husband or wife—may apply for a variation of a maintenance order or for its discharge. In future this will apply to any person having the custody of children and includes grandparents and others entitled to custody and even the Director of Community Welfare in respect of illegitimate children.

Clause 17 provides for an order for disclosure of assets and liabilities and the total receipts involved in the previous 12 months. Here again is an example of what the Law Society refers to as the inquisitorial nature of the new powers of the court. It can force disclosure of assets and income and if there is any failure to disclose this information the court can imprison the person concerned for contempt of court.

Clause 19 contains a completely new departure and has caused quite a lot of flutter, we might say, in legal circles. It provides for the registration of mainten-

ance agreements which have always been regarded as a private matter entirely outside the jurisdiction of the court. Sometimes they are referred to as separation agreements, and I notice the Minister referred to them as deeds of separation. However, a distinct difference exists between a deed of separation and a maintenance agreement. The latter simply refers to a private arrangement made between the spouses that a certain amount of money will be paid to a wife or for a particular child; and a separation agreement sometimes involves maintenance, but frequently involves only the fact that the parties will remain physically separated. It does not always involve maintenance.

In fact the separation agreement frequently simply provides that the parties will live apart because they are emotionally, or for some other reason, unsuited to live together. Sometimes the woman has separate means and does not require any maintenance. She is only too happy to get the separation agreement and does not ask for maintenance.

We are not dealing with deeds of separation, but with maintenance orders which in future—and here is the departure under the Bill—will be registered in the Married Women's Court. There is also provision that any variation of those agreements may also be registered, but as I read it this simply is permissive rather than mandatory; in other words, the parties may register the agreement, but I do not think they must.

However, if they do register the agreement and any variations of the maintenance agreement, the court will enforce the maintenance agreement. The court will enforce it in exactly the same way as it enforces a maintenance order of the court; that is, by taking proceedings where necessary, by making the appropriate calculations of maintenance, and by issuing certificates for the maintenance which has or has not been paid. This is referred to on pages 14 and 15 of the Bill. It is quite important to realise what is included in the term "maintenance agreement." I will not go into it in further detail but, as I have said, it is set out on pages 14 and 15 of the Bill in clause 19. This clause sets out the exact types of agreements which are to be included in the definition.

The court may also set aside a maintenance agreement if it is satisfied that the agreement is no longer in force. A registered maintenance agreement will be binding on the parties in exactly the same way as a court order. This is a completely new departure. Any provision in a maintenance order that it shall not be registered is void as against public policy so that any party may register a maintenance agreement even if the agreement provides that it shall not, in any circumstances, be registered. The only person against whom

a maintenance agreement cannot be enforced if a deceased spouse. Consequently, there is some final release for the unhappy husband.

Clause 21 is an important proviso, the contents of which will, I think, endear themselves to many husbands and perhaps to some wives. This clause provides that maintenance may be suspended if access to the children is denied.

I well recall, as will Mr. Ron Thompson, I am sure, having a conference with members of a group of husbands. I cannot think of the official title of the group, but the husbands belonged to an association. They came to Parliament one evening and discussed with Mr. Ron Thompson and me the question of the denial of access to their children. At the same time as they were being denied this access, their wives were taking action against them to have them imprisoned for not paying maintenance.

This provision is an important one, because it will mean that, if a wife or husband denies the other party access to the children when that access is permitted by law under an order or agreement, the other party does not have to pay maintenance. The court can relieve the other party of the obligation to pay maintenance.

The Hon. L. A. Logan: Men's lib instead of women's lib!

The Hon. I. G. MEDCALF: Yes, it is just as well Miss Elliott is not present tonight, or she would be up in arms. This is a salutary provision and it will rectify a situation which, on a moment's reflection, we would all agree is most unjust. It is unjust that a person who is entitled to legal access to his children is denied that access whilst, at the same time, he is not only required to pay maintenance but may be imprisoned for nonpayment.

A complementary provision also gives some protection in respect of imprisonment. No longer will a person be cast into gaol without the opportunity to have the imprisonment order suspended. The Bill provides that, before a person is imprisoned, he may take action and the court may suspend the order for his imprisonment under certain circumstances.

