

The Hon. J. G. HISLOP: To 1935-36. The revenue was £10,000,000 odd, and the expenditure was £9,000,000; so in those days we were able to live within our means.

The Hon. R. C. Mattiske: It is more interesting to note that the public debt per head of population in 1935 was £197, and in 1959 it is £322.

The Hon. J. G. HISLOP: So it can be seen that there are some of us who are getting alarmed on the question of constantly increasing taxation in a manner which we regard as financially unsound. I support the measure, because I know what it will mean to the State; but I think the time must arrive for us to have a talk with the Commonwealth as to whether we should match the expenditure of other States purely on a *per capita* basis.

On motion by the Hon. W. F. Willesee, debate adjourned.

ADJOURNMENT—SPECIAL

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): I move—

That the House at its rising adjourn till 2.30 p.m. tomorrow.

Question put and passed.

House adjourned at 9.56 p.m.

Legislative Assembly

Wednesday, the 4th November, 1959

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

MIDDLE SWAN GENERAL HOSPITAL

Preparation of Plans and Specifications

1. Mr. BRADY asked the Minister for Health:
 - (1) Have any plans or specifications been prepared for a general hospital at Middle Swan?
 - (2) If so, will he state the number of beds it is intended to cater for?
 - (3) If not, will he arrange for same to be prepared?

Mr. ROSS HUTCHINSON replied:

- (1), (2), and (3) The Principal Architect has been asked to prepare plans for a hospital of approximately 30 general beds to be added to the existing midwifery hospital, and has completed his preliminary investigations of the site.

WATER SUPPLIES

Queen Street, South Guildford

2. Mr. BRADY asked the Minister for Water Supplies:
 - (1) Is the Water Supply Department anticipating the extension of water services along Queen Street, South Guildford, in the current year?
 - (2) If not, when is it believed the extension will be made?

Mr. WILD replied:

- (1) No.
- (2) When building development is sufficient to justify the expenditure.

TRANSHIPMENT ACTIVITIES AT PARKESTON

Tenders for Contract System

3. Mr. EVANS asked the Minister for Railways:

- (1) Could he please inform me whether the Commonwealth Railways will adopt the contract system to operate transhipment activities at Parkeston?
- (2) If so, does he know whether tenders have yet been called?

Mr. COURT replied:

- (1) It is understood the Commonwealth railways intend to adopt the contract system.
- (2) It is not known whether tenders have yet been called.

SOUTH PERTH FORESHORE

Dredging

4. Mr. GRAYDEN asked the Minister for Works:

- (1) When will work commence on the proposed dredging of the South Perth foreshore?
- (2) What are the eastern and western limits of the area to be reclaimed?

Mr. WILD replied:

- (1) During the second half of the 1959-60 financial year.
- (2) Eastern limit—Approximately the west boundary of Coode Street. Western limit — Approximately 1,000 feet east of Mends Street Jetty.

TRAM TRACKS

Removal

5. Mr. GRAHAM asked the Minister for Transport:

- (1) What length of tram tracks has been removed since the cessation of tram services?
- (2) On what routes are tram lines still to be removed?
- (3) What are the programmed dates for the removal of the lines in each case respectively?
- (4) What is the length in each such case?

Mr. PERKINS replied:

- (1) The equivalent of 16½ miles of single track.

Equivalent of
miles of
single track

(2) Route—	
Mt. Hawthorn	2.84
Charles Street, North Perth	3.06
Maylands	.62
Leederville—	
McCourt Street	1.07
East Perth—Trafalgar Road	.74
Hay Street East	1.54
Subiaco	1.31
Car Barn loops and sidings	.33
	<hr/> 11.51

Completion
Date

(3) Mt. Hawthorn	30-1-1960
Charles Street	16-4-1960
Maylands	30-4-1960
Leederville	21-5-1960
East Perth	4-6-1960
Hay Street East	13-7-1960
Subiaco	13-8-1960
Car Barn sidings	20-8-1960

- (4) See answer to No. (2).

FIREWOOD

Supply to Government Institutions at Albany

6. Mr. HALL asked the Minister for Works:

- (1) Are contracts advertised and called for to supply firewood to hospitals, schools, and Government institutions?
- (2) If so, were contracts advertised and called for the supply of firewood to Government schools, hospitals, and Government institutions in Albany?

Mr. WILD replied:

- (1) Yes.
- (2) The W.A. Government Tender Board contract rates for supply and delivery of firewood to schools, Government departments, and institutions during the period from the 1st January, 1959 to the 31st December, 1959 in the Albany area are set out under group 4 of Tender Board schedule No. 752A, 1958.

7. This question was postponed.

QUESTIONS WITHOUT NOTICE**TRAFFIC ACCIDENTS***Cost to State*

1. Mr. HALL asked the Minister for Transport:

Yesterday I asked the Minister for Transport whether he could give an estimate of the amount that road accidents were costing the State. He replied that, to be of value, such an estimate would require detailed and expensive research which has not yet been undertaken in this State. In view of that answer, and bearing in mind the number of road accidents in this State, plus the fact that there are more cars on the road, would he agree to establish a traffic record system in order to obtain a detailed analysis of accidents and the high frequency location of them?

Mr. PERKINS replied:

We already keep such a record, but the difficulty is that it would require a tremendous amount of research to obtain the answers required by the member for Albany. All people, of course, recognise that the cost of accidents to the State should be reduced and that we should take all active steps to achieve that end. Therefore, whether the cost is greater or lesser, we will still be making every effort possible to reduce the accident rate.

NARROWS BRIDGE OPENING*Invitation to Members of Parliament*

2. Mr. HEAL asked the Minister for Works:

- (1) Is it not a fact that it is the usual custom, at the opening of any major public works project, for the Minister for Works to issue invitations to members of Parliament?
- (2) What caused the present Minister to arrive at the decision to place a notice on the notice board in the corridor requesting members of this House to place their names on a list if they desire to attend the opening of the Narrows Bridge? I have received an invitation in view of the fact that my electorate adjoins the northern end of the bridge; but, because of the fact that the Hawke Government was responsible for the building of this project, other members on this side of the House take a dim view of the Minister's action.

Mr. WILD replied:

- (1) No. I have no knowledge that the Minister of the day should be responsible for the issuing of invitations to the opening of a project such as the Narrows Bridge.
- (2) It was not until the list of names of those who have been invited to the opening was brought to me by the Commissioner of Main Roads (Mr. Leach) about a week ago, that I noticed he had not issued any invitations to members of Parliament other than to the 10 Cabinet Ministers and the two members who represent electorates south of the river; and I point out that, at that stage, the name of the member for West Perth was not on the list. I drew Mr. Leach's attention to the fact that the member for West Perth—whose electorate is on this side of the river—had not had an invitation issued to him. When I ascertained that no member of Parliament other than those referred to were on the list, I persuaded Mr. Leach to see whether he could not obtain some extra accommodation for them. At that time, he indicated to me that he could not accommodate more than 400 guests. Despite this, I asked him to revisit the site of the opening ceremony to ascertain whether some extra seats could be provided. Following that, he returned to me and advised that he could find accommodation for 40 members of Parliament and their wives and it was then I instructed that the notice be placed on the notice board.

ONSLOW HOSPITAL*Lack of Trained Staff*

3. Mr. BICKERTON asked the Minister for Health:

- (1) Is he aware that Onslow Hospital is now without trained staff owing to the matron having been flown to Perth because of illness?
- (2) If so, what is being done by way of emergency measures to ensure the well-being of patients in the hospital in that town?
- (3) When is a replacement for the matron expected in Onslow?
- (4) To encourage efficient hospital staff to go to Onslow, when will a start be made on the new hospital building?

Mr. ROSS HUTCHINSON replied:

- (1) Yes. Nursing assistants will endeavour to fill the breach in that hospital owing to the absence of the matron.

- (2) Cases that require skilled care will be transferred to the Roebourne Hospital.
- (3) Every endeavour is being made to secure a replacement for the matron.
- (4) Sketch plans are being prepared for a new hospital building, but the date of the commencement of this hospital cannot yet be determined. Of course this is dependent on the availability of loan funds.

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL (No. 3)

First Reading

Bill introduced by Mr. Watts (Minister for Electricity) and read a first time.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

Debate resumed from the previous day.

MR. BRADY (Guildford - Midland) [4.43]: Since the House adjourned last evening I have had an opportunity to examine this Bill. In the main we can safely agree to all the principles enumerated by the Attorney-General in regard to the adoption of children.

It appears that the Act was first passed in 1896, which was a long time ago, and a lot of water has flowed under the bridge since then. The main alteration to the principles underlying the legislation is that people suffering from infectious tuberculosis are to be precluded from adopting children, probably for the reason that this would not be the right thing to do; that is, to hand over a healthy child to an infected couple, who might pass on the disease to the child. Basically this Bill is designed to protect adopted children in the future.

To some extent it looks as if we are putting the cart before the horse, because in these days of modern medical science the tuberculosis scourge is fast disappearing. All the damage that might have been done in this respect over the years by couples infected with tuberculosis, has already been done. These days, with the shortage of children available to be adopted, and with the tuberculosis scourge being reduced to the absolute minimum, we are seemingly putting the cart before the horse, or shutting the stable door after the horse has bolted, by agreeing to the provision in the Bill relating to this matter. But we must take the view that if we pass this Bill, the health of a few children in the next decade or so will be protected. I am all for that, and support the amendment in the Bill in that direction.

There is a further provision in the Bill which states that any person desiring to adopt a child must undergo an X-ray examination and furnish a certificate from a medical practitioner to show that such person is free from infectious tuberculosis. There is a growing feeling in the community that this continued persistence by the Health Department in compelling people to undergo X-ray examination is constituting a danger.

It has been said by many eminent medical authorities that the undergoing of frequent X-ray examinations could lead to leukaemia; therefore, some people are very reluctant to be X-rayed. During the committee stage I intend to move an amendment to this provision with a view to deleting the X-ray examination, and substituting some other form of medical examination. I intend to do that because I have been requested by people who have given much thought to this matter to oppose compulsory X-ray examination. Those people are prepared to undergo other medical tests. The main thing in this Bill is to protect the health of the children when they are to be adopted by unhealthy people, and in that respect I support the Bill.

There is also a provision that a person intending to adopt a child must give the Director of Child Welfare 30 days' notice in order that the department can check up on the health qualifications of that person; and also ensure that the other requisite qualifications are satisfactory and that he is able to maintain, bring up, and educate the child. We can all support that provision without hesitation.

Another provision is to delete certain words from an existing section in the Act which insists on the Registrar of the Supreme Court supplying certain notices every six months. As the Act stands, the Registrar-General is to be notified automatically when certain adoptions are made; therefore, words are being deleted and others substituted. This provision ties up that section of the Act, so there can be no objection to it.

Clause 5, which seeks to amend section 13 of the Act, relates to the reregistering of children, where they were adopted prior to 1949, and were born in this State. Apparently there is a weakness in the Act in regard to the reregistration of children.

Another provision deals with the registration of children who were adopted prior to 1953, and now their reregistration can be arranged. It also deals with children who were not born in this State but who were adopted here. Another amendment, to section 13, provides that the Registrar-General in this State should take notice of the fact when an adopted child is born elsewhere, and should reregister the child accordingly. In that regard I think the Bill will benefit children who have been

adopted and who for some reason, have not been registered properly at birth, and also the children who will be adopted in the future.

In all respects I support the second reading of this Bill; but I repeat that while it is in the Committee stage I may make an effort to have deleted the reference to an X-ray examination being undergone, with a view to substituting some other method or to have an alternative placed in the Bill. I feel that as there have been hundreds in the community who have been treated for T.B., there might be a lot of heart-burning if the amendment suggested by the member for Leederville were passed; because if some of them want to adopt children they must undergo first an X-ray, and then the second test by way of a bacteriological examination. In some cases, it might even aggravate the condition.

I believe that one of the main necessities for a person who has suffered from T.B. is a minimum of worry. If a couple are contemplating adopting a child, the condition could be aggravated if they believed they had to take two tests instead of one of the two. If there were need for only one test, they would probably be quite happy to undergo it.

DR. HENN (Leederville) [4.53]: I do not propose to take up too much time now but would like to say that I support the Bill in its entirety. I do not think clause 2 goes far enough, but I will speak about that clause during the Committee stage.

I would like to answer a question which the member for Guildford-Midland raised. I understand his point is that a certain group in the community object to having an X-ray test of the chest because of the belief that it might cause leukaemia. There are a certain number of people who believe that this is so; and although I am not one of them, everyone is entitled to his own opinion.

However, for the information of the honourable member, I think his query can be satisfactorily settled during the Committee stage. It will be seen later on that, should such people refuse to have an X-ray test, they can have another bacteriological examination. I say that that would be putting the cart before the horse, because it is the simplest thing in the world to have an X-ray of the chest. But, although it is not hard, a bacteriological examination is not quite so simple. It will mean a sputum culture test which is not very much of an ordeal, and I think the honourable member would be happy about it; because if there were any conscientious objection to undergoing an X-ray examination of the chest, then this examination could be made instead.

I would like to point out to the honourable member that in any case it is compulsory under section 293A. of the Health

Act for a person to undergo an examination for T.B. Subsection (1) of that section reads as follows:—

The Commissioner may, by notice published in the *Gazette*, require all persons over the age of fourteen years of any class or classes specified in the notice to undergo X-ray examinations for tuberculosis at such times and places as are specified in the notice and all persons to whom the notice applies shall, subject to subsection (3) of this section, undergo the examination accordingly.

It might well be, of course, that this compulsory X-ray could have been taken some six months prior to the decision of a couple to adopt a child. In that case they would be compelled to undergo another examination unless my amendment were passed, in which event the alternative test could be arranged. With those few remarks I support the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

Clause 1 put and passed.

Clause 2—Section 5 amended:

DR. HENN: If this clause were passed in its present form it would be very difficult, and almost impossible, for anyone who had a shadow on his lung which was revealed by an X-ray examination, to adopt a child. Paragraph (8a) reads as follows:—

shall require the applicant for an order of adoption and the husband of an applicant where the application is made by a married woman alone, to produce to him a certificate,

signed by a medical practitioner by whom he has been professionally attended or by a medical officer who is an approved medical officer within the meaning of section two hundred and ninety of the Health Act, 1911,

certifying that the applicant or husband or both, as the case may be, has within a period of six months immediately preceding the date of the application, undergone an X-ray examination of his chest, and is not, on the evidence available from the examination, suffering from any form of infectious tuberculosis;

To my mind it would place the medical officer, whether a general medical practitioner, a specialist or a medical officer approved within the meaning of section 290 of the Health Act and appointed in writing by the Public Health Commissioner or his deputy, in an invidious position; because it would be all right if the X-ray

were clear but, if there was a shadow in the X-ray, the medical officer would at once want to know what the diagnosis was.

We are concerned here only with tuberculosis, and there are thousands of persons in Western Australia X-rays of whose chests would show shadows, although they would not represent tuberculosis. It is therefore only fair to allow people who wish to adopt children to have a further bacteriological examination to prove that the X-ray shadow is not tubercular. Such a shadow could represent fibrosis, pleurisy, an operation scar, pneumonia, a gun-shot wound obtained during either the first or second world war, or a pyjama button or some other artifact causing a shadow in the X-ray.

I believe any person in these circumstances would be happy to have the further investigation in order to decide what the shadow represented. The amendment would allow people who had suffered from tuberculosis but who are now cured, to adopt children even though there still remained a shadow in the lung. I move an amendment—

Page 2, line 19—Insert after the word "chest" the words "and any other bacteriological examination that the medical practitioner deems advisable".

Mr. WATTS: I can understand reasonably well the points made by the member for Leederville; but as I read the amendment, it would make the bacteriological examination additional to the X-ray examination already proposed, because the word "and" is used. There is nothing wrong with the proposal, but I understand that the member for Guildford-Midland desired to have an alternative to the X-ray. As I understand the amendment, it would not give an alternative, but an additional examination. Perhaps the member for Leederville and the member for Guildford-Midland could solve the matter between them.

Mr. BRADY: I think we both see eye to eye on the question. If the word "or" were used instead of "and" it might overcome the difficulty; or perhaps we should use the words "and/or", as that might be the best way of achieving the objective. Neither I nor my family object to X-rays, but some people in the community do.

I have here about 10 authorities quoted in the *Medical Journal of Australia*; but I will only read three extracts, so that members and the community generally may know the effect of X-rays. The first extract is from the *Medical Journal of Australia* dated the 29th of March, 1958, at page 434. It refers to remarks by Sir MacFarlane Burnett to the Council of the National Radiation Advisory Committee. In the last paragraph he says—

At the present time, it is the logical working hypothesis that the threefold increase in leukaemia since 1920 is

wholly due to the medical use of X-rays. Leukaemia may well be taken as visible evidence of somatic and presumptive indication of genetic mutation in the reproductive cells. We cannot measure the latter, but we can assess leukaemia.

The next authority that I desire to quote is also from the *Medical Journal of Australia* of the 2nd August, 1958, at page 157. It deals with an estimate of the potential leukaemogenic factor in the diagnostic use of X-rays. There J. H. Martin, B.Sc., Ph.D., F.I.P., of the Physics Department, Peter MacCallum Clinic, Melbourne, said—

There is accumulating evidence that quite low levels of ionizing radiation can result in a detectable increase in the incidence of leukaemia Relatively low dosage involved in radiographs of the chest contributes a large fraction of the dose to bone marrow.

The final quotation which I wish to make is from a leading article in the *Medical Journal of Australia*, of the 18th October, 1958, at pages 539-540. I believe it would have more substance as a leading article than the other authorities I have quoted. In regard to the importance of perspective in relation to radiation it says—

Perhaps still the best report available is that issued in 1956 by the Medical Research Council, Great Britain, under the title "The Hazards to Man of Nuclear and Allied Radiations," an engagingly honest document which combines readiness to admit ignorance or limited knowledge with a sincere effort to give practical counsel where possible. . . . It is interesting to note, as the Lancet points out, that the United Nations Document confirms many of the findings of the Medical Research Council's report, but still fails to decide the vexed question of whether or not there is a threshold of radiation below which no effect occurs; until this point is clarified some of the most important practical issues must remain the subject of, at best, speculation.

I repeat that there are many people in the community who object to having to undergo X-ray examination; and their views must be respected. If desirous of adopting a child, they would be prepared to undergo the other test that has been suggested; and therefore I believe the use of the words "and/or" would overcome the difficulty.

