been an owner or operator for at least two years immediately prior to nomination for election. As an elector, he should, if an owner or full-time operator, have owned or operated a taxi-car for at least three months, and if a part-time operator, he should have driven a taxi-car for at least six months.

In respect of private taxi-cars, the Government feels that the time has arrived when consideration should be given to the issue of a limited number of taxi-car licenses for specialised chauffeur-driven hire cars. Having regard to the rapid expansion in industry and commerce which is taking place in Western Australia, and a consequent increase in the number of important persons visiting Perth who require specialised chauffeur-driven hire cars, this Bill makes special provisions in that regard. As this type of taxi-car will not ply for hire on the streets but will operate from an off-street depot, they will be known as private taxi-cars.

Whereas there is no impediment in the existing Act to the issue of this special type of taxi-car license, it is believed that efforts should be made to include in the license certain requirements which will add to the prestige of the taxi-service in this State, providing the visitor with a means of communication whilst a passenger in the taxi, should this become necessary. This is not intended to be a mandatory provision but will enable the board, under certain circumstances, to require a private taxi-car operator to provide a uniformed chauffeur and install two-way radio capable of communicating with a receiving base. Apart from enabling the passenger to send a message on this two-way radio, the radio will assist in making the special taxi-cars more readily available to prospective clients.

Also contained in this Bill is a provision which should assist in overcoming a passenger transport problem of a nature which recently occurred when M.T.T. buses were forced through lack of fuel supplies to discontinue operations. In such circumstances, it seems advisable to utilise taxi-cars as a means of an alternative transport service. However, because of the present definition of a "taxi-car" written into the Act, it is not legally possible to authorise use of taxi-cars at separate fares.

The proposal in this Bill enables the Minister to authorise the operation of taxi-cars in prescribed circumstances at separate fares, which fares will also be prescribed for that purpose.

Members will know that during a recent strike, which affected the supply of fuel to the M.T.T., members of the public were greatly inconvenienced and, in an effort to overcome the problem, the Minister for Transport authorised taxis to multiple hire. On investigation, however, the Minister concluded that he had virtually no legal authority to do that. Yet it is felt that, in some circumstances, such as during a strike having a similar effect as the recent one, or during the Royal Show period perhaps, or on any occasion when there is a heavy demand on public transport, it might be desirable to authorise multiple hiring and I commend this and the other proposals to the House.

Debate adjourned, on motion by The Hon. R. F. Claughton.

COMPANIES ACT AMENDMENT BILL, 1970

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

House adjourned at 2.59 p.m.

Legislative Assembly

Thursday, the 30th April, 1970

The SPEAKER (Mr. Guthrie) took the Chair at 2.15 p.m., and read prayers.

PARLIAMENTARY SUPERANNUATION BILL

Introduction and First Reading

Bill introduced, on motion by Sir David Brand (Premier), and read a first time.

QUESTIONS (18): ON NOTICE

1. MUSCULAR DYSTROPHY

Research Programme

Mr. DUNN, to the Minister representing the Minister for Health:

(1) Is he aware that encouraging progress is being made by Dr. Byron Kakulus and his team into the problem of muscular dystrophy?

(2) What assistance has the Government extended to this most worthy project—

(a) as to suitable facilities;

(b) as to financial support?

(3) Is he aware that a sum of $100,000 per annum is required to allow of the research programme being satisfactorily continued?

(4) As the unfortunate children stricken with this terrible complaint are doomed to a slow and sure death at a very early age, could the matter of making as much financial assistance as possible be given highest priority?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) (a) Laboratory facilities were provided at Royal Perth Hospital and an area of land has been set aside and vested in the University to ensure a continued availability of quokkas which are believed to be necessary for research projects in connection with muscular dystrophy.

(b) Part of the costs involved in running these laboratories is included in the Government funds provided to the Royal Perth Hospital.

(3) In December, 1968, the Minister was advised that the sum of $75,000 per year was required for three years. At that time the Muscular Dystrophy Research Association of Western Australia had sufficient funds in hand for two years.

(4) Serious consideration is given to all requests made.

2. MINING

Ban: Protection to Prospectors

Mr. TONKIN, to the Minister representing the Minister for Mines:

(1) During the period from the 3rd February, 1970, to the present date, what has been the position of the full time *bona fide* prospector with regard to his occupation and the fruits thereof?

(2) Has such prospector had any entitlement enabling him to continue operating in the only occupation he knows, viz., prospecting and exploring in the search for minerals?

(3) During the period that the ban has been operating what protection has there been for the prospector who has found an encouraging mineral prospect?

(4) What protection or encouragement has been extended to the genuine exploration companies during the period when he has been exercising his complete control over claim pegging?

(5) Is he aware that the highly geared mineral search has staggered to a halt over a period of ten or eleven weeks since the ban on claim pegging was applied?

Mr. BOVELL replied:

(1) The ban on the granting of mining tenements specifically excluded prospecting areas in order that the genuine prospector could continue his occupation.

(2) Yes. See answer to question (1).

(3) He could peg a prospecting area and, if he considered the area good enough, convert it to a lease or claim.

(4) There are over 400 temporary reserves in existence and 40,000 mineral claims are current. Most genuine exploration companies have interests in either temporary reserves or mineral claims and should have continued their operations on these.

(5) No.

3. EDUCATION

Trainee Teachers: Allowances

Mr. BATEMAN, to the Minister for Education:

(1) Reference his answer to question No. 19 of the 22nd April, 1970, is it not so that the *Government Gazette* of the 17th April, 1970, makes no provision for a married man's allowance for all married trainee teachers?

(2) If "Yes" will he correct his aforesaid answer?

Mr. LEWIS replied:

(1) and (2) The schedule of allowances for teachers' college students provides an allowance for married men.

Prior to the 17th April, 1970, subregulation (5) of regulation 196 restricted the allowance to certain classes of married men.

In the *Government Gazette* of the 17th April, 1970, this subregulation was deleted, thus making the married men's allowance in the schedule of allowances available to all married men.

4. LAND

Building Blocks: Rockingham-Byford-Karragullen

Mr. RUSHTON, to the Minister for Lands:

(1) How far have arrangements progressed for the release of Crown land building blocks at Rockingham, Byford and Karragullen?

(2) Will he give an explanation of the steps to be taken before auctions will be held?

(3) What is the estimated number of blocks to be sold at each of the above centres?

(4) When will the auctions take place?

Mr. BOVELL replied:

(1) (a) Quotes are being obtained for the provision of necessary services at Rockingham.

(b) Discussions have been held with officers of the Shire of Armadale-Kelmscott, and subdivisional designs of the vacant Crown land at Byford and Karragullen are in course of preparation.

(2) (a) Negotiations for the provision of services at Rockingham.

(b) Subdivisional designs satisfactory to all parties, survey of the subdivision, and examination of the provision of services.

(3) (a) Rockingham—144 lots.

(b) The number cannot be estimated until subdivisional designs have been completed.

(4) When procedures have been finalised.

5. *This question was postponed.*

6. MINING

Tenements Granted

Mr. GRAYDEN, to the Minister representing the Minister for Mines:

How many mining tenements were granted in Western Australia in each of the years 1904-1914 inclusive?

Mr. BOVELL replied:

The information required was not extracted in the years in question.

7. HOUSING

Balga

Mr. GRAHAM, to the Minister for Housing:

(1) Has a builder named Leveridge a contract to build houses at Balga?

(2) If so, how many?

(3) When was/were the contract/s signed?

(4) What were the completion dates?

(5) Are there any penalties payable for non-completion within a prescribed time?

(6) If so, what is the nature of these?

(7) Is it intended to impose the penalties?

(8) Is it a fact that several purchasers were requested to pay deposits last December, did so, and were advised that their houses should be ready for occupancy on the 2nd January?

(9) If not, what were the circumstances?

(10) What action has been, and is being taken, to expedite completion of the houses?

(11) If penalties are exacted from the builder will the amounts be credited to the purchasers as some measure of compensation for the delay, frustration and inconvenience they have suffered in addition to the premature outlay on deposits and other charges?

(12) If not, why not?

Mr. O'NEIL replied:

(1) Yes.

(2) Fifty two houses in four contracts.

(3) (a) 6 houses, 6th June, 1969.

(b) 29 houses, 2nd July, 1969.

(c) 9 houses, 3rd September, 1969.

(d) 8 houses, 1st December, 1969.

(4) (a) 6th December, 1969.

(b) 2nd January, 1970.

(c) 3rd March, 1970.

(d) 1st June, 1970.

(5) Yes.

(6) $8 per house per week.

(7) Decision has not been made.

(8) Purchasers were asked to pay deposits, but are not normally advised when house will be completed.

(9) Answered by (8).

(10) The Commission's special liaison officer is following up these contracts continually.

(11) Delays are generally due to shortages of materials and labour, and it is unlikely these penalties will be inflicted.

(12) Answered by (11).

8. LAND

Bulldozed Area: Armadale-Brookton Highway

Mr. GAYFER, to the Minister for Lands:

(1) What is to be the general purpose of the bulldozed area at the 44 mile peg on the Armadale-Brookton Highway?

(2) How many acres are bulldozed?

(3) What is the programme of development?

Mr. BOVELL replied:

(1) Pine plantation development in low quality jarrah forest.

(2) 250 acres.

(3) Further development will await the results of fertilizer trials in plantings throughout the jarrah forest.

I understand that this is State Forest land and not Crown land in the sense that Crown lands are used. Therefore I have answered this question as the Minister for Forests.

9. *This question was postponed.*

10. AMBULANCE

Gosnells-Kelmscott-Cannington

Mr. BATEMAN, to the Minister representing the Minister for Health:

In view of the increased number of accident calls for an ambulance in the Gosnells-Kelmscott-Cannington area, will he advise—

(a) from what depot is the above area serviced by ambulance;

(b) if it is possible to have an ambulance permanently located on stand-by in this area or in close proximity?

Mr. ROSS HUTCHINSON replied:

The St. John Ambulance Association advises as follows:—

(a) From Gosnells, Armadale, and Welshpool.

(b) This is at present under consideration.

11. *This question was postponed.*

12. WATER SUPPLIES

Pemberton

Mr. H. D. EVANS, to the Minister for Water Supplies:

(1) Are any extensions or improvements to the Pemberton Water Supply contemplated by the Public Works Department?

(2) If so, what is the nature of any proposed extensions and when will they be commenced?

Mr. ROSS HUTCHINSON replied:

(1) Apart from this exceptionally dry year, Pemberton's water supply has proved adequate and no augmentation is considered necessary in the immediate future.

Investigations are in course, however, to provide a source of supply for the Trout Hatcheries.

(2) Answered by (1).

13. RAILWAYS

Esperance-Coolgardie

Mr. YOUNG, to the Minister for Railways:

(1) What stage have the negotiations regarding the upgrading of the Esperance-Coolgardie railway reached?

(2) In view of the recent derailment would he agree that the position is urgent?

(3) If (2) is "Yes" what short term measures will be taken if the negotiations mentioned in (1) are to be of a protracted nature?

Mr. O'CONNOR replied:

(1) Tenders for upgrading of the permanent way closed today, the 30th April and will be processed without delay.

(2) and (3) A board of inquiry has been appointed to ascertain the cause of the derailment referred to and the situation is being closely watched and all necessary steps taken to ensure the safety of the railway.

14. HOUSING

Building Societies: Funds

Mr. JAMIESON, to the Minister for Housing:

(1) In view of the stated shortage of finance of building societies in this State to continue to finance home building, is he aware that Town and Country Building Society has recently lent Lombard Holdings Pty. Ltd. a sum of $2,850,000 at 9 per cent. interest for a central city building project?

(2) What control has he over the funds of building societies in having funds directed for the purpose of building of houses?

(3) Does the legislation covering building societies allow such organisations to indulge in general banking operations?

Mr. O'NEIL replied:

(1) Yes. The mortgage was registered in September, 1969.

(2) An amendment to the Building Societies Act passed in 1970 defines "special advances" as being advances on the security of a mortgage over land—

(a) to a body corporate;

(b) one exceeding $30,000;

(c) one exceeding $10,000 over vacant land.

Of all advances made each year, only 10 per cent shall be made on "special advances."

(3) No.

15. WATER SUPPLIES

Charges: Pay-as-you-use Basis

Mr. JAMIESON, to the Minister for Water Supplies:

What is the price charged per thousand gallons for each town or area scheme where water is supplied by a public works undertaking on a basis of pay as you use?

Mr. ROSS HUTCHINSON replied:

The charges are uniform throughout the State and are in accordance with the schedule which is hereby tabled.

Additionally, by special agreements water is supplied to mining undertakings at a price of 42.5 cents per thousand gallons for domestic and commercial purposes and $1.01 and $1.46 per thousand gallons for nickel mining purposes.

The schedule was tabled.

16. EARTHQUAKE

Perth Buildings

Mr. BATEMAN, to the Minister for Works:

Further to my question of the 22nd April on the effect of the Meckering earthquake on Perth buildings—

(1) Which officers made the inspections to Government buildings?

(2) What precisely is their experience in building construction in earthquake zones?

(3) Does the Government intend to get expert advice in this matter from places with long experience in building for earthquake tolerance—for example, New Zealand and Japan?

(4) Why, precisely, has the Government failed to inspect repairs to commercial buildings?

(5) In the likely event of another major earthquake in our time, will the Government accept liability for death and injury to persons resulting from the collapse of buildings inadequately repaired?

Mr. ROSS HUTCHINSON replied:

(1) Senior architects, engineers and experienced building supervisors of the Architectural Division, Public Works Department.

(2) Due to the low incidence of earthquake activity in Western Australia, their experience in building construction in earthquake zones is minimal.

(3) Expert advice in this matter has been obtained.

