

**COAL MINE WORKERS (PENSIONS)
ACT AMENDMENT BILL***Receipt and First Reading*

Bill received from the Assembly; and on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

House adjourned at 5.55 p.m.

Legislative Assembly

Wednesday, the 1st November, 1972

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

BILLS (10): ASSENT

Message from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills:—

1. Inheritance (Family and Dependants Provision) Bill.
2. Transport Commission Act Amendment Bill.
3. Law Reform Commission Bill.
4. Alumina Refinery (Mitchell Plateau) Agreement Act Amendment Bill.
5. Environmental Protection Act Amendment Bill.
6. Country High School Hostels Authority Act Amendment Bill.
7. Public and Bank Holidays Bill.
8. Interpretation Act Amendment Bill.
9. Factories and Shops Act Amendment Bill.
10. Hairdressers Registration Act Amendment Bill.

TEACHER EDUCATION BILL*Message: Appropriations*

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

QUESTIONS (23): ON NOTICE
1. COUNTRY BUILDERS
Government Contracts

Mr. THOMPSON, to the Minister for Works:

- (1) Does he extend any concessions to country based builders who tender for Government contracts?
- (2) If so—
 - (a) what incentive is offered;
 - (b) when was this measure introduced;

- (c) for what reason was it introduced;
- (d) in how many cases has the concession been granted?

Mr. H. D. Evans (for Mr. JAMIESON) replied:

- (1) The question of preference to country based builders is at present under consideration.
- (2) Answered by (1).

2.

MARGARINE*Production: Employees*

Mr. BLAIKIE, to the Minister for Labour:

Would he advise the locality and number of employees engaged in the production of margarine in this State?

Mr. TAYLOR replied:

One factory at North Fremantle with 3 male and 4 female employees.

One factory at Victoria Park with 21 male and 9 female employees.

3.

TOWN PLANNING*Busselton: Correspondence from Mrs. Tichbon*

Mr. BLAIKIE, to the Minister for Town Planning:

- (1) Has he or his department received correspondence from a Mrs. C. Tichbon of Argyle regarding town planning and roadwork proposals in the Shire of Busselton?
- (2) If so, when was this received and what advice has the Government conveyed to Mrs. Tichbon?

Mr. DAVIES replied:

- (1) An undated letter from Mrs. Tichbon was received in my office on 14th September, addressed to the "Minister for", and to "Mr. R." and to "Dear Sir". Another letter dated 12th October to Mr. Bickerton, then Acting Minister for Environmental Protection, and one to the Director of Environmental Protection dated 28th September, were also sent by Mrs. Tichbon relating to these subjects in general. There has been no correspondence with the Town Planning Department directly.
- (2) Dates of receipt were 14th September, 17th October, and 29th September.

Mrs. Tichbon was advised that there is an increased public awareness on environmental matters such as concern her and that this would alleviate in time the problems she raised. She was also advised that the Government is active in promulgating programmes in this direction.

to see why the State Government should have to pay only as much as local authorities pay.

Mr. TAYLOR: The points made by the Leader of the Opposition were most comprehensive and in making those comments he elaborated on the remarks of the member for Kimberley. I do not feel I can make any further comment. The Government believes that the figure set out in the Bill is the correct one and it will abide by that.

Both the member for Dale and the member for Darling Range appeared to make the point that local government should pay less than the State Government. I would like to remind those two members that during the years between 1941 and 1963 the proportions paid by the Government and local government were identical. However, the Government of the day saw fit to reduce the proportion paid by the Government to 16 per cent. and the proportion paid by local government was reduced to 20 per cent. Presumably the Government of the day believed that the Government proportion should be less than the local government proportion. The request put forward by those two members is not worth considering. I oppose the amendment.

Sir Charles Court: That was not the argument at all, at that time.

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

Ayes—20

Mr. Blakie
Sir Charles Court
Mr. Coyne
Dr. Dadour
Mr. Gayfer
Mr. Grayden
Mr. Hutchinson
Mr. W. A. Manning
Mr. McPharlin
Mr. Mensaros

Mr. Nalder
Mr. Ridge
Mr. Runciman
Mr. Rushton
Mr. Stephens
Mr. Thompson
Mr. Williams
Mr. R. L. Young
Mr. W. G. Young
Mr. I. W. Manning

(Teller)

Noes—20

Mr. Bertram
Mr. Blackerton
Mr. Brady
Mr. Brown
Mr. Bryce
Mr. Burke
Mr. Cook
Mr. H. D. Evans
Mr. T. D. Evans
Mr. Fletcher

