

These are not going to be made by the Governor. On the other hand, the procedure prescribed in that section for reviewing the regulations made by the Governor might well be adopted in reviewing the rules of Parliament under this Act and be published in the *Government Gazette*.

The **SPEAKER**: The honourable member has eight minutes more.

Mr **HARTREY**: I might as well use them. To sum up, let us look at the subject without any qualification at all. Let us look at the subject as a nonparty measure, which it ought to be and which I think it will be.

It proposes to create machinery for reviewing oppressive legislation and regulations, and if members do not believe there are any oppressive regulations and legislation they do not know much about the regulations and the Statutes. I am not by any means a great authority on all the Statutes. Some of them I know inside out and many of them I have never heard of. As for regulations, there must be thousands upon thousands I have never seen, even in the branch of the law in which I specialise.

Allowing for all those things, it is very desirable to have some referees—people outside the hurly-burly of actual politics—to whom the Parliament itself can refer certain legislation which an individual member may have stood up and condemned. Tonight I stood up and condemned a mistake which provides that a child between the age of 14 and 18 may be—though not necessarily would be—dealt with more harshly in the Children's Court than a person over the age of 18 who committed the same offence would be dealt with in a Court of Petty Sessions. That is obviously atrocious. No-one can tell me that whoever is the Government next time, and whoever appoints the body, will appoint persons who would have as their object to ensure children are treated worse than adults. All kinds of other injustices are done to human beings. Frankly, and quite sincerely, it is an absolute fact that at the present time one of the gravest injustices suffered by the people of this State—I refer particularly to the working people and specifically to injured working people who claim workers' compensation—is that they cannot get any redress of any kind from anybody for six months.

Mr Grayden: Hopefully there is a solution to that.

Mr **HARTREY**: I have not heard much about it for the last couple of months. I have been very anxious about it and a tremendous number of unions and working people are anxious about it. Let us have it before this Parliament closes. My clients and I want it urgently. I mention this as one of the anomalies but there are any number of other anomalies.

Another aspect of the law which is very wrong is that if a man is convicted by a jury of wilful murder—and, of course, necessarily sentenced to death, whether or not the sentence is carried out—he has a right of appeal on a question of law to the Court of Criminal Appeal of Western Australia, and if that court turns him down he may then appeal to the High Court of Australia at almost no expense to himself. But if he is convicted in Mukinbudin by a couple of shopkeepers of an offence for which he should not have been convicted—possibly something that is not even an offence at law at all, because the local policeman does not always know the law, let alone the local justices of the peace—it will cost him at least \$600 to have his appeal brought before the courts here. We will say he is unjustly imprisoned.

The **SPEAKER**: The member's time has almost expired.

Mr **HARTREY**: I will hurry. First of all he has to pay a lawyer a good sum of money to get an order nisi to review, to start off with. He has to get a copy of the evidence in the case, the judgment of the court, and other things. I am afraid I have run out of time. I will give it away for the present.

Debate adjourned, on motion by Mr Bryce.

## ADJOURNMENT OF THE HOUSE: SPECIAL

**SIR CHARLES COURT** (Nedlands—Premier) [6.12 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 2nd November, at 4.30 p.m.

Question put and passed.

*House adjourned at 6.13 p.m.*

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## Legislative Council

Tuesday, the 2nd November, 1976

The **PRESIDENT** (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

## FILMS

*Censorship and Classification: Petition*

The **HON. R. F. CLAUGHTON** (North Metropolitan) [4.32 p.m.]: I wish to present a petition from the members and supporters of the Canning and Districts' Film Society seeking the support of the Government not to take action to limit the use of films. The petition contains 19 signatures, and bears the signature of

the Clerk of the Legislative Council certifying that it is in conformity with the Standing Orders of the Legislative Council. I move—

That the petition be received, read, and ordered to lie upon the Table of the House.

Question put and passed.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [4.34 p.m.]: The petition reads as follows—

To the Honourable the President and Members of the Legislative Council in Parliament assembled.

We, the undersigned, members and supporters of the Canning and Districts' Film Society, a society established for the study and appreciation of the art of film, pray that the Government continue to support the present Commonwealth-State agreement for the censorship and classification of films shown in WA and that no change be made in the rules which apply to films shown at film festivals. Your petitioners request that the Government take no action which would further limit the examples of world cinema available for study in WA by introducing new laws restricting the use of some films already approved by the Commonwealth Chief Censor, and your petitioners as in duty bound will ever pray, that this humble petition be acceded to.

The Hon. D. J. Wordsworth: How many signatures are on the petition?

The Hon. R. F. CLAUGHTON: The petition contains 19 signatures.

*The petition was tabled (see paper No. 443).*

### FILMS

#### *Censorship and Classification: Petition*

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [4.35 p.m.]: I wish to present a petition from the members and supporters of International Film Theatre Inc. seeking the support of the Government not to take action to limit the use of some films. The petition contains 434 signatures, and bears the signature of the Clerk of the Legislative Council certifying that it is in conformity with the Standing Orders of the Legislative Council. I move—

That the petition be received, read, and ordered to lie upon the Table of the House.

Question put and passed.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [4.37 p.m.]: The petition reads as follows—

To the Honourable the President and Members of the Legislative Council, in Parliament assembled.

We, the undersigned, members and supporters of International Film Theatre Inc., a society established for the study and appreciation of the art of the cinema, pray that the Government continue to support the present Commonwealth-State agreement for the censorship and classification of films shown in WA, and that no change be made in the rules which apply to films shown at film festivals. Your petitioners request that the Government take no action which would further limit the examples of world cinema available for study in WA by introducing new laws restricting the use of some films, and your petitioners as in duty bound will ever pray, that this humble petition be acceded to.