Dr. HENN: I believe that the honourable member and I are in complete agreement, and that it is just a matter of words. The compulsory X-rays that have been enforced in this country for a number of years have been one of the main factors in stamping out tuberculosis. I rather

like the suggested use of the words "and/or"; but they appear ugly, and I have not seen them appearing in any Bill.

If the word "or" is inserted we might find that people will be put into the position of having to have a sputum culture test instead of an X-ray test; and they may not be very happy about it. I hope the honourable member agrees with me that the amendment should be left as it is. The words "and/or" would probably be preferable, but if we cannot use them, I think we should leave the amendment with the word "and". If that is done, the matter will be left to the discretion of the medical practitioner, who would be a responsible person. I do not think he would force people to have both examinations; and if the amendment is agreed to, it will give the person who does not want to have a chest examination the opportunity to have the second test. Perhaps the Attorney-General might help me out of this difficulty.

Mr. WATTS: I have come to the conclusion that the only satisfactory way to deal with the matter is to accept the amendment as it stands on the notice paper. It appears to me, from all that the member for Leederville has said, and from other discussions that have taken place, that what he proposes is the only reasonable course that can be pursued once we accept the idea which is behind the amendment. So far as I am concerned, I will support the amendment.

Amendment put and passed.

Dr. HENN: I move an amendment—

Page 2, line 21—Add after the word "examination" the words "or examinations".

This is really a consequential amendment. If only one examination were involved it would be all right to leave the wording as it is in the Bill. But in view of the amendment which I moved previously, this one should be agreed to.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 3 to 5 and title put and passed.

Bill reported with amendments and the report adopted.

Third Reading

Bill read a third time and returned to the Council with amendments.

BILLS (3)—RETURNED

1. Bunbury Harbour Board Act Amendment Bill.
2. Entertainments Tax Assessment Act Amendment Bill.
3. Entertainments Tax Act Amendment Bill.
Without amendment.

MUNICIPALITY OF FREMANTLE ACT AMENDMENT BILL

First Reading

Bill received from the Council; and, on motion by Mr. Tonkin, read a first time.

LICENSING ACT AMENDMENT BILL

In Committee

Resumed from the previous day. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 2 had been agreed to.

Clause 3—Section 21 amended:

Mr. W. A. MANNING: I move an amendment—

Page 2, lines 7-9—Delete the words "On and after the first day of June, one thousand nine hundred and sixty-one" with a view to substituting the words "On and after the first day of March, one thousand nine hundred and sixty or on and after any earlier date fixed by proclamation."

The reason for the amendment is that the clause provides for the appointment of a new Licensing Court composed of members with certain qualifications. Those members may or may not be members of the present court. Because of that, and the fact that this measure provides for important alterations to the Act, I believe that such arrangements as have to be made should be made by the members of the proposed new Licensing Court.

As the Bill stands, the new court would not take office until June, 1961; and I do not think it right that the present court should have to carry into effect any alterations which may have to be made and then hand over to the new court. The special committee appointed to investigate licensing matters was unanimous on the importance of the functions of the court, and I shall read a few clauses from the report of the committee. I quote—

There is little need to stress the important functions which are carried out by the Licensing Court and it is obvious that with the rapid growth and development of the State these functions will become increasingly onerous and responsible. In the circumstances, consideration should be given to raising the jurisdiction and status of the court, and in this connection your committee has been impressed with the position operating in Victoria where the chairman has the status of a county court judge and the court itself appears to have very wide powers.

It will be evident from our earlier remarks that your committee places great emphasis on the need of an

over-all improvement in standards not only of hotels but of all other types of licenses. It is also the view of the Committee that this improvement must start on the threshold of the premises themselves where in the first place insistence should be made that future licensees are not only fit and proper persons but also possess the necessary ability and qualifications for the purpose. It is considered, therefore, that applications for transfer of a license should be heard by the Court whenever possible and that apart from the personal qualifications of the applicant all other matters which might have any relevance should be considered.

The committee felt that the functions of the court should be wide, and that a careful scrutiny should be made of new and existing licenses. To start off the new amendment with the existing Licensing Court and in 1961 substitute a new court would be wrong. I realise that by adopting my suggestions, we might have to provide some compensation to members of the present Licensing Court because they have been appointed for a certain term. I feel, however, that my amendment would be justified in view of the importance of the change being made. I hope I have the support of the Leader of the Opposition, in view of the remarks I made yesterday, because when he was Premier this matter was placed under his notice.

A few days after the completion of the report, the court was appointed for a term, much to the chagrin of the committee. It was not a wise move, particularly as the then Premier knew we were making certain recommendations.

Mr. Evans: He did not have to take cognisance of your recommendations.

Mr. W. A. MANNING: We were the Premier's committee. However, the court was appointed for a full term, but the then Premier said that this would not be a great obstacle and could be overcome.

Mr. WATTS: I regret I have to oppose this amendment very strongly. Irrespective of the criticism levelled at those who appointed them, the fact remains that the gentlemen of the court were appointed lawfully, and I think they are entitled to run the course of their appointment. The date that term of appointment expires is the date mentioned in the Bill as it stands.

I have strong objections to the alternative suggested by the member for Narrogin. The first is that the members of the bench, and particularly those who have served for some time on it, would be presented with a most invidious state of affairs notwithstanding the fact that they had been lawfully appointed; and even though, as far as is apparent, they had not committed any *faux pas* during the term of their appointment which would

warrant their dismissal by the Governor, they are nevertheless being told by Parliament to get out.

If that were done, there would be no alternative but to compensate them for the period unserved, which would involve the State in considerable expenditure. There is something in the point raised by the member for Narrogin that it would be better if the new scheme of operation were from the commencement of the court that was ultimately to be obliged to handle it as the Bill proposes; but I do not think that is sufficient reason for overcoming the other objection that I have to the honourable member's amendment. So I am impelled personally to object to it strongly, and I hope the Committee will take the same view.

Mr. HAWKE: The member for Narrogin made some reference to a telephone conversation we had some months ago. The fact that the amendment moved by the honourable member is not out of order proves it is within the capacity of Parliament to supersede the present Licensing Court as such, if it is the will of Parliament to do that. Clearly, what I told the member for Narrogin at the time was correct. However, I do not support the proposed new set-up at all. I am opposed to it; and therefore, quite logically, I am altogether against the amendment moved by the honourable member.

Mr. ANDREW: The member for Narrogin said that the members of the special committee were incensed when the appointments were made. His statement implies that all the members of the committee were incensed. That is not correct, because at least two of the members of that committee were not a bit incensed; in fact they stated—I did, anyway—that the Minister was quite within his rights in making the appointment when it was necessary; because, though we would make recommendations, they could not be considered during that session; it would take almost twelve months before they could be considered.

Mr. W. A. Manning: I agree that only some members were incensed.

Mr. ANDREW: I do not think the honourable member said what he did intentionally.

Amendment put and negatived.

Mr. OLDFIELD: I oppose the clause, and I trust the Committee will help me to take it out of the Bill. The clause proposes to amend the existing Act in respect of the constitution of the court with reference to the qualifications that the members of the court shall hold. This would restrict the activities of some future Government which might find itself in the difficult position of trying to appoint somebody with the qualifications required. A person of that calibre might not be prepared to accept such an appointment. I

understand that no efficient legal practitioner would accept such an appointment, because he would earn much more from private practice.

Mr. Andrew: Not all of them.

Mr. OLDFIELD: I said one that was efficient. A Government of the future might find itself in difficulty in making these appointments under this clause. I am not quite sure what "experience in the tourist industry" means. Perhaps the Attorney-General has in mind a person who has managed a hotel in either Geraldton, Bunbury, or Albany. He might be considered to have the necessary qualifications, because those hotels are situated at recognised tourist resorts. That would be most debatable.

The Government of the day should not be restricted in its choice, because there are times when the most admirable people are available to accept these appointments. These positions in future will no doubt be more important than they have been in the past. A high standard has been maintained, and the calibre of the people appointed has been excellent. I hope the same will be the case in the future. I oppose the clause.

Mr. WATTS: First of all, Mr. Chairman, I would like your ruling on this point: The member for Mt. Lawley, if he succeeds in this amendment, to delete clause 3, will delete paragraph (e) on page 3. Paragraph (e) on page 3 is to apply to the Licensing Court, however constituted, because it is there to give that court power to delegate its authority to a stipendiary magistrate in connection with the admission of extraordinary honorary members to clubs; and is supplementary to provisions that are in the existing section 21 of the Act. I wish to know whether the honourable member is agreeable to either amend or withdraw his amendment and move another which, for the time being, will leave paragraph (e) in the Bill.

The CHAIRMAN: The member for Mt. Lawley cannot move for the deletion of the whole clause; he can only vote against the clause. The question is whether clause 3 stands as printed.

Mr. WATTS: If the clause is defeated, paragraph (e) will go as well.

Mr. OLDFIELD: I can see the point raised by the Attorney-General. We cannot make any amendment to the clause before line 9 at which the amendment of the member for Narrogin finished. We can only deal with the clause from line 9 after the word "one" down to and including the final word of the clause. No doubt we can do what has been done on many other occasions. If the clause is defeated, the Attorney-General could move for recommitment before the third reading and have paragraph (e) reframed as a suitable amendment.

Mr. HAWKE: In the second reading speech I made on this Bill I expressed strong opposition to the proposals in this clause, which seek to restrict severely the field from which a Government in the future might choose the personnel of the Licensing Court. Under the present law, the choice is restricted in no worth-while degree. In other words, the members of the Government, when the necessity arises, have the opportunity to make a choice, irrespective of whether a citizen is a legal practitioner, a qualified accountant, or a person who has had some experience in hotel management and tourist activities.

The proposals in this clause for the reconstitution of the basis of the court personnel after the 1st day of June, 1961, are proposals which will drastically limit the choice of any Government handling this matter in the future. One of the persons proposed to be appointed in the future will be a legal practitioner; and that field is very limited, not only in regard to the total number of persons in the community who are legal practitioners with five years' practice and standing, but also in regard to the number who would be available for appointment, and also in regard to the number of those who might be available and who would also be suitable. Without any doubt at all the field in that direction would be very limited indeed.

The next small field from which a person would have to be selected is the field of qualified accountants. That field, which is small enough at any time, is greatly reduced because the only person who could be appointed under this heading would be a qualified accountant with experience in hotel management and finance. There would be few qualified accountants with the necessary experience to make them even eligible for appointment.

The remaining field for which the third member of the court would be chosen under these proposals, if they become law, would be someone with hotel management experience, and knowledge of and experience in the tourist industry. There might be a fair number of persons available with experience of hotel management; but I suggest there would not be many available who, in addition to having experience in hotel management, would have experience in the tourist industry. In law, what would the words "experience in the tourist industry" mean? How much experience? What sort of experience? This third field, which the Bill proposes to establish as a field from which a member of the Licensing Court can be chosen, is a very small field indeed.

So these proposals would cut down, I should think by 95 per cent., the field which now exists and from which persons may be selected. What is the sense of doing that? Why should Parliament take action to reduce by 95 per cent. the field which is at present available? The present field does not exclude anyone who

is to be made eligible under these proposals; but it does exclude everybody else. In doing that, it excludes nearly everybody in the community, from even being considered, and certainly from having any possible chance of being selected.

I think there is not only no wisdom in these proposals, but also a lot of un wisdom. If the Government of the day, when the time arrives to appoint three members to the Licensing Court, thinks that one of the best persons available is a legal practitioner with five years' experience, by all means select and appoint him. If the Government thinks a qualified accountant with experience in hotel finance and so on is a person who should be appointed, and there is a suitable person of that type available, by all means appoint him. Thirdly, if there is a person available with experience in hotel management and knowledge of and experience in the tourist industry, then the Government is at perfect liberty under the existing law to select and appoint him and constitute the Licensing Court in the future on this basis.

Further, the Government should not be restricted absolutely to selecting only from these three narrow fields. Members of the Government should have the widest possible choice in order that they should, when they finally make their choice, select the very best persons available in the community for the duties of membership of the Licensing Court of Western Australia. In those circumstances, I am indeed very strongly opposed to this clause; and I regret, in having to vote against it, I will have to vote to delete paragraph (e), which the Attorney-General has clearly indicated has to go into the Bill. Further, should that paragraph (e) be deleted at this stage, something will have to be done about the clause, because we can only delete the balance of the clause following the words which the member for Narrogin tried to delete from the clause and failed to delete:

In the event of a majority of members in the Committee being against the proposals in this clause and voting accordingly, there will be a necessity and obligation upon the Attorney-General to indulge in some tidying up at a later stage of the proceedings.

Mr. GRAHAM: The Leader of the Opposition has well made the point that by the acceptance of this clause Governments of the future will be exceedingly restricted in their selection of persons suitable for appointment to the Licensing Court. I wonder whether nominating types of persons is the best way of going about it. Surely what is desired is that the court should consist of three persons of undoubted integrity, of commonsense, and of an appreciation of the public's requirements.

Perhaps also they should be persons who enjoy the confidence of the people. I think, generally speaking, that should be the criterion, irrespective of the vocation of

those persons. It is suggested that a legal person should be chairman, because one who is a qualified legal practitioner is well versed in the Criminal Code, matrimonial causes, divorce matters, and so on. In what respect does that qualify him to preside over a court to deal with licensing matters? There are other qualities and qualifications which are necessary and which may or may not be reposed in him. Therefore, I suggest we should concentrate on the basic requirements and not limit the field from which suitable persons could be drawn.

The same line of argument would apply in respect of the qualified accountant. The knowledge of accountancy is not, in itself, necessarily a qualification for appointment to a semi-judicial position. If the Licensing Court were composed of persons who were not qualified accountants, it would be quite simple for them to call upon the services of a member of the staff, an officer of another Government department, or even a public accountant in private practice, when they needed such services. There is nothing unusual in that. We are aware that there are heads of important Government departments who have no knowledge of accountancy, but whose departments are involved in transactions totalling millions of pounds a year. But there are qualified accountants on the staff on whom they can call; or the services of accountants can be obtained for them.

I come now to the final category—a person with experience of hotel management and knowledge of and experience in the tourist industry. I suppose a person with knowledge of and experience in the tourist industry could include anybody at all. The fact that I had been to the Eastern States on a few occasions could qualify me under this heading. Someone could run premises, either licensed or otherwise, catering for the travelling public; and he could come under this heading. The members of an advertising firm could regard themselves as having some knowledge and experience of the tourist industry; and so could a clerk in Cook's Travel Service. I suggest that the last portion of the so-called qualification is redundant in that it does not necessarily mean a thing.

I return to the earlier part which states that one shall be a person with experience of hotel management. How does that creep in? The Licensing Court deals with all sorts of things, like billiard-table licenses, brewers' licenses, and so on. Under the Act, a hotel is a place where liquor can be served to guests, but cannot be served to the general public. Clause 5 of the Bill proposes that no more hotel licenses shall be issued. I am not certain, but I fancy that the number of hotels in Western Australia could be counted on the fingers of one hand.

If this provision is desirable, which I deny, then it should surely state that the person shall be one with experience of managing premises the subject of a publican's general license. But perhaps that is getting technical. However, it is appropriate to point out that, by and large, apart from the very few hotels in existence at the moment, under this legislation they will be things of the past.

I ask the Minister: What fundamentally is wrong with the present provision in the Act which provides that the Governor may appoint three persons to be licensing magistrates? The Government of the day, under this provision, is perfectly free to go to any quarter in order to pick three persons with the qualifications which appeal to the Government. I do not think there has been anything wrong with that provision over the years. It is true that there have been adverse comments and criticism with regard to individual appointments. But that could happen in respect of a legal practitioner or a qualified accountant. That is because of an error of judgment or through blind faith on the part of the Government of the day in selecting a particular individual.

I am certain the Attorney-General will agree that the Government—his Government—in selecting three persons for these important positions—the responsibility attaching to them is likely to increase rather than decrease—should be completely unfettered. Such being the case I am asking him not to press for the amendment that appears in the Bill, but to adhere to the procedure that has been in operation over the years.

Mr. ANDREW: As a member of the committee that made a certain recommendation in regard to this matter, I want to say that this clause is not quite as recommended. As one of the signatories to the report, I point out that at the time this provision was proposed to the committee, I was not very enamoured of it, but I did not have any violent antagonism to the proposal and therefore said, "Let it go."

I have thought quite a deal about it since then, and I am inclined now to the opinion stated by the member for East Perth. The requirements for these positions should be integrity, intelligence, and that uncommon thing, commonsense.

If the restrictions in the clause were adhered to, we would find—taking an extreme case—that a previous Prime Minister of Australia, who was an outstanding man of wonderful ability, could not be the chairman of the court. Plenty of people in this Chamber have shown that they have great ability in certain directions, but they would not be considered for appointment to the board. I am inclined to think that is wrong. The committee of which I was a member made this recommendation—

The Chairman should at least possess qualifications equal to those of a Stipendiary Magistrate of not less

that five years' standing. Of the remaining two members one should be a person with experience in accounting and finance.

Subparagraph (ii) of the Bill provides—

One shall be a qualified accountant with experience in hotel accounting and finance.

The words "with experience in hotel accounting" have been placed in that provision, and they further restrict the choice. The parliamentary committee recommended that the third person should have some knowledge or experience of the requirements of the tourist industry. In the Bill the words "shall be a person with experience of hotel management" have been included. The inclusion of these words will mean that the choice will be further limited. I believe now that the Government, in its choice of the members of the court, should not be restricted to the degree stated in the clause.

Mr. HEAL: I desire to vote against clause 3. The Licensing Court for many years has carried out its duties quite well. People have come to me and complained that it has carried out its duties too severely. I can quote one instance. The Federal Hotel on the corner of Wellington and George Streets will be resumed when George Street is widened; and that could occur within six months, twelve months, or two years. But the Licensing Court has issued an instruction to the licensee of the hotel that certain works must be carried out; and they could cost some hundreds of pounds. The licensee does not feel inclined to spend that money, because in a short period he could be given notice of resumption and lose his hotel.

I cannot see why we should change the court. I believe that legal men do a good job in their own sphere, but I consider they should work in that sphere and not go into some other set-up. If the court desired a legal ruling, it could get one from the Crown Law Department; and if it wanted to find out about accounting systems, and so on, it could go to any Government department and get instructions.