Mr. Graham
Mr. Hartrey
Mr. Jamieson
Mr. Jones
Mr. Lapham
Mr. Sewell
Mr. Taylor
Mr. A. R. Tonkin
Mr. J. T. Tonkin
Mr. Harman

(Teller)

Pairs

Ayes
Mr. O'Neill
Mr. O'Connor
Mr. Lewis
Sir David Brand

Noes
Mr. May
Mr. Davies
Mr. McIver
Mr. Moller

The CHAIRMAN: The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Mr. W. A. MANNING: It was a disappointment that the Government did not accept the amendment moved by the member for Kimberley. However, I intend to move another amendment. My contention

is that the Government has no justification for reducing its contribution to the fund. The Local Government Association requested that its contribution be reduced so the Government obligingly agreed, but at the same time it intends to reduce its own contribution. I feel that the figure of 12½ per cent.—which is the contribution made by local government and the State Government—should be reduced to 9 per cent.

Local government requires funds and there is no reason that the increased contribution by insurance companies should not benefit local government rather than the State Government.

Mr. Graham: Why should it not come to the State?

Mr. W. A. MANNING: The Government has made no provision for it; there is no mandate.

Mr. Graham: There is no mandate to give it to local government, either.

Mr. W. A. MANNING: The Government seems to have a mandate for everything.

Mr. Graham: The Opposition does not take any notice when we do have a mandate.

Mr. W. A. MANNING: The Deputy Premier is trying to justify it; not I. I move an amendment—

Page 2, line 17—Delete the words "twelve and one-half".

Mr. TAYLOR: I do not have a copy of the amendment suggested, but I understand the import of it. I cannot agree to the amendment.

To suggest that the Government should do more for local government may have its place in another context. However, I remind members of the Committee that, if they have done their homework, they will notice the proportion of contribution by local government, while reduced to 22 per cent. between 1941 and 1963, has now been reduced to 12½ per cent. That is a substantial assistance to local government. I suggest it should not be further increased at this stage, and I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

MR. TAYLOR (Cockburn—Minister for Labour) [10.52 p.m.]: I move—

That the Bill be now read a third time.

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

Ayes—21

Mr. Bateman	Mr. Graham
Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. Lapham
Mr. Bryce	Mr. Sewell
Mr. Burke	Mr. Taylor
Mr. Cook	Mr. A. R. Tonkin
Mr. H. D. Evans	Mr. J. T. Tonkin
Mr. T. D. Evans	Mr. Harman
Mr. Fletcher	

(Teller)

Noes—20

Mr. Blaikie	Mr. Nalder
Sir Charles Court	Mr. Ridge
Mr. Coyne	Mr. Runciman
Dr. Dadour	Mr. Rushton
Mr. Gayfer	Mr. Stephens
Mr. Grayden	Mr. Thompson
Mr. Hutchinson	Mr. Williams
Mr. W. A. Manning	Mr. R. L. Young
Mr. McPharlin	Mr. W. G. Young
Mr. Mensaros	Mr. I. W. Manning

(Teller)

Pairs

Ayes	Noes
Mr. May	Mr. O'Neill
Mr. Davies	Mr. O'Connor
Mr. McIver	Mr. Lewis
Mr. Moller	Sir David Brand

Question thus passed.

Bill read a third time and transmitted to the Council.

LIQUOR ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Attorney-General) in charge of the Bill.

The amendments made by the Council were as follows:—

- No. 1. Clause 4, page 3, line 28—Delete the word "noon" and substitute the words "half-past twelve".
- No. 2. Clause 8—Delete the clause.
- No. 3. Clause 11, page 6, line 31—Delete the words "light refreshment and to".
- No. 4. Clause 11, page 7, line 1—Delete the word "ten" and substitute the word "nine".
- No. 5. Clause 11, page 7, lines 7 to 14—Delete paragraph (b) of proposed new subsection (1) of section 30.

No. 6.

Clause 11, page 7, line 16—Add a new paragraph to stand as paragraph (b) as follows—

(b) by adding after subsection (1) a subsection as follows—

(1a) The holder of a cabaret licence is required to make light refreshments continuously available for purchase and consumption on the premises, between the hours during which he sells and supplies liquor under the authority of paragraph (a) of subsection (1) of this section.

No. 7.

Clause 11, page 7, lines 17 to 22—Delete subclause (b).

No. 8.

Clause 12, pages 7 and 8—Delete paragraph (b) of proposed new subsection (1) of section 31.

No. 9.

Clause 12, page 8, lines 6 to 11—Delete subclause (b).

No. 10.

Clause 13, page 8, line 28—Delete the subsection designation (3) and substitute the subsection designation (4).

No. 11.

Clause 19, page 11, line 32—Add after the word "meeting" the words "or to a person conducting a canteen at a livestock saleyard".