*The petition was tabled (see paper No. 442).*

### QUESTIONS (2): ON NOTICE MEAT

1.

#### *Research Committee*

The Hon. D. J. WORDSWORTH, to the Minister for Justice, representing the Minister for Agriculture:

- (1) What percentage of the moneys allocated or spent by the Australian Meat Research Committee has been spent in Western Australia since its inception in 1966?
- (2) How does the committee gain its research funds?
- (3) Is there any reason why a greater amount of research by this organisation is not carried out in this State?

The Hon. N. McNEILL replied:

The following information was supplied by the Australian Meat Board:

- (1) 3.5 per cent.
- (2) By a statutory levy on the slaughter of sheep and cattle—  
 Sheep and lambs, 1.75 cents per head;  
 Cattle, 25 cents per head.  
 The levy is matched by the Commonwealth Government on a dollar for dollar basis.  
 7 per cent of the cattle levy and 11 per cent of the sheep and lamb levy is raised in Western Australia.
- (3) The Australian Meat Research Committee allocates funds to research projects on a priority and merit basis. The distribution of funds partially reflects the number and size of the research institutions in the various States.

The Committee considers that 85 per cent of the research which it funds is applicable to the whole meat industry, including Western Australia.

## 2. IRON ORE MINING COMPANIES

### *Roads and Land: Vesting*

The Hon. J. C. TOZER, to the Minister for Education, representing the Minister for Industrial Development:

- (1) With the concurrence of the particular mining company involved is there any legal or practical reason why the road reserves should not be lifted out of the townsite leases held by the major iron ore companies at Newman, Tom Price, Paraburdoo and Pannawonica in the Pilbara?
- (2) Having done this, is there any administrative difficulty in—
  - (a) providing the company with a freehold title for each allotment upon which it has met the normal conditions laid down for the release of urban land; and
  - (b) the transfer of any urban allotment, whether improved or vacant, to the ownership of any private citizen or organisation?
- (3) On the assumption that there is no legal impediment to the proposal, and, in view of the fact that there is a keen demand—particularly in Newman—for such individual ownership of property, when will action be set in train to achieve this desirable end?
- (4) If the freeholding of land is prevented by the terms of the existing iron ore agreement Acts, will the Minister urgently introduce the necessary amending legislation to enable this?

The Hon. G. C. MacKINNON replied:

- (1) to (4) The process of normalisation of company townships is a complex issue which has serious implications for the State, the Local Authority, the Company and the residents of the townships.

Transfer of lots to private ownership is possible but only as part of an overall move to normalisation.

The Government has taken action by engaging a consultant to look into all aspects of the matter. The investigation will embrace the legal and practical problems involved.

## CLOSING DAYS OF SESSION: SECOND PART

### *Standing Orders Suspension*

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.44 p.m.]: I move—

That during the remainder of this second period of the current session, so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

Perhaps I should make a brief explanation about this motion although I am sure members are aware that during the closing stages of a parliamentary session it is customary to provide for the suspension of Standing Orders in order to ensure the expedition of business.

I would like to inform the House, and the Leader of the Opposition in particular, that it is not our intention to place any undue pressure on the Opposition or to rush legislation through the House; the motion simply makes this power available should it be necessary to use it at any particular time. The state of the notice paper is such that I do not see any reason for us to use this power frequently. In other words, while the motion will give us power to use the suspension of Standing Orders, it is certainly not our intention to abuse that power.

The Hon. D. K. Dans: Thank you.

Question put and passed.

## NEW BUSINESS: TIME LIMIT

### *Suspension of Standing Order No. 116*

THE HON. N. McNEILL (Lower West—Minister for Justice) [4.46 p.m.]: I move—

That Standing Order No. 116, limit of time for commencing new business, be suspended during the remainder of this second period of the current session.

My remarks to the previous motion have application also to this motion which relates to the limit of time for commencing new business.

I assure the Opposition that the suspension of this Standing Order will not be used to prevent adequate examination of any legislation brought before the House. While the notice paper at the present time does not indicate we will be faced with particularly long sittings, I believe we ought to have the power available to us to introduce new business late in the evening if that course seems desirable.

Question put and passed.

## BILLS (2): THIRD READING

1. Local Government Act Amendment Bill (No. 5).

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney-General), and returned to the Assembly with amendments.

## 2. Teacher Education Act Amendment Bill.

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

## HEALTH ACT AMENDMENT BILL

### *Second Reading*

**THE HON. N. E. BAXTER** (Central—Minister for Health) [4.49 p.m.]: I move—

That the Bill be now read a second time.

The proposals contained in this Bill can be conveniently covered under four major headings, which I will deal with in the following order—

Conferring corporate status on the Minister,

Pesticides advisory committee,  
Control of venereal disease, and  
Community health centres.

At present the Health Act does not confer corporate status on the Minister, as is the case with many other Statutes, and the omission can possibly be attributed to the fact that for many years following the legislation being enacted, the scope of the Public Health Department's activities was mainly supervisory and regulatory. There was, therefore, no requirement to negotiate purchase or leasehold documents to discharge the functions of the department.

It will no doubt be obvious to members that radical changes in public health policy have been implemented in more recent years, with the establishment of community health centres, clinics, and operational bases which operate within communities throughout the State.

The Bill seeks to repeal and re-enact section 8 of the Health Act, in a form which will establish the Minister's status as a body corporate and provide him with a clear authority to deal in property to the extent necessary to discharge the responsibilities of his office.

The Pesticides Advisory Committee was established in 1952 under the Health Act, to advise on the manufacture, packaging, labelling and use of pesticides, and generally to guard against the dangers of rapidly increasing employment of these substances. Pesticides are, of course, poisons of one kind or another.