Clause 23 lays down the scale of imprisonment for maintenance. It is interesting to see the value placed on imprisonment in terms of dollars. One day's imprisonment is equivalent to \$5 maintenance. In addition, the maximum period of imprisonment is to be three months.

As I have mentioned, provision is made for the court not to commit a person to prison if the court is satisfied that the defendant has not had, or does not have, the means or ability to pay. This is a very salutary departure. When all is said and done, if the court is satisfied that a person cannot pay and does not have the means to pay, no matter what has happened

beforehand, it is not just that the person be committed to prison purely for failure to pay maintenance. I am not talking of cases of assault or molestation, but purely of failure to pay maintenance. This is set out on page 26 of the Bill in proposed new section 31E.

The Hon. L. A. Logan: In those cases the wife would be on social services.

The Hon. I. G. MEDCALF: Yes, the wife would be eligible for Commonwealth and State assistance. On the question of imprisonment, it is interesting to note that the legislation provides that a person can go to gaol only once for the same nonpayment of a particular amount of maintenance. The situation has been that a person could be cast into gaol, be released, and promptly be cast back in again. This is another very salutary provision.

Under the legislation a person who goes to gaol will be able, if he recants, to pay the gaolkeeper and obtain his release. In other words, he can secure his discharge from the gaolkeeper by paying the maintenance even once he is in gaol. I suppose the person could either take the money with him or ask a friend to bring it along.

One important factor is that such person does not expiate his liability for maintenance by going to gaol. The liability still remains. It is not like a fine which is exiated by a prison sentence. In this case the person's liability for maintenance will continue after he has served the sentence.

The balance of the provisions are mainly procedural. I would like to say that, generally speaking, I think the legislation is good. It will introduce some salutary reforms although, as I have said, parts of it are inquisitorial in that it provides for maintenance payments to be made to an officer of the court; in that it gives the court the necessary power to enforce them; in that it provides for the registration of maintenance agreements; in that it extends the existing powers of the court to force disclosure of assets; and in that it provides for punishment for contempt of court by imprisonment.

Nevertheless, I believe the legislation will work salutary reforms for the benefit of both husbands and wives. This will be particularly so in the case of husbands so far as it concerns the questions of arrest, access to children, and suspension of maintenance payments while access is denied.

I consider we can be reasonably satisfied with the Bill and must now await the result of the Senate inquiry. We should regard this as an interim measure which will work a number of reforms of a beneficial nature pending the production of the Senate Committee report. With those words, I support the Bill.

THE HON. R. THOMPSON (South Metropolitan) [10.24 p.m.]: I consider Mr. Medcalf has given an honest and complete summary of the Bill. I could not find fault with his explanation of the various clauses. He, like myself, would have a number of case histories on almost every phase of situations which have existed. We all know why these amendments are so necessary.

It could be said that the Bill has been brought down mainly through the astuteness of the Attorney-General. He brought together officers of the court, the Crown Law Department, and representatives of the Law Society, as was explained by the Minister in his second reading speech. I think this is an admirable approach inasmuch as these are the people who must face all the many problems which arise each week in the courts.

I do not think that we, as legislators, could ever find ourselves in the position of bringing down legislation to meet every situation. This would be impossible because, when dealing with human beings, one deals with human problems and each problem is a little different from the next.

An honest approach has been made in this legislation and I am sure its contents will be appreciated by the people who will, in the main, most benefit from it. Mr. Medcalf explained clause 6(a) in some detail. This provision is most necessary. Maintenance payments must be made to an officer of the court.

Sometimes in the past people have entered into private arrangements and payments have been made either direct to the spouse or through a solicitor. On some occasions an individual has failed to pay the solicitor and has either paid the court or paid direct to the spouse. Although the money has been paid, through sheer vindictiveness a person has been taken to the lockup. I have a case history in my office of a person who on three occasions—each time on a Saturday afternoon—was arrested and taken to the lockup. This was sheer vindictiveness on the part of the spouse.

Some people may think the provisions of the Bill are a little inquisitorial, but at least it will put the law on its right footing; in other words, a person cannot be taken to gaol and held to ransom to pay a sum of money which has already been paid. I consider this is a very good provision.