No. 12.

Clause 28, page 16, line 24—Insert after the word "permit" the words "or a function permit".

No. 13.

Clause 29, page 16, line 32—Add after the clause number "29" the subsection designation "(1)".

No. 14.

Clause 29, page 17, line 27—Add a subclause (2) as follows—

(2) Without limiting the application of the Interpretation Act, 1918 to and in relation to this Act, it is hereby provided that—

(a) rules may be made by the Court for the purposes of subsection (5) of section 129 of the Liquor Act, 1970 as repealed and re-enacted by section 30 of the Liquor Act Amendment Act, 1972 so as to have

effect on and from a date prior to the date on which paragraph (b) of subsection (1) of section 30 of the Liquor Act Amendment Act, 1972 is proclaimed to come into operation; and

- (b) applications may be made, heard and dealt with and all other matters and things incidental thereto may be done for the purposes of subsection (5) of section 129 of the Liquor Act, 1970 as repealed and re-enacted by section 30 of the Liquor Act Amendment Act, 1972 prior to the date on which paragraph (b) of subsection (1) of section 30 of the Liquor Act Amendment Act, 1972 is proclaimed to come into operation.

No. 15.

Page 5—Add after clause 7 a new clause as follows—

Section
23A
added.

8. The principal Act is amended by adding after section 23 the following section—

Special
provisions
where New
Year's Eve
falls on
Sunday.

23A. (1) Subject to subsection (2) of this section, where—

- (a) the thirty-first day of December in a year falls on a Sunday; and
- (b) the holder of a hotel licence, a tavern licence, a limited hotel licence, a winehouse licence, a restaurant licence or a club licence is authorised, apart from this section, to sell and supply liquor during a continuous period of hours which commences after noon on that day and ends prior to midnight on that day,

the licensee is authorised by virtue of this section to sell and supply liquor from the expiration of that period of hours on that day until half-past twelve in the morning of the following day, if he has not later than the fifteenth day of

December in that year given notice in writing to the clerk and the Commissioner of Police that he intends to sell and supply liquor under the authority of this section.

(2) Nothing in subsection (1) of this section authorises—

- (a) the holder of any licence to sell and supply liquor other than in accordance with the same terms, conditions, restrictions and limitations as are ordinarily applicable under this Act to the sale and supply of liquor by him on Sundays;
- (b) the sale and supply of liquor for consumption off the licensed premises.

No. 16.

Page 10—Add after clause 17 a new clause as follows—

Section
39A added.

18. The principal Act is amended by adding after section 39 the following section—

Special
licence
for West
Australian
Wine
Festival.

39A. (1) Notwithstanding any other provision of this Act but subject to this section, a licence may be granted by the Court once in every calendar year to the West Australian Wine Festival Association Inc. authorising—

- (a) the Associations; and
- (b) such vignerons and other persons associated with, or participating in, the wine festival conducted by the Association, as the Court thinks fit and endorses on any licence so granted,

to sell and supply wine and brandy in any quantity during a period not exceeding three days, for consumption on such premises as are specified in the licence, or in sealed containers for consumption off such premises, subject to such conditions as may be imposed by the Court.

(2) A licence granted under this section shall be in the form approved by the Court for the purpose, and shall authorise the Association and the other persons whose names are endorsed thereon to sell and supply wine and brandy in accordance with the provisions of the licence and the conditions imposed by the Court notwithstanding any other provision of this Act and notwithstanding that one of the days in respect of which the licence is granted may be a Sunday.

(3) Any application made by the Association for the grant of a licence under this section shall be in a form approved by the Court, and where an application is made in such a form, the Court may, if it thinks fit, grant the licence, but the provisions of Part IV of this Act, except insofar as the Court requires those provisions to be complied with, do not apply to or in relation to the making of the application for, consideration or granting of such a licence.

(4) A fee of five dollars is payable for any licence granted under this section, and no other fee is payable under this Act in respect of such a licence.

Mr. T. D. EVANS: I move—

That amendment No. 1 made by the Council be agreed to.

The first amendment proposed by the Legislative Council relates to clause 4, in so far as it purports to regulate trade on Anzac Day when it falls on a week day. Originally the Bill provided that trading could commence at 12 noon. In the case of hotels or other establishments when normal trading hours extend from 10.00 a.m. until 10.00 p.m., it was provided that trading could commence at 12 noon and continue until 10.00 p.m. In the case of establishments where the closing hour was 11.00 p.m., the commencing hour was to be 12 noon.