(4) Commercial buildings are the responsibility of the owners and the local authority.

(5) No. With respect to Government buildings it is considered they were adequately repaired following the Meckering earthquake.

17. ROAD MAINTENANCE TAX

Non-payment

Mr. NORTON, to the Minister for Transport:

(1) Since the introduction of the road maintenance tax, how many carriers who have been fined for the non-payment of the tax have failed to pay the tax and fine?

(2) What action is taken against carriers who fail to pay the fine and tax?

(3) What percentage of the road maintenance tax is absorbed in its collection and administration?

Mr. O'CONNOR replied:

(1) The information is not readily available and considerable time would be required to provide reliable information.

(2) Prosecution action is taken under section 14 of the Road Maintenance (Contribution) Act.

(3) No portion of road maintenance contributions can be used to meet the cost of collection or administration. Section 12 of the Act requires that money standing to the credit of the Roads Maintenance Trust Fund shall be applied only on the maintenance of roads.

18. TEMPORARY RESERVES

Ultra-basic Areas

Mr. BURT, to the Minister representing the Minister for Mines:

(1) How many Temporary Reserves were in existence within the so-called ultra-basic areas of Western Australia on the 31st March, 1970?

(2) What is the total area in square miles covered by these Temporary Reserves?

Mr. BOVELL replied:

(1) 456.

(2) 33,049 square miles.

QUESTION WITHOUT NOTICE

Disallowance

Mr. GRAYDEN, to the Minister representing the Minister for Mines:

I desire to ask a question arising out of the Minister's answer to question 2 on the notice paper.

The SPEAKER: Did you say question 2?

Mr. GRAYDEN: Yes, Sir.

The SPEAKER: That is a question asked by the Leader of the Opposition?

Mr. GRAYDEN: Yes.

The SPEAKER: The honourable member must appreciate that the Minister here cannot have any

knowledge of the matter and can only get information from the Minister for Mines. I have previously expressed the view that such questions without notice are not permissible. How can the Minister have the answer; unless the honourable member has given him prior warning of his intention to ask a question?

Mr. GRAYDEN: No, Sir.

The SPEAKER: Well, I do not think I can allow the question.

PARLIAMENTARY SUPERANNUATION BILL

Second Reading

SIR DAVID BRAND (Greenough—Premier) [2.30 p.m.]: I move—

That the Bill be now read a second time.

The original scheme of superannuation for members of Parliament came into operation on the 1st July, 1944. It was redesigned in 1948 and has been amended on a number of occasions since.

The amendments from time to time were aimed at maintaining benefits at reasonable levels but this they failed to do, particularly in the case of former members who have been in retirement for some years, with the result that pensions have not responded adequately to changed economic circumstances.

The existing scheme has another unsatisfactory feature in that it makes no provision for higher pensions to those members who have contributed to the fund for periods exceeding 16 years, notwithstanding the additional contributions made by them.

Apart from its unsatisfactory features, the scheme itself is antiquated and needs modernising, which is the object of the Bill now before the House.

In brief, the Bill provides for a new scheme to operate from the 1st January this year, the main features of which are—

Increased contributions by members.

A higher Government contribution to the fund.

Increased benefits based on the period a member has contributed to the fund and the nature of his service.

Automatic variation of contributions and benefits to accord with movements in parliamentary salaries during a member's service.

Supplementation of pension after a member's retirement based on subsequent movements in the basic salary of a member.

Conversion of certain pensions or portions thereof to lump-sum payments.

An entitlement to a widow of five-eighths of the pension to which her husband would have been entitled but for his death.

Payment of a pension to the widow of a member who has contributed to the fund for less than seven years.

Allowances to children of a deceased member.

Present and future members are to contribute at the rate of 10 per cent. of salary prevailing from time to time. The rate for an ordinary member will therefore increase from $624 to $750 per annum from the 1st January last. In the case of a Minister, his contribution will rise to $1,180.

The Government contribution to the fund is set in the Bill at twice the amount of contributions paid by members. The cost to Consolidated Revenue in this calendar year will be $136,000 compared with $56,000 for the existing scheme.

The additional contribution by the Government is expected to meet the cost of the proposed new scheme, but much will depend on future experience. In this respect, the Bill provides for an investigation by the Government Actuary of the state and sufficiency of the fund as at the 31st December, 1970, and at three-yearly intervals thereafter. If the proposed Government contribution proves inadequate in the light of future experience, then there is provision in the Bill for the payment into the fund of such additional amounts as the Government Actuary may certify to be necessary.

In his last report on the fund in 1968, the Government Actuary suggested that consideration be given to allowing members an option to convert pensions to lump sums, and he also proposed additional pensions for members who have occupied positions entitling them to a higher salary than the basic parliamentary salary. The Government has accepted the actuary's advice on both counts and suitable provisions are included in the Bill to give effect to his proposals. I would point out that the actuary is resident in Victoria. He is also consultant to the Victorian Government, and because it suited us and proved more satisfactory to do so, we have retained his services. This is the advice we have received from him.

I would also point out that the Bill I am introducing in principle is based on the Victorian Act, which was the result of the advice given by the actuary last year. Since then Queensland has followed the lines of the Victorian legislation; and we are the third State to amend our legislation along the principles contained in the Victorian Act.

Mr. Jamieson: How do the reserve funds in those other States compare with the funds here?

Sir DAVID BRAND: I cannot say.

Mr. Jamieson: They are well behind ours in Victoria; there are many more members.

Sir DAVID BRAND: I could not say. This Bill is completely new legislation and, as I have already indicated, provision is made to keep the fund solvent. That, I think is all that is necessary.

The basic pension entitlement after seven years of contribution to the fund is to be 30 per cent. of the basic parliamentary salary at the date a person ceased to be a member, rising by 1 per cent. for each further six months of contributory service to a maximum of 66 per cent. for 25 years of contributory service.

The present basic salary is $7,500 per annum, which gives a basic pension entitlement to serving members ranging from $2,250 per annum to $4,950 per annum according to the period of contributory service. The basic pension entitlement at the 1st January, 1970, of a former member in receipt of pension immediately prior to that date is to be calculated on the basis of the basic salary ruling at the date he ceased to be a member.

Persons who ceased to be members before the 16th September, 1968, which was the date of the last increase in the basic salary of a member, will therefore have a lower basic pension entitlement at the 1st January, 1970, than those who ceased to be members after the 16th September, 1968.

Where a serving member has held an office entitling him to salary in addition to the basic salary of a member, his basic pension is to be increased by a factor made up of the total salary paid to him over his period of contributry service, divided by the total basic salary paid to him over the same period. Members now occupying such offices will be required, of course, to contribute to this extra pension by virtue of having to pay 10 per cent. of their total salary into the fund.

A former member on pension at the 31st December, 1969, will be similarly treated, except that in his case any increase in pension by reason of occupancy of higher office will be reduced by one-third as no extra contribution has been made by the member for the extra pension.

A similar principle has been applied to the updating of pensions. Updating of a pension can only take place following a movement in the basic salary after a person has ceased to be a member. In the future, an increase in the basic salary will be accompanied automatically by an increase in members' contributions and pension entitlements. However, as a former member is not required to pay this higher contribution, he should not receive the full benefit of the automatic increase in pensions. Provision has therefore been made in the Bill to reduce the pension increase by one-third.

The one-third reductions to which I have referred represent the assumed proportion of pension applicable to a member's contribution, which in turn is based on the Government's contribution to the fund of twice the member's contribution.

In the case of a person who ceases to be a member before attaining the age of 40 years, the whole of his pension entitlement is to be converted to a lump sum. The conversion factor is to be 10, irrespective of the age of the member. There is to be no residual widow's benefit in such a case. For members between 40 and 65 years of age, conversion to a lump sum is to be optional and is set by the Bill at 75 per cent. of the basic pension entitlement less 1 per cent. for each six months that the member is over 40 years of age. For members over 65 years of age the option to convert is to be fixed at up to 25 per cent. of the basic pension entitlement.

However, conversion of pension or any part thereof to a lump sum is not to be permitted in the case of a member who retires on the ground of ill-health before completing 15 years' service or attaining the age of 55 years.

The widow of a former member who took part of his pension in the form of a lump sum is to be entitled to five-eighths of her late husband's residual pension. Under the existing scheme a widow is paid 75 per cent. of her late husband's pension entitlement but for his death, and this is fully justified when pensions are minimal.

However, in view of the improved benefits provided in the new scheme, it is considered that a widow's pension should be reduced to five-eighths of her late husband's entitlement which is a proportion more in keeping with other pension schemes, and I again refer to the Victorian and the Queensland schemes, and to the State superannuation and family benefits scheme where the widow's pension is near enough, by some very small fraction, to five-eighths of the late husband's pension.

At the same time, it is appreciated that a widow with children at school or attending a university or similar institution could be faced with financial hardship and for this reason allowances are provided in the Bill for such children. The allowance for each child whilst the deceased member or former member is survived by a widow is 3 per cent. of the basic salary of a member from time to time. At present this represents an annual rate of $225. If such children become double orphans then the allowance for each child is to be increased to 6 per cent. of the basic salary.

Provision is also made in the Bill to pay a pension to the widow of a serving member who dies before completing seven years of contributory service. This, of course, is a marked improvement on the existing arrangement. In such a case, the widow's pension is to be fixed at five-eighths of her late husband's pension entitlement had he contributed to the fund for seven years and been in receipt of the basic salary of a member for that period.

If a former member in receipt of pension again becomes a member his pension is, of course, terminated. This is essential as further contributory service will attract a higher rate of pension for the member. This further service could not be counted if he were to draw pension or any portion thereof during the period of such further service.

However, where a former member in receipt of pension becomes a member of the Parliament of the Commonwealth or of any other State or holds an office of profit under the Crown, service in such a capacity does not result in any addition to his parliamentary pension. In such a case there is, therefore, justification for allowing the former member to retain at least a portion of his pension entitlement.

Provision is contained in the Bill which would permit continued payment of pension to a former member without reduction where other remuneration received by him from the Crown does not exceed the ruling basic salary of a member less two-thirds of the pension payable to that former member from time to time.

Where the remuneration received is in excess of the basic salary less two-thirds of pension, then the member's pension would be reduced by one dollar for every one dollar of the excess until reduced to one-third of such pension. Thus, a former member in receipt of other remuneration from the Crown would be entitled to draw at least one-third of his pension during the period he receives such remuneration.

I feel sure that a study of the Bill will convince members that the proposed new scheme has been well thought out and is a well-rounded one. It is a big improvement on the existing scheme, which for a long time has been badly in need of a thorough overhaul.

I would like to add that the Treasury officers have spent a great deal of time endeavouring to work out a logical, sensible, and realistic scheme; an automatic scheme. The scheme is a vast improvement on what we have at the present time and in many respects I believe it is an improvement on the Victorian law. I am sure we will see some of our proposed machinery clauses included in the superannuation schemes of some of the other States.

I can only recommend this Bill to the House in the knowledge that it is a marked improvement on the present Act; and, whilst some of the proposals might be questioned, I am sure that in the overall every member, ex-member, and, indeed, widows of members, will find a marked improvement in the security of the scheme which is proposed. I commend the second reading.

Debate adjourned, on motion by Mr. Tonkin (Leader of the Opposition).

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

LIQUOR BILL

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

The CHAIRMAN: Owing to the number of amendments on the notice paper, I ask members to watch for the clauses in which they are interested. This is always the responsibility of members, but usually I accept some responsibility in watching out for them. However, as there are so many amendments on the notice paper in regard to this measure I cannot accept that responsibility. I am afraid I will have to leave it to members to rise and call for my attention when they are interested in any clause.

Clause 1: Short title—

Mr. COURT: In an effort to be of service to the Committee, could I indicate that I have received notice from a number of members of amendments they propose to move, but these amendments do not as yet appear on the notice paper. The first one in this category relates to clause 15 and, after conferring with the Premier—and I think he might have mentioned this matter to the Leader of the Opposition—I would like to say that is is not intended to deal with any amendments which are not yet on the notice paper.

As I mentioned last night, this is essentially a measure to be considered by the Chamber as a whole, and there could be amendments in which I as the Minister in charge of the Bill here have no personal interest. It is more a matter between members generally; this is not normally the case with a Government Bill. Therefore, if we get to clause 15 it is not intended to go any further. If this is done, and the proposed amendments for clauses beyond clause 15 are put on the notice paper, they will be there for all to see and can be dealt with at the next sitting.

Clause put and passed.

Clause 2: Commencement—

Mr. BRADY: Prior to today one honourable member had an amendment on the notice paper in relation to clause 2. This was to enable a referendum to be taken on the subjects of Sunday trading and the reduction of the drinking age from 21 to 18. I notice that this amendment does not now appear on the notice paper and I wondered whether the honourable member concerned has given any indication that he does not intend to proceed with his proposal.

The CHAIRMAN: The member for Swan will notice that the member for Mt. Marshall proposes to move for the inclusion of three new clauses dealing with this subject.

Mr. Brady: Thank you very much.

Clause put and passed.

Clause 3: Arrangement—

Mr. GAYFER: Mr. Chairman, I would like to point out what is obviously a typographical error. Under "Part II—Administration, ss. 8-22" the first division refers to sections 5 to 14. It should refer to sections 8 to 14.

The CHAIRMAN: That matter will be corrected by the Clerks.

Mr. GAYFER: Thank you.

Clause put and passed.

Clause 4: Repeals—

Mr. T. D. EVANS: This is a blanket clause referring to Statutes that are to be repealed; they appear in the first schedule. Among the many Statutes that are to be repealed are the Innkeepers Act of 1887 and the Innkeepers Act of 1920. Last year we had legislation before this Chamber aiming to do just what this clause seeks to do—that is, to repeal the Statutes to which I have just referred.