There is only one other point on which I would like to comment. I consider this is a most important aspect of the Bill. Previously when parties entered into an agreement of separation that agreement stood. Probably it did not have much effect on people with means. However, persons in the lower income bracket often went to a solicitor and entered into a deed of separation. In many cases the maintenance

payments would break down. In consequence of the arrangement being made privately the only relief which could be given was through the then child welfare department which is now part of the Department of Community Welfare. This ruled out for all time the possibility of the spouse being able to receive social services or a widow's pension. The Federal Social Services Act states that a wife who has been deserted for six months is entitled to apply for a widow's pension. However, if the deed of agreement was made by private arrangement, a deserted wife could not obtain this assistance because she did not have a court order. It meant that a deserted wife would have to take proceedings through the court and wait another six months before qualifying for a widow's pension.

The provision is a good one inasmuch as it will take from the State a good deal of liability. In the future, deserted wives, in the main, and children will be able to receive Commonwealth benefits under the Social Services Act instead of the Department for Community Welfare having to pay.

I commend the Bill to the House. As the Leader of the House and Mr. Medcalf have said, this is an interim measure. I know that the Senate Select Committee on matrimonial causes intends to bring down an interim report in the very near future on one matter only. However, in all probability it will be another two or three years before we can hope to see the family court system in Australia with the one provision for divorce—irretrievable breakdown of marriage. It is hoped that the court system will be set up as it is in England and West Germany and that it will undertake the other functions necessary with matrimonial causes.

With those remarks I support the Bill. I hope and trust that the provisions will work as satisfactorily as we think they will. It may become necessary to bring amendments to the House in the light of the actual working of the provisions in the courts. The Law Society and the courts may discover some shortcomings in the measure.

THE HON. D. J. WORDSWORTH (South) [10.31 p.m.]: I wish to speak briefly on the machinery involved in this legislation. Mr. Medcalf went through the Bill point by point, and discussed the legal implications. Like most members I have often handled cases on behalf of constituents. At these times I have become involved in correspondence with the Collector of Maintenance and the Summary Relief Court. Mr. Medcalf stated that it is often difficult for a court to ascertain what payments have been made. I have found it is probably even more difficult for those involved to obtain this information. These people do not have the court's authority to demand information.

In my small experience, I have found that the Summary Relief Court does not have the necessary machinery at this stage to take over the collection and distribution of maintenance.

The Hon. R. Thompson: It is not going to take it over. The Bill doesn't provide for that.

The Hon. D. J. WORDSWORTH: My experience shows the court is not able to handle the cases it controls at the moment. I feel I should draw attention to this as there is room for a lot of improvement.

I would also like to refer to the accountants, as it certainly seems that they have difficulty in keeping a record of the payments made and the methods of payment. This failure to keep adequate records causes considerable anxiety to the people concerned. One case I dealt with concerned an interstate court order and it clearly illustrated that additional difficulties arose when more than one State was concerned.

In this particular case, the former wife of a man who sought my help suffered considerable financial embarrassment because she did not receive payments. His present wife suffered mental anxiety and abuse because of the non-payment in spite of the fact that payments were made to the court, but were allocated to back payments. There was the added uncertainty that the husband might be thrown in gaol for non-payment. I became involved in a great deal of correspondence in order to ascertain the exact facts. The people concerned gave me all receipts and facts and as far as I could make out, the man was \$2 behind in payments. However, on the bottom of the letter to him from the Collector of Maintenance in Western Australia are words to the effect that he must arrange to bring his account up to date, failing which the collector would have no option but to enforce proceedings. As members know, this could result in a gaol sentence.

There is great need for some accountancy reform in handling these cases. I thought my inquiry would have resulted in a form showing receipt numbers, the date on which money was received, the account to which the money had been debited, the current amount owing, and the court order under which payments had been made. I found out there could be a number of court orders. When a person makes a payment, the collector may apply it to one debt one week and to another debt the next week. It is very difficult indeed for the people concerned to ascertain their debt structure when in arrears.

I also found that court orders could be taken out for different days of the week. The first court order may commence on a Monday, and another court order at a later stage may commence on a Thursday. These court orders are never amalgamated and this adds to the confusion.