When the Bill came before the Chamber the commencing hour was amended, at the request of the R.S.L., to 12.30 p.m. However, as a result of an oversight in this Chamber only one amendment was actually sought and achieved. This related to the case of a hotel commencing trading at 12 noon. This was amended to 12.30

p.m. and the hotel was enabled to continue until 10.00 p.m. However, in the case of a hotel which had the right of closing at 11.00 p.m., the reference to 12 noon remained in the Bill. The Legislative Council, to make the provision consistent, has quite correctly deleted the word "noon" and inserted the words "half-past twelve" in that case. I recommend that the Committee should accept this amendment.

Mr. R. L. YOUNG: I take the opportunity to plead guilty as I was the member responsible for recommitting the Bill for the purpose of making the amendments to which the Attorney-General has referred. I confess it was simply an oversight in not picking up that particular amendment. We support the amendment.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: I move—

That amendment No. 2 made by the Council be agreed to.

This amendment relates to clause 8 of the Bill. As presented to this Chamber, clause 8 sought to extend the right of persons in prescribed areas to buy on a Sunday for consumption off the premises liquor in sealed containers to a given quantity as prescribed by the Act. When the Bill came to this Chamber the word "liquor" in this context was qualified to mean liquor other than spirits.

The Legislative Council has deleted clause 8, so that if this amendment is agreed to subsection (2) of section 24 of the principal Act will remain intact and will provide the right for any person to buy two bottles of beer in prescribed areas on Sundays.

The opportunity presents itself now for me to make this comment, without reflecting on the Legislative Council. That is not my intention. Rather is it my intention to commend the Leader of the House in the other place for the manner in which he was able to pilot this legislation through that House. I think we are all aware of the difficulties which can be encountered in either House of Parliament in matters involving liquor. Having read the transcript of what transpired in this Chamber and in the other House, and having introduced the Bill here, I am loath to send it back to the Legislative Council with a message that we insist on our amendments, for the reason that anything can happen.

Nevertheless, I sought originally to extend the right to purchase liquor for consumption off the premises, full stop; and this Chamber went part of the way with me by extending this right to buying liquor other than spirits on a Sunday. Having regard for the difficulties that are likely to be encountered should the Bill go back to the Legislative Council, I raise no objection to this amendment.

The CHAIRMAN: Provided no member wishes to move any amendments, the Attorney-General may move the Legislative Council's amendments in bulk if he so desires.

Mr. T. D. EVANS: If members would signify any amendments they wish to move, I could move that the Council's amendments be agreed to in bulk up to that stage.

Mr. R. L. YOUNG: A number of these amendments may need some discussion and I do not think it would be possible to move them in bulk.

In respect of the amendment to which the Attorney-General has just spoken, I would like to say that obviously the Council was faced with the decision of either accepting the amendment made in this Chamber, reverting to the provisions in the original Act whereby only two bottles of beer were permitted to be sold in prescribed areas, or widening the provision to that contained in the original Bill whereby any liquor could be sold in the prescribed areas on Sundays. In view of the comments made in this Chamber in regard to what could happen in prescribed areas, it appears the Legislative Council has done the right thing, and we support the amendment.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: I move—

That amendment No. 3 made by the Council be agreed to.

Amendment No. 3 refers to clause 11 of the Bill, which related to the obligations imposed upon the holder of a cabaret license. When the principal Act was enacted in 1970, the rationale of such a license was that the licensee would be required to provide live artists present and performing as a condition precedent to the consumption of liquor on cabaret premises. The consumption of such liquor was made ancillary to the provision of live artists present and performing.

Mr. W. G. Young: Was it not clause 10 of the Bill?

Mr. T. D. EVANS: I am referring to the Bill as amended in Committee and upon recommittal and as it left this Chamber. Clause 11 of that Bill refers to section 30 of the Act which deals with cabaret licenses.

In the August session of 1970 the Liquor Act—which was then just an infant, having been brought into operation on the 1st July of that year—was amended to provide that not only was the consumption of liquor to be ancillary to the provision of live artists present and performing but also the holder of a cabaret license should have light refreshments readily available on request by his customers. It was never

intended to be mandatory for such customers or clients to partake of light refreshments in order to enable them to consume liquor.

When the Bill came before this Chamber, the opportunity was taken to re-enact this provision, and it was intended to maintain the rationale that the cabaret licensee would have light refreshments available to meet the requests of customers. However, when the Bill left this Chamber some holders of cabaret licenses were under the impression that the Bill imposed upon the patrons of cabarets the obligation to partake of light refreshments as a condition precedent to consuming alcohol at cabarets. That was never the intention.