We on this side of the Chamber, on that occasion, strongly objected and amendments were drafted and presented for the consideration of the Minister in charge of that Bill. The Minister gave an undertaking that the amendments would be considered and, as a result, the measure was not proceeded with on that occasion. However, now we find the very same thing being sought; that is, the repeal of those two Statutes. I object to the fact that in 1970 we should be prepared to relieve innkeepers of all the responsibility that the law in Western Australia has imposed upon them since 1887.

In 1968 the Parliament of New South Wales passed an Act to deal with this very situation. It was not concerned with repealing a Statute but enacted one to impose upon innkeepers a form of responsibility more in keeping with modern times and, at the same time, to afford a reasonable form of protection to people who required and obtained entertainment and accommodation at inns.

In these times, when tourism is so much the in-thing, when tourism is being encouraged, and when this Government has called upon its busiest Minister, in the person of the Premier, to take upon himself the job of sponsoring tourism, it is a very sorry state of affairs that we should be trying to remove from the Statute book protection in the form I have just outlined. The very word "tourism" implies that people are to be encouraged to travel, and it is for the protection of such people that the Innkeepers Acts were passed. Yet by this Bill the proposal is to repeal those Acts and remove any form of responsibility which previously has been imposed on innkeepers.

It might be worth while to mention that the term "innkeepers" is more embracing than the term "hotelkeepers." It also is more in keeping with the conduct and control, as well as management of hotels and guest houses. Surely if a person seeks accommodation in one of these places he should be given some protection! He should be able to know that if he leaves valuables in one of these places and, due to no fault of his own, those valuables are stolen or removed, he has some recourse against the innkeeper.

The form of the amendments proposed by this side of the Chamber last year was that an innkeeper would be required to exercise some form of control over his premises so that undesirable and unlicensed persons were not permitted to wander in and out of those premises willy-nilly. The Minister undertook to consider those amendments, which were based on the New South Wales legislation passed in 1968. The Minister did not see fit to make any mention of the decision of the Government, so I can only assume that our proposals are to be ignored and, by this measure, the two Statutes are to be repealed. For myself, I object.

Mr. COURT: Before we get ourselves worked into a frenzy over nothing, might I invite the attention of the honourable member to the fact that if he wishes to object to the revised responsibilities of a hotelier, the appropriate point to do this will be at clause 174 and/or the schedule. The point the honourable member made about this matter having been before the Chamber previously is pertinent, and it has not been avoided by the Government.

Mr. T. D. Evans: I have it in mind to deal with the matter again.

Mr. COURT: It is rather interesting that it is only 48 hours since a member on the other side of the House was saying we should have more of these matters which deal with the same type of thing consolidated into one piece of legislation. Here the Government is trying to do just that.

I do suggest that we should not get bogged down on the question of the responsibilities of a hotelkeeper. I think we should

wait until we get to the appropriate clause. I can see no other way of handling this than for the schedule to list the Acts which are repealed by this legislation. It is intended, as far as is practicable, to be a consolidation of the law in the form of a Bill which will become a new Act. Therefore, if the honourable member feels that the obligations imposed on a hotelier are not adequate—

Mr. T. D. Evans: Not only hoteliers, but also innkeepers.

Mr. COURT: Well, innkeepers as well. If he feels the obligations are not adequate, he can deal with the matter by placing an appropriate amendment on the notice paper so that the matter can be debated when we get to clause 174.

Mr. Tonkin: He could do nothing to clause 174 to fix it.

Mr. COURT: Yes, he could if he wanted to.

Mr. Tonkin: I cannot see how. He would have to deal with those provisions which set out the responsibilities of a hotelier.

Mr. COURT: That is the point I am making.

Mr. Tonkin: They are not contained in clause 174.

Mr. COURT: The memorandum which was distributed to assist members in their study of the Bill refers specifically to this clause wherein it is prescribed that a hotelier will have no more responsibility than any other trader.

We had a great argument before about whether such a person should be singled out to accept responsibilities which other traders were not asked to accept. I can only repeat that if we feel the hotelier should have some set responsibilities then it is appropriate for the honourable member to put an amendment on the notice paper to be dealt with at the appropriate time; but this is hardly the clause. I have noted his objection and it will be conveyed to the Minister. However, I assure the honourable member that I had assumed that when we reached clause 174 either he or his collegue, the member for Mt. Hawthorn, would raise objection to it or place an amendment on the notice paper.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Interpretations—

Mr. MITCHELL: Members will be aware that for some days I have had an amendment on the notice paper relating to this clause. In my view this is the most important clause in the Bill and, as I mentioned in my second reading speech, I think the Bill contains much which is good and much which needs consideration.

In this clause it is proposed to lower the drinking age to 18, and that is probably the most controversial provision in the Bill. I propose to move an amendment because I believe the Committee should be given the opportunity to vote on the question of whether it thinks the drinking age should be left at 21, whether it should be reduced to 18, or whether it should make a compromise and reduce the drinking age slightly. I make no secret of the fact that if, at some future time, the Government were to decide that the age of majority should be reduced to 18, or some other age then, of course, I feel the matter would be simplified.

I believe we as members of Parliament owe a debt to the young people of this State; that is, we should give serious consideration to this question. I propose to move to insert the age of 20, not to debar the young people from anything, but simply because I believe, from the number of communications I have received, and from the number of petitions presented to this Chamber, that the majority of people in the State consider that we should not reduce the age from 21 to 18 in one step.

I suggest the age should be lowered to 20 this year, and, if it proves satisfactory, it could be reduced to a lower age in the future. I believe it is essential that young people, including University students, should finish their education before they are entitled to drink. I know many people over the age of 20 attend the University but I think it is only right that they should finish the major part of their education before they arrive at the stage where they are entitled to drink freely. I anticipate a great deal of discussion on this matter.

I move an amendment—

> Page 6, line 34—Delete the word "eighteen" with a view to substituting the word "twenty".

Mr. NALDER: Mr. Chairman, it is my intention to move that a "juvenile" means a person under the age of 21. I want to know the position. If this amendment is debated and accepted, have I the right to move to insert those words?

The CHAIRMAN: Yes.

Mr. COURT: In view of the fact that this is the first amendment to come before the Committee, I want to make it clear that I will not in any way be indicating any Government attitude towards these matters. It is up to every member to decide according to his own conscience, and this amendment is one of the more important of the contentious provisions included in the Bill. I want to make it thoroughly understood that all members, including the Ministers on the front bench, are completely free to vote according to their conscience. Therefore the views I now express are essentially my own.

I shall oppose the amendment because I believe if we are to make any change at all we should reduce the age to 18; otherwise we should leave it as it is. For a long time I was of the view that we should leave the age at 21. I would probably be regarded as one of the more conservative members of this Chamber so far as liquor laws are concerned. If we had no liquor at all it would not cause me any anxiety. I am sure the Swan Brewery and the wine and spirit merchants do not make much profit from the amount I imbibe, although I hasten to add I am not a teetotaller. I have always been inclned to the view that there has been too much haste in wanting to reform our laws and for many years I was one who would not vote strongly for the reduction of the drinking age to 18.

However, having looked at the situation as between the several States and at the inconsistencies that have developed, and being something of a realist and acknowledging that we would never get the States that have a drinking age of 18 years to put the age up to 21, as far as I personally am concerned I will be supporting the age of 18 years.

Mr. Brady: I suppose you want to see poker machines here, too.

Mr. COURT: Nothing of the sort.

Mr. Brady: New South Wales has them. I thought you wanted to be consistent.

Mr. COURT: Do not let us get worked up, because if anyone ever wanted to introduce poker machines into this State I would be one of his most violent opponents. I think one of the best things the Hawke Government ever did was to get the poker machines out of this State.

Mr. FLETCHER: I support the age of 18 years and I find it very refreshing to be on the side of the Minister for Industrial Development. For reasons similar to those expressed by the Minister I support the lowering of the drinking age to 18 years and would not like to see the Bill amended. I submitted arguments last night in support of 18 years because I believe that 18-year-olds now are more mature than were the 18-year-olds at the time of my youth and prior to that. They can go to Vietnam, and vote, and be licensed to drive cars, and in all other respects they are considered sufficiently mature.

I also consider that if we put up a hurdle at 20 years of age young people will inevitably jump that hurdle. It is a challenge to them to do so and, human nature being what it is, irrespective of the barriers we might create young people will derive satisfaction from defying the law. They drink at 18 now and will continue to do so irrespective of what we do here.

Sir David Brand: What about the 15 and 16-year-olds?

Mr. FLETCHER: It is also possible that they will drink, and I deplore the fact that they do. However, if we create obstacles here it does not necessarily follow that young people will not obtain satisfaction from defying them. We will take away some of that attraction by saying to youth, "We consider you are mature enough at 18, so behave accordingly." I oppose the amendment.

Mr. LEWIS: As one who did not take part in the debate on the second reading of this Bill, I want to rise now to make my position clear because I believe this is the most important part of the Bill. I support the amendment now proposed by the member for Stirling, because I believe it to be the lesser of the two evils, the two evils being to reduce the drinking age to 18 or to 20. I would prefer that it stayed as it is now, at 21 years, and if there were a further amendment to make it 21 years, I would support that.

I, also, cannot pose as a total abstainer, althought I could correctly be described as a fairly light drinker. I am one who did not touch alcoholic liquor until I was in my thirties, and I believe that if young people abstained until they were 30 years of age there would be far less drinking than there is today. But that is their business. I can see that if we made the legal drinking age 18 there would be those who would jump the hurdle, as the member for Fremantle said. Some 16, 17, and 15-year-olds would take the opportunity to steal a little of the forbidden fruit as they do now.

Mr. Fletcher: And will continue to do so.

Mr. LEWIS: They will continue to do so. I honestly believe that that is no excuse for this Parliament giving these younger people easier access to liquor, and I support the amendment.

Sir DAVID BRAND: I join the ranks of those who did not drink at an early age. I could join the group who say it would be better if people did not have any drink until they were perhaps 30 or 35, or some other age, but the fact is that over many years alcohol has been consumed by people of varying ages and I believe that we cannot resolve the problem we are discussing at the present time with a simple law providing that people under the age of 21 will not drink. I would be all for it if this were a practical law, which it might have been many years ago when the age of 21 was observed as the age of majority, an age before which we did as we were told by our parents and everyone else. This cannot be said at the present time.

Mr. Lapham: Would you consider 18 to be a practical age, under those circumstances?

Sir DAVID BRAND: I believe that inasmuch as 18 has been chosen by a number of countries and by two major States of

the Commonwealth as a reasonable age at which people should be allowed to drink, it is the age to which we should move. I do not think that in reducing the age by one year we will achieve anything at all, quite apart from the impossibility of enforcing the law. In this day and age, it is almost impossible to tell whether a young person is 21, or 20, or 18.

Let us acknowledge the facts of life. At weddings and other gatherings, in the main people under the age of 21 drink, and they seem to do so with the general approval of their parents, the parents whom we know to be good, Christian people with high ethics, people who wish to bring up their children in the best way to become the finest and most responsible citizens.

Having stood my ground for the age of 21 for many years, I have come to the conclusion that this is a law that cannot be enforced—and which, by the way, is really not enforced. No-one here can say that any real effort is being made to enforce this law. Realistically, it is almost impossible. To go into hotels in the city, the country, or anywhere else, and check on the ages of the people who are in them would be most revealing. The opponents of this section of the Bill might well ask, "Why is the law not enforced?" It is a law which we find very difficult to enforce because the public at large are not backing it. If we try to enforce a law which is not respected or backed by the public at large, all the policemen in the world cannot enforce it.

It has been said—and I know there is something in the argument—that if the age is reduced to 18, then it will be reduced to 17. I do not believe there is any law to prevent that, either, but there is a much better chance, realistically, of being able to enforce the law at this age level than at 21. If anybody could assure me that the law could be enforced and that it would be backed by the majority of parents, I certainly would not be seeking to have the age reduced. However the social standards of today, the changes that have taken place in more recent years, have brought about a general change of attitude in parents and young people towards this law.

I believe we would be much better occupied in training, teaching, and setting an example of being able to have an alcoholic drink—if this we must have—and of being able to maintain a standard of behaviour and responsibility.

Figures have been quoted and statements made regarding the impact of liquor upon people driving cars. I do not deny that those figures might be correct, but I would like to know the alternative; because I do not think this is the real argument against our preventing people drinking under the age of 21 and doing our best to prevent their drinking under the age of 18.

I have been to New South Wales and Victoria and I cannot see any difference in the behaviour of young people in those States, which contain two-thirds of the people of Australia, from the behaviour of young people in this State. I cannot see that the traffic problems are any greater, or that they are less in those States than they are in this, and it would seem to me that it is a realistic approach not to reduce the age to 20 but to 18; an age which I believe we may be able to accept as a standard of enforcement. No doubt the Bill provides for some measure which will enable those who enforce the law to ascertain the age of young people, at least to a greater degree than they can at present, because it is almost impossible now, especially when the onus of proof is thrown on the person who serves the drink. This is unrealistic, of course.

We live in an age when beer gardens and open-air drinking are the order of the day. All this makes it more difficult if parents, by and large, are not prepared to throw their weight behind the law of enforcement which sets the drinking age at 21. As the Premier of this State I believe we have reached the stage where we have a law which cannot be enforced, and in my opinion we should not have laws we cannot enforce. No-one has suggested that the law is enforced, and I believe it is not enforced because of the attitude of the present generation. There was no beer in my home. My father would not have an ounce of alcohol, or even an empty bottle in the house. I was reared in that atmosphere and I am none the worse for it.