The committee at present consists of the Commissioner of Public Health as chairman, the Government Analyst, the Registrar of the Pharmaceutical Council, and the Director of Agriculture or his nominee.

At the time when the committee was established, the Pharmacy and Poisons Act was administered by the Pharmaceutical Council.

The committee, as at present constituted, reflects the position prior to 1964 when pharmacy practice and poisons control were administered under the one Act of Parliament.

There is no longer need for the Pharmaceutical Council to be involved in the work of the committee, and the Bill seeks to replace that particular member with the secretary of the committee, and provide for the appointment of deputies.

The secretary of the committee is a professional pharmacist employed within the department.

There are two proposals which are aimed at improving the control of venereal diseases. This problem is the concern of governments around the world.

Attitudes to sexual behaviour have changed in a significant section of society. The relatively easy and accessible birth control methods now available, together with acceptance of promiscuous behaviour amongst some people, have created a potentially dangerous situation.

There is a belief mistakenly held by many that venereal infections can be rapidly cured without residual effects on health. This may be substantially true in the case of some infections, but it is certainly not true when people contract syphilis. Whereas syphilis used to be relatively rare, it now looms as a substantial proportion of total infections.

The Bill proposes that laboratories which identify venereal infections should notify the Commissioner of Public Health. Notification would not disclose the name of the patient, but would include the name of the attending doctor. The venereal diseases branch of the department would ensure that the most advanced medical advice on treatment was available to the doctor.

The second proposal is designed to improve the ability of the venereal diseases branch to identify sources of infection, and to encourage infected persons to seek treatment.

The amendment would give legal protection to an infected person who disclosed the name of the person whom he or she believed to have been the infecting party, or to whom they have passed on the infection. The protection would apply when the information was given in good faith and without malice. A person so notified would be interviewed in strict confidence, and advised to seek medical examination and treatment, if this proved to be necessary.

The final amendment identifies the active public health measures now promoted in the community, and may be linked with the purpose which I covered earlier in respect of conferring corporate status on the Minister.

The establishment of facilities for community health services, clinics and centres for preventive and curative programmes

administered by the Public Health Department requires the acquisition of premises, and this proposed new section contained in the Bill provides the necessary authority.

I commend the measure to the House.

Debate adjourned, on motion by the Hon. Lyla Elliott.

### IRON ORE (HAMERSLEY RANGE) AGREEMENT ACT AMENDMENT BILL

#### *Second Reading*

Debate resumed from the 20th October.

**THE HON. R. T. LEESON** (South-East) [4.54 p.m.]: The Bill before members is a very important one. It will have a significant impact on the people of the Pilbara. The Bill itself is a *fait accompli* in that it seeks to ratify an agreement which has taken place between the Government and Hamersley Iron which will enable the company to develop an enrichment plant to cater for ore of a lower grade than normally is treated. At the same time, the Bill seeks to waive the obligation on the company to commence production of steel by 1992.

I think everybody, both in this House and outside, would support this programme; it is desirable to push forward with the development of the iron ore industry in the north. However, I feel a little downhearted at the fact that certain obligations which were placed on the company to proceed in a certain direction within the next 15 years or so now will be waived for a considerable period. We all want to see development take place in the north-west of Western Australia. I come from an area where mining also is very much in evidence; but unfortunately, the development has consisted merely of holes being dug in the ground, and we found we were not left with very much once production ceased.

While the people in the north of Western Australia support the development which is taking place at the moment, they would very much like to see the production of steel commence. I believe this to be the ultimate goal of companies and Governments in Western Australia, and even though this Bill will extend the period allowed to Hamersley Iron before it commences production of steel, I hope it will not extend very much beyond the date originally laid down for commencement, and that we will not have to wait until the year 2020 or thereabouts before steel is produced in the Pilbara.

As everybody knows, the iron ore reserves in the Pilbara are enormous, and the development of this area is of great benefit to the people of Western Australia. It seems rather ironical that, even with these huge deposits of iron ore we are not yet looking towards the production of raw steel. Nobody seems to know just how long it will take before production will commence. With those observations, the Opposition supports the Bill.

**THE HON. J. C. TOZER** (North) [4.58 p.m.]: Like the Hon. R. T. Leeson, I support this amending Bill. While naturally I am sorry the Act has had to come back to Parliament for amendment, I must say that in point of fact, what is included in the Iron Ore (Hamersley Range) Agreement Act Amendment Bill should not be regarded as disadvantageous to the industry and the region. From Press reports and from the comments of the Minister for Industrial Development, we know that \$250 million is to be spent immediately; and, of course, once again this amending Bill introduces a new stage of development of a company which is one of the greatest iron ore producers in the world.

I think if anyone needs any proof as to what a company like Hamersley Iron is doing for the Pilbara, for the State of Western Australia and the nation as a whole, one has only to read a document which came to my table the other day and, no doubt, to the tables of all other members. It is headed "Facts about CRA"; one part which deals specifically with Hamersley Iron states as follows—

HI produces iron ore and iron oxide pellets for world markets. In 1975 production at the Mount Tom Price mine totalled 22 300 000 tonnes and 13 807 000 at the Paraburdoo mine.

Sales to Japan accounted for 70% of shipments with remaining deliveries being made to Europe, USA, People's Republic of China and Republic of Korea.

Since operations commenced in 1966 Hamersley has spent almost \$780 million in developing its operations.

Social and industrial infrastructure have absorbed about \$500 million of this sum. Total population of Hamersley towns at Dampier, Paraburdoo, Tom Price and Karratha is nearly 13 000.

The report states that shipments in 1975 totalled 32 460 000 tonnes of iron ore, and 1 650 000 tonnes of pellets. With the increase that will result from the amending Bill before us, the company will have expended over \$1 000 million on its developments.

