

Your petitioners will ever pray that their humble and earnest petition would be acceded to.
The petition was tabled (see paper No. 277).

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.51 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 10th August.
 Question put and passed.

House adjourned at 4.52 p.m.

Legislative Assembly

Tuesday, the 3rd August, 1976

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

LEGISLATIVE ASSEMBLY

Television Cameramen in Gallery

THE SPEAKER (Mr Hutchinson): I have to advise members that I have given permission to television cameramen to work for a period of time in the public gallery in the not-too-distant future.

BILLS (35): ASSENT

Messages from the Governor received and read notifying assent to the following Bills—

1. Factories and Shops Act Amendment Bill.
2. Metropolitan Region Town Planning Scheme Act Amendment Bill.
3. Metropolitan Region Improvement Tax Act Amendment Bill.
4. Employment Agents Bill.
5. Industrial Arbitration Act Amendment Bill.
6. Acts Amendment (Port and Marine Regulations) Bill.
7. Family Court Act Amendment Bill.
8. Land Tax Bill.
9. Land Tax Assessment Bill.
10. Road Traffic Act Amendment Bill.
11. Education Act Amendment Bill.
12. National Parks Authority Bill.
13. Supreme Court Act Amendment Bill.
14. East Perth Cemeteries Act Amendment Bill.
15. Fremantle Port Authority Act Amendment Bill.
16. Road Maintenance (Contribution) Act Amendment Bill.
17. Transport Commission Act Amendment Bill.
18. Agriculture Protection Board Act Amendment Bill.

19. Rural Housing (Assistance) Bill.
20. Government Railways Act Amendment Bill.
21. Western Australian Tertiary Education Commission Act Amendment Bill.
22. Bulk Handling Act Amendment Bill.
23. Local Government Act Amendment Bill (No. 4).
24. Industrial Lands (CSBP & Farmers Ltd.) Agreement Bill.
25. Mental Health Act Amendment Bill.
26. Justices Act Amendment Bill.
27. Juries Act Amendment Bill.
28. Criminal Code Amendment Bill.
29. Child Welfare Act Amendment Bill.
30. University of Western Australia Act Amendment Bill.
31. Murdoch University Act Amendment Bill.
32. Occupational Therapists Act Amendment Bill.
33. Business Names Act Amendment Bill.
34. Taxi-cars (Co-ordination and Control) Act Amendment Bill.
35. Agriculture and Related Resources Protection Bill.

EAST PERTH CEMETERIES ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

QUESTIONS (29): ON NOTICE.

1. INDUSTRIAL DEVELOPMENT

CSBP: Effluent

Mr TAYLOR, to the Minister for Industrial Development:

- (1) What quantity of gypsum has been deposited in Cockburn Sound for each year since the commencement of production by CSBP & Farmers, Kwinana?
- (2) Have discussions been held with the company seeking alternative methods of waste disposal?
- (3) What other methods of waste disposal have been discussed?
- (4) What approximate costs have been suggested with respect to each alternative discussed?
- (5) Are any discussions currently taking place with respect to this matter?
- (6) Does he consider that this method of waste disposal will most probably continue for at least the next ten years?

Mr MENSAROS replied:

- (1) Up to 350 tonnes per day of gypsum, which is a natural constituent of seawater, has been returned in solution to Cockburn

Sound, as provided under the CSBP agreement, which also requires undissolved accumulation to be removed by dredging in conjunction with the Fremantle Port Authority.

- (2) No.
- (3) and (4) Answered by (2).
- (5) No.
- (6) The Act provides for this and ensures that all necessary provisions for navigation and public interests are met.

2.

TRANSPORT

South Western Australian Transport Study

Mr McIVER, to the Minister for Transport:

- (1) With reference to my question to the Premier and his reply of 5th May concerning the South Western Australian Transport Study, will he indicate—
 - (a) the value per annum of Westrail wages and salaries to the country and metropolitan employees;
 - (b) the value of stores and equipment purchased annually by Westrail from Western Australian sources?
- (2) Will aspects, such as above, plus metropolitan wages and salaries, a diminution of which would have an adverse effect on the economy of the State, be taken into consideration by the Government when evaluating the study?
- (3) What is the anticipated cost of the study by—
 - (a) the consultants;
 - (b) Government departments?

Mr O'CONNOR replied:

- (1) (a) \$84 million.
- (b) The information requested is not available without considerable research.
However, total value of purchases made by Westrail for the year ended 30th June, 1976, was roundly \$23 million. A high proportion of this would be purchases from Western Australia sources, but the material would not necessarily be manufactured locally.
- (2) Yes, but I would make the point that all of the commodity forecasts that have so far been done clearly indicate a steady increase in the total transport task in the

State; the whole transport industry is going to grow, not decline.

- (3) (a) The only consultant employed is P.A. Management Consultants Pty. Ltd. who are responsible for the public participation programme. The first phase of this programme, now almost complete, will cost \$36 000. There will probably be a need for two later phases but the cost cannot be determined until they are planned in detail.
- (b) The only participant in the study separately costing its input is the Director-General of Transport. The other participants are treating their costs as part of their normal operations. On this basis the total cost of the study is expected to be about \$375 000, a figure which includes the amount mentioned in (3)(a) above and an allowance for subsequent public participation phases.
This total amount is being funded jointly as to \$125 000 by the Director-General of Transport from his appropriations for fiscal 1975/76 and 1976/77 and as to \$250 000 by the Commonwealth.

3.

TELEVISION

Laverton Area

Mr T. D. EVANS, to the Premier:

- (1) Is the Government aware of a petition recently compiled by Laverton citizens calling upon the Federal Government to facilitate the provision of television facilities to that district?
- (2) If no action has as yet been taken by the State Government to assist by representations to the Federal Government, will it in the interest of maintaining a contented community in this decentralised locality, support by such representation the extension of television to Laverton and surrounding districts?

Sir CHARLES COURT replied:

- (1) I have heard indirectly of such a petition which I understand has been, or is to be, given to the Federal member for the district.
- (2) It has been the Government's continuing policy to make representations to the Federal Government for the extension of television, radio and telecommunications to isolated areas throughout Western Australia.

4. **GOLDMINING**

State Battery Charges

Mr T. D. EVANS, to the Minister for Mines:

- (1) From what date did increased State Battery charges during the lifetime of this Government apply?
- (2) What is the present charge per tonne?
- (3) What was the world market price for gold obtained through the Australian Gold Producers Association at or near the date referred to in (1) above?
- (4) Having regard to the marked decline in the price of gold, hence a reduction in the reward for the prospector for gold won since the date referred to in (1) above and also the continued inflation of costs of production since that date, would the Government give consideration in the forthcoming budget, to offering some relief in battery charges to prospectors?

Mr MENSAROS replied:

- (1) 1/8/74.
- (2) The present charges for crushing gold ore—
 - (a) Through 900 mesh screen \$3 per tonne or \$2.50 per hour for 5 head of stamps, with a minimum charge of \$1.80 per tonne.
 - (b) Through 1 200 mesh screen \$2.50 per hour for 5 head of stamps with a minimum charge of \$1.80 per tonne.
- (3) \$104.97 per ounce.
- (4) As the loss per tonne of ore treated at State batteries has increased from \$13 in 1974 to \$24 in 1976 which in itself represents almost doubling the very high subsidy given by the Government, it would not be reasonable to consider lowering the present battery charges, representing only an eighth to a tenth of the cost, ignoring capital depreciation or replacement cost.

5. **SHORTAGES OF MATERIALS**

Mr Hodgson: *Appointment as Expediter*

Mr BATEMAN, to the Premier:

In view of the fact there is still a great shortage of materials of all kinds in Western Australia and further to my question of Thursday, 1st August, 1974, *Hansard*, page 209, regarding the appointment of Mr Hodgson as an "expediter"—

- (a) is Mr Hodgson still employed in the same capacity;

- (b) if so, to what extent has the value of the appointment been to accelerate the supply of shortages of materials in Western Australia?

Sir CHARLES COURT replied:

- (a) and (b) Mr Hodgson is employed as the Western Australian Government Trade Representative based in Sydney.

His duties include expediting supply of goods and materials and handling trade and investment promotion in the Eastern States.

He has been most valuable to a wide spectrum of industry, commerce, and Government departments and instrumentalities in expediting supply of a wide range of items.

He has also assisted in developing agency arrangements in the Eastern States on behalf of Western Australian manufacturers, and was instrumental in establishing manufacturing sectors of Eastern States companies in Western Australia.

6. **STATE HOUSING COMMISSION**

Land at Forrestfield

Mr BATEMAN, to the Minister for Housing:

- (1) Does the State Housing Commission own land in the Forrestfield area?
- (2) If so, what is the exact location and when can it be expected such land will be developed for housing purposes?

Mr P. V. JONES replied:

- (1) and (2) No. However, the Commission is currently considering possible acquisition.

7. **STATE HOUSING COMMISSION**

Land: Planning Procedures

Mr BATEMAN, to the Minister for Housing:

- (1) Who is responsible for the town planning or planning procedures to be followed by the State Housing Commission when developing State Housing Commission areas?
- (2) (a) Are State Housing Commission areas allowed to be developed without the necessary public amenities;
- (b) if so, why?

Mr P. V. JONES replied:

- (1) and (2) The State Housing Commission is required to comply with subdivisional standards and development requirements imposed by the respective local authorities and approved by the Town Planning Board.

8.

HEALTH

Tronado Case Evaluation Committee Report

Mr J. T. TONKIN, to the Minister representing the Minister for Health:

- (1) One of the terms of reference with which the Tronado Case Evaluation Committee was appointed was "To consult such published material as they consider relevant." Will the Minister state what published material was actually consulted by the committee?
- (2) If the article "Tumor Eradication by Radiofrequency Therapy" published in the *Journal of the American Medical Association* of 17th May, 1976—Vol. 235, No. 20 was not consulted, what was the reason?
- (3) If the members of the committee, who have said they are prepared to remain available for further consultation, if required, have not consulted the article in the *Journal of the American Medical Association*, will he refer them to that article and request their comment thereon?
- (4) How many of the patients examined by the committee claimed to have benefited from treatment on the Tronado machine?
- (5) In how many cases, where patients claimed to have benefited, were their claims supported by attending radiotherapists?
- (6) As the committee has agreed that "conclusive assessment is impossible within the context of a retrospective study such as that which has been undertaken" and has said "It considers that there is a strong need for an experimental study on the effects of very high frequency radiation using the Tronado machine in solid malignant tumours" and this opinion is supported by the W.A. Branch of the AMA, is he prepared to recommend that the machine at the Charles Gairdner Hospital be put back into use?

Mr RIDGE replied:

- (1) The committee report does not include a bibliography. The only published material referred to in the committee report is the World

Health Organisation Expert Committee on Cancer Treatment No. 322 Technical Report Series 1966.

- (2) The report was not available and in any event the terms of reference of the committee limited it to a consideration of the patients who have received treatment on the Tronado machine.
- (3) No.
- (4) 27.
- (5) 25.
- (6) No.

9. STATE ENERGY COMMISSION

Revenue from Fixed Charge

Mr J. T. TONKIN, to the Minister for Fuel and Energy:

- (1) What was the total sum received by the State Energy Commission during the 12 months ended 30th June, 1976, from the "fixed charge" of \$2.04?
- (2) What total amount was required to be paid to the Treasury because of the levy of 3 per cent on gross income for the same period?

Mr MENSAROS replied:

- (1) \$2 436 590.
There are, of course, other than the \$2.04 fixed charge for country electricity customers and gas customers generally. The total of all fixed charges amounts to \$3 194 506.
- (2) \$2 898 269.

10. TRESILLIAN HOSTEL

Advertisements: Number and Cost

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) How many full page newspaper advertisements "Tresillian... the other side" were published and in what newspapers and on what dates?
- (2) What was the total cost of the advertisements?
- (3) What person, agent or agency was responsible for compiling and handling the advertisements and what amount was paid for such services?

Mr RIDGE replied:

- (1) Three. One each in *The West Australian* (July 16), *The Sunday Times* (July 18), and the *Sunday Independent* (July 18).
- (2) The Government has yet to be billed for the advertisements but the total cost is expected to be \$3 203.

- (3) The advertisements were compiled by Government employees and did not involve any outside person or agency. However, the art work was done by an outside group—Group Graphics.

11. HEALTH

Profoundly Retarded Children: Accommodation

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) How many profoundly retarded children—up to and including teenagers—are currently accommodated by the State?
- (2) Where are these accommodated and what are the numbers at each place?
- (3) How many profoundly retarded children in the above category are known to be in the State?
- (4) What unsatisfied requests for accommodation for these children do Mental Health Services have?

Mr RIDGE replied:

- (1) 90 (19 years and under) at 2/8/76.
- (2) Scarborough Hostel, 18;
Dorset Hostel, 10;
Tresillian Hostel, 15;
Princess Margaret Hospital, 31;
Nulsen Haven, 16.
- (3) 173 as at 2/4/76.
- (4) 14 urgent.
31 at Princess Margaret Hospital
(to be relocated at Yokine).

12. TRESILLIAN HOSTEL

Maintenance and Improvements

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) What work, if any, is proposed for the maintenance, repair, improvement of Tresillian Hostel?
- (2) What is the estimated cost of such work?
- (3) If no such work is proposed, have any requests been made for same?
- (4) If so, what is the nature of such requests?

Mr RIDGE replied:

- (1) and (2) None.
- (3) Yes. In May, 1974.
- (4) Improvements to bathrooms.

13. KAREEBA NURSING HOME

Future Use

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) Has any decision yet been taken on the future of Kareeba Nursing Home?
- (2) If so, what is proposed?

Mr RIDGE replied:

- (1) No.
- (2) An offer of sale to Belmont Shire Council has been made.

14. MENTAL HEALTH INSTITUTIONS

Cost of Patient Care

Mr DAVIES, to the Minister representing the Minister for Health:

What is the cost per day of maintaining a person in—

- (a) Scarborough Hostel;
- (b) Dorset Hostel;
- (c) Tresillian Hostel;
- (d) Princess Margaret Hospital;
- (e) Nulsen Haven;
- (f) Swanbourne Hospital;
- (g) Graylands Hospital?

Mr RIDGE replied:

- (a) Scarborough Hostel, \$55.96, year 1975-76;
- (b) Dorset Hostel, \$52.08, year 1975-76;
- (c) Tresillian Hostel, \$58.87, year 1975-76;
- (d) The average cost of treating all inpatients at the Princess Margaret Hospital in 1974-75 was \$88.90 per day. No separate figure is available for the profoundly mentally retarded;
- (e) Nulsen Haven, \$32.88, year 1975-76;
- (f) Swanbourne Hospital, \$29.66, year 1975-76;
- (g) Graylands Hospital, \$54.22, year 1975-76.

15. MENTAL HEALTH

Profoundly Retarded Persons: Accommodation

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) How many beds over and above those already existing, does the Government intend to secure to accommodate profoundly mentally retarded persons in—
 - (a) the current financial year;
 - (b) by the 1977-78 financial year?
- (2) What firm financial commitments have been made in this regard?

Mr RIDGE replied:

- (1) (a) 1976-77—

Ross Memorial	....	32
Yokine	....	32
One other (may be 1977-78 according to availability)	....	32
		<hr/>
		Total 96

(b) 1977-78—

Sussex (part financed
1976-77) 32

- (2) Ross Memorial and Yokine have been purchased. The Government has undertaken to obtain one other. A contract has been let for Sussex.

Mr O'NEIL replied:

(1) Year 1974-75, 46; year 1975-76, 38.

(2) (a)

	1974-75	1975-76
Guilty of rape	19	19
Guilty of attempted rape	3	3
Guilty of lesser offence	5	3
Not guilty	19	9
Nolle .....	.....	2
Not yet heard .....	.....	2
	<hr/> 46	<hr/> 38

16.

EDUCATION

Equipment: Refund of Freights

Mr McPHARLIN, to the Minister representing the Minister for Education:

- (1) Will the Minister consider refunding freight charges on parents and citizens' association purchases of equipment used for educational and training purposes in country schools?
- (2) Will he also consider refunding freight charges on all purchases of materials, aids and equipment used for educational purposes other than the above?

Mr GRAYDEN replied:

- (1) and (2) Because the Education Department has no measure of control over the type of purchase, the means of transport and the effect on the departmental budget, refunds of freight charges cannot be considered by the Education Department while other educational needs demand a higher priority.

17.

RAPE CASES

Number, and Recidivism Rate

Mr H. D. EVANS, to the Minister representing the Minister for Justice:

- (1) How many rape cases have reached the Supreme Court in Western Australia in 1975 and 1976?
- (2) Of these,
- what were the verdicts, i.e., rape, attempted rape, lesser offences;
 - what were the lengths of the sentences;
 - how many victims claimed compensation;
 - how many received compensation?
- (3) How many rapes were reported to the police in the period 1975-1976?
- (4) What is the recidivism rate of convicted rapists over the last ten years?

- (b) 3 months followed by detention at Governor's pleasure (1);

18 months' imprisonment (1);

2 years' imprisonment (7);

3 years' imprisonment (4);

4 years' imprisonment (6);

4 years' imprisonment to be followed by detention at Governor's pleasure (2);

5 years' imprisonment (1);

5 years' imprisonment followed by detention at Governor's pleasure (1);

6 years' imprisonment (2);

7 years' imprisonment (5);

8 years' imprisonment (2);

8½ years' imprisonment (1);

10 years' imprisonment (1);

11 years' imprisonment (2);

12 years' imprisonment (2);

Committed to Reform Prison to be detained at Governor's pleasure (2);

Placed on probation for 2 years (1);

Placed on probation for 3 years (1);

Placed on bond of \$200 to be of good behaviour for 12 months (1);

Placed on bond of \$250 to be of good behaviour for 3 years (1);

Committed to care of Community Welfare Department until 18 years of age (3);

Awaiting sentence (3);

Still to be heard (2).

(Includes sentences for lesser offences).

(c) 10.

(d) 5. (4 further cases still under consideration. 1 case, court order made but not pursued by claimant).

(3) 1974-75, 94; 1975-76, 71 (includes attempted rapes).

(4) A recent review of records going back to 1960 indicates that there were approximately 150 persons convicted of rape or attempted

rape. Of these, 7 persons have been subsequently convicted of offences of a sexual nature.

18. LAND

Release for Farming

Mr H. D. EVANS, to the Minister for Lands:

- (1) Is it proposed to release any further land for farming in Western Australia in 1976 or 1977?
- (2) If so then—
 - (a) in what districts is it proposed to release land;
 - (b) what area for release is contemplated in each of these districts?

Mr RIDGE replied:

- (1) and (2) The matter is presently before Cabinet for consideration but in accordance with a previous decision it is predicted that any land releases will be restricted to extending the size of properties to improve their viability or to opening up agriculturally acceptable land for consolidation where services exist or can be provided at minimal cost.

19. *This question was postponed.*

20. ELECTRICITY SUPPLIES

Country Towns Assistance Scheme

Mr MAY, to the Minister for Fuel and Energy:

- (1) In connection with the Country Towns Assistance Scheme, will he provide details of the towns assisted—
 - (a) between March 1971 to March 1974;
 - (b) between April 1974 to present time?
- (2) Which further towns are expected to be assisted during 1976?
- (3) Which major towns north of the 26th parallel are still to be assisted?

Mr MENSAROS replied:

- (1) (a) Cue*,
Denham (Shark Bay),
Derby,
Gascoyne Junction,
Hyden,
Jerramungup,
Kalgoorlie,
Kukerin**,
Kulin**,
Lake Grace,
Marble Bar,
Meekatharra,
Newdegate,

Nullagine,
Nyabing,
Pingrup,
Salmon Gums,
Wiluna,
Yalgoo.

* The scheme was announced October, 1972.

** Both Kukerin and Kulin are now supplied from the main interconnected supply system.

- (b) Broome,
Camballin,
Kalbarri,
Kalannie,
Lancelin,
Leonora,
Mt. Magnet,
Ravensthorpe,
Sandstone,
Wittenoom,
Wyndham,

Category (a) done between 1971 and 1974 affects 1 787 customers with an approximate capital value of \$1 426 000; whereas category (b) done between 1974 and the present time affects 2 097 customers with a capital involvement of \$2 323 000.

- (2) Hopetoun,
Norseman.
- (3) Carnarvon,
Exmouth.

(Both the above shires have been approached but have elected to continue to operate their own undertakings).

21.

MINING

Coal Deposits

Mr MAY, to the Minister for Mines:

- (1) Apart from the Collie coalfields are there any other areas in Western Australia where the department considers coal could be economically extracted, having regard for the present crucial energy situation?
- (2) If so, would he detail the location in priority order?
- (3) Has the department any knowledge of possible coking coal deposits in Western Australia?

Mr MENSAROS replied:

- (1) At Eneabba there is a deposit of coal which may be extracted economically if there was a local requirement, i.e. a power station. There are no other known deposits which could be extracted economically under existing conditions.

- (2) 12 km south-southwest of Eneabba township.
- (3) No knowledge of any potentially economical coking coal deposits in Western Australia.

22. *This question was postponed.*

23. HAIRDRESSERS

Registration: Alteration

Mr HARMAN, to the Minister for Labour and Industry:

- (1) Has he received a request to allow a person registered as a ladies hairdresser to dress the hair of a male and for a person registered as a mens hairdresser to dress the hair of a female?
- (2) When was this request received?
- (3) What action has been taken?

Mr GRAYDEN replied:

- (1) Yes. Approaches have been made by an organisation calling itself the Hairdressing Association of W.A. requesting that the Hairdressers Registration Act be amended to permit ladies registered hairdressers to dress the hair of male clients and for mens registered hairdressers to dress the hair of female clients.
- (2) This request was received during the month of April, 1976.
- (3) Arising from these representations a number of meetings and discussions with interested parties have been held. The Hairdressers Registration Board has met with the persons making the request.