My father would not play cricket on a Sunday for love or money; love mainly, because there was no money, but he finished up playing cricket on a Sunday. I have mentioned before in this House that, as a good Methodist, I was not permitted to dance. How in the name of good fortune could that law be enforced? So we dance. These are examples, whether it be church law, or principle, where, unless the law has the backing of the people generally, and it is respected, it tends to become undesirable and, to some extent, bypassed.

Whilst appreciating the attitude of those who want to keep the drinking age at 21—and Cabinet is greatly divided on this matter—I must say that in more recent months I have reached the logical conclusion that many young people of 18 at least have reached maturity, as such. Whether it is a fact or not, it is accepted that they are more mature at 18 today than they were in past years. If they face the world then these are some of the trials and temptations that will be

thrown in their way and they must learn to resist them. Therefore, for these reasons, I oppose the amendment.

Mr. TONKIN: I deliberately refrained from participating in the debate on the second reading because it was perfectly obvious that the Bill would pass through the second reading. No member indicated that he was opposed to an amendment of the licensing laws, and as there were plenty of speakers on the second reading I was assured there was no necessity for others, apart from those who did participate in the debate, to speak.

However, there are certain proposals in the legislation upon which I think members should express an opinion, and this is one of them, because this provision will decide a very important question which has exercised my mind for many months. Initially, I came to an entirely different conclusion from my present one. I must admit there are strong arguments either way, and one has to make one's decision upon the data available. We usually come to our decisions as a result of our religious background, home training, education, knowledge, and experience, and the interpretation we put upon that data.

I am very much afraid that if we do reduce the legal drinking age we will make it easier for the 16-year-olds and the 17-year-olds to obtain liquor, and that worries me. I know some of them obtain it now. I have read in the newspapers quite recently where youths of 16 and 17 have been found in a completely drunken state. This emphasises the point made by the Premier about the difficulty of enforcing the law. We know that under existing conditions it is normal for young girls of 17, 18, and 19 to associate with men of 21 and 22. As the men of 21 and 22 have access to liquor, we find that girls of 18, 19, and 20 are having access to liquor. I am afraid when we make it possible for youths to obtain liquor at 18, they will be associating with girls of 16 and 17 and those girls will get liquor, and that worries me considerably.

However we have to be logical and sensible in these situations. The amendment proposes to lay down that a juvenile is a person of 20. Yet before long we will be permitting persons of 18 to obtain liquor; people two years younger than a juvenile.

We will be allowing them to make wills on their own responsibility; we will also be permitting them at 18 to enter into very responsible contracts concerning hire-purchase agreements. If on the one hand we consider they have enough common sense to make these decisions on their own—to get married without their parents' consent at 18—how can we logically say that they cannot make up their own minds whether or not they will have a drink at 18? We must be logical and sensible about this.

I have had countless dozens of letters advocating both sides of the argument. Some of the people concerned asked me to oppose any reduction in the drinking age while others asked me to support it. The reasons have not always been convincing, but let us face the fact that the present law is not being policed, because it cannot be policed; nor do a lot of parents care about it being policed.

Mr. Craig: The law is being policed, but not effectively.

Mr. TONKIN: Some parents give their children alcoholic liquor in the home from a very early age. We also have a situation where people come to us in considerable numbers from the Eastern States. If they are 19 or 20 years of age they will have been drinking in Victoria, but when they come here we tell them they cannot drink. Do we expect that they will not drink?

If they have been drinking in Victoria they will certainly drink in Western Australia, no matter what the law says. I agree with the Premier that it is useless to have a law if it cannot be enforced. But we are faced with a very momentous decision which could have far-reaching effects of which we might have no knowledge or appreciation. It could result in increasing the road toll, which is already high in this State. If this happens, those of us who might vote for it will be sorry we did, particularly if it can be shown that this is a contributory cause. But we must take some risks.

Originally I was opposed to this idea. I went over the question again and again and I said, "No. In my opinion the possibility is that this provision will make liquor available to 16, 17, and 18-year olds and this is one aspect which I cannot face up to." However, considering the fact that we are going to allow them to vote, to decide the composition of the Government; that we will allow them to decide who will make the laws under which everybody will have to operate; that we are going to say to them, "You need not worry about your parents; if you want to marry you can make up your own mind," I asked myself how could we at the same time say, "We do not think you are wise enough to decide whether you should have a drink or not."

Accordingly I propose to support the reduction of the legal drinking age even though it leaves me with some misgivings. I have given many hours of thought to the matter and I have listened to every argument put forward. I have asked my colleagues from time to time to explain their points of view and to justify them in order that I might more readily make up my own mind on the data available to me. So, although I am not happy about the situation, a decision must be made

and I feel, in all the circumstances, the right decision is to reduce the legal age for drinking.

Mr. BRADY: As I mentioned earlier, petitions have been handed to me for presentation to this Chamber from three or four hundred people who belong to the Seventh Day Adventist faith and to many other denominations. Strangely enough, however, my own particular faith, as far as I know, has not presented a petition. This does not mean, however, that I see no danger in reducing the drinking age from 21 to 18.

I propose to support the amendment moved by the member for Stirling to delete the provision that a person is a juvenile at 18 years of age, but I will not support his amendment indicating that the age should be 20. Like the Deputy Premier, I feel it should be 21.

I do not think either the Premier or the Leader of the Opposition made out a case for reducing the legal drinking age from 21 to 18. They told us about something that might happen; that juveniles might get a vote at 18; and that they might be able to enter into hire-purchase agreements at 18. I cannot help but think, however, that we were very timely in passing a Bill the other day to allow young people to make wills at 18; it seemed to be a softening-up process for this legislation.

Sir David Brand: Do not be silly.

Mr. BRADY: That is how I feel and I will express my opinion whether it hurts or not.

Sir David Brand: It does not hurt at all.

Mr. BRADY: The Premier will have his opportunity to say what he wants. There are far too many difficulties placed in the way of young people at the moment without adding to them. We have a permissive society almost in our midst; there exist all the features which are instrumental in unsettling family life, breaking up homes, and making difficulties, and these must be faced by young people. There are quite enough of these difficulties without our adding to them. I cannot countenance the reduction of the drinking age from 21 to 18.

We are told these young people are permitted by their parents to drink while under the age of 21. That, however, is the parents' responsibility. If parents permit their children to drink during weddings that also is their responsibility, as it is if they permit them to drink during the Christmas festivities. As responsible people in the community I do not think we should encourage this sort of thing; we should not accept the responsibility and lower the drinking age.

Like other members I firmly believe that alcoholic excess is responsible for innumerable traffic accidents that take place. After all is said and done, young people are warm-blooded. More often than not they cannot impose the self restraint which might be evident in older people. If we permit the young people to drink at an early age, what future will they have?

Young people have quite enough responsibility in making decisions which might relate to marriage, etc., without their being permitted to drink freely under the age of 21. I do not think a reduction in the drinking age would be conducive to the promotion of a responsible and stable community and Parliament should not encourage such an approach.

If the young people are able to get the drink they want, they are getting it under the lap, and if the parents condone this that is their responsibility. I believe this sort of thing is going on in licensed premises and it is not being policed sufficiently.

I knew of a case a few years ago of a young man who having come home was charged with stealing a glass on a Sunday afternoon from a hotel about 20 miles away. The publican, however, was not charged with serving him with liquor on the same Sunday afternoon. Why should there be this distinction? It seems that certain people can do what they like merely because they run a hotel while others are not permitted this privilege.

Mr. T. D. Evans: He might have consumed some beverage that was not hard liquor.

Mr. BRADY: Yes, he might have, but I have other views on that. If this provision is passed, well and good. It will then become the law of the land, but at this point of time I cannot give my vote to the proposal to reduce the drinking age from 21 years to 18 years. I have to face up to my responsibility, and accordingly I am advising the Chamber of my views.

We can well leave the age at 21 years. By doing that no-one will suffer. On the other hand, if the age of 21 years is reduced many people will suffer greatly.

Mr. O'NEIL: The Committee needs to be reminded that the expression "legal drinking age" is a complete misnomer. I thought the Deputy Leader of the Opposition had made it perfectly clear that it was not illegal for a person, regardless of his age, to consume liquor, unless he happened to be under 21 years of age and consumed the liquor on licensed premises; that is, in places set aside for the consumption of alcoholic beverages.

It is not unlawful for a person under 21 years of age to be supplied with, and to consume, liquor at weddings, in his own home, or in other places, except in public places prescribed under the Act. That expression is a misnomer.

Mr. Tonkin: It is a misnomer only in certain circumstances.

Mr. O'NEIL: Yes. What we are really discussing now is the age of responsibility of the citizens of this State, or the age at which the young people of today are capable—from their experience and their education—of making up their own minds.

There is constant pressure and movement in these times to lower this age of responsibility. Measures introduced in this Chamber have lowered the age of responsibility in certain areas; and some of these cases have been quoted. This reminds me that we are still not all of one mind on this subject; therefore the people who disagree with this proposition today may have some grounds for disagreement.

Last evening we heard a long dissertation about the game of musical chairs. The member for Mt. Hawthorn made reference to the fact that people will take a different stand on a subject in different circumstances. He mentioned how on one occasion they will support a proposition if it suits their particular interests at the time, but on another occasion violently oppose the same principle.

Mr. Bertram: Only in respect of liquor.

Mr. O'NEIL: I would remind the honourable member that it was he who proposed an amendment to a provision in a Bill which I introduced recently. The Bill contained a provision stipulating that certain people were not permitted to vote unless they were over 21 years of age. The honourable member suggested that because in these days people became mature at a younger age, received better education, and were able to make clearer judgments, we ought to take steps—and it was inevitable anyway—to reduce the age of responsibility to 18 years. I agreed with him, and the amendment was finally made in another place.

I think the argument of the member for Mt. Hawthorn on the issue before us smacks of some inconsistency. The Deputy Leader of the Opposition holds the same view generally; that if we cannot achieve everything at once we ought to recognise the new age of responsibility when the opportunity presents itself. I would point out to him rather facetiously that he has a Bill before the House which contains two qualifications, the first being that the person be over 21 years of age, and the second that he be of good character.

Mr. Graham: That was done only to be consistent with the parent Act.

Mr. O'NEIL: It ought to be remembered, firstly, that in this instance we are not talking about the prohibition on the consumption of liquor by juveniles when we refer to the legal drinking age, because there is no legal drinking age. There is only a ban on juveniles obtaining liquor and consuming it in certain places, particularly those places set aside for the sale and consumption of alcohol.

What we should do is to look at the whole question in a responsible way. I think we all concede that the youth of today is much more mature than the youth of yesterday. I oppose the proposition to amend this provision in the Bill.

Sitting suspended from 3.45 to 4.4 p.m.

Dr. HENN: As a member who did not speak during the second reading debate on this Bill last evening I would now like to say a few words which I reserved for some of the clauses.

Like all other members, I am very concerned at the way we drink alcohol in the State of Western Australia. I am speaking generally now; not particularly about the youth, but about adults as well. My view is that we do not really enjoy our drinking, nor do we do our drinking in the right manner.

Those of us who have had the opportunity to visit Europe and other countries, from time to time, will have noticed a very different type of behaviour on the part of the people who enjoy drinking alcohol in those countries. I think the main reason for this difference is, possibly, habit or our licensing laws.

I must say quite frankly that I deplore going into a bar and finding two or three rows of people scrambling to get a drink. Usually the host is not very interested in whether his clients are comfortable, but is interested only in filling up the glasses as quickly as possible. The clients seem to be interested only in getting as many drinks in as short a time as possible.

My view is that if we are to improve our standard of drinking alcohol—and there is nothing wrong with drinking alcohol—we must improve conditions so that people can enjoy drinking. People must be taught to enjoy drinking. To achieve this, certain amendments can be made to our licensing laws, but I will not mention those amendments just now. At the moment we are dealing with the question of whether or not people should be allowed to drink on licensed premises at the age of 18 years.

The youth of today is no different from the youth of my day, or of my father's day, or of my grandfather's day. However, I think the problems are very much greater today, and I feel quite sure that the youth of today is quite capable of solving those problems, which are more difficult and more numerous than they were in past years. However, youth will not be helped with their problems if we try to tell them what to do, and how to do it.

I think we should set an example to youth and, if I may, I will use the example of my late father. He was a scholar and he went to a school where he reached the

highest class. In fact, he went beyond into a special class called the Grecians. It was a special class of 20 boys out of the 500 boys who attended the school. One of the perks, or privileges, of being in that class was that the boys received a pint of ale for breakfast. It must be remembered that the weather is chilly in the United Kingdom.

My father was also an Anglican clergyman. When I turned 18 he said to me, "You might want to have a whisky or a beer—I rather hope it is beer—with some of your friends. The drinks are in the cupboard but I do not want you to empty it too quickly because I cannot afford to refill it too often. However, if you have a drink with your friends let me know and I will refill the cupboard so that I may have a drink with my guests."

That was the way I was brought up. When my son reached the same age I tried to emulate my father's advice, and I kept alcohol in the home sufficient for him—and his friends—to have a drink if they wished. The point I am making is, simply, that it is not a bit of good closing the doors of the hotels at 5 o'clock, 9 o'clock, or any other time. We have to put these matters in front of youth and let them decide for themselves.

I quite appreciate that certain people are biased. I am not biased; I do not mind if somebody is a teetotaller or if somebody gets drunk. However, the closing of premises to prevent people from doing certain things is not the answer to the problem. A youth of 18 years can fight for his country, and I hope that very soon he will be able to vote.

I feel that the youth of today, at 18 years of age, is quite entitled to decide whether to drink sensibly, or drink foolishly and abuse the privilege. I must oppose this amendment for the reasons I have given.

Mr. BERTRAM: A few nights ago I was delighted when the Minister for Housing readily accepted an amendment which I proposed to the Building Societies Act Amendment Bill. I thought he had accepted it because of the merit of the amendment. Having listened to the member for Swan, I am starting to wonder whether I was being set up.