I suggest consideration should be given to providing a proper accountancy procedure in maintenance orders. A statement should be issued to those concerned every six months so that they know where they stand.

People in country districts have to deal with the collector through letters. For example, a person living in Esperance—450 miles away—finds it impossible to have verbal contact with the officers of the court. Some provision must be made for better accountancy and communication with these people.

On the other hand, if we take the case of a deserted wife—and she may have children to support—who has not been paid her maintenance, we find it will take her some time to set the machinery in motion to obtain Government relief, either State or Federal. Some provision should be made whereby those who are expecting payment, and particularly women and children, could be guaranteed payment by the Government on a weekly or fortnightly basis. I simply wished to draw the attention of the House to this matter, and I hope the Government will consider ways and means to improve the accountancy system.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [10.39 p.m.]: I thank the members who have spoken to this Bill, and particularly Mr. Medcalf for his detailed resume.

I have quickly scanned through this legislation in regard to the point raised by Mr. Wordsworth, and I see that there is no reference to the accounting side of maintenance proceedings. However, I feel the Bill makes very great strides in the relief to be obtained by married persons with regard to their problems.

Reference was made to the Senate Committee which is at present sitting, and the fact that this legislation is considered to be interim legislation pending the committee's final report. The committee may take cognisance of the point raised by Mr. Wordsworth in its total summation of the whole problem. It certainly is irritating, to say the least, to find that one cannot obtain up-to-date figures of maintenance payments or ensure quick transit of payments from one person to another.

I was interested in the fact that the legislation seems to have brought together those most concerned with this particular problem. It is as a result of conferences between officers of the court, the Crown Law Department, and representatives of the Law Society, that this legislation is before us, and particularly the reference to the ultimate aim to set up family courts. Over the years difficulties and problems have occurred in connection with the

maintenance situation of people who have suffered estranged marriages. The desire of parties to have access to their children is indeed a current problem. The present legislation will endeavour to take care of these situations quite apart from containing many other proposals. I thank members for their support of the Bill and commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. R. F. Claughton) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 to 14 put and passed.

Clause 15: Section 22 amended—

The Hon. W. F. WILLESEE: I do not quite know the point of this, but in my copy my attention has been drawn to subsection (1) (d). I have a notation "line 19" and I wonder if the clerks have any knowledge as to why the paragraph is marked in this way.

The Hon. R. Thompson: That would refer to the principal Act.

The Hon. W. F. WILLESEE: I have the Act in front of me now. The figure 19 is in the principal Act and it should be 19 in the Bill.

The DEPUTY CHAIRMAN (The Hon. R. F. Claughton): I will leave that for the Clerk to adjust.

The Hon. W. F. WILLESEE: Yes; I merely wished to draw attention to it.

Clause put and passed.

Clauses 16 to 38 put and passed.

Title—

The Hon. D. J. WORDSWORTH: For the sake of the record I would like to point out to Mr. Ron Thompson that if he reads the Minister's second reading speech he will realise what is contained in clause 6.

The Hon. R. Thompson: But it refers to the clerk of courts; there is no clerk of courts in the Summary Relief Court.

The Hon. D. J. WORDSWORTH: The Summary Relief Court is responsible for the keeping of the records.

The Hon. R. Thompson: No.

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.

IRON ORE (McCAMEY'S MONSTER) AGREEMENT AUTHORIZATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. W. F. Willesee (Leader of the House), read a first time.

NOISE ABATEMENT BILL

Second Reading

Debate resumed from the 9th November.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [10.52 p.m.]: I wish to thank Messrs. MacKinnon, Abbey, Dans, Berry, Clive Griffiths, Leeson, Wordsworth, and Withers for their contributions to the debate on this Bill. Most members signified their support of the measure and some, by implication, said they would support any provision relating to industrial deafness that was incorporated in the Workers' Compensation Act Amendment Bill.