As Minister for Labour I have personally held meetings with the Master Gentlemen's Hairdressers Association, the Master Ladies' Hairdressers Employers and the West Australian Hairdressers Union of Workers. These three organisations indicated that they would like to put their proposals to the Government in regard to amending the Hairdressers Registration Act. I have been awaiting advice from the three parties before making any firm decision as to what amendments to the Act should be made.

Sir CHARLES COURT replied:

The Government expressed its concern to the producing companies, to the Japanese consumers and to the Commonwealth Government in respect of the effects of lower than forecast demand for salt, the high level of capital investment when related to the returns then being received and low rate of increase on salt prices over the years.

The Government advised all of the parties that it believed that a reasonable lift in salt prices would be in the long term interests of the industry (including consumer companies) and that it would be to the benefit of all for this to happen.

As a general rule, the Government believes that these issues are best resolved by sensible commercial negotiation between the producers and the consumers. Any representations we made on this occasion were in the Government's opinion, a sensible exercise of joint Commonwealth and State co-operation and consultation in respect of export licence powers—as opposed to the unilateral use of the power by the Labor Government in Canberra in 1972-75 for purposes of achieving its socialist objectives.

25.

STATE FINANCE

Commonwealth Grants

Mr HARMAN, to the Treasurer:

- (1) In the year 1975-76 what amount did the Australian Government grant to the Western Australian Government under the following headings—
 - (a) advances for housing for servicemen;
 - (b) grants for State Emergency Services;
 - (c) grants for Government and non-Government schools—
 - (i) recurrent;
 - (ii) capital;
 - (d) grants for community health facilities;
 - (e) grants for School Dental Scheme;
 - (f) grants for health education campaigns;
 - (g) grants for expenditure on blood transfusion services;
 - (h) grants for the provision of home dialysis supplies and equipment;
 - (i) grants for home care services;

24. SALT

Exports to Japan: Price

Mr HARMAN, to the Premier:

Did his Government strongly support requests made recently by salt producing companies in Australia for the Australian Government to use its export control powers to achieve a satisfactory price for salt under sale to Japan?

- (j) grants for senior citizens' centres—
 - (i) recurrent;
 - (ii) capital;
 - (k) recurrent grants for social policy planning units;
 - (l) payments for Aboriginal advancement;
 - (m) payments for growth centres and related projects—
 - (i) grants;
 - (ii) loans;
 - (n) assistance for area improvements;
 - (o) payments for land acquisition and development in urban areas—
 - (i) grants;
 - (ii) loans;
 - (p) payments for sewerage works—
 - (i) recurrent purposes;
 - (ii) grants for capital works;
 - (q) payments for leisure recreation and similar purposes—
 - (i) recurrent;
 - (ii) capital;
 - (r) grants for expenditure on the national estate;
 - (s) grants for apprenticeship training?
- (2) Under the above headings what amounts (estimated) have been provided for this present financial year 1976-77?

Sir CHARLES COURT replied:

- (1) Amounts received from the Commonwealth Government in 1975-76 were as follows:—
 - (a) \$698 000
 - (b) Nil
 - (c) Government Schools
 - (i) \$15 787 979
 - (ii) \$7 928 990
 - Non Government Schools
 - (i) \$7 772 183
 - (ii) \$2 468 300
 - (d) \$3 870 555
 - (e) \$5 003 252
 - (f) \$88 613
 - (g) \$342 040
 - (h) Nil
 - (i) \$37 150
 - (j) (i) \$41 830
 - (ii) \$18 493
 - (k) \$32 000
 - (i) \$13 307 000
 - (m) (i) \$474 000
 - (ii) Nil
 - (n) \$843 400

- (o) (i) \$842 000
 - (ii) \$5 108 000
 - (p) (i) \$155 000
 - (ii) \$12 400 000 of which 30% was grant and 70% loan
 - (q) (i) Nil
 - (ii) \$444 500
 - (r) \$523 250
 - (s) \$387 233
- (2) In most cases, funds to be provided by the Federal Government will be announced when the Commonwealth Budget for 1976-77 is presented to Parliament in the near future. However, I have been advised of allocations for the following programs—
- (a) National Sewerage Program—Loans and Grants, \$7 000 000.
 - (b) Community Health Program, \$5 300 000.

26.

EDUCATION

Learning Materials: Inquiry into Costs

Mr BRYCE, to the Minister representing the Minister for Education:

- (1) Has the committee comprised of representatives of the Education Department and WACSCO formed to investigate the rising cost of secondary school learning materials, reported its findings to the Minister?
- (2) Will the Minister table a copy of the report?

Mr GRAYDEN replied:

- (1) No.
- (2) The matter will be considered once the report has been submitted.

27.

EDUCATION

Numeracy and Literacy: ACER Report

Mr BRYCE, to the Minister representing the Minister for Education:

Will the Minister table a copy of the ACER 1975 Report on Numeracy and Literacy?

Mr GRAYDEN replied:

Yes.

The report was tabled (see paper No. 315).

28. PRE-PRIMARY EDUCATION

Pilot Schemes

Mr BRYCE to the Minister representing the Minister for Education:

In respect of the pilot pre-primary scheme at Karragullen Primary School—

- (1) When did the pilot scheme commence?

- (2) How many other pilot pre-primary schemes are operating in Western Australia and at which schools?
- (3) At what age will children be introduced to the Karragullen pre-primary scheme?
- (4) Will the pre-primary children at Karragullen participate in the school process with other children aged from Grades 1-7 inclusive?
- (5) Is it intended that the Education Department will appoint a teaching aide at Karragullen?
- (6) If answer to (5) is "Yes" what qualifications will the aide be required to have?
- (7) Has the present teacher at Karragullen had any pre-primary training?

Mr GRAYDEN replied:

- (1) 27th July, 1976.
- (2) Karragullen and Oakford.
- (3) As with all pre-primary admissions the year in which the children have their fifth birthday.
- (4) The programme will consist of distinctive, pre-primary activities.
- (5) The aide took up duties on 27th July, 1976.
- (6) The aide was selected on the same basis as other aides in pre-primary centres.
- (7) The teacher-in-charge is an experienced Year 1-7 teacher who will receive assistance and inservice programmes which will include up to five days teaching release and close advisory support.

29. SCHOOLS, HIGH SCHOOLS, AND PRE-PRIMARY CENTRES

Construction Programme

Mr BRYCE, to the Minister representing the Minister for Education:

- (1) How many new primary schools, high schools and pre-primary centres are planned for construction in Western Australia during the remainder of 1976 and for 1977?
- (2) Where are such schools and centres to be built?
- (3) What is the total estimated cost of—
 - (a) the new high schools;
 - (b) the new primary schools;
 - (c) the new pre-primary centres, during the remainder of 1976 and for 1977?
- (4) Does the Government propose to build a new high school at Dianella; if not, why not?

- (5) Has the Education Department discussed the availability of suitable sites for a new high school at Dianella with the City of Stirling Council?

Mr GRAYDEN replied:

- (1) (a) New primary schools—7
(b) New secondary schools—3
(c) New pre-primary centres—between 30 and 35.
- (2) Primary Schools:
Camberwarra, West Greenwood, Huntingdale, Withers, Kardinya, Woodlupine, West Balcatta.
High Schools:
Swan View, Wanneroo, Willetton.
At this time firm decisions have been to proceed with the following Pre-Primary Centres:
Cowaramup, Jurien Bay, Three Springs, Huntingdale, Withers, Grass Patch, Williams, Leeman, West Balcatta, Woodlupine, Tambellup, Narembeen, Camberwarra, West Greenwood, Fairview.
- (3) (a) \$5.1 million
(b) \$2.9 million
(c) \$1.0 million (approx.).
- (4) No, because a high school is not warranted in the Dianella district at this time. Additional high schools will be needed north-east of Dianella in the future.
- (5) No. The Property and Valuation Office of the Public Works Department approached the City of Stirling on this matter in 1973.

QUESTIONS (9): WITHOUT NOTICE

1.

STATE FINANCE

Commonwealth Grants

Mr HARMAN, to the Treasurer:

- (1) During the 1975-76 financial year, what amounts did the Australian Government pay to the Western Australian Government under the following headings—
 - General revenue assistance
 - General purpose capital grants
 - Specific purpose payments—current
 - Specific purpose payments—capital
 - Other revenue assistance?
- (2) What amounts (estimated) were paid to the Western Australian Government for the same headings during 1976-77?

Sir CHARLES COURT replied:

I thank the honourable member for notice of this question, the answer to which is as follows—

- (1) The following amounts were received from the Commonwealth Government in 1975-76—

General revenue assistance—

(a) Financial assistance grant—\$363 030 612

(b) Interest contribution—\$946 864

General purpose capital grants—\$40 099 000

The information requested on specific purpose payments is set out in a reply to question 25 on today's notice paper and in the supplementary information to be supplied in response to a question without notice by the Leader of the Opposition.

Other revenue assistance—Nil.

- (2) Estimates of the amounts to be paid to Western Australia in 1976-77 are—

General revenue assistance—

(a) Share of personal income tax collections—\$444 million

(b) Interest contribution—\$946 864

General purpose capital grants—\$42 117 000

Other revenue assistance—Nil.

I would remind the honourable member that details of Commonwealth assistance will be set out in the Estimates of Revenue and the General Loan Fund Estimates which will be presented to Parliament in due course.

2.

STATE FINANCE

Commonwealth Grants and Loans

Mr JAMIESON, to the Treasurer:

- (1) How much will Western Australia receive from the Australian Government in 1976-77 in—
 - (a) financial assistance grants;
 - (b) capital grants for the State Government;
 - (c) authorised Loan Council borrowings by the State Government;
 - (d) Loan Council approvals for borrowings by semi-Government authorities;
 - (e) Local government grants?

- (2) In (a) to (e) above, what was the increase or decrease in money terms and percentage terms on 1975-76?
- (3) What percentage of the national total did Western Australia receive for (a) to (e) above in 1975-76?
- (4) What is the percentage of the national total in 1976-77?

Sir CHARLES COURT replied:

I thank the Leader of the Opposition for providing notice of this question, the answer to which is as follows—

- (1) (a) Share of personal income tax collections an estimated \$444 million

(b) \$42 117 000

(c) \$84 235 000

(d) \$45 369 000

(e) \$13 162 100

- (2) Increase on 1975-76—

Money terms	Percentage
(a) \$80 969 388	22.3
(b) \$2 018 000	5.0
(c) \$4 038 000	5.0
(d) \$7 105 000	18.6
(e) \$6 638 100	

- (3) (a) 11.8

(b) 9.3

(c) 9.3

(d) 4.7

(e) 9.4

- (4) (a) 11.9

(b) 9.3

(c) 9.3

(d) 4.7

(e) 9.4

3.

GOLDMINING

Tax Exemption: Abolition

Mr T. D. EVANS, to the Premier:

I preface my question by pointing out that it was prepared before the "Stop Press" note relating to the subject appeared in today's issue of the *Daily News*. However, I feel this question should be asked in Parliament—

- (1) Does the State Government support the decision of the Federal Government to phase out the taxation exemption for the goldmining industry?
- (2) If not, did the Premier contact the Acting Prime Minister last night or today to protest against the decision?
- (3) If the State Government does not support the decision, what action has it already taken or is planned to protest against the decision?

- (4) What measures are being planned to deal with the increased unemployment which will inevitably occur in the goldfields because of the decision?

Sir CHARLES COURT replied:

I will endeavour to deal with the questions—for which I did not have any notice—in the order in which they were asked—

- (1) I have already made myself quite plain, both last night and again this morning, that I was very concerned at the decision taken by the Commonwealth. I considered it to be an insensitive decision. It would appear to me that when the original recommendation of the IAC was made, the price of gold was at a completely different level from its present level. We now have a situation where not only is the price depressed but also there is no immediate prospect of it rising—although we hope it will.

Therefore, I have made it very clear both in my public statements here and in my representations to the Commonwealth that I believed it was an ill-considered decision which should be reconsidered. The industry needs encouragement at this time. It has been going through a very bad period. Admittedly, the taxation exemption provision has not been of any immediate benefit to the operators because they are not making a profit. However, at least it provides some incentive and gives some hope to people who are trying to reopen some of these mines or, for that matter, are endeavouring to keep some of the existing mines in operation.

- (2) to (4) Naturally the Government will be watching the situation, but do not let us jump our hurdles before they come, because the honourable member has assumed that as a result of this decision there will be a closure of some existing mining operations, and this we have to ascertain. I take this opportunity to suggest that it might be a good time for those on the opposite side to talk to some of the union officials concerned and remind them of the tremendous difficulties—

Opposition members: Ha, ha!

Sir CHARLES COURT: I say this with great seriousness even if members of the Opposition laugh about it. They might remind the union officials of the tremendous difficulties being experienced in trying to get a new goldmining project off the ground at Telfer in a very remote area.

4.

GOLDMINING

Tax Exemption: Abolition

Mr MAY, to the Premier:

- (1) Was the State Government advised of the Federal Government's decision to abolish tax exemptions for goldmining prior to the recent media announcement?
- (2) If the answer is in the affirmative, will he advise when the State Government was made aware of the decision?

Sir CHARLES COURT replied:

- (1) I was not advised prior to the reference in the media. Therefore, I could not anticipate it by making representations before the announcement was made.
- (2) I did not know in advance. The first time I knew was when members of the Press saw me after a Cabinet meeting last night and asked me whether I knew about it. I was able to say, "No". I then expressed myself strongly in opposition to the Commonwealth's decision.

5.

TRESILLIAN HOSTEL

Advertisements: Number and Cost

Mr DAVIES, to the Minister representing the Minister for Health:

My question appertains to question 10 that I asked today and relates to the advertisement for Tresillian.

In part (3) of the question I asked who the agency was and how much was paid to it. The Minister was good enough to tell me that the agency concerned with the art work was Group Graphics but he did not say what its account was. Is he able to tell me that?

Mr RIDGE replied:

I am not able to tell the honourable member what the account was but I will make the necessary inquiries and advise him.

6. STATE FINANCE

Commonwealth Grants and Loans

Mr JAMIESON, to the Premier:

- (1) What recurrent grants for specific purposes did Western Australia receive from the Australian Government in 1975-76?
- (2) What capital grants for specific purposes did Western Australia receive from the Australian Government in 1975-76?
- (3) What loans for specific purposes did Western Australia receive from the Australian Government in 1975-76?
- (4) What recurrent grants for specific purposes has the Australian Government already approved for Western Australia for 1976-77?
- (5) What capital grants for specific purposes has the Australian Government already approved for Western Australia for 1976-77?
- (6) What loans for specific purposes has the Australian Government already approved for Western Australia for 1976-77?

Sir CHARLES COURT replied:

- (1) to (6) Details of most specific purpose payments made to Western Australia in 1975-76 and already advised for 1976-77 are set out in my reply to question 25 on today's notice paper. A fully comprehensive list including all minor items will take a little time to compile and the information will be supplied to the honourable member as soon as it is available.

7. DROUGHT ASSISTANCE

Private Grain Purchases

Mr THOMPSON, to the Minister for Agriculture:

- (1) Is he aware that farmers in the drought affected northern wheat-belt are declining drought assistance in the form of grain ex the Geraldton CBH facility because it is rumoured that such grain is infested with star thistle, skeleton weed, and other weed pests?
- (2) Will he take note that some farmers in the worst hit areas prefer to buy feed grain on the open market, in some cases involving an 800 kilometre round trip, rather than incur the expense of weed control in future seasons?
- (3) Will he provide a subsidy to those farmers who, in the interest of themselves and their districts, opt for the sound farming practice of minimising weed infestation, and in so doing, place themselves outside the Government's drought assistance scheme?

Mr P. V. Jones (for Mr OLD) replied:

- (1) to (3) On behalf of the Minister for Agriculture I thank the member for Kalamunda for notice of the question. The Minister's office has been unable to obtain sufficient information to provide an answer in the detail that is required, and the Minister has indicated that he will supply it tomorrow.

8. "POLICY AND PERFORMANCE" PUBLICATION

Distribution and Cost

Mr JAMIESON, to the Premier:

- (1) How many copies of the document "Policy and Performance" were produced?
- (2) What was their cost?
- (3) How many Government employees were involved in producing the document, and for what lengths of time?
- (4) Were any outside consultants, or other non-Government employees involved in its production?
- (5) Who received copies of the document?
- (6) Why were Opposition members, other than the Leader of the Opposition, not given copies?
- (7) If all Government members received copies when were they distributed to them?

Sir CHARLES COURT replied:

- (1) One thousand and ten copies.
- (2) The final printing cost amounted to \$11 292.
- (3) As is customary in the preparation of information of this kind, officers in all Government departments were involved under ministerial direction in the normal course of their duties, in extracting from Government records information required for the accurate preparation and presentation of the "Policy and Performance" document.
It is not possible to give an estimate of the time involved as no special records are kept for such work which was interspersed with other normal duties.
- (4) Yes, W. W. Mitchell and Associates were involved in an advisory capacity and Imperial Print carried out the production.
- (5) Copies of the document have been made available to the Premier and the Leader of the Opposition, members of Cabinet, members of Parliament, all local authorities, libraries, media, Government departments, and a substantial number of business and private

inquirers, including political organisations seeking copies for their own use.

Because the initial number printed cannot meet demand, consideration is being given to the printing of a smaller version for general public information. If it is decided to proceed with such a document, copies of these will be made available at the Government Information Centre on request.

- (6) A copy of the document was hand delivered to the office of the Leader of the Opposition on the day of its release. The distribution to all members of Parliament has now been completed.
- (7) I cannot be precise when they received copies but I shall be only too pleased to find out as to when they were distributed. Firstly, there was a shortage of copies and, secondly, I think it was originally intended that the documents would be tabled and copies then made available to all non-Government members, but they have been distributed in the meantime.

9. STATE GOVERNMENT INSURANCE OFFICE

Royal Commission Report: Tabling

Mr HARMAN, to the Premier:

I ask the Premier what I hope will be the last question I shall ask on this subject. Was the Premier correctly reported in the media last week that he would make public next week the report of the Royal Commission on the State Government Insurance Office franchise?

Sir CHARLES COURT replied:

To be precise, I said that the report would be tabled not later than next week.

LIQUOR ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th May.

MR SKIDMORE (Swan) [5.20 p.m.]: When I last spoke to this piece of amending legislation in May of this year, I did in general deal with the problems associated with its introduction. I was hoping that during the interim period I would again receive some acknowledgment or advice from people who would be affected by the amendments to the Liquor Act; but such was not the case. So, one must assume that the people who originally contacted me were prepared to abide by the decision made at the time, in accordance with the

views they expressed and put forward perhaps to myself and others who, no doubt, received the same printed literature that had been made available to me.

Out of all this there appears to be one fundamental principle bugging everybody in the industry; that is, the favouritism conferred on some persons by the existing Act. Certainly the position will not be made any better by the amending legislation, unless some drastic rewriting of the amendments is undertaken. For some time this has been a rather vexed question in the industry. It revolves around the question of the rights of certain people in the industry, who are not permitted to open for trading at the same time as others, and who are not able to trade in all types of wines as hotels are able to so trade. Of course, under the present restrictions some outlets are not even given the right to trade at all, and the question arises as to whether or not they should have the right to trade on Sundays.

The Wine and Brandy Producers' Association wrote to me on the 23rd January, 1976. When I wrote to that association suggesting I might be able to assist its member in putting forward their views on the Bill, they indicated to me that the question of permitting wineries to trade in all types of wines was one of concern. The attitude of the industry rather surprised me in the first instance. I would have thought that an industry which had allowed itself to become involved in tourism would grasp the golden opportunity to put forward a point of view to encourage people to visit the Swan Valley, in the same way as hundreds of thousands of people visit the wine-producing districts of South Australia and the Hunter Valley in New South Wales.

It would appear that this opportunity was not to be grasped by the wine producers in the Swan Valley, because the resolution which was put before the members of the association revealed that only 40 per cent of the members present voted for Sunday trading, and 60 per cent were against Sunday trading. That result rather surprised me.

When I looked at the people comprising the 60 per cent who voted against Sunday trading I found that in the main they represented the small families which were interested in wine producing. This is the type of person who has a family commitment, and considers that he should not be required to open for trading on Sundays, because he considers that working for six days of the week is sufficient and that on the seventh day, like other citizens, he should have a day of rest. For that reason these people feel they should not be compelled to open for trading on Sundays. Whilst the result might reflect the democratic process of arriving at that decision, it would appear that the major wine producers in the valley do wish to open for trading on Sundays.

The major and substantial portion of the industry is controlled by the big producers, mainly proprietary companies which produce in large volume. They have expressed the hope that they should be allowed to engage in trading on Sundays.

My own view is that trading should be permitted in the Swan Valley and the vineyards on Sundays, so as to further the good reputation of our wines, not only in Western Australia but also in the Eastern States. In so doing we would encourage visitors to come here not only from the Eastern States but also from overseas to taste and to partake of our wines on Sundays. To my mind it is not reasonable that some producers should be allowed to open for trade in this way. If it is to be allowed it will need an amendment to the existing legislation. However, a proviso should be written into the legislation so that if Sunday trading is permitted it should apply to all those engaged in that section of the industry. At present the situation is that some producers can and some cannot trade in this way. If my proposal is agreed to no-one can complain that he has been dealt with unfairly, and everyone will receive the same treatment.

