

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 25 NOVEMBER 1976

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Mr. ACTING SPEAKER (Mr. W. D. Hewitt, Chatsworth) read prayers and took the chair at 11 a.m.

ACTING CHAIRMAN OF COMMITTEES

NOMINATION OF MR. W. A. M. GUNN

Mr. ACTING SPEAKER: Order! I have to inform the House that I nominate Mr. Gunn, Temporary Chairman, to act in the office of Chairman of Committees during the absence of Mr. Speaker.

COMMITTEE OF PRIVILEGES

RESIGNATION OF MR. J. W. HOUSTON

Mr. ACTING SPEAKER: Order! I have to inform the House that I have received from Mr. J. W. Houston his resignation as a member of the Select Committee of Privileges.

APPOINTMENT OF MR. E. MARGINSON

Mr. AHERN (Landsborough), by leave: I move—

“That Mr. Marginson be appointed a member of the Select Committee of Privileges to fill the vacancy caused by the resignation of Mr. Houston.”

Motion agreed to.

REPORT OF PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS

Mr. ACTING SPEAKER announced the receipt from the Parliamentary Commissioner for Administrative Investigations of his report for the year 1975-76.

Ordered to be printed.

PAPERS

The following papers were laid on the table, and ordered to be printed:—

Reports—

Department of Harbours and Marine, for the year 1975-76.

Department of Primary Industries, for the year 1975-76.

Queensland Radium Institute, for the year 1975-76.

James Cook University of North Queensland, for the year 1975.

The following papers were laid on the table:—

Orders in Council under—

Agricultural Bank (Loans) Act 1959–1974.

Milk Supply Act 1952–1972.

Stock Act 1915–1976.

Wheat Pool Act 1920–1972.

Regulations under—

Fruit and Vegetables Act 1947–1972.

Primary Producers' Organisation and Marketing Act 1926–1973.

Health Act 1937–1976.

Mental Health Act 1974.

Explosives Act 1952–1975.

Statutes under the University of Queensland Act 1965–1973.

Notification under The Soil Conservation Act of 1965.

QUESTIONS UPON NOTICE

1. RIGHT OF INDIVIDUAL TO PROSECUTE COMPANIES DAMAGING THE ENVIRONMENT

Mr. Dean, pursuant to notice, asked the Premier—

With reference to the intention of the New South Wales Government to introduce legislation that will enable individuals to prosecute companies damaging the environment, when does his Government propose to introduce similar progressive legislation?

Answer:—

It has been reported that the New South Wales Government proposes amending its clean water and clean air legislation to allow individuals to sue individuals, corporate bodies or Government agencies who allegedly contravene the provisions of those Acts. Queensland looked at this question as early as 1963 and decided that the responsibility for the protection of the environment, including the initiation of any prosecutions, must rest generally with the statutory authorities concerned and/or the responsible Minister. Of course, any aggrieved individuals will always have the right of recourse to civil action in relation to any specific issue.

2. SALES OF BEEF TO U.S.A.

Mr. Houston, pursuant to notice, asked the Premier—

As the President elect of the United States of America has said that he would exercise a tougher line on meat imports from Australia upon his election, to wit, total imports to be limited strictly to 7 per cent of the total meat consumption approved by Congress, what action has the

Premier and/or his Government taken on behalf of Queensland and our beef industry to change his views and improve Queensland's beef sales to the U.S. market?

Answer:—

I am aware of the uncertainty surrounding future United States policy on meat imports, but this uncertainty will not be finally resolved or clarified until after the President elect takes office in January next. Nevertheless, the honourable member may rest assured that the views of the Queensland and Australian Governments are well known to the American authorities. These views have been consistently put forward to the Americans, and every opportunity will be taken to ensure that Australian beef producers will continue to have access to this important market.

Here I must say that we must never forget the extent to which the primary producer suffered under the policies of the Whitlam A.L.P. Government, when petrol subsidies were abolished, when air subsidies were abolished and when postal services were severely curtailed, to mention but a few of the inflictions designed to bring country people to their knees. Nor must we ever forget that the honourable member belongs to the party—the Australian Labor Party—that wants to restrict the weight of the voice of country people in public affairs through a one vote, one value principle as interpreted by the members of the Opposition. When the honourable member appears to express concern for the plight of the primary producers, one cannot help, in view of the past application of his party's policies, being extremely suspicious of the sincerity of his alleged concern.

Mr. Marginson interjected.

Mr. ACTING SPEAKER: Order! The member for Wolston will cease constant interjection.

3. OVERSEAS TRIP OF MINISTER FOR JUSTICE AND ATTORNEY-GENERAL

Mr. Houston, pursuant to notice, asked the Minister for Justice and Attorney-General—

(1) What expertise does he have in the area of constitutional law?

(2) What was the estimated cost of his recent trip to Britain before he left and what approximate costs are involved?

(3) Is Professor O'Connell, whom he visited, due to visit Australia in the near future?

(4) If so, would it have been possible for him to save the money spent on this expensive political stunt by discussing the matter with Professor O'Connell when he is in Australia?

Answers:—

(1) The question by the honourable member, who was formerly Leader of the Opposition and is now Deputy Leader of the Opposition, has astonished me because I felt confident that he would be well aware of the procedures associated with the principles of ministerial responsibilities.

(2) I refer the honourable member to my answer to a question on this subject yesterday.

(3 and 4) The timing of any future visit of Professor O'Connell to Australia has no direct bearing on the subject matter of the consultations which took place in the United Kingdom. The decision to undertake my visit was made in consultation with the Honourable the Premier after having regard to the circumstances involved.

4. VISITS OF DEPUTY PREMIER AND
TREASURER TO RACE MEETINGS

Mr. Houston, pursuant to notice, asked the Deputy Premier and Treasurer—

Since he was appointed as Minister for Racing, on how many occasions has he attended (a) a gallopers race meeting, (b) a trotters race meeting and (c) a greyhound race meeting?

Answer:—

I would be interested to know whether the honourable member asked this question because he is supposed to be shadow Treasurer or because of the not inconsiderable pecuniary interest he has in one section of the racing industry. However, I do not believe that either interest entitles him to be given details about functions and meetings I attend in a private or an official capacity.

5. CRITERIA FOR DECLARING DISASTER
AREAS

Mr. Powell, pursuant to notice, asked the Minister for Community and Welfare Services and Minister for Sport—

With reference to the mini cyclone of 22 and 23 February and the tornado of 21 November which caused extensive damage to Bundaberg, what are the criteria for establishing an area a disaster area for the purposes of Government assistance?

Answer:—

This decision is not made by my department.

6. APPOINTMENT OF RANGER ON
FRASER ISLAND

Mr. Powell, pursuant to notice, asked the Minister for Lands, Forestry, National Parks and Wildlife Service—

As he has now inspected at first hand the management problems on Fraser Island, when will a ranger with powers to regulate camping be appointed?

Answer:—

That part of Fraser Island which is national park will be staffed as soon as funds are available and certainly during the next calendar year. Supervision of camping on the park will be part of the duties of the officer in charge. Meanwhile, permits to camp are available from the head office of the National Parks and Wildlife Service at 138 Albert Street, City.

The Forestry Department exercises control over all activities including camping on State forest areas on Fraser Island and has resident staff on the island for this purpose. It is hoped that additional finance may be made available to allow employment of further staff on Fraser Island, which will allow greater attention to be given to recreational matters generally.

In regard to official reports of unauthorised occupation of Crown land on the island, Lands Department action has resulted in several illegal structures being removed and action is continuing to have the balance of the structures similarly dealt with.

7. VALUATION OF LAND AT URANGAN
BOAT HARBOUR

Mr. Powell, pursuant to notice, asked the Minister for Survey and Valuation—

(1) Has the Department of Survey and Valuation been requested to value the land at the Urangan Boat Harbour and, if so, what is the valuation of the lots available for lease?

(2) Were the lessees informed of the valuation so that objections could be lodged?

Answers:—

(1) There has been no request for the Valuer-General to provide valuations for the seven lots which are being offered for lease by the Department of Harbours and Marine at the Urangan Boat Harbour. However, I understand that the Department of Lands has conducted valuations for rental purposes. The Valuer-General will be required to provide valuations for these lands as soon as they become rateable. These lands are not rateable until such time as leases have been executed. Once a lease is executed, the provisions of the Valuation of Land Act

1944-1975 require a notice of valuation to be issued to the lessee who is defined as "owner" under the Act. Such owner may object against the Valuer-General's notice of valuation within 60 days of date of issue if he or she so chooses.

(2) See answer to (1).

8. TENDERS FOR COAL FOR NEW POWER STATION

Mr. Gunn, pursuant to notice, asked the Minister for Mines and Energy—

(1) As two years ago the State Electricity Commission recommended the establishment of a thermal power station at Tarong, near Nanango, and as tenders have now been called for the supply of coal for the next major power station, when do the tenders close?

(2) When will the successful tenderer be announced?

(3) Will the recommendation of the State Electricity Commission be taken into consideration?

Answers:—

(1) 1 April 1977.

(2 and 3) Coal tenders have been called as part of an investigation by the State Electricity Commission and the generating authorities into the next major power station development. Those investigations may be completed by the end of 1977 at which time a report and recommendations will be made by the commission for consideration by the Government.

9. MARKET LICENCE FEE

Mr. Gygar, pursuant to notice, asked the Minister for Primary Industries—

In view of admissions made last year by the deputy chairman and the manager/secretary of the Market Trust that the market licence fee had generated far more income than had been anticipated and of the assurance of the manager/secretary in "The Courier-Mail" of 11 November 1975 that he was confident that the trust would give consideration to a reduction of the fee in November 1976, when will the Minister announce the amount of the new reduced fee?

Answer:—

It is true that the number of applications by buyers for licences to enter the Brisbane Market exceeded original expectations. However, in the light of increasing costs, increased charges in the form of rents, etc., had to be imposed by the Brisbane Market Trust on all tenants within the market for the year 1976-77. Rents were increased by 15 per cent. The Market Trust considered it would be unreasonable to increase charges for one section of the market users and reduce charges for

another section. Accordingly, the budget submitted for 1976-77 in accordance with the City of Brisbane Market Act does not provide for any reduction in the buyers' licence fee.

10. NAMING OF ROOMS AND BUILDINGS AT UNIVERSITY OF QUEENSLAND

Mr. Gygar, pursuant to notice, asked the Minister for Education and Cultural Activities—

(1) Is the awarding of honour names to rooms and buildings at the University of Queensland still a matter decided solely by the senate and its academic committee, as he informed this House on 14 April?

(2) If so, when did the senate and/or academic committee rename the J. D. Story Room as the E. G. Whitlam Room and in what way does Whitlam meet the vice-chancellor's stated precondition of having had a long personal connection with the University of Queensland?

(3) If the name change has not been approved by the senate and academic committee, why does the "University News", an official university publication, call the J. D. Story Room the E. G. Whitlam Room in an article in the 22 November edition?

(4) Will he ask the vice-chancellor to reaffirm his statement which the Minister reported to this House on 14 April and obtain the vice-chancellor's assurance that he will instruct all sections of the university, including the students' union, that it is the senate and not an arrogant and petulant radical student minority that decides the policies of the University of Queensland?

Answer:—

(1 to 4) I recall this matter being raised with me in April and I have confirmed today that the University of Queensland Union has indeed renamed the J. D. Story Room the E. G. Whitlam Room. This room is in the union complex and I have been advised by the acting vice-chancellor of the university that, although the senate determines the award of rooms and honour names in the university, the practice for many years past has been to allow the council of the university union to allot honour names to rooms in the union complex. I must say I cannot understand the mentality of those who would see fit to remove the name of a great and honoured Queenslander and one who contributed so much to the University of Queensland (the late J. D. Story) and replace it with that of a political figure who is not honoured in Queensland and never will be. I say this, even allowing for the political leanings of these people. I will pursue this matter further in the light of the university policy which was outlined to me in April when the question was first raised in the House.

QUESTIONS WITHOUT NOTICE

OPENING OF QUEENSLAND PARLIAMENT BY THE QUEEN

Mr. BYRNE: I ask the Premier: In view of the fact that Her Majesty Queen Elizabeth II is to visit Brisbane in early March of next year, will he give consideration to seeking the prorogation of Parliament to February to enable Her Majesty to open her Queensland Parliament on this most historic occasion?

Mr. BJELKE-PETERSEN: This question is quite an interesting one. This is a matter, of course, on which I would not be able to give a decision, because it is tied up with Her Majesty's programme which has, I think, already been finalised. It is a very tight programme. Her Majesty will be in Queensland for only a short time and I doubt whether it would be possible to do what the honourable member asks. I was looking at Her Majesty's programme only this morning. It is very limited. I will make a check, but I do not think that there is any possibility of what the honourable member suggests.

POLICE BOOKING OF MOTORISTS IN ONE-WAY STREET, BALMORAL

Mr. BYRNE: I ask the Minister for Police: Will he endeavour to see that actions similar to the recent booking of drivers going along a one-way street in Balmoral do not occur in the future as this "letter of the law" attitude by members of the Police Force only serves to create ill feeling in the community?

Mr. NEWBERRY: I will be taking steps to make sure that it does not occur again.

FACILITIES FOR THE USE OF RECREATION VEHICLES AND TRAIL-BIKES

Mr. BYRNE: I ask the Minister for Community and Welfare Services and Minister for Sport: What progress has been made by the interdepartmental committee set up to consider the problems and difficulties encountered by owners and drivers of recreation vehicles and trail-bikes?

Mr. HERBERT: At the moment the committee is collecting the replies received from all local authorities in Queensland. It has ascertained that quite a number of local authorities have taken active steps in this area and have made provision for trail-bike riders. It is becoming obvious that the Brisbane City Council is the one authority that has apparently given no consideration whatever to the provision of such facilities. It is a local authority responsibility and I should like to think that the Brisbane City Council would move of its own volition to deal with this problem.

REDLAND SHIRE VALUATIONS

Mr. GOLEBY: I ask the Minister for Survey and Valuation: In view of the dissatisfaction shown by landholders in the Redland Shire over recent valuations, in particular valuations of the bay islands, Amity Point and the catchment area of the Leslie Harrison Dam, will he give an assurance that his officers will have a second look at this problem before the appeals are heard?

Mr. GREENWOOD: I am glad to give the honourable member an assurance that any objections made will be given most careful consideration. I take this opportunity to thank the honourable member for the care with which he and Councillor Wood, the chairman of the Redland Shire Council, researched and presented material concerning apparent anomalies when they saw me whilst leading a deputation on Tuesday last. The two senior officers of my department who were present received a great deal of assistance from the careful presentation of this material by the honourable member. May I, however, reiterate what I said then, that it is very important that proper objections are lodged by people who feel that some injustice is being suffered, and I trust that the honourable member will organise those objections.

USE OF ANAESTHETICS BY DENTISTS

Mr. MOORE: I ask the Minister for Health: Is he aware of the death of a child in New South Wales following the administration of a gas anaesthetic in a dentist's surgery? Is this practice allowed in Queensland, and, if so, can he assure the people of Queensland that every precaution is taken in the administration of gas anaesthetic in this State?

Dr. EDWARDS: I am aware of the Press report of the death of a child following the administration of a gas anaesthetic in a dentist's surgery in New South Wales. I have been informed that the Minister for Health in New South Wales has ordered an investigation into the matter.

In this State it is legally possible for the administration of a gas anaesthetic to occur in a dentist's surgery, but the policy of the Health Department and the Australian Dental Association is that where anaesthetic is administered it is administered by a dentist, and a second dentist is present to carry out the necessary dental work on the patient. In other words, there must be two qualified people present, and this is a policy of the Australian Dental Association. Gas anaesthetic is not used a great deal in this State, and we feel very strongly that an anaesthetic of this nature should be administered by a medical practitioner where this is possible, and where it is not possible then we expect

the dental profession to carry out its policy of having two qualified people associated with the administration of such anaesthetic.

I am aware that this case has had widespread publicity, and I regret that such publicity is given to such a tragic occurrence, which in many cases is unavoidable. But I assure the honourable member that both the dental and medical professions in this State are very responsible in their administration of such procedures and I assure him that every effort will be continued to make certain that anaesthetics are administered safely both in the dentist's surgery and in our hospitals.

ATTITUDE OF UNION OFFICIALS TO BAN ON EXPORT OF URANIUM

Mr. AIKENS: I wish to ask the Premier a question about a matter which is very, very vital to the people of Townsville. In view of the importance to Townsville of the mining and export of uranium from Mary Kathleen, and the Communist-inspired ban by the Trades and Labor Council on the export of uranium, will the Premier advise the House if there is any provision in any law to compel trade union officials in Townsville to openly and publicly declare where they stand on the ban and, if so, how and by whom can this declaration be forced on these union officials, who are doing a dingo act and saying nothing?

Mr. BJELKE-PETERSEN: I know that the honourable member is referring to the top officials in the unions and not to the rank and file. But we are concerned, as is the honourable member, that there are people who, for ulterior motives, are determined to prevent the export of uranium and to disrupt other areas of industrial activity within the State. The attitude of these men will, of course, become very clearly known when the Government moves to shift uranium very shortly. Then we will be able to see who are on whose side and whether they are on the side of what is right, fair and just for the people and the State. But I do not think there is any other avenue by which we could find out a man's affiliations or his associations—by any questioning. We do, of course, learn something about people from the company they keep, as I have often said to honourable members opposite. When the time comes—and it will be very shortly—for the Government to take action in this regard, we will know exactly where they stand; but I know that the rank-and-file men will come forward to play their part, as every other citizen will.

PRIVATE FUND COVER UNDER MEDIBANK

Mr. DOUMANY: I ask the Minister for Health: Is he aware of the serious delays and confusion besetting former Manchester

Unity contributors who have chosen to join alternative private funds under the new Medibank arrangements? Will he issue a public statement advising that these alternative private funds will meet claims from such contributors, notwithstanding the absence of a registered number or contribution book, provided the necessary premiums have been paid up to date? In view of the substantial expenditure incurred by all funds in advertising their schemes, will he seek greater prominence in such advertising for this entitlement to immediate reimbursement?

Mr. ACTING SPEAKER: Order! I am not at all convinced that the Minister is answerable for that matter, but I will allow him to proceed if he wishes.

Dr. EDWARDS: As you are aware, Mr. Acting Speaker, obviously this is a matter for the Commonwealth Government. However, in view of the honourable member's concern for some of his constituents as well as for other people in the community, I will be happy to refer this matter to the Federal Minister and to advise the honourable member accordingly.

CABINET MEETINGS AT NERANG AND EVANDALE

Mr. GIBBS: I ask the Premier: Is he aware that the Albert Shire Council and the Gold Coast City Council have built new administrative centres at Nerang and Evandale? In line with Cabinet's policy of holding some of its meetings in areas outside Brisbane, will the Premier and Cabinet, if invited by these two authorities, consider holding a Cabinet meeting using both of these facilities because this would do much to mark these milestones in the history of the area?

Mr. BJELKE-PETERSEN: I appreciate the honourable member's suggestion. I am quite sure that Cabinet would be happy to accept an invitation. A number of other areas have lodged invitations but I am quite sure that Cabinet would be glad, at the appropriate time, to accept such an invitation.

MYSTERIOUS CREATURES AT NUNDAH

Mr. AKERS: I ask the Deputy Premier and Treasurer: Has his attention been drawn to rumours of mysterious creatures wandering through the streets of Nundah at night? If so, what action has he taken in this regard?

Mr. KNOX: We are not aware, of course, of what those mysterious creatures are. In the past, there have been stories of this sort, but they have been unsubstantiated. However, I will take the necessary action, refer it to my officers and seek advice.

DISALLOWANCE OF QUESTION

Mr. PREST (Port Curtis) having given notice of a question—

Mr. ACTING SPEAKER: Order! That question relates to Government policy and is disallowed.

REVOCATION OF STATE FOREST AREAS

Hon. K. B. TOMKINS (Roma—Minister for Lands, Forestry, National Parks and Wildlife Service): I move—

“(1) That this House agrees that the proposal by the Governor in Council to revoke the setting apart and declaration as State Forest under the Forestry Act of:—

(a) The whole of State Forest 456, parish of Ravenshoe, containing an area of about 1.619 hectares; and

(b) All that piece or part of State Forest 281, parishes of Auckland and Toolooa, described as portion 50, parish of Toolooa, as shown on plan Ctn. 1065, deposited in the office of the Surveyor-General and containing an area of 0.488 hectares; and

(c) All that piece or part of State Forest 840, parishes of Barns, Bingera, Gregory and Marathon, described as Area ‘B’ as shown on plan FTY. 856 prepared by the Department of Mapping and Surveying and deposited in the office of the Conservator of Forests and containing an area of about 57 hectares; and

(d) All that piece or part of State Forest 83, parishes of Cherwondah and Conloi, described as portion 68, parish of Cherwondah, as shown on plan Ft. 863 deposited in the office of the Surveyor-General and containing an area of 187.6 hectares; and

(e) All that piece or part of State Forest 915, parishes of Bidwill, Cowra, Gundiah, Poona, Tahiti and Ulirrah, described as Areas ‘A’ and ‘B’ as shown on plan FTY. 797 prepared by the Department of Mapping and Surveying and deposited in the office of the Conservator of Forests and containing an area of about 11.6 hectares; and

(f) All that piece or part of State Forest 190, parish of Rockingham, described as portion 530, parish of Rockingham, as shown on plan Cwl. 1623 deposited in the office of the Surveyor-General and Area ‘A’ as shown on plan FTY. 796 prepared by the Department of Mapping and Surveying and deposited in the office of the Conservator of Forests and containing an area of about 60.715 hectares; and

(g) All that piece or part of State Forest 151, parishes of Haly, Neumgna and Tureen, described as portion 79, parish of Tureen, as shown on plan Fy.

2380 deposited in the office of the Surveyor-General and containing an area of 123.2 hectares; and

(h) The whole of State Forest 86, parish of Eurimbula, containing an area of about 364.2 hectares—

be carried out.

(2) That Mr. Speaker convey a copy of this Resolution to the Minister for Lands, Forestry, National Parks and Wildlife Service for submission to His Excellency the Governor in Council.”

Motion agreed to.

NOISE ABATEMENT BILL

INITIATION IN COMMITTEE

(The Acting Chairman of Committees, Mr. Gunn, Somerset, in the chair)

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (11.48 a.m.): I move—

“That a Bill be introduced to provide for the abatement of excessive noise, to repeal s. 35A of the Vagrants, Gaming, and Other Offences Act 1931–1971 and for related purposes.”

This Noise Abatement Bill has been some two years in preparation, review, reshaping, and finally presentation in the form now before the Committee. Honourable members will possibly recall that moves for noise abatement controls in Queensland began even before this time, however, and have involved extensive inquiries interstate and overseas. On the face of it, noise controls might appear a relatively simple matter, but the further our inquiries and work in preparing this legislation went, the more obvious it became that it was far from simple.

Noise is an intangible thing, but it affects all of us in the community, to varying degrees, at one time or another. This Bill is legislation about people, about the noise they make, about their reactions to it, and about their entitlement to protection against what could be regarded as unwarranted, unwelcome and excessive noise.