The Legislative Council became aware of the doubt that was expressed and subsequently amended the clause, which now clearly sets out the original rationale so that there will be no suggestion of an obligation on customers or patrons of cabarets to partake of food or light refreshments if they do not wish to do so. However, the licensee will be obliged to have these available on request.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: I move—

That amendment No. 4 made by the Council be agreed to.

This amendment also relates to the privilege attached to the holding of a cabaret license. It will be recalled that when the Bill was before this Chamber, it was intended to give the holders of cabaret licenses an extra hour's trading; that is, to allow them to open at 8.00 p.m. instead of 9.00 p.m. as provided in the principal Act. However it became evident that whilst some cabaret licensees preferred an earlier opening, some preferred an extension of the closing hour from 3.30 a.m. until 4.30 a.m. During the debate in this Chamber we agreed to an amendment, whereby 10.00 p.m. was substituted for 8.00 p.m., and an attempt was made—perhaps it was a half-hearted attempt—to extend the closing time by one hour. As this move was unsuccessful, the net result was that the holder of a cabaret license would be deprived of one hour's trading as provided under the principal Act.

The Legislative Council has attempted to restore the original position by the substitution of the word "nine" for the word "ten." I have no option but to agree to the amendment and to recommend it to the Committee.

Mr. Thompson: This is a responsible act on the part of the other House.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: I move—

That amendment No. 5 made by the Council be agreed to.

The proposed amendment is the deletion of paragraph (b) of proposed new subsection (1) of section 30. Paragraph (b) reads as follows:—

- (b) if the licensee obtains an occasional permit, by virtue of subsection (4) of this section, to sell and supply liquor, on the premises, during the hours, on the day, to the persons or class of persons, specified in the permit, for consumption on the premises, only. ;

This, of course, refers to the holder of a cabaret licence. The Legislative Council has sought to delete the provisions which would have given an additional privilege to the holder of a cabaret licence. For the reasons outlined earlier that I would prefer the Committee to determine this Bill now and forever, I recommend that the Committee accept this amendment also.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: I move—

That amendment No. 6 made by the Council be agreed to.

I referred to this provision earlier. It clarifies the position relating to the provision of light refreshments on cabaret premises. The Legislative Council has in fact redrafted the provision, and asks us to accept a new paragraph to stand as paragraph (b) as follows:—

- (b) by adding after subsection (1) a subsection as follows—

(1a) The holder of a cabaret licence is required to make light refreshments continuously available for purchase and consumption on the premises, between the hours during which he sells and supplies liquor under the authority of paragraph (a) of subsection (1) of this section.

In fact, this provision spells out loudly and clearly the original rationale in the 1970 Act. It was never intended to depart from this rationale. Despite the fact that some doubts were expressed, it was my own view that the Bill, as it left this Chamber, had not in fact altered the law in this regard. However, the goal of the Legislative Council was to clarify the situation, and I feel it has achieved this purpose. I recommend that the amendment be accepted.

Question put and passed; the Council's amendment agreed to.

Mr. Bickerton: Who was the member who objected to the amendments going through *en bloc*?

Mr. T. D. EVANS: I move—

That amendment No. 7 made by the Council be agreed to.

This amendment seeks to delete subclause (b) which sought to add subsection (4) after subsection (3), as follows:—

The provisions of subsection (10) of section 24 apply, with such adaptations as may be necessary, to the holder of a cabaret licence.

Subsection (10) of section 24 of the principal Act provides—

The Court may, on the application of the holder of an hotel licence made not later than forty-eight hours before the time at which the permit is to take effect and on payment of the specified fee, issue to the licensee an occasional permit . . .

The Legislative Council has suggested, and it has been accepted by this Chamber, that such licensees are not to be given the right to obtain occasional permits. Accordingly, this is a consequential amendment and I recommend that the Committee accept it.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: I move—

That amendment No. 8 made by the Council be agreed to.

The Legislative Council seeks the deletion of paragraph (b) of proposed new subsection (1) of section 31. An attempt was made to provide that the holder of a theatre licence could obtain an occasional permit during the hours, on the day, to the persons or class of persons specified in the permit. This provision was to provide the opportunity—not necessarily for the patrons of a theatre but mainly for the actors themselves—to consume liquor on theatre premises on a Sunday night during rehearsals. At least one theatre desired the right for a holder of this license to approach the court for an occasional permit to enable refreshments to be provided for its own actors on a Sunday night.

The Legislative Council, however, has seen no merit in this amendment and for the reasons outlined earlier I cannot see justification in delaying the legislation by fighting for the clause because of difficulties which may be encountered with other provisions in the Bill. I also recommend this amendment to the Committee.