We should pause for a moment to think of the colossal impact this has had on the factories, the warehouses, the stores, and all the people who are engaged on activities that are helping to support those industries in the Pilbara. It is not only in the Pilbara that the impact is felt; the impact is felt right throughout the nation, and particularly in the capital city of Perth. Of course, the value of this development represented in company taxes, income tax and other revenue is colossal to the national Government. To the State Government the revenue from royalties is also colossal, and it is increasing year by year.

Turning to the booklet from which I have been quoting, I will read the portion which relates to the processing of iron ore. Like Mr Leeson I am also keen to see such development in the region. The report states—

The Iron & Steel Division was jointly established by CRA and Hamersley in mid-1974. The principal objectives established for the division are:

to investigate the further processing of Hamersley iron ores with a view of assessing the most appropriate means for meeting Hamersley's WA. processing obligations.

This points to the direction in which the company is moving at the moment, and the direction is also indicated in the Bill before us. The iron and steel division was set up to examine the opportunities for investment in the steel industry on a world-wide basis.

CRA has significant public holdings, and also 11.5 per cent of the shares of Hamersley Iron itself is held by the public. It is interesting to note that many of these are small investors who hold shares in those companies. In point of fact, a large number of the employees of Hamersley Iron are holders of shares in this mighty world renowned iron ore producer.

It is important for us to look briefly at the history of the company, and take into account its performance over the last few years. The Minister alluded to this aspect briefly in his second reading speech, but there are some aspects which need amplification.

In the first Bill which was introduced in 1963, the framework was laid down. Since then there have been three amendments to the original agreement, and each in turn foreshadowed some major development. In addition to those three amending Bills, another Bill came before the Parliament relating to the Mount Bruce agreement. It was a complementary piece of legislation to the legislation being amended tonight. It was introduced at the time when Hamersley Iron ceased to have direct involvement with the Hancock and Wright group.

Hamersley Iron first shipped iron ore in 1966, and it first shipped pellets in 1969. It is interesting to note that the shipment of pellets from 1989 was some nine years before the date on which the company was obliged to ship, under the terms of its agreement. This company has endeavoured not only to meet its obligations, but also to surpass them.

What the Minister referred to as the Paraburdoo amendment was completed in 1968. That again typified the progressive thinking and forward planning of this company. The Paraburdoo iron ore deposit is of slightly lower grade than the ore at Tom Price. The Tom Price ore

exceeds the export specifications, so, by developing the Paraburdoo deposit concurrently with the Tom Price deposit, the company was able to blend the product so as to meet the specification laid down by the steel mills throughout the world. Thus, it introduced something which can only be regarded as admirable resource management. The blending is done at the port; the product is transported by rail and after passing through the crushers and screens it is fed to stockpiles to become a blended material of the quality required. Furthermore, in the 1968 agreement a new term—metallised agglomerates—was introduced. The company undertook to produce this product by 1978.

In the 1972 Mount Bruce agreement another new term was introduced, and that related to iron ore concentrates. Under that agreement it was planned that iron ore concentrate would be produced by 1981. It is interesting to note that under that agreement the concentrates were, even at that stage, regarded as an alternative to the production of metallised agglomerates.

For many good reasons, both technical and economic, successive State Ministers have been prepared to extend the deadline by which metallised agglomerates were to be produced. We find that metallised agglomerates production was an obligation for the year 1978 under the 1968 agreement, and for the year 1980 under the 1972 agreement.

The Bill before us makes provision for further changes in the obligations of the company. Firstly, Hamersley Iron would bring forward its date for the production of concentrates from 1981 to 1978, with the tonnage increasing from two million to 6.5 million tonnes per year. Reference to the bar chart that was supplied by the Minister when he introduced the second reading of the Bill is most relevant, because it is easy to see the changes and the impact they will have.

In addition, the Bill before us provides for the metallised agglomerates obligations to be deferred to 1982 under the Hamersley Range agreement, and to 1985 under the Mount Bruce agreement. I think these dates have particular significance, and I will refer to them again at the end of my contribution to this debate.

I suggest that the Minister should have given us more information on the nature of the products we are discussing. I have mentioned that the Tom Price ore is of very high quality; but this ore, like most mineral deposits, occurs in a curving pattern. There are stratas of shale that run parallel to the curves of the main deposits of the rich iron ore. It is almost impossible to extract iron ore in toto without moving a great deal of shale. Thus, this material, which has a composite grade of 57 to 58 per cent iron content, has to be moved and mined anyhow. At present it is pushed

over the side. It is this material that Hamersley Iron intends to utilise in the production of iron ore concentrates.

In Western Australia we have come to talk of low-grade ore as something between 55 and 58 per cent of iron content. I think it is interesting to note that the USA steel industry is based on ore which has between 30 and 35 per cent ferrous content. Of course the steel mills in that country are built next to the iron ore deposits, and by this means economies are achieved.

Experimentation over the years has proved that this so-called lower-grade iron ore can be concentrated by mechanical means; and so Hamersley Iron is introducing a heavy media separation system which probably is parallel to what we have seen being used in the mining of gold and other minerals in this country and elsewhere.

Most of the impurities occur in the fractured material; in other words, the bigger lumps have a greater iron content, and the shale which represents the low-grade material breaks up. That is why in the heavy media separation system this material will float off, and be separated from the material that is fed into it from the mines following initial crushing.

The 6.5 million tonnes of production per year is the quantity of concentrates laid down under the Bill before us; yet we were told by the Minister in his second reading speech that this production would be exceeded even in the initial stages, to an annual production of 7.5 million tonnes. I am told we are likely to see a production of 11 million tonnes per year.