By its very nature, and because human nature itself varies so much, noise can mean different things to different people and in different areas. The noise that goes on in this Chamber at times might be quite understandable and acceptable to some members here but quite inexplicable and unacceptable to some visitors in the gallery and to some other members. What is an irritating noise to one person could be sweet music to another and that gives a perhaps oversimplistic insight into the problems involved in preparing and implementing legislation such as this. A flexible approach is needed to help overcome many of the problems of excessive and aggravating noise, and this proposed legislation provides a sound basis for that flexible approach. I will elaborate a little on that point later.

We hear a great deal from time to time about concern over the infringement of civil liberties and about people's individual and personal rights. As a Government, we have been very conscious, in preparing and presenting this and other legislation, of the desirability of preserving these rights. Indeed, to a large degree, we believe that this is what this particular legislation is about.

I think most of us would agree that anyone has the right to subject his own eardrums to as much noise as he likes—provided it's done in such a manner that it doesn't infringe on anyone else's right to go about his daily business—or private life—without unwelcome harassment from noise imposed on him . . . noise he doesn't want, and shouldn't have to put up with.

Unfortunately, there are still some people in society who appear to believe in their own divine right to make as much noise as they like, without regard for anyone else, and to deny others the rights they would expect themselves. These are the people who perhaps will think they have some cause to oppose, or reject, this legislation. I believe that those people in the community who are sincere in promoting and defending legitimate civil rights causes will welcome this legislation.

There needs to be a balance in preserving people's rights to "let off a little steam" and to make a little noise in a reasonable manner, and in protecting the rights of the majority in the face of what could be regarded as unreasonable and excessive noise by a minority. I believe this Bill is a reasonable, responsible attempt by the Government to achieve the sort of balance that is necessary.

Because of the varying nature of the noise problem, and varying individual and collective attitudes and reactions to it, I don't expect that this legislation will satisfy everyone, first up. Nor do I promote it as the perfect answer to Queensland's growing community noise problem. I do suggest, however, that it represents a reasoned and realistic approach in coming to grips with the problem. It's a good start—a move in the right direction.

Seldom has any legislation been subject to a greater degree of public speculation, community consultation in its preparation, and public review before presentation to Parliament—and for very good reason, and to good effect.

I propose to take this Bill to only the first-reading stage on this occasion, and the Bill will then lie on the table until the next sittings of the House. This will extend even further the opportunity for detailed public scrutiny of the legislation. I have already indicated that I am prepared to accept further representations on the Bill during this period and if it's deemed warranted in the light of anything that emerges, from these further

representations, I am prepared to propose amendments to the legislation in the later stages.

Essentially, the legislation proposes noise controls in three main areas, initially—

- * noise in industry and commerce, the control of which would be a local government responsibility;
- * noisy house parties, meetings, celebrations or other functions, the control of which would be a police responsibility; and
- * other forms of noise in the domestic situation (the use of electrical appliances and equipment, etc.), for which local authorities would have authority to deal under by-laws which could be framed to meet specific problems and needs.

In the domestic area particularly, what constitutes a noise nuisance often depends very largely on locality—and varying lifestyles in varying localities. The sound of, passing heavy cane traffic, or the nearby use of electrical machinery and other equipment, is unlikely to cause as much concern in a country sugar town residential area, for example, as similar traffic or equipment would cause in an old-established residential area of Brisbane inhabited by elderly people.

Tolerances to noises can often vary considerably, depending on how, when, where and even why they're emitted. It's for that reason that the by-law approach to domestic noises other than noisy parties, etc., was decided on, rather than more direct local government or police controls, as in the case of noisy parties.

One clause in the Bill, setting out matters to be considered in determining whether noise is excessive, gives some idea of how differently the matter could be viewed in different areas of the State and even different areas of the one city. This section covers such things as the nature and characteristics of the noise, the noise level, its tone, how, when and where it's made, the degree of interference with normal activities, the effect of meteorological and topographical features, the effect of obstructions, the lawful use of premises from which noise is emitted, and the predominant land use in the area of the noise.

The legislation provides for the establishment of a State Noise Abatement Advisory Authority, principally to:

- * advise local authorities, industry and others on noise abatement measures;
- * advise the Minister on the administration of the Act;
- * advise on standards which should be imposed for the emission of noise from appliances or equipment, prior to sale, and
- * liaise with other departments, local authorities, statutory bodies and other groups with regard to the control of noise generally.

The authority would comprise representatives of the Local Government, Commercial and Industrial Development, Co-ordinator General's, Police and Health Departments, two representatives of industry, a Local Government Association nominee, a Brisbane City Council nominee, one public representative nominated by the Minister, one representative of the Council of Agriculture, and a Director of Noise Abatement, who will be the chairman.

The authority would be empowered to appoint advisory committees or technical committees to assist in its deliberations.

There has been some speculation, in the media and elsewhere, that this legislation could promote the lodging of bogus, frivolous or malicious noise complaints, and "harassment" of people by police and local authority representatives as a result. I don't believe this concern has any validity at all. There is clear provision, in the sections dealing both with local government and with police powers, for officers to exercise their common sense and discretion in these matters. Where a complaint is considered, by the investigating officer, to be of a frivolous or vexatious nature, he would have the option of taking no action at all.

In relation to commercial and industrial type noises, local authorities may act upon complaint, or on their own initiative. Where a complaint is made to a council, it will have to be presented in writing in a prescribed form. The view is that if someone has to lodge a formal noise complaint in writing, then the complaint will, most likely, not be either frivolous or malicious.

I would like to deal briefly now with the provisions dealing with police powers in respect of excessive noise from musical instruments, electrical equipment for amplifying music or other noise, and other noise nuisances from parties, meetings, celebrations, etc., which present problems in residential premises.

The Bill provides that a police officer may enter premises and direct the occupier, and other people regarded as being responsible for excessive noise, to abate it. The direction can be given orally, or in writing. This provision does not apply, however, in the case of noise from premises where a lawful public meeting is being held. This includes meetings held either for discussion of a matter of public concern, or for the advocacy of the candidature of any person for public office.

In the event of a police noise abatement direction not being observed, and the need for police action on a complaint at the premises a second time within 12 hours, the officer would have authority to confiscate or otherwise render inoperative the musical instruments or other property deemed to be responsible for producing the excessive noise. The property would be held at a police station, and could be claimed later.

There are provisions in the Bill empowering a police officer to arrest any person who obstructs him in the execution of his duties under the Act. Persons suspected of creating excessive noise at rowdy gatherings will be required to give their correct names and addresses when asked to do so. A person suspected of giving a false name and address could be detained at a police station until his correct identity and address are established. People guilty of obstructing an officer in the execution of his duties under the Act could be liable to a fine up to \$200.

In respect of noise controls on industrial and commercial premises, this legislation undoubtedly will be valuable, in its application with town-planning and other provisions, in seeing that some of the environmental mistakes of past development aren't repeated in the future. At the very least, it should help minimise them. One clause provides that when considering an application for its approval (for example, under a town-planning scheme), a local authority will be required to consider whether granting the application would give rise to excessive noise adversely affecting the community. It could require the applicant to furnish a report—at the applicant's expense—detailing the likely effects and any proposed abatement measures; and, in granting any approval, the council may issue an order or licence under the Act to ensure noise abatement.

The Director of Noise Abatement or a local authority inspector (and assistants) will be authorised to enter commercial and industrial premises, to examine equipment, to carry out tests, etc. Any person who hinders or obstructs them may be liable to a penalty of \$200, as in the case of obstruction to police officers.

If a local authority considers noise from industrial or commercial premises to be excessive, it may serve a noise abatement notice on the occupier, requiring him to show cause why a noise abatement order to abate the noise should not be issued.

The Bill sets out methods which local authorities could specify, in a noise abatement order, to abate excessive noise. These could include, for example—

- * the outright cessation of the noise;
- * the acoustic treatment of buildings, etc.;
- * processes of shielding or establishing barriers to restrict noise emission;
- * restrictions on the time, place, or manner of operations giving rise to the noise;
- * progressively phasing out the noise or control of activities producing noise.

Local authorities would have the authority to amend noise abatement orders to impose more stringent conditions, or reduce or extend applicable times, etc., in the light of changing circumstances. The person concerned would be given the opportunity to show cause why proposed amendments to orders should not be made.

The Bill further empowers local authorities to license an industry or commercial activity involving an unavoidable element of noise. A licence may contain conditions such as—

- * noise levels which may be emitted;
- * times during which noise may be emitted;
- * times during which noise levels would be measured;
- * the types of equipment to be used or operated, or activities to be conducted;
- * types of work to be carried out for the treatment of noise; and
- * the reduction of noise within specified periods of time.

Perhaps some of our critics will claim that this provides industry with a "licence to make noise"; but, of course, this is rubbish. As with our clean air and clean water legislation, rather than providing an excuse for breaches—a licence to offend, as it has been alleged on a couple of occasions by our carping critics—this will provide councils with a firm legal basis on which to set conditions and to take action against offenders. In this regard, it should be stated that there is no intention to license industry generally. Action will normally be taken only after complaints and where it is not possible to immediately abate the excessive noise.

There is provision in the Bill for appeals against council decisions on noise abatement notices, orders, licences, etc., to be made to the Magistrates Court. This should help to keep time-wasting delays and costs of litigation to a minimum, compared with appeals to higher courts and authorities.

From another legal viewpoint, the right in law for a private person to be granted relief or to recover damages in respect of noise is not inhibited in any way by the making of local authority by-laws on noise-control measures. An occupier of residential premises who feels aggrieved by noise emitted from nearby premises may, if he wishes, still take civil action for redress.

On the question of penalties, the Bill provides that where no specific penalty is set out, offenders could be fined up to \$500 for a breach, and \$100 a day for continuing offences. In today's economic climate, I think honourable members would agree with me that these levels are not unreasonable or unrealistic.

In the case of a dispute between a local authority and the Crown, or a Government department or statutory body, on a matter under the Act, then the Minister shall investigate it and report to the Governor in Council for a determination.

I believe I have covered most of the more important points of the Bill, and I look forward to whatever constructive comments and suggestions on the proposed legislation honourable members might have.

Honourable members would notice, of course, that there are no specific provisions in this Bill dealing with action against noisy motor vehicles. It was decided not to proceed with provisions on noisy vehicles in this Bill, at this stage, following top-level consultation with police. It was pointed out that there already is provision in the Traffic Act for the exercise of control over noisy vehicles, and while those provisions might need strengthening, it was considered best that this aspect of noise control be left in the hands of police. My colleague the Honourable Minister for Police (Mr. Newbery) might care to elaborate on that particular aspect at some later stage.

Honourable members might be interested in the position regarding two other common sources of domestic noise nuisances—barking dogs and motor-mowers.

Mr. Marginson: And crowing roosters.

Mr. HINZE: And crowing roosters.

Mr. Houston: That's not in your script.

Mr. HINZE: I have put it in specifically for the benefit of the honourable member for Wolston, who obviously wants to talk about crowing roosters.

It would be realised by some members that local authorities in Queensland already have authority under the Local Government Act and the City of Brisbane Act to introduce by-laws to deal with matters of public safety, convenience and inconvenience. This would enable them to make by-laws dealing with controls of common domestic noise nuisances such as motor-mowers and barking dogs.

This particular legislation does not propose specific provisions on these two common noise problems in the domestic or residential scene. But what it does do is reinforce councils' by-law making authority to act on specific noise nuisances such as this, through the provisions of clause 29 of the Bill—and I would expect many councils to do so. One matter which might, perhaps, exercise the minds of some people is the question of fixing definite standards (for example, by decibel readings) for determining whether a particular noise is excessive for the purpose of the legislation. This matter was considered at some length, and we found that there were a number of difficulties associated with doing this. Technical advice is that there are problems in the measurement of noise emitted from particular premises, in that the background noise has to be measured as well.

Provision is made in the Bill for the Governor in Council to have power, by regulation, to prescribe levels of excessive noise, if it is considered desirable to do so. The technical advice given to me, however, is that for the purpose of determining whether a particular noise is excessive, regard must be given to all the factors concerning the emission of the noise, as I have already outlined.

In my discussion with representatives of industry and other agencies that are responsible for the production of noise, it was agreed that there were technical difficulties associated with the precise measurement of excessive noise and that the approach I have mentioned is preferable.

I envisage that one of the first tasks of the Noise Abatement Advisory Authority will be to formulate guide-lines for local authorities and other interested persons to assist in deciding whether or not a particular noise is excessive for the purpose of the legislation. In this way, we should be able to achieve a uniform method of approach to the control of excessive noise.

The principles of the Bill have been discussed fully with the Minister for Police and senior public officers, the executive of the Local Government Association, representatives of industry, and other agencies whose activities produce noise. I think it is fair comment that all parties were in broad agreement with the approach adopted under the Bill.

As I said earlier, the Bill is to be taken to the first-reading stage only at this time and is to lie upon the table of the House until the March 1977 sittings. During the intervening period, interested parties can examine the Bill and place their comments before me. All constructive comments will receive full consideration. I commend the Bill to the Committee.

Mr. MARGINSON (Wolston) (12.9 p.m.): We have waited a long time for the introduction of this measure. In the Press we have read of the many matters associated with it and of some of the difficulties that the Minister has experienced in piloting it through the joint-party meetings. We have also read of the provisions that it was thought would be included in it.

The most disappointing aspect of this legislation is that it does not provide for stronger action to be taken against those persons responsible for loud traffic noise. I realise that this matter comes under the control of the Police Department; nevertheless I feel that it should also come within the ambit of this Bill.

These days society seems to be moving at a faster pace than before. Both in business and pleasure activities, people seem to be acting more quickly than they did in years gone by. It is apparent also that this faster pace of living is bringing with it louder noise than, say, 10 years ago. Noise is one of the big factors affecting people's health. One of the worst noises is that caused by traffic. I know that you, Mr. Gunn, do not live on a main highway, but if you lived where I live in Ipswich, on a main highway, you would appreciate more fully my protest about the lack of control over traffic noise in this Bill—a Bill whose introduction in

Parliament we have awaited so eagerly. Semi-trailers and big lorries are not the only offenders. Smaller vehicles also contribute to traffic noise.

Dr. Crawford: And motor-cycles.

Mr. MARGINSON: And motor-cycles.

After conversing with some of my friends who are mechanics and garage proprietors, I am satisfied that in many instances traffic noise is made deliberately. Although I do not suggest that the Minister is responsible for allowing traffic noise, I believe that, as the Minister who is trying to do something about noise abatement, he should take this matter up with those who are responsible for controlling traffic noise.

I receive many complaints about noise, most of which concern traffic noise. Because of the general level of noise, what may seem to be excessive noise at 6 a.m. or 11 p.m. does not seem to be excessive at other times of the day. For many people in the community, the evening traffic noise is unbearable. I again express my regret that this aspect of noise control in society has not been strengthened under the Bill.

Industrial noise is quite common in many places. In my electorate, and I am sure in many other electorates, industries, unfortunately, are adjacent to residences. Industry is sited in populated areas. Commercial noise creates dread in the community.

Mr. Frawley: Were the industries there first?

Mr. MARGINSON: The honourable member may have a point. I shall be fair, but we must remember that, although an industry may have been in an area first, the noise was not there.

After I made representations, the Minister's department took action to overcome air pollution from the Oxley brickworks in my electorate. The proprietors of the company installed equipment to overcome the air pollution, but now there is dreadful noise pollution. In overcoming one problem they created another.

I am very sorry that the second reading of this legislation is to be deferred to next March, as the Minister indicated. I know that he is giving us plenty of time to examine it, but we expected this legislation to be presented about this time last year. It is apparent that the legislation will not become law now until some months after March. The Minister told us that he is trying to be fair to members by giving them ample opportunity to discuss the Bill. We have had ample opportunity to collect our thoughts on this and receive complaints. In the meantime, we have been hoping that something would be done to overcome what I would term the dreaded noise disease.

The Minister referred to civil liberties. I suppose we could be accused of taking away people's civil liberties by preventing them

from making too much noise at a party or by preventing a band from making too much noise. I think that we probably will be accused of that. It could equally be said that through our traffic regulations we are taking civil liberties away from people by insisting that they drive on the left-hand side of the road. Things such as that could be brought under the heading of civil liberties.

I have discussed this proposal with quite a number of local authorities, Mr. Gunn, including the chairman of your own shire and the chairman of other shires surrounding my electorate. They are rather concerned because the policing of this legislation will fall into their laps, as it did under the litter legislation. Although we were not told when the litter legislation was introduced that the local authorities would be expected to play such a large part in the administration of that Act and in the prosecutions under it, I predicted that it would happen. I do not have to predict it today; the Minister has told us of the role that local authorities must play. The local authorities and their officers—particularly the health inspectors and their assistants—are not very happy that this additional burden is being thrust upon them by the Government.

I hope that when the Bill becomes law it will be administered so that we will obtain some relief from the noise that is all around us today. We have not had much relief as a result of the Clean Air Act, and we have had little or no relief as a result of the Clean Waters Act. Possibly there has been some small relief from littering since the introduction of the Litter Act. Is this legislation to be handled in the same way as those three measures?

We will have a really good look at the Bill when it is printed, and the Minister is to give us plenty of time to do that. I am sorry that I cannot go back to my electorate and say that we are doing something about traffic noise, which is of vital interest to the community. I have been waiting for this Bill to be introduced so that I would be able to report back to my electorate on what is being done. However, it now appears that I have to make further representations to the Minister for Police and the Minister for Transport (for I think that he should be involved in this, too) about what action should be taken against people who drive and ride on our highways—and on our suburban streets, for that matter—without any consideration for the health and welfare of the people in our community. Between now and the second-reading stage, I would like to see representations made to the Minister to do something definite about the nuisance of traffic noise.

I emphasise to the Minister that the local authorities in my area—I have cuttings here from them—are not very happy about what they are expected to do—not very happy at

all. Neither are the people who are interested in bands and the playing of music. I think it was the Queensland Musicians' Society that made a strong protest in the Press recently about their position under this legislation.

We will have a good look at the Bill, and we hope that we can put forward some suggestions to the Minister.

Mr. M. D. HOOPER (Townsville West) (12.19 p.m.): It is with great pleasure that I strongly support the Minister's introduction of the Noise Abatement Bill. It covers a subject about which I have been greatly concerned for several years, particularly as mayor of the Townsville City Council when I became very much aware of the hundreds of complaints from the residents in the area about excessive noise created, in the main, by selfish people. For too long local government inspectors and the Police Department have lacked sufficient powers under existing legislation to effectively control excessive or unreasonable noise in urban areas. The passing of this Bill in itself will ensure that many people will be inclined to obey the letter of the law on excessive noise, just as speeding motorists, when confronted by a police patrol or a radar trap, ease up on the pedal and come back to a reasonable speed.

As the Minister said, the Bill distributes the responsibility to control excessive noise between the Police Department and local government. The police will control spasmodic noises such as those coming from noisy vehicles and rowdy parties. If the police suspect that a rowdy party is causing trouble, or if they receive complaints to that effect, they can enter premises. It would not be right and proper for an employee of local government to take that sort of action, he would meet with more opposition than a police officer would. Local government will control industrial and commercial noise, as well as other types of noise in residential areas. Local government will have to be more concerned with excessive noise over long periods than with the spasmodic or infrequent noise caused by passing motorists.

It is to be expected from the outset that there will be many frivolous complaints. Neighbours who cannot get along together will try to rubbish each other. The Bill provides that a person must make a specific complaint in writing to the local authority. In this way people will be discouraged from making frivolous complaints. Unless they are fair dinkum they will not like going to the local council and filling out forms to complain that neighbours are causing undue noise at particular times. That is different from making anonymous phone calls. It will be the duty of the local authority, on receipt of a complaint, to send out an inspector—possibly a council health inspector—to investigate the matter. If he considers

that the complaint is justified, he will report the matter to the council, which will have power to deal with the offending party.

As the Minister said, the Bill deals mainly with the intended control of noise in commercial and industrial areas. In many cases the local authority will use the provision which enables it to introduce its own by-laws to control noise in residential areas. It is extremely important for the local authority to have that right because in many cases the noise created in residential areas will vary between provincial towns and cities and country areas. Consideration also will need to be given to how close a residential area is situated to heavy-industry, light-industry or commercial zones. Obviously different noise levels must be accepted for different zones, and also should be accepted for different times of the day and night. I believe that we should dictate ambient noise levels that are reasonable for daylight hours, with substantially lower levels for evening hours.

As I am a member of the Minister's parliamentary committee, he would be aware that I do not agree with the principle of not including in the Bill any provision to fix noise levels in particular areas or zones in cities. I maintain that if standards were laid down by the Bill it would be more useful legislation. I have studied the legislation in other States, England and America and I find that standards are incorporated in that legislation.

About March this year I was in Honolulu. The Hawaiian Government had just introduced legislation based on the latest information from America in this field. Included in the legislation was the following simple schedule of allowable decibel readings:—

Zoning Districts	Day-time 7 a.m. to 10 p.m.	Night-time 10 p.m. to 7 a.m.
Residential ..	55	45
Preservation ..	55	45
Apartment ..	60	50
Hotel	60	50
Business	60	50
Agricultural ..	70	70
Industrial ..	70	70

A decibel reading is a measure of the level of sound. The schedule includes the readings allowable for both day and night periods in residential, hotel, business, agricultural and industrial areas.

As can be seen from the schedule, the Hawaiian legislation allows a decibel level of 55 in residential areas between 7 a.m. and 10 p.m. From 10 p.m. to 7 a.m., the level is reduced to 45. For apartments and multi-unit buildings, the legislation allows a noise level of 60 decibels during

daylight hours and reduces the level to 50 decibels at night-time. In hotel and business areas, the standard is 60 decibels by day and 50 at night. In agricultural areas, a slightly higher level is permitted, namely, 70 decibels during the day and also 70 when people have to work in agriculture at night. Industrial areas are treated similarly to agricultural areas. This is effective legislation in Hawaii because it sets out what people can do and makes clear their rights under the Act.

If our legislation is to be effective, it must have teeth. As the honourable member for Wolston said, it must not be like some other environmental legislation that does not seem to give the Government power to take all action necessary to police it. Examples that come to mind are the Clean Air Act and the Clean Waters Act. I quite agree with what was said on this point by the honourable member for Wolston and I agree that noise levels should be incorporated in the legislation. Such levels would provide concrete evidence to support prosecutions against persistent offenders, and they would also protect companies and individuals from over-zealous inspectors who might institute proceedings against them because in their opinion noise was "excessive" or "unreasonable".

As the Minister said, what is noise to one person can be sweet music to another. This could well be the case with inspectors. One inspector may think that a noise was reasonable, in which case no action would be taken on a complaint. If another inspector thought it was excessive, and a complaint was made, the person concerned would be taken to court. Even though he has a right of appeal, he becomes involved in expensive litigation and has to waste time defending himself against what might be a frivolous complaint. If standards were prescribed, all parties would be protected. We set down speed limits for travel on roads and other standards for the control of traffic. In the same way, we should have sensible standards for the control of excessive noise.