Mr. Lapham: You were.

Mr. BERTRAM: Having made that remark, I shall now discuss something which is, perhaps, less humorous. The position is that we are debating the amendment to delete the word "eighteen" and insert in lieu the word "twenty" in clause 7 of the Bill. That sounds theoretical, technical, and meaningful. Let us make it quite clear what we are debating. As far as I am concerned, we are debating whether there should be a referendum on the question of 18-year-old drinking.

Mr. Nalder: No.

Mr. Mitchell: It has nothing to do with the referendum. That will be dealt with later on.

Mr. BERTRAM: If we delete the word "eighteen" and in due course substitute another word, will there be any need for a referendum or will we be back to where we were? I intend to debate what is really at stake; namely, whether there is to be a referendum.

Mr. Graham: It does not come into this amendment.

Point of Order

Mr. CASH: On a point of order, Mr. Chairman, the subject of a referendum will be covered when the Committee considers proposed new clauses 3, 4, and 5, which will be taken later in the debate. The honourable member has indicated that he intends to confine his remarks completely to the matter of a referendum.

The CHAIRMAN: The honourable member may proceed for the time being.

Committee Resumed

Mr. BERTRAM: Perhaps I expressed my intentions too bluntly, but maybe I shall be able to get around it by another process. I saw nothing inconsistent in my desire to amend the Building Societies Act Amendment Bill in the way I did: because last night I said that questions to do with the rights, obligations, and privileges of 18-year-olds should be dealt with in proper priority. I do not shift one inch from that point of view. Somebody has to do something about putting things into proper priority.

Point of Order

Mr. DUNN: On a point of order, Mr. Chairman, members seated at the back of the Chamber are quite interested in what the honourable member has to say and I wonder whether he could be requested to raise his voice so that we shall hear all the speech instead of only some.

The CHAIRMAN: I agree. I was about to ask him to do so.

Committee Resumed

Mr. BERTRAM: I apologise, Mr. Chairman. This is not the first occasion I have offended in this regard. If I strive, perhaps I will be able to improve. I was saying that I take the attitude that things should be placed in proper priority. Therefore, I believe that the amendment which I proposed and which the Minister recently accepted was quite consistent with my point of view. It was certainly not inconsistent, as he has suggested.

Surely we must have some regard for the 18 to 21 age group. What we are saying to that group is, "We know you want certain things which have been named. You will have to wait and get

these things in the order which we decree. We are not interested in what you think the priorities are."

If we were to line up a cross-section of 18-year-olds and ask them whether they would prefer the right to drink at 18 or the right to an equal wage with a 21-year-old, I am prepared to bet which way they would come down: they would want an equal wage. This would be the first desire.

Mr. O'Connor: You are not allowed to bet.

Mr. BERTRAM: It is not illegal, as far as I know.

Mr. O'Connor: It is in the Chamber.

Mr. BERTRAM: Young people aged between 18 and 21 these days look at what adults do and they see endless paradoxes. People in the community who used to give a lead on things have now virtually gone off the air. Young people are taking their place because of their idealism, zeal, and their desire to do things. It is on that argument that I base the comparison which I made a few moments ago.

What would they do first if they were given the opportunity? We say they are much more intelligent at 18 now than they were years ago. I suggest we should give them a selection and let them manifest their intelligence.

I was persuaded—as I suppose many other members were equally persuaded—by the Premier's contribution to the debate. Who would not be persuaded by the proposition that it is of no use to have laws if they cannot be enforced. I would be much more persuaded by that argument if, at the same time as bringing down a measure to reduce the drinking age, companion legislation was also brought forward to put things in their proper priority.

Recently, when the proposal to amend the hours of used car traders was under discussion, we saw a classic case which will illustrate my point. The Government had allowed a certain situation to occur and then it brought down a measure to defeat the denouement which the Government itself had created. Society allows pressures to be put on people through propaganda and advertising. A situation is created where some people want to do one thing and others want to do another thing. Is this justification for any Parliament to throw up its arms in stark surrender and say, "What can we do about it?"

A certain amount of blame should be levelled at members of the public who complain once every three or four years when a liquor Bill is under discussion and then, like Rip Van Winkle, sleep for the next four years. During that time another bad situation arises. An amending Bill is brought forward and the same people awaken from their slumber to fight again.

Law enforcement is a great problem but it is one which must be faced. An even greater problem with regard to law enforcement will have to be faced in the years to come—and perhaps in the not too far distant future. I make that statement as a definite forecast: it is merely a question of when. What will happen when we find that the number of crimes committed is disproportionate to the number of indictments and that only an extremely small percentage of offenders are being brought to book ? What will happen then? Will we legalise wilful murder and rape?

What I am saying must happen and any discerning lawyer will see it. It is all very well to know that somebody has committed a crime but the rules of our law require the crime to be proved. How does one set about that in many cases? Much emphasis has been put on education and the wider learning of 18-year-olds today. Through this same wider learning, they will know their legal rights and will insist upon them. How will we convict them? What will we do? Will we wait until the situation occurs before doing something about it, or will we strive now to mould people's characters and to do something about it before it happens? Of course we cannot enforce law if we do everything to aid, abet, and create a situation.

Some members speaking on the amendment have found it necessary to explain how much they drink, and so on. I do not for the life of me know what relevance that has. I think this is a legacy from a couple of hundred centuries ago. Like one of the previous speakers, I suppose I could say the hoteliers will not get rich from my contribution; they will benefit but it will be to a minimum extent; but what has that got to do with it? The inference is that if one drinks one is an expert on the subject; if one does not drink one is not an expert; and that there is an ascending scale the more one drinks.

As I pointed out last night, this is different. One would never argue from that point of view on a divorce Bill. Let us look at the grounds for divorce and consider whether or not we would include adultery.

The CHAIRMAN: I would like to remind the honourable member that we are speaking on the Liquor Bill.

Mr. BERTRAM: I think it makes the point, Mr. Chairman, that it matters not whether one drinks or not. It might matter to some but it does not matter to me. Let us look at the facts and the merits; I will settle for that.

As I said last night, the Bill in its present form comes before us as a result of the recommendations of a committee which originated in a certain way.

The CHAIRMAN: The honourable member has one minute only.

Mr. BERTRAM: Thank you. The fact of the matter is that the committee based its findings and recommendations on opinions. Members of this House have made up their minds on opinions and nothing more. There is hardly a fact to be found anywhere. I do not believe that my opinions are any better or any more valid than those of the populace. If we had here more evidence, expertise, and facts, members would have different views. In my opinion, the people outside are entitled to have their say on this matter. The spirit of the measure is to help the people who are pushing and selling liquor to aim at the 18 to 21-year-olds because they have a lot of money and they are not married, not to lower the age because they have done so in other States. That is not the aim at all. In any event, I want the public to make this decision, because they are equally as competent to make it as we are.

Mr. McPHARLIN: I rise to speak in favour of the amendment, and in doing so, I would like to comment on one or two points.

I refer first of all to the point made by the Premier when he said that if a law is difficult to police we would not gain any advantage by retaining it, or words to that effect. I cannot see that it is going to be any easier to police the law if the age is reduced, as proposed in the Bill. Lowering the age will open the way for a far greater number of younger people to obtain liquor on licensed premises. Another point that should be mentioned is the effect of alcohol on a younger person who is not mature. Even on some mature people the effect is most interesting but on the younger person, who is not settled or mature, the effect, of course, is much greater.

The Leader of the Opposition said that previously he had strong convictions and would not support the reduction of the age to 18, but on thinking it over he had come to the conclusion that he would now support the lowering of the age to 18, with some reservations. If the Leader of the Opposition has some reservations, no doubt many other members have some reservations, and I look to the Leader of the Opposition to give serious thought to the proposal for a referendum on this question.

In my opinion, the member for Mt. Hawthorn made a very valid point when he said that if the law in regard to the drinking age was not policed we might reach a stage where we would condone murder, rape, and other things. That point should not be overlooked.

In South Australia and Tasmania the age is 21 years; only in two States of Australia is it 18 years. In Queensland it is 21.

Mr. Jamieson: You had better check again about Tasmania.

Mr. McPHARLIN: What is it in Tasmania?

Mr. Runciman: Twenty.

Mr. Jamieson: They are cutting it down again.

Mr. McPHARLIN: In Victoria and New South Wales the figures prove that there is a greater incidence of rape and sexual offences than in Western Australia. The figures support the contention that by reducing the age we will induce more of this type of crime. I would venture to say that the greater percentage of illegitimate births in this State results from young people being under the influence of alcohol.

Mr. Graham: How would you know?

Mr. McPHARLIN: I am only expressing an opinion.

Mr. Graham: There is nothing to back it up.

Mr. McPHARLIN: I support the amendment that has been submitted by the member for Stirling. If it is defeated, I intend to speak again and urge that this Parliament seek a referendum on the issue.

Mr. STEWART: As I did not speak last night, I will make my views very clear. I support 18 as the minimum age at which people may drink. I am therefore opposed to the amendment, principally because it cannot be policed. That is not the fault of the police; it is the fault of the parents because they agree with what occurs.

As the president of a country golf club I have come across this problem. Last year I had to chase some lads off the premises, and their parents almost chased me out. I did so not because I disagreed with the lads drinking; this was a golf club in the country. However the lads went to a hotel and as a result the parents just about chased me out of the town.

So I think the fault lies with the parents, and the Premier made that point quite clearly. The Bill also seeks to improve the circumstances and surroundings of licensed premises in various categories. I think it is to be commended that young people will be able to drink in a gentlemanly or ladylike manner, and this will become their standard. I support the lowering of the age to 18 to enable young people to drink in good surroundings under supervision, and not in the back blocks or on beaches in a clandestine way, which causes trouble. Some members seem to think that drink itself causes all these problems such as rape and babies born out of wedlock. I think those members are tacking onto the question of liquor things that should not be tacked to it.

Mr. NALDER: I did not intend to speak to this amendment, but I want to make my position clear. I indicated earlier—and I sought advice from the Chairman—that I intended to move for the insertion

of the age of 21 in lieu of 18. I wish to make it clear that I am not supporting the amendment, because I believe the position should remain as it is. I intend to make my point when I move the amendment I have forecast.

The CHAIRMAN: Perhaps I should comment here that the amendment before the Chair at the moment is to delete the word "eighteen" with a view to inserting another word or words, which may be anything decided by the Committee.

Mr. GAYFER: For most of us this question is somewhat difficult to decide, but I think every member has already made up his mind about it. I do not think that all the talking in the world will sway anybody from what he decided before he walked into this Chamber—indeed, probably even before this session commenced.

What concerns me most is that we are talking about the age of maturity. For the life of me I cannot see how we can peg any age and say it is the responsible age or the age of maturity. Are we to say that once a person reaches the barrier of 18 he is then mature and may drink or do what he likes? I agree with the Leader of the Opposition that drink will be handed down to girls of 17 and boys of 16, and so it will go on. So I think we have no right whatsoever to legislate for an age of maturity other than that which the majority of people recognise at the present time.

I believe that the most we should do is to insert the word "twenty" if the amendment is accepted and the word "eighteen" is deleted, because I think there is a fair chance that people are reasonably mature at 20. However I believe it is only speculation to say that people are mature at 18. If we want to lift our sights a little and reduce the age—and members cannot convince me that it should be 18—why not move for the deletion of the whole interpretation and remove any reference to "juvenile" from the entire Bill? We could then let the people of the State decide whether we have done the right thing.

I am honestly of the opinion that if we legislate for a reduction of the drinking age to below 20, we are interfering with what the 18-year-olds might want to do if they had a vote. I am not prepared to support the reduction of the age to 18 until 18-year-olds have a vote to decide their own destiny.

With regard to the other factors that have been mentioned, we do know that a majority of Parliaments in Australia—composed of men, unfortunately; with no 18-year-old youths—have decided on the age of 20 as being the recognised drinking age. I think we should take heed of that.

The fact that the drinking age in Victoria is 18 is fair enough in my book, but do not forget the age is 20 in South Australia. We are struggling around looking for some figure as the mature age and we have picked the age of 18 out of the air. I say that when youths of 18 have a chance to vote they can decide whether they want to drink at 18. In the meantime I will stay with 20.

Mr. JAMIESON: It never ceases to amaze me where people pluck their arguments from in respect of maturity. The member who has just resumed his seat indicated that he has not a clear conception of the law as it stands and, with all due respect to my learned friend, the member for Mt. Hawthorn, nor has he. If a 17-year-old is charged with illegal drinking the charge is heard in the Children's Court, but if he is 18 he is charged as an adult. So surely the question has been decided long before the member for Avon came into Parliament. I think to some degree the age of adulthood has been decided already because a person of 18 shall be charged as a mature person.

We are starting to change the law around to suit all sorts of circumstances. In one case we say that an 18-year-old may be charged as an adult and in another case we say he is not an adult until the age of 21. I think we are making a farce of the whole situation if we have one age at which the law says a person may be charged as a mature adult and a different age for the purposes of other legislation. Let us stick to the one age and not have 21 for one purpose, 20 for another, and 18 for a third purpose.

With due respect to the Constitution Act, it is only a few years ago that a person of 21 years was not eligible to stand for election to the Legislative Council of this State. Parliament altered that and reduced the age to the natural age of maturity. At a subsequent time we may decide—I think we will, but that has nothing to do with this Bill—that the legal age is 18. We have already passed legislation this year to enable people to make wills at that age, and we amended the law last year to enable people of that age to receive loans advanced by building societies.

In those instances we adopted the age of 18, but now we are looking for some other age. Why not 19½ or 20½? Under many of our laws at the moment 18 is the accepted age and if we approve of that age in this legislation we will have little trouble. In the Eastern States very little trouble is experienced in this regard, so I do not know what members are worrying about.