That is the amount of material that can be produced, without chasing the lower-grade ore. That production is achieved using only the material which virtually has to be moved for the mining of high-grade ore. Here we have another example of this intelligent company making wonderful use of the resources available to it.

Of course, the concept will spread. We already know from reading the newspapers that the Newman Mining Company will introduce a comparable process. Thus we are seeing an automatic extension of the life of the industry in the Pilbara area.

In six years, according to the terms of the amending agreements, we will see the production of metallised agglomerates. Without going into technical details, which I am not equipped to give, the production of metallised agglomerates is made possible by the process of excluding the oxygen which is entrained in the haematite ore; in other words, the shape and nature of the material change little, and the size also changes little. It can be handled on conveyor belts in exactly the same way as lump ore or fine ore is now handled.

The 30 per cent of entrained oxygen and other impurities will be excluded, giving a product which has about 93 per cent of iron content.

I now refer to the manner in which metallised agglomerates are produced. The manner in which that is achieved to change the natural ore as it is extracted from the ground is by using the direct reduction system. The reduction has been found to be possible by experimentation that has been going on not only in Australia, but also elsewhere. The reductant used is natural gas. Coal or oil also can be used, but natural gas appears to give the greatest hope for the most successful method of reduction of ore into metal.

Certain experiments have been going on in Venezuela and up to date these have proved to be successful. The experiments there would seem to have application in our Pilbara, and there are certain factors in connection with that to which I will refer in a moment. From my notes I find that the iron ore which we have at, say, Tom Price, has a 63 to 65 per cent ferrous content—and this is typical of the run of the mine ore that is being produced—and has entrained 30 per cent oxygen and 7 per cent of other impurities which may be silica, aluminium, phosphorus, and so on.

Metal agglomerates are an ideal feed for steel mills, and particularly are they ideal for use in an electric furnace. The 93 per cent ferrous metallised agglomerate can be fed into a small electric furnace which is ideally suited for big cities with pollution problems or for small developing nations where a relatively cheap steel mill can be set up. As I have said, the metallised agglomerate is an ideal feed for these particular mills which are smaller, cheaper, and cleaner, but will produce a finished steel product.

Hamersley Iron requested and received some deferment in meeting its obligation. The reasons for this are both technical and economic. The technology is still evolving, and in total throughout the world at present there would be produced less than 10 million tons per year of metal agglomerates. This is, in fact, a brand new technology and the problem is that where it has been put into practice the installations are capable of handling only 400 000 or 500 000 tons a year which makes it a fairly expensive type of operation because it has not the economy of scale.

It is believed that the Pilbara metallised agglomerate plant we will see will need to be in the order of two or three million tons a year to keep it to a lower production cost in both capital and labour.

In Venezuela at present there is a direct reduction plant using natural gas as a reductant and this produces 500 000 tons of ore a year, but expert opinion states that the type of process being used will in fact, meet the requirements of the iron ore found in the Pilbara, and which will be

adaptable to give three million tons a year production that we feel we need in the Pilbara.

I am told by people in the industry that although the agreement mentions one million tons in the first year of its operation, it is unlikely that the company will produce less than two million or three million tons a year because this will be the order and the magnitude of its production when it puts in its metallised agglomerate plant.

We have seen some of the factors that have influenced Hamersley Iron in requesting amendments to the agreements with the State and which are set out on the chart. Firstly, there is the question of technology to which I have briefly referred, and now we have reached the stage where we can see the answers which will give us the techniques we need.

Secondly, the obligations the company has accepted to produce metallised agglomerates are interesting. In 1982 it will produce one million tons, in 1985, three million tons, in 1987, four million tons, and in 1989, five million tons of metallised agglomerates. This combines the production included in both the Acts.

I think the dates are most significant, particularly when we see in the business section of this morning's paper the headline "North-west shelf gas in 1983". There seems to be no doubt that Hamersley has made a request for this amendment, suggesting that this will probably be the date when natural gas will be available to it for use as a reductant in the direct reduction of metallised agglomerates.

A third factor which is very important, explains why the company has to ask for these changes. Even a company the size of Hamersley Iron which can commit itself to an expenditure of \$250 million and has a colossal appetite for capital investment, has to digest this sort of expenditure. It can do only one of these projects at a time. So obviously the \$250 million at this stage will need to be digested and then the company will enter the next stage in three or four years' time.

This has happened with Hamersley Iron in the whole of its development since it has been in the Pilbara. It is a pattern which is most commendable from all points of view. Obviously we cannot argue about amendments the company has suggested. We have to be pragmatic in our approach and face the facts in the same way as the company has, and we will find its contribution will be in the best interests of our State and nation.

I believe there is much more I could say on the amendment before us and, of course, on the complementary amendment. However, it will suffice for me to end by saying that we are, in the Pilbara, in the process of a new development which is most encouraging for everyone who

has an interest in this part of the State and in the welfare of the State and the nation as a whole.

I support the second reading.

**THE HON. G. C. MacKINNON** (South-West—Minister for Education) [5.23 p.m.] : I thank the two members who have made contributions to the debate. I think we will all agree with Mr Leeson and regret the delay in the manufacture and movement of pig iron or steel. Nevertheless, I believe there are counterbalancing features.

I also accept the reprimand by Mr Tozer with regard to the information supplied. I would have thought, however, that since the Wundowie agreement was drawn up in 1943 and with all the debate that has taken place on iron ore in the ensuing years there was no technical information with regard to iron ore of any type which had not already been given to this Chamber. Accordingly, I deliberately did not go into a great deal of debate of the various sorts of iron ore and the consequent processing.