At the same time, I do not believe that prosecutions should be instituted if a party exceeds the prescribed noise level for only a short period. In other words, there should be no prosecution if the alleged offence was not wilfully intended to cause objection from the complainant. However, where a person or an organisation wilfully exceeds the permitted noise level by, say, 10 per cent for a period of 20 to 30 minutes, the local authority then has legitimate ground on which to institute a prosecution under the legislation.

With any social ill prevention is much easier and more desirable than cure. Just as environmental impact studies can now be required, the Bill will allow local authorities to demand information from prospective developers on the noise that they expect to be generated by their development. When

that information, provided at the expense of the developer, is obtained, the local authority can say to the developer, "We are going to impose some noise standards on your development. If you exceed them, we will close down your operations and you will not have a permit to operate until you rectify the situation." In this way there will be fewer complaints about industries that are said to be creating excessive noise in near-urban areas.

Mr. Aikens: Don't you think it would be a good idea to give citizens power to act where a city council will not act for one reason or another—probably bribery?

Mr. M. D. HOOPER: I think the Minister has already said that there will be provision in the legislation for people to take civil action in such matters.

It is pleasing to hear that the provisions of the Bill bind the Crown. For the maintenance of essential services, particularly in an emergency, Federal and State Governments, local authorities and port authorities should not be prevented from carrying out their normal operations. In those operations I include the normal movement of vessels in ports and harbours and of aircraft that presently operate from airports in the provincial cities and towns.

Mr. Aikens: What about diesel locomotives?

Mr. M. D. HOOPER: That is a State essential service. Permits should have to be obtained from local authorities before excessive noise is allowed on demolition or construction sites. Sometimes excessive noise is necessary in the removal of old buildings, and even in the use of modern equipment on construction sites. But permits should allow operations only between stated hours, say 7 a.m. till 6 p.m. on the same day, if operations outside those hours would cause inconvenience to people living nearby.

I can understand also the concern expressed by people in the agricultural industries that undue restrictions might be placed on them in the operation of machinery in carrying out essential farming activities, particularly field preparation and harvesting of crops. A sensible attitude should be adopted towards agricultural activities. Perhaps the permitted noise level could be extended to 90 or 95 decibels when a particular type of machinery is being operated during the critical period of field preparation or harvesting activities. After all, such activities are not of a permanent nature.

I note also that the Governor in Council will appoint a Director of Noise Abatement, and that at a later date a Noise Abatement Advisory Authority will be constituted comprising representatives of the Local Government, Commercial and Industrial Development, Co-ordinator General's, Police and Health Departments, and also representation from the general public.

The authority will have the power to appoint advisory committees, and I expect the members of these committees will include technical experts who would not be represented on the advisory authority. To my way of thinking these technical experts should be people such as a medical practitioner recognised as an expert in the field of occupational health, a medical expert in the field of ear, nose and throat conditions, a design architect or engineer expert in building construction and the problems of noise in buildings, an expert in the physics of sound—perhaps from one of our universities—and a person highly qualified in relation to the effect of noise on the mental and social well-being of people.

I believe that the Minister has been very generous in his attitude by saying that this Bill will lie on the table until the March session. Many people have been apprehensive about the introduction of the Bill, and I am sure that they would like to be involved in making submissions to the Minister on some possible future amendments. The Minister has said that he will be quite happy to accept sensible amendments and introduce them himself during the Committee stage. The Bill is long overdue, and I commend it to the Committee.

Mr. LINDSAY (Everton) (12.32 p.m.): It is with considerable pleasure that I rise to support the Minister for Local Government on his introduction of this Bill. The first two phone calls I received immediately after being elected to Parliament were congratulatory and the third posed a simple question, "What are you going to do about noise?" I have been asked many similar questions since. On 18 March 1975 I directed a question about noise to the then Minister for Justice, which I will repeat because it may be of some interest. I asked—

"What is the legal position regarding the control of excessive noise?"

"Will he introduce legislation if a need exists, in an effort to control noise pollution?"

In his answer the Minister pinpointed the position regarding the control of noise as it exists in Queensland at the moment, and I think his answer also is worth repeating. He said—

"There is no general law in Queensland covering 'noise pollution'. There are various provisions dealing with the creation of noise in certain situations and in certain ways. For instance, in the Traffic Regulations it is an offence to cause undue noise by the operation of a motor vehicle. In respect of amplified noise, section 35A of the Vagrants, Gaming and Other Offences Act 1931-1971 makes provision and in accordance with the section there can be some summary action taken by a police officer. Reference should be made to the section, which is quite lengthy, for the procedure to be adopted. In respect of

licensed premises the Licensing Commission has power to regulate noise levels in respect of entertainment at those premises. Provisions dealing generally with noise are contained in many by-laws and ordinances of local authorities—for instance, Division 4 of Part 2 of Chapter 12 of the Brisbane City Council Ordinances. Essentially these by-laws cover the creation of nuisances which affect the comfort of, and in particular, the sleep of residents. Reference should be made to the particular by-law or ordinance. Individuals have, of course, civil rights where the noise constitutes a nuisance."

The Minister then referred me to the Minister for Local Government for further information, and today he has introduced the long-awaited Noise Abatement Bill.

Noise is really another dimension of environmental pollution. It has a unique characteristic that distinguishes it, because noise cannot be totally dispensed with. Obviously, in the 20th Century and going into the 21st Century, we have to develop a degree of tolerance to it. Although we can attempt to attain 100 per cent success in, say, overcoming water pollution, air pollution, or litter, we cannot do so with noise. The question is not, in fact, how to eliminate it but how to reduce it to a tolerable level.

Now, that level of tolerance is higher than the majority of us suspect. Traffic noise, industrial noise, aircraft noise—many people in our community are immune to a certain degree to these noises, and that certainly is true of many people in the Brisbane metropolitan area. Quite often a person from the country who visits Brisbane will say, "Isn't it noisy!" By contrast, those of us who live in the city would probably, when out in the country, immediately think, "Isn't it quiet!", because we can hear the birds, the rustle of leaves, and so on.

So, in accepting the necessity for some control, we have to face the difficult task of finding what the guide-lines should be and providing some relief without undue intrusion. What, in fact, are the parameters of noise? In an interesting article entitled "Daily noise is driving us all round the bend, says surgeon", in "The Australian" of 6 July 1973, Sir George Halliday, one of Australia's leading ear, nose and throat surgeons—incidentally, he was the founder of the Noise Abatement Society of Australia—indicated that he thought there were nine major areas in which noise is especially offensive. He listed these as: traffic; aircraft; industry; construction and demolition; household appliances; agricultural machinery; railways; marine craft; and what the Americans call leisure-time products. He said that people have in fact become so conditioned to noise that they accept it almost as proof that something works.

In the article to which I am referring, Sir George Halliday mentioned a particular case that he had heard about, in which a vacuum

cleaner manufacturer who perfected a near-silent machine could not sell it because housewives suspected that it was not powerful enough to do the job.

Traffic, aircraft and industry certainly provide an enormous amount of noise. Methods of alleviating it obviously call for better town-planning and more buffer zones.

As to machinery and appliances—there needs to be greater research into governors, and I point out that last night the A.B.C. television programme "The Inventors" featured the inventor who was selected as having made the best contribution in 1975. He has developed a method of starting lawn-mowers more quickly, more efficiently and, obviously, more quietly. Undoubtedly his invention will have enormous popular support when it comes onto the market.

I am having problems in my electorate at the moment with noise from construction and demolition. As honourable members probably are aware, the Darra-Ferny Grove railway line is in process of being electrified. It is the first line to be electrified in Queensland and considerable work is going on in my electorate at present. Last Sunday morning at 10 to 3 I received a telephone call from an irate constituent who complained about the noise being made at the local railway station, where work was going on. He asked me what I was going to do about it. The first thing I asked was, "What time is it?" I was a little shocked to learn that it was 10 to 3 in the morning. I suggested to him that he go back to bed and ring me again if the noise did not cease within half an hour. I went back to bed, too. Fortunately the noise ceased.

The point is that construction and demolition work must be carried out and that noise from it cannot be avoided totally. It is a matter of whether the hours in which such work is carried out are restricted or whether it is carried out in every daylight hour seven days a week so that the work is completed as soon as possible.

Generally people accept most of the noise to which I have referred. The noise about which there is the greatest resentment is what I would term suburban noise, which occurs both during the day and at night-time. It is caused generally by motor-mowers and implements, motor vehicles, parties and public functions, and radio, records and television. I am amazed at the level of immunity of the community, particularly the younger generation, to noise from radio, records and television. Noise seems to be part of my teenage children's culture and, as, like them, I am a fan of the Abba group, it is becoming part of mine. Abba, of course, has not only noise but also tremendous rhythm and the spirit of progress. Groups such as Abba seem to have increased the younger generation's immunity to noise. Television, of course, is a constant problem.

As to lawn-mowers—obviously people must be tolerant of one another. I believe in the use of a hand mower, if for no other reason than that, firstly, it mows the lawn a little bit better than a motor-mower and, secondly, its use helps to keep me fitter. The Minister is wise in not defining the exact hours within which mowers can be used.

Noisy parties constitute a problem. I suppose that if a person has an occasional party, say, an engagement party, a 21st birthday party or some other celebration, he is entitled to some tolerance from his neighbours. We cannot prevent people from celebrating certain occasional events. However, I know of some persons who hold noisy parties weekly and even daily. Some parties go on day and night. Obviously this problem needs to be looked at.

The other matter I wish to raise concerns prior rights. Anyone who selects a place in which to reside needs to be aware of what is going on around it. If someone pays a high price for a home in what he considers to be idyllic surroundings and, on moving into it, suddenly finds that the shops nearby have, say, noisy refrigerators, he has a problem that he must live with. Those who were there first should have some legal rights.

I am pleased to note that a Noise Abatement Advisory Authority is to be constituted. One matter that it should consider is industrial deafness. It is interesting to note the comments of the Director of the Division of Industrial Medicine, Dr. E. M. Rathus, in his 1974-75 annual report. He said—

“Noise surveys were carried out in a large number of industries, including can-making, sugar mills, wire spinning, milk factories, forestry, car manufacture and heavy engineering. Many complaints of excess noise within industry were investigated. Generally a larger appreciation of the need for protection in noise is becoming evident. The Director is a protagonist of the 90 dbA “fence” and believes that moves to shift to 85 dbA are ill-judged and not calculated to make a significant contribution to preventing hearing loss or to the viability of industry.”

The phrase, “The Director is a protagonist of the 90 dbA ‘fence’” means that Dr. Rathus believes that 90 decibels (selected as an international level) is a level about which there is some contention and will have an effect on the human ear. The “A” scale is the scale which follows approximately the response of the human ear.

I commend the Minister on two points—firstly on his ability to listen to the judgment of the joint-Government parties by being prepared first to delay and now to amend the legislation, and secondly on being prepared to allow the Bill to lie on the table for the maximum period. That is the true

democratic way to act if Parliament is not to be a facade but is to work on issues governed by legislation like this.

The first honourable member to advocate noise abatement legislation, I believe, was my colleague the honourable member for Mt. Gravatt (Mr. Geoff. Chinchon). I am sure that he will receive great personal satisfaction today—I believe he is still in hospital—when he hears that the noise abatement legislation has reached the floor of this Chamber. I take this opportunity to wish him a speedy and complete recovery.

Mr. PREST (Port Curtis) (12.48 p.m.): I welcome this Bill, as do other members of the A.L.P. We are concerned about this problem but, in my electorate, it is of even more concern to me because of the huge industrial development. When the Bill is printed I shall be interested to see how we are to control noise in industrial areas like the Gladstone harbour area, where there are huge four-headed coal trains which create quite a deal of noise 24 hours a day. I should hate to see this legislation stifle development and this sort of activity in my area, but when such a Bill is introduced it cannot apply to one section of the community while another section gets away with noise.

Fortunately, the Gladstone Harbour Board intends to shift some activities from the eastern side of the town to the western side. In this way, some of the noise created by train movement will not affect people so badly. At the same time, coal-dust pollution, which causes concern to various town sections, will be alleviated.

We must have progress. If the legislation effectively eliminates noise problems, I fail to see how the railways will be able to carry on their activities over 24 hours a day. I should hate to see anything reduce the capacity of the Railway Department to carry out its duties because they create great employment opportunities.

The Minister is worried about noises created during the night. However, in an industrial centre such as Gladstone many people are shift workers and rely very heavily on rest they are able to get during the daytime, when there is tremendous amount of noise from traffic, lawn-mowers and so on. That noise causes those people great concern. After all, I was a shift worker for 29 years and I know what a problem it is when a next-door neighbour or someone down the road starts his lawn-mower and uses it for some time. Usually, when he finishes, someone else starts.

However, I do not think we should intrude too much into the rights of our citizens. We must allow them some freedom. I include entertainment in that. I for one get great enjoyment out of music, but I do not believe that, as long as it is noise, it is good music. Still, that seems to be the belief of the young people today.

This Bill passes a little more power to local government. The health officers, or whoever is responsible for administering this law, will have many, many restless nights, particularly on Thursdays, Fridays and Saturdays. There will be the grouch from next door or down the road complaining about a party being too noisy and asking that a reading be taken. On the other hand, if the power of enforcement is placed in the hands of the police, that thrusts more work upon them, and there should be a consequent increase in Police Force numbers. In our area only two policemen are on duty after about midnight, one of whom has to remain at the station as a watch-house keeper and on communications. That leaves one officer to patrol the town to keep an eye out for any bit of roguery that may be going on. I do not think that that officer will have the time to investigate whether the activities of parties are creating excessive noise.

We are very pleased that the Minister has introduced the Bill. As well as dealing with noisy parties, the legislation covers such activities as the speedway. While that might be held only once a fortnight, it does create noise and causes concern to people living nearby. In one part of my electorate the hospital is not very far away from the speedway track. Nevertheless, people are entitled to their enjoyment. The speedway has a very big following, and I do not think that activities such as that should be completely stopped. Our people must be allowed some freedom.

In many instances, through their town plans, local authorities are responsible for the problems associated with noise nuisance. Future planning could remove noise pollution from residential areas. In the past, however, in small towns that have grown without any planning, areas adjacent to residential sections have been allowed to develop for light industry. Once an area is used for light industry, before very long compressors, tractors or bulldozers will be used after hours because of the very nature of the work involved. I think that in future some of these things will be taken care of by town-planning.

Owing to the development that has taken place in my area, such as reclamation by the harbour board and the provision of oil-terminal facilities, what was once a very highly rated residential area has become an industrial area. Following the latest revaluation people nearby are complaining about their valuations for residential land going up from \$1,100 or \$1,200 to \$6,500. The Valuer-General did not take into consideration the noise pollution coming from this industrial area. We are told that quite a number of people were prepared to tolerate this sort of pollution and did not appeal against their new valuations. These people are proud to have the progress in their area and put up with something that they should not had have to at the time. The industrial people in the area will have great problems in trying to stop the noise coming from the trains. But we want progress.

We will wait until the Bill is printed. When we look at it and circulate it, we will receive many comments from people in both Government and semi-government departments.

I hope that sanity prevails in relation to parties. People have parties because of some celebration; they do not have them without reason. We do not want narks in a neighbourhood being able to stop every party in their area.

I thank the Minister for introducing the Bill. I am certain that we will have a lot more to say on this matter in future debates.

Mr. HOUSTON (Bulimba) (12.58 p.m.): As the honourable members for Wolston and Port Curtis said, the Labor Party supports the introduction of this Bill. We appreciate its being allowed to lie on the table to give all interested people a chance to look at it. It is true—and I am sure the Minister will agree—that there have been some differences of opinion in the Government ranks over what should and should not be in the legislation.

I do not think many people have disagreed with the desirability of cutting down on noise when it interferes with people. The important matters are the approach taken to it and the decision on what is and what is not practicable in enforcing the legislation. Any law that cannot be enforced is a bad law. It is true that sometimes the mere existence of a law does keep people on the right track. The old saying is that it keeps honest people honest. Still and all, unless it can be enforced and if the order of the day is that the words of the law exist simply for the sake of their being on the Statute Book, I do not think it is good law. I can understand why the Government, through its various committees, was not able to come to firm decisions on many matters and, in fact, if we can believe Press reports, changed the decision on some matters.

Naturally, we are talking in generalities at this introductory stage and will look at the specific details of the Bill when it is printed.

[Sitting suspended from 1 to 2.15 p.m.]

Mr. HOUSTON: By means of the Bill, the Government is setting out to remove from the community noise that the community considers to be above an acceptable level. In other words, the Government is saying that it has a responsibility to prevent people from interfering with the general welfare of others. I think that is the general concept of the Bill, and the Opposition goes along with it.

Over the years there has been a change in the type of noise that is acceptable to the community. Many of us can remember when the outer suburbs of Brisbane and nearby areas were purely rural. Those living there needed no alarm clock because the birds, the fowls and the cattle let them know

when it was daylight. Those noises were acceptable to the people who lived there. But after a while residential development came to the outer suburbs and such noises became unacceptable to the people who were then there. Local authorities, for health as well as noise reasons, decided to ban the keeping of fowls in backyards, and they were given this power by virtue of State legislation.

Today those who live in residential areas are subject to noise pollution of a different kind. I refer to industrial noises. One member asked whether industries or homes were there first. In Balmoral Heights and surrounding areas, which are the ones to which I wish to refer, the homes were there before any industries. When that land was sold, salesmen told prospective buyers that the land over the road was open area that was to be parkland. It is true that the salesmen did not disguise the fact that it was owned by the Department of Harbours and Marine. Every person who bought an allotment thought that, although it was Harbours and Marine land, no buildings or industry would be allowed there. It was considered to be waterfront land and land that would be used for park purposes. Accordingly people built their homes there and developed attractive gardens.

The Government then decided to allow industry into this area. As it was Harbours and Marine land, heavy marine industries were allowed to set up there. Certainly the Cairncross Dock was already there but it was essentially a general maintenance dock and people were not working 24 hours a day at the dock and in industries associated with it. The people quite rightly complained about the noise that was being created.

Sir David Muir will know that I and many other residents complained about the noise, particularly when it was made at night-time. Unfortunately Sir David Muir did not have power, except perhaps the power of persuasion, to do anything about it. The Brisbane City Council similarly did not have power to control it; such power had never been given to it. Although the council had power to deal with rowdy roosters, apparently it did not have power to deal effectively with heavy industries that were creating a high level of noise. Perhaps the local authority could have taken on a single person but it could not deal effectively with a wealthy industry controlled by a board of directors and shareholders. For years those people suffered from that problem. It is true that in recent times there have not been any complaints, but I believe that is only because there is not a lot of work being carried out in that establishment at the moment. We want work in the area, but we believe that it should be done at reasonable hours. I do not think it is reasonable for people to be woken up in the early hours of the morning by some industrial activity. So I am hopeful that through this Bill local authorities will be given the power to stop noise.

Naturally, I have not seen the Bill, but I believe that local authorities should have the same powers as the police. The Minister said that if there is a rowdy party going on a policeman can enter the premises and warn the persons concerned to turn the noise down, and if they do not and he has to go back a second time he can confiscate the instruments involved and remove them to the police station. This could be the remedy for that type of noise pollution, but what powers are being given to local authorities over industry? I believe noisy industries should be told that they are overdoing it and that if they persist, then they will be stopped, because, after all, the residents were there first. They bought their homes in good faith, and I do not believe they should be subjected to this noise. I also believe that the bigger the industry the more ability it has to overcome any problems associated with noise.

I will not make any great reference to powerful amplifiers and the like except to support the Minister's view that these amplifiers have got to be turned down. I cannot understand why so many bands today have these powerful amplifiers. I think we can all remember the days when musicians played at parties and they were very acceptable. We can all remember the days of the old sax, the squeeze-box, the trumpet, the piano and the piano-accordion. None of these instruments had to be amplified.

Mr. Lindsay: What have you got against Abba, Jack?

Mr. HOUSTON: I have nothing at all against Abba. The point is that they are not coming to Queensland. But we are not introducing a Bill to stop Abba; we are introducing a Bill to stop the people the honourable member has had complaints about. The honourable member has not done anything about it at all.

I am concerned about noisy parties in my electorate. They have to be stopped. It is not that I do not enjoy parties—in fact I enjoy them—but surely we do not require loud amplified music which annoys other people. Because of the topography of Brisbane quite often a party being held on top of a hill can be heard on the next hill some distance away. In many cases the person making the noise does not realise the distance it travels. I think most of us have been associated with dances for young people over the years. On occasions I have gone in and asked the people who hired the band to get them to make less noise because they are annoying people. They say that they will do so, and they try, but I think that they have virtually become deaf to the noise of music. Those of us in the engineering world know that if a boilermaker has been subjected to excessive noise for too long he becomes industrially deaf. If honourable members know anyone like that, they would know that they speak in a whisper.

Mr. Kaus: You lived on the tramline.

Mr. HOUSTON: I did live on the tramline, and it was all right. But I will come back to that in a moment. I am sure if some musicians were to get together a band without amplification—if they just used ordinary musical instruments—there would be a tremendous demand for their services for parties and that type of thing. So the field is wide open for any industrious young musician.

The honourable member for Mansfield mentioned noise on tramlines. There was noise on tramlines but, strangely enough, people got used to it after they had lived there for a few years. I was more aware of when a tram did not run than when it did run, because I missed the regular noise. In the street to which the honourable member is referring—and he represented the area for some time, so I know that he is familiar with the street—once the trams ceased to run and the loop was removed, heavy vehicles began using it. Now, instead of having trams there till, say, 11.30 at night, heavy commercial vehicles travel along that street 24 hours a day, and particularly early in the morning. The situation is similar in Hawthorne Road and Riding Road.

Again, the Minister should give the police power to order the owners of heavy vehicles to fit them with silencers. If they are not prepared to do that, they should not be allowed to use the vehicles at times when people usually are sleeping or engaging in recreation.

Let me turn now to local authorities. We all have to have our rubbish collected. I do not know who the new contractors are—I have never met them—but I will concede that their vehicles are much quieter than the ones that were used in my area before the recent change-over. However, for the life of me, I cannot see why in this day and age it is necessary for them to operate so early in the morning.

Mr. Hodges: Not the industrial bins?

Mr. HOUSTON: No. I will agree with the Minister about the industrial bins, but I am speaking about the ordinary household pick-up. I know that years ago it was considered unhygienic and unsightly to have rubbish carts going along the streets in the daytime. In my opinion, they are just as unsightly at 6 a.m., 7 a.m., or 8 a.m., when many people are on the roads. I object to the rubbish cart coming at 6 o'clock in the morning, although, as I said, the noise of the cart is not as bad as it was.

But another factor must be taken into account. I believe that, where possible, every family should have a domestic pet. I think it is good for children to have a pet. In addition, because of the circumstances prevailing in the State today, many people want to have a guard dog for their own protection. The problem arises that, because of the type of fencing or the lack of fencing, dogs roam the streets. I think it is a well-known fact that dogs and other domestic

animals are more affected than human beings by high-pitched noises. When a rubbish cart or a vehicle of a certain type moves down the street, many domestic animals perform and bark—in some instances, of course, waking people up. People have complained to me and said, "So-and-so's dog barked on a particular morning." On investigating, I have found that there has been a reason for the barking. I suggest that the rubbish collection should begin a little later, when ordinary working people are up and about.