Another association has contacted me on the question of trading hours in the sale of wine; it is the Retail Wine Vendors Association. I do not know whether other members have received the same letter that I have received from that association. The letter is dated the 16th July, 1976, and in it the association has set out its aspirations and hopes. Of course, these licences are completely different from the licences applying to hotels, taverns and winehouses which, under the existing Act and the proposed amendments, will be able to engage in Sunday trading. However, they are subject to a restriction that the licensee shall sell only Australian wines between the hours of 10.00 a.m. and 10.00 p.m. from Monday to Saturday by the glass or bottle. Obviously this limits the holder of this licence in his ability to compete fairly with the holders of other licences in the industry. Added to the indignity of such a trading restriction, this licence does not allow the licensee the privileges afforded to hotels, taverns, and winehouses applying under section 24 of the Act. Under subsections (2), (3), (10), and (11) the hotels, taverns, and winehouses are able to obtain permits to trade in all wines. Because of the restrictive nature of their wine licences, the members of the Retail Wine Vendors Association are not able to trade in a similar way.

I wonder whether or not the Licensing Court has held the view that this type of wine shop should disappear. It has been referred to rather disparagingly as the typical plonk shop which caters for the rather undesirable element in the community. It seems that anybody who happens to enter what has been described as an undesirable type of plonk shop is

to be regarded as an undesirable person. That is the analogy which one could draw from the reference that has been made to this type of licence.

It is true, and it is certainly evident in my electorate, that some of the licensed shops with that type of licence do cater for members of the community who do not seek a very pretentious type of establishment in which to partake of wine. Nevertheless, as is his basic human right he should be treated the same as anybody else. It would appear that in the past the Licensing Court has said, "We cannot make those shops any better; we cannot control them; let us phase them out." By placing a restriction on them the court has said, "Whether or not you like it you will be put out of business slowly, by the restriction placed on you to sell Australian wines only, and by restricting your hours of service."

I do not know what is the difference between the haves and the have-nots in this world, particularly in relation to our obviously archaic attitude to the consumption of alcoholic beverages. My own view is that it would be far better to dispense with all the restrictions and to introduce a system whereby people could trade between 10.00 a.m. and 10.00 p.m. on seven days of the week. That would not present any difficulty, and each and every section of the industry would be placed on the same footing. There would be no heart-burning caused to some who cannot meet the set standards; and the standards are not the same for all. Having looked at the difference between the various types of licences, I cannot see that out of the present amendments we will achieve any objectivity in the industry.

We are all aware of the vast and expanding wine industry in the Mt. Barker area. I have had the good fortune to taste some of the wines from the district and I am sure they are wines which will make their mark in the wine industry in Australia. What will happen to the people in the Mt. Barker area with the restrictions on Sunday sales? Because of Mt. Barker's proximity to Albany the residents in Mt. Barker will be unable to open their vineyards for the purpose of selling wine. This is one aspect which must be considered, particularly in the light of the tourism potential in the area which will lend itself admirably to that type of trading.

Another point concerns the vigneron in the Swan Valley. During the time available to me, I made it my business to approach quite a number of these people who indicated to me their opinion on Sunday trading. Generally they confirmed the findings of the association. The bigger concerns—the proprietary companies—said they want Sunday trading while the small family concerns indicated they do not want it. However, the small family concerns indicated that if Sunday trading were introduced it should be optional; in other words,

they do not want to be told that they must open. All in all I consider this to be a sensible attitude to adopt.

There is a conflict concerning those who hold a gallon licence. Certainly they are restricted on the amount of liquor they may sell at any one time and on a Sunday. It seems wrong that a person is allowed to go to a hotel to buy two bottles of beer and then take the beer away for consumption or alternatively stay at a hotel for the stipulated hours on a Sunday and drink at the bar to his heart's content while he cannot obtain the same service from a gallon licensee. On a Sunday hoteliers are able to sell wine although not by the bottle, but the retail wine outlets do not have the advantage of such an opportunity because of the restrictions placed on them. This is unfair and retail wine outlets should be given the same opportunities for trading as those given to hoteliers.

On the 10th November, 1975, I received a lengthy submission from the Wholesale Wine and Spirit Merchants' Association of WA. I do not intend to quote the submission in full, but wish to refer to some of the points raised. The association states that there cannot be any logic which can support sales by glass of all liquors, but the sale of beer only by bottles. That seems to be rather a pertinent point.

The association then states that unlicensed restaurants provide a service to patrons in that they allow them to "bring their own grog" to be consumed with meals at the restaurants. However, if patrons do not happen to have a bottle of wine to take to the restaurant with them they cannot have any wine; but if a patron is a beer drinker and does not have any beer at home to take to a restaurant, he can go to a hotel on a Sunday and buy a bottle to have with his meal at the restaurant.

Why do we differentiate? What is the difference between the two alcoholic drinks which allows beer, but not wine, to be taken to a restaurant on a Sunday if the patron does not have any wine on hand? We are all aware of the relatively small number of miles a person must travel in order to purchase several bottles of beer. It takes me 17 to 20 minutes to obtain legally six bottles of beer.

Mr May: Sometimes you do not have to move in order to obtain that number.

Mr SKIDMORE: That is so, but I like to be reasonably fair. I will not knowingly break the law and consequently I will accept only two bottles at each hotel.

Someone just referred to the cost. I might mention that I have ceased to purchase bottles from hotels now because I have a very good home brew and I get my bottles for 16c each.

Mr Nanovich: How many are you making at one time?

Mr Jamieson: He is putting the fighting Swans on it!

The SPEAKER: I am not sure that you are entitled to advertise.

Mr SKIDMORE: I am a little superstitious of the number 13. Nevertheless item 13 in the association's submission states—

It is important that the necessity for police control should be minimal. There should be unrestricted sales of all alcoholic beverages. Control of the present 2 bottle beer limit is most difficult to enforce.

I have just indicated the way in which one may legally overcome that situation, and I have already dealt at some length with police control. When I spoke to this Bill previously I indicated that it was not true to state that all that was necessary to bring someone into line was to place harsher restrictions on that person because then he would toe the line. We all know that this practice has not worked in society and never will. If it had worked, the incidence of crime would have been greatly reduced because all that would be necessary to say to people would be, "You should not do that", and for that reason alone the people would not do it. We know this is not the situation. People still break the law in connection with liquor, traffic, and fishing. People will still pick wildflowers on weekends when on their way to Yanchep or anywhere else where wildflowers are to be found.

Police control under the Liquor Act should be minimal because, in the main, it is a provocative control as the police are not content to remain in an advisory role, but will seek revenue by sitting behind trees with a little gun and a team of patrolmen waiting to catch someone who has had one too many on a Sunday afternoon.

I do not believe such behaviour is an answer to the problem. These patrolmen should be visible and should go into parking areas and tell people not to drive on the roads if they have had too much to drink. If the advice is not heeded that is the time to arrest the erring drivers after the necessary test is undertaken and they are found to be in an unfit state, according to the law, to be in control of a vehicle on a public highway.

I have mentioned tourism. The submission states that it is in the interests of tourism in the State for laws to be unrestrictive so that they do not accentuate the isolation of Western Australia. A more tolerant approach would favour the State.

In general I am unable to find anything of great value in the legislation before us. If a set of conditions is good for one section of an industry it should apply equally to all sections. The industry itself is at sixes and sevens.

I must of course consider the role that the worker plays in the industry. Many

times it has been said in the industrial scene at least, and by hoteliers, when these workers seek increased wages, that they will price themselves out of a job.

It has been said that we will not be able to sustain the tourist industry if such increases are sought continually. One has to be mindful and realise that in this field alone a great deal of responsibility is placed on the legislators in this State. Are we to say that there should be an open go, seven days a week? That would remove the obvious area of disagreement in the present Act and would virtually make all those who trade in liquor equal with regard to what they can sell.

There is also the question of the imposition of additional charges on the consuming public who will have to pay for the overtime for the people who service the industry. However, that is not a great problem; it is one which could be overcome by means of an approach through industrial relations, which have been very good within the industry for some time. The union involved in the industry has expressed concern to me on this issue and I believe we should ensure that the present conditions do not deteriorate.

I intend to conclude on that note. At a later stage we will be able to deal with obvious amendments which I can assure the House will be forthcoming from many sources. I hope members will make a conscience-free contribution to the debate. It has been said that members will be able to vote on the Bill according to their consciences, and I hope that will apply. This is a social issue and surely it should be looked at in that light. I will confine my further remarks to a later stage of the debate.

MR BERTRAM (Mt. Hawthorn) [5.42 p.m.]: This Bill contains 41 clauses and is really one in respect of which I imagine the bulk of the discussion will take place during the Committee stage of the debate. It is a Bill which I support, although there are certainly some provisions in it which I utterly reject and there are others which I consider it should contain but which are noticeable by their absence.

At the outset let me say that personally I derive little satisfaction from having to debate the Liquor Act once again. It was introduced in 1970 and if I remember rightly we have had to take up the time of Parliament almost every year since then discussing matters to do with liquor. I do not believe there is justification for that sort of priority when one considers the number of other important matters which could be discussed. I could name quite a number off the cuff, or "off the top of my head" as the current saying goes.

Mr Nanovich: What are they?

Mr BERTRAM: I will name some of them in a moment. However, personally I have had very few approaches or expressions of concern from my 17 000 electors regarding the Liquor Act. On the other hand, those electors are aghast and dismayed by the fact that we still have a *sub judice* rule which came out of the sixteenth century. Their thoughts extend to the belief that the situation should no longer exist in Western Australia whereby one person has a vote worth 14 times that of another person. They believe something should be done about the Constitution and the resolution of deadlocks, about which nothing has been done.

Mr Thompson: I am sure many people have expressed an opinion on that matter.

Mr BERTRAM: They certainly have. They have also expressed concern at the prospect of the other place being able to reject, effectively, money Bills. We have done nothing in that regard either.

The SPEAKER: I think I must remonstrate with the member and ask him not to deal so much with those matters, but with the subject matter of the Bill.

Mr BERTRAM: I wanted to do that, Mr Speaker, but there was an interjection and I thought I was doing my duty in that regard. I could list another 10 or 20 examples which have caused concern and I could supply these to the member who interjected if he would like me to drop him a line later.

Mr Thompson: Do not worry.

Mr BERTRAM: I would also like to record at an early stage of the debate my disappointment that the Bill was introduced in this House and not in another place. It could easily have been organised in a way for that to happen. Because of the history of events which occurred in another place that would seem the obvious place in which to introduce this Bill rather than deal with it here and then have all sorts of events happen elsewhere which could result in our finding that we have wasted our time notwithstanding the fact that the Bill is loaded with a conscience question which somehow or other will bring forth from the Government side that which could be described as an unanimous conscience. That is the second reason I would have liked, very much, to see this Bill introduced in another place.

Another comment which I think is long overdue in respect of this type of legislation touches on the nonparty vote—the nonparty disciplined vote—which is just another way of saying that members of Parliament are to have the right of a conscience vote on the question of liquor. However, I think that an examination of this Bill will show that there are very few matters which really relate to one's conscience. What could perhaps fairly be described as conscience-type legislation in 1876 can hardly be regarded as that

type of legislation in 1976. In any event I sincerely express the hope that those members who will be voting on a matter of conscience—a free vote because they have a conscience—when they shortly consider the amending Bills in respect of electoral matters will apply their same sensitivity of conscience to those Bills. If they do, I, personally, will have no complaint.

One of the omissions from this Bill—and I believe it is a grievous omission in the light of current world trends—is the fact that the Liquor Act, notwithstanding its multiplicity of amendments thus far, still does not contain any limitation or restriction, or any guidance, in any shape or form with respect to advertising—or it could be more adequately described as “the pushing of liquor”. Something was being done—initiated by the Whitlam Labor Government—to see that the pushing of cigarettes was controlled. Cigarette smoking is now known clearly to be adverse to the health of people and to be a great cost to the nation to boot. Something was done to stop the pushing of cigarettes.

I believe the time is long overdue for the State Government to do something about the pushing of liquor. We have long since come to the conclusion that it is the overwhelming wish of the majority to consume liquor, not so much as an abject sin, but as a right which they can exercise. If they exercise that right reasonably they will derive some benefit and do little harm to their fellow men.

I believe that does not accommodate a proposition that people who want to bring up children according to their lights and what they believe is proper should have to face up to what can only be described as the ruthless, remorseless, relentless, and very often completely ridiculous pushing of liquor, aimed, just as cigarette advertising is, at the younger brigade and other people who are least able to cope with it. It seems to me the kind of stuff which is pushed through radio helter-skelter and non-stop, and which is aimed at youngsters, is nothing other than a gross intrusion.

Mr Nanovich: When are you going to start talking to the Bill?

Mr BERTRAM: If the honourable member has children and is perfectly happy to have them bombarded with senseless advertisements and encouraged, against his will, to consume liquor to excess on false premises, he can debate what I am saying. Is he permitted to stand up and speak to this Bill?

Mr Nanovich: Yes, I am.

Mr BERTRAM: He will have his opportunity to do so.

Mr Nanovich: You are wasting time.

Mr BERTRAM: This is a conscience Bill, so it is alleged, and if the honourable member's conscience allows him to

have faceless people bombarding his children on Saturday afternoons and at other times with advertisements encouraging them to consume liquor, he can say so in Wanneroo and let people know where he stands. I have made it perfectly clear that I have no objection to people drinking liquor if they so choose and it does them good. I am talking about the situation where the stuff is pushed upon people and as a result they consume liquor.

It is true that even the Premier has come to realise in recent times that private enterprise is inefficient. That is how I understand what he said in a recent Press announcement. But I do not suppose private enterprise is any more inefficient than an advertiser who says in a book he has written that 13 million consumers take little notice of 99 out of every 100 advertisements they see and hear every day. That seems to me to be a rather high level of efficiency for people who push advertising, the great bulk of whom are ordinarily situated within the so-called private sector: that is to say, the fourth tier of government.

In order to meet their gross inefficiency, people in private enterprise saturate the minds of listeners, and they do not care by what means they do so—whether by foul means or fair. Anyway, they intrude upon one's privacy in the process. The publication to which I am referring is pro-advertising. It is entitled *Advertising in Australia*, and the prospective member for Whitford will be interested to know that on page 79 it states—

Isn't the advertising of some products, such as cigarettes and alcohol, positively harmful?

More than twenty-five governments around the world, including our own—

I imagine he is referring to the Australian Government, not the Government of this State. To continue—

—take the view it is; therefore restrictions are being imposed.

This comes from a person who would take the opposite stance to mine. He says that already 25 Governments around the world happen to share the view I have just expressed in respect of this nonstop, unacceptable process of pushing liquor. In a nutshell, if people want liquor let them have it; but to thrust it down their throats is not on.

Mr Coyne: That applies to any product, does it not?

Mr BERTRAM: It does not, actually.

Mr Coyne: It applies to soap powders and everything else that is advertised.

Mr BERTRAM: That is the honourable member's viewpoint; it is not mine, nor is it the viewpoint of the author of this book. I will quote what he has to say.

The SPEAKER: Will the honourable member please resume his seat? I have granted some tolerance to the member in speaking to the matter of advertising. I believe it is a subject worthy of debate but I do not believe it is a subject which can be ventilated at length in a debate on a Bill of this nature. I ask the honourable member to have regard for my advice and to conclude his remarks on this particular issue as soon as possible.

Mr BERTRAM: Just for your guidance, Mr Speaker, I am at the moment giving serious consideration to placing on the notice paper an amendment touching on this particular question. It is because of that probable and certainly possible action that I am debating the matter at this stage.

The SPEAKER: If it is relevant, I would not have made the remark had you mentioned it earlier.

Mr BERTRAM: I am certainly not guaranteeing there will be an amendment but I am giving it consideration and it is possible there will be such an amendment.

Another spokesman says—

... according to the World Health Organisation, alcohol caused one-third of deaths in Western nations.

He is quoted as saying he blamed alcohol for one in every five child bashings, half the road deaths, and two-thirds of the deaths from cirrhosis of the liver. He goes on to say—

Alcohol abuse costs Australia about \$100 million a year and that is an extraordinarily conservative estimate.

He says producers and advertisers must share a large proportion of the responsibility; and that advertisements play on the insecurity and inferiority of youth, offering a ready-made he-man identity out of a flip-top box. He says Governments also have a responsibility but are guilty of double standards.

The spokesman I have just quoted is not in the present Federal Ministry; his name is Mr Chipp. I think what he says is accurate and I therefore adopt it, because if those statistics are not overwhelmingly in support of what I am talking about I wonder what statistics would qualify for that classification.

In several places throughout the Bill we see an attempt made to bring about the position that fees payable under the Liquor Act will no longer be prescribed by legislation. If the various amendments proposed in the Bill become law, certain fees—currently called specified fees or those appearing in the fourth schedule—will no longer appear in the legislation but will be fixed by regulation. We oppose that situation. We believe that all these fees, whether specified fees or those set out in the fourth schedule, should remain

in that form. These fees should not be imposed in the future by a back door method; that is, by regulation.

No harm has occurred in the past by reason of the fact that the fees are prescribed in the legislation and I believe it is a better than even chance that every year we will discuss a Bill to amend the Liquor Act. Therefore, it cannot be argued that a long delay would be occasioned by fixing the fees by legislation.

One might ask: Whose idea is it to hide the fees in the regulations rather than leave them in the legislation? I for one have very real reservations about the merits of this move and I will oppose such amendments wherever they occur in the measure. I am not unmindful of the shrewd move made by the Government when the State Housing Act was amended to introduce a provision for "a management fee, if any". Immediately we found that under the provision of "management fee, if any", those concerned were hit with a \$60 per annum management fee! Once bitten twice shy!

As we have this habitual process of amending the Liquor Act just about every year, I believe the fees currently prescribed in the Act should continue to be so prescribed. Anyone with any knowledge of the workings of Parliament realises that very often members do not have the same opportunity to delve into regulations as they have to delve into legislation.

Another objectionable feature of the Bill is that it seeks to alter the setup of the Licensing Court. The present situation is that the court comprises three lay people, and this has been the situation for many years. However, on this occasion, apparently the Government has some inside knowledge of the conscience of members of the Parliament because it decided to appoint a duly qualified legal practitioner to the court. Evidently the Government assumes that this particular amendment will be passed by the Parliament. We have been told that this is not a party measure and yet the Government has demonstrated very real confidence that the Bill will be passed. It is most unlikely that any legal practitioner would accept an appointment to the Licensing Court, or any other court, for a shorter period than seven years, because to take up such an appointment would mean his having to break the continuity of his practice. In fact, surely we would not have the audacity to ask any practitioner to do this. However, the Government has chosen to take that "punt".

I oppose this amendment because it is my belief the Licensing Court deals primarily with matters of a social nature as distinct from matters of a legal nature. So far as I am aware, no-one has attempted to show that there has been a spate of appeals to the Supreme Court—as permitted under the principal Act—against dubious decisions of the Licensing Court as presently structured. So in the absence

of this spate of appeals, why do we need to change the system? In a moment I will advance some reasons for the Government's proposed alteration to the structure of the court!

Is it suggested that the last Chairman of the Licensing Court was not up to standard? If the last chairman was up to standard, perhaps the complaint which has given rise to this legislation was about his predecessor. If not, whom is it aimed at?

When we are discussing a Bill of this nature, I believe we should place on record the facts of the situation. The Hon. H. E. Graham, for some years the Chairman of the Licensing Court, did an excellent job. I have heard very few criticisms of his work.

Mr Nanovich: You haven't been around!

Mr BERTRAM: The member for Toodyay will have an opportunity to mention criticisms in due course. Nobody is stopping him from standing up later in the debate.

Mr Graham took the initiative and displayed a degree of courage. He introduced something approaching civilised drinking of liquor for the first time in Western Australia. He knew what the Act enabled him to do and, most importantly, he was prepared to have a go. So we saw the establishment of taverns and smaller drinking places. As far as I have gathered, the public have indicated their appreciation and approval of more civilised drinking facilities and the taverns and similar places are prospering as a result of this.

So public support is manifested in that regard, and I think a study of the annual reports of the Licensing Court will show a very real reduction has occurred in the annual increase of drinking space. That reflects what I said earlier, and it also provides evidence to show there has been a lessening in the number of huge hotels such as those which grew up rapidly a few years ago—those huge places into which people cram in their hundreds and roar at each other as they drink at the bar in order that the other may hear half of what one says.

There is no evidence before this Parliament—which is supposed to decide this question—of which I am aware in favour of changing the structure of the court; and I have always been told that if a person has a good case he should let everyone hear about it. It therefore follows that other people more experienced than I am have decided not to present a case because they know they do not really have a case to sustain.

It may be that the people who thought about this restructuring of the Licensing Court were not unaware of a theory of Menzies; because in tonight's paper he is reported to have said that it is not the laws that matter because laws can be changed, but it is the appointments that matter.

For those who approach this Bill on a question of conscience, perhaps they might give a little thought to one or two other angles I propose to put forward. I imagine that as a result of this particular move by the Premier—I give him "credit" for this amendment about the seven-year tenure—the Labor Party may find it may never again be in a position to appoint a Chairman of the Licensing Court. It has virtually no hope of having a majority in the upper House in the foreseeable future; it does not have the media on side—in this State the Press is virtually semi-official—nor does it have anything like the extraordinary funds which the conservatives have.

Mr Nanovich: What about the \$100 a place function? I think it is all sold out.

Mr BERTRAM: The chances of the Labor Party winning three elections in succession are mine and Buckley's. So we have a position whereby as a result of this crafty manoeuvre—and one does not need to be Speed Gordon to work out its author—the Labor Party will probably never in the foreseeable future be in a position to appoint a chairman. It is perfectly clear what will happen. The proposed chairman will be appointed for a term of seven years; and, quite obviously, that is the sort of thinking indulged in by Menzies.