The other evening I happened to be in the lounge of a hotel where there were a number of young fellows who were members of two local football teams. One

group comprised young chaps who would not be 20 at the end of this year and therefore they are not eligible to drink intoxicating liquor in a hotel. However, they were sitting around the table and were consuming liquor and in fact, they looked more mature than their actual age. The publican was watching them from a couple of feet away, and the subject of the conversation among them was the fear of young people being allowed to drink.

At the time I did not tell the publican that they were under-age, but later I did, and the publican's reply was "Yes, but they have been taught to drink; they have been looked after by the football club to which they belong." This is the sort of attitude that is adopted. We have to start somewhere. At the moment we charge a person as an adult if, from the age of 18 onwards, he is caught illegally obtaining liquor, and we impose the adult penalty on him. If the member for Avon wishes to continue with his attitude he will have to amend other Acts so that such a person in the future will be dealt with in a children's court; but no-one has suggested that. Members are prepared to let the age remain at 18 in those Statutes.

For many years I have been associated with sporting clubs and have become accustomed to seeing young people drinking. Admittedly there are problems at times, but there are also problems with those people over 21 who drink, too. Those are problems that have to be sorted out from time to time. What we should do is to adopt the age of 18, which obviously is recognised in regard to other aspects of our community life, and then we will at least know where we are going.

The situation that occurred in Tasmania was due only to the whim and desire of the then Minister for Police, but what happened to him? I think his action cost the Labor Party the Government, because at the next conference of the A.L.P. he was quickly told where to get off.

Mr. Craig: And he lost his seat, too.

Mr. JAMIESON: Yes, for fooling around with the age provision. Previously the conference had adopted the age of 18 years, but he would not have a bar of it. Finally, with the help of two or three defectors the age of 20 was agreed to. Those are the facts, and the then Minister for Police in Tasmania lost his seat. At the next conference it was reaffirmed very strongly that the drinking age should be 18. My information now is that there is a move afoot for the Government in that State to have this age accepted.

The Bill before us is actually not a party political measure because it was introduced in different circumstances, and it has been made clear by the leaders on both sides of the Chamber that members will be expressing their own views on the subject as they think fit and as they view the requirements of their electorates in a responsible way. As a responsible person representing my electorate I feel we should clean up the whole situation. We will find, before long, that pupils will remain at school until they are 18; in fact, many of them remain at school until that age now and therefore, as we advance the age at which people remain at school, we must consider them to be more educated and more mature in their outlook.

During the debate, Queensland has been referred to. This is an amazing State because it never implements the Act. In fact, the Act states that juveniles, from babies onwards, are allowed in hotels with their parents. At present one can enter any hotel in Queensland and find children in the lounge and all over the place, and, no doubt, when one sees them sitting at a table one can be fairly certain that they are not sipping soda, but beer. It must be extremely difficult to implement the Act in that State in view of the fact that children are permitted, in company with their parents, to enter beer gardens and other places where liquor is consumed, and it has been suggested that we do the same here. However, it has also been suggested that we set the age at 18.

If a person can be charged with an offence in an adult court, so far as I am concerned he is an adult within the meaning of the law, because we make laws which charge a person of the age of 18 with responsibility. So we must be sincere and maintain our attitude on this matter, and accordingly amend the legislation to suit the purpose.

Mr. DUNN: I have been approached by certain members of my constituency who have indicated to me very strongly their attitude on this subject. I want them to know that I am not unmindful of their requests to me, nor do I intend to run away from my obligation to make a decision on the matter. I want it to go on record that although I am in full sympathy with the sentiments those people have expressed, I also feel that I have a responsibility to myself to make a decision in accordance with all the facts as I see them, in the interests of the public as a whole. Therefore, I intend to oppose the amendment.

We have to acknowledge that throughout the world generally there is a tendency to move towards an acceptance of the fact that the age of 18 is now the age of majority. In fact, there is ample evidence of the acceptance of this fact throughout Australia, and there is a transition taking place. If any member of this Chamber were confronted with a group of young men and women, I do not see how he could determine that a girl was 18, a boy was 20, or that some other girl was 19 years

of age. It would be practically impossible to do so, yet we are expected to agree to this amendment which seeks to reduce the present drinking age to 20, despite the fact that the Premier has stated that it would be very hard to police.

In view of this there would be no point in reducing the age by one year, and we should adopt a more realistic approach to the problem, especially as we consider young people are responsible at 18. Let me hark back to the situations that occurred during the war years. As members of the forces we were stationed at Northam where we had a wet canteen. Initially the situation was that young volunteers were not allowed to enter the canteen. It was not long, however, before this difficult situation was overcome and volunteers of 18, 19, and 20 were permitted to enjoy the privileges of the canteen, along with those who were aged 21 and over.

Most of the pilots we recruited for the Battle of Britain were between the ages of 18 and 21 years. We expected them to accept the fullest responsibilities of adulthood. We also expected them to make the supreme sacrifice. If we are prepared to sacrifice the flower of our youth to protect the world, we should feel they are responsible enough to make decisions for themselves.

In essence I disagree with the principle of the Licensing Act but I realise that eventually we must judge for ourselves. I do not think, however, that we should ever try to legislate to protect people against themselves. We should allow such people to act for themselves with due regard to their social, personal, and moral responsibilities.

There is no doubt that, generally speaking, the youth of today is far more knowledgeable than most of us who sit here deliberating on the future destiny of such youth. There has been a great transformation in education throughout the world. It is not logical for us to say to our youth on the one hand, "We will teach you all we can and make you scientific or agricultural experts; we will teach you the theory of things which we ourselves never imagined possible"; while, on the other hand, say to them, "Listen, you are not 21 years of age so you cannot enter a hotel and buy a beer. If you can get it from somebody else you can take it home and drink it, but you cannot enter a hotel." We will never be able to protect people from themselves.

We should endeavour to bring our thinking into line with world development so that when people from overseas come here they will find conditions as sophisticated as those which they left. The advent of the jumbo jets and the tremendous advance in transport, generally, make this sort of thinking very essential; far more essential than it was a few years ago.

If anyone in this Chamber feels that young people cannot get liquor when they want it, he is living in a world of make-believe. It is far better for young people to have a drink with their parents than for them to have it illegally. We should encourage more sophistication in this direction, otherwise we will find ourselves facing the calamity which those who oppose this measure feel is inevitable. I oppose the amendment.

Mr. RUSHTON: Not having spoken to the second reading, I want to make my position clear now. This is not a question of wishing to drink to excess or in moderation, and therefore it makes the decision a good deal more difficult. I have tried to think of the matter with a good deal of tolerance, particularly in relation to its effect on young people in whom I have the utmost faith—I have no doubt whatever as to their moral fibre and capacity to withstand the rigours of everyday life.

The issue with which we are faced is the most vital one in the Bill. The clauses that follow will be given all the attention I can muster with a view to making them as moderate as possible. The Bill seeks to encourage moderation in drinking; indeed, all its provisions are geared to this end. There is no doubt that it constitutes a realistic approach to the problem and there seems to be every endeavour to remove the objectionable features.

The CHAIRMAN: Order! The honourable member should be speaking to this clause alone. He cannot make a second reading speech.

Mr. RUSHTON: I am merely voicing my reasons for objecting to the amendment. The reduction of the drinking age at this time would cause considerable concern because of the moral issues that might be involved in family life. Having considered the pros and cons, and the many points of view that have been put forward, I feel I must oppose the amendment.

Mr. MITCHELL: I felt the introduction of this amendment would be the easiest way to get some discussion on this matter. The discussion has certainly been worth while. What disturbs me, however, is the fact that so many members, including the leaders of the House, have made the point that it is no good having a law unless it is one that everyone likes.

There are hundreds of laws that nobody likes but which everybody is induced to keep because of the heavy hand of authority. If we were to scrap our laws merely because people did not like them, we would certainly have a most confused society. There are numbers of laws which cannot be enforced effectively, and yet we persist with them.

I have been accused by some speakers of moving the amendment because I had a narrow outlook. My outlook is not

narrow; my outlook is to represent the people who have elected me. Despite what some people might say, we find that today the Government is faced with heavy expenditure in maintaining those who have been sent to institutions and gaols as the result of liquor.

Under the Bill the facility to obtain and consume liquor is to be extended further. We all know that in these days people under 21 years of age are drinking, and that on occasions they go into hotels and drink. It has been said that it is too difficult to determine whether a person is 18 or 21 years of age. In reply to that I say it is just as difficult to determine whether a person is 16 years of age or 18 years of age.

We will not assume the responsibility we are expected to assume by saying that we cannot enforce the law. We should be prepared to stand up and make a decision on this question, and then those who are in authority will ensure that the law is enforced. It is idle to contend that because some parents do not enforce the law in dealing with their children, we should not have the law. If we adopt that attitude then when children commit the offence of shoplifting and their parents do not discourage them, we must say that the law cannot be upheld. I have never heard so much rubbish from some members who suggest that we should not have laws if they cannot be enforced. There are many laws which I do not like, but I have to observe them.

The debate on this amendment has achieved what I set out to achieve. We have to decide whether the legal drinking age shall be 21 years or whether it shall be 18 years. If it is to be lowered, suggestions might be put forward afterwards for the holding of a referendum. I am under an obligation to members of my constituency, who have urged and implored me to make some eadeavour to prevent this catastrophe which will occur by reducing the legal drinking age to 18 years, to bring these matters to the notice of the Committee.

Mr. Jamieson: People of 18 years of age are now permitted to go into hotels.

Mr. MITCHELL: If I have achieved nothing else by this amendment I have achieved the satisfaction of having a full-scale debate.

Mr. TONKIN: I had no intention of prolonging this debate. Had the member for Stirling not made certain remarks I would have been content, but I cannot permit him to place me in a false position. I ask the honourable member what he has been doing in all the years he has been in Parliament to have this particular law enforced. After all, he is a supporter of the Government. If he thinks it is possible to have this law enforced why has he not done something about it. He has done absolutely nothing, for the simple reason that this is one of the laws which is incapable of being enforced completely, because there are so many opportunities to get around it. It would require a Police Force quite beyond the financial capacity of the Government to enforce it.

Mr. Nalder: Would not that be the case if the age was reduced to 18 years?

Mr. TONKIN: That was not the argument I used. I expressed the fear, and I still have the fear, that in reducing the age we may make it easier for young girls, who are not now getting liquor, to obtain it in their associations with youths of 18 years of age. In giving consideration to this question that has been a constant worry in my mind.

However, no question has all the arguments one way. For the reasons I gave previously I think we have to be logical and consistent. We cannot take an argument that suits us in one instance, and jettison it completely and adopt some other argument in another.

The member for Belmont has advanced a very telling point. A person who has attained the age of 18 years, and who commits an offence under the very law we are now considering, is charged in a court as an adult offender; he is not charged in the juvenile court. If this person is not considered to be an adult at 18 years of age why is he charged as an adult offender? I add to that illustration by forecasting—and one does not have to possess extrasensory perception to see this—that before very long the voting age will be 18 years, and this will apply not only in respect of State elections but also Commonwealth elections.

It seems that we are prepared to trust people of 18 years of age to make decisions on the formation of Governments, but we are not prepared to permit them to make up their minds whether or not they should consume liquor. The reduction of the drinking age to 18 years does not compel people of 18 or 19 years of age to drink; it only makes it possible for those who are now of that age, are drinking, and are breakng the law, to partake of liquor without breaking the law. In my opinion, with the passage of this law, very few of the people of 18 years of age who are not now drinking will drink; I am excluding those people who have not attained the age of 18 years as yet.

Even accepting the strong arguments against the lowering of the drinking age —and I have given credence to those arguments, and respect them—I am forced to the conclusion that we have to be logical and consistent in all we do. I cannot bring myself to say that I am prepared to allow people of 18 years of age to vote; that I am prepared to allow them

to make up their own minds whether or not they marry without their parents' consent; that I am prepared to allow them to enter into hire-purchase agreements and to accept the full responsibility under such agreements; and that I am prepared to support the procedure of charging them in the court as adult offenders, but that I am not prepared to allow them to enter licensed premises for the purpose of having a drink. I cannot bring myself to agree to that inconsistency; and because of that I am not prepared to vote for the amendment to the provision in the Bill.

Mr. JAMIESON: The member for Stirling said that this provision in the Bill would allow people of 18 years of age to go into hotels legally. I would point out that under the existing Act people of this age are permitted to go into hotels, but they cannot partake of alcoholic beverages until they are 21 years of age. That is where the difficulty lies. If people of 18 years of age are permitted to go into hotels in company with others over 21 years of age, it will require the attention of all the staff to ensure that the ones under 21 years do not partake of liquor.

This is where the problem exists, and this is a fundamental I thought we all appreciated. If an 18-year old is allowed to go into licensed premises he should be allowed to drink. We do not permit a person to go into a cafe and then tell him he cannot buy what is for sale in that cafe.

If we agree to the proposed amendment, people who have been going to hotels for the last two years will be debarred and the position will be worse than before. At the present time an 18-year old can go into hotels but certain restrictions apply to him until he is 21 years of age. I do not think any other State would tolerate this peculiar Western Australian law which has existed, unnecessarily, for some time. I agree with my leader that as sure as we are sitting in this Chamber it will not be long before 18-year olds will be able to vote. That is the situation in Tasmania.

In 1922, when prohibition was the rage throughout the world, we established that 18 years was the age at which a person could go into a hotel. However, he was not able to drink alcohol until he was 21 years of age. We should clarify the situation for the public of Western Australia.