Mr. Hinze: As you are a registered breeder and an authority on canines, what do you think we should do about barking dogs?

Mr. Moore: Let them bark. What's wrong with that?

Mr. HOUSTON: I think the Minister is serious.

Mr. Hinze: I am serious.

Mr. HOUSTON: As I said, a dog is more sensitive than human beings to noises of a higher pitch. Instruments indicate that noises which are not heard by human beings are heard by animals and they are affected by them. One of the problems arises because people allow their dogs to roam the streets. Quite often a dog that is roaming the streets will upset dogs that are kept inside.

Mr. Moore: The Minister wants to de-bark them, I think.

Mr. HOUSTON: If that is what he is after, it is ridiculous. If that is done, what is the next step?

Mr. Hinze: I think somebody tried to de-bark the member for Windsor.

Mr. HOUSTON: The honourable member for Windsor has a bit of a problem with hair in his ears. It is over his ears and he cannot hear properly; that is his problem. I do not think the Minister would go as far as that.

When the householders of our cities have pets—and, as I said earlier, I think they should have them—they have a responsibility to see that the animals are confined. This is in the interests not only of the animals but also of people who use the road. Many accidents occur as the result of action taken by drivers to avoid animals on the road. If a pet is killed tremendous upset is caused to its owners. There are many reasons why persons should be encouraged to keep their pet animals in compounds. The claim that a domestic animal needs a large area in which to roam is quite unfounded. The rate of consumption of food by a dog, for example, depends on the exercise that it normally has.

Last but not least, I want to talk about noise created by aircraft. This is one of the greatest problems that arise in my electorate. I want the Federal authorities and the State authorities to do something about the constant noise from aircraft that fly over it.

The position is getting worse and worse. Why air traffic cannot be arranged so that in most instances aircraft taking off and landing can be directed over Moreton Bay, I do not know. In other parts of the world aerodromes have only one runway. Hong Kong is an example. There, no matter what the wind or weather conditions are like, aircraft use that single runway. Surely something similar could be done in Queensland. I am sick and tired of receiving complaints from people in my area about noise from aircraft, and I ask the Government to do something about it.

Mr. DOUMANY (Kurilpa) (2.32 p.m.): I rise to support the Minister on the introduction of this Bill. I want to reiterate some of the points that he made and expand on them.

First of all, noise is a most intangible object. Sure enough, it can be heard, but it cannot be seen or felt; we cannot put our hands around it and say, "Here is a problem." As has been rightly pointed out by the Minister, the attitude towards noise varies from one individual to the next and from one situation to the next. It is most difficult to set down in legislation hard and fast rules governing noise.

This Bill will be a most difficult one to finalise and, when finalised, to implement and enforce. It concerns a most problematical area of Government responsibility. There is no questioning the fact that the Government must take some responsibility and must enter into this area.

No-one could deny that a very small minority of persons in the community abuse the privileges of citizenship and take advantage of their neighbours. In this legislation we must try to discern those areas of abuse and do something to eliminate them.

I do not pretend that this will be easy, because if there is one human failing it is myopia. All of us see only what we want to see. We have an enormous gap in our field of vision. We are all pretty good at criticising others, but we behave very poorly when we are criticised by others. As the Minister said in his introductory speech, what is sweet to the ears of some is nauseating to the ears of others.

The previous speaker, the honourable member for Bulimba, spoke about dogs. On the one hand, some people quite enjoy the barking of dogs and they like to have dogs around them; on the other hand, there are some old fuddy-duddies who cannot stand even a single yap from a dog and who constantly grumble and whinge. There is an enormous gap between these two points of view and it would be folly for the Government to cater for either one of them. It must take a course that lies somewhere in the middle.

Mr. Moore: And we would still be wrong.

Mr. DOUMANY: The honourable member for Windsor is quite right. When the Minister enforces this legislation, he will receive very few bouquets and certainly a lot of brickbats.

One very important point in the Minister's speech concerned the need for a flexible approach. It will be a very sorry day if we have hard and fast rules, particularly concerning people's homes. If anything worries me about this Bill, it is the problem of allowing law enforcement officers, whether they be police or local government officers, to enter private homes to confiscate equipment or enforce regulations. I do not welcome this idea. Unfortunately, in some instances, that is probably the only way to get results. But a lot of flexibility and safeguards will be needed to avoid abuse of that authority. I hope that the Minister maintains maximum flexibility in the approach adopted. While tackling noise problems, we want to preserve civil liberties and individual freedoms.

I commend the Minister on allowing public scrutiny and debate over a significant period. It will not be for merely a couple of weeks, but about four or five months.

Mr. Tenni: It is very good.

Mr. DOUMANY: It is tremendous; it is an excellent move.

It is wise to allow this legislation to be pulled to pieces and criticised. However, I fear that, human beings being lazy, everybody will be screaming again about three or four days before the Bill is reintroduced. Let us hope that people take note of the opportunity given to them by the Minister.

Mr. Tenni: What are we to do about those noisy demonstrations organised by the A.L.P.?

Mr. DOUMANY: No doubt we shall talk about that at some other time. I do not think it comes within the ambit of this Bill.

I have one point to stress that I do not think is embodied in this legislation. One of the main problems associated with noise in an objective sense—I am not talking about the subjective discomfort or inconvenience that noise causes people—is that it is detrimental to health. Unquestionably, certain levels of noise affect adversely people's health.

Mr. Houston: Boilermakers have suffered for years from industrial deafness.

Mr. DOUMANY: That is so. Probably a lot of ordinary citizens are suffering similar effects without knowing it.

I should like considerable effort to be expended in educating the citizens as to the dangers involved. I am sure that very few people in the community know of the dangers. I know very little about them except what I have learned from superficial reading. The people need to be educated as to effects of noise on health. If more people knew about them, they would be more responsive to the problems.

Mr. Houston: Maybe they suffer from headaches because of it and then start taking drugs.

Mr. DOUMANY: That is so. There are all sorts of after-effects.

I urge the Minister to co-operate with the Minister for Health on this matter because it comes under his jurisdiction. Education on the adverse effects of noise is as important as this legislation.

Mr. Sullivan: Do we conclude from what you say that members of Parliament, who are sometimes subjected to noise not inflicted on others, run the risk of their lifespan being reduced?

Mr. DOUMANY: The Minister may well be right. From time to time in this Chamber we undoubtedly have enormous noise levels.

On some of the specific items covered by the Minister, I am pleased to say that he is conscious of the need to protect innocent citizens from wrongful involvement in some breach of the legislation. Only in the last few days a young constituent of mine received a warrant in respect of a litter offence on the Gold Coast. Apparently the offender had given the name of my constituent—wilfully. My constituent knew nothing about it and was never communicated with about it. Ultimately he was served with a warrant. He is a young man, 20 years of age, who lives with his mother. There is no father in the household. There was great concern in that home. As all honourable members realise, when a proceeding gets to the stage of a warrant, things are fairly drastic. Once that document is issued, the matter is not easy to stop.

Mrs. Kyburz: That is why we need identification cards.

Mr. DOUMANY: This is what I am coming to. Yesterday the honourable member for Salisbury gave some pretty practical advice about this sort of thing. When a traffic offence is committed, identification is readily available. The driver has a licence and his vehicle has registration plates on it. However, with litter offences it is easy for an offender to give a false name, with enormous consequent upset and concern to some innocent party. It is something that we have to guard against. The honourable member had a valid point in the suggestions she made yesterday.

What we have to watch, too, is the problem of doblers, if I may use the colloquial term—people who are mischief-makers. We have enough of them as things stand now. When this legislation is passed, the doblers in a street will have a field day. I refer to those people who want to get back at somebody and make trouble for somebody—the people who have time to look through their curtains to watch other people enjoying themselves and want

to put an end to it as fast as they can. That is something that will have to be guarded against.

Mr. Moore: They have to sign the complaints, don't they?

Mr. DOUMANY: We certainly want to guard against doblers, because the worst thing we can do through legislation is to encourage mischief-making in the community.

One strong criticism I make about the proposed legislation in its present form—and we only know about it to the extent outlined by the Minister—is the absence of provisions relating to vehicles. In my opinion, some of the worst noise problems are created by traffic—particularly motor-bikes. Some of the modern motor-bikes are deliberately equipped with noise-making apparatus. The standard apparatus is ripped off and in its place the owners put on this abominable piping just to make a lot of noise. They are ridden deliberately to make noise. Yet we are excluding that source of noise nuisance from the legislation.

I see no teeth in the excessive-noise provisions of the Traffic Act as it presently stands. It is a useless piece of paper and it is not enforced. Until the police carry with them decibel meters and chase these dreadful young people—and older people, too—who inflict noise on the community with this sort of apparatus, measure their noise output and force them to change their equipment, we will have no relief from it.

Mr. Kaus: Not only with motor-bikes; it happens with cars, too.

Mr. DOUMANY: It does. It is happening with trucks and city council buses, too. Many council buses are absolutely clapped-out noise producers.

Mr. Moore: They could easily put silencers on.

Mr. DOUMANY: It has to be done. This is the easiest area to legislate for, because the legislation could lay down equipment standards and specifications. The equipment could be incorporated at the time of production of the vehicle or fitted to existing vehicles. This is the only area really where strong, meaningful legislation can be enforced.

I have no confidence at all in the Traffic Act as it stands. From time to time I have tried to do something about it with the local police. They tell me it is hopeless, and I believe them. Frankly, I am disappointed about that omission. Our Minister is one of the most positive people around, and one who has the courage to do this sort of thing. He has not done it. I believe he is in a position to tackle this problem in a most positive way, and I know that he would get results.

Mr. Hinze: I have to ask my colleague the Minister for Transport to introduce the necessary legislation. It has to be supplementary to this.

Mr. DOUMANY: I hope this can be done.

Mr. Hinze: The police have undertaken to get the decibel count to carry out exactly what you are saying.

Mr. DOUMANY: Good.

In this legislation we must also bear in mind the overlapping that exists with other authorities which at the moment have a concern and a responsibility in controlling noise. I instance the Department of Harbours and Marine and gravel-dredging on the Brisbane River. This has been the subject of a lot of concern over many years. Only in the past couple of years I had to tackle this problem in my own electorate. At the moment it seems to be under control but from time to time it gets out of control very easily. In those cases a fair amount of effort is required to right the wrong.

Then we have local authorities with their rubbish collections and industrial bins. Surely this is another area in which equipment standards would be very useful. There is no reason why industrial bins cannot be equipped with buffer pads and the like. That would stop the metal-to-metal noise and either stop or reduce considerably all of the clanging and banging.

The Licensing Commission polices the noise coming from entertainment areas. Here again we have some very serious problems at the present time and a lot of confusion because of lack of measurement standards and other objective standards. Many entertainment places and reception rooms in Brisbane are having a most vexed time in trying to meet the regulations when they do not really know what is demanded of them. Unfortunately the Licensing Commission is very loath to co-operate in setting limits. It says that the noise must be reasonable but that word can mean many things.

The honourable member for Bulimba mentioned aircraft noise. That is very difficult for the State Government to control positively.

Lawn-mowers come into another area of equipment standards and specifications. The noise can be cut quite easily without worrying about hours of mowing and placing heavy restrictions on the activities of citizens as human beings. It is the machine that should be governed, and it can be satisfactorily governed in a technical and feasible way. All that is needed is for us to apply ourselves to setting the right sort of equipment standards and specifications, which would be a great deal better than putting fetters on people.

Another aspect is the composition of the advisory authority; I notice the absence of anyone with legal knowledge. The Minister has cast his net pretty wide but I should

like to see on the committee someone from the legal profession because unquestionably the legislation will bring with it a lot of legal repercussions and consequences. Some legal expertise from either the Justice Department or the legal profession itself would be very helpful in securing opinions.

I should like to add one point about handling complaints and setting the guidelines for people to follow. Some decibel ranges must be set. I do not think that they should be set on a spot basis or on the basis of a particular point. But at least we should set a grey area and when the grey area is entered warnings should be issued. Those who will enforce the laws will need to have decibel meters and if that costs money, then unfortunately if we are to have the legislation we must spend money on the equipment.

Mr. Moore: They are not the only things you want; frequencies come into it.

Mr. DOUMANY: I do not doubt that other factors have to be taken into account. I think that the Minister has made that point. None the less, a measurement gives an additional piece of information and would be welcomed in some situations. I am not saying that the decibel measurement alone should be the basis of prosecution or judgment.

My final point is that there is a way of buffering noise in many cases. We should encourage a lot more tree-planting in our streets. Vegetation will absorb noise. Factories and other establishments in industrial areas should be encouraged, in some cases obliged, to plan buffer zones of fast-growing trees that over a couple of years would provide a buffer against noise.

Mr. Moore: And hedges.

Mr. DOUMANY: Yes, and hedges. Acoustic barriers might also have to be incorporated in factory buildings. This is not being done now.

Mr. Gunn: They do it in Tokyo.

Mr. DOUMANY: That is so, and we can do it here. We have the necessary technology for it. In my electorate and in other inner suburbs people engaged in tuning engines make a great racket. Acoustical devices and other means of protection within industrial buildings, installed to specification, would overcome many of these problems. I should like to see buffer zones of vegetation and certain kinds of noise-absorbent material to specification encouraged very widely. Local authorities should be encouraged to plant trees along streets and provide buffer strips round industrial areas as quickly as possible.

Finally, I mention the matter of cost. All these measures have to be paid for from the pockets of the community. Everything we do in this direction will add in one way or another to the cost of living. I believe that the Minister has to think about that, as

I am sure he will; he cannot impose on the community something that it cannot afford. We cannot afford to adopt legislation that it is impossible to implement in the foreseeable future. Legislation must be tailored to our pockets. I commend the Minister for introducing the Bill.

Mr. LAMOND (Wynnum) (2.52 p.m.): I think one of the most important points about the Bill is that the Minister has realised that it concerns not only those who will be affected by it immediately but many young people, some of whom are in the gallery now. Consideration must be given to the way in which noise will affect them in years to come.

There is no doubt that noise pollution is relative to the time in which it occurs. Possibly in the days of the Romans the sound of chariot wheels on cobble-stones, and other noises made by man at that time, were a form of noise pollution.

Mr. Lindsay: It used to give Augustus a headache.

Mr. LAMOND: Possibly it did. They were noises that were relative to that period. Excessive noise today, in the latter part of the 20th Century, has reached a point at which it is destructive to the quite fragile ear-drums of man. We are experiencing today a battering at a decibel level that is above the capacity of man to tolerate. Similar noises would not have been tolerated—indeed, they would not have been created—half a century ago.

The word "pollution" is frequently used today and I think it is well chosen when referring to noise. The dictionary definition of "pollution" is, "destroy the purity or sanctity of; make foul or filthy". How true that definition is! This is exactly what is happening in our everyday lives. Is this the price that we must pay in these modern times for the various aids to living that we now have? Are we to allow this level of noise to reach the stage at which it destroys not only those who have to put up with it but those who create it in the first place? Is this the price we must pay for mechanisation? It need not be, thanks to legislation of the type now being introduced by the Minister.

I recall reading some years back about a tribe in South Africa that lived in a valley, surrounded by hills, far removed from civilisation. So evident was the absence of noise that people who visited this tribe took the time to study the effect that the silence of that valley had on the human structure. It was found that the members of this tribe underwent a much slower ageing process, were extremely mentally alert, had a considerably more detailed approach to many of their problems, had greater concentration and had keen hearing which their civilised counterparts could not match.

Noise today places continual pressure on man. Many appliances and machines are manufactured today in such a way that they produce very little noise, but the operators all too frequently use equipment in such a way that it produces far more noise than would be produced if it were used correctly. We often find that, through bad maintenance or because the operator has tinkered with the machine, it produces far more noise than indicated in the original specifications. I think we should be legislating not only against noise but against those people who, through laziness, stupidity and lack of consideration allow equipment to become run down, thereby causing noise problems.

Previous speakers have mentioned aircraft noise. There is no doubt that our demands for faster and yet faster travel have resulted in more and more aircraft appearing in our skies. We require faster aircraft, and this means more power. Today we are experiencing an aircraft noise level which is unbelievable and which could not have been imagined by previous generations. I realise that the Government has great difficulty in controlling the air corridors associated with the Eagle Farm Airport. However, I believe the Government should try to influence those people who are responsible for locating air corridors because people living in suburbs under flight paths are experiencing great discomfort. We find that the aged are being robbed of their well-earned rest and that when a child is put to sleep he is woken up by this continuous noise. These flight paths cross well-established suburbs and the noise affects a great number of people. Brisbane is no longer a country town; it is a major city, but aircraft flight paths are sited as though Brisbane were a country town. We must try to persuade the people responsible to divert aircraft away from our established suburbs. Alternative flight paths have been mentioned, and there is no doubt that Moreton Bay offers an excellent flight path into Eagle Farm. It would certainly relieve the noise problem suffered by people living in the coastal suburbs, which suffer continually from aircraft noise if Moreton Bay were used as a flight path. In the United States of America quite rigid legislation is being brought down to control aircraft. In some areas, aircraft that do not comply with the prescribed noise level have to be taken off a particular run and the company concerned has to replace them with aircraft that are suitable. The regulations are being rigidly enforced in many places in America, and a news item that I heard recently indicated that they were being extended over virtually the whole of the United States because people there are so conscious of air pollution caused by aircraft.

Comment was made earlier in the debate about problems arising from the use of motor vehicles, motor-bikes, motor boats and other forms of mechanical transport. There is no doubt that these cause a problem

in virtually every suburb and in many outlying areas. By our bad management, we have allowed people to neglect the necessary maintenance, and exhaust noises are no longer effectively controlled by mufflers, and so on. We have also allowed people to tamper with vehicles of various types so that they make a noise which is particularly pleasing to them. But it is necessary to consider many people in the community other than the individual who sees fit to tamper with a piece of machinery and bring its noise level to a pitch that gives him joy. In many instances that noise level is destructive to his fellow man. As I have said on other occasions, in many instances people of this type are ignorant, stupid, lazy and irresponsible. These might be hard words, but they are stupid people.

Mr. Lindsay: The lunatic fringe.

Mr. LAMOND: As my colleague says, the lunatic fringe of the community. They must be forced to do the right thing.

In my own area—and, of course, it is not restricted to my area—when the hotel closes at 10 p.m., quite frequently one hears motor-cycle groups leaving and roaring through the suburbs, disturbing the peace that people should be able to enjoy in the evening. There is no doubt that the motor vehicle in its various forms creates great problems, and we must have laws to ensure that these problems can be overcome.

One or two honourable members have spoken already about audio assault—assault by loud noises. Each of us, as his family has grown up and he has attended social activities, has found himself at functions at which the noise level has made conversation or other forms of communication impossible. When I attend functions and visit areas in which functions are held, I sometimes wonder whether the noise level is created for a sinister purpose. It destroys conversation; it destroys communication; it destroys the capacity to think logically. If the volume were turned down slightly, the music would become quite pleasant background music that the majority of people would enjoy.

I do not suggest for one moment that there is not a section of the community which enjoys loud music. I will never understand why people enjoy it, but undoubtedly some people do. Let them enjoy it; but let them enjoy it in such places that it does not affect those who do not derive pleasure from heavy-handed control of the volume of music. Quite frequently at functions I have asked people how they feel about the loud volume of the music and, with the exception of a few young persons, they have told me that they dislike it. As I said before, I sometimes wonder whether it is being allowed to creep in with the sinister motive of destroying our ability to communicate.

The Minister is conscious of the bombardment by noise from all levels. As he said in his introductory speech, what is

music to the ears of one person is noise to the ears of another. We must adopt a very tolerant approach towards others and we must be careful in defining those areas that are noisy and those that are pleasant to the ear.

The Minister's decision to lay the Bill on the table to give the public an opportunity to come forward with suggestions and criticism is a wise one. This legislation will engender a lot of public comment. The proposals contained in it were first mentioned some time ago, and many persons have commented on them because they know that they affect their way of life. It is not possible in 20 minutes to speak about all sources of noise. I have no doubt that before the second-reading stage many suggestions will be put forward, some of which will concern noise that we had not even considered. I congratulate the Minister on his introduction of this Bill.

Mr. MILLER (Ithaca) (3.7 p.m.): It is reasonable to suggest that this legislation is brought forward as the result of lack of action on the part of councils generally, and the Brisbane City Council particularly, in the area of noise pollution. I do not believe for one moment that the Brisbane City Council has accepted its responsibilities in this area. The honourable member for Bulimba touched on this matter when he referred to the fact that, although the Brisbane City Council had ordinances covering the crowing of roosters, it did not have ordinances relating to noisy shipbuilding activities. I ask the Minister to inform the Chamber, either in his reply today or at the second-reading stage, what approaches have been made by the Brisbane City Council to the Government to have the council's ordinances altered to give it the power it needs to exercise control over such activities.

The Brisbane City Council has expressed its concern at losing certain powers, which no other local authority presently has, but when it comes down to the real basic issues that are the council's responsibility, it seems to show a total lack of concern for altering its ordinances so that they might be effective. So I say it is reasonable to suggest that this legislation arises from the Brisbane City Council's failure to accept its responsibilities.

There is one area for which we are responsible and in which we have not faced up to our responsibilities—the design and manufacture of motor vehicles. If there is one thing that legislation should cover, it is the noise level from motor vehicles, particularly diesel trucks and motor-cycles. If one model of diesel truck can be fitted with a silent exhaust system, I do not see why all other makes and models cannot be similarly fitted. I know no reason why all of them cannot be muffled to one level.

One has only to stand in lower Ann Street in the Valley, where there is a continuous flow of heavy diesel trucks, to pick out the offending vehicles. One has only

to listen to motor-bikes to find out which are noisy. Some firms make motor-bikes with a very low exhaust noise while others, for the enjoyment of the riders, seem to design their vehicles to make the loudest noise possible. If there is one area that is really our responsibility and not that of the Brisbane City Council, it is this, yet we seem to have overlooked it.

Mr. Hinze: No we haven't.

Mr. MILLER: In his speech the Minister contradicted himself in two places. At page 29 of it he said—

"It was decided not to proceed with provisions on noisy vehicles in this Bill, at this stage, following top-level consultation with police.

"It was pointed out that there already is provision, in the Traffic Act, for the exercise of control over noisy vehicles. And while those provisions might need strengthening, it was considered best that this aspect of noise control be left in the hands of police."

I do not believe that is a police responsibility at all. Since when have the police been responsible for the manufacture of vehicles? This legislation must cover this feature, not the police who are concerned about those who alter mufflers on vehicles.

Mr. Moore: All that the police do is uphold the law.

Mr. MILLER: That is all they have to do.

I agree with the general secretary of the Police Union, Mr. Merv Callaghan, who said in July this year that noisy parties were the responsibility not of the police but of the Brisbane City Council. That tallies with what I said very early in my speech. The police will get a very bad name from this legislation unless we are particularly careful to cover them. The public generally must know that if the police interfere in noisy parties, they are acting under the Brisbane City Council ordinances. I want the Brisbane City Council to accept its responsibility and, on what the Minister said, namely, that there was general agreement between the Police Department, the city council and his department on this legislation, it is prepared to do so. If the council is prepared to accept its responsibility, it has to set limits for noise made by motor-mowers, barking dogs and parties. Those are all council responsibilities. If the council ordinances are not strong enough, they will have to be altered, with the Minister's approval.