Under all those circumstances—all facts—can we on this side of the House, having regard for the over 40 per cent of the population we represent, go along with this proposition? Certainly I for one cannot. It seems to me to be an extraordinarily unfair and unconscionable piece of legislation which has been put before this Parliament. It is rather like hitting a man about the head when his arms are tied behind his back. Furthermore, it is clearly yet another incidence of "jobs for the boys".

Mr Coyne: But he isn't one of the boys.

Mr BERTRAM: Is he not?

Mr Coyne: He is a legal practitioner, isn't he? He will bring stability to the whole industry.

Mr A. R. Tonkin: Mr Naivety himself.

Mr BERTRAM: It is a matter of "jobs for the boys", and this is not the first case; the first one was the position of Parliamentary Secretary of the Cabinet. Of course it is a "job for the boys", and it has been for years; but this amendment is making it impossible to rectify.

Mr Hartrey: You said the wrong thing that time.

Mr BERTRAM: As my wife often points out, I am not infallible, and I am not aware that I have said I am. That is the position: it is a "job for the boys",

but in this case it will last for seven years, and only one party can appoint him.

Mr Coyne: Will it not bring stability to the whole industry?

Mr BERTRAM: What it will do is this: If there is a chairman who has not been there for seven years and who is not up to standard, we will be stuck with him. That is why the term has been three years up till now. So whether or not we like it we will condemn society to run that risk—a risk we need not take at all.

Mr Nanovich: A previous chairman agreed to a longer period of time; he asked for an extension of time.

Sitting suspended from 6.15 to 7.30 p.m.

Mr BERTRAM: Prior to the suspension of the sitting I was discussing the amendment designed to alter the structure of the Licensing Court. Lest there be any suggestion or inference that I was in any way reflecting upon any person who may be or may have been appointed to that position, I point out that was not my purpose. If the contrary were the case, I can assure members I would be leaving them in no doubt as to where I stood on that question. I would not be doing it by way of inference, but would adopt a much more appropriate method of expressing my disapproval. I should like to erase any thoughts which may exist along those lines, which in my belief should not exist.

I was discussing the "jobs for the boys" concept and pointed out to the House that this appointment seemed clearly to be one of those and that the amendment was designed to ensure that this particular "job for the boys" would be designed in such a way that the Labor Party would have no say, probably for many years, as to who would be the Chairman of the Licensing Court. In other words, it is a job which should go to a Liberal boy, and certainly not to a Labor one.

As I said earlier, and as we are to approach this Bill according to our consciences, we might regard such a provision as being something that is less than fair and which therefore offends our consciences—not that the principle of "jobs for the boys" is anything new for this Government because, as I have already mentioned, there has been a number of instances, even to the extent of the Government introducing amendments to the Constitution to give effect to them.

Some reference should be made to clause 20 of the Bill, because that clause also is thoroughly unacceptable to me and, I imagine, to members of the so-called Liberal Party, who believe in free, honest, unfettered and unfavoured competition. If the clause is agreed to, the following subparagraph will be added to subsection (2) of section 57 of the principal Act—

that the granting of the application may reasonably be expected to lead to

the creation of substantial economic hardship to a licensee or licensees in the affected area;

That seems to me to be a somewhat revolutionary, undemocratic and unacceptable approach to people on both sides of the political spectrum. Members will notice that it talks about "economic hardship to a licensee or licensees". If one thinks for a moment, one will also see that if we are to give to those people the sort of protection envisaged by this clause, we will simultaneously be giving a huge protection—perhaps to the tune of millions of dollars—to the owners of the premises, who are not necessarily licensees.

Since when has that principle been consistent with anybody's political philosophy? Or is this the beginning of a new era? Are we shortly to allow under the present Government—which put up this Bill—a position where a greengrocer may protest to an authority when he learns that somebody intends to open a greengrocer's shop 20 yards down the street from his own premises? Will the same situation apply to the local grocer or delicatessen proprietor? Will the owner of the local fish shop or the hairdresser or accountant similarly be able to appeal on the grounds of "substantial economic hardship"? What about the lawyer or the doctor? Are all these people to be given the same protection or are we to protect only the owners of licensed premises?

If we are to single out these people and give them the exceptional and novel advantage of protection from ordinary competition—which is what this Bill contemplates—and provide them with a guarantee of their investment and a guarantee as to the value of the land which they own, I should like to know what is the justification for such a provision.

Mr O'Neill: It will simply give these people the right to object before the court on those grounds. They have the right to object on other grounds, and this is an additional one. The court does not have to take any notice of the objection.

Mr BERTRAM: That is right. However, if the court is not going to take any notice of such objections, which I hope it will not, it is an excellent reason to delete this amendment to the principal Act.

The SPEAKER: The honourable member has three minutes remaining.

Mr BERTRAM: If it is not deleted, we will be wasting the court's time with frivolous applications. If the Government, or whoever put up this bright idea, has a good case in support of it, let him come out and deliver the goods. It seems to me to be an absurdity; it is a blot on the Bill and will be a king-size blot on the Statute book if it is allowed to remain.

I asked the Minister representing the Minister for Justice a number of questions on the 26th May, 1976. In answer to part (2) of question 26, the Minister said—

The information can be sought during the parliamentary debate.

I suppose any information about any Bill can be sought during the parliamentary debate. But it is not unusual to seek information in this way; in fact, there have been Speakers' rulings which say it is quite acceptable to ask questions about a Bill before the debate commences. I suggest it is not only acceptable but also a common-sense and proper procedure to adopt. I ask again questions 26(2), 27, 29, and questions 32, 35 and 39 of Wednesday, the 26th May, 1976.

The inference contained in the Minister's answer to part (2) of question 26 was that the question could be asked and would be answered during the debate, and I would hope the Minister, having virtually given an undertaking of that nature, will now answer the questions.

I suppose it is true that the Minister has skilfully precluded me from using in this debate the information sought by my questions. But who knows—I may well be able to use it during the debate in the Committee stage.

MR HARTREY (Boulder-Dundas) [7.39 p.m.]: I do not propose to address myself at any great length to this measure. I suppose it is rather like the curate's egg—it is good in parts. However, I feel I should voice a protest against the proposition put forward by the member for Mt. Hawthorn; namely, that there is something wrong in the appointment of a legal practitioner to be chairman of a tribunal of this type.

I think it is high time that the position was occupied by a legal practitioner. If we are to talk about "jobs for the boys", that is a game that both sides have played with the Licensing Court for a long time. When the chairman was a legal practitioner, which was referred to by my learned friend a little while ago, he was an excellent chairman and he had a proper grasp of the laws relating to this quite complicated subject. I am not saying that Herb Graham did not. No man need recommend Herb Graham to me. He and I have been personal friends since 1931, which is 45 years ago. If anybody hears me say anything against Herb Graham it will not be while I am alive unless it is when I am unconscious or talking in my sleep.

All I can say is that I will not have a bar of the idea that we should reserve the chairmanship, or any other membership for that matter, for persons who have no legal qualifications. Is it an advantage to have no legal qualifications? There may be many men who are honest, competent, and better acquainted with the ins and outs of the liquor trade than lawyers

are. We are "called to the Bar" but we have been called to the wrong side of it. The other side of the bar is where the money is.

Lawyers are not always the best persons to give opinions about the prospects of success of a liquor establishment of any sort. I quite agree that it would be silly to have three lawyers as members of the tribunal, but considering the fact that liquor law is an important matter and that legal rights of very great value can be at stake in the Licensing Court, it is highly desirable in my opinion that the chairman of that court should be a qualified, intelligent and experienced lawyer.

The Government proposes to fill the position in that way and I have no quarrel with it on that subject. In fact I compliment it. I shall give members good reasons for doing so. In my first year in Parliament—in fact in my first couple of months as a member before the House met—I was asked by my constituents in Boulder to present a petition to the Licensing Court to prevent the removal of the licence of a Boulder hotel to a place called Paraburdoo.

The proposition was that the owners of the hotel wanted to start a hotel in Paraburdoo and to give it the Boulder licence. The people living near the hotel were annoyed and wanted me to co-operate with them in the presentation of a petition to the Licensing Court to object to it. The law provides that licences may be objected to, the transfer of a licence may be objected to and the removal of a licence may be objected to.

Section 90 of the Act provides the manner in which an application for removal can be done. It states—

(1) A licensee may, by application in writing, in the prescribed form apply for the removal of his licence, not being a theatre licence, railway refreshment room licence or packet licence, from the licensed premises to some other premises.

The licensee of this particular hotel was bound by his contract with the owner to make the application. Of course the first thing I had to do was to write and ask the Licensing Court to define the "affected area", because section 54 says—

(1) The Court shall, as soon as may be practical after the lodging of an application for the grant of an hotel licence . . . specify an area adjoining the premises to which the application relates.

That is included under section 90 to apply also to the removal of a licence. Sections 54 and 55 both apply to the removal of a licence as well as to an application for a licence.

In this case a man was applying to shift the licence from a Boulder hotel. What is the area to which that application relates? Of course, it is the Boulder hotel. There

were no premises in Paraburdoo; they had not even been built. At common law "premises" includes buildings and land and implies the existence of buildings and land. In this case the chairman informed me, through the clerk, that he had already laid down the prescribed area as being in Paraburdoo. Although I had a petition from 160 people interested in keeping the licence in Boulder, I was not even allowed to present it. I was told I had no right of audience in his wretched court. Talk about a kangaroo court!

I do not want to see any tribunal acting like a kangaroo court. I want to see a legal man as the chairman, who would not dream of putting up such a ridiculous proposition as to say that the premises which the application for the removal of a licence concern are not the premises from which it is being taken away but are some nonexistent premises to which the person who made the application said it would be transferred. God forbid that we should do that again.

I do not care whether the Labor Party is in power when the next vacancy for the chairmanship falls due. What does it matter if it is? If we are not playing the game of "jobs for the boys" it should not interest us.

I am sorry to say that I disagree with the member for Mt. Hawthorn as regards the other matter that he brought up. This is a conscience vote. The member for Mt. Hawthorn went to great pains to explain that we have a conscience on this subject. I have a conscience on this subject. He referred to a proposal that one of the reasons for objecting to the granting of a licence would be that hardship might be inflicted upon another licensee or other licensees. What is wrong with that? We were told that this would involve millions of dollars for the landlords. If it is going to involve millions of dollars for the landlords it will not be a hardship. Members do not want to tell me that when a man has premises worth millions of dollars, or thousands of dollars for that matter, the court will say that it is a hardship to put up another hotel to compete with it.

Often on the goldfields we are on the fringe of civilisation when it comes to hotels. Hotels on the goldfields have been gradually perishing one after another, over the last 20 years. When I was first practising law on the goldfields approximately 35 years ago there were 36 hotels between Boulder and Kalgoorlie taken together. There are not anything like that number now. No-one has closed them by Act of Parliament or by application to the Licensing Court. They have just shrivelled because there is not sufficient population to maintain them.

If somebody came along with a new idea to start a hotel to the detriment of those existing there it would be real hardship to those earning their living out of the trade at present, and the chairman, if a lawyer,

would insist that it was hardship. If a "jobs for the boys" man gets an idea in his head that he will play that game he might refuse to see that hardship.

I would much sooner trust a lawyer when it comes to interpreting these words and the intentions of Parliament than trust a man who is not a lawyer. For that reason I do not approve of either of the propositions that have been put forward by my distinguished parliamentary and legal colleague, the member for Mt. Hawthorn.

MR MOILER (Mundaring) (7.49 p.m.): I hesitated for a short time before rising in my seat because I thought there may be some speakers from the other side. In view of the fact that it has been suggested that a measure such as the Liquor Act would be the subject of a free vote and individuals are encouraged to submit a point of view, I anticipated that there would be more speakers from the other side but obviously they have been regimented once again.

Mr Nanovich: We will get up and answer some of your questions, if you will speak constructively on the Bill.

Mr MOILER: I notice the interjector has placed an amendment on the notice paper. I wonder who prepared it for him, seeing he is not prepared to speak in the second reading debate. I hesitated for a short time to rise to make my contribution to the debate, in the hope that members opposite would speak.

At the outset I would like to pay a tribute to the immediate past Chairman of the Licensing Court (Mr H. E. Graham) for the excellent job he did in introducing a more civilised mode of drinking within our society. I believe that full credit should be given to him for the improvements and advances that have been made. He has been able to achieve that against considerable opposition, much of which came from the brewery.

Mr Clarko: That is not the only thing that comes from the brewery

Mr MOILER: No, considerable support for political parties also comes from the Swan Brewery. Maybe that is why we have not heard members from the Government side speaking in this debate.

In the second reading speech the Minister said the Government should adopt a responsible attitude in regard to the availability of liquor. That is a commendable viewpoint to take; and I think all Governments should take a responsible attitude. This Government, and many others before it, often adopted a policy that affected the vast majority of the population, merely because of the actions of a very small minority within the community. I believe that is the position in the case of the Bill before us and in future the pleasures of many people in the community will be restricted. They will be

forced into taking certain steps, possibly against their wishes, in respect of their leisure period and their patronage of hotels.

According to what the Minister has said, the people will be affected by this legislation merely because of the actions of a very irresponsible minority group who, during last summer particularly, at hotels and taverns in the beach areas caused disturbances.

I am of the opinion that every Government should clamp down on the people who create disturbances, but the Government should not impose restrictive measures on the decent people of the community who like to make their own decisions on when and where they go for a drink on a Sunday or any other day of the week.

My own opinion on the law relating to the consumption of alcohol is that the people should be given a far wider range of times in which to patronise hotels and the like. If a publican is prepared to provide a service to the community, then the people themselves should be the judges of whether or not they should consume alcohol at that establishment. It is only at the point when people become a nuisance to others that the Government or the law should intervene. I doubt very much whether the actual trading hours of hotels are in any way related to the degree of alcoholism within Western Australia.

The Government has not acted responsibly in bringing this measure before Parliament. The Bill is more restrictive than the existing Act. No doubt, with its numbers in the Chamber—and a member opposite has expressed a view contrary to that of the Minister—the amendments contained in the Bill will be carried.

There are a few points which I would like the Minister to note, and possibly to comment on in his reply to the debate. The first relates to the amendment contained in clause 3 which seeks to amend section 6. In this respect I have placed an amendment on the notice paper. Not one word was uttered by the Minister in explaining the proposed amendment to section 6. Because it has been ignored by the Minister I would now ask him to give the Government's reasons for its inclusion in the Bill, so that we can be made aware of the Government's views on the amendment before we deal with the Bill in Committee.

This amendment requires any person who sells liquor pursuant to the exemption provided by paragraph (h) of subsection (1) of section 6 to furnish to the court returns of all wine sold to licensees other than holders of wholesale licences. That is the section governing the wine producers. At no stage in the past have wine producers been required to submit such returns to the Licensing Court. Wine producers have been given reasonable encour-

agement to increase their sales of wine, in order to support a very good local industry. It is an industry which should be encouraged to prosper.

The Government now proposes that where wineries sell wine to licensees—such as hotels, gallon licences, taverns, and the like—they will have to submit returns to the Licensing Court. I cannot see any good reason for this proposal. I believe this is another attempt by the breweries which are opposed to an increase in wine consumption in Australia—and this attempt is being made throughout Australia—to restrict the sale of wines. I hazard a guess that this measure has been introduced at the behest of the breweries.

I do not doubt that what is taking place on some occasions is that wine producers are selling, quite legally, some of their wines to hotel licensees and the like. It is possible these sales would be paid for in cash, just as any individual who goes to a winery to purchase wine would pay cash for it. Quite possibly in a brewery-owned hotel the licensee would be projecting Western Australian-made wine; offering it as table wine, and the like.

What the licensee does in regard to recording the amount sold in this manner, I do not know; but the brewery could well believe that it is losing some small trade in this way. If it were necessary for the wineries to furnish a return to the Licensing Court this would ensure that a check was kept on the licensees. Possibly the brewery would find that some of the licensees of its hotels were selling locally-made wine about which they may not at the moment be keeping a record. This legislation will restrict the sale of the local product.

Rather than attempt to encourage the sale of local wine, the Government has introduced legislation to make more difficult to some degree—not to a great degree—the sale of the local wine. This industry should be given every encouragement the Government can possibly give it. Throughout the industry's entire development, the vignerons have never received any subsidy or worth-while help from any Government. They have stood on their own two feet. It is one of the few agricultural pursuits which have been able to struggle through the various diversities which they have faced over the years. Now, because local wines are recognised as being as good as any other wines in the world, and a consequent increase in the sale of local wines has been made every year, the brewery, through the Government, is taking every step available to it to restrict and reduce this competition from the local industry.

I can assure members that when comparing the amount of wine produced with the amount of beer produced, the employment generated in the wine industry is much higher than that generated by the brewery.

During the second reading introduction the Minister did not have the courage to mention that the Government had not consulted the wine industry in any way whatever.

Mr Nanovich: That is not right. That is incorrect.

Mr MOILER: The member for Toodyay will have an opportunity to explain fully where I am wrong, and I certainly hope he takes the opportunity. I wonder whether he will support the Government in this measure when it is against the interests of the wine producers in his electorate, or whether he will see fit to represent properly the people by whom he was elected.

Mr Nanovich: I spoke to the wine-growers, and so did the member for the West Province.

Mr MOILER: I suppose the member for Toodyay spoke to the winegrowers in the same manner he spoke to members of the Toodyay Race Club when it was victimised by this Government! I have it on good authority that the member for Toodyay held no such discussion with the club.

Mr Nanovich: That is incorrect again. You are a first-class muck raker.

Mr McIver: I think you have fallen into the wine vat.

Mr MOILER: As the Minister indicated when he introduced the Bill, a Liquor Act Amendment Bill was introduced in another place in the last session and at that time some discussion ensued about Sunday trading in the wine industry. I would like to suggest that if the member for Toodyay has discussed with members of the wine industry the matter which I intend to raise, I am quite sure he will support me if he speaks on behalf of the majority, because the vast majority of wine producers do not want Sunday trading. I am very pleased that the Government does not have such a provision in the legislation before us. I would strongly oppose Sunday trading for wine producers. They work six days a week as it is, and invariably work on their vineyards at the same time. Therefore I am quite sure that if the member for Toodyay has discussed this matter on the same occasion that he claims he discussed other matters with them, he will rise to his feet and support my views in opposition to Sunday sale of wine by vigneron.

At the commencement of my speech I referred briefly to the fact that I believe hotel trading hours should be liberalised even more than they are at present. I believe it is a retrograde step that the Government is taking when it is introducing a Bill to restrict the Sunday trading hours of hotels, taverns, and the like. Under the legislation such premises will be able to open for only four hours' trading instead of the present five. I can see no harm in the present arrangements under which

those premises which wish to avail themselves of the extra hour of trading on a Sunday may do so.

I can appreciate the fact that many hotels and licensed premises within the immediate Perth area would not wish to open on a Sunday at any time because of the very sparse population in the surrounding districts on a Sunday, but the hotels in the hills area, represented by the member for Kalamunda and—

Mr Thompson: Well represented, too.

Mr MOILER: Well represented by the member for Kalamunda! I am sure that in view of his excellent representation he will not agree to cutting the Sunday trading in his area from five hours to four hours when the local licensees rely considerably on their Sunday trading. We are all aware of the fact that family groups travel into the hills on a Sunday and attend licensed premises there for a short or long period, depending on how thirsty they are. A reduction of an hour would have a disastrous effect on the licensees involved if the hours of Sunday trading are reduced by one-fifth; that is one hour. It is quite wrong for the Government to make it obligatory upon the Licensing Court to reduce the hours of trading from five to four. The reason given is that some people have in the past, because of the varying hours of trading, travelled from one hotel when it closes to another which is still open. Apparently this Government is worried about some people in the community who wait for one hotel to open, and then as soon as it closes scoot off to another open hotel around the corner for the purpose of, as the Minister describes it, concentrated drinking. If the Government genuinely believes this to be a reason to restrict the hours of trading from five to four, it should stipulate that every hotel will open and close simultaneously.

Mr O'Neil: That is what it does.

Mr MOILER: All right, but we should still allow a period of five hours during which the hotels can trade. Why take away the livelihood of those licensees who operate in the areas I have mentioned? In fact, licensees throughout the State will be affected. The metropolitan and country hotels are to be restricted to four hours trading and I see no reason for that at all. Because of the actions of a very small minority group who have caused disturbances at odd times which the police—or I should say, this Government—has not been able to legislate to control, the pleasure of thousands of other people throughout the State and the livelihood of many publicans is to be affected.

Mr Sodeman: Your argument is inconsistent; you should realise that. First of all you said that the wineries should be closed because they are working for six days, and now you are saying that the hotels should stay open longer.

Mr MOILER: That interjection is not worth answering. I am saying that Government members should oppose the provision in the legislation introduced by its Minister. The hotels in the outer metropolitan area—those areas represented by the member for Kalamunda and the member for Toodyay—will be obliged to trade for a period of only four hours. They will have no chance whatsoever of being allowed to trade for an additional hour. That is a retrograde step and we should provide for those hotels to stay open for a longer period so that people who want to take a drink can do so at their leisure, and not be regimented into drinking only during hours set down by the Government.

It is the intention of the Government also to allow service clubs outside a radius of 160 kilometres, or 100 miles, of the metropolitan area to apply to the Licensing Court for permission to use the facilities of licensed clubs for various functions. That permission will be granted at the discretion of the Licensing Court in areas where there are no hotels or hotels with inadequate facilities. I believe that to be an excellent move. However, I am surprised that the Government sees fit to restrict the area in which such permits may be issued.