As a means of pollution, noise has increased over the years progressively since the industrial revolution in England, and the more sophisticated the machinery the more noise it seems to make. I do not agree with Mr. MacKinnon that not much is known about noise. Noise has been known ever since 1950 and thousands of books and references have been written on this subject. Many people are skilled in the detection and the measuring of noise. We can draw on experiences throughout the world. The Monash University in the Eastern States is specialising in this subject and it has produced many prominent men who are specialists in this field. Several of them are in this State now.

In Perth we have an expert committee working in the field of noise. I think it has met on 12 occasions. Two of the members of this committee are members of the Australian Standards Association. At present they are working around Perth recording noise levels and gaining a great deal of knowledge on this subject. Mr. Dans said that the investigation of noise should be carried out by a panel of experts. I could not agree more, because these men are spending a great deal of time in this field. I take issue with him on one aspect that he raised; namely, the cost of the machinery used to record noise. Equipment used for this purpose costs between \$350 and \$500 and will carry out the work very well.

I envisage that inspectors will be fully trained to record noise measurement with noise level meters, and if they are in doubt they will refer to the more sophisticated equipment that will be kept in the Public Health Department. After all is said and done we could compare them with health inspectors. They take samples of food, milk, and water but they do not analyse all these samples.

The Hon. G. C. MacKinnon: It would be interesting to see inspectors taking a sample of noise in a bottle.

The Hon. R. H. C. STUBBS: The analogy I am drawing is that if we have an officer measuring noise he can refer the measurement taken to the Public Health Department in the same way as a health surveyor relies on the Public Health Department when he takes his samples. The department is a backstop.

The Hon. R. F. Cloughton: The actual reading taken becomes the sample that is referred to the Health Department.

The Hon. R. H. C. STUBBS: That is right. If the reading is disputed they can refer back to the Public Health Department which has more sophisticated equipment and draw on its knowledge and know-how.

As I have said, Mr. Berry indicated his support of the Bill. He said that noise is something that we are not greatly aware of in these times. Many people are not aware of it. Perhaps we, as members of Parliament, should be more aware of it, but because noise is fairly nebulous, we do not do much about it. I would like to know a great deal more about it because I am interested in the subject. However it is a highly technical field. The World Health Organisation has published a book on noise pollution. It has 350 references to works by other people. We must be proud of the fact that Australia is one country that has contributed to this book entitled, *Noise—An Occupational Hazard and Public Nuisance*, by Alan Bell. Mr. Alan Bell is the "Director, Division of Occupational Health, New South Wales Department of Public Health, Sydney, Australia, and Member of WHO Expert Advisory Panel on Occupational Health."

So it can be seen that we certainly have some know-how in Australia about noise. In this book Mr. Bell deals with—

- Anatomy, physiology and pathology
- Effects of noise on hearing, communication and behaviour
- Hearing impairment in the general population; occupational deafness
- Hearing—conservation programmes
- Measurement and engineering control of noise
- Personal protection devices
- Audiometry
- Assessment of disability
- Damage—risk criteria
- Legislative control of noise, and compensation for noise-induced hearing loss
- Community noise.

On page 13 he makes the following point:—

Industrialists must learn to place noise control in the same category as,

for example, the control of toxic fumes and machine-guarding, if only because this is good business in terms of health, accident prevention and industrial relations.

Workers are entitled to be protected against loss of hearing as much as they are against injury and other occupational diseases. It is important to educate industrial managements and staff, as well as the general public, to regard noise as a possible cause of hearing impairment as well as a distressing nuisance. That public opinion is awakening in some countries is attested by conferences at various levels, of which those originating within industry are particularly valuable. An increasing number of papers on the problem are read at national safety conferences.

Mr. Berry described industrial deafness very well. This is a peculiar form of deafness. A person suffering from this complaint can hear conversation with a person close by, but if another person comes up and there is background noise the words are drowned out. Furthermore, certain words cannot be heard. If the sufferer is in the company of others, or is in a hotel where there is a background buzz, he cannot hear. This is a very distressing and very embarrassing complaint. I know, because I happen to suffer from industrial deafness through working for many years on machines in the mines. That is the reason that audiometry is essential in industry. This is required to check the hearing of persons when they first commence work, and each year thereafter.