Under this measure we are dealing with town-planning and making it more effective, because noise will be taken into consideration in siting industries. But we must go a step further and consider the siting of sports fields and clubhouses, because noise from people there can be just as much of a nuisance as that from any industry. Some areas are suitable for sporting complexes.

Lang Park, for instance, is surrounded by industry and a few houses. Other areas are also ideally suitable for sporting areas and clubhouses. Yet in the modified town plan, which is to come before us later this year, the Brisbane City Council is considering, under its ordinances, allowing sporting bodies and clubhouses in local parks as a right.

Surely if we are concerned about noise, the individual in the community and the siting of industries, we must be concerned about the siting of commercial sporting organisations. The small sporting bodies do not create problems, but the huge commercial sporting bodies and their complexes create havoc in a residential A area. When the Minister talks about town-planning and industry, I want him to talk also about the siting of sporting bodies within the community.

I agree with the remarks of the honourable member for Bulimba about rubbish carts disturbing people in their sleep in the early hours of the morning. That again is a council responsibility. Surely the legislation should not have to spell out to the Brisbane City Council when rubbish carts are allowed to collect rubbish. Why hasn't the City Council accepted its responsibility? The honourable member for Bulimba is quite right in what he says.

Just to show that I am not going to rubbish the council only, I agree with the honourable member's complaints about aircraft noise. Both the State Government and the Federal Government have to do something about that. He is quite right. In Hong Kong, planes arriving and departing fly over the one area—over the water—irrespective of which way the wind is blowing. Flying out and in, they pass above the water.

Mr. Moore: Of course, Hong Kong is an island, you know.

Mr. MILLER: It is an island, yes, but the flight paths are fixed—not for that reason, but because of the huge buildings that have been built there. There is only one way in and out.

My electorate had no aircraft noise pollution whatsoever until quite recently. For some unknown reason, on certain days planes are now flying over the Ithaca electorate. On occasions they are so low that the noise is unbearable. Any move by the honourable member for Bulimba on this matter will have my full support. I want those aircraft to travel over the water, where they will not disturb the community. If it disturbs people of Ithaca, it must disturb everybody else. I see no reason why people have to put up with that when it is completely unnecessary.

I want to refer also to gravel barges—and this again is the responsibility of this Government, because we allow gravel barges to operate at night. There has been a lot of talk about noise level during the day and noise level at night. Gravel barges make no

more noise during the day than they do at night; but, after most people have gone to bed and the road noise has disappeared, the people in Auchenflower are disturbed by incessant noise from the gravel barges. Although, because of traffic noise, they do not hear it during the day, it is an impossible noise to put up with at night.

This legislation should be powerful enough for the relevant department to insist that that sort of noise not continue at night. I do not see how it is possible for a gravel barge to be silenced. Its operation is steel on steel, and I do not see how that can be overcome.

Mr. Marginson: They are supposed to knock off at 11 o'clock.

Mr. MILLER: Even 11 o'clock, I believe, is too late, because people who may not want to go to bed should be able to listen to television without having that noise in the background. Again, that is something that through this legislation we could do something about. I certainly hope that we can strengthen the hands of those who want to complain about gravel barges. Those who do not live in the areas where gravel barges operate do not know the terrible noise that has to be put up with.

One aspect of this legislation that worries me greatly is its application to noise from house parties. I do not want to see a situation arise where a person can have perhaps one house party in 21 years—a 21st birthday party or a wedding reception—and somebody in the area can complain about the noise. There are irresponsible people in the community who are not prepared to accept one party in 21 years. I do not want to see irresponsible action taken by the police in respect of that sort of function. There has to be some sort of points system under which those who are responsible for continually making a noise are known to the police. We have a points system for traffic offences; we can have a points system for noise pollution. I repeat that I do not want a person being hauled before a court because he has one party in 21 years.

Outside a house in Milton Road, Auchenflower, is a huge sign reading "The House of the Rising Sun". It is occupied not by one, two or three people, but by a complete hockey team. The people in the area tell me that this team practises hockey inside the rented house. Imagine the noise! When the occupants decide not to practise hockey, they have a party. The parties go on night after night when these people are in the mood.

The Minister said that if there are two complaints within 12 hours, amplification equipment can be confiscated. What will happen if the noise goes on continually night after night? Whilst a person should be entitled to have a noisy party now and again, the community should not have to put up with continual parties in one particular house.

Unfortunately, this happens usually in houses in which groups of young people are living. Families occupying houses in an area will consider one another but a group of young boys or girls or both living together in a house seem to lose all respect or consideration for the people around them. I realise that not all young people are like this. People in my area have told me that they have a group of young people residing alongside them and would never know they were living there. Most of the complaints I have received in Ithaca have been not about families living in a house, but about groups of young people who have no respect for the other people in the community.

The control of trail-bikes is again a responsibility of the Brisbane City Council. Young people are entitled to have and ride trail-bikes, but we have to put them into an area so that people living in a normal residential A area can enjoy the peace and quiet they expect.

Mr. Moore: They can be silenced the same as any other motor.

Mr. MILLER: I would prefer trail-bikes to be ridden in areas specially designated for them. Also, I would prefer model aircraft to be flown in the same area. Both of them create a noise nuisance. People in Ithaca are encouraged to use State school sports grounds out of school hours. I think they should be used by the community on weekends because they are wasted after 3 p.m. on Fridays. Model aircraft clubs are now coming in and using these areas, which are ideal for them, and while they appreciate and love the noise of their model aircraft (I suppose we all would if we were flying them) people living within a few hundred yards of a school do not appreciate it. They may want to do something else such as listen to the commentary while watching a football match on television, but, because of the incessant noise of model aircraft, they cannot hear it.

This is the sort of area where we as a Government have to ensure that the Brisbane City Council accepts its responsibility. I do not believe that it is an impossibility. As other local authorities in Queensland propose to set aside areas for trail-bike riding, and have already written to the Minister for Sport about it, the Brisbane City Council should do the same. Only this morning the Minister for Sport said that in this regard he had not heard from the Brisbane City Council. All metropolitan members would be aware that this is one of the worst complaints brought to our attention.

Mr. Lindsay: The most frequent?

Mr. MILLER: Yes.

I circulated a letter in my electorate asking the people to list their complaints in the order of priority. The majority said that the

noise that most concerned them was not hi-fi equipment, but barking dogs, which rather surprised me.

Mr. Moore: Neurotics.

Mr. MILLER: I would not say that they are all neurotics.

Mr. Moore: Most of them.

Mr. MILLER: When packs of dogs are running round and one starts to bark, immediately they all bark.

(Time expired.)

Mr. SIMPSON (Cooroora) (3.26 p.m.): I should like to commend the Minister on bringing down this Bill. It is a move in the right direction. In effect, the Minister is throwing the subject into the ring for comment, after which he will allow the Bill to lie on the table for some months so that, if necessary, amendments to it can be made. In fact, I understand that he will welcome suggestions for improvement.

As beauty is in the eye of the beholder, so noise is in the ear of the listener. In other words, as the Minister said, what is sweet music to some is noise to others. That is why it is necessary to have, on the one hand, legislation with sufficient teeth to pull into line those who flout the regulations and go against the feeling of the majority of the community. On the other hand, there should be a public relations exercise by well-trained officers to point out to those who offend that by making excessive noise they are not showing consideration for others. They should then have pointed out to them ways of overcoming the nuisance that they are creating.

Consideration for others is sometimes forgotten when a party reaches the joyous state at which people have drunk more than they should and no-one is too sure who is running the party, who is controlling the noise, who lives next door and who may be offended. I do not think noisy parties will constitute a major area of noise pollution. Noise from parties, however, does at times get out of hand and it will be covered by the provisions of the Bill. If a police officer investigates a complaint about noise from a party and finds that it is not trivial, he will ask that the noise be reduced. It must then be reduced for the next 12, not 24, hours, which means that if the policeman on his rounds half an hour or an hour later finds that the noise has not been reduced, he can go in and confiscate the equipment or apprehend those making the noise.

Noise in industrial areas will be handled by the local authority, with the assistance of the authority to be set up by the Minister. This authority is to consist of representatives of the Local Government Department, the Department of Commercial and Industrial

Development, the Department of the Co-ordinator-General, the Police Department and the Health Department. There will also be on the authority two representatives of industry, a Local Government Association nominee, a Brisbane City Council nominee, one public representative nominated by the Minister, one representative of the Council of Agriculture and the Director of Noise Abatement, who will be chairman. That authority will advise local authorities in their area of administration. I would like to think that they would also investigate and use whatever resources are necessary and apply knowledge gained throughout the world to overcome or at least reduce noise in industry and commerce. It may be necessary to conduct experiments in this field.

The Minister has indicated that motor vehicle noise can best be dealt with under the Traffic Act if in fact it is amended to give it more teeth. From this point of view, I am concerned that the only time that noise can be accurately measured is under control conditions. In other words, tests are conducted in a sound-proof room or a room in which the background noise levels are known, and this should be done at the point of manufacture. In that control situation, silencing methods for internal combustion engines could be tested and acceptable levels determined. Naturally there are higher noise emissions from larger engines and engines of different designs, such as two-stroke engines and two-stroke diesels. With two-stroke engines and two-stroke diesels, noise is emitted from the intake as well as the exhaust, but these can all be silenced. Any method of silencing costs money, and the manufacturer is often loath to put extra cost on—

Mr. Moore: What are you saying—you get a lot of noise out of the carburettor?

Mr. SIMPSON: Yes.

Mr. Moore: What bloody rubbish!

Mr. SIMPSON: It is obvious that the honourable member for Windsor does not know much about noise emissions from two-stroke motors.

It is at the level of manufacture that we should be developing efficient silencers for internal combustion engines, and these should be attached to the engine at the factory. Then if a noisy vehicle is stopped on the road it is only necessary to check that the original approved equipment is still functioning. If it is worn out, rusted out or in any way modified, it should be replaced by an operational piece of equipment approved for that motor. Whoever was responsible for the administration of that section of the law would have to ensure that the replacement was in fact carried out.

Mr. Frawley: Some people knock the baffles out of their exhaust systems.

Mr. SIMPSON: Yes, I know, but there are straight-through exhausts which, because of their design, ensure full and adequate silencing. Some people who knock out baffles are in fact trying to use the chamber in their exhaust silencer to create a noise, not to silence it. The design of silencers for the absorption of noise has now developed sufficiently to enable us to overcome completely the problem of noisy motors.

I agree with the comments made by previous speakers about musical instruments used at parties and in public halls. The bands that create this noise buy expensive equipment, and perhaps they want to recoup some of their money by turning this or that knob all the way up instead of half-way. Of course, the noise level is determined by how many watts of power that amplifier can produce. Having run quite a few school dances and balls, I have conducted surveys and I have found that even students of a tender age do not appreciate high noise levels at their dances but they cannot in fact persuade the people in the band to turn the amplifiers down.

Mr. Frawley: That's to drown out the rotten singing.

Mr. SIMPSON: Sometimes it is not only the rotten singing. Sometimes they want to turn up the music to the point where the old fuddy-duddies sitting around the outside of the hall talking to each other cannot continue their conversation, and boy oh boy, they do it effectively even for those sitting at the back of the hall. Obviously it is not music to be enjoyed; it simply shows a lack of consideration for the majority of people. In my opinion, this is an area in which excessive noise must be curbed.

It is a well-known fact that excessive noise, quite apart from not being enjoyable, destroys the higher range of a person's hearing and makes it impossible for him to appreciate high notes. The effect is progressive and cumulative, and the hearing that is lost is never recovered. There may be a loss of only half a per cent one year and another half a per cent the next year, but that loss is never recovered.

Farmers should keep this in mind when they have a noise source such as a high-powered tractor close to their ears, and not only tractor drivers but also others associated with a high level of noise should be educated and induced to use ear-muffs to safeguard their hearing.

In areas in which urban development is encroaching on rural activities, exceptions must be made for occasional seasonal work the noise level of which may not ordinarily be acceptable in an urban area. In my opinion, there should be a flexible approach to enforcing the legislation in those circumstances.

The question of curfews has been discussed by other honourable members as it related to suggested legislation to deal with mowers. I point out that the curfew on aircraft coming into Brisbane is effective.

Basically, the matters to which I have referred will now be handed over to local government, and I believe that, with technical and other support from the State Government, local authorities will be able to implement the legislation effectively. The question of having barking dogs and screeching birds in the hands of local authorities concerns me, because this is an area from which I receive most complaints. Other honourable members have also said that it is a matter of concern to them. Although motor vehicles are responsible for the highest level of noise nuisance, people seem to believe that it cannot be reduced. In my opinion, it can. But with barking dogs, screeching birds and crowing roosters, one certainly gets extremes. The repeated barking of dogs finally gets through to people and sends them up the wall.

Mr. Casey interjected.

Mr. SIMPSON: Not necessarily. It is not simply the noise level; it is the constant barking that gets under people's guard and puts them off side. On the other hand, some people complain in order to get back at people whose dog has, say, come from next-door and dug a hole or buried a bone, or something like that. They see it as a way of getting rid of the dog. We have left a certain grey area that only future amendments will clearly define.

A great deal can be done to abate noise, and I am sure that it is the intention of the Government to do this. People must be made aware of the fact that noise can be quite annoying and tends to lessen our enjoyment of life; they should also be taught that it can be cut down. In industrial areas, for example, noise can be lessened by the planting of trees. Similarly, in commercial and residential areas, shrubs and trees, besides adding to the appearance of a locality, act as a buffer to noise. Town planners should set aside large sites for noisy industries and look at ways and means of establishing barriers between them and residential areas.

Prior occupancy is a difficult aspect, whether it involves the erection of a motel next door to a Salvation Army establishment and complaints by persons staying at that motel about band practice night next door or whether it concerns noise coming from a sugar mill that was erected long ago in an isolated area and is now surrounded by houses. These matters must be looked at sensibly. We need to ask ourselves whether the noise is more excessive than originally and whether it can be abated. With co-operation on all aspects of noise nuisance, measures can be taken to abate it so that the quality of life of all Queenslanders can be improved. I commend the Minister for his introduction of this measure.

Mr. GIBBS (Albert) (3.42 p.m.): It gives me great pleasure to support the Minister on the introduction of this measure. He has gone to a deal of trouble to have this Bill brought forward. I am pleased to hear that he will allow it to lie on the table until the March session so that the public can read it and offer criticism of it. Although it has been asked for by a large number of people, it is sure to give rise to controversy.

We must ensure that when the Bill becomes law it is not used by people as a vehicle for making frivolous complaints. I am sure that in all electorates there are those persons with supersensitive hearing who are affected by almost any noise at all. We cannot afford to allow this Bill to become a vehicle for frivolous and vexatious complaints.

Mention has been made of lawn-mowers. In the back-blocks behind Gladstone the use of a lawn-mower at, say, 4 o'clock in the morning would not worry anyone, whereas in the closely settled areas of Brisbane it would create a nuisance. The implementation of this Bill must, to a large extent, be left in the hands of the local authorities, which are best able to determine the effect of noise on residents in their area. The provisions in the Bill must be flexible, because not all of them affect the whole of the State.

Problems arise from the close settlement of areas around long-established noisy industries. Unfortunately, councils and town planners have, in the past, allowed this to occur. In the past, bad planning occurred throughout Queensland, but perhaps more so in Brisbane where industry grew like Topsy. I know it is difficult to stop housing developments, but councils have allowed them to be established adjacent to industrial areas. When that happens people start to complain and we put the screws on industry. That is hardly a fair deal for industry but, in the main, industry is fairly considerate and does all in its power to overcome noise problems.

People should realise that this Bill will not be a magic wand that will cure all ills. People have said to me, "It will be beautiful when the noise legislation is passed. It will cure this and that." They think it will be a magic wand that will cure noise problems overnight. That is far from what will happen. This is only our first noise legislation, which will give a good guide to the community and give better teeth to those who have to combat noise. It may help them to overcome many of the problems that are beyond them at the moment.

Irrespective of the provisions in this Bill, the problems created by motor-bikes and trail-bikes used on private property will be very difficult to control. Local councillors and honourable members receive many complaints about the noise generated by trail-bikes. Noisy cars used by people who have no respect for others cause considerable trouble. It seems that late at night or in the early hours of the morning drivers love to hear themselves roaring around the town. It will be good if

the police get more teeth and are able to apprehend offenders. In this way vehicle users will have more respect for families and their health in closely settled areas. In the bush noise does not worry people very much but it worries those who live in closely settled areas.

I believe that, in time, we will insist on mufflers with certain decibel readings at a certain distance. If a muffler does not meet the specifications, the manufacturer will have to bring it up to scratch. If a person does not maintain a muffler properly, or knocks out the baffles, we will have to come right down on him to overcome the noise problem. This Bill will provide the pathway in our first attempt to overcome noise, which sorely affects people.

Noise affects town-planning, Government departments, local authorities and airports. When the Tullamarine Airport, near Melbourne, was constructed, it was out in open country, but it was not long before land close to the airport was sold. That destroyed much of the original concept. I am sure it will not be long before people close to Tullamarine Airport complain, just as they are complaining in Brisbane and, to a lesser degree, in Coolangatta. Perhaps the honourable member in whose electorate the North Coast airport is situated should look into this very closely, because it will not be long before people are living close to that airport and they will want to close it down and have it relocated elsewhere.

To make this Bill effective, close co-operation will be necessary among the Government through the Director of Noise Abatement, local authorities and the police. We are legislating to bring about close co-operation of those three groups. In that way we will achieve much, just as we have with the Clean Air Act and the Clean Waters Act. At a later date it may be an idea to have these three areas of pollution brought closer together so that all forms of pollution are within the ambit of one body.

Speedways, showgrounds and public halls have been mentioned. Those spheres of activity already exist, just as does industry. People have to learn to be tolerant of such venues, as long as respect is paid to their rights and an adequate standard of behaviour is maintained.

I repeat that this Bill will not be the magic wand, as many people expect, to overcome all difficulties. I believe that it will be a practical document—or as practical as it can be without our overlegislating. That is something that the Government—and certainly this Minister—has no desire to do. We do not want to affect people's lives with great bundles of red tape. In future, when industry is being established, it is up to town-planning authorities to take due notice of the provisions within this Bill and to make sure that adequate buffer zones surround industry so that residential and

industrial developments can live side by side in harmony, because each is important to the other.

I congratulate the Minister and his officers on the amount of work that has been put into this legislation. After the Bill becomes law, from time to time there will have to be amendments. The proof of the pudding—this attempt to overcome the noise problem—will be in the eating. If we find that the result of the legislation is not in accordance with the way we think it should work, we have to show a willingness to change it. The Minister has indicated to me that if Queenslanders indicate that something appears to be wrong with the Bill, he is willing to amend it.

Mr. WRIGHT (Rockhampton) (3.53 p.m.): In introducing this Bill the Minister made the point that a period of something like two years has been spent in its preparation, review and reshaping. Most people in this Parliament and in the community generally would say that its introduction is long overdue. I think the Minister recognises that. I accept that somewhat of a dilemma faces any Government wishing to bring down legislation that will overcome all the problems, and, moreover, overcome the dilemma that has been faced for many years by local authorities, police and householders. I accept that it is no simple task to overcome a noise problem and at the same time adopt a reasonable attitude and approach to civil liberties. Again, that point was made by the Minister.

However, we all have to agree that noise is part of our society. Over a long period people have been conditioned to accept it. Sometimes when the television breaks down and there is quietness in a house, people become uncomfortable. If conversation comes to an abrupt stop, the atmosphere is uncomfortable. So I make the point that we have become conditioned to noise.

The real test of this legislation will come after it has been operative for a considerable time. The Minister made the point that he intends to defer the second reading to the next session. That will allow for very close scrutiny by all concerned groups in the community, especially local authorities.

Many members have spoken about the problems that exist in the community with parties, and the various problems we have with dances and hi-fi equipment. I raise the matter of the equipment of an industrial type that is now used in the home. I would hope that action will be taken through this legislation and that it will not simply be left for local authorities to deal with it. Too often local authorities have simply rezoned an area and permitted some type of light industry to be conducted.

I am very pleased to note that the Minister has considered the problem of noise associated with industry and commerce. But there

is a major task ahead here—a major task for the State Noise Abatement Advisory Committee that is being proposed. The Minister made the point that this will be an advisory committee, that its task will be pretty general and that it will bring down suggestions on overcoming these problems, noise levels and so on.

I concur with the idea of adopting the warning technique when it comes to police officers taking action. Unfortunately, in our society police have been looked upon as ogres. This is because they have to carry out some very undesirable tasks. None of them like to go along to a party at 12 o'clock and tell the people to wind down or close down because someone has complained. Very often it is the same person who complains all the time and police officers do not like it. Very often they will not have to do more about it than give a warning. But now action will be taken if a second complaint arises within 12 hours. Under the legislation, the equipment can be confiscated or rendered inoperative and finally the persons involved can be arrested. So it is a step-by-step process and I think it is a reasonable approach. Let us give a warning and if it is not acted upon let us take direct action.

What concerns me most is the onus that is being placed on local authorities in the establishment of industries in certain areas. The Minister made the point that some type of environmental consideration will be given when industries are going to be established. I do not think that this will overcome the problem. It will be all right for new industries, but the difficulty today is the existing industries. The Minister made the point that we have to accept that there is an unavoidable element of noise and that in this instance we are going to give a licence. He said that it will not be a licence to make noise, but I still say that that in fact is what it will be. I think it will be an out for many areas of industry that do not want to fall in line with the provisions of the legislation. They will simply say, "It is totally unavoidable. There is nothing we can do about it. We have tried. Don't press the matter. Give us a licence to continue." This is the real test for the Minister.

The enforcement of this aspect will be very difficult. Judging by some of the action taken by the Government in the past in regard to its own instrumentalities, I do not hold out much hope. Something like seven or eight months ago I raised the matter of the noise problem caused by a noisy motor at the Fish Board in Rockhampton, which upset the nearby residents. The Minister said that he would take action and wrote to me and said that it was fixed up. Last week one of the residents wrote to me and said that the motor is as noisy as ever. If this is the action taken when it comes to an instrumentality over which the Government has complete control, what type of

action can we expect when it comes to a commercial or industrial enterprise? I wonder if anything will happen against major industry. I accept that the legislation will overcome the problems of future development, but it is the existing problems that we need to be concerned about. In his reply the Minister might elaborate on exactly how tough he will be on existing industry.

Mr. Frawley: He is the toughest Minister in this Parliament.

Mr. WRIGHT: He is also one of the nicest Ministers, especially with the ties he wears.

We have too many warnings. It is the same with builders' registration. The committee warns the fellow, gives him notice and warns him again. I believe that this is the type of approach that will be adopted with this legislation. There will be too many warnings and too many reports. I accept the idea of a progressive approach. We must have warnings and reports, but finally some action has to be taken. I say that this is the real test for the Minister. I hope that the licensing provision of the legislation will not be an easy way out for industry. We have waited two years for the legislation and I hope that it has been really worth waiting for.