I must correct my previous statement with regard to licensed clubs outside a radius of 100 miles of the metropolitan area. The provision will relate to areas outside the metropolitan region within the meaning given to that term by the Town Planning and Development Act. I see no reason whatsoever for that restriction because a study of the legislation reveals when it is desired to hold a function outside of the metropolitan area, and a hotel or other facility is not adequate for that function, permission must still be obtained from the Licensing Court to use licensed club premises. For that reason I cannot see why there should be a restriction with regard to a zone or an area where an application may be made to the Licensing Court. If the permission of the Licensing Court has to be obtained, why should not that same permission be adequate for a function held within the metropolitan area?

In the Mundaring Shire there are numerous occasions when functions are held by associations such as Rotary, Lions, Apex, the Labor Party—all those fine organisations. I see no reason that such organisations within the metropolitan area should not be able to apply to the Licensing Court for permission to use the facilities of a licensed club for a function when the facilities at the local hotel are not adequate to cater for the number of guests it is anticipated will attend.

Like the member for Mt. Hawthorn, I intend to oppose that part of the Bill which will direct the Licensing Court in the granting of an application which may

reasonably be expected to lead to the hardship of another licensee in the area concerned. It is wrong to direct the Licensing Court in that manner. I would add I appreciate that this practice is adopted in regard to numerous other types of businesses and services throughout the community. It is not possible for one to set up a service station wherever one considers it to be advantageous. Other service stations within the locality or in close proximity are able to object and in most cases those objections are upheld.

Mr O'Neil: Are you saying that you can establish a service station anywhere you like?

Mr MOILER: No. Whereas I consider that provision should not be in the Act, I admit that similar conditions already apply in other walks of life. I raised an issue last year regarding a tourist bus operator. The person concerned demonstrated his ability to run a tourist bus but initially he was prevented from doing so because it was considered he would affect other people already operating in that industry. The system of licensing has given the same sort of protection to poultry growers and milk vendors, and it is now to be provided for publicans.

Mr Davies: Free enterprise!

Mr MOILER: That is this Government's type of free enterprise—free if one can get into it. It certainly is not the genuine free enterprise which Labor encourages. I agree with the member for Mt. Hawthorn and I intend to oppose that part of the Bill which will provide that individuals already engaged in an industry will be able to oppose any other person entering the same industry.

The Government has indicated it intends to allow licencees to apply for a variation in the residential accommodation provided. This is an excellent move. It is ridiculous for some hotels to be required to provide accommodation at times of the year when more than half of it will obviously never be used.

The last point I wish to touch on is that on this occasion the Government has seen fit to ignore the requests of the brewery because it could see it was running into a heap of trouble. I refer to the sale of two bottles of beer on Sundays. That is not the matter which most people in the community find repugnant; the repugnant matter is the fact that one is allowed to buy only the Swan Brewery's product in Western Australia on Sundays. It is a ridiculous law which is being flouted on Sunday in every week, when one sees people walking out of taverns and hotels with a half dozen bottles.

Presumably the Government legislated in this matter to satisfy those who choose not to drink on a Sunday and who believe that because they do not want to drink they should in some way be able to influence what other people do.

Through the Government retaining this stupid and repugnant section whereby one can buy only beer, and closing its eyes to the fact that people are walking out of hotels with half a dozen bottles of beer, the brewery continues making sales to the detriment of every other section of the liquor trade.

When the Bill was introduced on the previous occasions the Minister mentioned, the Government saw very quickly that it would be running into trouble in attempting to increase the number of bottles of beer people could purchase on Sundays. At whose request would this provision have been considered, if not at the request of the brewery? Petitions containing thousands of names came forward in opposition to such a measure. We can rest assured the Government will leave the matter exactly as it is in the Act at the present time and continue to allow people to break the law.

MR McIVER (Avon) [8.22 p.m.]: I also want to make a very brief contribution to the debate on the Bill before the House. I will speak at length in the Committee stage but I wish to make a few points in relation to the Bill which I shall be unable to make in the Committee stage.

Like my colleague the member for Mundaring, I want to mention for the record the contribution made by the previous Chairman of the Licensing Court (Mr H. E. Graham) and the wonderful job he did. He gave the people of Western Australia sophisticated drinking conditions. Through the measures he introduced he was able to discipline young people and educate them in drinking habits so that they could conduct themselves in the manner we expect of the youth of this State, and anywhere else, as far as liquor is concerned. Of course, this is what the Bill is all about. We have irresponsible people in the metropolitan area and there are always a couple of bad apples in every barrel. Thousands of people in Western Australia will be affected as a consequence of the failure of the licensees to curtail that behaviour.

I especially make a plea for the country people of this State. In the area I represent, misbehaviour such as that occurring in the metropolitan area is not tolerated.

Mr Hartrey: Hear, hear! They have to behave in the bush.

Mr McIVER: If people do not behave they are sent on their way. I agree with the member for Mundaring that it is a shocking situation when the people of the State cannot do anything to control those who spoil things for everybody. This is a Government measure and it is obvious the Bill will be carried, irrespective of any comments we on this side of the House may make.

I think the Government acted very poorly in relation to Mr Graham's chairmanship, in view of the contribution he

made not only to sophistication in drinking conditions but also in the instructions he issued, as chairman of the court and with the court's approval, to clean up some of the hotels, especially in some country areas where the toilet facilities had been in existence for years and were so far away from the main establishment that one wanted a crib and a water bag to get there or one got soaked to the skin in traversing hundreds of yards. Mr Graham caused these places to be cleaned up so that one could take one's wife and friends to a respectable place for a drink. If members on the other side of the House were genuine, they would agree with what I say.

Mr Sibson: Has Northam been cleaned up?

Mr McIVER: Yes; and I am pleased to say I saw some big improvements in Bunbury when I was down there recently. It is a shocking situation that a man of Mr Graham's calibre, with his conscientious approach to his duties, is no longer Chairman of the Licensing Court, and that he should learn that he was to be relieved of his position in such a way, when the Minister should have told him about it either verbally or by letter. But that was nothing new for this Government; it is on all the time. If by some mischance a Liberal Government is in office when it is the present chairman's turn to be retired, I daresay it will be a different situation.

Mr Sodeman: Who disbanded the position of Regional Administrator in the Pilbara? Was it Mr Graham?

Mr McIVER: I do not know about the Pilbara and it has nothing to do with the Bill before the House.

Mr Sodeman: You say your Government would never have done anything like that.

Mr McIVER: I must make a special plea for the sporting clubs in country areas. Restricting Sunday trading to four hours will certainly have a big effect on hotels. It will encourage the swill conditions which occurred in Mandurah and Rockingham before the Act was amended previously. When we look back at the history of this provision, we find Sunday sessions were introduced to give members of sporting clubs in the country an opportunity to partake of alcohol on Sundays. This was the reason for the introduction of the amendments. We are now going back to the eighteenth century.

I class myself as a religious man, but in all this chatter about Sunday drinking we must realise it is now our normal way of life. Perhaps it is not the right way but we must face the fact that this is what the younger generation wants and all the lectures in the world will not change it. Do not let us put up with the smokescreen and all the hogwash we have heard from Government spokesmen about this matter.

What about our winter sports? Football is our national game and it is played in many country areas. We have some very good country teams, and I am the patron of one which has contributed to the country championship again. These football games finish at 5.00 p.m. on a Sunday, and this legislation would give the players one hour in which to shower, change, go to the hotel, and have a drink. Of course, all footballers play their best game after the match is over!

Mr Blaikie: You are not talking about yourself now?

Mr McIVER: The result will be a swill.

Mr O'Neill: Not in Beverley!

Mr McIVER: We will then see more drinking-driving charges. If one is late in country areas to pick up one's mother-in-law, one finds oneself breathing into a bag, as traffic inspectors are outside the hotels waiting. I will have more to say about that when we discuss the next order of the day.

Mr May: The wrong bag!

Mr McIVER: The Government is encouraging the young people to swill.

Mr Coyne: That is volume marketing!

Mr McIVER: I do not know what it is, but this is bad legislation. Northam is a country town, and I feel it should not be included in this area of 160-kilometre radius of Perth as prescribed in the legislation. In the summer months it is not dark until 6.30 p.m. and cricketers and tennis players frequently play on while it is light. Surely we will not deprive them of a drink after the game. If we agree to this measure, the hotels will be closed by the time the cricketers and tennis players have finished their games.

We must consider this legislation closely. It will affect the licensees of country hotels, and heaven alone knows, in the Avon Valley many businesses are already affected because of the drought. It is my understanding that the Liberal Party wishes to promote industry, or at least that is what it would have us believe. Here the Government is seeking to curtail sales.

We must also look at the matter canvassed by the member for Mundaring. It is ridiculous to prescribe by legislation that a person may purchase two bottles of beer on a Sunday. This has led to farcical situations in many places. Everyone knows this and I am sure many people have been asked on a Sunday, "How many do you want?" How can we possibly police this? Another point is the restriction to beer. Surely a wine or spirit drinker should be able to purchase whisky or wine. Let us get with twentieth century thinking and give the majority of the people of Western Australia what they want.

My final point relates to the necessity to find two justices of the peace to close a hotel when a disturbance occurs. This can lead to ludicrous situations in country areas because frequently it is impossible to find two justices of the peace on a Sunday. I suggest that in a town such as Northam the superintendent of police, or in his absence, the sergeant in charge, could be given this responsibility. I must add that in country areas we behave ourselves and it is unlikely such a disturbance would occur.

That is all I wish to say during this second reading debate, although I will refer to other matters during the Committee stage. I suggest members examine the points raised by members on this side of the House. It is quite evident that no-one from the Government side intends to take part in the debate. The Government is not interested in the people, so it is up to the Opposition to seek to change the present anomalies in the parent Act, and especially those in relation to the sale of bottled beer on a Sunday and the hours of sale. The amendments in the Bill before us will affect thousands of people living in country areas.

MR DAVIES (Victoria Park) [8.36 p.m.]: My comments on this Bill will be fairly brief. I did not intend to speak on it at all because I have very liberal views on drinking—although I hate to apply that word to myself. I believe that if hotels and drinking outlets were open 24 hours a day, they would soon find their own level and probably we would see much less drunkenness.

Mr Sibson: They would need to be liberal to do that!

Mr DAVIES: I said that I apologised for using the word, but it was the only word I could think of. I used the adjective reluctantly.

I felt I should rise and use this occasion to say that I believe the Government treated the previous Chairman of the Licensing Court (Mr H. E. Graham) very shabbily, and I do not make that statement without good cause. If Government members wish to say that his was a "job-for-the-boys" appointment, we would have to agree. Mr Graham had an interest in this matter and he sought the opportunity in this field. He was appointed, and everyone including the Editor of *The West Australian*, said what an excellent job he did in the three years he was Chairman of the Licensing Court.

Mr May: It resulted in a loss of salary to him.

Mr Coyne: And got him out of the road at the same time.

Mr DAVIES: I opposed his appointment at the time; although I am giving away Cabinet secrets I admit that. I also admit that I was wrong in my opposition

to his appointment and I realised this when I saw what he accomplished. It is accepted generally that he adopted a very realistic approach to the whole question of drinking. During the period of his appointment, we found that if we wished to sell liquor at a fund-raising night, we could do so without squaring off with the police beforehand. It was possible to purchase beer from the local hotel for sale on such an occasion as long as the beer was sold within the terms of the special license. In this respect he made legal a practice that had been going on for many years. That is one instance of Mr Graham's sane approach to the drinking habits of the community.

I am not an authority on drinking, as most members would know, but I can recognise the benefits of Mr Graham's work. Mr Graham suggested to the Government some amendments to the Liquor Act, but he told me that the views of the Licensing Court were ignored by the Government. Mr Graham is a proud man, and I do not think he would like my bringing up this matter in the House. However, he would not make such a statement without due consideration.

Mr Graham was greatly hurt when he was given information from within the liquor trade that he would lose his appointment and also told the name of his successor. He was not told officially until something like 24 hours before the public announcement that Mr Nowland was to be his successor.

The Licensing Court was not consulted about the amendments before us now, and yet, it is the court which has to apply the law. These people should be the experts in the field. Mr Graham has three years' personal experience as Chairman of the Licensing Court and he had the assistance of Mr Stan Heal's expertise; another member of the Licensing Court who was knowledgeable in the area of night clubs and cabarets. All this expertise was ignored by the Government.

I want to know who did help the Government with the preparation of the amendments. If one examines questions asked in another place on the 6th and 12th May, and answered by the Minister for Justice, one finds that the Minister talked to representatives of the AHA. I would like to point out that Mr Graham knew who his successor would be shortly after these representatives interviewed the Minister for Justice. What is the tie-up between the AHA, the Cabaret Association, and these amendments? Why was not the opinion of the Licensing Court sought? Even if the Government intended to ignore completely the opinion of the Licensing Court, one would have thought that the Minister for Justice would discuss Mr Graham's views with him. If the Minister for Justice does not like Mr Graham, one would think for the good of the country

and the department he represents, he would have sought the views of the previous Chairman of the Licensing Court.

I think there were one or two occasions. I regret that I cannot give exact dates and times; however, this Bill was introduced early in May and I had lunch with Mr Graham some time in early May and that is when he told me what was happening, and that was the same day that Mr Nowland was announced as the proposed new chairman. In those circumstances Mr Graham opened his heart a little to me and told me just what was happening. Unfortunately, I did not record the details and, again unfortunately, Mr Graham is in Europe and I am unable to check this with him.

However, what I do recall, and which stands out distinctly and clearly is the shabby way in which this Government dealt not only with Herb Graham but also with the Licensing Court. Mr Graham could expect his fate, because we all know how this Government operates and we have seen it create another job for one of the boys, and that is just what it is. This Government is in a worse situation than the previous Labor Government was in when it appointed Herb Graham, because we used the existing provisions of the Act and we knew the appointment would be for only three years if there were a change of Government. Indeed, the term may have been only three years had we remained the Government, because Mr Graham had said he wanted only another three years in which to finish his public life and then he would retire; and we understood that because he had had a very long and distinguished political and public life.

So the Government chose to ignore him completely. I think it is a great shame that the Government did not use not only Mr Graham's expertise but also the expertise available to the Licensing Court from people who know the faults of the Liquor Act and who want to see anomalies corrected.

I do not think our comments about this Bill will matter very much because, as other speakers have indicated, the measure will go through. I am sure it has been thrashed out at considerable length in the party room, and I know the difficulties associated with trying to accommodate all shades of thought in regard to licensing matters. As I said, it is not my intention to comment very much on the measure, but merely to make a protest in regard to the Government's treatment of the Licensing Court and, in particular, of its treatment of the Chairman of the Licensing Court who wanted to do something but was not allowed to do it because of petty political prejudice, and that is the kindest thing I can say about it.

Some of the proposed amendments I find laughable. I will not deal with them at length, but only in general. The suggestion that if there is likely to be a riot

a hotel can be closed after the signatures of two justices of the peace have been obtained is absolutely incredible. How do riots occur? Does one know two, four, six, or eight days beforehand? Does one know a riot will occur two hours beforehand? Or when a riot breaks out does one say, "Hold it boys, no-one move until we get a police sergeant to obtain the signatures of two justices of the peace so that the hotel can be closed"? It is perfectly ridiculous to suggest that such an amendment could operate in a reasonable manner, and I am sure the Deputy Premier knows this.

Mr O'Neill: Who are you suggesting will ask the police sergeant to do this?

Mr DAVIES: In the Minister's introductory notes it is stated that under certain circumstances the licensee himself or a police sergeant can close the hotel.

Mr O'Neill: The licensee can close the hotel.

Mr DAVIES: That is precisely the point. Now we are saying that, in addition, just in case the licensee does not want to act, and just in case the police sergeant does not want to act, the signatures of two justices of the peace can be obtained and the hotel can be closed; yet in all probability the hotel would be levelled by the riot before two justices of the peace could be found.

Mr Hartrey: It is not in the Riot Act is it?

Mr DAVIES: I am not familiar with that, but it may have something that could be applied. I think the kindest thing to do with this amendment is to forget it completely because it will be of no use unless prior notice is given of a riot, and riots are certainly not likely to be announced in advance.

The Government's method of attacking the people who are alleged to cause disturbances in hotels is once again quite ludicrous because it is proposed to increase the fines. I do not think the amount of the fine really matters; for that matter I think the Government might just as well bring in the death penalty because when this rowdiness occurs it is again almost spontaneous. This rowdiness is not planned.

Despite the publicity given by the Minister for Police to a riot squad which is going around and cracking a few skulls, I do not believe there are groups of people in the community who set out to destroy property as is implied in this amendment. In my opinion increasing the fine does not provide any answer to the problem. We need to be better educated in regard to drinking and we need to be able to relate to drink better than we do at the moment, rather than make it an open go where everyone drinks as much as he can and then suffers the consequences.

The amendment also says that a man can be prohibited from going onto licensed premises under certain circumstances, and it goes on to say that he may be allowed to enter premises for rest or food, but he is not permitted to drink alcohol. Trying to police that type of situation is the same as trying to police the two-bottle provision. Such laws must be honoured more in the breach than in the observance. If such an embargo were to be placed upon me while I am travelling throughout the State, how would any publican know I am not permitted to drink alcohol on his premises? Would I be on my honour not to drink any alcohol? Would the local police sergeant be warned that I am heading his way and I must not be allowed to partake of an alcoholic beverage of any kind? This is another perfectly ludicrous provision which cannot be effectively applied; and, again, the kindest thing to do with this amendment would be to forget it completely. It cannot be policed, and if we cannot police a law it is a bad law and we might just as well not have it.

There has been some talk of whether a lawyer should be appointed a member of the court. I do not believe a lawyer should be appointed for a term of seven years; I think a term of three years is sufficient, so that the appointee must answer to the persons who appointed him. Every three years, we must answer to the persons who appoint us and I think it is not unreasonable that a barrister should be appointed to the court for that lesser period. I do not care whether or not the appointee is a barrister.

After listening to the member for Boulder-Dundas, one would think that lawyers never make mistakes; at least that is the impression I gained.

I am sure that in his long and distinguished career, the member for Boulder-Dundas must have met some solicitors who made mistakes.

Whether or not there is a lawyer on the authority really is immaterial because as the Government acknowledges, it has put in this clause to meet the situation which it requires now. But it also says it is not necessary for the Chairman of the Licensing Court to be a barrister of eight years' standing.

So, on the one hand, the Government is providing a specialised category to meet a situation; namely, the appointment to this job of one of its boys; and at the same time, the Government is giving him the status of a District Court judge. He will receive superannuation and family benefits rights. These things do not apply to any other man on the authority. Mr Graham might have been appointed for three years, six years or even nine years, but he did not enjoy any of those privileges.

Why has the Government chosen the period of eight years' standing as a requirement? Why should it not be seven years' experience or even four years?

Mr Bertram: The Government has equated him with a Supreme Court or District Court judge.

Mr DAVIES: I thank the honourable member; that is something I did not know. The Government proposes that as long as a person has eight years' standing as a barrister, he may be appointed as chairman of the Licensing Court for a period of seven years and that that person will be as good as a District Court judge, and will receive similar benefits to those enjoyed by District Court judges.

But if at the end of that seven-year period the Government wishes to appoint somebody else, it can appoint a man off the street without any legal qualifications and we would return to exactly the same position for which the principal Act now provides.

The only reason the Government is doing this is to provide the appointee with a security to which I believe he is not entitled. He should be answerable for his actions, and answerable every three years. He has no more right than anyone else to enjoy the status of a Supreme Court judge.

I do not think the Chairman of the Licensing Court could be placed in that category. I believe he is to be advantaged and once again I find myself wondering what kind of deal the Government made. Did the Government say, "We would like to appoint you" and did the person reply, "I will not come in under the present arrangement, but if you make me up to the status of a District Court judge, I will accept the appointment"? It makes one wonder what goes on, particularly when in the past the Government ignored the Licensing Court and its recommendations and now suddenly makes special provisions for a particular person.

This is not necessary, and highlights the dealings which have gone on in the process of bringing down the amendments contained in the Bill. Perhaps it provides a reason for the long time the amendments have taken to reach this House. They must have had a gestation period of something like two years, and even when the amendments were presented in May they were left lying on the notice paper until now to discuss.

I cannot see any objection to meetings being held in licensed premises and club premises in the metropolitan area or out of the metropolitan area. We place too much emphasis on whether or not liquor affects the activities which take place within our community. I do not think there is anything wrong with licensed clubs letting out rooms, even within the metropolitan area; it does not necessarily mean that the people who are meeting are going to enjoy the full advantages of those licensed premises. As I understand it, it does not even mean they have the right to use the drinking facilities. It will pro-

vide them with the right only to meet on the premises. Surely it is quite unnecessary to write this into our law.

The more I think about the proposed amendments to this Act, about the shabby treatment that is being dealt out and about the double dealings which obviously have gone on, the more disgusted I am.

MR T. H. JONES (Collie) [8.55 p.m.]: It is not my intention to cover the ground already covered by my colleagues on this side. However, I should like to make a number of comments relating to this amending legislation. I draw the attention of the House to the sweeping changes included in the Bill, which will have the effect of dividing the industry. If my reading of the Bill is correct, the clubs will continue to have an advantage over hotels in some areas of trading.

Despite the fact that the Bill contains such sweeping changes, the second reading took only 17 minutes to complete. No good reason was advanced in support of the changes proposed to the parent Act. In some areas of Western Australia, the hours of trading are to be reduced; drink was given as one of the factors influencing this move.

I do not always go along with the sentiments expressed in *The West Australian*, but even that newspaper did not applaud the Bill. In its editorial of the 13th May, 1976, it clearly demonstrated on behalf of the people of Western Australia its concern about the Bill and the manner in which the Government was looking after certain interests in the framing of the Bill. The editorial states—

As the product of a Government that espouses liberalism and free enterprise, the Liquor Act Amendment Bill is a strange cocktail. . . .

The Bill has a major failing: it is more concerned with protecting vested interests in the liquor industry than with the convenience of the public.