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

Ayes—13

Mr. Bertram	Mr. Lewis
Mr. Brady	Mr. McPharlin
Mr. Cash	Mr. Mitchell
Mr. Gayfer	Mr. Nalder
Mr. Grayden	Mr. Toms
Mr. Kitney	Mr. I. W. Manning
Mr. Lapham	*(Teller)*

Noes—30

Mr. Bateman	Mr. Jamieson
Mr. Bovell	Mr. May
Sir David Brand	Mr. McIver
Mr. Burke	Mr. Mensaros
Mr. Burt	Mr. Moir
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Dunn	Mr. Ridge
Mr. H. D. Evans	Mr. Rushton
Mr. T. D. Evans	Mr. Sewell
Mr. Fletcher	Mr. Stewart
Mr. Graham	Mr. Tonkin
Mr. Harman	Mr. Williams
Dr. Henn	Mr. Young
Mr. Hutchinson	Mr. Runciman
	(Teller)

Amendment thus negatived.

The CHAIRMAN: I think I should bring to the notice of members the fact that the Minister for Industrial Development indicated we would not proceed beyond clause 15 because a number of amendments were to be presented. Only two amendments have been received, and unless other anticipated amendments are received before today's sitting concludes they will not appear on the notice paper next Tuesday.

Mr. CRAIG: My proposed amendment to clause 7 appears on the notice paper. I want to make it clear that the amendment is not necessarily sponsored by the Government. I am proposing it because of my interest in another clause in the Bill which deals with tavern licenses. In that particular clause, and in some others, reference is made to a light meal. The interpretation clause defines a meal as follows:—

> "meal" means such substantial food as may be prescribed by the regulations and, until prescribed, means substantial food taken as a luncheon or a dinner by participants seated at a table;

To my mind it is only right that the interpretation of a light meal should be included in the clause in the same way as the definition of a meal has been included. Possibly it might be said that this matter could be left to the Licensing Court to interpret. I do not think that is the right way to go about it; it should be clearly defined in the Act.

The amendment which appears on the notice paper under my name might not be agreed to, of course. Possibly some members feel it could be worded in a different way. The principle of writing a definition into the Act is what concerns me. Consequently I move an amendment—

> Page 7—Insert after the interpretation "licensee" in lines 6 to 8 a further interpretation as follows:—
>
> "light meal" means a meal consisting of dishes of a kind usually referred to as an entree to be eaten by the participant seated at a table or buffet style;

Mr. JAMIESON: I am quite in agreement with the principle. The only point that worries me is that the proposed definition

of light meal states that it is usually referred to as an entree. I do not think a pie or a pastie could be referred to as an entree, but they would be typical of the sort of meal which could be eaten buffet style or seated at a table. Perhaps the definition should be tidied up in so far as it includes the word "entree." I cannot readily think of a better word at the present time, but I think there would be difficulties in describing it as an entree. I wonder whether the Committee could arrive at a better word for inclusion in this definition.

Mr. COURT: Again, I can express only a personal view but, in view of the fact that I represent the Minister for Justice in this Chamber, it is appropriate for me to make some comment about the machinery of this.

The member for Toodyay—that is the capacity in which the honourable member has moved the amendment—seeks to achieve a certain principle to which I have no objection. However, I can see that a number of problems could arise in the actual implementation of it. One of them was touched on by the member for Belmont when he queried what an entree is.

Most of us think of an entree as a small serving of, perhaps, curry and rice, or something of the sort. If a person follows the normal social trend in this matter, I think he would be stretching it to regard a pie as an entree. In fact, any hostess who produced a pie for an entree would be fairly well down the scale, I suggest.

Mr. Bovell: I interpret an entree as a light course before the main course.

Mr. COURT: I agree with the interjection of my colleague. This is what we all understand an entree to be. Normally it would be a fricassee, curry and rice, or something of that nature, of which one has a small serving before eating the main course. When it comes to interpreting this in a court case, I can see litigation running wild over the definition of "entree."

If it is the will of the Committee to insert the amendment, I personally will raise no objection, provided it is clearly understood that I wish it to be referred to my colleague, the Minister for Justice. If he looks at this from the point of view of legal interpretation, he might, in another place, seek to put in some words which would give the amendment greater definition.

It is important for two reasons that there should be a clear definition. Firstly the Parliament should know what it is legislating for and, secondly, people who operate licensed premises should not, for ever and a day, be subjected to litigation on what they can or cannot serve. I think it will be necessary to qualify the definition later on to make provision for the Licensing Court to have authority in the matter and to be able to decide what is an entree or the equivalent of a light meal.

There is provision in another part of the Bill for the court to have authority, but the provision I have in mind does not refer specifically to a light meal. I want to make it quite clear that if it is the will of the Committee to accept the definition, I will refer the matter to my colleague so that the definition can be interpreted from a legal point of view to ensure that the will of the Committee is written into the legislation.

Mr. CRAIG: I am grateful to the Minister for making that suggestion. I realise only too well the difficulties involved in defining a light meal. As I have said, I was concerned with the principle of writing something into the Act.

Mr. Ross Hutchinson: I would like to point out that if we are too specific the definition will, perhaps, be too restrictive.

Mr. CRAIG: That is quite true. However, on this point we can take advantage of the suggestion made by the Minister.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 to 14 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. I. W. Manning.

COMPANIES ACT AMENDMENT BILL, 1970

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Court (Minister for Industrial Development), read a first time.

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.31 p.m.]: I move—

> That the Bill be now read a second time.

This Bill excludes from the definition "corporation" which appears in the Companies Act, any society registered under the provisions of the Building Societies Act of 1920.

The definition of a corporation in the Act at present extends to, technically speaking, and includes, building societies. It is not intended, however, that the Companies Act should apply to those societies. They are governed by their own Statute which, incidentally, has been the subject of substantial amendment during this current period of the session and contains ample provision for the regulation of building societies.

While the exemption now proposed by this amendment could doubtless have been achieved through an amendment of the Building Societies Act, there is the fact that other States and the Australian Capital Territory made this exemption

effective through an amendment to section 5 of the Companies Act. This is thought sufficient reason, in the interests of uniformity, for this State to amend its Statute—namely, the Companies Act—in a similar manner.

The decision to introduce this amendment at the present time is prompted by the introduction to Parliament of the other Bill amending the Building Societies Act, the general effect of which is to provide a further measure of control over the affairs of building societies.

I desire to make it quite clear that this amendment to the Companies Act applies only to building societies registered in this State. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Brady.

MILK ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th April.

MR. H. D. EVANS (Warren) [5.34 p.m.]: This amendment to the Milk Act is perhaps not as innocuous as it may at first appear. Indeed, I think there is some justification for moving an amendment to the amendment.

The Bill contains three points which are intended to bring about three things. The first of these is to enable prices to be fixed for the two classes of whole milk which are at present supplied by producers. Producers receive something like 40c a gallon for whole milk that is to be used as whole milk, and about 20c a gallon when the same whole milk is to be used for table cream production. Generally speaking, this provision is acceptable to the industry because a certain amount of confusion has arisen from the fact that there was no provision for two separate prices. Adjustments have been made to the amounts received by dairymen according to the percentage of milk they provide for each specific purpose. This has caused some confusion, particularly when the dairymen have not been conversant with the actual amounts. Fluctuation of price then depended on the quantity of milk that went into the production of cream as opposed to whole milk.

The sale of cream has increased very markedly in the last 18 months and has been a very useful avenue of marketing. Even though the dairymen did not receive the same amount as they would have received for their normal quota milk, they still received considerably more than they did for milk used in other manufacture.

There have been a number of experimental projects in connection with the table cream market. At present there are three distinct products available. The first has 40 per cent. butterfat and is available at something in the vicinity of 22c for one-third of a pint; the second has 35 per cent. butterfat and is available at 20c for one-third of a pint; the third is a special thickened cream which has been introduced and, although it contains 35 per cent. butterfat and five per cent. gelatine additive, retails at about 22c for one-third of a pint. The latter product offers the housewife an article which can be used almost immediately and is in keeping with the present-day demand for foods that are ready for use and eating.

Another project in connection with scalded cream has been delayed because at this juncture the Milk Board is not prepared to include it in the Act on the ground that the governing authority and the National Health and Medical Research Council have not yet determined a definition of scalded cream as such. Until that has been done the term "scalded cream" will not be effective in the industry. It is hoped that that will be rectified in the coming year.

Mr. Nalder: It is still possible for people to sell scalded cream, of course.

Mr. H. D. EVANS: That is right, but it is not encompassed by the Milk Act.

The second amendment in the Bill provides for a special licence to meet a special situation. The present position is that any person who carries on business as a milk vendor must possess a milk vendor's license and the holder of the license may only sell retail milk within the area designated on the license. This has rectified the very considerable confusion which existed several years ago.

The point of concern is that the supply of milk to Government institutions and other bodies is restricted to holders of licenses within the district in which the institution is situated, although the milk is supplied on tender. The intention of this amendment is to provide for a special license so that a person or company can tender for the supply of milk to any Government institution no matter where it is in the metropolitan area. In other words, it will enable milk vendors to supply milk to institutions which are outside the district designated in their licenses.

The reasons for this action can be fairly readily followed. If it does nothing else, it gives the institution the opportunity to seek the lowest tender price; it extends competition, and no doubt Government institutions, including schools, will be able to take advantage of a cheaper source of supply.

Mr. Nalder: Do you mean private schools?

Mr. H. D. EVANS: Yes. As the Minister pointed out, milk companies are better equipped to cater for this section of the industry than the individual vendor. It is the sort of trade which deals in large gallonages and requires special vehicles;

that is, a fairly heavy type of truck as opposed to the Toyota-type utility—generally overloaded—used by the ordinary retailers at the present time.

Mr. Nalder: The truck generally has refrigeration facilities.

Mr. H. D. EVANS: Of course, larger vehicles can provide for the refrigeration facilities mentioned by the Minister. This does not mean to say that the small vendor is to be restricted. He will still be able to tender, although, no doubt, not with any great hope of success. He would be hard-pressed to gain the tender in competition with the larger companies.

A special license will not be negotiable in the ordinary way that vendors' licenses are negotiable. Those licenses have a market value and fetch, I suppose, something in the order of $140 a gallon in the metropolitan area. I think recently a vendor's license in Geraldton fetched about the same price. The licenses of those vendors supplying retailers on a semi-wholesale basis would fetch in the order of $15 a gallon. So those licenses have a market value but that will not apply in the case of the special licenses.

I come now to the third provision which is closely linked to the one to which I have just referred, and concerns the fixing of a minimum price. We find that a minimum price will be set when tendering for special licenses. I think this provision will cause some concern; it does to me at the moment. I have contacted the dairy section of the Farmers' Union, the Milk Processors' Association, the Department of Agriculture, and the Milk Board. I could not contact the Retail Dairymen's Association, although I tried on five occasions.

Price fixing is carried on within the milk industry at the moment, because it is a controlled industry. The fixed price takes into account the actual cost of production and the price paid to the producer. It also has regard to the margins involved, cartage, and other incidental costs, and so on. All those costs are tabulated to provide a stable, orderly marketing system. If a minimum price is fixed we could have a situation within the system of contracting that could turn out to be not quite what was intended.

We will find that if a minimum price is fixed the farmers and the individuals operating within the industry will soon become aware of that price; there is no doubt about that. Even if the price is not announced those people will still work it out in very short time, so the minimum price will be available to every person who tenders. Obviously the trend will be for all tenderers to submit the minimum price because they would know that if they submitted a price above the minimum price their tenders would be automatically debarred from consideration. So what will happen is that a number of tenders will be lodged and they will all carry the same price. The matter will develop into the method of making the selection.

What criteria are to be adopted in order to make the selection? At the moment, in the case of butter and cheese being provided to institutions, a system is applied whereby if there is a similarity of tender price there is a method of deciding to whom the contract shall be let. Each supplier has a history of quality. This applies to butter and cheese, but it will not be applicable to whole milk. It would be almost impossible to expect a history of quality in order to determine what is going to be an impasse.

What will be the other solution? Will it be a simple, straightforward ballot with the ultimate result that each tender will be called year after year with one firm receiving 75 per cent. of the contracts to supply the large institutions—which are highly prized?

I do not know whether the Minister has any solution to this problem, but at the moment it leaves itself wide open to those fortuitous circumstances which favour one company or the other; and it leaves the Milk Board wide open to suggestions of—I cannot find the word; malpractice would be far too strong for what I have in mind—favouritism to one company or another. This is a most unfortunate circumstance. The milk Board has not been free from criticism on the issue in recent years, and this will place the board in a rather indefensible position. I do not know whether some method of resolving this matter has already been evolved, but I would be most interested to hear the Minister's reply.

The minimum price arrangement also gives me cause for concern with regard to retail stores. At the present moment those stores are fixed to a maximum price. They cannot sell beyond a given price, which varies depending on whether the milk is in cartons or bottles. At the other end of the scale the producer is also fixed to a price. It is not infrequent that a retail store with a large turnover is in a position to negotiate with the processing companies which supply milk at a wholesale price. In this situation what happens is that the store retains its maximum price but increases its margin at the expense of the processing plant. This means that instead of the money going back into the industry, or the processing side of it, it is lost to the industry and goes into the profit margin of the retail store. This, to my way of thinking, is undesirable because if we bleed or detract from any section of the dairy industry it must ultimately reflect right throughout the industry.

So I fail to see why if we are to establish a minimum price to apply to Government institutions that price should not apply also in the case of retail stores. The Act

makes provision for this situation and the different types of selling are already stipulated. It is simply a matter of extending the application from institutions to the retail section of the trade.

The various sections of the industry will agree that the provision to enable a double payment for whole milk, dependent upon the purpose for which it is used, is a desirable thing. The industry would also agree that special licenses are desirable, and this provision will be welcomed by the board which, I understand, has been seeking it since about 1933. However, I cannot agree with the application of a minimum price as it will apply in this case.