Mrs. KYBURZ (Salisbury) (3.59 p.m.): This is what I would call a cotton-ball Bill. It is soft and fluffy and will be useful only occasionally. There are so many loop-holes in the Bill and so many noises that have not been covered that the legislation will have to be amended again and again. The determination of noise varies from person to person and I am rather concerned that the Bill will give so many people in society something further to gripe about.

I should like to say at the outset that I think this is an example of a hard-sell Bill. It is a pity that some other Bills did not receive the same treatment. This Bill has been talked about quite extensively, and even praised, before we have seen it. I must say, though, that as a public relations exercise it has been quite well done because the Press that the Minister has had has been quite astounding. It has given him quite a good run, irrespective of whether the Bill works.

I do think, however, that some of the demand that has been created for the Bill has been false. Many people will use the Bill simply as an excuse. People read in the newspapers of legislation that is to come before we know anything about it, so reading the papers is quite interesting for us, too. When we read the papers and see what is coming, we often get a little hot under the collar, because we think, "Why is this being done? Why is that being done?" I think that many of the provisions of the Bill are very good although probably it will not go far enough.

In the matter of industrial noise, I agree with other members who referred to prior rights in the case of domestic and industrial use in juxtaposition. Industry should not move into a residential area; it should go somewhere else. It is the prerogative of the local authority to decide on zoning, despite what was said by the previous speaker. It is the responsibility of every council to decide on zoning. The fact that so many councils are shirking their responsibility is another matter, which I do not propose to get involved in now.

Many people complain about the noise of aeroplanes flying over Brisbane. People who buy in Clayfield and other northern areas know full well that they will be in the flight path of aeroplanes. They know that they will be living in a noisy area. I do not care what they say; if they want to live in the better areas, as they are called—

Mr. Moore: The honourable member for Merthyr is one.

Mrs. KYBURZ: He is a great complainer but he knows that he will have aeroplanes flying over his head every half hour. It is different if a person buys into an area where there is land on which an airport is to be established but which was not planned some years ago. But the airport at Eagle Farm has been there for many years and people buying houses in that district know that they will be living in a noisy area. The setting aside of industrial land is the responsibility of local authorities and they should be looking further ahead than they are looking now.

There is no doubt that we all wish to see noisy hoons on motor-bikes and in cars and trucks subjected to control—and grown-up hoons, too, if a hoon is a young person. Sadly, the Bill does not contain such a provision. I do not know the attitude of the police to the Bill. We are assured that there will be great co-operation from them but we will just have to wait and see.

I think that suburban noise is the most difficult type of noise to tackle. This is the noise produced in most cases by the people themselves. I think that it is largely the result of a lack of tolerance, which simply means lack of consideration for neighbours. Many people live on 24-perch allotments. Perhaps they are too small. Many people live in small houses on such small blocks and obviously noise passes from one house to another. Other people live in multi-unit dwellings, which must be extremely noisy.

I wonder whether this legislation is to be binding on the Crown and Crown instrumentalities. I have had many complaints from constituents about the blowing of train whistles at all hours of the night. I have tried to find out why train whistles are blown and this has proved to be an interesting exercise. Different people give different answers. In fact, some say that train

whistles should not be blown. I live one block from the railway line and sometimes train whistles are very noisy. I do agree with those who say that it is a bit much at 3 a.m. to be virtually thrown off one's mattress by a blast from a whistle that makes it sound as if Beowulf is outside the window.

Not only that, people must be able to complain at all hours of the night. In saying that, while people will take the opportunity to ring somebody, and unfortunately, all too often it is us—and by "us" I mean members of Parliament—I think that they have to realise, first of all, that the responsibility rests with the administering authority. It is for the Minister to explain the legislation and tell the public who is to have jurisdiction over each section. It might be quite baffling in the beginning.

As long as people demand development and tend to live in clusters in cities such as Brisbane, they must expect certain noises in suburbia. After all, a baby crying for hour after hour is extremely annoying to some elderly people—I suppose not only elderly people—while the barking of dogs annoys other people, although it does not annoy me personally.

Many previous speakers have mentioned loud music. I am a rock fan myself, and I play my records quite loudly. When the lady next door says to me, "Would you mind turning it down?", whether it is 3 o'clock in the afternoon or 10 o'clock at night I do it simply because I know that if the music is annoying somebody, then it is my responsibility to turn it down. Unfortunately, not enough people are prepared to comply with the wishes of others.

I think many provisions in the Bill have a certain amount of merit although, as I said, it has been quite a hard-sell job. The Minister spoke of malicious or frivolous complaints. I am particularly interested in that comment, and I am pleased to see that where a complaint is considered by an investigating officer to be of a frivolous or a vexatious nature, he will have the option of taking no action. I wonder how a man or woman—I hope a few women will be appointed as investigating officers—would in fact decide that a complaint was of a frivolous nature. Anyway, it does not really matter. If the option is there, well and good. People ring up about all sorts of things. They ring up about the bloke next door using a cement mixer at 7 o'clock in the morning. He might be doing this because it is too hot later in the day, but the person next door might be a shift worker and it might be disturbing his sleep. No doubt people will complain about squawking birds and all sorts of things. Some dishwashers are quite loud. People have rung me complaining about the noise of the dishwasher next door. A complaint like that is not even worth listening to.

One very good provision contained in the Bill is that a complaint made to a council has to be presented in writing. That is one thing I thank the Minister for. That is a wonderful provision because it will stymie a lot of these people who make vexatious complaints. It should act as a deterrent if people have to lodge a formal complaint, and presumably sign it. Of course, they will not have an identity card at that stage but one hopes they will use their right name. We will see later whether these complaints are acted upon. I regard that as one of the most important provisions in the Bill.

There will be a lot of public speculation about the legislation and no doubt a lot of people will be displeased with certain provisions. I wonder if the local authorities will be pleased with all the provisions. A lot of local authorities will not want to take on the added responsibility, although I noticed that the Minister said that they already have a lot of these powers. If so, why are they not being enforced? If they can do a lot of these things, they should jolly well have done so before. But it is the same old story, isn't it?

The provisions dealing with police powers seem to be quite fair. In areas with a high proportion of rented accommodation such as Toowong, we see a lot of houses being rented by university students, and they keep late hours. I know because when I was a student I was never in bed before 2 a.m. We cannot expect people to be quiet all the time simply because they live in a residential area, and I think problems will arise in student-oriented areas.

The Minister's speech does not stipulate any time limit for the use of equipment, for the holding of noisy parties or celebrations, or for the holding of meetings at night, and I believe that this also will create grave problems. In my opinion, 12 midnight is fair enough. I cannot see that anyone could reasonably call the police to a noisy party—unless it was extraordinarily noisy, and I have yet to hear one of those—before 12 o'clock at night. I wonder whether the Bill does provide time limits. If it does not, I will move an amendment to that effect because I think it will be useless without it.

When people are suspected of creating excessive noise at a rowdy gathering and are asked by the police to leave or to desist from making a noise, they are going to be required to give their correct name and address. I think this is a bit of a laugh. It provides an excellent reason for introducing the use of identity cards. In addition, the Minister said that a person suspected of giving a false name and address can be detained at a police station. There will be a lot of legal action if that ever happens.

The provision relating to industrial noise is a very good one—that is, when granting an application to make noise, the local authority has to consider how the noise or the

noisy industry will affect the community—because so many people are going to be able to have a say in their own community. Industries not only provide work for people but also bring progress—if that word can be used—to an area, so we are going to have to make it not too difficult for industries to gain access to areas that are close to transport, and so on. Perhaps problems will arise also when local authorities have the power to license an industry or commercial activity in which noise is unavoidable. No matter what is said to the contrary, the Clean Air Act does give a licence to pollute the air and the Clean Waters Act does give a licence to pollute the water, and the proposed Bill will give a licence to make noise. I cannot see that there is any hyperbole in the statement "licence to make noise", because that is what it will be, no matter which way we look at it.

An occupier of residential premises who feels aggrieved about noises from nearby premises may take civil action, and I think that is extremely important. Today, so many people are unaware of the actions that they may take under the law as it now stands or are unwilling to begin an action themselves. As one honourable member said earlier, it is very easy to complain. It is easy to complain to your alderman, your member of Parliament, or the lady next door. In fact, I think this is rather an illness of the day. Instead of sitting back and considering carefully so many facets of daily life, people are constantly complaining about them. Unfortunately, that dull square box known as a television set has provided that excuse for non-thinkers.

I believe that local authorities in Queensland will differ widely in the making of by-laws. I realise, of course, that they can now make by-laws to deal with public safety, convenience and inconvenience. We are going to have to make this more public. So many people are prepared to blame the Government for various matters; so many people are prepared to blame the council. Heaven knows, I am not going to absolve myself from that, because, let us face it, Mr. Miller, we all pass the buck when we can. If local authorities are going to introduce these by-laws, they should be doing so now.

I am particularly concerned about the noise of traffic in the city. As the honourable member for Kurilpa said, in this respect the Traffic Act is extremely weak. If anyone does take the registration number of a noisy vehicle and then makes a complaint about it and its driver, he is required to prove that the vehicle was making the noise that he claims it was making. It is nigh on impossible to police that Act in this respect.

It has got to the stage where Australia-wide legislation governing traffic noise must be considered. The variation in legislation between States is quite enormous. There is no doubt that, as with motor-mowers, the

control point is the manufacture of motor vehicles. There lies the only reasonable solution.

As to the use of motor-mowers, I know that everyone reserves the right to mow his lawn at whatever hour of the night or day he chooses. But, as I said before, if someone is going to be intolerant of others he must expect to be treated with intolerance, and if that entails having a written complaint made against him, he must suffer the consequences.

I reserve the right to comment on the Bill when we actually see it, because it may not be quite what we think it is. Finally, I would point out that in New South Wales, where similar legislation has been in force for nearly 14 months, only one prosecution has been laid under it. And that was against a woman who fed birds in her back yard. She was, I suppose, a bird-lover who used to put out bird seed and pieces of dry bread for the birds, which came down early in the morning to feed. Her neighbours objected to the squawking of the birds.

A Government Member: Don't you think that's wrong?

Mrs. KYBURZ: It is an absolute travesty and a sham. If someone can be fined for feeding birds in her back yard, I don't know where we are going.

It is time that we started looking at suburban life. City-dwellers enjoy a lot of conveniences that country people do not have, yet unfortunately it seems to be the case that city people are far more quick to complain than country people. Country people have to stand on their own two feet and are far more self-reliant and extrovert. They are prepared to look outside their block of land and outside their homes; they are more prepared to look at the rolling plains outside. On the other hand, we city people—I include myself—are more introvert and look into our own 24 perches and our own 11-squares box. Unfortunately, that shows up in a lot of legislation that is brought forward in this Chamber. It is city-based legislation.

There is no doubt that a lot of country people will think that this Bill is a lot of codswallop—and it probably is. Nevertheless, it is a start, but whilst it will be applauded in the city, it may meet with a totally different reaction from country people.

Mr. MOORE (Windsor) (4.19 p.m.): In rising to speak to this Bill, I must say that, as I was making a lot of noise at a meeting of a subcommittee on the Fisheries Bill, I did not hear the Minister's introductory speech.

Mr. Houston: How did we get on? Did we win?

Mr. MOORE: I'm afraid not. As usual we had some wins and some losses.

A Minister would need to have the wisdom of Solomon to come up, on the first occasion, with a Bill that will be accepted by all and, taking into account all factors and the views of people, will provide a workable solution. No two people think alike on noise.

I hope that this legislation will bind the Crown. On too many occasions in the past safety legislation requiring guards on machines in private enterprise has not applied to the same machines in Government workshops. I hope that whatever applies to John Citizen applies to the Government.

Mr. Marginson: Do you reckon that the same principle should apply in this Assembly?

Mr. MOORE: When the honourable member is on his feet, yes.

On what I can glean, the State is to absolve itself of some responsibilities and give them to local authorities. But there are all sorts of local authorities. Some will wield the big stick and ordinances will vary from shire to shire. I do not know that that is right. By the same token, I do not like placing restrictions on people. If local authorities are going to be able to impose restrictions on the use of motor-mowers, I believe that people in places like Mt. Isa should be able to mow their lawns at 4 a.m. before it gets too hot. In passing legislation we must remember that Queensland is a vast State and that legislation which is suitable for suburbia is not suitable for a person on a farm.

If we are not careful, people will not be able to do this or that on their own properties, even though there may not be a neighbour within 100 miles. As the law is the law and applies to all and sundry, that could be the result. When local authorities introduce ordinances I doubt whether they will say that they will apply only to the townships and not to the hinterland. Local authority building regulations apply to farms, which may be miles from a road. All sorts of restrictions govern the building of even hay sheds. The farmer should be able to use bush timber or anything else that he chooses. I do not doubt that local authorities will use the big stick—and I do not like that at all.

I hope that the Bill will cover only man-made noises and that it does not cover the noise made by kookaburras, magpies, butcher birds, roosters, dogs, cows—

A Government Member: Galahs!

Mr. MOORE: And we have some of those.

A Government Member: They'll want to stop the cows mooing soon.

Mr. MOORE: Of course they will. Some people say, "The other morning a rooster woke me up with a dreadful noise at 4 o'clock." How dreadful!

An Honourable Member interjected.

Mr. MOORE: That is fair enough. Early to bed, early to rise keeps one healthy, wealthy and wise.

People should be pleased to hear a rooster crow. They should say, "How lovely it is to hear the old rooster crowing in the distance. What a great day!" People complain about roosters crowing on a moonlight night when they should be damned glad to be alive. There is nothing more delightful than hearing a rooster crowing in the distance.

Mrs. Kyburz: What about train whistles?

Mr. MOORE: I do not mind train whistles. Drivers blow the whistle only because the man in the signal cabin has not given them the road or something like that. Train drivers have to blow the whistle when approaching a level crossing to save running down a motor-car, or at other times because something is on the track. Train drivers do not sound the whistle as often as the drivers of the miniature train do at the Exhibition to give the kids a thrill. They always have a good reason. Perhaps it is to get the shunter to pull the switch. Those noises are necessary. They cannot be using walkie-talkies all the time.

Mr. Hartwig interjected.

Mr. MOORE: I am all for larger families. I think they are good.

The Bill should provide for noise on a once-only basis. Take for instance a person using a power saw, a jackhammer or some other machine tool, or making a boat in the back yard. If the hull is to be soundly built, it is necessary, with marine ply, to have somebody inside the hull wearing earmuffs while the person outside does the riveting. That makes quite a drumming noise. However, it could be a once-only job. The building of a 40 ft. boat in the back yard could take 12 months, but I do not think the law should be so restrictive as to prevent somebody building his own boat—even though his neighbours have to put up with it for 12 months. If we intend passing noise legislation that restricts people from living, I will be the first one to kick that legislation out. I think far too many freedoms are being taken away already.

I turn now to noise in a noisy situation—and that is not very bad at all. Our ears become attuned to noise. A slight increase in the level does not affect people very greatly. However, as the honourable member for Salisbury said, in the middle of the night when we are in a deep sleep, the shock of the noise from a heavy vehicle or a noisy motor-bike that roars up the street causes us to leap out of bed and hit the ceiling. If that

same noise occurs during the day when there is constant traffic noise, it may not be noticed at all.

In the still of the night, noises travel for miles and miles. When noises are really in the distance—even if it is a train going along a line—there is certain amount of romance about it. Anyone who has half an imagination can lie in bed and wonder what is happening. People are going about their tasks—the engine driver and the guard—and the passengers are going on holidays. We can enjoy the fact that the noise is there and roll over, and that is the end of that noise. It need not be of concern.

But some people are absolutely neurotic about noise. I have one or two in my electorate who are worried about the noise from the brickworks. They called me out of bed at 2 or 3 o'clock in the morning. I went to the house and was met by the husband in his pyjamas and the wife in her nightdress saying, "Hear the noise? Hear the noise?" I said, "No. In all honesty, I can't." "Well, can't you hear it?" "No, not really." "Can't you hear that?" Eventually in the silence I could hear "tick, tick" and, a couple of minutes later, "tick, tick." Because it came at regular intervals, it was disturbing for them. I said, "In all honesty, I do not know how you can have rubber gear wheels driving a conveyor belt"—or whatever the blazes was making the noise. Perhaps it was the joint in the belt. The noise certainly was not very great to me. I said, "Heavens above, roll over and enjoy it." I said "Think of those people working down there while you are having a snooze." I said, "There is nothing wrong with that." I have others complaining about the cats having a bit of enjoyment under the house. I don't think there is much wrong with that, because they, too, are just once-onlys.

Mr. Frawley: On the roof?

Mr. MOORE: Not on the roof, no.

Honourable Members interjected.

Mr. MOORE: I suppose I could be pulled up for tedious repetition!

The next subject that comes to my mind is the noise made by internal combustion engines, the restrictions we intend placing upon them and the duties we are placing on the police. I do not think we should be requiring the police to enforce an Act that falls short in the first place by not requiring vehicles to be up to standard. Whatever type of internal combustion engine it may be—diesel or a petrol engine in a motor-car, saw or a motor-mower—there is no doubt in my mind that it can be properly silenced.

People are talking about railway diesel engines and saying that we must not silence them too much or we will bring about a back pressure, which does not allow good scavenging of the combustion chamber and

give a good burn, and this results in inefficiency. That is fair enough for a long haul. But there is no reason in the wide world why they could not be silenced properly for use in suburbia where there are only slow hauls and no heavy hauls. The engine could be properly muffled and the muffler could be bypassed in the open country. That is quite a simple exercise. It is wrong in the extreme to say that we should call upon everybody else to obey the law but let the Railway Department get out of it. If it is good enough for the firms in town, it is good enough for every instrumentality, Government instrumentalities included.

Mr. Hartwig: Sit down.

Mr. MOORE: I am not going to sit down. I have 20 minutes.

The Minister would be aware that, although the Government is introducing this legislation, it is not going to be the referee in every private fight in every suburb. Every neurotic person will make complaints and, as legislators, we will be rung up and told, "I can't sleep so I don't see why you should."

Mr. Frawley: Give them the Minister's phone number.

Mr. MOORE: I am not going to give them the Minister's phone number simply because he happens to be the incumbent of the position at the time. We are all individually and severally responsible for every Act that goes through this Parliament. We cannot put it onto the Minister. In many instances, because of our weaknesses and gutlessness, we are to blame for letting things happen. I think that we will rue the day that we ever introduced the legislation.

There is another aspect of noise on the highway. No doubt all honourable members have been driving in city traffic and have been virtually shell-shocked by the noise of a high-revving motor vehicle or truck passing. The noise is so great that we do not know where we are steering our vehicles. That also comes down to the engine not being properly muffled. If the makers of Commer trucks say that, because their diesel engines have two pistons in one cylinder horizontally opposed, the engines cannot be properly silenced or it causes back pressure, they should not have that sort of engine.

I certainly hope that under this legislation we will not hand to the local authorities the job of restricting the times for mowing lawns. We still need to have some freedoms left.

Houses in suburbia are now being air-conditioned. Purchasers living in a nice, modern home are told not to have the equipment inside the room, but rather to have the main power unit outside with a fan. When it is first installed it might not be very noisy. But the noise depends on the type of fan. Some of the rotary drum-type fans are made of duralumin, which gradually suffers from metal fatigue and some of the blades break. The fan gets out of balance

and the unit gradually becomes more and more noisy. Because the house is air-conditioned, quite often those who are inside with the windows shut do not hear the noise. But those who are living next door and have the windows open to catch a little air have to put up with it. This is one of the problems that will confront those charged with implementing this legislation. Governments should not be buying into these little problems of suburbia.

Another matter to which I should like to refer is amplified noise coming from clubs. It is fair enough for people to complain about this type of noise if, after they build in a quiet area away from a main road, a club is established on a piece of vacant land and that club, as a means of obtaining revenue, starts to run cabarets and other noise-producing functions. I have such problems in my area. People say, "We were there first." If they were, it is up to the club to see that its building is so architecturally constructed that any noise inside it remains inside and does not disturb others.

If the club was there first, I have no brief for those who complain about noise coming from it. I have no brief, either, for people who build houses around noisy industries and then want the industries to go. If the industries were there first, it is fair enough that they should be allowed to make noise within reason. After all, there is not much that can be done about some industrial noises. Rivetting, for instance, will be noisy no matter how one goes about it. I do not really think that we are doing the right thing by splitting up noise laws and putting some in another Act. I think that all environmental matters should come under the control of one Minister and that the legislation governing noise, whether it be noise from motor vehicles or any other type of noise, should be taken from the Minister for Transport. All legislation dealing with noise should come under the administration of one Minister.

Mr. FRAWLEY (Murrumbidgee) (4.37 p.m.): This Bill, if properly policed, will go a long way towards enabling people to live in the peace and quiet to which they are entitled. I think some doctors would agree with me that noise is one of the greatest contributors to ill health, especially with old people.

I certainly hope, however, that the Bill will not encourage people to report neighbours for every little bit of noise they might make. I am pleased to hear that any complaint concerning noise must be made in writing. The local authority concerned will be required to keep in its public office, and make available free of charge, copies of any such complaints. I think that that is only right. Complainants should sign their complaints and accused persons should be given a copy of them so that they can protect themselves against frivolous complaints.

There is one noise to which I have not heard reference today. I refer to the noise made by political candidates who park cars outside shopping centres, then turn up their amplifiers and subject the people to a great deal of noise. They should be stopped. Some political candidates stop on street corners at about dinner-time, just when people are trying to have their tea in peace and watch television, turn up their amplifiers and start to spruik about what good politicians they will make. People should vote against candidates who do that sort of thing. They should be banned.

In fact, I think all candidates should be banned from speaking on street corners or at shopping centres between 5.30 p.m. and 7.30 p.m. and from 8.30 p.m. onwards. Surely one hour is enough for them to inflict their policies on the public. I am certainly in favour of banning political speeches at dinner-time, no matter where they are made. I am sorry that the Bill does not provide for this type of control. Apparently there is nothing in the Bill to prevent candidates from getting up and inflicting their policies on the people at dinner-time and other inconvenient times. I think that one of the things we should be considering is the night political street meeting. I do not mind such meetings being held during the day, but at night they should be banned.

One local authority in my electorate has told people who complain about noise to see their local member—this is just to pin-prick me, of course—to get the State Government to introduce appropriate legislation. Now that this Bill has been introduced I hope that that local authority will put its money where its mouth is and get in and do something about it. I have had many complaints from elderly people regarding the noise made by young people riding their motor-cycles up and down inside their own yards. It is difficult to do something about that noise. I sympathise with those people.

There have also been many complaints in my electorate about trail-bike riders. I do not ride trail-bikes, and I am not really interested in them, but I think the riders of them have to be given some consideration. Local authorities should make provision for people to be able to ride on tracks well away from the public. In fact, my brothers have established a trail-bike track on 400 acres of land in the Esk Shire, and the shire council is quite happy to have them up there. The honourable member for Somerset is even going to open it. The council and everybody else are quite happy because they have got them away from the residential areas. Of course, the riders have to pay at the gate—they do not get in for nothing—but nevertheless it is a service which will keep trail-bikes out of the way.