As members of Parliament, we must have concern for the public and for the services which are generally offered to the public.

The editorial continues—

The Government justifies some of the amendments by saying that it has taken note of representations made to it. An example is the unwarranted provision for a legal expert to head the Licensing Court.

It goes on to say—

In the field of liquor reform the Bill proposes a big step backwards.

I go along with that point of view.

Mr Skidmore: A step backwards into oblivion!

Mr T. H. JONES: The editorial concludes with the following statement—

There is hope yet; the matter remains, as it should, one for a conscience vote.

I cannot agree with that last statement. I wonder how many members opposite will support amendments placed on the notice paper by my colleagues.

Mr Hartrey: We have the conscience on our side!

Mr T. H. JONES: We have heard a lot about conscience, and the member for Boulder-Dundas will see when amendments come before us during another stage of the Bill.

Proposed amendments to the Act were circulated throughout the industry. I felt it my responsibility as a person representing a large part of the southern area of Western Australia to contact members of the trade and obtain their impressions of the Bill.

I have received a letter from the Secretary of the Lower South West Division of the Australian Hotels Association which stated that the proposed amendments were considered by the division in conjunction with other divisions and the State Executive of the AHA. Whilst they go along with some sections of the Bill, they are opposed to the major part of the legislation, and on behalf of the AHA I intend to have those views recorded in *Hansard*. In the letter, the following statement appears—

In this submission, the Association wishes to identify areas where some conflict still exists. Suggestions for amendments to relevant sections are also appended.

One of the main arguments advanced against the Bill was the advantage the clubs will have over hotels if the amendments are approved by Parliament. My understanding of the Bill is that there will be no alteration to the Sunday trading hours of clubs, and that the Bill will have application only to hotels within the inner and outer areas. I take the view that this is discrimination and is giving licensed clubs some preference over hotels. I think we in this House have a responsibility to represent all interests in the trade. If it is good enough for the clubs to receive extended hours of trading on a Sunday why should not the same privilege be extended to the hotel trade?

If we are going to say that a change must be brought about because of excessive drinking and the traffic on the road, we can apply that argument also to the many clubs in Western Australia. If the Government had applied to the trade, generally, the principle of reduced Sunday trading hours from five hours to two two-hour sessions there may possibly be a good argument for the minute submission in the Minister's second reading speech that a reduction in Sunday trading is desirable for the brief reasons outlined in the legislation.

But the Government did not do this. Of course, the AHA is rightly asking me to raise this matter on its behalf. I have

a good affiliation with the hotels and also with clubs in the south-west portion of the State. Why single out hotels to the detriment of the clubs in specified areas?

Mr Skidmore: Why shorten hours at all?

Mr T. H. JONES: That is the point I come to now. In my view the status quo should remain. It should be left to the Licensing Court to determine the hours that should be permitted for trading on Sundays. The Licensing Court has full knowledge of situations in a particular area. As a consequence, the control should not be taken from the hands of the Licensing Court and the status quo should continue.

I should like the Minister to show me in the 17 minutes of his introductory speech one sound argument why there should be a reduction in Sunday trading hours within certain areas from five hours to four hours. No sound argument has been put forward and I should like to hear the Minister's comments in relation to that matter.

The AHA mentions that traffic problems can eventuate. In fairness to the Minister, he did say that under the existing system where different hours operate patrons can go from one hotel to another. Of course, under the proposed amendment they can also leave a hotel and go to a club. So there is very little difference.

Mr O'Neil: If they are members of the club.

Mr T. H. JONES: They do not have to be members of the club; they can be taken by a member and it is not difficult to become a member of a club. In fact they are screaming out for members.

Mr O'Neil: It is very difficult to become a member after the pubs shut.

Mr T. H. JONES: Of course one cannot visit a doctor if his surgery is closed, because he will not be there. To suggest that someone cannot become a member of a club is like coming to this place to debate when we are closed down for Christmas. That argument certainly does not have application and does not become the Deputy Premier.

In my opinion trading on Sundays should not be interfered with. No firm argument was put forward—only a specious and weak argument—by the Deputy Premier in the whole of the 17 minutes he occupied when moving the second reading of this Bill which makes provision for such sweeping changes to the liquor laws in Western Australia.

Why is it necessary to establish inner and outer zones? Why is it necessary to interfere with the status quo? A lot of country hotels will be affected by the inner zoning. As the member for Avon has already indicated, this will affect residents in country areas generally. I cannot see

any justification for introducing these zonings. Surely we are a State and the matter should be treated on a State basis without zonings being introduced.

Of course this is opposed by the AHA of Western Australia and it recommends when dealing with subsection 24 (2)(b) that the status quo be maintained. I wonder whether the views of the AHA were circulated before this proposed legislation was brought before the House. Can the Minister tell me whether the Government had discussions with the AHA or asked it what it thinks of the situation regarding trading hours on a Sunday in Western Australia?

Mr O'Neill: The comments you read from the letter indicate that was done because it says that there still remain a number of matters in conflict. So there had been discussions.

Mr T. H. JONES: These are the main matters; they are the crux of the Bill.

Mr O'Neill: You asked whether there had been discussions. I say there are some which remain in conflict, so there have been discussions.

Mr T. H. JONES: The AHA did not say so.

Mr O'Neill: You read again the letter from which you quoted a moment ago.

Mr T. H. JONES: The AHA did not say that there had been discussions. Nowhere in this letter did it say so.

Mr O'Neill: How can matters remain in conflict if there have been no discussions?

Mr T. H. JONES: Did the Association have discussions with the Government before the Bill came here?

Mr O'Neill: I understand so, and the letter implies it. How can you have matters remaining in conflict if there has not been some consultation?

Mr T. H. JONES: I am quoting from the letter and the letter does not say that there were discussions. It may imply so in the opinion of the Deputy Premier. All of us in this House are entitled to our opinions.

Mr O'Neill: That is right, even if it is wrong.

Mr T. H. JONES: However, the AHA is not happy with the matter for the reasons I have outlined.

Mr O'Neill: Every time you say that the AHA is unhappy the member for Mundaring claps his hands because he reckons that it is an AHA Bill.

Mr T. H. JONES: Irrespective of the expressions used by the AHA, my views are similar and I think that has been the line we have adopted on this side of the House. The Government has not been able to put forward a good reason for the restriction of Sunday trading hours. In view of that I do not see any need to alter

the existing trading hours on a Sunday and I believe the status quo should be retained.

Mr Sodeman: What is the view of the hotel workers' union on Sunday hours?

Mr T. H. JONES: Perhaps the member for Pilbara can answer that question. The unions do not want the hours to be extended beyond those applying at present but I doubt whether there is any conflict with the hours they are now working. I am only relating my understanding of the situation. Certainly the unions have not submitted to me or to the Labor Party that we should bring in legislation to reduce Sunday hours of trading. From that I take it they are happy with the existing hours of Sunday trading.

Mr Sodeman: I thought the Barmald's and Barmen's Union of Workers indicated that it would prefer not to have extended trading hours on Sunday.

Mr T. H. JONES: The member can think what he likes. If he would like to speak after I have resumed my seat I should like to hear his submission.

I am not at all happy with the provision contained in the Bill regarding the closure of a hotel where it is evident that a conflict could arise. When the Minister for Police advocated this proposition some months ago members will recall that I answered him in the Press by saying that I thought that where it was necessary to close a hotel for the reasons stated in the Bill the constable concerned should seek the approval of his district inspector. I still go along with that proposition. How ludicrous it is to suggest that in the event of a skirmish arising the policeman could reach the magistrate in time!

I refer to the bike incident in Collie which I saw with my own eyes. It arose within a few minutes. In such circumstances how on earth could a police constable look for the magistrate? Firstly, he would have to find him, whether it be a Sunday or any other day. The magistrate could be anywhere. He could be fishing or out enjoying himself and thus be not available.

If the policeman cannot find the magistrate he must then look for a couple of JPs. If one of them is working on his farm the policeman must go to the farm and obtain his signature and then look for a second JP. If the second JP is not at home he must look for another one. How stupid it is to suggest that this system can operate! This is what the Government is suggesting.

It is a pity the Minister who suggested this legislation has never been involved in an incident such as that which occurred in Collie when bikes took over the town. They took over the hotel; the publican had no say in this; they took the control out of the hands of the proprietor. Of

course, there were the constable, the sergeant, and the district inspector. In those circumstances, rather than having to chase the magistrate or two justices of the peace for signatures while this sort of incident was going on in the hotel, would it not be far better to allow the constable to report by telephone to the district inspector that he is of the opinion trouble will arise at a certain hotel, and request authority to close the hotel immediately? Is not that a better proposition than for people to chase around to obtain the signatures of a magistrate or two justices of the peace? Surely from his vast experience of parliamentary procedure, the Deputy Premier would know which is the better course to adopt.

In relation to an incident at a Sunday session where would the constable find the magistrate to sign the document—at the 18th or the 19th hole at the golf club, or on the beach at Scarborough? Where is he expected to find two justices of the peace for signatures on the document to close the hotel as a result of an event which has already taken place? This is a ludicrous procedure. This Government thinks it will put things right by introducing this type of legislation! The proposal is so stupid that I do not intend to spend my time in dealing with it further.

Mr Sodeman: It has been said that this will not happen again.

Mr T. H. JONES: Once again we see the member for Pilbara making his speeches while he is sitting down. I look forward to the day when he gets up to make a speech.

Mr Sodeman: Even then you will tell me to sit down.

Mr T. H. JONES: The next point I wish to raise has been mentioned by the Australian Hotels Association. There is no provision in the Bill to extend bottle sales on Sundays. This is one of the most stupid restrictions that exist in Western Australia. At the moment if a person wants two bottles of beer on a Sunday he can obtain them at one hotel. If he wants four bottles he can obtain two from each of two hotels; if he wants six bottles he can obtain two from each of three hotels; and if he wants a dozen bottles he can obtain two from each of six hotels. Where is the benefit in such legislation? I might be attacked by the Temperance League for saying this, but I do not care because it is my opinion. What is the difference between buying half a dozen bottles of beer on a Sunday and buying the same number on a Saturday?

Mr Sodeman: The difference is 24 hours.

Mr T. H. JONES: Surely we are not living in the dark ages; we are living in 1976 as responsible people in the community. As the member for Victoria Park has said, we are not keeping up with the times so far as our drinking laws

are concerned. Every member knows that if a person wants six bottles of beer on a Sunday he can obtain them from three hotels. In my view the prohibition on bottle sales on Sundays should be lifted. I cannot see any good purpose in this legislation. It seems that if a person wants to purchase six bottles on a Saturday it is all right; but if he wants to purchase six bottles on a Sunday it is not. If friends call in on a Sunday, and the host wants to provide them with drinks he cannot obtain six bottles of beer at the one hotel, but he must go to three hotels to obtain them. That is all wrong.

In Collie which has seven hotels, all that a person has to do is to drive around the town on Sunday to obtain 14 bottles of beer. By doing that a person would cause congestion on the roadways. Here is a Government which is worried about congestion on the roads, and one means of reducing congestion is to allow people to buy their bottles of beer at one hotel instead of a number of hotels, on Sundays.

I hope I have made my point reasonably clear. The Government has a lot to answer for. It certainly has not been able to justify its actions in Parliament. It took the Minister only 17 minutes to introduce the second reading of this massive piece of legislation which will affect the liquor trade in Western Australia. At this stage I do not wish to add anything further, but I will have more to say at another stage. I trust that my views are known to the Deputy Premier who is handling this legislation.

MR. T. D. EVANS (Kalgoorlie) [9.15 p.m.]: I would like to pass some observations on the measure before us. An analysis of the Bill convinces me there is some merit in a few of the amendments. I would baulk at calling those, in which I find some favour, enlightened. However, at least I do comment that there are very few provisions in the measure which are improvements. There is much which I believe to be very bad, and some of the amendments are quite reactionary.

If this is the best the Government can do, I believe that on balance the Government will be well advised to leave well alone the existing position. I believe that in some instances we are being asked to turn back the clock.

Firstly I shall address myself to some of the provisions which I have described in those words. In clause 4 we find reference to the definition of "specified fee". Other references in the Bill also relate to specified fees, and to the collection of fees for permits and applications, but they are very definitely dispersed throughout the measure to cover up what I believe is the real intent behind the Government's plan—the plan being to provide in future that the quantum for fees for all permits, applications, and provisional licences be determined by regulation, and not re-

ferred to in the Act at all. Yet we find in clause 4 this plot or plan to hide the Government's intention, because in that clause we see an amendment as follows—

- (b) by adding after the words "Fourth Schedule" in lines three and four of the interpretation "specified fee" the words "or in the regulations".

The words "or in the regulations" are added, suggesting that the fee will be found in the schedule or in the regulations. That amendment will be incorporated in the principal Act when the measure becomes law. The words appearing in the fourth schedule will still appear. Later on we find they are to be taken out. Why was not the Government honest in its intention to take the words out in the first instance? I disagree with the view that the fees for these permits, licences, and applications are in all instances to be covered by the regulations.

I make the comment now that the Government does not appear to be honest by adopting this form of drafting. It intends to hide its real purpose.

Mr O'Neil: You are about the third or fourth speaker who has indicated that the Government intends to prescribe the fees by regulation. We have not hidden the fact. We have admitted it and said it.

Mr Bertarm: We do not agree.

Mr O'Neil: The member for Kalgoorlie says we are trying to hide our intention.

Mr Bertram: Of course, you are.

Mr T. D. EVANS: It is verbose for the Minister to interject before I have developed my argument. I would prefer him to listen to my comments before he makes up his mind.

I come now to clause 7 about which a great deal of comment has been made. The clause refers to section 24 and I wish to speak about that portion of it which deals with Sunday trading. I object to the creation of artificial zones in Western Australia. It is only in recent times that the artificial zones created under the 1970 legislation were removed by administrative action. I refer to the provision that beyond a certain line hotels could sell two bottles of beer on a Sunday, but on the other side of that line such sales of liquor in containers were prohibited on a Sunday. The line was to be drawn by regulation.

The Tonkin Government took the opportunity to remove the line in practice by prescribing the whole State as the area in which bottle sales could take place on a Sunday. This was done by administrative action and removed the artificial zones and the drawing of distinctions between citizens in Western Australia.

Under the legislation before us an attempt is being made to write into the Act provision for an inner zone and an outer zone. According to my interpretation,

in the outer zone, provided a licensee who now enjoys—or perhaps endures—three hours' trading on a Sunday does not make an application to the court under section 24 (5) then even when the new measure becomes law, he can still enjoy or endure three hours' trading on a Sunday.

I can well and truly appreciate the complaints made by the member for Avon and the member for Collie whose electorates are still basically rural, but whose electorates have been described as being within the inner zone, being within a radius of 160 kilometres of the Perth GPO. In those areas hotels will have the right to trade for only two periods—one in the morning and one in the afternoon—not exceeding two hours.

Any hotel located within the inner zone and which at present enjoys three hours of trading will find that this will be reduced by one hour.

I object to the creation of artificial zones and the drawing of a distinction between citizens in Western Australia. This provision turns back the clock and is reactionary. Even the reactionary friends of the Government who influence the leader writers of *The West Australian* would agree that this is a reactionary step.

Mr O'Neil: I would like you to develop the theme that existing trading hours in the outer zone will be maintained until such time as the licensee applies for a change.

Mr T. D. EVANS: Provided the licensee does not apply.

Mr O'Neil: That is an interpretation I have not yet heard from anyone else.

Mr T. D. EVANS: Perhaps it would be better for me to leave this until the Committee stage.

Mr O'Neil: That would be better.

Mr Bertram: That's co-operation for you.

The SPEAKER: That might be more appropriate.

Mr T. D. EVANS: I try to be co-operative.

Clause 12 refers to an innovation introduced in 1970. It has been improved on occasions since that date, but it is still relatively new. It was novel in 1970 and refers to the operation of a theatre licence. While one good feature is being introduced under clause 12, a bad feature is being introduced also and it is this feature to which I will address myself. The supply of liquor between midnight and noon of any day is prohibited, even though the trading time is being extended from one hour to two hours. The extension of this trading time at a theatre outlet is commendable, but if, for example, a performance extends until 11.00 p.m., the purpose of the first amendment is defeated, because the second amendment states that notwithstanding that provision a theatre will not trade after midnight.

This is ridiculous. One amendment cuts across, and in certain circumstances destroys, the benefit to be extended by the other. This is another instance of the Government trying to take one step forward and two steps backward.

Mr Bertram: The Government specialises in that.

Mr T. D. EVANS: Clause 13 refers to a voluntary associations permit. The principle is good and is one of those matters I had in mind when I said that I favoured some of the provisions in the legislation. This provision is certainly an improvement. However, here again the Government is taking a step forward and then it writes into the amendment restrictions which are in effect taking us two steps backward. Such a permit is not to operate within the defined metropolitan region, nor will it be granted in the circumstances I outlined. The voluntary association—it could be Rotary, Apex, a service club, or a literary society—must, in the opinion of the court, be one which imposes adequate restrictions upon its members.

I ask members: Is it the business of the Licensing Court to know, in these circumstances, what restrictions an organisation imposes upon its members? It is a voluntary organisation which may apply for a permit only infrequently, but the Licensing Court must form an opinion that the organisation has been well managed for at least two years prior to the application. Supposing it is a new organisation and has not been operating for two years? Does that mean it is deprived of the opportunity to make an application and therefore the court cannot grant it one? I think that is ridiculous.

Paragraph (c) of proposed new subsection (2b) reads—

(2b) The Court shall not grant a voluntary associations permit under subsection (2a) of this section unless— . . .

(c) the Court is of opinion that the licensed premises to which the application relates are reasonably required by the voluntary association for the satisfactory conduct of its meetings and functions—

I suppose that is fair enough, but the provision then continues—

—and that there are no premises the subject of an hotel licence otherwise available at which the meetings and functions of each voluntary association specified in the permit could be satisfactorily conducted.

I ask two questions—

- (1) What is the purpose and the good behind this restriction; and
- (2) why is preference given to hotels as against clubs?

Clause 18 of the Bill is interesting. Its intention is to add a new subsection as follows—

54B. (1) Where an application made for the grant of a licence or a provisional certificate for a licence has been refused by the Court on the grounds that the reasonable requirements of the affected area do not justify the granting of the licence or certificate, the Court shall refuse to hear or determine any other application for the same type of licence or certificate made within the period of twelve months immediately succeeding the date on which the first-mentioned application was made if in the opinion of the Court the affected area in relation to the second-mentioned application is substantially the same as that specified by the Court in relation to the first-mentioned application.

Just how verbose can one get?

Mr Skidmore: What does it mean?

Mr T. D. EVANS: Proposed new subsection (2) reads—

(2) In this section "licence" means an hotel licence, a tavern licence, a winehouse licence, a club licence or a store licence.

The provision will not apply to other licences. It will not apply to a restaurant licence or a cabaret licence. Again, there is an indication of preference being extended by the Government to a class of licensee and I ask, "Why?" If it is good enough for one type of licensee, it is good enough for the other. I believe we should be removing restrictions, not imposing them. Again, one step forward and three steps backward!

Clause 20 of the Bill relates to subsection (2) of section 57 of the principal Act and deals with the objection to the granting of a licence or a provisional certificate for a licence. Subsection (2) refers to a hotel licence, a tavern licence, a winehouse licence, a club licence, or a store licence. Again, it does not apply to a canteen licence, a theatre licence, a railway refreshment rooms licence, a packet licence, a restaurant licence, a club licence, a wholesale licence, or a brewer's licence.

If we are to include restrictions which reasonably can be justified in one case, and which can also be justified in another case, why are we to discriminate? I again make the point that we should be trying to rid the Act of restrictions; not manifest and multiply them.

Clause 21 of the Bill relates to the first objection I raised with regard to clause 4—the definition of a specified fee. This clause will amend section 62 of the principal Act by deleting certain words, the effect of which is the payment of the specified fee. That reference is to be removed.

Clause 4 of the Bill provides that the fee for an application or permit can be set out in the fourth schedule, or in the regulations. However, the plot thickens in clause 21 because the reference to the payment of a specified fee is to be removed. A little later in the Bill we find the reason that the Government has brought down the curtain. We are left in no doubt at all that the payment for permits, applications, and licences, will be found in the regulations, and in the regulations only. I will refer to that clause again a little later.

I believe clause 33 to be dangerous. This matter has been touched on by other speakers. The clause provides for the addition of a new section 129AA, as follows—

(1) Where a person has been convicted of an offence against subsection (1a) of section 129 or of any other offence against any law of the State which was committed in or in the vicinity of licensed premises and of which an assault or violent or disorderly conduct is an element, the court convicting the person may, in addition to any other penalty which it imposes in respect of the commission of the offence, order that the person be prohibited from entering licensed premises . . .

That restriction will apply to the whole range of licensed premises and every form of licence issued under the Liquor Act of 1970. Such a person may be prohibited from entering licensed premises for a period not exceeding 12 months.

Mr Skidmore: He would not be able to go to a licensed restaurant.

Mr T. D. EVANS: That is right; he would not be able to go into a licensed restaurant. He would not be able to go into a licensed store to buy a pound of polony. However, that is not the point to which I am referring. Clause 33 states that where a person has been convicted of an offence against subsection (1a) of section 129, or of any other offence against any law of the State in which assault or violent or disorderly conduct was an element, he may be prohibited from entering licensed premises. I think there is another ingredient which is missing. If we are to have this sort of restriction and this sort of stigma of having been convicted of an offence against any other Act in Western Australia, at least the consumption of alcohol giving rise to the disorderly conduct should be made an element of the offence. That element is lacking.

Mr Skidmore: He could be a workman dismissed under the Industrial Arbitration Act for disorderly conduct.