I have some literature which I brought back from Canada relating to audiometry tests. The first relates to a test on the left ear ranging from 500 to 8,000 cycles per second. On the right ear the same test is taken; this is a pre-employment audiometry test. There is a blank space on the card for each following year to record the results of further tests. By that means it is possible to trace any defect in a person's hearing. This practice benefits both industry and the employees, and it is something like the chest X-ray tests which are undertaken by miners here to detect any deterioration in their lungs.

Workers are encouraged to wear ear muffs and ear plugs. Mr. Berry questioned the effect of noise on the wellbeing of people. In this respect I refer to a publication entitled "Noise Final Report" in which the following appears:—

There are many definitions of health, but here perhaps the most appropriate is that used by the World Health Organisation:—

Health is a state of complete physical, mental and social wellbeing, and not merely an absence of disease and infirmity.

For the most part, people's well-being is diminished by noise, so in this sense of the term there is no doubt that noise affects health.

This publication contains a wealth of information dealing with the subject of impaired hearing.

The important aspect as far as community noise is concerned is that under the Bill people will be provided with a means through which to make complaints with the object of abating the nuisance. Now, there is no channel available, because local authority has no jurisdiction in this matter. If the people go to the police to lodge complaints they find the police have no jurisdiction either. No action can be taken other than through the civil courts.

Under the terms of this legislation we envisage that when complaints are made inspectors will visit the premises concerned, and use meters to take readings of noise levels. This is similar to the work that is done by the health surveyors, who in the performance of their duty seek and obtain co-operation. They do not merely rush in and prosecute people.

I have before me an illustration of a noise level meter that the health surveyors probably will use. It is a pretty cheap instrument and it is designed on decibel A, the scale which is most suitable for the human ear.

Under the regulations to be made certain criteria will be established, just as is done in many parts of the world, in relation to both community and industrial noise, as this source of pollution is becoming more known to people.

Point of Order

The Hon. G. C. MacKINNON: On a point of order, I wonder whether you, Mr. President, can advise me if this speech of the Minister is in order, because he is replying to the debate. This would appear to be a speech made in the introduction of the second reading, rather than in a reply to the debate.

The PRESIDENT: I agree with the view of Mr. MacKinnon. The Chief Secretary seems to be continuing with his second reading introductory speech, instead of answering the points which have been raised by members.

The Hon. R. H. C. STUBBS: With respect, I would point out that certain questions were asked of me in the debate and I am trying to answer them. They are of a highly technical nature, and there is only one way to answer them. I will not be able to answer them adequately if I am not allowed to answer them in the way I am doing. I have been criticised in the House for not giving information, and if on this occasion members want it that way they can have it.

The PRESIDENT: I would point out to the Chief Secretary that if he continues in this manner he will be quoting from the whole book or books, and he will still be answering the points raised in debate. I suggest that he quotes from here and there to reply to the points.

The Hon. R. H. C. STUBBS: I am afraid that will be very difficult. What I am doing is dealing with the points raised by various members. For instance, Mr. Berry said we do not know much about noise, but I would point out that this subject is well known.

Debate Resumed

The Hon. R. H. C. STUBBS: Mr. Clive Griffiths said that the only course available to the people is through civil action, and he is quite right. The Acts which deal with noise are the Factories and Shops Act and the Local Government Act, but these are pretty toothless pieces of legislation. There is nothing much that people can do, because these Acts have nothing to back them up. Noise levels will have to be established to determine what is noise. Now, legally there is nothing to show what noise level constitutes an offence.

Mr. Leeson spoke about the position on the goldfields, and he dealt with the deafness of miners. I support his comments, because 95 per cent. of the people in the town he mentioned are miners.

Mr. Wordsworth supported the Bill, but said he did not want this to become a witch hunt. I can assure him we are not out on a witch hunt; we are attempting to do something to alleviate the present situation. I would point out to the honourable member that many people in his electorate are interested in the subject of noise. I have received many letters from farmers in the Grass Patch area, who are very interested in tractor noise and that caused by exhaust and transmission systems.

I am afraid that I will have to refer to my references briefly to show that noise can be abated. This can be done by masking the machinery. A book which is published in Canada gives the noise criteria of every type of machinery. It mentions the dangerous level and the safe level, and it also sets out the regulations. I am afraid, Mr. President, that you will not permit me to tell the House about that.