Some noises annoy some people but not others. As someone said before, it is all in the ear of the listener. There are certain noises I do not care for and others which

do not affect me, so we have to be very careful. One of the worst possible noises is loud music. There is nothing worse than the blaring of a pop group. Nobody can understand any of the words they are singing because they are rotten singers and they do not want anyone to hear the words. In fact, people could not understand some of the words they use. One group which has gone a long way towards improving pop music is Abba. I make no bones about it, I am a fan of that group because the words of the songs can be readily understood, and the music is not too loud. If all groups modelled their performances on those of Abba we would have some decent music for a change.

Mr. Marginson: They come from a social-ist country.

Mr. FRAWLEY: I don't care where they come from. I would not care if they were Communists, they are still good performers and they present music as it should be presented.

Mr. Casey: You are talking about music being too loud, but you control the volume yourself.

Mr. FRAWLEY: I have heard them live. Many people seem to believe that the success of a pop group is measured by the noise they make and the dirty appearance they present. I believe bands can present music in a reasonable manner as long as they keep the amplification turned down.

Other members have spoken about roosters crowing and dogs barking. In these days when we have a great number of breaking and enterings, and we have had many attacks on old ladies in Redcliffe—

Mr. K. J. Hooper: What do you think about people who kick old ladies' dogs?

Mr. FRAWLEY: I think they should be whipped. Anyone who kicks an old lady's dog should be flogged. I believe that a dog is a necessary adjunct to any household, even in the city. It is good to have a dog which barks because it can warn the people living on either side. A dog can provide a very necessary service in any area, especially an area where there is danger of breaking and entering. I hope that this Bill is not going to stop dogs barking! Good heavens, what kind of a country are we heading for if we stop dogs barking, horses neighing and roosters crowing? What the devil is wrong with that? What are we trying to do—turn this into a country where there is no noise at all? I think it is ridiculous.

A lot of things have been said about industrial noise. If an industry is established in an area and a housing subdivision is proposed in the vicinity, the local authority should warn prospective purchasers that there is an industrial development in the area and that it has a prior right.

Mr. Melloy: Are you voting against the Bill?

Mr. FRAWLEY: I am not voting against the Bill. I have not seen the Bill. I am not as lucky as some members of the Opposition who have probably seen the Bill, but I do not have a copy of it. I am just making some suggestions that the Minister may incorporate in the Bill. A local authority should be able to place restrictions on a building permit.

I have heard a lot said about lawn-mowers. I am not against lawn-mowers, but I think we should set a reasonable hour before which lawn-mowers cannot be used. But it should not be too late, especially in this weather. And what about out in the country? Why should we prevent somebody on the top of Mt. Mee from starting his lawn-mower at any hour of the morning if he wants to? The houses there and in most country areas are miles apart. In those areas dogs can bark and roosters can crow at any hour of the day or night without affecting anybody.

The local authorities which police some of the provisions of this Bill will have to appoint inspectors who will use their common sense and not go around booking people for every little piddling noise that is made by their dogs or any other animal.

Mr. Melloy: Dogs don't make much noise.

Mr. FRAWLEY: Dogs do not make a great deal of noise. There is nothing wrong with dogs barking. I do not have any trouble with dogs, and there are plenty of dogs in my area.

I heard one honourable member complain about the speedway. What is wrong with the speedway? I will admit that some of the noise coming from the speedway is a little bit excessive, and it would be quite easy to muffle the noise from the vehicles.

Noise also comes from football matches; but the worst noise comes from noisy motor vehicles, and I think it is up to the police to book those who drive them. They already have the power to do that. As somebody said earlier, mufflers are the problem. Of course they are. Many people modify their motor vehicles. They knock the baffle plates out of the mufflers and put straight-through exhausts on their cars. They do that to improve the petrol consumption and get better performance out of their vehicles.

Mr. K. J. Hooper: We should do something about that.

Mr. FRAWLEY: I agree. I am not against it. As I said, I think that noisy motor vehicles have to be put off the road. I am not against people having sports vehicles, and so on, but they must make sure that they can control the noise from them.

Mr. K. J. Hooper: Summarise your attitude. Just what is your attitude to the Bill?

Mr. FRAWLEY: I think that the Minister is to be congratulated for introducing a Bill of this nature. Of course, I have not seen the Bill, but the Minister exhibits all the qualities that one would expect to find in a Minister and any Bill introduced by him will be full of common sense.

Mr. HARTWIG (Callide) (4.47 p.m.): The Minister has always said that until I came into the Chamber he was the biggest noise in Parliament. I have to challenge him on that statement.

What constitutes noise? Industry, aircraft, cats, barking dogs, vehicles, tractors, human beings at parties. In our present way of life, noise is something that people have to live with. In my opinion, the provisions of the proposed Bill will be impossible to police. There will still be rowdy trucks on the roads at 2 o'clock in the morning, and if officers are to be out on the roads all over the State at 2 o'clock in the morning, the overtime bill will be very high.

I do not want police tramping through my house while I am having a party. I say that the proposed Bill could best be described as another threat to our civil freedoms and liberties and to our present way of life. I could describe it as a sleepyhead Bill, because under its provisions people will not be allowed to start mowers before 9 a.m. I could also describe it as a Bill under which pimps could get square on their neighbours because they are living a happy life. I am for noise—and I do not mean excessive noise—and I am not going to be a party to taking away the right of people to entertain and have a little celebration in their own home, which is their castle.

Let us look at what the Government has done about noise. Its clever engineers built a freeway past the most peaceful part of Brisbane, the Botanic Gardens. Where were the noise abatement experts when that was done? Why didn't we object to the freeway going past the Botanic Gardens—the quietest place in Brisbane, a place to which families could come in safety on Sunday? But, no, the freeway was built right alongside Parliament House and right past the most pleasant part of Brisbane. This Government created that noise.

What will happen to street meetings during election campaigns? If someone objects to Joe Blow's street meeting merely because he and Joe Blow are not of the same political colour, Joe Blow can be fined \$200 if he persists in holding street meetings. So it will be goodbye to street meetings for electioneering. But maybe that is a good thing.

Will this Bill mean the end of fireworks displays at the Brisbane Royal National Show? Will it mean that trains will no longer run through Eagle Junction, where people have lived for 50 years alongside the railway line? They have learned to live with that noise. This is another instance of legislation for a minority—and it is only a minority.

In many cane-growing and small-crop areas farmers operate their tractors closer to their neighbour's home than to their own. This Bill will allow the neighbour to telephone the farmer and complain about the tractor disturbing his sleep. What will happen then? Quite often a farmer uses his tractor at night to take advantage of the moisture that has been put on his crop by nature. If a man does not get on with his neighbour he could report him to the local authority and, under the provisions of this Bill, cause him a great deal of embarrassment.

Local authorities, by their own by-laws, provide that there shall not be any undue noise between the hours of 10 p.m. and 7 a.m. Anyone who contravenes those by-laws is liable to a penalty. Surely the police will not be required to determine whether a party at a person's home is causing excessive noise. Look at what happened at Cedar Bay.

The Minister has said that local authorities should have authority to deal with all sorts of noise to meet specific needs. Previous speakers have mentioned tolerance. I know of a racehorse trainer who regularly trains his horses at daybreak. A neighbour reported him to the authorities and almost forced him out of business. The trainer overcame the problem, however, by giving the person who complained a tip for a winner each Saturday. He soon stopped complaining. It was a case of mind over matter. As the honourable member for Salisbury has said, quite often it is a case of the complainant going to the noise.

The Minister also said that another authority is to be set up. One more authority! Haven't we already got enough authorities? We have seen what happened with the meat authority. It pushed people out of business. Will this authority have greater power than the Minister? After all, he is delegating to it certain powers and authorities. It will be an advisory body on noise abatement and it will have power to approve action taken by technical committees that are appointed to assist in its deliberations on noise.

Where a complaint is considered by an investigating officer to be of a frivolous or vexatious nature, he will have the option of not taking action on that complaint. How many investigating officers will be required throughout the State to police the provisions of this Bill? At a time when the economy of the State demands that we cut down on expenditure and administrative costs, we are setting up another bureaucracy. I question the right of an officer to determine whether a noise is excessive. If it concerned a party at my place I would question him every bit of the way. Has the individual any redress? Can he appeal? I hope the Minister will elaborate on this point. It would be good if the individual had some rights.

The Bill will provide that a police officer may enter premises and direct the occupier or other people causing excessive noise to

cut it out. That is in the hands of the police officer. If we want to make a rod for our own backs we have only to put something like that into legislation. The Government is inviting the minority viewpoint to be imposed on the police—and they will have to answer for their actions. Listen to what is proposed! An officer will have authority to confiscate or otherwise render inoperative a musical instrument or other property. I want to know what “render inoperative” means.

Mr. Houston: Pull out the plug.

Mr. HARTWIG: It could mean anything; it could mean break the instrument.

Mr. Hinze: He might even break it over your head.

Mr. HARTWIG: The Minister has not stated what “inoperative” means.

History has taught me what happens when boards are set up. Confiscated property can be claimed later. A person can go to the police station and acquire his musical instrument from the police station later. How much later? Will it be akin to the gun legislation and be 12 months later? Will they keep it oiled, clean and so on? This Bill has more loop-holes than a mosquito net. In usual fashion we intend to fine people a couple of hundred dollars if they do not do the right thing. While I have been here we have increased fines for people operating fixed saw benches, and people who go fishing can be fined up to \$3,000 or \$4,000. We are going further and further.

Certain parts of the State have noise problems but this legislation could react against the Government, particularly in provincial and country areas. Surely people have a right to throw a party once a year. Surely they have a right to plough ground at night-time if that is when they wish to sow a crop. People have a right to mow their lawns at daybreak if they want to do so before going to church. If I hear a motor-mower at 6 a.m. I say to myself, “Belt into it; good luck to you.”

I believe that the Minister is doing the right thing in allowing the Bill to lie on the table till 1977. I hope it stays there till the year 2000.

Mr. DEAN (Sandgate) (4.59 p.m.): When I listen to certain Government members speaking on legislation passed in their own party meetings, I am amazed that, on many occasions, they speak in stronger terms than Opposition members could be expected to use. In this context I refer to the two previous Government speakers. Most of what they said this afternoon should have been thrashed out at their party meetings.

Mr. Casey: They do not back it up when it comes to the debate in the Chamber.

Mr. DEAN: They certainly do not.

The Minister told us that it has taken over two years to get the Bill to its present stage. We know that in the intervening time controversy has raged outside. Many comments have been made by people in the community about this most important, annoying subject. In some closely settled Brisbane suburbs noise can be very distressing. The problem is determining what is excessive noise and what is not. That will be very hard to define. As the Minister pointed out in his speech, noise which is excessive to some people is not to others. Nevertheless, common sense has to prevail in implementing the legislation. I sincerely hope that the legislation is administered in that way and that, unlike the Litter Act, it is not as it was described in a Press headline some time ago—“State noise law likely to become a paper tiger”.

Mr. Hinze: Alan Underwood wrote that rubbish.

Mr. DEAN: I am bitterly disappointed about the Litter Act. It has never been enforced. I hope that when this Bill becomes law it will be enforced, and enforced with reason and common sense.

Domestic noise has been mentioned. I know that previous speakers have spoken about house parties and entertainment in the home. We know that some people, when entertaining and having parties, show very little consideration for their neighbours. Sometimes they go well into the night enjoying themselves—even to the early hours of the morning—and keep other people awake.

Another factor mentioned by the Minister is amplification. We all know that over-amplification can be very, very annoying and distressing. I know, however, that many musicians are a little concerned about this legislation. Playing at various night functions, they have to use amplification. Sometimes the music has to be turned up a little louder than it should be. A lot of consideration and tolerance will have to be shown in that direction.

The good musician, of course, does not have to use over-amplification. Some people in the community set themselves up as entertainers, but they have no talent. They rely on amplification. They make a noise and call it entertainment. It could not in any sense be claimed to be musical or pleasing on the ear. In some cases, over-amplification is very painful on the ear. I suppose we have all been to functions where we have thought that the walls would fall on top of us when the amplifiers were turned up.

I share the disappointment of the honourable member for Wolston about the lack of attention given to traffic noise. I know that the Minister has said that a section of the Traffic Act covers this, but it does not seem to be enforced. Noisy motor-bikes with open mufflers career around side streets and in closely settled areas and cause a lot of

trouble. I feel sure that in many instances this noise causes ill health in the community. When the Bill becomes law, I hope the time will not be too far distant when we amend it to include noise made by motor vehicles, especially motor-bikes.

I mention barking dogs, too. All these things have been mentioned by previous speakers. I think we share a common worry about noise nuisance, whether it be from barking dogs or anything else. However, I certainly do not share the view of the honourable member for Murrumba that people be called on to make statutory declarations when they make a complaint. I think they should be allowed to legitimately make a complaint verbally, without going through all that paperwork, and expect somebody to do his duty. People just will not do that.

I know that there are a lot of nuisances in the community, but we have to be very careful that this legislation does not hurt the wrong people. I return again to the problem facing musicians. We have to deal with those people creating excessive noise—making noise for the sake of noise—in the name of entertainment. We have to set a yardstick or some measurement as to the level of noise allowable at certain functions.

Most importantly—and I will conclude on this note—we must have enough inspectors to police the legislation. I do not think we can place too much responsibility for enforcement on the Police Force. The police have enough to do in carrying out their ordinary work, without coming into this. I think that these inspectors will have to be in a separate department altogether to police and enforce this legislation.

I hope that the Bill becomes law early next year and that we see some improvement in controlling this great nuisance.

Mr. ELLIOTT (Cunningham) (5.6 p.m.): I should like to make a few very brief comments on the Bill, although previous speakers have covered almost all of the points I have in mind.

I think that we all see some need for this type of legislation in our modern society. We certainly need to do something about noisy motor vehicles. Replying to what Opposition members have said about the Bill not covering motor vehicles, I point out that the Traffic Act is the correct legislation under which that noise should be controlled. Obviously the police are the right people to take on anyone whose vehicle is making excessive noise. In my area the local sergeants take on anyone who makes a welter of causing excessive noise because of faulty exhausts or mufflers. People are justified in complaining about this type of noise.

At times there will be inconsiderate people who go beyond what is reasonable in complaining about noisy parties. Although we are all keen to see some reasonable form of control, we are caught in a cleft stick.

The Bill smacks of being an encroachment on the rights of the individual and we are not sure which way we should be going in regard to many of its aspects.

Early in the piece the councils in my area were not very impressed with the idea that they might have to implement some of this legislation. I think for the most part the Minister, the department and the councils have ironed out most of the problems and that most of the forebodings were without foundation.

It is good that the Minister has seen fit to let the Bill lie on the table until the next sitting so that it can be researched properly and looked at in reasonable detail to ensure that any areas of conflict with the local authorities and any provisions which might encroach on civil liberties can be sorted out.

Mr. LANE (Merthyr) (5.9 p.m.): At this stage I shall speak only briefly on the Bill because I know that honourable members are impatient to get on with other legislation. The Bill is vital to the area I represent, so I feel obliged to make a few observations.

The first concerns the sharing of powers in dealing with the great problem of noise nuisance, in imposing restrictions and in policing the legislation; in other words, stamping out the noise which is so much of a problem for residents in a city such as ours. I do not believe that the legislation will work unless all levels of Government are prepared, through their administrative structures, to share the responsibility of enforcing it. In this I include the Commonwealth Government, because in the area I represent the overpowering noise nuisance emanates from the Brisbane Airport. There is no suggestion that in the foreseeable future there will be any reduction in the number of large interstate and international aircraft landing there. This causes real hardship to the people of the electorate.

I live on the hill at Hamilton overlooking the river and I know that when aircraft come in over there and over Teneriffe hill and the suburb of New Farm they make a deafening noise and cause real discomfort to the residents. Legislation that does not deal with that sort of problem will, to that extent, be ineffective.

There is much legislation that does not seek to bind the Crown. The problem is compounded even more when it is realised that, for constitutional reasons, Queensland legislation cannot bind the Commonwealth Government or its statutory bodies. I hope the Minister will take this matter up with the Commonwealth Government and ask for its co-operation with the State Government in reducing the noise from Eagle Farm Airport. The Minister probably has done that already.

When the Labor Party was in power federally, it did all it could to put off for a number of years the shifting of Eagle Farm Airport towards the mouth of the river. The

Labor Party must therefore accept the major responsibility for the noise nuisance created by the airport. Now that there is another Government in office in Canberra, I should have thought that it would have done something about it, because it has the power to do so. It says that, on economic grounds, it will not in the foreseeable future be proceeding with the plan to shift the airport.

The plan formulated in 1972 is the one that should be followed. It would result in considerable alleviation of the noise nuisance as it provides for the shifting of Brisbane Airport towards the bay, with realigned runways. I call on the Minister for Local Government to make representations to the Commonwealth Government for co-operation in alleviating this noise nuisance. There have been a number of appeals from the present Federal Government for co-operation and I know that this State Government tries to co-operate to the greatest possible extent. Here is one area where the Commonwealth Government can reciprocate. I hope that the Federal Government will give consideration to this matter.

Another level of government which has a responsibility in the control of noise is the Brisbane City Council. It is because the Brisbane City Council has neglected this responsibility and refused to carry out its proper functions that this legislation is before the Committee today. But for the negligence of the Brisbane City Council, which seems to ignore its responsibilities if carrying out them does not suit it politically, it probably would have been unnecessary for the Minister to introduce the Bill. This problem is probably too great for the Labor incompetents who have held power in the city council for so many years. This Bill will force them to do something about noise. I support the provision that gives responsibility to local government and I hope it will be within the Minister's capacity to see that the job is carried out.

As the legislation will have State-wide effect, the other level of government that has some responsibility is this State Government. I hope that the Minister will see that there is a need for flexibility in the imposition of penalties. In matters such as the power of search, prosecution, seizure of noisy instruments and implements, I hope that the Minister will see that there is some flexibility.

I have listened to some of the comments made by country members, and I can understand their concern. They are not affected by the problems encountered by those living in dense urban areas; nevertheless the legislation will apply to them. It must apply to such places as Thursday Island, Copper Mine Creek outside Cloncurry, and the 9th floor of a block of home units on the bank of the river at New Farm. That is what makes the Bill so difficult and so controversial, and the Minister will need the wisdom of Solomon to make it work. I am confident that he has the capacity to make it work. His action

in tabling the Bill so that it can be studied by the community generally, who will be able to make suggestions, will result in the necessary flexibility and broad approach which will be required for this legislation to have real effect right across the board from Thursday Island to Coolangatta. I hope that the public responds to this initiative.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (5.16 p.m.), in reply: I thank all honourable members who contributed to the debate. The contributions have been many and varied. Because the Bill has been around for so long, we expected that there would be quite a debate. Obviously, I am pleased with the response of members from both sides of the House.

The honourable member for Wolston raised the problem of motor vehicle noise and said he was disappointed that the Bill did not make provision for controlling such noise. I agree that there is a need to do something about noisy motor vehicles. I discussed the matter with the Minister for Police and his senior officers, and it was decided that it was preferable to deal with the matter by police action under the Traffic Act and Regulations. I understand the Ministers for Police and Transport are to look into the matter of strengthening the powers presently in force.

The honourable member for Townsville West raised the question of the desirability of imposing definite standards of measuring excessive noise. As I mentioned in my introductory remarks, provision is made in the Bill for the Governor in Council to make regulations for this purpose. Many things need to be taken into account, of course, such as background noise present as part of the nuisance, the circumstances in which the noise is emitted, the time, the place and other factors. It is not quite as simple as merely specifying that anything over a certain level is automatically to be regarded as a nuisance. Time, place and circumstances all help to determine whether the noise is in fact excessive. However, as I indicated earlier, the provision is there for certain noise levels in respect of particular operations or activities in specific areas to be defined.

The honourable member for Port Curtis has suggested that the provisions of the Bill might restrict the activities of the Railways Department, particularly in heavy industrial areas such as Gladstone. In fact, the provisions of the Bill do not apply to noise emitted in the conduct of a public utility undertaking—which would certainly include the railways—if it is necessary in normal operations for particular noises to be emitted. In other words, the Bill recognises the need for public utilities, such as railways, fire brigades and ambulance services, to operate without being unnecessarily restricted.

On the question of noisy parties, I would, of course, agree with some speakers—as I have already indicated—that all of us are

entitled to let our hair down once in a while with our friends. I enjoy a social gathering as much as anyone. Nevertheless, I think all honourable members would agree that there is clearly a world of difference between an occasionally noisy party and excessive or prolonged high-level noise from a party. I certainly would not expect people to tolerate a noise level around 150 decibels from any party, for example.

The honourable member for Bulimba referred to problems in areas such as Balmoral Heights where industry has followed residential development, and he points out that this could lead to noise problems. In addition to controlling excessive noise which may be created by industry in this type of situation—where industry comes after residential development—the Bill also directs local authorities to take noise matters into consideration when reviewing an application for development. This provision should assist in ensuring that the potential problems referred to by the honourable member for Bulimba are minimal in future.

The honourable member for Bulimba then referred to the problem of aircraft noise, as did other speakers, particularly the honourable member for Merthyr, who represents the area in which the airport is located. This is a world-wide problem, and steps are being taken by aircraft manufacturers to lower noise levels. I am concerned that we should keep this form of noise to a minimum in Queensland. So far as Brisbane Airport is concerned, I know that the Department of Transport has been looking at the possibility of changing the modes of take-off and landing and the direction of the runways. As requested by the honourable member for Merthyr, I would certainly co-operate with the Commonwealth Government in examining this issue.

I should like to correct what appears to be a misconception on the part of the honourable member for Kurilpa with regard to the right of entry to investigate noise complaints. I am glad he has raised the question. He said, if I remember correctly, that he was concerned about giving investigative right of entry to local authority inspectors. Let me assure the honourable member that the Bill gives no such right except to police officers in the case of rowdy parties, etc. This aspect has been very carefully considered, and the decision is that the right of entry to residential premises should not be given to local authority inspectors when investigating noise complaints.

As I indicated earlier, I have asked the Minister for Transport to look closely at the question of excessive noise from motor vehicles and the possibility of police officers using noise-measuring devices to assist them in controlling this aspect of the noise problem.

Several speakers, including the honourable member for Wynnum, mentioned noise emanating from hotels and similar premises.

I would like at this stage to clarify that the provisions of the Bill will not cover the emission of noise from premises licensed under the Liquor Act. There are provisions in the Liquor Act itself for noise controls, and the Licensing Commission has indicated that it believes that these provisions are adequate. It has therefore been decided to leave the control of noise in these circumstances to the provisions of the Liquor Act at the present time.

I appreciate the comments made by the honourable member for Ithaca concerning the lack of action on the part of the Brisbane City Council in updating its ordinances in recent years in respect of noise. The honourable member's suggestion of a points system for noise offenders obviously is quite novel.

The honourable member for Albert made the point that the Local Government Department's air, water and noise divisions should become more closely integrated in future. I believe this to be correct, and I am considering taking the necessary steps because I think the whole four of the environmental problems should eventually be under the one control. This is a logical development because of the areas of overlap and the sharing of resources, and I will keep this prospect under active review.