Mr. R. L. YOUNG: Although it seems the Attorney-General does not necessarily agree with the Council's amendment, I think it is quite justified. Had the provision been passed as it stands, I think it is fairly obvious that we would be faced with a situation of occasional permits being granted to theatre licensees in numbers far beyond those required for normal functions. We support the amendment, not quite so reluctantly as the Attorney-General did.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: The next amendment is consequential upon the acceptance by this Chamber of amendment No. 8. Therefore, I move—

That amendment No. 9 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: Amendment No. 10 is purely one of procedure. If members have studied the Bill and the amendments made by the Council, they will agree that it is necessary. I move—

That amendment No. 10 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: Amendment No. 11 refers to clause 19, which seeks to amend section 43 of the Act. That section provides for the issue of function permits and states that liquor sold and supplied under such permits must be purchased from the holders of certain licenses, except where the permit is issued to the organising body of an agricultural show or race meeting. The amendment seeks to extend that exemption to a person conducting a canteen at a livestock saleyard. I propose to move that the amendment be accepted.

Mr. R. L. YOUNG: I agree with the amendment. However, I think the word "or" should be added at the end of it. The amendment affects paragraph (b) of subsection (3), and that paragraph is followed by paragraph (c), which does not have the word "or" preceding it. I would like the Attorney-General to comment.

Mr. T. D. EVANS: I thank the honourable member for drawing my attention to the error. I move—

That amendment No. 11 made by the Council be agreed to, subject to the following further amendment:—

Add after the word "saleyard", being the last word in the amendment, the word "or".

Question put and passed: the Council's amendment agreed to subject to the Assembly's further amendment.

Mr. T. D. EVANS: Amendment No. 12 refers to clause 28, which seeks to amend section 127. That section provides that any licensee who permits an intoxicated person or a juvenile to remain on his licensed premises commits an offence. Clause 28 of the Bill seeks to extend that provision to any person who is the holder of an unlicensed club permit, or his servant or agent. The Legislative Council has decided that the same sanction should attach to a person who applies for and receives a function permit. One might say what is

sauce for the goose is sauce for the gander, and I have no objection to the amendment. I move—

That amendment No. 12 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: Amendment No. 13 is a procedural matter to allow for the insertion of a subsequent amendment. I move—

That amendment No. 13 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: The next amendment refers to clause 29, and seeks to add a new subclause to stand as subclause (2). It was intended under the clause to regulate the attendance of juveniles at licensed premises. Some difficulty in that regard was contemplated in this Chamber because it was considered that whilst it is desirable that children should not be permitted in public bars, it would not be a simple matter to prohibit them from entering those bars because in some licensed premises there is no bar other than a public bar.

This Chamber agreed to give the court the right, upon application by the holder of a hotel license, to prescribe areas where children may be present in the company of an adult who is partaking of reasonable refreshment. We made it mandatory for the licensee to apply to the court so that the court could prescribe such areas.

Doubts were expressed in the Legislative Council as to whether before the Bill is enacted the court would have power to prescribe such areas, and whether licensees could be compelled to make application. The amendment clearly sets out to regulate the matter and to place beyond any doubt the right of the court to hear and determine such applications so that the phasing in of the provision may be accomplished without a great deal of difficulty. Therefore, I move—

That amendment No. 14 made by the Council be agreed to.

Mr. R. L. YOUNG: This clause in the original Bill gave this Chamber a great deal of trouble. As I recall, it was amended, and when the Bill was re-committed it was amended again. During the course of the debate on the amendment moved by the Attorney-General I said that the work that would be thrown on the Licensing Court to administer this provision would be tremendous, because rather than accept the premise that one could be a little flexible concerning it and say that juveniles may be present in an area where liquor was sold mainly at tables, the Assembly accepted the premise that the court should lay down certain rules as to where juveniles may be.

With that now comes the problem of the court receiving applications from every hotel in the State and considering where juveniles may be permitted to be present in a hotel, and laying down the rules associated with such a decision. The amendment made by the Legislative Council presumes a form similar to a Parkinson type of situation by saying, "Having laid down the wording in accordance with the rules in the amendment made by this Chamber, we now have to make provision for the court to make rules," and that is what has happened by adding another 100 words or so to the clause in the Bill. It seems to me that, under this provision, the work of the court will be monumental. I did not like the provision when it was before this Chamber and I do not like it now.

However, we can only accept the Council's amendment, because it is necessary to retain the spirit of the Bill as it left this Chamber, but I make the comment that the Licensing Court will rue the day that this amendment was made. Nevertheless I am prepared to accept the amendment made by the Council.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: I move—

That amendment No. 15 made by the Council be agreed to.

This amendment seeks to add a new clause after clause 7 which relates to special provisions that will apply when New Year's Eve falls on a Sunday. This will occur on the 31st December, 1972, and will probably not happen again for another 21 years.