I can, to some extent, support the provision for the third member, because it states that he shall be a person with experience of hotel management. I believe that is necessary in the set-up of a licensing court. I consider the court has done its job well, and I believe our hotels are up to the standard of many of the hotels in the Eastern States. I travelled in the Eastern States recently, and I was not over-impressed with the set-up. The chairman of the Victorian Licensing Court was a judge of the Supreme Court; but I do not think we should necessarily follow suit in Western Australia.

Mr. Nulsen: Generally speaking, our hotels compare more than favourably with those in the Eastern States.

Mr. HEAL: I think so. I can appreciate the Attorney-General's anxiety to retain paragraph (e). Would it be in order, Mr. Chairman, to delete paragraphs (a), (b), (c), and (d)?

The CHAIRMAN: I cannot give a decision until someone moves something.

Mr. HEAL: Then I shall move to delete paragraphs (a), (b), (c), and (d).

The CHAIRMAN: The honourable member cannot move to delete paragraph (a) because we are now up to the word "one" in line 9.

Mr. HEAL: I move an amendment—

Pages 2 and 3—Delete all words after the word "one" in line 9, page 2, down to and including the word "years" in line 8, page 3.

If the amendment is agreed to, the Attorney-General will have to have the words preceding the word "one" in line 9, page 2, dealt with in another place.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. WATTS: I hope the Committee will agree to retain this provision. The position is that after a great deal of consideration, the parliamentary committee unanimously recommended specific qualifications to be held by those to be appointed to the Licensing Court. Those specific qualifications have been provided in this Bill, following reasonably closely the recommendations of the committee. There are reasons why the recommendations of the committee on the appointment of a stipendiary magistrate of not less than five years' standing were not incorporated in the Bill. As members are aware, there are not many stipendiary magistrates, and their ordinary work is steadily increasing.

Only recently, when introducing the Crown Law Estimates, I announced the necessity for the appointment of another magistrate to make a fresh circuit at Narrogin, and that state of affairs may be repeated elsewhere. So it was decided that in lieu of a specific requirement of a stipendiary magistrate of not less than five years' standing, a legal practitioner of not less than five years' standing should be substituted. There are sound reasons why somebody with legal knowledge, such as a stipendiary magistrate, or a legal practitioner of the type mentioned, should be the chairman of the Licensing Court.

There has been in the past—and will undoubtedly be and probably in greater measure in the future—need for a knowledge of the law and the method of taking evidence and its interpretation to be required by a person in that position, and only a stipendiary magistrate or a person similarly qualified would have that knowledge. I think it is a well-known fact that on two or three occasions the decisions of the present Licensing Court or its immediate predecessors have been questioned by the Supreme Court of this State. Writs

of mandamus and prohibition have been issued in respect of the Licensing Court's decisions on at least four occasions, and the Crown Law Department has been obliged to define the actions of the magistrate of the Licensing Court in the Supreme Court of this State.

Had the members or the chairman of the bench possessed more knowledge of the legal difficulties that would arise in the matters that were dealt with in those times, there is not much doubt in my mind that a great deal of that argument and litigation could have been avoided. I am convinced that somebody who has the knowledge I have mentioned should be appointed as chairman of the licensing bench. It was not lightly or inadvisedly that the committee of inquiry came to that decision. It said that the chairman should possess qualifications at least equal to those of a stipendiary magistrate of not less than five years' standing; and that, of the remaining two members, one should be a person with experience of accounting and finance and the other should have some knowledge and experience of the requirements of the tourist industry.

The general status of the court should be raised as much as possible because the committee viewed its functions, especially in the years to come, as being of vast importance. As far as the other two appointments to the Licensing Court proposed in this Bill are concerned, they can follow, quite substantially, the proposals in the committee's report. They are capable of amendment if the majority of the Committee is of the opinion that the words "hotel accounting and finance" should be struck out and the actual words recommended by the committee be adopted.

When this matter was being discussed by us it was considered that the type of accounting and financing that was most important was that in connection with the conduct of licensed premises. In regard to experience of the tourist industry, I would suggest that it would not be entirely necessary for such a person holding those qualifications to be found in the confines of Western Australia. I believe that there are probably such people in Western Australia; but if it is proposed to take steps to ensure that the tourist industry in this State, which is alleged to be worth—if properly developed—substantial sums of money to the economy of the State, surely it should be our desire to have the benefit of the experience of someone who is accustomed to that type of trade, and not only in Western Australia.

So it seems to me that the opinion of the committee was sensible; and it is an opinion that we would be wise to follow if we want to develop a Licensing Court which, in the years to come, is going to make a substantial contribution towards the development of better hotel management to the benefit of the tourist industry

and this community. Those are the reasons, and no other, for the specific qualifications set out in this Bill so far as the personnel of the Licensing Court is concerned.

In many statutes, limitations of one kind or another upon the qualifications of the persons to be appointed to some authority, board, or tribunal, are inserted. It is nothing unusual. In fact, it is the reverse; it is quite common. Another aspect is that if the section in the Act is left as it is, the appointment to the bench will be for a maximum period of three years. The committee, in its recommendation No. 10 on page 17 of the printed report, said that the term of appointment should be for not less than five years in each case.

The Bill proposes that the terms of appointment shall be for a period not greater than seven years. That would enable, it is true, any period less than that time to apply. However, my opinion is that, given suitable personnel, and always remembering that there is still power in the Act for the Governor to remove them from the court, a period of seven years would be reasonable and justifiable.

Mr. Graham: It would not be difficult to write the words into the Bill.

Mr. WATTS: It would be difficult if this clause goes out because it would mean that the Bill would have to be redrafted, and I do not propose to do that.

Mr. Graham: I could prepare an amendment for you in about two minutes.

Mr. WATTS: I am not going to subscribe to the point of view of the honourable member. It is desirable that we should have the bench as we propose to have it in the Bill. It is essential that the bench should be appointed for a period longer than three years, because we cannot expect people of any standing to give up—as they will have to do—whatever occupation they may have followed, to take a seat on this bench, with insecurity of tenure up to three years.

Mr. Rowberry: What about members of Parliament?

Mr. WATTS: That is quite another problem.

Mr. Rowberry: It is the same principle.

Mr. WATTS: There is always the expectation of reappointment by the electors in that case; and, in the majority of instances, it seems to exist.

Mr. Tonkin: It depends on the type of Bill the Government brings in.

Mr. WATTS: That may be so, but it is not so under this particular clause. Those are the reasons why I consider the clause should be adhered to, and I hope the Committee will adhere to it.

Mr. TONKIN: When the Attorney-General introduced the Bill, he did not give many reasons for the alteration to

the existing provision. It is usual, when a change is to be made to the existing practice—especially when it has been in operation for a long time—to justify the alteration with some solid reason. The only reasons the Attorney-General gave were that a bench so constituted would be suitable and that the members appointed would be able to deal with the many problems submitted to them. Those reasons could apply to many people in the community in regard to a bench constituted of people not of the professions mentioned in the Bill.

I listened carefully to the explanation that has just been given, and I heard nothing that would urge me to change my mind. What is to stop the Attorney-General from appointing, under the existing law, a legal practitioner or a qualified accountant with a knowledge of the hotel business? He could make all those appointments as the law now stands; so why is it necessary to stipulate in the Bill that only such persons can be appointed?

Mr. Watts: For the same reason that it is stipulated in many other Bills.

Mr. TONKIN: No it is not, because it is stipulated in other Bills to prevent the appointment of certain persons and certain interests. There is no need to follow that practice in this legislation. In some other legislation the personnel to be appointed to the board or court are stipulated. In respect of the Milk Board the personnel are set out, and the representatives of the consumers and producers are to be appointed. There is not the necessity to do that in the Bill before us, and there would be no advantage gained in limiting the personnel. As a matter of fact, there could be a disadvantage. If the Government is able to appoint whom it likes, from whatever field it selects, the Government will be responsible for the appointments.

The salary of the chairman of the Licensing Court is shown as £2,200 a year. It is possibly a little higher because of basic wage adjustments. The Bill provides that a legal practitioner of at least five years' experience should be appointed to the board. A legal practitioner with five years' experience, who is prepared to accept a position on the court at £2,000 per annum, cannot be of much standing in his profession, and he would be better off the bench. Or is it intended that these appointments shall be part-time and that the legal practitioner shall derive £2,000 as a member of the court and be able to carry on his legal practice as well? The same remarks apply to the other members of the court. The salary of the other members of the court is somewhere around £1,850 per annum. Would a successful qualified accountant accept this appointment on a full-time basis at that salary?

There is no purpose in restricting the choice of personnel to the groups mentioned. If the Government desires to appoint a legal practitioner or a qualified accountant, it is free to do so under the existing law. Until I hear some valid reason for the proposed amendment to the constitution of the court I am not prepared to vote in favour of it. It is axiomatic that the broader the field from which a choice can be made, the better is the opportunity for making a wise decision. I have yet to be convinced that the personnel mentioned in the Bill are the best qualified for the positions. From my experience of some lawyers I would not put them on any bench. A legal practitioner has no outstanding qualifications for this type of position.

My view is that men with considerable experience in various walks of life, and endowed with a fair amount of common-sense, are far superior to those who have been trained and who have practised along one line of activity all their lives. I am reminded of what Sir Cecil Rhodes is reported to have said when he was asked to appoint University professors to very important posts. He said university professors were men whose opinion he would invite last, and reject first. Yet they were very educated men. What he meant by that statement was that their experience was too circumscribed, and that they had not sufficient knowledge of everyday affairs of the world to qualify for the job he had in mind. So this could be the case with lawyers or accountants.

In any event, the provision is not sufficiently definite. It says that one shall be a qualified accountant with experience in hotel accounting. How much of this experience is required—five minutes? Who is to be the judge of what amount of experience is required? The whole provision is ridiculous. It is absolutely unnecessary and is of no value.

If the Government is set upon appointing a legal practitioner or an accountant, or a person with experience in hotel management, it can do so without this provision being in the law. That being the case, no good purpose will be served by agreeing to the provision. I propose to vote for the amendment, but subsequently to vote against the clause.

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

Ayes—26.

Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Mann
Mr. Burt	Mr. Moir
Mr. Craig	Mr. Nulsen
Mr. Evans	Mr. O'Connor
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. O'Neill
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May

(Teller.)

Noes—17.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Watts
Mr. Guthrie	Mr. Wild
Dr. Henn	Mr. I. W. Manning
Mr. Hutchinson	

(Teller.)

Majority for—9.

Amendment thus passed.

The clause, as amended, put and negatived.

Clause 4 put and passed.

Clause 5—Section 28 amended:

Mr. OLDFIELD: I propose to move an amendment on page 4, line 3, in the provision dealing with hotel licenses. The provision in the Bill states that no further hotel licenses shall be granted after the coming into operation of the Act. These hotel licenses were originally issued to people who conducted a certain type of hotel, known as a private hotel, to enable them to supply liquor to lodgers in their rooms, in the lounge, or with meals; and to the guests of these boarders. I understand there is only one such hotel license operating in the metropolitan area; or, in fact, within the whole State.

In future, similar private hotels might be desirous of improving their standard of accommodation to cater for the tourists who do not wish to spend their time in hotel bars, or in hotels with a publican's general license. Such types of people prefer to live in the quiet surroundings of a private hotel with a small bar attached.

I can see no useful purpose in this particular provision making it impossible for any more licenses to be issued. It could quite well be that in tourist resorts it might be desirable to have one. Rather than move the whole of my proposed amendment now, to oblige the member for Narrogin I will move an amendment—

Page 4, line 3—Delete the passage, "(5) No hotel license".

Amendment put and negatived.

Mr. W. A. MANNING: I move an amendment—

Page 4, line 3—Insert after the word "license" the words "or Australian wine license".

The reason for my amendment is that there is a provision in this Bill for the licensing of restaurants. Unless there is a good reason, we do not wish to increase the number of licensed premises. I feel that the number of wine saloons we have is ample; and that if there were licensed restaurants, further wine saloons would serve no useful purpose. Under the amendment, no present licenses would be cancelled, but no more licenses would be granted in future. If a tour were made of some of the wine saloons around the city I think it would be agreed that they are very dingy, and the liquor they supply

could be obtained elsewhere, especially with the extension of licenses to restaurants.

Mr. Hawke: Did the member for Tood-yay assist you with the drafting of this amendment?

Mr. CRAIG: I feel it is my responsibility to oppose this particular amendment moved by the member for Narrogin who, for some reason, seems to go to the wrong places to get the right impression. His opinion would be different if he were broadminded enough to realise that there are lots of members in this Committee and lots of members of the public who appreciate the value and enjoyment that can be obtained from wine.

I do agree with him that there are many dingy wine saloons around the metropolitan area. However, I do not imagine he envisages that future wine saloons would be of a similar type. The trend here is to develop our wine saloons to a standard similar to that existing in the Eastern States. Those who have seen the saloons in Adelaide and Melbourne realise there is nothing hidden. The window goes down to footpath level, and there are no dingy corners where people hide to have a drop of plonk.

People in Western Australia who drink wine like to have a selection from which to choose. But, at the same time, I claim that we produce as good a wine as any other manufacturer can produce, particularly our white wine. However, that is digressing slightly. I feel the implementation of this amendment would have a very serious effect on our wine industry, not only so far as the wine manufacturers are concerned but also the vignerons, of whom there are several hundred. We are battling against overwhelming odds so far as seasonal conditions are concerned, and it will take many years to recover from losses from this cause. If we are going to add to such losses now by passing this amendment, which will restrict the sale of our Western Australian wines, we will be doing great harm.

Mr. W. A. Manning: It would not reduce it.

Mr. CRAIG: It would to a certain degree, because people would not be able to patronise the saloons. Also, we have to bear in mind that there is considerable dumping of Eastern States wines on our market. This is the competition which the Western Australian manufacturer has to face, and I feel he should be given every encouragement to market his product in a satisfactory manner. He is doing all he can to place his product in an attractive form to be acceptable to the public, and I am sure that such efforts will meet with considerable success. I sincerely hope so, because the wine industry in this State plays no small part in the State's economy. Therefore, I oppose the amendment.

Mr. OLDFIELD: It is quite obvious that the member for Narrogin has not paid attention to the existing practice in the wine industry today, or he would not have submitted this amendment. It is not in keeping with the principles of the primary producers in Western Australia whom he should represent, being a member of the Country Party. It is a fact that wine saloons in the metropolitan area—and no doubt throughout the outer suburban areas and country districts—are known as "tied houses". They are bound in most cases by some of the national wine-growers from South Australia and New South Wales. The premises are leased in turn to a licensee who is tied to the Eastern States firm concerned.

It is for this reason that, if a visit is made to a wine saloon in the city and suburbs, there is only one brand of wine which can be purchased; and that is, in most instances, the brand of the Eastern States firm concerned. If the proposed amendment were passed, our Western Australian wine-growers would be handicapped for all time with regard to the marketing of their product because they would not have any free wine saloons in which to dispose of their wine. Therefore, I must oppose the amendment.

Mr. NULSEN: I cannot see any real reasoning in this amendment at all. It would restrict our primary production. There are wine producers in this State, and we should be fostering primary production wherever it is possible to do so. However, if this amendment were agreed to, the sale of wine would be restricted.

I agree with the member for Narrogin in regard to the status of some of the wine saloons, the standard of which should be raised. However, that does not give us any justification for restricting the production of wine, or any other primary product, in Western Australia. I agree that Western Australian wine is equal to any which can be bought.

Mr. Graham: And better!

Mr. NULSEN: Yes, and better, as the member for East Perth has remarked. It seems to me that this amendment would create a monopoly for those who conduct wine saloons at present. I think we should leave this matter to the discretion of the new Licensing Court.

Mr. HALL: As a representative of an electorate which has no wine saloon, I would say that, were this amendment passed, there would be no possibility of ever obtaining one. As a matter of fact, I have heard a rumour on the grapevine that such a move is mooted. Having seen the wine saloons in South Australia, I consider there is no reason why such saloons should not be established in this State.

I believe that—as the member for Eyre stated—if we restricted our primary industry in this field, it would be wrong.

If his amendment were agreed to, the member for Narrogin should have no objection if we started to restrict the position in the agricultural field. I do not feel that the restriction on the issuance of wine licenses will help the sale of wine at hotels. Wine saloons are at least controlled; and, as a rule, the types that frequent these places are under the eye of the management and respect such control.

If we were to pass this amendment, the frequenters of wine saloons would not go to the hotels but would go to back sheds or some such places and would be well away from control.

Amendment put and negatived.

Mr. GRAHAM: All I want to say in regard to this clause is directly to the Minister in charge. When the member for Mt. Lawley moved his amendment dealing with hotel licenses, I—and I daresay others—fully expected that the Minister would indicate his attitude. I waited for him to do so; and when there was no comment from him, I assumed that there was no opposition from him, because neither during the second reading debate nor so far during this Committee has he given any reason as to why in future no more hotel licenses should be granted. I hope he will intimate his attitude, and, where necessary, give his reasons for it. Were I asked tomorrow why we had resolved that no more hotel licenses should be granted, I could give no reason, although I could give several reasons why they should still be issued.

Amendment put and negatived.

Clause put and passed.

Clause 6 put and negatived.

Clause 7—Section 43 amended:

Mr. HAWKE: I stated my objection to this clause during the debate on the second reading. I object to the inclusion of the word "horticultural." If this clause were agreed to, containing the word "horticultural", it would mean that, if the Bill became law, temporary licenses could be granted to horticultural shows. I understand that horticultural shows are mainly flower shows; and I see no justification for the granting of a temporary license for such an activity. If the Attorney-General can convince me that there is justification for the inclusion of the word "horticultural", I will not move to have it deleted.

Mr. WATTS: I have considered this aspect since the Leader of the Opposition spoke on the debate during the second reading, and I do not think there is any need for the retention of this word.

Mr. OWEN: I want to ensure that the term "horticultural" will not apply to fruit. I think a flower show, in the correct terminology, would be a floricultural show. In the hills we have a horticultural society which conducts an annual show; and if it

is not a horticultural show, I do not know what is. I will oppose the proposed amendment if it is to include fruit shows.

Mr. HAWKE: The member for Darling Range could overcome his difficulty by calling his show an agricultural show in future. I move an amendment—

Page 4, lines 32 and 33—Delete the word "horticultural".

Amendment put and passed; the clause, as amended, agreed to.

Clause 8—Sections 44G-44I added. Restaurant Licenses:

Mr. W. A. MANNING: On further consideration I have decided not to move the amendment which I proposed to move to this clause.