I feel two questions arise from this matter which should be resolved and answered. The first of these is the way the decision will be made when tenders are awarded for Government institutions. At the moment this is far too loose and leaves itself wide open to all sorts of suggestions.

Mr. Nalder: That, of course, will be decided by the Tender Board.

Mr. H. D. EVANS: The Tender Board will decide the matter in conjunction with the Milk Board; but upon what criteria? Will the names of the applicants be placed in a hat, or will some other method of selection be employed? In the case of butter and cheese, the dairy products supervisor of the Department of Agriculture would be able to give a judgment on the quality of the butter and cheese that has been provided in the past.

I suggest—although this would not apply to the Milk Board—that once an individual or a company had obtained the right to service an institution, the tendency would be, out of a sense of loyalty, to retain the company or individual that had been servicing the institution when contracts were again tendered for at the end of the period. If the ballot system is to operate, and a strict ballot is conducted on every occasion, a certain turnover of companies would result, but as the situation appears now, there is the possibility of one company obtaining a larger share of the trade than is desirable.

Mr. Nalder: Are you concerned with the fact that if, say, three treatment plants tender to service an institution, and all the tenders are the same—

Mr. H. D. EVANS: The whole three of them are almost certain to submit the minimum price.

Mr. Nalder: If that be the case, I understand the Milk Board will allocate licenses to different companies in different areas in which Government institutions are situated. It has been suggested that this situation does occur.

Mr. H. D. EVANS: If that is to be the undertaking by the Milk Board it will certainly meet the situation to some extent, but at the same time it will afford an opportuinty, when tenders are called, for the *status quo* to be retained. The company would be supplying the institution within its own district. That is a situation which would need to be altered.

Mr. Nalder: That could be, but I understand that the Milk Board would endeavour to give each of the milk treatment plants an equal opportunity to supply approximately what was considered to be a fair share of the trade in any area that is affected.

Mr. H. D. EVANS: That would still be extremely loose and indeterminate and create a tremendous number of difficulties, and it is not spelt out in sufficient detail to obviate any of the dangers I can foresee. The other corollary to this, of course, is the minimum price affecting only one section of the trade. It would not affect the retail section and, in all fairness, this would afford protection to the retail stores, so I think the amendment should be extended to cover that situation. I hope, therefore, the Minister will introduce an amendment to do this at the appropriate time.

So, whilst supporting the first two provisions of the Bill, I find I have reservations about the third one to the extent that I foreshadow an amendment should this become necessary.

MR. I. W. MANNING (Wellington) [5.52 p.m.]: The Bill contains three amendments, and the first, as has been mentioned earlier, seeks to provide that milk shall be bought under a two-price system. Whole milk will be bought at the regular whole-milk rate, and milk that is to be used for the manufacture of fresh cream will be at a different price. This is a system that has been requested for some considerable time by the producers of milk and the milk companies, so that provision has our support.

Many people in the community, particularly farmers—and this is reflected in Parliament—have expressed the view that there is a much greater demand for cream than the amount being marketed or supplied. In recent times an attempt has been made to expand this market and this amendment to the Milk Act seeks to provide that milk can be purchased to meet the demands of the cream market and, under the amendment, the board will have to set the price for that milk.

The next amendment, as has been mentioned by the member for Warren, seeks to fix the minimum price at which milk will be sold to Commonwealth and State institutions, or to public and private hospitals; or, in other words, to the major customers supplied by those engaged in the milk industry. This will, of course, conflict very largely with the activities of the Tender Board because when the price is fixed by the Milk Board it will

virtually mean that the Milk Board is the tenderer and is the body that sets the price and issues permits to contractors that it selects to engage in the trade.

In this instance it is proposed that the permit will be issued to one of the milk companies, and this eliminates the milk vendor or milkman who may have been supplying such customers in the past. This question is tied up with the administration of the board and its desire to obtain a grip on the milk industry, particularly on the retail section. For the purpose of orderliness, the provision has some merit, but one of the issues in this question is the extent to which one can support orderliness. However, the board has requested an amendment to the Act to deal with the price and another to deal with the issue of a permit to the depot or the milk company to enable milk supplies to be made direct to the major customers. This, of course, is already being done in many instances.

I know that the Royal Perth Hospital is supplied with milk by one of the principal milk companies which, I think, delivers it by tanker. I think the Milk Board possibly has in mind that the milk companies are in a much better position to transport the milk to major customers, either in refrigerated vans or in milk tankers. This, no doubt, has had an influence on the decision of the board. It is not my desire to debate the Bill at length, but, briefly, that is the situation.

The first amendment is desirable because it seeks to clarify the position relating to the purchase of milk, particularly for the manufacture of cream. The other amendments deal with the fixing of a minimum price for milk supplied to major customers or institutions, and the issue of a vendor's permit. The measure has my support.

MR. NALDER (Katanning—Minister for Agriculture) [5.58 p.m.]: I appreciate the interest that has been taken in this Bill and, firstly, I wish to make an endeavour to allay the concern of the member for Warren. This legislation has been introduced as a result of experiences in the past. We do not wish to continue with a situation that is unsatisfactory. What the member for Warren has said is quite true; namely, that ever since this problem has come under the Act, the Milk Board has been faced with it.

It has been extremely difficult to work out a scheme that will prove to be satisfactory in every situation. I admit a problem exists in the particular case against which criticism is levelled. Therefore the legislation is designed to ascertain whether this proposed system will work. I point out to the House that we are on fairly strong ground in accepting the suggestions advanced by the Milk Board in an effort to solve the difficulties which have existed for so long. I am inclined to suggest that Parliament should give the Bill a trial for a period to find out whether it will be satisfactory, by which time we should be in a position to remedy any deficiencies that might come to light.

The member for Warren referred to two points in connection with the Tender Board. I am not too sure in my own mind whether it would not be better for the Milk Board to say, "This is the price, because in this situation we have organised marketing." The board is there to ensure that a fair price is paid to the grower or producer in the first instance, allowing for the various margins along the line and taking into account the question of the transport of milk, its handling by the treatment plants, together with a sufficient margin for the milkman to provide him with a satisfactory living, and finally to provide it at a reasonable price to the consumer.

This has been the responsibility of the board all along. It might possibly be better if we could arrange to give this authority to the board to enable it to fix the price to be paid in the first instance.

Mr. Tonkin: How are Government institutions supplied now?

Mr. NALDER: Tenders are called and the successful tenderer supplies milk to the institution.

Mr. Tonkin: For a long time you did not call tenders.

Mr. NALDER: That is so, because we wanted to find out whether the Milk Board had authority to take certain action. We had asked the Crown Law Department for advice on whether the Milk Board could do certain things and that is the reason for the time lapse in the calling of tenders.

We want to make sure that the system works satisfactorily; that it works fairly for the different sections concerned. We want to be able to say to the Milk Board, "You put a price on the milk to be supplied to institutions—no matter what category they might be in—and this will be the price at which the treatment plants will supply milk to them." I see no reason why this cannot be done, though it cannot be done under the present Act.

I am merely indicating what I feel would be a desirable situation. Under the present position the Milk Board is endeavouring to allow the tender system to continue. What the member for Warren says is correct except that it will be possible for a milkman to tender if he is prepared to take a lesser profit.

Mr. H. D. Evans: I said that.

Mr. NALDER: If he is prepared to take a lesser profit he will be able to tender. This might be satisfactory to those who live near the institution concerned; where it might only be a case of their having to drive in and drop off the milk that might be required. If a milkman can do this he

will get the contract. We are endeavouring to allow this situation to continue—though I would prefer this to be done in another way—and we must get legislation through for this purpose.

When we are dealing with the Milk Act—and certain other Acts, but particularly the Milk Act—people seem reluctant to give the Milk Board the necessary authority.

If the House will grant the Bill a second reading tonight I am prepared to convene a conference with the member for Warren and any other members who might be available to consider the Bill before it is introduced in another place. I would be prepared to ask the Milk Board, and perhaps the Crown Law Department, to see what can be done to overcome the problem the member for Warren thinks might arise as a result of this legislation.

I am sure everybody in the House will agree that we want to do the best for the whole of the industry, and this is what the legislation is designed to achieve. If we have a conference we might find a way to meet the situation mentioned by the member for Warren. As I have said, I am prepared to initiate such an arrangement.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 26 amended—

Mr. H. D. EVANS: The Minister was quite generous in making the offer when he replied to the second reading debate; at least he was very fair. I am sure that we all appreciate his approach to what has been, and what still is, a very difficult subject. However, there is one point to which I would draw his attention, and it is the inclusion of the words "to retail stores" in the list of establishments which are subject to the minimum price fixed by the board.

I suggest this as some form of protection to the processing plants against pressure by the retail stores. A retail store, especially a chain store, would be in a very favourable position to depress the wholesale price negotiations with a company. In fairness to these companies, if a minimum price applies to the institutions, why cannot it be applied to the retail stores? Here I am getting into the intent of the original Act, which is price-fixing.

Mr. Nalder: You have no evidence that this has happened?

Mr. H. D. EVANS: The provision as it stands lends itself to that possibility.

Mr. Nalder: That has not happened, and it is not likely to happen.

Mr. H. D. EVANS: The Minister has asked for proof, and by doing that he places me in a difficult position.

Mr. Nalder: The board has the authority to deal with this matter. That is why I asked whether you had any evidence. I know that what the honourable member mentioned will not happen, because agreement has been reached between the parties that if a retail store sells milk it will be at the price agreed upon.

Mr. H. D. EVANS: The point is that although the retail price is fixed, the wholesale price is in question. The processing plants could be subjected to pressure from the retailers. If a chain store has a fairly large turnover in milk it can quite easily pressurise the processing plants to drop their prices. If that is done the processing side of the milk industry will be depreciated; and the depressed wholesale price will result in an increased margin of profit to the retailer. To my mind this is unjust, is against the principle of the Act, and takes money out of the milk industry. The dairying industry is in need of all the money it can obtain, and if any money is taken away from a section, it will be reflected in the whole industry. The insertion of the three words which I have proposed will place the processing plants on a parity with the institutions.

Mr. NALDER: I am prepared to look into this aspect on the same basis as I have undertaken to look into the other aspects. What the honourable member fears has not occurred.

Mr. H. D. Evans: While the provision is in the Act it could occur.

Mr. Tonkin: We have not had this minimum price provision previously.

Mr. NALDER: We have had the situation where the companies have supplied retail establishments, and an agreement has been arrived at. The Milk Board has some authority in this regard, because it licenses the shops. If a retailer does not abide by the price fixed he could lose his license.

Mr. Tonkin: This is not a matter of agreeing to the retail price; it is a matter of a retailer being able to force a processor to supply milk at a lower price than the other retailers are paying.

Mr. NALDER: What I have just said also applies. The milk treatment plants fix a price at which they can supply milk to shops and institutions. There was one shop which tried to do what the member for Warren suggested; but because of its action the Milk Board took away its license, and it was not able to retail milk. I offer the suggestion that if the Bill is passed we will look into this point before it is debated in another place.

Mr. H. D. EVANS: I am quite happy to agree to the Minister's suggestion, and I think I speak for members on this side of the Chamber.

The CHAIRMAN: In order that the Committee stage of the Bill can be disposed of, I intend to continue this sitting after 6.15 p.m. If there is no dissentient voice to my proposal, I will not leave the Chair until after 6.15 p.m. if the Committee stage has not been completed.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

ADJOURNMENT OF THE HOUSE

SIR DAVID BRAND (Greenough—Premier) [6.14 p.m.]: I move—

That the House do now adjourn.

I would remind members of the possibility of the House sitting at 2.15 p.m. on Wednesday next. I would like the House to sit earlier on Tuesday, but that is not possible because there is a party meeting that day.

Question put and passed.

House adjourned at 6.15 p.m.

Legislative Council

Tuesday, the 5th May, 1970

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

BILLS (17) : ASSENT

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

1. Police Act Amendment Bill.
2. Anzac Day Act Amendment Bill.
3. Public Education Endowment Act Amendment Bill.
4. Education Act Amendment Bill, 1970.
5. Coal Mine Workers (Pensions) Act Amendment Bill.
6. Interpretation Act Amendment Bill.
7. Metropolitan Region Town Planning Scheme Act Amendment Bill, 1970.
8. Local Courts Act Amendment Bill.
9. Nurses Act Amendment Bill.
10. Statute Law Revision Bill.
11. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.
12. Wills Bill.
13. Bank Holidays Bill.
14. District Court of Western Australia Act Amendment Bill.
15. Building Societies Act Amendment Bill.
16. Local Government Act Amendment Bill, 1970.
17. Kewdale Lands Development Act Amendment Bill.

QUESTIONS (3): ON NOTICE

1. FUND RAISING

Use of Poker Machines

The Hon. R. THOMPSON, to the Minister for Mines:

(1) Is it illegal to use coin operated poker machines as a game of chance in Western Australia?

(2) Does the Police Department, or any other Government department have any of these machines in their possession?

(3) Is the Minister aware that some of these are being used for fund raising purposes by some organisations?

(4) (a) Has the responsible Minister at any time authorised the release of any of these machines; and

(b) if so, would he supply particulars and reasons?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) The Police Department does not have any poker machines in its possession.

(3) No.

(4) (a) No.

(b) Answered by (a).

2. WHEAT

Quotas

The Hon. S. T. J. THOMPSON, (for The Hon. N. E. Baxter), to the Minister for Mines:

(1) What was the total number of bushels of wheat received from over quota deliveries for 1969-70 harvest?

(2) Will an equivalent number of bushels of wheat be deducted from quotas for the 1970-71 harvest?

The Hon. A. F. GRIFFITH replied:

(1) 4.8 million bushels.

(2) Yes.