On this occasion we have to have regard for the fact that New Year's Eve will be the Sunday preceding the Perth Cup when the W.A. Turf Club will be sponsoring a \$100,000 Perth Cup. On this occasion also the W.A. Trotting Association is conducting a series of trotting events and I understand the prize money will amount to a total of \$100,000. We would expect that there will be a huge influx of tourists and visitors at that time, and therefore it would seem strange, and perhaps would damage the image of Western Australia as a tourist mecca, if on New Year's Eve tourists and visitors were to be subjected to trading hours that normally operate at a hotel on a Sunday afternoon; that is, between 4.30 and 6.30 p.m.

Representations have been made by the Australian Hotels Association having regard for New Year's Eve on this occasion falling on a Sunday, but the association had sought relaxation of the provisions relating to the granting of occasional permits for trading on New Year's Eve generally. On this occasion the association's request was strengthened by the fact that New Year's Eve falls on a Sunday. I saw the wisdom in this request and I was res-

ponsible for asking one of the members in another place to move an amendment to overcome the difficulty.

I am quite prepared to concede that this amendment does not meet the full wishes of the A.H.A. which sought some clarification in the right of the court to declare New Year's Eve as a special occasion, but the court will experience some difficulty due to the fact that the Act requires that the permit be limited to special portions of premises and to special classes of persons. However the more pressing need on this occasion was to meet the situation that will occur on the 31st December, 1972. This amendment by the Council seeks to overcome the difficulty that will be experienced. The other matter can be looked at in the long term.

Mr. W. G. Young: What effect will this have on hotels that trade from noon onwards?

Mr. T. D. EVANS: This will not affect the morning session, but will provide that where the hotel would normally close at 6 p.m.—

Mr. W. G. Young: A hotel normally opens at 11.30 a.m. and closes at 1.30 p.m.

Mr. T. D. EVANS: This amendment will affect the afternoon session only. When they commence trading at 4.30 p.m., and have given notice to the court and the Commissioner of Police, they will be able to trade from 4.30 p.m. onwards.

Mr. R. L. YOUNG: I think the point raised by the member for Roe is valid, with all due respect to the Attorney-General, because proposed new section 23A seeks the fulfilment of two requirements before a person may make application. The first is that the 31st December, 1972, falls on a Sunday, and the second is that the holder of a hotel license is authorised, apart from this section, to sell and supply liquor during a continuous period of hours that "commences" after noon on that day.

It would seem that if he is the holder of a license that authorises him to sell liquor prior to noon on that day, he would not qualify under this proposed new section to make application in accordance with its provisions. I refer that point back to the Attorney-General for his comments, because I think the member for Roe has raised a valid point.

Secondly, I want to say that I intend to move an amendment to proposed new section 23A which is contained in proposed new clause 8, to provide for those New Year's Eves that do not fall on a Sunday. I accept what the Attorney-General has said and I agree that this proposed new section has been put forward to cover the 31st December, 1972. However, while we are at it we may as well cover other days if they happen to fall on New Year's Eve. Therefore I intend to move such an amendment at the appropriate time.

Mr. Thompson called attention to the state of the Committee.

Bells rung and a quorum formed.

Mr. T. D. EVANS: The Committee must bear in mind that licensees who have the right to trade on Sundays, whether or not New Year's Day falls on a Sunday, draw that right from other sections of the Act. This amendment only provides for the extension of the hours of trading on Sundays provided by other sections. By virtue of the new section they will be permitted to trade on a Sunday provided they notify the Commissioner of Police and the Licensing Court.

It does not mean that when New Year's Eve falls on a Sunday that these licensees will not be able to commence trading on that Sunday until the normal time they commence on that day. If they notify the Licensing Court and the Commissioner of Police they will have the right to continue trading until 12.30.

Mr. R. L. YOUNG: I move an amendment—

Line 2 of proposed new section 23A (1)—Delete the subsection designation "(2)" and substitute the subsection designation "(3)".

Amendment put and passed.

Mr. R. L. YOUNG: I move an amendment—

After proposed new subsection (1) insert the following new subsection to stand as subsection (2):—

(2) Subject to subsection (3) of this section where the thirty-first day of December in a year falls on a day other than a Sunday the holder of a hotel licence, a tavern licence, a limited hotel licence, a wine house licence, a restaurant licence or a club licence is authorised by virtue of this section to sell and supply liquor from the expiration of ordinary trading hours on that day until half past twelve in the morning of the following day if he has not later than the fifteenth day of December in that year given notice in writing to the clerk and the Commissioner of Police that he intends to sell and supply liquor under the authority of this section.