Mr. GRAHAM: I seek guidance, Mr. Chairman. In clause 5 there was to be provision for the court to grant, among other things, restaurant licenses.

Mr. Watts: I propose, at the appropriate stage, to ask for a recommittal in that regard.

Mr. Graham: Thank you.

Mr. OLDFIELD: I move an amendment—

Page 6—Delete paragraph (b) in lines 33 to 37.

I appreciate the intention of this provision; but many people, especially in the summer months—particularly if they had guests—might choose, after a show, to go to a hotel or restaurant; and they might require sandwiches or something of that sort. Under this provision, four or five people might sit down to a table; but one of them, who did not wish to partake of a meal, could be debarred from having liquid refreshment.

Mr. Cornell: You don't believe that, do you?

Mr. OLDFIELD: I would not like to be the licensee who had to make the decision; and I think the point could be made clear in the Bill. If a meal has to consist of two courses, a couple of oysters could constitute the fish course, and then some sandwiches could be served. I have not been able to arrive at what would be a suitable amendment in this regard; but as the wording stands at present, a person who desired only sandwiches would be debarred from having a drink, because he had not had a course of either meat or fish.

Mr. ANDREW: I oppose the amendment. It is difficult to define what is a meal. The licensing inquiry recommended that people should be able to have liquor with meals, because there was a genuine demand for it. The suggestion at first was that light wines should be served; but it was pointed out that some people might not like light wines, and so other drinks came into it.

The provision which is in the Bill is the same as one which is in the New South Wales Act, and a meal must be defined in some way. The member for Mt. Lawley said he did not want any loopholes. I suggest he is creating a loophole by taking this paragraph out of the clause and not putting anything back in its place. If his amendment were agreed to, a person could go into a licensed restaurant and order biscuits and certain alcoholic liquor. In my opinion that is getting away from the intention of the recommendation that certain restaurants be licensed.

I cannot see any better way of overcoming the position than by the wording in the Bill. There are many people who do not want to have a three-course dinner when they go out, and that is why two courses were stipulated in the Bill as comprising a meal. Until some better proposition is put forward I shall support the Bill as it stands in this regard.

Mr. WATTS: I entirely agree with the member for Victoria Park. The deletion of this paragraph must be opposed if we are to maintain any semblance of regulation and control over this proposed type of license. Both the New South Wales and Victorian Licensing Acts have provisions similar to the one in the Bill, with similar definitions of "meals." Those Acts were recently amended in regard to this type of license after exhaustive inquiries had been made—in the case of New South Wales, by Mr. Justice Maxwell, I understand. In my view it is absolutely essential—and I think all my colleagues on the front bench are of the same mind on this point—that if restaurants are to be licensed in the manner proposed there must be some measure of control such as that prescribed in the Bill.

The suggestion of the member for Mt. Lawley obviously indicates that he is in some difficulty on the point. He said that he desired some sort of control, but the proposal in the Bill was difficult of application. As I have said, this provision is similar to the one in operation in New South Wales and Victoria, and seems to be the absolute minimum that could be suggested. If we are to have less than this, we will have the very state of affairs existing in respect of restaurant licenses to which the member for Maylands made reference last evening. I hope the Committee will reject the amendment.

Mr. W. A. MANNING: I think the member for Mt. Lawley provided us with the best argument against the deletion of the paragraph because he said that he had spent some considerable time trying to find an alternative to the paragraph, but had not been successful. A meal must be defined somehow, some time. It is defined in the Bill and it seems to me to be the best definition that could be used in the circumstances.

Mr. Oldfield: How will the Seventh Day Adventist get on?

Mr. Cornell: He doesn't drink anyway.

Mr. W. A. MANNING: At the moment a meal is defined; but if the amendment is agreed to, a meal could mean anything.

Mr. OLDFIELD: I agree that some restriction is desirable; but if we impose a restriction, it should be one that can be policed. If the Bill is passed in its present form this particular provision will be broken every day or evening of the week. Why pass legislation which we know cannot be policed, and will not be policed except, possibly, when a police officer wants to pick up a certain licensee who has not been doing the right thing?

Mr. Toms: Let us increase the penalty.

Mr. OLDFIELD: The wording in the Bill would make the position difficult. The liquor inspection branch will have to operate under this Act, and will have to pay due regard to the paragraph we are now discussing. If it decided to launch a prosecution, the magistrate might be reluctant to convict a person who was having a glass of beer with an omelette if his friends had ordered steak. It is wrong for us to tell the people what they shall eat, and that is virtually what we are trying to do. We should cater for the people who have been out to a show and who want to have a glass of beer with a chicken sandwich or something like that. I hope the amendment will be agreed to.

Mr. TOMS: The member for Mt. Lawley is batting on a sticky wicket in this instance. The licensing of restaurants in this State will be a departure from the present practice, and the members of the parliamentary committee gave the matter a good deal of consideration. If the member for Mt. Lawley were to go to Victoria or New South Wales, where a similar provision is in operation, he would find that it is working most satisfactorily. If the amendment were agreed to, the position which obtains at present in regard to restaurants would be continued; and that would not be satisfactory because they are operating in an underhand way now.

Mr. May: It is only a subterfuge anyway.

Mr. TOMS: It is better to legalise the position, but increase the penalties where people serve liquor other than in the ways prescribed by the legislation. I hope the amendment will not be agreed to.

Mr. NULSEN: After giving the matter serious consideration, I think it would be better to leave the clause as it stands. I recognise that we must provide some definition of "meals", and I think the one in the Bill is quite satisfactory.

Mr. TONKIN: I think it will be agreed that this is a considerable departure from the general practice in Western Australia,

and it is as well that we should understand exactly what we are doing. I feel somewhat doubtful about the full implications of this provision, and I want to know from the Attorney-General whether liquor can be served at these licensed restaurants when women and children are present having a meal; because if it does, I am opposed to the provision.

We have endeavoured as much as possible to keep children away from the sale and consumption of liquor in public places, and I would not be prepared to take a step which would immediately make it possible for children to be present in a place where considerable quantities were being consumed. I would like some information from the Attorney-General in regard to this matter before I cast my vote on the provision.

Mr. WATTS: The provisions of the Act which prevent the sale and supply of liquor to persons under 21 have not been affected by this proposition. I think the honourable member would agree that it would be difficult to provide that a lady who went into a place of this kind with her child would be unable to take any refreshment. As long as the law is not broken in regard to the child no harm can be done; and there is no provision in the Bill which enables any change in the law in regard to the supply of liquor to under-aged persons.

Amendment put and negatived.

Clause put and passed.

Clauses 9 to 11 put and passed.

Clause 12—Section 49 amended:

Mr. OLDFIELD: I move an amendment—

Page 11—Delete all words in lines 24 to 37.

This proposal is not of much consequence, but it could have far-reaching effects. If members will read the proposed new subsection (3a) they will see what I mean. I have no objection to a person making application having to satisfy the court that he has sufficient knowledge of the provisions of the Act. But I do not think it is fair that he should have to satisfy the court that he has had experience in the management and administration of hotel premises. People must start somewhere. This could debar a young married couple who wanted to take over the management of a hotel in the outback as licensees or managers. They would not get the job if they had no previous experience.

Mr. Graham: This would have kept Jack Sheedy out of a hotel.

Mr. OLDFIELD: The member for East Perth has certainly raised a most important and interesting point to illustrate my argument. That is exactly the sort of problem that could arise.

Mr. CRAIG: I agree with the member for Mt. Lawley, inasmuch as we should not debar a man because he has had no previous hotel experience. At the same time, I think the clause should provide that he must have a knowledge of the provisions of the Act. If the member for Mt. Lawley would withdraw his amendment I would move to strike out the words, "and experience in the management and administration of hotel premises". This would meet the wishes of the member for Mt. Lawley.

Mr. OLDFIELD: To enable the member for Toodyay to move his amendment, I ask leave to withdraw the amendment I moved.

Amendment, by leave withdrawn.

Mr. CRAIG: I move an amendment—

Page 11, lines 32 to 34—Delete the words "and experience in the management and administration of hotel premises."

Mr. WATTS: I hope these words will not be deleted. One of the major requirements we have in Western Australia, and will have in future, is that people who undertake the management of licensed premises should be expected to have some knowledge of managing those premises. Admittedly, a great number of people without previous experience have taken on such premises and run them satisfactorily; but a provision of this nature would give splendid opportunity and reason for the setting up of a course, probably at our Technical College, in hotel management. In my view this is necessary and desirable. I would also point out that the committee which considered these matters made the following recommendation on page 15 of its report:—

That higher qualifications be demanded from all applicants for licenses in the future. Too often in the past, people possessing good characters but with little capacity or experience in the proper conduct of an hotel have acquired licenses with consequent unsatisfactory results all round.

That is very sound. There are, of course, exceptions to that rule; and the Licensing Court would know by inquiry the capacity and qualifications and experience of the persons who were making application to them. If it were sought to reject a sound knowledge of the Licensing Act, I think it would be fatal, because no-one can successfully operate a business unless he has a sound practical knowledge of the statute under which he is operating. The recommendation of the committee is sound, and we should give the Licensing Court an opportunity to express its opinion—I do not suppose it would ever be an unreasonable opinion—as to the suitability of the applicant. As the position stands at the moment, a person who produces

testimonials as to character and satisfies the court as to character will be given a license. That has been the position in the past. I hope the Committee will reject the amendment.

Mr. TONKIN: I see some merit in the provision in the Bill, yet I must support the amendment. This would be an excellent idea to have in the electoral Act: to say that only members of Parliament with previous experience should stand for election!

Mr. Watts: It does not say with previous experience.

Mr. TONKIN: It would then increase our chances of getting back, because the field would be limited. That is what would happen here. The field from which future licensees can be drawn will become smaller and smaller because there will be little opportunity for men to gain experience. It is good for those already in, but a poor lookout for those trying to get a start. What was said a little facetiously earlier really applies. A well-known footballer would not have got the business he has now in the hotel trade had this provision been the law at the time consideration was being given to his appointment.

Mr. Cornell: He may not have been a good footballer either.

Mr. TONKIN: I am beginning to think that East Fremantle should have taken more notice of what was happening. The illustration does show that a man without experience can do the job to the satisfaction of the Police Department and of those who employ him. He must be doing it satisfactorily or he would not hold the job. So there does not appear to be much to be said for the provision. People should be given the opportunity to make their way in life. We should not place obstacles in their way and preserve the positions for those already in those jobs. This problem resolves itself.

Who is likely to appoint a man to the task of running a hotel if he is not going to be a success in the job? The owners of the premises who are risking their money are not going to put a no-hoper in the job. They will satisfy themselves that the man they appoint will satisfactorily carry out the job. If he does not, they will sack him. Why should we provide beforehand that only people with previous experience should get a chance? Quite often we find that people who have not had experience of certain things do far better than those who have. This would only force people to adopt subterfuges.

I know of persons who, when they applied for jobs as a result of advertisements asking for previous experience, have said that they had previous experience, in order to get the job, when they had no experience at all. Yet they proved successful in the job when they got it because they had sufficient initiative to adapt themselves to the circumstances. I would

not prevent anybody from applying for a job as a hotel manager if those who had the say in the matter were satisfied that he was a suitable person to carry out the job. It is their responsibility to decide whether he needed previous experience or not. Why should we lay it down?

I feel that by far the best results will be obtained by allowing those whose job it is to make the appointment or select the people to make up their own minds whether they desire previous experience and how much. I agree that a person should know the Act, just in the same way as one is required to know the Act and regulations if one is applying for a motor-driver's license. I do not think we would be doing the right thing if we eliminated from the field every person who had not had an opportunity of gaining experience.

Whilst I can see the point of view of the Attorney-General in his desire to ensure the most efficient management possible, I think we can safely leave that to the hotel-owners who are not likely to be foolish enough to appoint unsuitable persons to take the responsibility of running hotels for them. If a person owns the hotel himself and is risking his own money, and does not know enough about the job, he will soon get someone in who does. I support the amendment.

Mr. J. HEGNEY: I support the amendment because it is quite reasonable. The Attorney-General in putting forward his point of view said that the words proposed to be struck out should be included in the Bill. The court as constituted will have experience in issuing licenses and will satisfy itself that an applicant for a license is a fit and proper person. He will be closely questioned by members of the Licensing Court, and he will have to have a good knowledge of the Act.

I have no doubt that members of the Licensing Court will discuss the question of the applicant's probity and all other aspects associated with the granting of a license for a hotel. The deletion of these words will not prevent good types from becoming licensees of hotels. New licensees could come from the ranks of experienced barmen. They may not be good at administration; but given that experience, they may have the ability to apply for a license. The fact that a barman did not previously have administrative experience should not preclude his becoming a licensee of a hotel. I support the amendment.

Amendment put and passed.

Mr. OLDFIELD: I move an amendment—

Page 12, lines 8 to 10—Delete the words "but the Court is not required to state the reasons for the decision."

My reason for moving this amendment is that it is elementary justice that an applicant for a driver's license, hotel license, or any other sort of license should be told by the granting authorities why

it is refused, if that is the case. It may be that an application for a new hotel or a hotel to be erected is refused because of the unsuitability of the plans submitted. However, the court may not say that.

Again, the application may be refused because of the unsuitability of the applicant to hold a publican's license. That person may be put to considerable expense by going back to the architect and having his plans amended and having to obtain legal assistance to make a further submission to the court; but all the time his application has been refused because he is not a fit and proper person.

It should be incumbent upon the court to give a reason; and if the reason is that the applicant is not a fit and proper person, he is then in a position to appeal in an endeavour to prove that he is a fit and proper person. It could be a case of mistaken identity on the part of the police.

Mr. WATTS: Does the member for Mt. Lawley imagine that this provision in the Bill compels the court to give no reason? It does not. There is no intention to compel the court to give any reason. Under this provision the court simply is not required to give a reason. There could be innumerable occasions—certainly some occasions—when it would be wise for the court not to be required to give a reason, possibly in the interests of the applicant. The provision is merely to save the court from being required or compelled to state the reasons for refusing an application. If a license were refused because a man had been convicted of rape five years ago, does the Committee think that that reason should be stated in open court?

Mr. Lawrence: It depends on how old he was.

Mr. WATTS: The member for South Fremantle is being facetious. That is the sort of position that could arise. I would be the last one to suggest that in those circumstances the unhappy memories of that man should be dragged up in court.

Mr. ANDREW: There was a certain amount of evidence before the parliamentary committee on this particular point. The reason why this proviso was included in the recommendations was as stated by the Attorney-General. Some witnesses went further and said that the court could be open to quite a lot of litigation if this proviso were not included in the Bill. I think I can say that the licensing committee agreed unanimously that this proviso should be in the Bill.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 13—Section 50 amended:

Mr. GUTHRIE: I move an amendment—

Page 12, line 18—Insert after the word "garages" the words "and/or parking space."

The purpose of this amendment is that licensed premises shall provide accommodation for motor vehicles. This amendment will give the court discretion to determine whether a licensee shall establish garages and parking space, or parking space or garages.

Mr. WATTS: I am not in disagreement with this amendment, but I do not like the use of the words "and/or." If better words can be provided later on, perhaps we can remedy the position.

Mr. HAWKE: I, too, am not very happy about the words "and/or" because if they are included, the Bill will provide for garage accommodation or parking space; and the provision could easily mean that there would be no garage accommodation at all. These days car-stealing is quite a popular pastime, and motorcar owners, living at a hotel for the time being, would feel much happier if garage accommodation were available for them as against only open parking space.

If the amendment is accepted by the Committee, the situation in practice will be that no garage accommodation will be provided in the majority of instances, but just parking space. I am quite a bit unhappy about the amendment, and at this stage it is my intention to vote against it.

Mr. GUTHRIE: I will not stick to the expression "and/or." If the Committee will give me permission, I will alter the amendment and make it read "garages and parking space." The provision will then indicate to the court that a hotel can have two garages and a lot of parking space; or 48 garages and very little parking space.

The CHAIRMAN: The member for Subiaco seeks the leave of the Committee to amend his amendment. Has the honourable member permission?

Mr. J. Hegney: Can he do that?

The CHAIRMAN: It depends on the Committee.

Leave granted.

Amendment, as altered, put and passed; the clause, as amended, agreed to.

Clause 14—Section 51 amended:

Mr. W. A. MANNING: I move an amendment—

Page 13, line 39—Add at the end of paragraph (a) the words "and by adding at the end of the paragraph the word 'nor'."

Immediately following this amendment, I shall move another one the effect of which will be to provide that no new publican's general license shall be granted "unless such house provides hot and cold running water in every bedroom."

We have heard a lot about the need to improve our hotel accommodation and to attract tourists, etc. The minimum standard we can provide in hotels is hot and

cold running water in each bedroom. I could ask that baths and toilets be provided in every bedroom, but I think it is up to the publican to decide how many bedrooms, with bathroom and toilet attached, he should provide.

But when it comes to ordinary accommodation, I feel that the minimum to be prescribed in any new license in the Perth and Fremantle area is the provision of a wash-basin—as this really means—in each bedroom. People using hotel accommodation should at least be provided with that facility. This provision applies only to Perth and Fremantle—the metropolitan area. Later I shall move a slightly different amendment to apply outside the metropolitan area. I feel the amendment should be readily accepted by the Committee.

MR. WATTS: The intention of these provisions in the Bill is to give the Licensing Court complete discretion as to what is required for the purposes of the area in which the licensed premises are, or are to be. The succeeding clauses provide for the enforcement of orders upon the owners and occupiers of licensed premises if the Licensing Court, after inquiry, finds that the premises, in its opinion, are inadequate.

The honourable member, in his second reading speech, drew attention to a hotel in one of the nearer suburbs where the amenity, which he now wants to press in this amendment, had been overlooked, or had not been provided. Apparently on that basis he now wants to make the provision of this amenity compulsory everywhere. I agree that it is desirable where it can be provided; but my point is, not that I am opposed to what he has in mind, but that the Licensing Court should be allowed to retain the discretion which the Bill seeks to give it.

The court will be in possession of all the relevant information, and with the passage of the Bill, if it does pass, it will have impressed upon it the fact that it is the intention of the legislature that a great deal more shall be done in regard to improving licensed premises than may have been attempted in the past. I would not like to force upon it any more than is now to be dealt with by it in its discretion. I hope the honourable member will not press his amendment.