Mr T. D. EVANS: Exactly. If we are to have this sort of restriction—an offence against any other Act in the vicinity of licensed premises—there should be an onus on the Crown to prove that the violence was attributed to by the consumption of

alcohol before a person is barred from entering licensed premises for a period of 12 months. That provision is lacking and it is a serious omission. A convicted person will be prevented from entering licensed premises and I have already mentioned the range of those premises. What will happen if such a person is a plumber or an electrician who has to perform work on the licensed premises?

Mr Skidmore: If he were a waiter he would not be able to resume his job.

Mr T. D. EVANS: Proposed new subsection (3) attempts to limit the inconvenience a person would experience because it states that it is not an offence for a person in respect of whom an order has been made to enter licensed premises being licensed premises the subject of a limited hotel licence. I presume the Government thought that such a person might want a meal or a bed, or might happen to be on a boat or a vessel which has a liquor licence. It will not be an offence if, while on such premises, that person does not consume liquor. That is fair enough and I stop there.

If that person goes into a liquor store which also sells groceries and other provisions and which is the only outlet in the locality for the sale of the other provisions, is it to be prohibited? So little thought seems to have been put into the preparation of this legislation; or is it a question of the Government being careless? I think it is a question of the Government being careless and rushing into something so that at the end of the year it can put out another thick bundle of papers listing the amendment of the Liquor Act as another of the promises which have been carried out.

In relation to clause 36 the Government continues its plot to provide for the fixation of all fees by regulation so that it will not be necessary for the legislation to come to Parliament from time to time for variation of the fees with legislative approval. The fees can be varied surreptitiously by regulation, and clause 36 completes the plot. This clause amends section 164 by deleting the words "set out in the Fourth Schedule" and substituting the words "specified by the regulations". The words to be deleted from section 164 are carefully preserved in clause 4. Why do we not take the words out of clause 4 and be done with it? Why leave them in clause 4, suggesting that in the intermediate clauses they will remain, and then take them out in clause 36 and state that the specified fee will be found only in the regulations?

Henceforward, a person who wishes to have a function permit, for which he will now pay \$1, may one day go along to the licensing body and find the Government by regulation—outside the Budget atmosphere, no doubt—has increased the fee from \$1 to \$10.

Mr O'Neill: The clause, which the Speaker will not let me name, applies only to permits and transfer of licences, not to function permits.

Mr T. D. EVANS: I thought it applied to permits, applications, and provisional certificates for licences.

Mr O'Neill: Fees for the transfer of licences will be fixed by regulation rather than in the schedule.

Mr T. D. EVANS: As I see it, it is made quite clear that the fourth schedule will no longer apply in setting fees for the following permits of a continuing nature: entertainment permit, caterer's permit, late delivery permit, reception area permit, lodgers permit, and unlicensed club permit. Henceforward the fees for the following permits will be found in the regulations, not in the fourth schedule to the Act: occasional permit, function permit, transfer and removal of licences, and provisional certificates for all licences.

I therefore, first of all, indict the Government for seeking to harvest money for these applications, permits, and licences in this way, by regulation; and, secondly, I condemn the Government for the manner in which it has sought to hide its intention. If it is doing that in this matter, I wonder what other motivation it has in bringing forward this legislation, which in some instances amounts to going one step forward and two steps backward.

I repeat that if this is the best the Government can do it should stand back, leave the Act well alone, and hope that the Government elected next year will tackle the problem correctly and do a better job than the present Government has done on this occasion.

MR MAY (Clontarf) [9.45 p.m.]: I want to speak very briefly on only two matters but I think several items require further projection if we are to talk about them in the Committee stage.

The matter I am particularly concerned about is the restriction of hours. To use a phrase of the former Chairman of the Licensing Court, if one creates a restriction one creates a demand. That is what the Government is doing with this amending legislation: it is creating a further demand by creating a restriction of hours.

In his second reading speech the Minister said—

The view has been expressed that this provides the opportunity for some patrons wishing to obtain a maximum drinking time to attend a session at one establishment which opens early, and then to drive to a neighbouring establishment which opens and closes at a later hour.

As I pointed out by way of interjection, a hotel will have two hours trading in the afternoon and morning and a person will have no difficulty in patronising the hotel, drinking solidly at that hotel for two

hours, and then getting on the phone to the neighbouring club, asking for Bill Smith or Tom Jones—not the member for Collie—and arranging to be signed in on his arrival there in about five minutes so that he can spend another hour drinking at that club.

This kind of thing is going on under the present legislation. On many occasions I have visited a hotel and a club, going from one to the other. Being a member of a bowling club, I have witnessed people coming to the door of the club after the hotel has closed and being signed in by a friend—and not only one person, because three visitors can be signed in by a member at one time.

We are endeavouring to cut down the road toll but in the metropolitan area, where the traffic is more dense than in country areas, people drink at a hotel until it closes, jump into a car, and go to another place to continue drinking. If the sessions were longer, people would remain at one drinking place and not seek another place at which to drink.

Another matter we should have a look at is bottle sales. Six people in a motor-car can pull up at a selling point—either a drive-in or the bottle department of a hotel—and buy 12 bottles of beer. Then what do they do? They drive around to the next hotel, which may be a mile away, and buy another 12 bottles. They use the car running from one place to another to buy additional bottles of beer, when they should be able to get them from one place and then go home or wherever they are going and be off the roads. This situation creates a greater traffic hazard on the road.

The quantity of beer one can buy is dictated by the amount of money one has in one's pocket. People fail to realise that a person can drink only so much according to what he can consume and what he has in his pocket. If we restrict trading hours we will create further demands and we will have the type of problem which is inherent in this legislation.

It is very important legislation, as will be pointed out very forcibly in the Committee stage, and I think we should hear about the attitude of members on the other side of this Chamber. Up to the present time the speakers have come only from the Opposition benches.

This is a social issue and I believe we should hear the opinions of members from both sides of the House. Members could tell us of problems in their areas, and the House, knowing the problems, would be in a better position to decide on the remedy. The main point I make to the Minister is that if hotel hours are restricted, people in cars will travel from one venue to another and they will be on the road for longer periods. Also, if purchases of liquor on Sundays are restricted to two bottles of beer, people will travel from one

bottle department to another and they will take the beer to the beaches or other public places.

Mr MOILER: I wish to draw your attention, Mr Deputy Speaker (Mr Crane), to the state of the House.

The ACTING SPEAKER (Mr Crane): There is a quorum present.

Mr O'Neill: Can't even count!

Mr MAY: One thing we can count is the number of bottles we are allowed to have on a Sunday.

Mr O'Neill: It had better not be 13 or 17!

Mr MAY: I think we should be permitted to buy more bottles than there are members present in this House! I am trying to indicate to the Minister that while people are drinking in hotels they are subjected to more supervision than when drinking in public places. The police find it very difficult to supervise many areas but drinkers know that in hotels they are supervised not only by the police but also by the publicans. The majority of drinkers are sensible people, and they too are in a position to keep any rowdy element at bay.

The Government should look at this legislation again. If we are to alter the hours of drinking on a Sunday, let us ease them. Members who have been overseas have seen for themselves that in countries where there is no restriction on the sale of liquor, they do not have our problems. One can walk down the streets in European cities and one does not even notice that liquor is being sold.

Mr MOILER: I draw your attention, Sir, to the state of the House.

Mr O'Neill: You cannot do that again within 15 minutes.

The ACTING SPEAKER (Mr Crane): The honourable member is not in order as sufficient time has not elapsed since he last drew attention to the state of the House.

Mr O'Neill: You can't win!

Mr MAY: There is ample time to purchase and consume liquor in these European cities, and therefore, one can pass drinking places without even noticing them.

Like the majority of members on this side of the House, I believe there should be no restriction on drinking hours. Restrictions create problems.

Today I received a letter from the previous Chairman of the Licensing Court who is presently in Sweden. He told me about the situation in that country and he pointed out that by easing our liquor laws we would overcome many problems. Although Mr Graham is no longer the Chairman of the Licensing Court, he is still concerned about liquor laws. Surely

the Government should have sought information from him so that it would have had the best knowledge available when preparing this amending legislation.

Mr Blaikie: One problem that worries me about your argument is that your own members do not seem to be in accord.

Mr MAY: In one respect Government members are in accord—not one member from the Government side has spoken.

Mr Blaikie: You have no-one left on your side!

Mr MAY: Our members have faith in me; they realise that I will put the case adequately. I for one would like to laud the previous Chairman of the Licensing Court, and I must criticise the Government for not obtaining his views and for not listening to the suggestions he put forward. On a number of occasions Mr Graham approached the Government to amend the legislation but unfortunately the Government did not take any notice of him, or of the views of the other members of the Licensing Court. Perhaps I should not laud just one member of the Licensing Court as it is composed of three members, and during Mr Graham's term of office, evidently those three members did an excellent job. In the Press I noticed repeatedly that credit was given to the Licensing Court during Mr Graham's regime.

I would like the Government to reconsider this legislation. The restriction on the sale of bottled beer on Sundays is adding to the hazardous situation on our roads.

MR FLETCHER (Fremantle) [9.56 p.m.]: Without wishing to indulge in a pun, I would like to add a few "bars" to the debate on the Liquor Act Amendment Bill.

In opening his speech the Minister said that the Act needed periodic review and that this Bill was introduced to meet the immediate needs of the community with particular reference to troublesome behaviour during Sunday trading, and the subsequent projection of this behaviour onto our roads. I point out that those are my words rather than the Minister's. I shall have more to say on this point later.

As the Minister pointed out in his introductory speech, some advocate a reduction in the Sunday trading hours and others advocate an increase. I find myself compatible with the member for Clontarf in the latter respect.

Mr Laurance: I am sorry, I missed the point.

Mr FLETCHER: The member for Clontarf said he would like to see an extension of trading hours.

Mr Laurance: And you are agreeing with that?

Mr FLETCHER: That is so. Probably I will surprise the member for Gascoyne and many people inside and outside the House when I say that.

Mr Laurance: I was not sure what you meant.

Mr FLETCHER: I will attempt to show cause later. I support extended Sunday trading hours for reasons which I will explain subsequently. Some people would abolish Sunday trading altogether, but Sunday trading is here to stay.

Mr O'Neill: The member for Mt. Hawthorn might move an amendment to abolish Sunday trading, and he might win.

Mr FLETCHER: Whatever the member for Mt. Hawthorn or the Minister would do, I have no doubt that I will be unpopular now with the Temperance League of WA and others of religious persuasions who are in opposition to extended trading hours. It is the right of such people to object to any drinking at all. However, I am advocating extended trading hours, and I will outline my reasons for doing so. On page 865 of *Hansard* the Minister said—

An amendment is therefore proposed to repeal those sections of the Act relating to hotels, taverns, and wine-houses, which authorise the Licensing Court to grant an additional hour of trading on a Sunday.

The Government considers that it should adopt a responsible view in regard to the availability of liquor, particularly on Sundays, and while not intending to be restrictive to an extent where the public is unduly inconvenienced, it is of the opinion that a degree of stringency is justified.

I am at variance with the Minister in that respect. I do not wish to delay the House by discussing the Bill clause by clause, but I notice the provision for an inner and outer zone. The inner zone is to be within a radius of 160 kilometres—presumably 100 miles—of Perth, and the rest of the State will become the outer zone. The court may have regard to circumstances in the outer zone and may vary the trading hours in that zone.

My fundamental point is that a reduction of hours could aggravate the situation. Not only could it aggravate the situation, but it could also aggravate patrons who are denied the opportunity to enjoy a quiet, rather than a hurried, drink. Quite frankly, I fear the consequences of a reduction in trading hours. The Government wants a trial of reduced hours. I think that is a mistake. I suggest a trial of increased trading hours on Sundays could lead to saner and more responsible drinking behaviour.

I submit that the average person has a limited amount of money to spend. The situation at present is that the doors of

licensed premises are slammed, twice a day, in the faces of customers who have just commenced to enjoy themselves.

Mr Laurance: Or opened twice a day.

Mr FLETCHER: After two hours they are beginning to enjoy themselves, and the door is slammed in their faces twice daily. I submit that happiness turns to belligerence; that customers buy cans and bottles they do not really need after guzzling the maximum amount they possibly can in the limited time available to them. Cans and bottles can be acquired in excess of the permissible amount by means of stratagems of which we are all aware and to which reference has been made this evening.

They take these bottles and cans down to the beach or into cars—in many instances into cars which should not be driven by drivers in a state of alcoholic euphoria or belligerence; and they leave these drinking places simply because the door is slammed in their faces. The Minister is aware of the statistical results of this aggravation of customers, and those results are reflected in their behaviour behind the wheel. They are savage about the fact that they cannot obtain another drink when they want one, so they take cans and bottles to various places and continue to drink until such time as the hotels, clubs, or taverns are again available to them.

The statistics of casualties and fatalities are known, and these include children as well as adults. I might mention that where hotels are adjacent to beaches, bottles are taken to the beach where the liquor is consumed and the bottles broken. This is often responsible for children and others cutting their feet. Less of that sort of thing would occur if our trading hours were more sane because bottles would not be taken away in the manner I have described.

In respect of this matter I would like to read portion of a letter I wrote to the Secretary of the State Parliamentary Labor Party. My letter was headed, "Suggestions re Liquor Bill" and in it I said—

It could be argued that weekday trading hours could be applied to Sundays, with the proviso that trading at all, or at any time or period within that spread of hours, be optional.

In support—the spender has, in the main, only a limited amount to spend on liquor per week. If this is accepted then the spender has to budget for an extra day. This could, or should, on average, reduce the daily, including Sunday, intake.

The extended hours on Sunday would perhaps, prevent the drinker's inclination to absorb the maximum amount in the limited period available, as at present. The extended hours could, I repeat could, prevent belligerence regarding early closing time, on the roads, and in the home.

For Committee and/or Caucus consideration.

I submit in this House that there would be more leisurely drinking if drinking hours were spread over seven days, as drinkers would need to ration their daily intake in order to cater for this, which would mean a lesser intake on the Sunday.

On the 12th May, 1976, I asked the Minister representing the Minister for Justice the following question—

- (1) Are records kept of the number of occasions upon which section 146, part VII, division 4 of the Liquor Act is applied to individuals throughout the State?

I interpolate here to point out that that particular provision is commonly known as "the Dog Act", of which country and goldfields members would be aware. It has no reference at all to Alsatian dogs or dingoes. My question continued as follows—

- (2) If so, on how many occasions was the section used—
 - (a) for the period 1st January, 1975 to 31st December, 1975;
 - (b) the period to date as from 1st January, 1976?
- (3) If the section is not being applied as progressively as appears justified, will the Minister see that it is with a view to preventing traffic accidents, other injuries and fatalities, broken homes and marriages, psychological and physical trauma to children and other contraventions of the law?
- (4) Does the section have equal application in law to all members of the community, Europeans and Aborigines alike?
- (5) If so, and since the white community simultaneously inflicted alcohol upon those of Aboriginal descent when declaring them citizens, will the Minister ensure that Justices of the Peace are alerted and adequate in numbers throughout the State to apply conditions applying to section 146 with a view to preventing tragedies as in part (3) and incidents such as Skull Creek in the Laverton area?

I still think greater use could be made of section 146, and I suggest that the penalty imposed on the alcoholic and the supplier of liquor to the alcoholic for breaches should be increased from the existing \$40 to \$400. This could be a deterrent to the serving of liquor to people who come under the provisions of what is commonly known as "the Dog Act".

Thousands of dollars change hands across many bar counters on a Saturday evening or during a Sunday session. A fine of \$40 would be chicken feed to any such publican, and would not act as a deterrent

against offences against the Act. The member for Mt. Hawthorn, who is handling the Bill on behalf of the Opposition, might consider an amendment along the lines I have suggested. While the publican or licensee has not time to look for drunks at \$40 a head penalty, he would be more likely to find time to look if the penalty were \$400. I refer the honourable member to section 146 (VII) (4) of the Liquor Act.

Mr Mensaros: Are you appealing to his conscience?

Mr FLETCHER: The Minister's answer to my question was as follows—

- (1) and (2) No.
- (3) As there are no statistics available it is difficult to judge to what degree the section is applied.
- (4) The section as enacted is intended to apply equally to all members of the community.
- (5) Action under section 146 is taken before the court upon complaint which may be brought by a person such as the wife of the inebriate, the police or on some occasions upon application by the inebriate himself. An order is then made by the magistrate or the justices upon the evidence before the court. The court may also make an order in respect of section 146 when hearing a charge in which drunkenness is involved.

My contention is that that section should be invoked.

For the edification of the House, I went to the trouble of looking up the *Government Gazette* of the 7th July, 1970, where, at page 1964, the following appears—

Form 36

**IN THE COURT OF PETTY SESSIONS SITTING AT
IN THE STATE OF WESTERN AUSTRALIA.**

Liquor Act, 1970.

Section 146.

ORDER PROHIBITING SUPPLY OF LIQUOR TO AN INEBRIATE.

WHEREAS

has made a complaint that
of

in the State of Western Australia, by excessive drinking of liquor, is likely to impoverish himself to such an extent as to expose himself (or herself) or his (or her) family to want (or seriously to impair his (or her) health).

Now We, the undersigned Justices of the Peace, having heard the said Complaint, adjudge the same to be true, and do, pursuant to the Liquor

Act, 1970, order that no Licensee within the said State shall sell or supply the said _____ with any liquor for the space of _____ from the date hereof.

Given under _____ hand at _____
State this _____ in the said _____
of _____ 19. _____ day

That particular provision has been used by the member for Fremantle on a ship travelling from the north. I was escorting a sick man, who drank to excess. I was not well myself, and was returning from Koolan Island where I had worked for about 12 months. I will not mention the name of this prominent person, but he was an alcoholic. After he had fallen down a companionway and became a nuisance to other passengers I went to the captain, showed him this section of the Act and asked him to invoke its provisions.

If the member for Fremantle could do that sort of thing I submit that greater use could and should be made of this provision in the State of Western Australia. I do not single out Aborigines in this respect, because there are many white people who descend to the gutter as a consequence of drink. However, there are Aborigines and others whose drinking could be controlled, and that is why I asked my question in the form I did. There should be sufficient qualified people to whom the public, the person's relatives, or the police could appeal to invoke what is commonly known as "the Dog Act".

I look forward to seeing greater use made of this provision because I believe it would reduce the number of incidents similar to the one which occurred at Skull Creek. If known alcoholics were denied the opportunity to acquire liquor through the medium of this provision there would be less of that sort of thing, less unhappiness in the home and less tragedies on the roads with the consequent need for hospital care and so on.

I repeat that I do not advocate unlimited trading but rather optional trading hours on Sundays through liquor outlets under which those who see no prospect of financial advantage in staying open may close, while others may choose to remain open. This would lead to saner drinking as a consequence of there being more time in which to drink.

In addition, it would lead to fewer casualties on the roads as a result of people having to spread their drinking over a period of seven days, and having proportionately less to spend on any one of those days. It could be of advantage to the community; I say that even if I fall out with the Temperance League and others who take exception to drinking on Sundays or at any time. I believe firmly in what I have had to say.

MR O'NEIL (East Melville—Minister for Works) [10.16 p.m.]: Those members who still remain in the House probably will be pleased when I advise that it is my intention to reply to the comments made by various speakers, move the Bill into Committee, report progress and ask for leave to sit again.

It is a fact, of course, that a Bill such as this essentially is a Committee Bill. We have all heard that expression before, but this is one piece of legislation where many more matters can be covered in Committee than during the second reading stage. I hope the member for Kalgoorlie will not mind my saying that he dealt with the Bill more as a Committee Bill rather than discussing the general philosophy of liquor legislation.

Mr Bertram: All the Government supporters seem to have agreed with you wholeheartedly on that proposition.

Mr O'NEIL: I want to make the point that has been made often on every amendment that has been made to the liquor law in this State, whether introduced by the Labor Party or by the party of our political colour; namely, that it has been made patently clear that any member may vote any way he wishes on any part of the Bill.

We have heard this evening, and I have noted in the media, the reference to this Bill being "the Government's proposals". Mr Speaker, you have been a member of Government for a much longer period than I, and you know as do many of the Ministers that in cases such as this the Government is purely the vehicle for introducing amendments to legislation which may be considered by the Parliament. It will be the Parliament, ultimately, which turns out the final shape of this piece of legislation.

Mr Davies: Would you like to take a punt on the result?

Mr O'NEIL: No, I would not.

Mr Bertram: You seem to be fairly confident as to the outcome of certain clauses.

Mr O'NEIL: No, I am not. For example, how do we know the Bill will receive a second reading? I have made the comment that it will go into Committee, but I do not know. However, it is reasonable to make such an assumption because the Government has canvassed the opinions of its supporters in regard to the amendments contained in the Bill. But there are amendments on the notice paper which have already been proposed and will be moved by members on the Government side. The amendments which are on the notice paper from the Opposition have been there since before the previous part of the session concluded. But there are no other amendments despite the fact that this Bill has been before the Chamber since, I think, May of this year. As a matter of fact, I thought some criticism

was made of that. It appears that one can never win in this place. Either one does not allow enough time or one allows too much. I do not know what is the happy medium. If there were one I would try to strike it.

Mr Davies: Your cold is no better. Make it short, will you?

Mr O'NEIL: I want to pay members the courtesy of referring to all matters they have raised and to deal with each one of them in turn.

The SPEAKER: Philosophically!

Mr O'NEIL: Mr Speaker, I think you will appreciate that some subjects were brought up over and over again. They were essentially the constitution of the court, the trading hours—

Mr May: Bottles.

Mr O'NEIL: The sale of bottles is not in the Bill and is not even on the notice paper.

Mr May: It is in the second reading speech.