I have also before me several publications containing technical data which tell people how to reduce noise, and how to bring about noise reduction in pneumatic tools. I have seen these tools in use in Canada in the underground mines. A person can be working next to a piece of machinery and feel quite comfortable. This machinery is encased in a muffler of insulating material, and the hose runs behind the operator in the drive so that the noise does not make an impact on the ears of

the operator. I have here a pamphlet showing the type of muffler that covers the machinery.

The Hon. L. A. Logan: How do they get on with rock drills?

The Hon. R. H. C. STUBBS: These are the mufflers that are used to mask the rock drills, so as to reduce the noise. Little is known of noise.

The Hon. G. C. MacKinnon: Will you repeat that?

The Hon. R. H. C. STUBBS: Little is known of noise.

The Hon. G. C. MacKinnon: A few minutes ago you said a lot was known about noise.

The Hon. R. H. C. STUBBS: Little is known about the measurement of noise. The honourable member said noise was measured geometrically.

The Hon. G. C. MacKinnon: I meant measured in decibels, and the measurement is squared all the way up.

The Hon. R. H. C. STUBBS: It is done with the use of logarithms.

The Hon. G. C. MacKinnon: I stand to be corrected, but will you explain that?

The Hon. R. H. C. STUBBS: It is worked out in logs of 10, and an interval of 10 means the doubling of a sound. An increase in the reading from 80 to 90 decibels gives an interval of 10, and this means doubling the level of the sound.

The Hon. G. C. MacKinnon: That is what I meant.

The Hon. R. H. C. STUBBS: I knew the honourable member meant that, but he used the word "geometrically."

The Hon. A. F. Griffith: Can you convert that reckoning into the decimal system?

The Hon. R. H. C. STUBBS: Noise increases twofold with an increase of 10 decibels, and similarly noise decreases to half of its level with a reduction of 10 decibels in the reading. Some people do not seem to realise this. When one refers to the reduction of the noise level of a piece of machinery by a certain number of decibels it may not sound much, but in fact it could mean a reduction of 50 per cent. with a reduction of 10 decibels.

The noise level of machinery can also be reduced. To give an illustration I refer to what a large Canadian company did. It ordered the suppliers of certain machinery to reduce the noise level, but the suppliers said that the noise could not be abated. The company then said it would obtain the machinery from some other source. However, within six months the suppliers were back with new equipment the noise level of which was reduced considerably. For that reason the company began to buy its machinery from those suppliers again.

The same Canadian company is very keen to reduce noise and conserve hearing. It has educational films which it shows to the workers. It is mandatory for the workers to wear ear muffs and if they are found not wearing them, on more than two occasions, they are put off the job.

Industry and labour will have to work together in an attempt to abate noise.

The Hon. G. C. MacKinnon: I am glad the Minister agrees with me. That is the purport of a lot of my remarks.

The Hon. R. H. C. STUBBS: I am sure that labour and industry will work together because both sides are aware of the effects of noise.

When legislation has been introduced overseas a period of 12 months has elapsed before it has been put into effect. In the meantime the workers and the manufacturers of machinery were contacted and the problems were sorted out. At the end of the 12 months' period everyone was geared to the new legislation.

The Hon. A. F. Griffith: Does the Government propose to follow that example?

The Hon. R. H. C. STUBBS: Yes.

The Hon. A. F. Griffith: It will not proclaim the legislation for 12 months?

The Hon. R. H. C. STUBBS: As far as I am concerned, I would like to see a period of 12 months.

The Hon. G. C. MacKinnon: That is the first time we have heard that remark.

The Hon. R. H. C. STUBBS: I am not in charge of the legislation.

The Hon. G. C. MacKinnon: You are, in this House.

The Hon. R. H. C. STUBBS: Yes, I am in this House. I would like to see a period of 12 months before the legislation is proclaimed.

The Hon. A. F. Griffith: I think the Minister has made a good suggestion.

The Hon. R. H. C. STUBBS: I think a period of 12 months will allow everyone an opportunity to get adjusted.

The Hon. G. C. MacKinnon: My only worry is that this is the first time we have heard those remarks.