MR. GRAHAM: I am inclined to agree with the Attorney-General that in these enlightened days it should be unthinkable that a responsible authority, such as the Licensing Court would, where water facilities were available, allow a new hotel to be erected without providing this amenity. But the fact remains, as has been mentioned by the member for Narrogin, that comparatively recently such an eventuality did occur. Running water in bedrooms is such a recognised amenity that a provision requiring it to be made available

should be placed in the statute. After all, this provision will apply only to new hotels; and at the moment the court does not have a general discretion, because the Act lays down the number of bedrooms and sitting rooms that must be provided; and the court cannot depart from that.

MR. WATTS: It can under this clause, in its discretion.

MR. GRAHAM: I am speaking of the Act.

MR. WATTS: I am speaking of the proposed amendment in clause 14.

MR. GRAHAM: As we have, over the years, provided for the number of rooms, the cubic contents of the rooms, and the lavatory accommodation, is it not reasonable that we should be insistent and specific—where there are no physical difficulties—and write into the Act a provision so that there will be no escape from the situation? I think the amendment will do no damage, but will indicate that Parliament has a full appreciation of modern requirements.

MR. W. A. MANNING: I hope the Committee will support the amendment because, in the case that I instanced yesterday, a hotel was constructed only last year and the owners could not afford to pay to provide hot and cold water in the bedrooms. That is absurd. The court stated that it did not know that that was going on. If that could happen last year, it could happen again. It seems to me that unless we write this provision into the Act it will continue to happen. If the court does not know what the plans provide, this provision should be inserted in the Act. If it is not agreed to, we will not progress very far with our hotel standards.

MR. NULSEN: What about the old-established hotels that would not be able to finance the requirements of such a provision?

MR. W. A. MANNING: This will apply only to new hotels. The accommodation standards of old hotels will still be left to the discretion of the Licensing Court. This is a minimum requirement we should provide for the benefit of the travelling public, and therefore I hope the amendment will be agreed to.

MR. OLDFIELD: To some extent I agree with the member for Narrogin. Probably it is not the prerogative of Parliament to provide to the *n*th degree, what sort of accommodation shall be made available in hotels. We know that the modern trend in new hotel construction in the Eastern States and in countries overseas is to provide not only hot and cold running water, but also private toilet cubicles attached to each suite. What the member for Narrogin outlined in regard to the Boomerang Hotel was most unfortunate, especially when the court was not aware that the plans did not specify hot and cold running water to be provided in each bedroom.

There is a provision in the Act now which will remain; namely, that no general publican's license will be issued to any establishment within the city of Perth and the city of Fremantle unless it has 12 bedrooms, a lounge room and so on. Outside the area the requirement is six bedrooms—one lounge room, one sitting room, etc. Possibly, at some time in the near future we could give some consideration to reducing the number of bedrooms but insisting that the amenities and the quality of accommodation provided should be of a high standard. It should be left to the applicant for a license for a new hotel to decide whether he should provide eight bedrooms of a high standard or 12 bedrooms with only the minimum requirements. Unfortunately, at this stage we cannot do much in this direction with this Bill, but I hope the Attorney-General will give some consideration to my suggestion in the future.

Mr. HALL: I am in complete accord with the member for Narrogin on this occasion. Recently we had an American columnist visiting our State and what he expected to be provided in our hotel bedrooms were facilities which he enjoyed in his own home in America. If the Premier is sincere in his efforts to encourage tourists to visit this State steps should be taken to modernise our hotels. We should insist that the facilities provided by hotels are at least equal to those we enjoy at home. The tariff charged by hotels is not cheap and they should provide amenities that measure up to modern-day standards. Therefore, I consider the member for Narrogin is on the right track.

Amendment put and passed.

Mr. W. A. MANNING: I move an amendment—

Page 13, line 39—add after paragraph (a) a further paragraph as follows:—

(aa) by adding after paragraph (d) of subsection (1) the following paragraph—

(e) unless such house provides hot and cold running water in every bedroom.

Amendment put and passed.

Mr. W. A. MANNING: I move an amendment—

Page 14, line 6—Add after paragraph (b) the words "and by adding at the end of the paragraph the word 'nor'."

Add after paragraph (b) a further paragraph as follows—

(bb) by adding after paragraph (b) of subsection (2) the following paragraph—

(c) unless hot and cold running water is supplied in bathrooms and, where the Court deems it practicable, in bedrooms.

The paragraph proposed in this amendment is similar to the previous one except that it applies to hotels that are to be built elsewhere than in the city of Perth or the city of Fremantle. It is an addition to the conditions set down under which a new license should be granted. Members will notice the change in the wording as compared with that of the amendment which has just been passed, because the circumstances that exist other than in Fremantle and Perth may not always enable such a regulation to be implemented to the full. The only real requirement contained in this amendment is to have hot and cold water provided in bathrooms and, where the court so desires, in bedrooms. It will have to be left to the discretion of the court. In many of our country hotels today hot and cold water could be provided in the bedrooms.

Mr. OLDFIELD: Before the Committee accepts this amendment it should make sure how it is to be applied to the City of Perth, Fremantle, and elsewhere. The City of Perth and the City of Fremantle are defined in the Municipal Corporations Act. If that be so, we will have exactly the same set of circumstances arising as occurred with the Boomerang Hotel. The honourable member should adhere to the regulation which is contained in the amendment which has just been agreed to by the Committee. I think he will find that my contention is correct, and he should alter his amendment to insert the same words as were contained in the previous one.

Mr. W. A. MANNING: That would not be possible because this amendment applies to the rest of the State. We could not apply the same regulation as is contained in the previous amendment. I could not define another area with this amendment. The principal Act needs a complete overhaul, but it is not possible to do that with this Bill. I do not think the provision contained in it will impose a penalty on any person constructing a hotel in those areas. The people will patronise those hotels where this amenity is provided. In any case, the regulation will still be applied at the discretion of the court.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 15 to 23 put and passed.

Clause 24—Section 121 amended:

Mr. OLDFIELD: We now come to the interesting part of the Bill. By this clause it is proposed to amend the principal Act to permit the sale and supply of liquor between the hours of 10 a.m. and 10 p.m. from November to April inclusive.

It is proposed to alter the hours of trading to 10 a.m. to 10 p.m. during the summer months. If that is agreed to, hotels will close at 10 p.m. on the 30th April of each year, but at 9 p.m. on the next day, the 1st May. If we agree to 10 p.m. closing,

it should apply throughout the year. It is not desirable to have a variation in the hours of trading. I therefore move an amendment—

Pages 24 and 25—Delete paragraph (a) in lines 28 to 35 on page 24, and lines 1 to 4 on page 25 with a view to substituting a new paragraph to stand as paragraph (a) as follows:—

(a) Delete the word "nine" in line 8 and substitute the word "ten" in lieu, and delete the word "nine" in line 9, and substitute the word "ten" in lieu.

If that is agreed to, no licensee in any part of the State, except in the Goldfields districts, will be able to open his premises before 10 a.m., or keep them open after 10 p.m. on each day of the week, except under the authority of an occasional license. That is the principal amendment on which the Bill has been introduced. The Attorney-General is to be commended for opening up a debate on this legislation. He has taken the plunge only half way by agreeing to permit sale of liquor up to 10 p.m. in the summer months. The reason for this amendment was that people found it pleasant, in view of our climatic conditions, to enjoy the consumption of liquor in beer gardens in the summer.

The social life of the people does not vary between the summer and the winter. People have just as much reason for celebration in both seasons; therefore the same hours of trading should apply throughout the year. Earlier this evening, the provision relating to the issuing of a license to restaurants was not agreed to. The Attorney-General has indicated that the provision will be recommitted, but there is no guarantee that the House will agree to it.

We are living in enlightened times. The other States in Australia have enjoyed later closing. Ten o'clock closing has applied in Tasmania for many years, the same as in Queensland. Some years ago a referendum was held in New South Wales; and by a small margin, 10 p.m. closing was agreed to. In that State people are able to partake of liquor until midnight by purchasing sandwiches and cakes for 5s., but we should not bring about the same state of affairs in this State.

I have not heard any complaint against 11 p.m. closing which operates on the Goldfields. I have not heard any members in this House raising any objection. All that we are now asked is to extend the hour to 10 p.m., which is one hour earlier than the closing time on the Goldfields. Before the 1951 amendment to the Act, people on the Goldfields were able to obtain liquor on Sunday between 9 a.m. and 6 p.m. by going through the back doors of the hotels. After the 1951 amendment, hotels were permitted to open on Sundays for two hours in the morning and

two hours in the evening. Subsequent amendments permitted them to sell two bottles of beer per customer on Sunday mornings.

There are three hotels on the Boulder block in Kalgoorlie in respect of which no-one seems to know the trading hours. The miners who finish work at midnight seem to be able to obtain a drink before going home.

Mr. Evans: What about the clubs which are able to open till 11 p.m.?

Mr. OLDFIELD: In this State every licensed club is permitted to supply liquor until 11 p.m. to its members. On special occasions an application can be made to the Licensing Court to extend the period to midnight. In the last fortnight one club in the metropolitan area obtained an extension till 1 a.m. If members of clubs are able to obtain liquor up to 11 p.m., then the general public should also be able to enjoy the same amenity.

The best argument put forward for extended trading hours is the rapid growth of licensed clubs. The increase has been quoted. The number has trebled in the metropolitan area since 1951. In some instances the membership has doubled and even trebled in the same period. The attraction of becoming a member is the ability to purchase liquor on Sunday for two hours in the morning and two hours in the evening, and during weekdays to obtain it until 11 p.m. This is evidence that the people demand extended trading hours.

We should also consider the tourist aspect. In my travels within and outside of Australia I have not known of any towns to be attractive to the tourist, except those which offer facilities for night life after 9 p.m., and for the sale and consumption of liquor after that time.

If the extended hours are agreed to, I doubt whether the hotels in Fremantle and Perth will gain any advantage. Those in the suburbs and in the country will benefit. We need not concern ourselves greatly with the advantages that will accrue to the Australian Hotels Association, or with the disruption of the social life of the staff working in hotels. Our prime consideration should be the needs of the public.

During the debates in this House on the Licensing Act, on every occasion the views of the temperance organisations and those of the U.L.V.A. were put forward; but nobody seems to submit the views of the general public, or the consumers. During the second reading debate and the Committee stage of this Bill, certain members who were on the parliamentary committee inquiring into the Licensing Act kept referring to the evidence given and the findings arrived at. In its deliberations not one member of the public went forward to give the views of the consumer.

Mr. Cornell: What are you worrying about? You had the opportunity.

Mr. OLDFIELD: The honourable member knew my views.

Mr. Cornell: Why didn't you come forward?

[*The Deputy Chairman of Committees (Mr. Heal) took the Chair.*]

Mr. OLDFIELD: In all the reports there was no reference to any evidence given by the general public. We know the views of the A.H.A. It readily admits it is fighting for survival against the upsurge of clubs. We know the views of the unions. The unions would no doubt like 6 p.m. closing; and they are entitled to their views. Nobody wants to work up till midnight.

The DEPUTY CHAIRMAN (Mr. Heal): The honourable member's time has expired.

Mr. NULSEN: I think the member for Mt. Lawley has outlined the position very well. Therefore I do not intend to reiterate what he has said. However, I wish to indicate that I am with him 100 per cent. Ten o'clock closing is moving along with the times. In Queensland, New South Wales, and Tasmania they have 10 o'clock closing and one is able to obtain a drink in reasonable comfort. If one goes to Melbourne or Adelaide one experiences considerable difficulty. Not so long ago I was in Melbourne, and it was almost impossible to get a drink at the bar in the Windsor Hotel. It was like a swill.

The extended hour in the evening will provide a facility for the people of the State. We are all subject to our own opinions; and we respect the opinions of others. However, if we are going to have 10 o'clock closing, let us have it for the whole year and not just half the year. In a place like Geraldton, which is visited by tourists, the house side of the hotel is just as busy in the winter as in the summer. With regard to the employees at hotels, I am sure that if 10 a.m. to 10 p.m. trading is implemented, those employees will be reasonable and become reconciled to the position. I have heard that the A.H.A. has made an offer to them, and I think the employees will be glad to accept it.

We have to consider the tourist trade, as it is very profitable. The Premier is most enthusiastic in this regard, and I am sure that he feels hotels are the mainstay of the tourist trade in Western Australia. Clubs should retain the privileges which they now have. If hotels are permitted to trade until 10 p.m. they will be only one hour behind the clubs. On the Goldfields both the hotels and clubs close at 11 p.m., and they are perfectly satisfied. If I had my way, the trading hours would be 11 a.m. to 11 p.m. instead of 10 a.m. to 10 p.m. That would be better for everyone concerned; and I am sure there would be no increase in drunkenness, for which heavy penalties are imposed.

I do not know what the parliamentary committee or the Cabinet sub-committee had in mind when they reported to Cabinet that the hotels should be open from 10 a.m. to 10 p.m. for six months of the year and from 9 a.m. to 9 p.m. for the other six months of the year. However, I know that a lot of people do not like changes; they are orthodox and conventional in their ways. I am 100 per cent. behind the member for Mt. Lawley.

Mr. SEWELL: I wish to support the amendment moved by the member for Mt. Lawley; and, with him, commend the Attorney-General for opening up the span of hours which has long been a big bone of contention in this State. However, I cannot agree with the Attorney-General in limiting the hours to a portion of the year. Like the member for Mt. Lawley, I believe it should be from 10 a.m. to 10 p.m. throughout the year.

The member for Eyre has made reference to the tourist trade, and we all know how important that is becoming in the economic and social life of this State. This year in Geraldton we had a sunshine carnival during the winter months. The hotels in that town were granted the privilege of extended hours until 10 p.m., and there is no doubt about the benefits gained by the extension of time. If the hours were extended throughout the year, towns with a climate such as is enjoyed by Geraldton would be able to have a little bit of life during the evenings.

Mr. MAY: I am opposed to this clause in the Bill, and I am opposed to the amendment moved by the member for Mt. Lawley—not that extended hours would affect me very much. Over the years the people in this State have survived the 9 o'clock closing. I see no reason at all why they should not continue to survive it. Very little has been said in regard to the employees in the industry. After all, they should receive as much consideration as the licensees and breweries.

Mr. Nulsen: What about the publicans?

Mr. MAY: I have already said that the people in this State have survived over the years under 9 p.m. closing and will continue to survive should that time be adhered to. It is considered it would be a retrograde step to alter the working hours of the employees; and with that contention I agree. All our concentration—particularly that of those who support trade unions in this State—should be centred on the conditions and working hours of the employees; and that is another reason I am opposed to both the clause and the amendment.

The member for Mt. Lawley seems to know an awful lot about the liquor trade. As a matter of fact one would almost believe he is here to advocate the case of the breweries and hotel proprietors. He has

made only very brief reference to those employed in the industry and the fact that this proposal means an alteration in their hours and will debar them from enjoying the family circle for another hour.

Quite recently there was a meeting of all employees in the hotel industry. At this meeting a unanimous resolution was passed to the effect that, in spite of the offer made by the licensees of an extra 2s. 6d. for the hour, the employees did not want it. For that very reason I am opposed to the clause and the amendment.

Mr. WATTS: I intend to oppose the amendment moved by the member for Mt. Lawley, believing that the proposition in the Bill is a sufficient change from the present state of affairs. I consider there is considerable justification for the change proposed in the Bill—namely, a change from 9 p.m. to 10 p.m., which is the main part of the 12 hours concerned, during the months from the 1st November to the end of April.

During that time, in the main, conditions are suitable—at night-time particularly—for outside entertainment and the growth of the beer garden, has been considerable in recent years. However, for the other part of the year the conditions are quite unsuitable on most occasions, on account of the inclemency of the weather.

The whole proposal in this Bill is, I think, something in the nature of an experiment. There are a great number of people who fear that any extension of hours will lead to a further incidence of alcoholism. That point of view was, in fact, voiced here by at least half a dozen speakers last evening, and it yet remains to be proved whether or not that will be so.

It is not so very long since a change was made in New South Wales from 6 o'clock to 10 o'clock closing, but I am not in a position to say what the effect has been. Western Australia has always struck the happy medium in regard to this business, and it has been commended in many quarters over past years for its introduction and retention of the present hours. Consequently, we cannot compare the conditions that have existed in this State over the years with the conditions which, under different hours, have existed in certain other parts of the Commonwealth.

The situation, as it seems to me, is that this Bill makes a step in the right direction of extending hours, with some basis of commonsense behind it; namely the fact that in the summer months there is an apparent demand for the use of outside premises for public entertainment; and in the winter months those outside premises are not nearly so suitable and are not in demand to any extent, except on rare occasions. I therefore propose to stick by the Bill.

Mr. GRAYDEN: I am reluctant to differ from the Attorney-General, who I think is to be commended on having introduced the Bill. However, I feel obliged to support the amendment, as I think the provision in the Bill might lead to confusion and to a dislocation of hotel administration. I see no reason why hotels should not remain open until 10 p.m. throughout the year. The Attorney-General said that some members feel extended hours would lead to an increase in alcoholism; but it has been well established that when anything is easily obtainable people are not so anxious to obtain it.

Before the advent of myxomatosis, rabbits were plentiful and cheap in butchers' shops; but now, with the rabbit population decimated, they are dearer than poultry. I know of a butcher in Albany Highway who buys rabbits at 6s. 6d. each and sells them at a price 33½ per cent. higher. In the Middle East, and particularly in Syria, where there is almost no limitation on drinking hours and liquor is available from any cafe, there is virtually no drunkenness. I cannot recall having seen anyone there affected by alcohol.

The position there can be contrasted with that in Melbourne, and I think the member for Mt. Marshall illustrated that graphically last night when he read from the *Sydney Bulletin* an article headed "Victoria Grogg-on." It read—

The Queen City of the South may now wear another crown. According to Dr. John Birrell, the police-surgeon, Melbourne is the Queen of Accident Cities against all the world, with 22 road-deaths per 100,000 population. At the Alfred Hospital 56 per cent. of drivers admitted for treatment have been drinking, and so have 76 per cent. of all accident-victims.

There can be no doubt the figures exaggerate the significance of rush-driving on the accident-rate, because the Alfred serves a far vaster area of Melbourne than the other public hospitals, and an area with a higher proportion of drivers; but, making full allowances, they are still alarming.