Nevertheless, I thank members for their support of the Bill and commend it to the House.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

## **PSYCHOLOGISTS REGISTRATION BILL**

*In Committee*

Resumed from the 21st October. The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. N. E. Baxter (Minister for Health) in charge of the Bill.

The DEPUTY CHAIRMAN: Progress was reported after clause 4 had been agreed to. Clauses 5 to 20 put and passed.

Clause 21: Rules—

The Hon. GRACE VAUGHAN: I move an amendment—

Page 12—Delete paragraph (j).

I do this because my objections to the Bill relate to the attempts by the Minister to define psychological practices.

The Opposition is happy about the setting up of a registration board and the fact that only psychologists can call themselves psychologists and send out accounts, etc., in the name of psychologists. But in the case of psychological practices and hypnosis—

The Hon. N. E. Baxter: I think you are on the wrong clause.

The DEPUTY CHAIRMAN: Order! The honourable member is speaking on clause 21 and I suggest she keep to it.

The Hon. GRACE VAUGHAN: Thank you, Mr Deputy Chairman. I move my amendment in order that a further amendment regarding the practice of hypnosis may be considered. The Bill contains a piece of machinery which refers to the rules governing the practice of hypnosis which is one of the many psychological practices used by people to modify the behaviour of clients and patients so that they may adjust to the real world. It is not and never has been accepted as having any scientific basis. It is a very inexact science, as is the practice of psychology, generally.

I mentioned in my second reading speech what had been said by Professor Eysenck, who is the Professor of Psychology at the Institute of Psychiatry at the London University. He said many of the practices arising from theories have been carried out in the field far too soon. As Mr Williams said, the study of psychology is very exacting but it is certainly not an exact science and it has a long way to go before it can be regarded as such.

Practices such as hypnosis which emanate from theories which have not been proved are still suspect, and actually to define something which is not based on proven scientific knowledge is venturing into an area into which not even social scientists will venture. I think the Minister should stick to the business of setting up a board and saying who shall and shall not be a psychologist, rather than attempt to say who shall or shall not perform psychological practices.

I am trying to emphasise that there is a semantic difference between the practice of psychology and psychological practices. One cannot always say that simply because a psychologist is practising all the psychological practices they are to be approved. I think the Bill would be better if it set up a psychologists' registration board without attempting to define or regulate the different psychological practices. It is venturing into an area which is based on premises which have not been proved, and that is a very dangerous business indeed.

The Hon. N. E. BAXTER: I think the honourable member got her onions mixed by confusing clauses 21 and 22. She was supposed to be talking about paragraph (j) of clause 21 (1) which provides for the regulation of the practice of hypnosis by prescribed persons. Then she went on to define psychology.

The Bill provides that the board may make rules for various purposes, one of which is—

- (j) regulating the practice of hypnosis by prescribed persons;

I explained in my second reading speech that this provision was included in the Bill because it is not reasonable to introduce a special Bill to control or regulate the practice of hypnosis. Several other States

have included this matter in their legislation relating to the registration of psychologists, and it was considered in this State that while we are on the job we should include the matter in our Bill.

The removal of the power of the board to make rules for the practice of hypnosis by prescribed persons is consistent with the intention of the honourable member to move for the deletion of the later clause relating to hypnosis. This amendment would be consequential upon that clause being deleted. I ask the Committee not to support the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 22: Effect of registration—

The Hon. GRACE VAUGHAN: I move an amendment—

Page 13, lines 29 and 30—Delete the words "for the performance of any psychological practice or".

Of all the amendments I have put before the Chamber in regard to this Bill, I consider this to be the most important because subclause (2) as it stands will effectively put social workers, occupational therapists, and others working in the professional field and in voluntary agencies in the position of breaking the law. The study of psychology gives rise to certain theories and postulations which are used by other professions in the performance of their service to the community in regard to modifying behaviour to help people adjust to the real world.

Whether it be in the educational field, rehabilitation, marriage counselling, or relationships with other people, psychological practices are used by many people in addition to psychologists. By including the phrase "for the performance of any psychological practice or" we are saying that anybody who wants to use a psychological practice must go to the Minister and ask him to direct the board to exempt him, and clause 5 states that the Minister may withdraw the exemption at any time he feels it proper to do so.

Social workers probably use more than most people the psychological practices which emanate from the study of psychology, but many other people are concerned in this, including occupational therapists, physiotherapists, nurses, and all who are involved with the adjustment to society of clients or patients. By including this phrase we are saying a group of professional people will have to go to a group of people of another profession and say, "Will you let us tag along behind you? Will you recommend to the Minister that we be exempted from this provision?" It is a ridiculous and iniquitous situation.

This situation has occurred in other States and the law has never been pursued. As the Minister said, he has more or less copied this provision from legislation in

other States. In Victoria similar legislation has been enacted. The social workers in that State know they are breaking the law when they use aversion therapy, systematic desensitisation, hypnotism, and so on to help their patients. It is ridiculous to introduce a law which we know will be broken.

I know the Minister is not out to get at social workers or occupational therapists, but this is a blanket prohibition on the performance of psychological practices unless people are registered psychologists, medical practitioners, or in certain cases dentists or ministers of religion. The Minister is saying, "In order to stop unqualified people interfering with the welfare of the people of Western Australia I will not let anybody other than registered psychologists and certain other people do these things." If his intention is to stop stage hypnotists and charlatans performing this kind of psychological practice, let him say so. But why put a blanket prohibition on all the professional people who use their studies in psychology? Many of them do as much psychological study as a psychologist does, and certainly social workers, occupational therapists, and physiotherapists perform psychological practices more often than medical practitioners do.

The Hon. N. E. Baxter: You have jumped the gun again, to clause 23. Read your amendment.