Mr O'NEIL: Consideration was given to it but we are discussing the Bill. I notice in respect of this matter that there is no amendment on the notice paper and there has been ample time for one to be put there to alter the provision which the Government is sponsoring at the moment in respect of bottle sales. Perhaps we will see a spate of amendments appearing on tomorrow's notice paper.

Mr Bertram: Are you saying there may be or are you hoping there will be?

Mr O'NEIL: There may be; I do not care. I will make up my own mind as to how to vote on any amendment. I can see that my good intentions to try to finish rather briefly and allow members who are much more tired than I to go home early are going to be stymied.

I must pay particular attention to the matters raised by the member for Mt. Hawthorn. Although the member for Swan was the Opposition's principal speaker on this Bill the member for Mt. Hawthorn was the one who seemed to be asking most of the questions. Of course, it is not unusual for him to speak for a considerable time on philosophy and he usually manages to bring in a lot of other matters and very carefully tries to relate them to the subject matter. But he did get down to a number of vital points. He asked me to comment on my view that certain questions were better handled in the debate. The unfortunate matter is that he gave the impression, I think, that I avoided answering questions at the time they were asked. I think 23 questions were asked by the member for Mt. Hawthorn on the 26th May. Many of those questions had a number of parts. Only five fell into the category which I stated would be best canvassed during the course of this debate. I want members to be quite clear

that I did not fob off all the questions by this remark but only five of them. Towards the end of his speech the member managed to nominate those five and I thank him for letting me have the numbers to which he referred.

One of the questions to which he wanted an answer at that time was—

What will be the advantage to the people of his Government's move to fix certain licensing fees which bring in millions of dollars revenue annually by regulation and not as now by legislation?

The wording of the question implies that we are doing this to advantage people who might support our side of politics, so I think the question is phrased in a rather obnoxious way. Other members have raised this matter regarding some fees to be covered by regulation and others to be prescribed in the fourth schedule to the existing Liquor Act.

By interjection I have mentioned that there are fees to be struck. Some of them represent a percentage of liquor sales and some are a flat rate. If there is anything to object to—and the member for Kalgoorlie seemed to think we were hiding something—I must admit that it was being said quite frankly that it is the intention to make provision for the striking of fees by regulation rather than by having to come back to Parliament every so often to amend the Statute. Of course regulations are disallowable.

If the member for Mt. Hawthorn indicates that members do not have the time to do this sort of work, I do not know why they have been provided with electorate offices and additional assistance. We have had time to do that necessary work in the past. I cannot see why for some reason it should suddenly not be within the competence of a member to keep an eye on the regulations which are placed on the Table of the House. The innuendo from the member for Kalgoorlie that this is a deep Government plot to hide its intention has been completely sideswiped by the fact that so many members have referred to the intention of the Government in this regard.

Another question asked by the member for Mt. Hawthorn was—

Why is it proposed that the definition of licensed premises shall be altered?

This was another matter which I said we could perhaps talk about in the course of the debate because the answer was, "See answer to 26 (2)" which said that these are matters which would be replied to in the debate.

It so happens that there is a valid reason for altering the definition of "licensed premises". This has been amended to include those parts of the vessel or aircraft defined by the court as being part or

parts to which the licence relates. This results from the decision of a magistrate in 1973 when he dismissed a complaint against the master of a vessel for serving liquor other than during the scheduled hours of a packet licence contrary to section 126 (1a).

In the magistrate's view a vessel was not licensed premises. As the section to which I have just referred specifies that the definition of "licensed premises" in section 7(1) is also considered, this definition being appropriate to only land and buildings, the decision of the magistrate was upheld and hence it was necessary to alter the definition of "licensed premises".

Mr Bertram: On what date was that?

Mr O'NEIL: I do not know and I do not think it is important anyway. The next question was—

With regard to his second reading speech on the Liquor Act Amendment Bill will he list the associated problems which can be directly linked with the consumption of liquor?

The list that I might prepare will be different from the list which you, Mr Speaker, or someone else might prepare. I regard the question as facetious. There are problems associated with the consumption of liquor; we all know them. They differ from person to person and from degree to degree in different persons and within the same person. How that can be the subject of a question which is within the competence of a Minister—and members should remember that I am answering on behalf of another Minister—is quite beyond me.

Despite all the rulings that have been made by various Speakers in the past I still say that it is not cricket to put on the notice paper 23 questions related to comments made in a second reading speech and to regard that as being part of the normal duties of a member when the matter can be debated. In many cases the questions beg an answer. Perhaps the member knew that because many of the matters are related neither specifically to the provisions of the legislation nor to the ministerial responsibility of the member.

Mr Bertram: You used the expression. Surely you knew what you were talking about.

Mr O'NEIL: I did know what I was talking about.

Mr Bertram: All I want to know is what you are talking about.

Mr O'NEIL: I am pleased the member does not know anything about the comprehension of the English language. If he had read the second reading speech and had analysed it, he would realise—

Mr Bertram: I did not use the expression; you used it.

Mr O'NEIL: I have just tried to indicate that the honourable member would fail to pass a comprehension test in grade seven. You, Mr Speaker, having been a teacher many years ago, will certainly agree with me.

Another question to which the honourable member demanded an answer, because it was stated it would be better dealt with during the debate on the Bill was this—

... will he define "the various factors which seem to be the guide to our social pattern in this particular regard"?

I am sure that was a facetious question. The member for Mt. Hawthorn simply went through my second reading speech, picked out a phrase he could not understand, and decided it was a good subject for a question. That sort of thing bears no relationship to the physical form of the legislation.

It has been a source of concern to me for some time that there is a degeneration at the level of acceptance of questions when this sort of stuff relating to the second reading speech on legislation before Parliament, which the member for Mt. Hawthorn would have ample time to consider, is accepted in this Chamber. In saying that I do not intend to reflect on the Chair.

The SPEAKER: In view of what the Deputy Premier has said I want to say that from this situation I cannot judge the overall quality of questions that have been asked over the years in this House, or indeed to determine whether some of them are far more trivial than others. However, I want to say this: The Clerks at the Table and myself—and I am drawn into this situation—try to keep the questions as high in quality as we possibly can, having regard to the strictures that apply to questions.

I want Ministers to realise that they have the last resort in regard to answering questions, and I want the House to realise it also. If a question is regarded as being too trivial, and has passed the table, then it is up to the Minister concerned to say, "I do not intend to answer this question because of its triviality."

I feel I must speak in this way, to try to point out some of the problems that are inherent in the efforts by the Clerks at the Table to vet the questions as they come in. There is no doubt that many are sent back for rewording. So, I had to get to my feet to reply to the criticism—I regarded it as something of a reflection on the Chair—of the Deputy Premier after he had spoken in the way he did. However, I do not believe he meant to convey the import of his remarks in that sense.

I want to point out to the House how difficult it is to vet questions when one has scores of questions coming in each sitting day. It is indeed very difficult to

do that at the table. That was why the Clerks circulated to members certain points for and against the manner in which questions can be asked. I hope we have all learnt from what has been said.

Mr O'NEIL: I certainly apologise if I have cast any reflection on the Chair. I admit that was what I did inadvertently. I am concerned in particular that the member for Mt. Hawthorn uses with monotonous regularity the practice I have referred to. Just before he sat down and during his second reading speech he reeled off a number of questions which I had suggested might be better discussed in the second reading debate in order to allow me to answer. I am doing what the honourable member has demanded.

Mr Bertram: Will you always do that?

Mr O'NEIL: The last question to which the honourable member demanded an answer was—

Referring to his second reading speech on the Liquor Act Amendment Bill, why is it intended that premises in the outer zone may have their hours varied by the court whilst this will not be allowed in the inner zone?

If he still does not know, then he has not been listening to the comments of some of the members on his own side who have spoken in the debate.

It is quite clear that at the time this legislation was being prepared a situation was causing concern to people throughout the metropolitan area, when certain groups misbehaved themselves, occasioned bodily harm, and caused inconvenience to patrons on hotel premises. It was determined that at least one solution was to prevent the staggering of trading hours of licensed premises, and keep all hotels within a certain region operating under the same hours as well as reducing those hours by one. That was the situation which existed at the time.

Because the climate is different today that problem does not exist, and we have forgotten about the matter. Another factor is that this is wintertime, and perhaps there is not the same number of patrons on hotel premises as there were at that particular time.

When the legislation was being prepared in the light of the circumstances prevailing, there were requests from many sections of the community, voiced through the media and elsewhere, that something needed to be done to control this element which was developing. The fact that this does not operate now is, I believe, due purely to a change of climate.

Mr T. H. Jones: You could have a hotel 100 yards from another, which is in a different zone.

Mr O'NEIL: Perhaps the honourable member is saying that a hotel within 160 kilometres of a given point might create certain problems.

Mr T. H. Jones: It has.

Mr O'NEIL: I do not know that it has. This legislation has not been passed yet.

Mr T. H. Jones: It will be.

Mr O'NEIL: Does the honourable member say it has developed problems? We are all aware of the situation that existed previously in relation to bona fide travellers. As long as a person travelled 25 miles on a Sunday he was able to obtain alcoholic refreshments.

Mr May: That was 25 miles as the crow flies, and not 25 miles by road.

Mr O'NEIL: That provision created some problems. A line was subsequently drawn which followed roads, and the area represented hotels about 25 miles from the GPO Perth. Then someone discovered that the hotels at Mundaring were excluded from the concession, and subsequently a private member introduced a Bill to include those hotels. I, as a private member also had the Rottneest hotel included for a special reason. In those days there was no Sunday trading in metropolitan hotels at all. We were simply taking the hotels beyond 25 miles of the GPO, and nominating others which, for the purposes of the Act, were to be regarded as country hotels.

We have heard a lot of talk about this being the wrong thing to do. Despite the fact that the second reading of the Bill before us was introduced on the 11th May, the only amendments which have appeared on the notice paper were those which were on the notice paper on the 27th May when the House rose.

Mr T. H. Jones: How many amendments put there would be agreed to?

Mr O'NEIL: I have said we do not know unless members place them on the notice paper.

Mr T. H. Jones: It is just a numbers game.

Mr O'NEIL: If it is a numbers game why did the member for Mundaring place amendments on the notice paper? It is an old expression that "you have to be in it to win it". It is a very poor excuse for members opposite to say that they are not prepared to move amendments because they think the amendments will not get through. The reason the Opposition is not prepared to move amendments is that, to use an expression, they do not have the guts.

Mr T. H. Jones: I should point out that you would not accept even one amendment to the workers' compensation legislation.

Mr O'NEIL: That was a Government Bill. I say again that no member of this Chamber is regimented to vote for the Bill.

Mr Bertram: Come on! You can do better than that.

Mr McIver: What about your own members speaking? We have plenty of guts over here.

The SPEAKER: Order!

Mr O'NEIL: They can get on their feet if they wish to.

Mr McIver: They do not have the guts to.

Mr O'NEIL: The member for Mundaring referred to this as an AHA Bill and whenever he had the opportunity he said that the Government was influenced by the brewery, whereas I think the member for Collie took a different line in respect of some of these matters. So there is quite a difference of opinion on the motivations of the Government. I say again that the Government is the vehicle to introduce what it considers at this time to be appropriate amendments and there is nothing to stop any member putting an amendment on the notice paper and having a go.

Mr T. H. Jones: What about the main views of the industry?

Mr O'NEIL: I thought we dealt with that by interjection. The honourable member read a letter from a branch of the AHA—

Mr T. H. Jones: You were not listening again.

Mr O'NEIL: —which stated that there still remain a few points in conflict. To me that expression implies that there has been consultation, but there remain a few points in conflict.

Mr T. H. Jones: Who was on the Government committee on this?

Mr O'NEIL: I do not know. I was not.

Mr T. H. Jones: Was there any committee?

Mr O'NEIL: I do not know. The Minister in charge of the liquor legislation is the Minister for Justice.

Mr T. H. Jones: Find out and tell us in the third reading.

Mr Bertram: What answer would we get?

Mr Skidmore: That would be a frivolous question wouldn't it?

Mr T. H. Jones: Heavy hand again!

Mr O'NEIL: In regard to the staggering of hours, this was covered when it was decided that all hotels within the metropolitan area or in a zone would have similar trading hours or simultaneous trading hours reduced by an hour. There was also the matter of the closure of hotels. At that time there was also a request that some action be made available to shut a hotel if it was, in the opinion of some very responsible person, felt that some disturbance was likely to develop. The Government's move in this has been ridiculed by members opposite because they believe the situation must be in progress before any action can be initiated.

Mr Davies: No. We say that you do not get notice of a riot.

Mr O'NEIL: That is right. It is the senior constable in the district who is the fellow who should have his finger on the pulse of what is occurring in his small community.

Mr Hartrey: What if he is the hotel-keeper?

Mr O'NEIL: A publican has the right to shut his pub at any time has he not?

Mr Davies: Not necessarily.

Mr O'NEIL: Yes he has, and it is a pity some do not do it more often.

Mr Davies: He could lose his licence if he did it irrationally.

Mr O'NEIL: That is right. There was a suggestion that the local policeman should shut the pub. Imagine the reaction that suggestion would have received from the member for Collie.

Mr T. H. Jones: Who suggested that?

Mr O'NEIL: I am asking members to consider the reaction which such a suggestion would receive from the member for Collie.

Mr T. H. Jones: I did not suggest that.

Mr O'NEIL: I know the honourable member did not.

Mr T. H. Jones: Who did?

The SPEAKER: Order!

Mr O'NEIL: It was suggested.

Mr T. H. Jones: I did not hear it.

Mr O'NEIL: Not in this Chamber! Good Lord! Heaven's above!

Mr B. T. Burke: My next door neighbour made a few suggestions. Why don't you comment on them?

Mr O'NEIL: The member for Collie raised the question—

Mr B. T. Burke: Not this one.

Mr O'NEIL: He raised the question concerning the machinery for some responsible person to have a hotel or hotels in a district closed. He said this was the wrong thing. He said it was ridiculous and suggested that the local police constable—and the member for Balga was not here, so I do not know what he knows about it—should ring up the district inspector and indicate to him that he thought there would be some trouble.

Mr T. H. Jones: I said that he should ask for authority.

Mr O'NEIL: The member for Balga said the member for Collie did not raise it.

Mr Bertram: You said it was not raised here. Where were you?

Mr O'NEIL: The honourable member does not even know what I was talking about. It was suggested in many quarters through the media that the police ought to be given power to close hotels when a difficult situation or a disturbance developed and I simply said that I wondered

what the reaction of the member for Collie would have been if we had granted that power. He has indicated his reaction.

Mr T. H. Jones: It would be stupid.

Mr O'NEIL: So the Government studied a number of courses which might be available and came down with a suggestion to the Parliament that in a small country town—more so than in the metropolitan area because in the metropolitan area it is possible to call upon police reinforcements when a difficult situation develops—the local policeman has a fairly good knowledge of the tempo of the town and he can see that some trouble has been seething for a long time. He can make appropriate arrangements if the local magistrate is available, or if not—

Mr T. H. Jones: Which magistrate could he get?

Mr O'NEIL: A magistrate or two justices of the peace.

Mr Bertram: But he has to get them to sign a document doesn't he?

Mr O'NEIL: In the case of a real emergency I am sure that by a phone call the policeman could be told to go ahead and the necessary authority would be given.

Mr T. H. Jones: Does the Bill say that?

Mr O'NEIL: I thought the honourable member had lived in country towns.

Mr T. H. Jones: Does the Bill say that?

Mr O'NEIL: The Bill does not say that.

Mr Bertram: Of course not. They would be acting illegally in closing a hotel under those circumstances.

Mr O'NEIL: In many circumstances action is taken in the public safety which might be bending the law a little, but there is very little objection to it. If members feel the machinery proposed is not suitable, let them come up with another suggestion.

Mr T. H. Jones: That is all you can say.

Mr Bertram: We have had experience with our amendments.

Mr O'NEIL: Let us see if they oppose the provision.

Mr Davies: I will. I promise to.

Mr T. H. Jones: Of course we will.

Mr O'NEIL: Members opposite say there is no need to give any authority for the closure of a hotel if in the opinion of a responsible person a disturbance is developing.

Mr T. H. Jones: Some magistrates live 30 or 40 miles out.

Mr O'NEIL: It is not necessary to have a magistrate.

Mr Bertram: What about a justice of the peace? He does too.

Mr O'NEIL: I come back to the point that this has been canvassed in the House by the Labor Party. They say that this

action takes place when a riot is in full swing. The idea is to try to anticipate something which might develop and to give, probably, a cooling-off period, or perhaps what might be better described as a drying-out period. Let us get the town dry for four or five hours.

Mr Bertram: Define the nearest magistrate.

Mr T. H. Jones: The bikies move in and it happens so quickly. It is on before you know it. Experience has proved this.

Mr O'NEIL: Then there is no way to control the rowdy element.

Mr T. H. Jones: The quickest way is for a police constable to get on to the district inspector.

Mr O'NEIL: Does he not ever play golf like the others? The honourable member says the magistrates are never home because they are playing golf or fishing. Is the district inspector standing by waiting for a riot?

Mr T. H. Jones: You are not convincing anyone. I hope you are convincing yourself.

Mr O'NEIL: The honourable member may consider the Government's proposal is poor. Let him tell us what he thinks ought to be done. Let him put an amendment on the notice paper.

Mr Skidmore: We might not like any of it. We might delete the whole lot.

Mr O'NEIL: I do not need to cover the qualifications of the chairman. The Opposition members sorted that one out between themselves. There is a number of views on that subject.

Mr T. H. Jones: I think it would be best left uncommented upon.

Mr O'NEIL: I admit that I think it was in 1960 when there was a proposal before this Chamber to permit the position of the Chairman of the Licensing Court to be filled by a legal practitioner only, I crossed the floor and voted against it.

Mr Davies: I think it was 1961. I remember that.

Mr O'NEIL: But there were other reasons. Members have discussed, of course, considerably, what is not in the Bill and in general terms I refer to the matter of bottle trading on Sundays.

Mr May: Is there any particular reason that the provision is not in the Bill?

Mr O'NEIL: Consideration was given to allowing an increase in the number of bottles which could be sold on a Sunday, and consideration was also given to extending the sales of bottles of wine and spirits, and so on.

Mr May: It was not because of what happened in another place, was it?

Mr O'NEIL: I do not know what happened in another place.

Mr Bertram: What did the committee say about it?

Mr O'NEIL: I do not know.

Mr Skidmore: What about the amount of liquor which can be taken away to premises which are not licensed?

Mr O'NEIL: Perhaps we had better leave that till the Committee stage. It is my understanding that no adjustment has been suggested in respect of the situation which exists presently.

Mr Skidmore: The Minister should look at clause 7.

Mr O'NEIL: I will do that, on my way to Melbourne tomorrow.

The member for Kalgoorlie, as did most members opposite, admitted there was some merit in a few parts of the Bill. He raised objection to the artificial zoning, and I think the same point was raised by a number of other members. The matter was explained previously in relation to the different situation which might exist in country towns as compared with the metropolitan area where hotels could be located closer together and where areas and districts are much more densely populated. Certainly, there is greater room for movement from one hotel to another in the metropolitan area.

The member for Kalgoorlie also mentioned theatre licences. He said he was happy to see the theatre licence system extended from one hour after the conclusion of a theatre performance to two hours. However, he then objected to the provision to terminate the licence at midnight. In other words, if a theatre performance finished at 11 o'clock there would be one hour, and if the performance finished at 10 o'clock there would be two hours. I really see no objection to that. The original idea of a theatre licence was to enable patrons to have a drink at the conclusion of a performance, and then go home. It was not an endeavour to set up another major drinking outlet.

The SPEAKER: The Deputy Premier has five minutes.

Mr O'NEIL: I think, generally speaking, the patrons of theatres will appreciate the extension, anyway.

Some criticism was raised with respect to allowing licensees within a district to use, as a point of objection to the granting of a further licence, the fact that a further licence would endanger the economics of their operation. I think it is fair enough that there could be some concern at the proliferation of liquor outlets. Personally, I like the many small taverns which have opened as a result of the 1970 amendments to the Act implemented by the Licensing Court. However, I think there is a need to ensure that those premises operate at a reasonable degree of profitability in order that they can return and give the desired service to their patrons.

A number of taverns could be constructed in an area with none of them in a sufficiently economical situation to provide meals and other services which patrons require. The inclusion of the provision in this Bill will provide for an appeal against the granting of a licence. The court might disregard the objection as a legitimate appeal. I cannot see that we should deny anyone the right of appeal. It is the intention of the Bill to extend the grounds on which appeals may be made.

Another criticism which I think also came from the member for Kalgoorlie was in regard to an application for a licence which is rejected on the grounds that the district is adequately served by liquor outlets. In such a case no application can be made in respect of a licence for that district within a period of 12 months if the application, to all intents and purposes, is the same as the application which has been rejected. The provision is the result of a request from the Licensing Court which members opposite claimed we did not consider. The court was being snowed under with applications from one person and another in respect of licensed premises for precisely the same district where already one licence application had been rejected because the district was already well served. The purpose of the provision is that if in the opinion of the Licensing Court the situation regarding a certain district has not changed sufficiently, applicants will not have to go through the trauma of a court hearing and the consequent expense which is involved. The court will be able to tell an applicant that somebody else had applied recently for a licence on precisely the same terms, and a licence was not granted. The applicant would then save considerable expense because he would know that a licence would not be granted and he would be able to save up his energy for a period of some 12 months.

I think I have covered most of the matters raised by honourable members opposite. At this late stage I would ask the House to support the second reading and allow the Bill to go into Committee, when we will report progress and ask leave to sit again.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clauses 1 and 2 put and passed.

Progress

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

House adjourned at 10.58 p.m.