They are a withering commentary in themselves on the retention of 6 p.m. closing in Victoria, won by a brilliant campaign frightening uninformed and untravelled citizens into voting against later closing-hours by presenting a misleading picture of the awful events which would follow if 10 p.m. was adopted. The awful events are in fact following the retention of 6 p.m.; after the pubs close, the incidence of road-accidents soars.

So, with 6 p.m. closing, Melbourne leads the world as regards the number of accidents; and that has been attributed largely to the 6 p.m. closing. If we follow that reasoning to its logical conclusion, it

appears that if we extend the hotel trading hours to 11 p.m., as the member for Eyre suggested, the accident rate would decrease considerably; and that has been illustrated in every country of the world which has extended drinking hours. In view of the hoped-for increase in the tourist trade, I believe that with 10 p.m. closing hotelkeepers will be encouraged to modernise their premises in order to obtain increased trade.

The Attorney-General said that hotel patrons used the beer gardens only during the summer months; but with extended trading hours I believe hotelkeepers will have an inducement to modernise and extend their premises in order to cope with increased trade in cold or wet weather. Clubs in the metropolitan area are open until 11 p.m.; and hotels on the Goldfields are open until 11 p.m. and, in some instances, until 1.30 a.m. or later.

In South Perth there is only one hotel, and about 200 yards from it there is a bowling club with a very large membership. I think it is unfair that the hotel proprietor should have to close at 9 or 10 p.m., as the Bill envisages, and then see his patrons drinking at the bowling club until 11 p.m.

It is an extraordinary state of affairs that in the metropolitan area we are prepared to allow people who are in a position to join clubs to drink till 11 p.m.; but, over the years, I have not heard one voice in this Parliament objecting to it. At present we are contemplating alterations to the Act which will make the position fairer for hotelkeepers, and I strongly support the amendment which will allow hotels to remain open till 10 p.m. throughout the year.

Mr. J. HEGNEY: I oppose both the amendment and the provision in the Bill, because I do not think there is any justification for extending the hours in which drink can be consumed in hotels. I think I would be expressing the opinion of my electors in that regard. The proper course to follow, before proceeding with this Bill, would have been to get an expression of opinion from the people we represent. That, of course, has not been possible up to date, and we are expressing our own personal opinions on this Bill. Apart from a letter I received from a temperance organisation in my electorate today, no one in my electorate has communicated with me expressing any opinion on the matter.

The consumption of liquor is a great social question, and there is an obligation on this Parliament to have regard for the well-being of the country and the citizens of it. Nothing has made greater inroads into the family life of this country than the excessive consumption of alcohol. If we extend the hours in which it may be consumed, it necessarily follows that there will be a greater consumption of

liquor. As our first duty is to the citizens of this country, and particularly the younger generation, I oppose any extension of hours.

We know that in the field of sport those who obtain the best results abstain from drinking alcohol. I have heard a lot of hooy talk here tonight about the fact that people cannot do without alcohol. I worked in heavy industry before I came to Parliament; and I played football and cricket; and I did not find it necessary to have a drink of alcohol. Until a few years ago I had never tasted it; and what I can do, other people can do.

If people in this community were more temperate we would be better off. According to figures from the W.A. Year Book, in 1939 the per capita consumption of liquor was 16.24 gallons, but in 1955 it had increased to 25.89 gallons. The figures for 1956-57 are not available, but I assume they would be at least 25.89 gallons. Therefore, the consumption of liquor per head of the population has gone up by nearly 75 per cent. The price paid per capita for the consumption of liquor in 1939 was £7.15s., but in 1955 it was £26 10s. That shows the considerable increase there has been over the years in the consumption of liquor in the community.

Much has been said about the tourists, and giving them an opportunity to get liquor refreshments at late hours. That may be so in some instances, but Western Australians are a hospitable people and tourists appreciate our way of life. Why do we as a Parliament want to give further opportunities for the consumption of liquor? In 1922 I was working in Rockhampton. I stayed at a hotel; and the publican, who was also a non-drinker, told me that although at that time the hotels closed at 11 o'clock, his takings after 7 o'clock were insufficient to pay for the gaslight used. There must have been something in that contention, because the hours in Queensland have since been reduced to 10 o'clock.

I think we as a Parliament have an obligation not to provide further opportunity for the consumption of liquor. As one goes around the metropolitan area one sees hundreds of cars parked outside hotels. Most of them are there until closing time. I have seen fellows leaving hotels, and getting into their vehicles and driving away when they have been in such a condition that they should not have been in charge of a vehicle. In many cases their wives and children are waiting for them; and if we extend the hours, the children will have that much longer to wait.

An extension of hours will mean an increase in drunken driving. Our hospitals and asylums are full because of the heavy consumption of alcohol in the community.

If Parliament gives people further opportunity to drink it will be a retrograde step, and I do not intend to support it.

As a Parliament we impose restrictions on many other industries. For instance, we provide that housewives can purchase the necessaries of life only during certain hours. When I was a boy, butchers' shops were kept open until 8 p.m. Today they are closed at 5 p.m. and the butchers are glad of it.

From the arguments that have been put forward it would seem that the people of this State cannot exist unless they are given further opportunities to consume more liquor. There is more money spent on liquor than on education in this State. If the position were reversed, it would be a great benefit. If the Minister for Education had the £18,500,000 that was spent on liquor in 1957 to spend on education during this financial year, he could achieve a great deal in regard to educational facilities for the children of Western Australia.

The Barmen, and Barmaids' Union, whose members work in this industry, have put forward a reasonable request that the hours should not be extended. In some other States in Australia the hotel closing hours are a little longer than they are here; but, in most cases, the workers in the industry are within walking distance of their places of employment. However, in this State, most of the workers involved will have to work broken shifts and will be called in from outlying parts of the metropolitan area to serve each shift. That is one of the reasons why I suggest that the workers in this industry are opposed to the extension of trading hours. I intend to vote against the amendment and the proposal contained in the Bill.

Mr. ANDREW: My remarks will be brief because I spoke on this aspect last night. I have heard some rubbishy arguments advanced in this Chamber, but the statements made by the member for Mt. Lawley really take the bun.

Mr. Lawrence: They were not even rubbish.

Mr. ANDREW: I am inclined to agree with the honourable member. One of the statements made by the member for Mt. Lawley was that the public should be our prime consideration. As I said last night, not one member of the public, except representatives of organisations, appeared before the parliamentary committee to give evidence. Are there large numbers of the people of this State in the public gallery listening to the debate on this Bill tonight? No. There are only four members of the public in the gallery. On the other hand, there are many representatives of the hotel industry who are listening to the debate from the Speaker's Gallery. I do not blame them for that, because a businessman has to look after his own interests.

Mr. May: He has every right to do so.

Mr. ANDREW: I agree. But when a member says that the public should be our prime consideration, it is absolute hypocrisy.

Mr. Nulsen: Our prime consideration is the public.

Mr. ANDREW: We have a good demonstration tonight of the interest the public is showing in this Bill. Members of the parliamentary committee travelled throughout the State making inquiries of publicans and their patrons, and it was found the demand for hotels to remain open until 10 p.m. was not very strong. In reply to a question put to him on the extension of trading hours till 10 p.m. in the summer-time the Attorney-General quoted from the report of the parliamentary committee. Three members of the committee supported a recommendation for trading hours to be extended until 10 p.m. However, the Attorney-General should also have quoted the report made by three other members of the committee who opposed any extension of trading hours. That report reads as follows:—

- (a) They are not convinced that there is any strong agitation by the general public for a change.
- (b) Though the U.L.V.A. officially favours extended trading hours for hotels there was evidence that quite a number of licensees including some members of the U.L.V.A. oppose it. The union of employees covering this trade also strongly opposes any extension of hours.
- (c) With household refrigeration so general today people can now make adequate provision in their own homes.
- (d) Extending the trading hours of hotels would not stop swilling. Many people would continue to do this irrespective of the closing hour.
- (e) An extension of closing time to 10 p.m. would induce many people who now go home at 9 p.m. to remain drinking for another hour. In the case of parents with young children this would no doubt mean that the children would be left unattended at home or outside the hotel in motor-cars until a very late hour.
- (f) It is feared that any extension of hours would mean increased drinking with a resultant increase in abuses and excesses. It would therefore be detrimental to the public well-being and to road safety. In particular it would make future inroads on family life with consequential youth problems.

- (g) They are convinced that experience in those States which have 10 p.m. closing is such that it should not be followed in W.A. A recent public opinion poll in N.S.W. taken since the change to 10 p.m. closing shows that public opinion has changed. Of those who voted for 10 p.m. closing a decrease of 2 per cent. was shown while there was an increase of 2 per cent. in those who voted for 6 p.m. closing.
- (h) Whilst agreeing that there should be more uniformity in hours as between clubs and hotels they are unwilling to achieve this by any extension of hotel hours.
- (i) They believe that a large majority of the people oppose any extension of hours of trading. If, however, any extension is proposed the issue should be submitted to the people by referendum in accordance with democratic principles. The people should be asked whether they prefer closing at 8 p.m. or 10 p.m.

Those recommendations are diametrically opposed to those quoted by the Attorney-General. The views of three members of the committee thus balance the views of the other three; and therefore I maintain that he does not have a case. Since the extension of trading hours in New South Wales there has been an increase in the amount of liquor consumed in that State. A figure of 17½ per cent. was officially given to the Committee. That is the whole crux of the question.

The manufacturers and distributors of liquor in this State want to sell more liquor, and naturally they are doing what they can to promote that end. I do not blame them, because it is their business. But as the member for Mt. Lawley said, we should consider the interests of the people. From the report I have just quoted it will be seen that people are now going to hotels and leaving their young children unattended; so if we extend the hour until 10 o'clock they will not get home until much later.

Mr. Bickerton: If they went to a dance they would not get home till midnight.

Mr. ANDREW: But they would not do that so often. It was said that we should cater for the tourists, and I agree. But we are catering for the tourists in this Bill, because they can have their liquor in the dining-room of a hotel up till 12 midnight. They can also have their liquor at licensed restaurants. We are adequately catering for tourists, so that argument does not carry any weight. The matter is most important, and should go to a referendum of the people. Those who want an extension of hours until 10 o'clock are afraid that the majority view of the people will not favour a later drinking hour. Some

say that supposition is wrong, but we should allow the people to express an opinion on such an important matter which affects the everyday life of all the people in Western Australia. I oppose the amendment and the clause.

Mr. MOIR: No arguments in this debate have alarmed me so much as the remarks of the member for Victoria Park. They were most extraordinary. He strongly objects to people obtaining liquor up till 10 o'clock; but, at the same time, he points out that we have already agreed to people being served liquor with their meals up till 12 o'clock at night. The proposal to set the time at 10 o'clock is not an extension of trading hours because the hours will be from 10 a.m. till 10 p.m. I cannot see the difference, so far as the welfare of the people is concerned, between eating food while drinking, and merely drinking.

The assertion has also been made that people must be protected against themselves, and the evils attendant on access to liquor in hotels up till 10 o'clock at night. The people on the Goldfields have access to liquor until 11 o'clock at night. I have lived there a long time, and I do not find them any different from the people elsewhere—except that I prefer them to the people I meet elsewhere.

What really alarmed me about the speech of the member for Victoria Park was his suggestion that we should have a referendum and ask whether the closing hour should be 8, 9, or 10 o'clock in the evening. He also said that the Committee was of the opinion that a referendum should be held.

Mr. Andrew: The committee did not say that.

Mr. MOIR: But the honourable member did.

Mr. Andrew: You did not pay attention.

Mr. MOIR: I am concerned about the suggestion that the people all over the State should have an opportunity to say what should obtain on the Goldfields, particularly when the people there have enjoyed these extended trading hours for many years with no evil consequences whatever.

Mr. Toms: The Goldfields are not at stake in this Bill.

Mr. MOIR: I know that; but it is mentioned in the Licensing Act. When we hear views such as those expressed by the member for Victoria Park it makes those of us representing the people of the Goldfields have second thoughts about such matters. I have been sent here by the people of the Goldfields to look after their interests and that is what I propose to do.

Mr. EVANS: As mentioned, we on the Goldfields enjoy 11 o'clock closing. It is a privilege that has been enjoyed for a long time, and one that is richly deserved.

We are now to decide whether the people outside the Goldfields licensing district—which is defined in section 122 of the parent Act—should be allowed extended hours and better conditions. The hours of trading in Kalgoorlie and Boulder and other Goldfields districts are sane and sensible. I would be opposed to a referendum that would extend over the Goldfields licensing district; because if a referendum were held on the times mentioned tonight—namely, 6 p.m., 8 p.m., 9 p.m., and 10 p.m.—the Goldfields would be placed in the invidious position of backing a horse with no chance of winning.

I cannot favour a referendum in those circumstances. If I can be assured that a referendum will be held, excluding the Goldfields, I will readily support the move. I claim that the public are the people most concerned with this issue—not the temperance organisations or the liquor interests. The Bill does not mention a referendum. The question is whether we will support an amendment to alter the hours of trading from 10 a.m. to 10 p.m. throughout the State, except the Goldfields.

Mr. HAWKE: I oppose the amendment as well as the clause. I heard one extraordinary argument put forward in favour of the amendment. It came from the *Bulletin*, a publication which works overtime in grinding the axes for large-scale vested interests. Some of the bigger shareholders in the *Bulletin* could also be among the bigger shareholders in the breweries in the East.

The argument was that because 6 p.m. closing is in force in Melbourne, this factor is responsible for Melbourne having the highest motor-vehicle accident rate per 1,000 of the population. If that is the case, one wonders why the accident rate in Adelaide is not equal to that of Melbourne. The rate in Adelaide could be lower; in that event one would have to look more deeply into the reason why the motor-vehicle accident rate is greater in Melbourne, than in any other city in the world.

There could be many reasons for the motor-accident rate in that city being higher. Before one could come to a safe conclusion, one would require all the facts and evidence. One would require information from the road engineers, and information as to the system of testing persons applying for drivers' licenses.

Even if the assertion in the *Bulletin* were absolutely correct, the only deduction one could draw is that it would be bad for the hotels in Perth to close at 6 p.m. But here they are not closed at that time; they are closed at 9 p.m. Therefore the argument falls to the ground. There is absolutely no logic in it.

I have thought what the argument would be if 6 p.m. closing applied in this State. The vested interests concerned would contend that 6 p.m. was too early and it

should be extended to 7 p.m. If we had 7 p.m. closing, they would contend that 8 p.m. was better, and so on.

Sir Ross McLarty: We had practical experience of 6 p.m. closing during the war years.

Mr. HAWKE: If 9 p.m. closing applied, then the argument from the vested interests would be that 10 p.m. closing would be preferable. If Parliament on this occasion agrees to 10 p.m., it will not be long before the vested interests will contend that the closing time should be 11 p.m.; and then further to midnight. We have heard tonight some suggestion that trading should be permitted over the 24 hours of the day.

Nearly all the argument in favour of extending the existing 9 p.m. closing comes from vested interests. The most untenable argument put up is that no more liquor would be consumed. If there is any logic in that claim that no more liquor will be consumed, then the hotel proprietors are asking Parliament to increase the running expenses of the hotels, while their income will remain the same. Thus their margin of profit will be reduced.

Mr. Burt: People are not forced to have drinks.

Mr. HAWKE: Who said they were?

Mr. Burt: You implied that by having longer hours more drink would be consumed than at present. The people can please themselves. They do not have to drink more.

Mr. HAWKE: I have not said that they have to drink. That is not the point with which I am dealing. I say that if no more liquor will be consumed in the event of 10 p.m. closing being agreed to in districts where 9 p.m. closing operates, the hotel-keepers will be worse off. That will mean hotels closing an hour later. I imagine it would be more expensive to keep a hotel open at night than in the day, and especially to keep it open for one extra hour at night from 9 p.m. till 10 p.m.

Surely the existing hours of trading are long enough. Surely 9 p.m. is a reasonable closing hour. It was my experience, and to a great extent my privilege, to have been Minister for Child Welfare in Western Australia for a period of 17 years in all. If anyone really wants to find out how much harm is done by over-drinking and how much cost is imposed upon innocent people and the State, then that person should serve for a term—a year would be long enough—as Minister for Child Welfare. I am as convinced as I can be that if the closing hour is extended from 9 p.m. to 10 p.m. in the districts where 9 p.m. closing now applies, more drinking will take place.

I think that is inevitable. As the closing hour will be later—10 p.m.—than normally, the harm done to the community

generally will be greater; the damage done will be increased; and the menace to which I referred the other evening of drunken driving on the roads after 10 p.m. will certainly grow. I submit it is already alarming enough without our doing anything which might cause it to become worse. I should think from everybody's point of view—that of the hotel proprietors, the barmen and barmaid employees, the drinkers, and the general public—there is not any worthwhile advantage to be obtained from the extension of the present closing hours.

I know that some hotelkeepers or managers in Western Australia are having a bit of a financial struggle at the present time—some because the brewery has imposed onerous conditions upon them, making it much harder for them to make reasonable revenue out of their hotel-keeping activities. Other hotelkeepers are suffering financial difficulties because of changes in the transport system in the metropolitan area of Perth.

But just as there are some hotelkeepers not doing very well, so there are some people in other sections of trade and commerce of the State who are not doing very well. We know only too well what is happening to some of the smaller traders in the grocery game. As a matter of fact, one does not have to travel far around the metropolitan area to see dozens and dozens of shops which have closed down because the smaller men who have been running them could not stand up to the competition of the larger companies which were trading in groceries and related lines.

So we could sympathise with those in the hotel trade who are not doing as well as they might wish to, just as we could sympathise with those in other avenues of trade and commerce who are not doing wonderfully well. However, as more than one speaker has said, the great factor to be considered in our judgment of this situation is not whether the brewery is doing as well as it should be doing; not whether some hotelkeepers are not doing as well as they might be doing; not necessarily whether the barmen or barmaids should work an hour longer at night; but the general welfare of the community as a whole.

I think the general community as a whole would, on balance, be better safeguarded by not having a 10 p.m. closing hour. I oppose the amendment and oppose the provision as now provided in the clause of the Bill which we are considering at the moment. Should the Committee be in favour of any extension at all of the present closing hour, I will attempt to get an amendment to this clause which will provide that the proposed new trading hours shall not come into operation unless they are first approved by a majority of the electors on the Legislative Assembly rolls in Western Australia in a State-wide referendum.