The Hon. GRACE VAUGHAN: It is very sad that the Minister does not understand—

The Hon. G. C. MacKinnon: You are the one who does not understand.

The Hon. GRACE VAUGHAN: We have this blindness and antagonism simply because the Opposition is bringing forward something which has nothing to do with party politics. We are bringing to notice what has happened in other States and can happen in this State; namely, that professional people can be denied the right to carry out psychological practices. This is what the subclause says. There is no provision in the Bill for exemption of social workers, occupational therapists, people who have done special courses in marriage guidance and counselling, nurses, and many other people who are concerned with the health and welfare of our community. There is no mention of criminologists who try, by aversion therapy, systematic desensitisation, and other psychological practices, to bring about a change in the attitudes of criminals so that there is no recidivism after their release.

The Hon. N. E. Baxter: Have a look at clause 22(3). You are talking about something else.

The Hon. GRACE VAUGHAN: The Minister insists he knows what is in his mind or in the minds of the people who drafted

the Bill, but he does not read it in the way it will be read by other people—the courts, for instance. Let us suppose someone in this Chamber does not like the cut of Mr Masters' jib and suffers a neurotic response every time he looks at him. I could carry out a psychological practice of systematic desensitisation. Let us say the Minister for Education does not like having to look at Mr Masters: he might come to me and say, "I would like you to carry out the psychological practice of systematic desensitisation." I could be charged—

The Hon. G. C. MacKinnon: Not unless you charged a fee.

The DEPUTY CHAIRMAN (The Hon. Clive Griffiths): I ask the honourable member to talk about clause 22.

The Hon. GRACE VAUGHAN: I am talking about psychological practices. Systematic desensitisation is a psychological practice. I am suggesting by way of example that Mr Masters might be a threat to the Minister for Education.

#### *Point of Order*

The Hon. G. C. MacKinnon: I wish to place it on record that I have a very high regard for the Hon. Gordon Masters, and never would I feel that way towards him.

#### *Committee Resumed*

The Hon. GRACE VAUGHAN: It was an innocuous illustration. Perhaps the Minister for Education could not be desensitised anyway, and he might be a very poor subject.

The point is that if I were to carry out such a practice I could be liable under this Bill when enacted. It is all very well for the Minister to say, "Look at clause 50 and so." I have searched all the clauses for something that would allow professional people who are carrying out psychological practices in the course of their professions to be exempted, and I cannot find anything. I would be pleased if the Minister could tell me where such a provision is contained in the Bill.

The Hon. N. E. BAXTER: Subclause (3) states that no person shall be entitled to recover any fee or charge in any court of law for the performance of any psychological practice in circumstances contravening this law. It appears to me that the Hon. Grace Vaughan wandered around and dealt with what is contained in clause 53, and what she said had nothing to do with this clause or the amendment. The provision simply ensures that no person shall be charged for any psychological practice performed by an unregistered person. It is there to protect members of the community against legal liability in respect of unregistered persons seeking to recover fees.

If the words are removed from the provision the way would be open for unregistered people to charge for the performance of psychological practices. I am sure that is not the intention of the honourable member. The provision does not prevent a guidance officer performing a psychological practice; it merely prevents him holding out that he is a psychologist and charging a fee. I ask the Committee not to accept the amendment.

The Hon. GRACE VAUGHAN: The Minister has stated the precise point I am making. If a professional person who is not a psychologist performs for a client or patient a certain service, then under this provision that professional person may not charge a fee and state that he or she gave psychological counsel.

The Hon. N. E. Baxter: You didn't say that before.

The Hon. GRACE VAUGHAN: The Minister says that is not the intention, but we go on what is in the Bill.

The Hon. N. E. Baxter: Do you want persons who are not registered psychologists to be able to charge?

The Hon. GRACE VAUGHAN: The remainder of the subclause is quite sufficient to cover the Minister's intention; that is the point I am trying to get over to him. I am pointing out there is a difference between the practice of psychology and a psychological practice.

If I put a Band-aid on my child's finger, that is a medical practice, but I am not practising medicine. There is a semantic difference here which the Minister cannot grasp. When I am talking about the practice of psychology I am talking about a person setting himself up as a psychologist; but when I talk about psychological practices or services, I am talking about something which emanates from the study of psychology and is used by many people other than psychologists.

The point is that such a provision has been enacted in other States and has been found to be impractical and has never been acted upon. In other States only psychologists can be registered with the appropriate boards and practice psychology; but in regard to the use of psychological practices the law is flouted. Does the Minister wish to introduce a law which will be flouted?

Amendment put and negatived.

Clause put and passed.

Clauses 23 to 31 put and passed.

Clause 32: Effect of striking off—

The Hon. GRACE VAUGHAN: I am not opposed to this clause, but simply point out that at least it shows a psychologist as being a psychologist; and surely that is the sort of thing we need for the protection of psychologists.

Clause put and passed.

Clauses 33 to 51 put and passed.

Clause 52: Offences relating to hypnosis—

The Hon. GRACE VAUGHAN: I ask members to vote against this clause because it is so poorly worded. The definition in this clause has simply been copied from the faulty legislation in other States—legislation that has not been able to be implemented. We should not make the same mistake by including this clause.

Paragraph (b) of subclause (1) allows for the exemption of dentists willy-nilly. Simply because a person is a qualified dentist does not mean to say he has even looked at the psychological theory of hypnosis. Hypnosis is included in the training of dentists; however, it is not an essential qualification but an option. To say willy-nilly that dentists may be exempted from this law is to demonstrate that one does not understand the great number of avenues specialised in by different professional persons. This paragraph indicates the looseness of the clause. The clause is not foolproof; it will allow people to perform a psychological practice that is difficult to define and is not based on real, proven scientific knowledge.