The Hon. A. F. Griffith: I think it might be a good idea if the Bill read that way.

The Hon. R. H. C. STUBBS: As we go through the Bill, it might read that way. Getting back to the problem of noise, the measurement is by decibels. One bel equals 10 decibels. The measurement increases on a ratio basis, and 100 bels equal 20 decibels. One thousand bels equal 30 decibels. It can be seen that it is a pretty complicated way of measuring noise, and that is why it has to be left to experts.

I really hope that all members will support the Bill and allow its provisions to be tried. Our workers should be given

an opportunity to enjoy the benefit of noise abatement. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

House adjourned at 11.19 p.m.

Legislative Assembly

Tuesday, the 14th November, 1972

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

LOAN BILL

Introduction and First Reading

Bill introduced, on motion by Mr. J. T. Tonkin (Treasurer), and read a first time.

Second Reading

MR. J. T. TONKIN (Melville—Treasurer) [4.33 p.m.]: I move—

That the Bill be now read a second time.

A measure of this kind is introduced each year to authorise the raising of loans to provide finance for the works and services detailed in the Estimates of expenditure from the General Loan Fund.

As I have already outlined the capital works programme for the current year when speaking to the Appropriation Bill (General Loan Fund) I propose to confine my remarks to certain aspects of loan raisings.

The public borrowings of the Commonwealth and each State are co-ordinated by the Australian Loan Council which is constituted under the 1927 Financial Agreement between the Commonwealth and States.

The Loan Council determines the annual borrowing programmes of the Commonwealth and the States, together with the terms and conditions under which loans are to be raised.

Subject to the decisions of the Loan Council, the Commonwealth arranges new borrowings, conversion, renewals, redemption of existing loans, and the consolidation of the public debts of the Commonwealth and State Governments.

The Loan Council also determines the aggregate semi-governmental borrowing programme under what is known as the "Gentlemen's Agreement" originally entered into in 1936. Individual loans raised by each of the authorities in this sector are subject to Loan Council approval.

Since 1962-63, the Loan Council has placed no overall limit on the programmes of authorities for which State Governments approve individual loan raisings of \$300,000 or less.

Members will no doubt recall that this amount was raised to \$400,000 at the meeting of the Loan Council which took place in June this year. This is a significant step forward and will benefit those local authorities that were finding it difficult to manage on a borrowing allocation of \$300,000.

As a number of Government instrumentalities are also included in this group, the decision to increase the individual allocation to \$400,000 will assist the capital works programme of the Government.

For the financial year 1971-72, the Loan Council approved a borrowing programme of \$672,900,000 for State works and housing projects which was financed from—

	\$
Cash loans in Australia	581,300,000
Special bonds in Australia	35,400,000
State domestic raisings	24,500,000
Commonwealth subscriptions to a special loan	31,700,000

In addition, the Commonwealth provided the States with an interest-free capital grant of \$219,100,000 which was financed from—

	\$
Cash loans in Australia	148,600,000
Overseas loans	26,200,000
Treasury notes and special bonds	44,300,000

At the June, 1972, meeting of the Loan Council, the total 1972-73 State works and housing borrowing programme was fixed at \$733,500,000. In addition, the Commonwealth agreed to provide \$248,500,000 by way of interest-free capital grants to finance nonproductive capital works, such as schools, hospitals, and police buildings. Western Australia's share of the borrowing programme is \$68,500,000 and we will receive an amount of \$23,200,000 as an interest-free capital grant. Details of the allocation of the grant are shown on pages 13 and 15 of the Loan Estimates.

The borrowing programme for semi-governmental and local authorities raising amounts in excess of \$400,000 was fixed at \$560,100,000, of which Western Australia was allocated \$32,800,000.

Authority is being sought by the Bill now under consideration to raise loans amounting to \$67,090,000 for the purposes listed in the schedule to the Bill.

I should point out that the new authority does not necessarily coincide with the estimated expenditure for that particular item during the current year.

Unused balances of previous authorisations have been taken into account and in the case of works of a continuing nature sufficient new borrowing authority has been provided to permit works to be carried on for a period of approximately six months after the close of the financial year.