Mr. HALL: The issue before the Committee at the moment is in regard to the extension of hours. Like the previous speaker, I feel that the public is adequately catered for with the trading hours of 9 a.m. to 9 p.m. I saw the swills which took place in Sydney before the introduction of 10 a.m. to 10 p.m. trading hours. In Tasmania, although 10 a.m. to 10 p.m. trading hours were introduced, it was remarkable to find that there was not extended drinking.

I cannot see any purpose in extending the trading hours in this State to 10 p.m. as this will affect the welfare of the people in the industry and interfere with their social life. Nowadays, at 9 o'clock when these employees cease work, they are able to meet their friends and take part in community life. If the closing hour is extended to 10 p.m., then that section will be directly penalised.

I am of the opinion that the offer made to hotel employees was not worthy of consideration. That is why it was rejected. I stand firm on that point tonight. Unless I was convinced that the industrial set-up was right in connection with 10 o'clock closing, I could not support the proposal. I have worked in industry myself, and the industrial conditions should be a matter for arbitration or negotiation. If the negotiations fall down, the employees have no alternative but to stand on their dignity.

The issue which is at stake affects not only members of the Barmaids' and Barmen's Union or people in the industry, but it could affect the public generally. The matter should be referred to the people in the form of a referendum so that they can select the trading hours which they desire. If the people were as interested in this matter as was stated by the member for Victoria Park, they would have been present tonight to look after their interests. However, the interests of the barmen and barmaids, and of the industry, are well represented. In today's *The West Australian* it is stated that the question of the abolition of the New South Wales Upper House is going to be put to the people at a referendum. If such a comparatively trivial matter as that is made the subject of a referendum, surely a matter which is going to have such an important effect on the welfare of the people of this State should be treated in the same way!

Mr. Johnson said he was surprised that the Bill sought to abolish the midday country session at country hotels. I am surprised, too; and I will definitely oppose that amendment. On the other hand, he hoped to have other hours extended. This brings us back to the statement made by the Leader of the Opposition that they want it both ways. The emphasis today is on entertainment in hotels. As I have said, I went to the Waverley Hotel the

other night and was adequately entertained; but by 9 o'clock, most of the people were ready to go home.

The member for Mt. Lawley tried to give the clubs a bad character. Undoubtedly, clubs have increased 100 per cent. in the last ten years; and with your permission, Mr. Chairman, I will quote from the liquor report as follows:—

A similar trend has occurred in other parts of Australia as well as New Zealand. The reasons for this remarkable development are not altogether clear, but a brief analysis of the position in Western Australia, indicates certain conclusions. In former years clubs were few in number and the average member of the community had little desire or was given little encouragement to join those.

What really happened was that the standard in many hotels was very low in those years and the brighter boys stimulated their clubs by the introduction of many attractions. They made a vast improvement in the amenities supplied on their premises. Therein was the beginning of real competition and trouble for the hotels.

One of the main things they improved was their conveniences. Many of the conveniences in the hotels today are still lacking, and that is borne out by an article in today's *The West Australian* which would be a bit against the Premier. It is as follows:—

Hotel Order

Geraldton, Tues: All hotels in Geraldton will have to provide hand-washing facilities in their public lavatories.

This order was made when publicans' general licenses were renewed at the annual sitting of the State Licensing Court today.

Chairman W. A. Hunt said that these facilities should include hand basins, soap and paper towelling.

There are many hotels in the city today which are in that category and it is for this reason that the membership of clubs has been increased. We are even seeing hotels entering into the field of meals, which for many years was opposed by the U.L.V.A. All these factors are causing a lot of competition, which no-one can dispute.

I oppose this clause and the amendment on the ground that I think Western Australia is adequately served by the 9 a.m. to 9 p.m. hours; and unless the State is asked to decide the matter at a referendum, I do not think these hours should be altered.

Mr. KELLY: I believe there is a very definite desire on the part of a big section of the people for an alteration of the hours. However, I think that in its present form this provision would cause confusion.

I do not think there is any logic at all in dividing the year into two seasons and having different hours for each. The amendment should be altered and then given a year's trial; because this Parliament has the right to amend any legislation it thinks should be altered.

There has been a lot of talk about extending the hours, and I think a wrong impression has been given. The hours are not being extended. The same number of hours will be worked as at present, should this Bill be passed. There is no extension of hours.

Mr. Lewis: They will be extended into the night.

Mr. KELLY: I looked at the word "extended" in the dictionary and it means "enlarged" or "stretched." However, this does not apply to the alteration of these hours—because it is only an alteration.

Mr. Owen: Daylight saving in reverse!

Mr. KELLY: Yes; there is something in that.

Mr. Lewis: There was only a nominal 12-hour period before; this amendment would make it actual.

Mr. KELLY: Yes. That could be so. Even in the hot areas in this State, where it could be expected that drinking would start as soon as the doors were open, there would only be an odd one or two, perhaps suffering from a hang-over, who would want an early morning drink; or possibly a milkman on his round in the metropolitan area might desire a drink at that hour. However, by and large, very few people are accustomed to drinking before 10 a.m. and perhaps 11 a.m. so that the extension of one hour could not under any circumstances be regarded as likely to increase very extensively the amount of liquor consumed.

There will be some increase; but there are other factors which influence the overall consumption of liquor. At present the male members of a family may have a few drinks after knocking off their daily work, and before going home; but with the later closing it could easily be that many men would go home to their dinner and go to the hotel later in the evening, perhaps in company with their wives, to have a few drinks. The result could easily be that there would be very little actual increase in the amount of liquor consumed. At all events, the average man budgets to spend so much per day on his personal needs; and who are we to dictate to him how he shall spend his money?

I have heard in this Chamber some very sanctimonious expressions of opinion as to what people should do or should not do; but I repeat that we have no right to dictate how people should spend their money. I would not be averse to an extension of hotel trading hours after a referendum had taken place. I think many members

are basing their arguments on supposition. If a man intends to spend 5s. on liquor and spends it before 6 p.m., if he is likely to be involved in an accident, he will probably be involved in it at 5 minutes past six; and the same would apply at 10 p.m. I believe that, after a referendum, the proposed extended hours should be given a trial. I believe that a referendum would indicate public support for the 10 to 10 trading hours.

Mr. GRAYDEN: The Leader of the Opposition said there was no logic in the argument that in Melbourne, with 6 p.m. closing, the accident rate is higher than in any other city in the world; while in cities with 10 p.m. closing the accident rate is much lower. I say there was no logic in his argument. Melbourne, a comparatively flat city with wide streets and suburbs virtually on all sides, is in contrast with Sydney.

Sydney, on the seaboard, is a much larger city than Melbourne. It is built on undulating country and has narrow streets. If the argument of the Leader of the Opposition was correct the accident rate in Sydney, with 10 p.m. closing, should be much higher than that in Melbourne; but that is not so. It is stated that more than 56 per cent. of the accidents in Melbourne are caused by alcoholism, which is contributed to by the rush drinking preceding the 6 o'clock closing. I think anyone would deduce from those facts that with the extended hours the accident rate would correspondingly decrease, which is the case both in Sydney and throughout the world.

The Leader of the Opposition said he had been associated with child welfare for many years; and that much of the trouble occurring in that sphere was attributable to drinking by one or other of the parents. I think all members will agree with that. But if his argument has any substance, it would follow that in Sydney, under a Labor Government which was responsible for 10 p.m. closing, the incidence of such troubles would be much greater per head of population than in Western Australia, where we have 9 o'clock closing. But that is not so, and the argument falls to the ground. It would seem to me, and to any logical person, that if we want to curb drunken driving we ought to tighten up our laws in relation to that aspect. They should be brought into line with the laws in England and New Zealand, and also in other parts of the world.

When the hours are extended, people drink much more leisurely. That is the experience on the Goldfields. Every Goldfields member who has spoken has been in favour of extended hours. In the Goldfields areas there is no such thing as rush drinking. People spend 20 minutes drinking a glass of beer; whereas in the metropolitan area they probably take only 10 minutes, because the time in which they can drink is more limited.

Anywhere in the world where there is no limit to the hours in which liquor can be consumed there is a small incidence of accidents which are directly attributable to alcoholism. If the arguments which have been adduced are logical it would follow that in the Goldfields areas of Western Australia, where we have 11 o'clock closing, the accident rate would be higher per head of the population. But that is not so. It would also follow that there would be more Goldfields children left outside of hotels, and so on; but that is not so, either. For the reasons I have given, I strongly support the amendment.

Mr. FLETCHER: I oppose both the amendment and the provision in the Bill; and I do so to be consistent with the remarks I made last night. Hotel guests are already catered for under the existing law, and they can obtain liquor after 9 p.m. So there is no excuse for extending the hours to make the position easier for tourists and hotel guests. If the Bill is passed, the general public will be catered for by the restaurants, which will be under strict supervision.

I believe the existing hours are adequate, and that they should not be extended until a referendum has been held, as has been suggested by our leader. But I differ from our leader in that I think it should be held only in areas which now have 9 to 9 trading. This would exclude people on the Goldfields, where special conditions prevail.

If the hours are increased till 10 p.m. there should be a break between 6 and 7 p.m. so that people can go home to their families instead of drinking for some considerable time on empty stomachs. I also differ from our leader when he says that he does not believe that 6 p.m. closing in Victoria is the cause of an increase in accidents. I think that where people leave their work and have only an hour in which to drink, they drink more heavily, on empty stomachs, and that could be the cause of their driving in an intoxicated state. If we had the hour break which I have suggested, it would lead to more harmony in the home, because the head of the house would be able to go home for his meal at a proper time.

Beer gardens should be closed at 9 p.m., and I think our leader submitted a good case in relation to the effects of beer gardens on our family life. We have read recently of where children have been burned to death in cars which have been standing outside hotels while the parents have been drinking inside the hotels. I know that that is an isolated case, but it could happen again. Children who are left outside hotels in vehicles or in their homes under the charge of elder brothers or sisters are neglected whilst their parents are drinking liquor in hotels up till 9 p.m.; and they will be neglected for another hour if the trading hours are to be

extended until 10 p.m. I am sure the officers of the Child Welfare Department will be taxed with extra work if this provision is agreed to. Therefore, it would not be in the best interests of the family for hotel trading hours to be extended until 10 p.m., especially in beer gardens. I maintain that the existing hours should remain as they are.

Mr. BRAND: Each one of us knows what led up to the introduction of this legislation. During the last election campaign certain promises were made to amend the Licensing Act, particularly in view of statements and feature articles that were published in the Press pointing out that our licensing laws were obsolete. Although I do not agree with many of those statements, there is a need to review our legislation with a view to bringing it up to date. The debate tonight illustrates why Governments in the past have been reluctant to attack this problem. Apart altogether from Party-political considerations, there is always a distinct cleavage among sections of the community on social questions.

The Government acted mainly as a result of the report submitted by the parliamentary committee which inquired into our licensing laws. The members of that committee comprised representatives of two political Parties. Rightly or wrongly, the Liberal Party did not take any part in the inquiry. The report submitted by that committee was a good one and formed a basis upon which we could frame this Bill. In Cabinet it was decided that the Bill would be a non-Party measure, and this was clearly defined when the Attorney-General introduced it.

It is non-political even to the extent of Ministers not being bound to vote for it. The Bill has been introduced for Parliament to be given the opportunity to decide on various questions relating to licensing, the principal one being an extension of the hours of trading. It was considered that we should bring to this Chamber a suggestion which is contained in the clause we are now discussing and which is the subject of an amendment. This clause was inserted, following the recommendation of three of the members of the parliamentary committee, because of our warm climate and because in latter years there has been an increase of patrons drinking in beer gardens. In my opinion this is a more civilised way to drink. The patrons who drink beer in those gardens sit around tables on well-lit lawns and an extra hour of trading in the summertime seems to be warranted. I am of the opinion that once this privilege is granted to hotel patrons in the summertime, ultimately there will be a move for the trading hours to be extended from 10 a.m. to 10 p.m. right throughout the year.

I support the provision in the Bill for trading hours during the wintertime to be from 9 a.m. to 9 p.m. and from 10 a.m.

to 10 p.m. in the summertime. We know that there are different hours of trading for hotels in various parts of the State. During the war years I saw the effect of trading hours from 9 a.m. to 11 p.m. on the Goldfields. I saw no trouble arising in the hotels as a result of their keeping open for a further two hours. In reply to those people who talk about the effect of liquor on drivers of motor vehicles, I would point out that that problem is as great in Melbourne, where the hotels close at 6 p.m., as it is in Kalgoorlie, where the hotels close at 11 p.m. The same principle applies in respect of control of children. If parents have no thought for their children, the problem of children being left outside hotels or elsewhere until the hotels close will arise irrespective of the trading hours that are laid down. So I support the Bill as it is.

A great deal has been said about extending hotel trading hours in the interests of tourists and visitors to Western Australia, but I do not consider that that is a very good argument. Visitors to Adelaide or Melbourne can obtain alcohol at all hours in their hotels, so I am not greatly impressed with that argument. I do not want tourism advanced as the reason why we should amend all our laws. Members seem to be hopping on the band wagon and putting forward tourism as a good reason for every requirement. We should extend our trading hours to keep up with the trend that exists throughout Australia, because three States now have 10 p.m. closing. I think we have done the right thing by bringing this Bill forward, following the recommendations of the parliamentary committee, to amend this provision in the Licensing Act.

Mr. Graham: Do you know of any other place where there is a difference in the trading hours between winter and summer?

Mr. BRAND: No; I do not.

Mr. ROWBERRY: I want to make a few comments as a result of the experience I have had in handling motor vehicles. Stemming, no doubt, from a very fertile imagination, a great deal has been said about drink being the prime cause of motor-vehicle accidents. I pointed out, during my speech on the second reading of the Bill, that such a contention is based partly on assumption. It must not be forgotten that those people who are charged with drunken driving are very often not involved in accidents. A motorist, under the influence of liquor, could drive out of town and park on the side of the road; but if he were accosted by a patrolman and found to be smelling of drink, he could be charged with driving that vehicle under the influence of liquor; whereas, in fact, he had done the most sensible thing he could do whilst under the influence.

Mr. Lawrence: He could still be arrested.

Mr. ROWBERRY: Recently two people were charged, and their licenses confiscated, because they were involved in drunken-driving charges. One of these people ran off the road into a ditch and stalled. He injured nobody. The other person stalled in Plain Street; he was going so slowly that he could not have done any damage. There was no accident in either case. I feel these factors must be taken into account.

Mr. Lewis: You cannot deny there are accidents caused by drunken driving.

Mr. ROWBERRY: That is so; but it is difficult to prove exactly who is responsible. One of the parties in the accident could be sober and be the prime cause of the accident, but because the other driver smelt of liquor he could be charged with drunken driving.

Mr. Lawrence: How do you know of all this?

Mr. ROWBERRY: I know from practical experience. If I were to express an opinion on the driver most likely to cause an accident, I would say it was the person who did not drink at all.

The DEPUTY CHAIRMAN (Mr. Heal): I hope the honourable member will tie this up with the hour of trading we are discussing.

Mr. ROWBERRY: We are discussing how the extension of hours would create a rise, through drunken driving, in the accident rate. It has been said that drunken driving is responsible for a large number of accidents. But the contrary could also be the case. In these cases everybody is wrong but the do-gooder, and he is the person who is most often involved in accidents.

Mr. May: Your argument is that we should all get drunk.

Mr. ROWBERRY: That is not so. I am replying to the sweeping assertion that drink is the prime cause of all accidents, and that the extension of hours would create a further hazard. Actually there is no extension of hours. The hours remain the same.

Mr. Lawrence: Why don't you shut the bar at Parliament House?

Mr. ROWBERRY: If drink is the prime cause of accidents we should close all the pubs and start by closing the bar at Parliament House. I support the amendment moved by the member for Mt. Lawley. It would cause confusion to have one set of hours for the summer months and one set for the winter months. As the member for Merredin-Yilgarn said, we should give 10 o'clock closing a trial for one year. We would then see whether the people wanted it or not. Any extension should be decided by a referendum of the people. I support the amendment and apologise for keeping the Committee until this late hour.

Mr. NALDER: I oppose the amendment because I believe the extension of the closing time from 9 until 10 will not be in the best interests of the public. I indicated my views on this matter last night. Since then, together with other members, I have had many telephone calls and an interview with members of the Hotel Proprietors' Association, who indicated their views on this proposal. The importance I interpret from their reaction to this amendment is not so much the increase in the hours but the increase in the competition from clubs. I pointed out to the deputation that it was surprising that they were not awake to this earlier than this evening. It is up to members of deputations to express their opinions through members of this House so that we might be aware of their concern. If there is undue competition from clubs, some further action will have to be taken.

One of the members of the deputation said that a position similar to this existed in Queensland, and the authorities there had taken action to see that no more licenses were granted to clubs. If that is so, the same position might arise in Western Australia. But that has nothing to do with my feelings in the matter. We are concerned with the problem before us.

I referred to articles which appeared in yesterday's paper, and I would like to refer to another which appeared in the same Press. It sums up the position that the extension of hours will promote the possibility of further problems associated with alcohol. On page 18 of yesterday's paper—it is exactly the same paper to which I referred when dealing with other matters concerning drink—is printed, "The Dead Driver Was Drunk." The item reads—

This death forcibly brings before us the evils of drink. In the majority of these cases, drink plus speed, or drink alone is the cause, City Coroner Rodriguez said yesterday.

Mr. Lawrence: What newspaper was that?

Mr. NALDER: *The West Australian*. I still have the same concern which I expressed last evening. If we extend the hours of trading we will sanction the very thing referred to in that newspaper. In the interests of the young people of this State, and in the interests of family life, I feel it is my responsibility to oppose any extension of the hours of drinking.

Mr. GRAHAM: It is my intention to vote for the retention of 9 p.m. closing, but I want to be fair and consistent. If it be the will of Parliament that 10 p.m. closing should operate for the summer months of the year, then I consider this decision should apply over the 12 months of the year. I am not aware of any place where such a differentiation in trading hours between the seasons of the year applies. Whatever the closing time is, it

should be applied throughout the year. I intend to support the amendment of the member for Mt. Lawley, but will vote against 10 p.m. closing as a whole.

Mr. Watts: If you vote for the amendment of the member for Mt. Lawley, how will you be able to vote against 10 p.m. closing as a whole?

Mr. GRAHAM: By voting against the clause or the relevant portion.

Mr. Watts: When you have inserted that amendment.

Mr. GRAHAM: I will have amended certain words. When the clause is amended I shall vote against it. It will mean that 9 p.m. closing will be retained.