The honourable member for Rockhampton asked me how tough I was going to be on existing industry. It is not a question of how tough I am going to be but rather of how tough the particular authority is going to be, for full responsibility in this area will rest with local authorities, who are best placed to know their local situation. Under the proposed legislation, we are enlarging and strengthening the powers of local authorities to control noise, and it will be for local authorities to take advantage of these additional powers to apply effective controls in their own areas.

In reply to the honourable member for Callide, I perhaps should restate that the Bill provides for a right of appeal to the Magistrates Court by anyone dissatisfied with the decision of a local authority in respect of the issue of notices, orders, licences, etc., under the Act in relation to commercial and industrial noise nuisances.

As to possible damage to instruments or equipment confiscated by police officers, the Bill deals specifically with this subject and refers to exemption from liability except in cases of wilful negligence.

I have tried to answer the most controversial points raised by honourable members who have taken part in the debate. Naturally, I was disappointed when the honourable member for Callide decided to have 20c each way. I have no time for anybody who does that sort of thing. For other reasons I do not want to "touch" him too hard today, but he had had ample opportunity over the last two years to speak on the proposed

Bill in the party room and outside the party room, and to me privately. His getting up in this Chamber today and trying to big-note himself reminds me of the occasion about two months ago when a salary increase was being discussed. There were only one or two people in the State who decided that they were going to score somewhere along the line, and the honourable member for Callide decided not to take the salary increase. His attitude today is similar, and he adopted a somewhat similar attitude when the pig-swill Bill was under discussion. Obviously, if all members of the Government adopted a similar attitude, I would not have introduced the Bill today. As far as I can remember, he did not say one good word about the Bill.

The Premier suggested to me that I bring down the necessary legislation to abate noise in this State. I have carried out his request, and it has taken a long time to get the Bill before honourable members. If the honourable member wishes to conduct himself in that way and have a crack at me on the floor of the Chamber and tell me what he thinks about the Bill, he is not going to have 20c each way with me.

Motion (Mr. Hinze) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Mr. Hinze, read a first time.

ALBERT SHIRE COUNCIL BUDGET ADJUSTMENT BILL

INITIATION IN COMMITTEE

(Mr. Row, Hinchinbrook, in the chair)

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (5.27 p.m.): I move—

“That a Bill be introduced to enable the Council of the Shire of Albert to recast its budget for the year ending 30 June 1977 in relation to the separate rating for Woongoolba flood mitigation scheme works and for purposes connected therewith; and to amend the Local Government Act 1936–1976 in certain particulars.”

The purpose of this Bill is to adjust a rating anomaly which has occurred in the shire of Albert this financial year. The Albert Shire Council has, for a number of years, levied a separate rate on the unimproved value of land in a benefited area defined in respect of flood mitigation works in the Woongoolba area. In accordance with its usual practice, the council, when framing and adopting its budget for the current financial year, made and levied such a separate rate on lands in the benefited area, on the basis of the existing rateable values of such lands.

The council did not, however, have regard to the fact that, earlier this year, the rateable values of a good deal of the lands within the benefited area had been substantially reduced by the Land Court following the lodgment of appeals by owners. The rateable values of lands in respect of which no appeals were lodged remained at the old level.

The reduction in valuations made by the Land Court on appeal were substantial and the result is that there has been a marked change in the incidence of the separate rate I have mentioned. In some cases landowners who receive less benefit from the flood mitigation works have to pay very much higher rates than owners whose lands are more substantially benefited by the works.

Ratepayers affected are naturally concerned, and some are said to be reluctant to pay rates which have been levied on such an inequitable basis. The Albert Shire Council also is concerned and desires to correct the anomalous situation which has arisen.

To remedy the situation the Bill empowers the council to make and levy a new separate rate for the balance of this financial year to defray the cost of Woongoolba flood mitigation works, to establish a new fund in respect of that rate, and to frame and adopt a new budget in respect of that fund. When these steps have been taken, the present budget and fund in respect of these works and the separate rate already levied in respect thereof will cease to have force and effect.

Provision is made in the Bill for a refund to landowners of separate rates already paid and if payment of such rates has not already been made, then they need not be paid and no legal implications will flow from such non-payment.

The new separate rate will be made and levied on lands in the same benefited area as before. However, since the degree of benefit occurring to lands in the benefited area varies—particularly in respect to assigned and unassigned cane lands—the council proposed to divide the benefited area into two subdivisions according to the degree of benefit accruing to each. This would be permissible under the present provisions of the Local Government Act if the lands to be included in the respective subdivisions were contiguous.

The council indicates, however, that lands which it will be necessary to include in the respective subdivisions of the benefited area are not contiguous. It is therefore proposed to amend the Local Government Act to permit a local authority, with the prior approval of the Minister, when dividing a benefited area into subdivisions for the purpose of making and levying a separate rate, to include in the respective subdivisions lands which are not contiguous.

The Bill also amends the Act to make it clear that, where a local authority defines a benefited area for the purpose mentioned, it may do so either by means of a metes and

bounds description of the lands in the benefited area or by delineation of such lands on a map.

The Act presently provides that, where a local authority borrows money for the purpose of carrying out a particular function of local government and defines a part only of its area or a part of a division as a benefited area in respect of such loan, it must make and levy a separate loan rate for the purpose of defraying the interest and redemption charges on such loan unless the financial position of the applicable fund makes the levying of such a rate unnecessary in any particular year.

This separate loan rate has to be levied even though, as in the case of the Woonoolba flood mitigation works, a separate rate is levied over the benefited area to defray the cost of the works to be carried out.

In order to reduce the multiplicity of rates and funds required, it is proposed to amend the Act to permit a local authority to meet interest and redemption charges on loans borrowed in these circumstances from the proceeds of a separate rate made and levied over the defined benefited area for the particular function of local government.

The Albert Shire Council has, in fact, already paid portion of the current year's interest and redemption charges on the Woonoolba flood mitigation works out of the separate rate fund and the Bill validates this action.

The Bill is designed to overcome the particular rating anomalies I have mentioned and should meet the wishes of the Albert Shire Council and ratepayers adversely affected by the situation which has occurred.

Moreover, the provisions of the Bill which amend the Local Government Act, will, I consider, be favourably received by local authorities generally as they more clearly define their powers in relation to separate rating and the financing of works which are deemed to be for the special benefit of particular parts of a local authority's area. I therefore commend the Bill to the Committee.

Mr. MARGINSON (Wolston) (5.33 p.m.): Honourable members no doubt realise that, under the Local Government Act, once a local authority strikes a budget, it is struck for the whole of the financial year for which it is framed. It is somewhat revolutionary that, this afternoon, in this instance, we are changing a practice which has prevailed under the Local Government Act ever since it was passed many years ago.

In my opinion this local authority has been somewhat negligent insofar as I understood the Minister to say that it did not take into account new valuations that had been made by the court in the early part of

this year. It should be remembered that the budget did not have to be struck until late July or August. It seems that this local authority overlooked the fact that changes in valuation had been made in a particular area and that its budget was framed on the old valuations. On what the Minister told us, that is my understanding of the position. If that is the position, it seems that the Minister is rushing in to protect the local authority. I know many other local authorities which have felt—and there are still some which feel this way—that there are many anomalies in the striking of rates in local government areas. In this case he is coming to the rescue of the Albert Shire Council. I know that the Minister is well known in that area, but I hope that he will be as sympathetic when other councils feel they should have some protection after meeting similar problems.

The Opposition will have a really good look at this Bill. I cannot understand why only some of the people affected by the flood mitigation scheme appealed against their valuations. They were successful in their appeals and had the valuations reduced. On the other hand, others in the same benefited area accepted the new valuations and did not appeal. Now we are told that the people who did not appeal are concerned about the rates they have to pay. They did not appeal, apparently believing that an appeal was not warranted. Now legislation is being introduced to cover the anomaly that has resulted.

That is how I view it from what the Minister said this afternoon. I tell him that we will have a really good look at this. We would have liked to know a bit more about it before now. However, as I see it, the Albert Shire Council could be charged with being negligent in striking a budget on this special rate. If it struck a budget on valuations that applied in the previous year and did not take into account that the court had reduced the valuations—substantially, as he said—it is certainly negligent.

Mr. GIBBS (Albert) (5.37 p.m.): I support the Minister's introduction of this Bill, which will overcome a rating problem in the Woonoolba flood mitigation scheme. This highlights the problem that arose with the valuation of areas in the Albert Shire. Some areas were valued at ridiculous figures, rising by up to 5,000 per cent. The Albert Shire Council was faced with having to strike a rural rate. If it had not, all of the rural people in the Albert Shire, most of whom are in my electorate, would have been rated out of existence. They would not have been able to continue with primary production.

Naturally, the people involved in sugar-growing in the Woonoolba area—and the mill is situated there—wish to continue with sugar-growing. They want the industry to keep going as long as possible. To this end, the council has zoned the area as rural and

struck a special rate for it. The minimum amount of land regarded as a living area has been set at about 40 acres. The flood mitigation scheme—it has been set up as a benefited area scheme—has had some relation to the rate struck. Subsequent to all of that happening, the sugar growers lodged objections to the valuations and won their case. After the rates had been struck and the budget set, the council found itself with an entirely different frame of reference. The basis of its budget was completely altered. The Minister, on behalf of the Albert Shire Council, is now introducing this legislation to overcome the problem.

The member for Wolston said that the Albert Shire has done something wrong. Nothing could be further from the truth. Everybody involved in this has acted in the correct manner under the Local Government Act. The Minister is doing the right thing. As Local Government Minister, it is his duty to overcome these anomalies. The whole problem gets back to our system of valuation. Someone has gone through the Albert Shire and valued land on potential, when under the town plan it is zoned as rural. He valued places in swamps as having potential. He valued properties at 5,000 per cent above what they were previously. The Albert Shire Council has acted responsibly for the people, as it normally does. The Minister, who was the chairman of that council for many years, commenced this flood mitigation scheme so that the mill could expand and enlarge its peak. I congratulate him on the action he took to overcome the anomaly that occurred because the wrong valuations were originally put on that country.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (5.41 p.m.), in reply: I thank the honourable member for Wolston for his contribution. I thank also the honourable member for Albert, whose duty it is to attend to the affairs of that part of his electorate. We are very proud of this small area of the Albert Shire that has grown so quickly in the production of sugar cane because of the drainage work carried out over the past 10 to 15 years. The council undertook this scheme and it has been commended right throughout the sugar industry on the funds it has expended.

I assure the honourable member for Wolston that there are no tricks in the Bill. It is designed to assist a local authority and its people. The assistance was sought by the council and by the people concerned. He will find that for supporting the Bill, which I am sure he will, the people living in the area will commend him.

Motion (Mr. Hinze) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Mr. Hinze, read a first time.

CLEAN AIR ACT AMENDMENT BILL (No. 2)

SECOND READING

Hon. R. J. HINZE (South Coast—Minister for Local Government and Main Roads) (5.44 p.m.): I move—

“That the Bill be now read a second time.”

As I mentioned in the introductory stage, this Bill is a straightforward measure aimed at updating the Act and strengthening the role of the Air Pollution Council. I think this point was accepted and acknowledged by honourable members on both sides of the Chamber, and I thank them for the contributions they made to the debate in the introductory stage.

I believe I made clear at the introductory stage the desirability of having the Air Pollution Council reconstituted in the form proposed in this Bill, and the desirability of strengthening its capacity to act in the case of alleged breaches—notably those involving open fires.

The points made by the Opposition Leader and the honourable member for Wolston at the introductory stage were well taken. As representatives of perhaps the most industrialised electorates in the metropolitan area, they, of course, have some knowledge of the subject.

I don't think there is any need to expand much further on the specific provisions of the Bill, but I would like to elaborate to some degree in reply to a few comments made by both Opposition speakers. Firstly, the point made by the Leader of the Opposition about the need for an after-hours reference service, where people can register complaints on air pollution matters, has been noted, and, as I have already indicated, I am examining measures to provide an improved service. There are more problems than merely the cost to consider in this, as honourable members would appreciate. Complainants obviously want more than merely a 24-hour telephone answering service. There is not much point in rostering an officer to receive complaints if he cannot do anything about them.

To do the job effectively, I am advised that large numbers of additional staff, with training and authority not only to receive complaints but to act on them, would be needed and, of course, this would involve considerable cost. Nonetheless, I certainly am looking at the prospect, as I have already indicated.

I understand, incidentally, that both in Sydney and Melbourne most out-of-hours complaints about air pollution are concerned with odours—in very many cases about generalised odour problems. Seldom is it possible to take direct steps to lessen the problems at the time. A large number of the odour

complaints in Brisbane are the result of past policies of siting noxious and heavy industries adjacent to residential areas, or allowing residential development in established industrial problem areas, without any provision for buffer zones, etc. An out-of-hours complaints service would not, of course, solve these problems.

The Government and local authorities are directing attention to this important area in the consideration, preparation, and review of their town-planning procedures. As town plans are considered for approval or amendment steps are being taken to ensure that zoning proposals are examined by both the Air Pollution Council and the Water Quality Council before final reshaping that might be necessary, and approval. This will continue to be the policy in future in an attempt to see that potential areas of environmental conflict between industry and residential development needs are minimised, if not eliminated.

I would, of course, reject assertions by the Leader of the Opposition that the Government has done little in the field of air and water pollution control. I believe the Government has extended its controls and other activities quite considerably in both areas in recent years, and with some obvious success.

I would agree with the Opposition Leader that a lot more remains to be done and, of course, we are acting, with measures such as this, to improve the general situation.

The Leader of the Opposition often refers to the problem of industrial odours in his electorate. As we all know, this is largely because of the close proximity of people in the residential situation to established noxious industries. As mentioned on page 5 of the Air Pollution Council's annual report, A. J. Bush and Company was ordered to install an advanced condenser and afterburner system to the outlets from its cookers. This has been done and should result in the virtual elimination of odours from this source.

The pipeline taking foul-smelling industrial wastes from Dixon's Tannery and other nearby works to the Queensport Road industrial sewer is also in and working.

The air pollution monitoring results in the Lytton electorate from 1971-72 to 1975-76 reveal the following levels:—

- * For insoluble fall-out, there has been little change in the levels recorded in Bulimba and Colmslie. Any change is within the limits of accuracy of the method used to measure fall-out. The levels recorded at Hemmant have progressively fallen from 131 milligrams per square metre per day to 81 milligrams per square metre per day, a fall of 39 per cent.
- * For 24-hour smoke, the levels recorded at both Hemmant and Lytton have fallen substantially in the period.

* For sulphur dioxide, the levels recorded at Hemmant and Lytton showed an increase in keeping with the levels recorded throughout Brisbane. It is noted in the 1975-76 annual report of the Air Pollution Council—

“Increasing sulphur dioxide levels in the metropolitan area were forecast as early as 1969-70, when the increasing use of imported, high sulphur feedstock in Australian oil refineries was noted.”

* For hourly smoke, the levels recorded at both Hemmant and Wynnum remained essentially the same, in keeping with the levels recorded throughout Brisbane.

The Leader of the Opposition referred yesterday to the general level of air pollution as getting worse. Apart from minor variations in the case of specific pollutants, the facts simply do not bear this out. It is true that in respect of specific pollutants the position could be regarded as being marginally worse than previously. In the case of other pollutants, the figures show that the level of pollution is in fact not as bad as previously, or about the same. It must be realised that in an expanding industrial situation, with more and more industries and greater and greater expansion, even holding pollution to a certain level is in itself quite an achievement. The fact that it has not got worse over all, in a general sense, is something about which we can be pleased; but, of course, I do not suggest that we should stop there.

Mr. MARGINSON (Wolston) (5.50 p.m.):
Of course, during the second-reading debate we cannot expand our discussion as we can during the introductory debate, but I do want to remind the House that the Labor Party is not at all satisfied with the Government's progress, as it were, in bringing about cleaner air in our State, particularly in the south-east corner where there is so much industry and such a large population. This Act was proclaimed in 1965, even though it was passed way back in 1963, and industries were then given seven years to put their house in order. That time limit expired in 1972, and now 4½ years later the residents of a suburb in my electorate feel that the Government has not done enough about air pollution. Darra was again highlighted in the local newspaper in Ipswich only this morning as a result of the report of the Air Pollution Council which indicated that Darra was the area worst affected by air pollution in Queensland.

This Bill deals mainly with the composition and constitution of the Air Pollution Council, and consequently at this stage we have to confine our remarks to that subject. We do not propose to oppose the Bill, but I do want to say again how we read with great interest the report of the Air Pollution Council which we received yesterday. It was most unfortunate that we did

not receive it a day or two earlier so that we could have discussed it during the introductory debate when we are allowed greater latitude. It was for that reason that our leader spoke yesterday in the debate on Matters of Public Interest. He felt, and rightly so, that we would not be allowed to elaborate on the subject during the second-reading debate. We hope that in the future the Minister will make speedier progress with air pollution control than he has up to date.

Motion (Mr. Hinze) agreed to.

COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Clauses 1 to 14, both inclusive, as read, agreed to.

Bill reported, without amendment.

LAND TAX ACT AMENDMENT BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Deputy Premier and Treasurer) (5.55 p.m.): I move—

“That the Bill be now read a second time.”

I outlined to the Committee at the introductory stage the principles of the Bill, which were dealt with in the Budget speech also. There is no need for me to repeat those principles now.

There was not a great deal of discussion at the introductory stage, which is understandable in view of the fact that there has been adequate opportunity for discussion during the Budget debate and because the measure is a simple one increasing the value of the exemptions provided under the Act.

However, the Honourable the Deputy Leader of the Opposition did mention that, despite the increased exemptions now being granted, the revenue from this tax would increase very significantly during the current financial year. I would point out that this increase results from the revaluation by the Valuer-General of some 35 areas throughout the State, 20 of which were within the Greater Brisbane area. It is some years since these properties were last revalued, and during the interim period the owners have had the advantage of paying the same land tax assessment each year while the value of money has been falling rapidly. Now that the areas have come up for revaluation, I believe that these taxpayers will readily accept

the imposition of a greatly increased assessment taking into account the rapid increase in values over the past few years.

It was also suggested that the exemption levels had not been increased to the same extent as had been the case on previous occasions. However, the practice on previous occasions has been to revise exemptions so as to maintain the number of taxpayers at approximately the previous level, and this is precisely the basis of the variations in the exemptions for the current year. The application of the exemptions will result in the number of taxpayers for 1976-77 being an estimated 12,504 as against 12,903 in the previous year. The number of taxpayers has varied between 12,000 and 15,000 over the last six years, having been reduced dramatically from a total of 25,289 in 1957-58. Without the exemptions now being provided, the number of taxpayers in 1976-77 would be an estimated 17,015. I would also point out that in 1966-67 land tax represented 9.5 per cent of the total taxes collected by the State as against an anticipated 3.1 per cent for 1976-77.

The honourable member for Landsborough referred to the inability of family companies to obtain the benefit of exemptions. It is not possible from the information held by the Commissioner for Land Tax to differentiate between respective types of companies so as to determine the number of family companies paying tax. However, I will look further into the question to see whether it is possible to make some allowance for such companies in the future.

Mr. HOUSTON (Bulimba) (5.58 p.m.): Before dealing with the Bill in detail, Mr. Deputy Speaker, I am sure you will allow me to make a couple of observations on the operation and running of this Parliament.

For years this Assembly operated without a Leader of the House, and it operated successfully because Ministers were able to tell the Government Whip what the order of business was likely to be and he then informed the Opposition Whip. As a result, every member of this Assembly was prepared to speak on legislation as it was brought before the Chamber.

When the Parliament rose yesterday, the Minister in charge of the House told us that today we would be following the order of business as set out on the Business Paper. We were told this morning by our Whip that it was intended that the House would rise at approximately 6 p.m., and it was also indicated that we would still be following the order of business on the Business Paper.

Now, at about five minutes to 6, the Leader of the House comes into the Chamber and passes over the next two pieces of legislation scheduled for discussion, apparently without any notification to his own Whip. If the Government Whip knew, he certainly did not tell the Opposition Whip what the order of business would be.

Mr. Newbery: Both Whips knew.

Mr. HOUSTON: The Opposition Whip assures me that he did not know.

Mr. Newbery: Your Whip was told, but he didn't tell you.

Mr. HOUSTON: He assures me that he did not know. That matter can be argued out among them. The point is that there was no notification of the postponement of the two earlier items, that is, items 4 and 5 on the Business Paper, and we are now dealing with item 6.

Mr. Marginson: I was never told.

Mr. HOUSTON: I will accept the word of the honourable member for Wolston, who is the Opposition Whip.

This is not the first time it has happened. If it were the first time, we would let it pass. But this has happened on more than one occasion under the present Leader of the House. Surely the idea of parliamentary debate is to give every member an opportunity to debate business as it comes up. It is not right to expect members to come into the Chamber with material prepared, in this instance, for 13 pieces of legislation simply because we do not know from moment to moment what is going on. I protest against this arrogant attitude adopted by the Government. Merely because the Bill is a simple one and the Opposition agreed to it at the introductory stage, it does not follow that Opposition members—and, for that matter, all members—will not exercise their right to talk to it at the second-reading and Committee stages. Having said that, let me deal with the Bill.

Mr. Moore: Are you going to talk for 40 minutes?

Mr. HOUSTON: If the honourable member wishes, I will talk for the hour and a half that is allowed to me under Standing Orders. The honourable member can please himself. I have not risen to stall the proceedings, but I am sick and tired of Ministers who look upon themselves as the boss and tell members that we can either like it or lump it.

As I said at the introductory stage, it is quite strange that this is the first time that the Government has anticipated a large increase in income from land tax. The Government is aware, of course, of higher valuations. However, it is wrong to tax a private citizen or a company on higher valuations alone. It is not good enough for the Treasurer to say that land tax has been increased because the valuations on city properties have risen.

City properties are commercial properties, and the owners of them will not pay their land tax out of their profits. Instead they will pass on the cost to their customers. If the commercial property happens to have on it a retail establishment, that establishment will increase the prices of certain articles so that its profits will be the same as before. As I say, the added burden of increased land tax is passed on to the customer. Similarly, a professional man who is required to pay the additional taxes will increase the charges for his services in order to pay them.

Although it might be suggested that the landholder pays these indirect taxes, they are certainly passed on to a community as a whole. That was the point that I was making at the introductory stage.

This measure is part of the Government's Budget policy and, although we may not go along with the arguments put forward by the Treasurer, we have no alternative to agreeing to the Bill.

Hon. W. E. KNOX (Nundah—Deputy Premier and Treasurer) (6.3 p.m.), in reply: I regret that the Deputy Leader of the Opposition has some misunderstanding about the arrangements. I was under the impression that there was an understanding. Normally we make these arrangements.

Mr. Marginson: We suspected it when you came in.

Mr. KNOX: I hope that the Whips can sort themselves out somewhere else. I am not going to interfere in any arrangement.

I have noted the remarks of the Deputy Leader of the Opposition.

Motion (Mr. Knox) agreed to.

COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Clauses 1 to 5, both inclusive, as read, agreed to.

Bill reported, without amendment.

The House adjourned at 6.5 p.m.