Amendment put and passed.

Mr. R. L. YOUNG: I move an amendment—

Delete the passage "subsection (1) of" in lines 1 and 2 of proposed new subsection (2) in the Legislative Council's amendment No. 15.

Amendment put and passed.

Mr. R. L. YOUNG: I move—

Delete the words "on Sundays" being the last two words in proposed new subsection (2) (a) in the Legislative Council's amendment No. 15.

Amendment put and passed.

Mr. COOK: I seek your guidance, Mr. Chairman, and I also wish to ask a question of the Attorney-General. No reference is contained in paragraph (b) of proposed new section 23A (1) to a cabaret licence. I wonder whether the Attorney-General could give any reason for this omission. I ask you, Mr. Chairman, whether it is too late for an amendment to be made to include a cabaret licence?

Mr. T. D. EVANS: I am not one who frequently attends cabarets, but I understand that they do not function at all on a Sunday night.

Mr. W. G. Young: This now applies to any New Year's Eve.

Mr. T. D. EVANS: The amendment proposed by another place relates to those licenses which at the present time operate on a Sunday night. As a cabaret licence does not operate at all that is why no reference was made to it.

Mr. COOK: Is it too late, Mr. Chairman, for me to make an amendment to include a cabaret licence?

The CHAIRMAN: Yes, I am sorry it is too late.

Question put and passed: Council's amendment agreed to subject to the Assembly's further amendments.

Mr. T. D. EVANS: I move—

That amendment No. 16 made by the Council be agreed to.

This amendment has been requested because it is proposed that a Western Australian wine festival be held regularly in Western Australia from 1973 onwards. This amendment is necessary in order to permit wine growers to exhibit and sell their wares from stores and booths at festival venues in and around Caversham.

Similar types of festivals are held in the Barossa Valley in South Australia and at Rutherglen in Victoria and specific provisions are included in the Acts of those States for this purpose. I commend the amendment to members.

Mr. R. L. YOUNG: It would appear to be essential that such a festival be held in Western Australia if the value of our wines is to be recognised. I am happy to have been one of those who were instrumental in having this amendment made. I wish the wine growers all the best of luck in their festivals.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: When dealing with Council's amendment No. 11 the Committee accepted an amendment by the member for Wembley. It has now been drawn to my attention that the amendment suggested by the member for Wembley was unnecessary. I seek leave of the Committee to reconsider the Legislative Council's amendment No. 11.

The CHAIRMAN: Is there any dissentient voice? As there is no dissentient voice, leave is granted.

Mr. T. D. EVANS: I move—

Delete the word "or" previously added to amendment No. 11 made by the Council and that the original amendment No. 11 stand.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

House adjourned at 11.59 p.m.

Legislative Council

Thursday, the 2nd November, 1972

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

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.38 p.m.]: Mr. President, I ask permission for questions on notice to be taken at a later stage of the sitting.

The PRESIDENT: Permission is granted.

PARLIAMENTARY COMMISSIONER ACT

Rules: Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

LAND DRAINAGE ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

FIRE BRIGADES ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), read a first time.

LIQUOR ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1 to 14 and No. 16, and that it had agreed to amendment No. 15 made by the Council subject to further amendments.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [2.41 p.m.]: I move—

That the Bill be now read a second time.

It has become apparent that the following amendments are necessary to the Coal Mine Workers (Pensions) Act, 1943-1971; namely—

- (1) Section 2—An amendment to cover the definition of "consultants" employed in the industry.
- (2) Section 9—Child allowance—
 - (a) To make the child allowance a trustee payment to the parent or guardian; and
 - (b) to extend the payment of child allowance, at the Coal Mine Workers' Tribunal's discretion, in order that the child may be assisted in obtaining a higher education.

A difficulty has been experienced through companies engaging workers and classifying them as "consultants". Instead of these people being employed in the normal duties one would expect of a consultant they are, in fact, carrying out the duties of men who would normally be engaged as permanent employees within the industry.

This has enabled the companies and the "consultants" in this category to avoid contribution to the pensions fund and, furthermore, has avoided the responsibility to terminate the services of a "consultant" at the compulsory retirement age of 60 years as stipulated in the Act.

This situation has had the effect of creating a certain amount of ill feeling among the employees and, undoubtedly, should be corrected.

The amendment extends the definition of "mine worker" to include any person employed as a consultant in or about a coal mine after a period of two months of such employment.

Under the Act as it exists at present, payments for child allowance are considered as income when social service benefits are being computed, and because of this the social service entitlements of the parent are minimised.

It is felt that this procedure is unjust and, therefore, an amendment is proposed to section 9 of the principal Act so that