Mr. Watts: That is a lopsided way of going about the matter.

Mr. GRAHAM: It ill becomes the Attorney-General to say that. I well remember the occasion when he raised no objection to an amendment to a Bill introduced by him some seven or eight years ago. I was more than staggered that he should subsequently vote against the amended clause. If there is anything wrong with my attitude in this instance I learnt it from him.

There is one side of the question which is removed from intoxication. If some people are irresponsible in their nature and to their family commitments, whatever hours are laid down they will not assume their responsibilities. I believe that on the Goldfields and in the North-West the behaviour of those who patronise licensed premises does not suffer by comparison with the behaviour of people in the metropolitan area, or in the South-West country centres. It is possible for us to select isolated cases and attribute the cause of the downfall to over-indulgence in drink, and somehow to connect the problem with the hours of trading. It is not my intention to embark on a discourse over that aspect.

The very reason for the existence of the A.L.P. is to raise the standard of living and comfort of the ordinary average citizen in the community. Many of the conditions which exist today were obtained as a consequence of tremendous struggles over the years with the employers, before industrial tribunals, and in Parliaments. Generally speaking the A.L.P. is most reluctant to permit a change of circumstances that will result in less satisfactory working conditions for any section of the employees.

The Barmads' and Barmen's Union has not the final say. That organisation, which has a very excellent industrial record, should have its point of view put forward and considered. Last Sunday at a meeting of some 400 to 500 members, a resolution was passed unanimously to oppose the extension of the hours of trading, principally because of the impact upon their working conditions.

One must remember that the membership of that union is made up of males and females. Very many of the women employed in that industry are widows. Some are deserted wives, and some are the wives of husbands who are physically handicapped. In many cases these people have domestic responsibilities. They undertake this avocation because, compared with many other callings, the rate of remuneration within it is quite satisfactory. Because of that they put up with the inconvenience of arriving home as a rule after 9.30 p.m. Surely that is late enough! The prospect of 10.30 p.m. before they reach home does not appeal to them.

Whilst there may be only some hundreds so affected, their point of view is entitled to our consideration. I can point to many administrative decisions and Acts of Parliament which affect and assist groups far smaller numerically than the people to whom I am referring. So nobody can suggest that the Barmads' and Barmen's Union, by the representations it has made through the affiliations within the Australian Labor Party is threatening us, and that we are necessarily compelled through fear or for other reasons to obey its every wish and every command. At the same time, particularly bearing in mind the Party to which we belong, I feel it is necessary for us to give serious consideration to that union's point of view.

I have said this on other occasions—that there are points to be considered altogether apart from convenience, and apart from economic development and the progress of the State. There are times and occasions when it is necessary for us to concern ourselves with the impact upon the individual. This State of Western Australia is not something airy-fairy; it is a community of several hundred thousand people; and whether our economic progress and development is as great as it might be; or whether we should attract tourists or commence new industries is not of particular avail if, in the process, our own people are disturbed and unhappy.

So I come back to the people who will suffer inconvenience; and who, in some cases, will suffer hardship. For that and many other reasons—some of them I adduced in company with union representatives when introducing a deputation to the Premier several months ago—let us retain 9 o'clock closing. However, if the wish of Parliament is that 10 p.m. should be the hour, then let us not half do the job; let us make it 10 p.m. That would be my attitude even if there were a proposition to reduce the number of trading hours.

I hope I have made my position clear. In case I have not, I repeat that I am supporting the amendment moved by the member for Mt. Lawley on account of consistency in hours spread over the year. But if he is successful—and in any event—it is my intention to vote against the proposition which would mean an extension

of trading hours beyond 9 p.m. which are enjoyed as far as working conditions are concerned by those whose duty and responsibility it is to serve behind bars to satisfy public wants.

Sir ROSS McLARTY: I have had an open mind on this question of closing hours of hotels, and I have listened to quite a number of the speeches that have been made. After consideration, I have decided I will support the proposal in regard to hours as contained in the Bill. I can see an argument for a later closing hour during the summer months as climatic conditions are such that people may desire to drink till a later hour.

I do not think this will mean that there will be excessive drinking. The outlook today in regard to the partaking of alcohol has become much saner than it used to be. I remember the time when there were few lounges in hotels and everybody had to stand at a bar. Apart from lounges, we now have attractive beer gardens where people can sit outside on a hot summer night and drink leisurely. People are doing that now and taking their liquor in comfort.

I do not believe the later closing hour will mean excessive drinking. When it comes to the winter months, I can readily understand that there may be some confusion about the difference in hours. But people do not need to drink in the winter as much as they do in the summer.

Mr. May: Some would drink at the North Pole.

Sir ROSS McLARTY: Some might and some might not.

Mr. Graham: They also drink north of the line.

Sir ROSS McLARTY: I believe that the great majority of the people in this country are temperate in their habits. If we forced the hotels in the city to remain open during the winter months, I wonder whether we would be doing them a service.

The Leader of the Opposition said that it is not the hotelkeeper, the barmaid, or the brewer that we have to consider in this matter. He said it is a great social question. I agree with him. I believe that if the hotels in the city area were required to remain open until 10 p.m. during the winter months, quite a lot of hotels would be run at a loss during this additional hour. Very few people remain in the city after 9 o'clock—indeed after 8 o'clock—during the winter. Even with 9 o'clock closing, one does not find that there is a rush on the bars in the city hotels. On the contrary, people get away from the city areas and patronise beer gardens. We have had an example of one city hotel closing down and being taken over by business premises.

During the summer it is a different matter. I should think they would be able to keep open then because of the demand from the public. Large numbers of people

come into the city to attend theatres and other forms of amusement; and if there is a later drinking hour, those people will be able to obtain refreshments in comfort rather than have to rush in order to have their drinks before 9 p.m. and then go back to the various forms of amusement they may be attending.

Therefore, I intend to support the hours in this particular instance as laid down in the Bill. I agree with one or two speakers who said we should watch what happens during a period of, say, the next 12 months; and if necessary, further amending legislation could be brought down.

I have travelled fairly extensively through other parts of the world and have been in countries where one could obtain liquor at any hour of the day or night. There have been thousands of tourists in these places; and despite the fact that they had plenty of money to spend, I did not see any drunkenness in those countries. The people behaved in an orderly fashion and appreciated the fact that they could obtain liquor whenever they required it. In Britain the hotels were open at certain periods, including Sundays. There again I did not see any excessive drinking. People say that England is not a hot country and there is no inducement to drink. However, hot days are experienced in Britain during the summer.

Mr. Fletcher: They have a break at meal times.

Sir ROSS McLARTY: Yes; they have staggered hours. However, they can get the liquor during the staggered hours; and I did not see any excessive drinking at all in Britain or the other countries I visited. I believe our people have very much the same outlook, and I am therefore going to support this Bill.

Mr. I. W. MANNING: I would not like to think that any decision to which I was a party, or any advocacy of mine, had the effect of lowering the moral standards of a community or in any way contributed to increased drunkenness. However, I cannot feel that such will be the case under the proposal in the Bill. I am not so blind that I cannot see that the 10 o'clock closing would give additional opportunity for drinking. I must confess, of course, that I know the situation well only as it applies to my own electorate. There I find the people are very temperate in their habits, and the additional opportunity to obtain liquor would not create any increase in its consumption throughout that area.

I believe that the provisions contained in the Bill give us an opportunity of experimenting with the changed hours. I do not support the amendment, because we should first have some idea as to the effect of the changed hours. We have had many reasons submitted for and against the

alteration in the hours, and we should seize the opportunity to experiment. I cannot feel that the altered hours would have a detrimental effect upon the area I represent or that it would be the cause of any increase in drunkenness. There is not much there now. Of course, it might create some problems. Meetings and dances do not get a start much before 9 o'clock now.

Mr. Hawke: You had better start at 10 in future.

Mr. I. W. MANNING: As the Leader of the Opposition has suggested, the dances and meetings will have to commence at 10 in future.

Mr. May: You will have to be like us and work half the night.

Mr. I. W. MANNING: As I said earlier, I would be very much opposed to anything I felt would lower the moral standards of the community, but I cannot feel this Bill would have that effect; and because I did not want to cast a silent vote on such an important question as this, I felt I must express my views.

Amendment (to delete paragraph (a) of Clause 24) put and a division taken with the following result:—

Ayes—25.

Mr. Bickerton	Mr. Kelly
Mr. Bovell	Mr. Mann
Mr. Burt	Mr. Moir
Mr. Cornell	Mr. Nulsen
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Evans	Mr. O'Neill
Mr. Graham	Mr. Roberts
Mr. Grayden	Mr. Rowberry
Mr. Guthrie	Mr. Sewell
Mr. Hearman	Mr. Wild
Dr. Henn	Mr. Crommelin
Mr. Hutchinson	

Noes—20.

Mr. Andrew	Mr. I. W. Manning
Mr. Brady	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Fletcher	Mr. Nalder
Mr. Hall	Mr. Owen
Mr. Hawke	Mr. Perkins
Mr. J. Hegney	Mr. Toms
Mr. Jamieson	Mr. Tonkin
Mr. Lawrence	Mr. Watts
Mr. Lewis	Mr. May

(Teller.)

Majority for—5.

Amendment thus passed.

Mr. OLDFIELD: I move an amendment—

Page 24, line 28—Insert, in lieu of paragraph (a) deleted, a new paragraph to stand as paragraph (a) as follows:—

(a) Delete the word "nine" in line 8 and substitute the word "ten" in lieu, and delete the word "nine" in line 9, and substitute the word "ten" in lieu.

In view of the Committee's support for the previous amendment I do not think there is any need to debate this one.

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

Ayes—26.

Mr. Bickerton	Mr. Mann
Mr. Bovell	Sir Ross McLarty
Mr. Burt	Mr. Moir
Mr. Cornell	Mr. Nulsen
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Evans	Mr. O'Neill
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Roberts
Mr. Hearman	Mr. Rowberry
Dr. Henn	Mr. Sewell
Mr. Hutchinson	Mr. Wild
Mr. Kelly	Mr. Crommelin

(Teller.)

Noes—19.

Mr. Andrew	Mr. Lewis
Mr. Brady	Mr. I. W. Manning
Mr. Brand	Mr. W. A. Manning
Mr. Fletcher	Mr. Nalder
Mr. Graham	Mr. Owen
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Watts
Mr. Jamieson	Mr. May
Mr. Lawrence	

(Teller.)

Majority for—7.

Amendment thus passed.

Mr. HAWKE: I move an amendment—

Add paragraph (a) the words "This paragraph shall not come into operation until and unless the proposed new trading hours have been approved by a majority of the Legislative Assembly electors voting in the districts where those hours are intended to apply."

In view of the decision of the Committee in favour of later trading hours, it became necessary for me to move this amendment, the purpose of which is to ensure that the people in the districts concerned shall be consulted by referendum in order that they may express their opinions and their decision before the later closing hour shall be applied. Most members who have taken part in the debate have admitted that great social issues are involved; and so the people should be given opportunity, by referendum, of giving their decision.

It cannot be argued that members of this Committee, by agreeing to a referendum, are dodging the responsibility for expressing their own views; because they have already expressed them. A majority of members favoured the 10 p.m. closing, but a substantial number voted against that decision and the votes are recorded in *Hansard*.

Mr. WATTS: I do not feel disposed to support the amendment. As far as I am concerned, the verdict of the Committee has been given; and, while I did not support it, I am prepared to abide by it. Of course, I speak as an individual on this matter because there has been no opportunity for any worth-while discussion of it. If we are to have a referendum, surely it should be State-wide! As I understand it, it will apply only to the districts where the new hours are intended to apply. Those are my feelings on the matter, and I shall vote against the amendment.

Mr. MAY: I have little to say in connection with this proposition, but I support it because it is a question on which the people of the whole of the State should have a say. They should direct Parliament, by way of a referendum. We all realise how difficult it is for an individual member to find out the real desires of the majority of the people he represents. The only way to do that is to have a referendum. That is why I support the amendment, and I hope it will be agreed to.

Mr. MOIR: I support the amendment because it is different from the motion which is now on the notice paper. That motion provided for a State-wide referendum; whereas the amendment deals only with a referendum to be taken in the districts where the new hours are to apply. I think it would be a presumption on the part of Goldfields people to vote on a question that did not concern them, or concerned them only when they visited the areas in question. In the same way, Goldfields people would resent residents in the metropolitan and agricultural areas voting on a proposition as to whether there should be 10 or 11 o'clock closing on the Goldfields. For those reasons I support the amendment.

Mr. BRAND: I oppose the amendment because I believe that if a referendum is to be held it should be a State-wide one. Also, if we have a referendum on hours, the decision should apply throughout the State.

Mr. O'Connor: Hear, hear!

Mr. BRAND: If it is a big social problem, it is just as much a problem in Kalgoorlie as it is in Perth.

Mr. Moir: There is no problem in Kalgoorlie.

Mr. BRAND: Then there is no problem in Perth. The same position applies everywhere. As I said, it should be a State-wide referendum if one is to be held; and the decision, whatever it might be, should apply to the whole of the State. I oppose the amendment because I believe Parliament is competent to make a decision on the matter. It has done so on this occasion, and I believe the decision to be a wise and a reasonable one.

Mr. J. HEGNEY: I support the amendment because I think we should consult the electors to ascertain their views on this issue. It is a great social question, and substantial changes are proposed in the legislation. Mention has been made of the change in the closing hours in New South Wales, and much has been said about the swill drinking that goes on in Victoria. Not any of us has been able to get the views of our electorates on this matter, and I see no reason why we should not consult them by way of a referendum. It should be held in those districts which will be affected by this Bill.

Mr. Burt: Do you think Goldfields members should vote on it?

Mr. J. HEGNEY: The honourable member should ask the Speaker or the Chairman of Committees about that; it is for them to decide. Because this legislation will not have State-wide application, the referendum should be limited to those districts in which it will apply. In New South Wales, where they have 10 o'clock closing, there is a 1½ hour break at the dinner hour; but there is no such proposition in this legislation. As a referendum is the democratic way of consulting the electors, I see no reason why the amendment should not be agreed to.

Mr. EVANS: Members of Parliament are often called upon to express views on subjects which have no effect upon their own electorates. This debate has now entered a phase which I have already described. Goldfields members will have an opportunity to express their opinions on the amendment moved by the Leader of the Opposition which seeks to have a referendum held—before this clause is agreed to—in those areas where the proposed changes in trading hours shall operate. Members will recall that whilst I was speaking last night I said I was in favour of an extension of trading hours, and tonight I voted according to my conscience. One of the main reasons I voted in that way was to defeat any attempt made to hold a referendum among the people throughout the State, including the Goldfields people.

At the moment those who are resident on the Goldfields enjoy the privilege of hotels closing at 11 p.m., and they are quite happy with the existing conditions. I am now placed in a position where I have to vote for or against the holding of a referendum on the question of the extension of trading hours. If that is done, the people on the Goldfields have nothing to gain but a great deal to lose. Nevertheless, I support the amendment.

Mr. BURT: I wholeheartedly oppose the holding of any referendum. Tonight the Committee has unanimously agreed that hotels should close at 10 p.m. throughout the year. Therefore, it is quite unnecessary to hold a referendum; because if this legislation does not meet with the wishes of the people, various members will feel the repercussions at the next general election. In my opinion, members representing Goldfields districts should not be asked to express an opinion on this amendment, and therefore we should refrain from voting. I oppose the amendment.

Mr. MOIR: I think the member for Murchison is completely off the beam.

Mr. Hawke: He does not have to vote if he does not want to.

Mr. MOIR: That is quite correct. As a member of this Chamber I have some responsibility. Together with other members I represent not only the electors of my district, but the people of the State.

As legislators we are charged with the responsibility of voting for legislation according to whether we think it is in the best interests of people throughout the State. On many occasions the member for Murchison, together with other members of his Government, has voted on questions which are far removed from the interests of the people on the Goldfields.

Mr. Hawke: He voted in favour of an increase in the water rates for the people on the Goldfields.

Mr. MOIR: Yes; that is one piece of legislation which he voted for, but which would not obtain the approval of people on the Goldfields. I intend to vote for the amendment.

(The Chairman of Committees (Mr. Roberts) resumed the Chair.)

Mr. CRAIG: I oppose the amendment not because of the question that is before us now, but because of the principle involved. The member for Boulder has said he has the responsibility of representing all the people in the State; but at the same time he is prepared to vote for any move whereby the responsibility placed upon him to make a decision is passed back to the electors. The function of Parliament is clearly defined. We have already decided on what action should be taken on the question before us. Therefore, I do not consider there is any need for a referendum to be held.

Mr. CROMMELIN: I move—

That the amendment be amended by deleting all words after the word "electors".

Mr. HAWKE: I have not a great deal of feeling one way or the other about the amendment moved by the member for Claremont. My amendment was worded as it was because the people who live in the Goldfields and North-West areas are not to have their trading hours altered in any degree. So it could be a bit unreasonable to ask the people in those areas, who are not to have their trading hours altered, to say what the trading hours should be at Claremont or Northam.

It could be all the more unfair because the closing hour on the Goldfields and the North-West is not only later than the existing closing hour in the metropolitan area and agricultural areas, but will still be later even if the 10 o'clock closing were to apply to the areas of the State other than the Goldfields and the North-West. That is the reason why I thought it would be fair to limit the referendum to people living outside the Goldfields and the North-West. The only thing I do not like about the amendment moved by the member for Claremont is that it will allow the people enjoying a closing hour now of 11 o'clock to cast a vote which could decide that the people at Bruce Rock, Narembeen, Northam, or Claremont may not have their closing hour later than 9 o'clock.

Progress reported.

House adjourned at 1.14 a.m. (Thursday)

Legislative Council

Thursday, the 5th November, 1959

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The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

TEACHERS

Appointments and Qualifications

- The Hon. J. M. A. CUNNINGHAM asked the Minister for Mines:
 - Does the same rigid application of the regulations concerning appointments of teachers obtain in metropolitan schools as in country schools?
 - Do all applicants for appointment as senior masters require a degree, or higher certificate qualification?
 - Have there been any appointments to metropolitan high schools to senior masters (Physical Education) of teachers not holding the regulation higher certificate qualification?
 - If the answer to No. (3) is "Yes", will the Minister say why the discrimination exists between country and metropolitan high schools?
 - If the answer is "No", will the Minister advise the number of appointments to senior master within the past six months, or appointments to take effect within the next six months?