Perhaps it is more forgivable to say that a registered psychologist may practise hypnosis; but that does not mean to say every registered psychologist is able to practise hypnosis and understands the psychological theory behind it—which, incidentally, has still not been proven.

Even though they are not required to study the unproven psychological theories behind hypnosis, psychologists and dentists will be allowed to practice hypnosis willy-nilly. Paragraph (c) is a little tighter, because it refers to a "prescribed person" whose abilities and educational qualifications and experiences are such that he is licensed by the board. So that paragraph is a little more forgivable than paragraphs (a) and (b).

However, I think paragraph (b) is the more dangerous sort of exemption to make. Not all dentists are free from paranoid delusions of grandeur, and some may decide they are very good hypnotists even though they have not studied hypnosis. Yet among people in other professions who have studied the psychological theory behind hypnosis there may be some who are very good at the practice of hypnosis. Bear in mind that the psychological theory is still not proven; but possibly in time there may be some breakthrough in empirical research. However, I think paragraph (b) in particular represents a serious step for the Minister to take in presenting this Bill.

The WA Society for Medical Hypnosis is mentioned in this clause but many other societies and associations, if they knew of the existence of the Bill, would have approached the Minister and asked for exemption. It could go on almost *ad infinitum*. Already the Victorian Government

has had to add psychoanalysts to the list of people who are exempted. Despite the fact that the Minister does not know how to define psychological practice, he has taken a bold step and said, "I will define hypnosis; that is an easy one. Then we will say that people cannot do it unless they are dentists, psychologists, or prescribed persons." I think we ought to be considering this step very seriously. I do not think the Minister realises the import of it.

Clause put and passed.

Clause 53: Offences relating to the practice of psychology—

The Hon. GRACE VAUGHAN: I move an amendment—

Page 37, lines 36 and 37—Delete the words "or carry out any psychological practice".

By this amendment I am aiming to protect the people who work in a team with a psychologist. This clause will put a psychologist in a very embarrassing position when he is working with his professional peers in a team which is aiming to help a client or a patient in the health or welfare fields. This clause says that a registered psychologist is not allowed to authorise or permit a person who is not registered as a psychologist to practise as a psychologist. That is fair enough; of course a psychologist should not be a party to that sort of thing. If he is registered with the board he should ensure that the requirements of the board are carried out.

If the words "or carry out any psychological practice" are included in the Bill, the Minister will be saying that the people with whom a psychologist is working are not allowed to carry out psychological practices; that is to say, the Minister will not be able to countenance a social worker, a nurse, a physiotherapist or an occupational therapist in a team looking after a patient carrying out any psychological practices which are part of their duty and job in behaviour modification.

The patient may have been in hospital for an apparently terminal disease, but the treatment may be effective and the patient's life saved. If there is a long rehabilitation process a psychologist will be called in to help the patient adjust and to help modify his behaviour. Then it will become the job of a physiotherapist perhaps to get the muscles working again and the physiotherapist may have to use psychological practices to do that. To get the patient into the right frame of mind to accept the treatment that is being given an occupational therapist will come along and from his or her knowledge of psychology may devise a programme which will help the patient to be rehabilitated. Then a social worker may have to modify further the behaviour of the patient so

that he can go home to a changed environment; and certainly the patient will have changed because of the long illness he may have had.

This clause is a very important provision because it will mean the breaking down of what has been built up over recent years. The Minister for Health should know that in hospitals there is a team approach. We are beginning to break down the idea of a fragmented approach. Quite often the particular personality and the rapport between a patient and a professional person decide who does which job. Quite often the jobs are interchangeable, within the limits of professional ethics. The patients are the important people. The professional people are important only because they are assisting in the rehabilitation and adjustment of the patient.

I am quite happy with the rest of the clause, but if it contains the phrase in my proposed amendment it will break down that teamwork. I think the Minister ought to think very seriously about agreeing to my proposed amendment.

The Hon. N. E. BAXTER: This is a very important clause of the Bill. It is included to protect members of the community against unregistered persons holding themselves out to be psychologists, persons holding themselves out as having recognised qualifications in psychology, or persons implying that they are practitioners. Teachers and research workers in psychology may be prescribed under other clauses of the Bill. The honourable member would have us defeat this provision along with any attempt at community protection, which is the reason for its inclusion. Actually any problems the honourable member has raised will be protected under the rules of the board. The board knows what it will be putting in the rules. This clause is a safeguard against any malpractices being carried out. I think the honourable member knows this very well. I ask the Committee not to support the honourable member's proposed amendment.

*Sitting suspended from 6.08 to 7.30 p.m.*

The Hon. GRACE VAUGHAN: I consider this is the last opportunity to convince the Government that there should be some cognisance of the importance of psychological practice in professions other than that of psychology. In his statement the Minister indicated that all would be fixed by regulation. This is not satisfactory to the Opposition. To rely on the executive arm of government to carry out what is not included in the Bill is, to me, very sloppy government.

I do not wish to make any political capital out of this matter. I do not consider it is a matter of party politics. I am basing my amendment on the black and white in the Bill and what the provision means to the people and the threat

it is to those in professions allied to psychology. The Minister for Justice who, I understand, is handling the Bill at the moment, is himself a graduate in a particular profession and therefore he will understand there is never an opportunity for a person to completely encompass the whole of a discipline by simply becoming a graduate. Therefore we find variations of specialisation within each discipline and it is not expected that anyone will be able to encompass the whole field. It is therefore the general practice in the professions that certain areas of expertise are allocated to separate people. As Mr Williams pointed out, in social work and allied professions, people specialise in certain areas of psychology.

With the inclusion of the words I desire to be deleted, we immediately say to people who use the theories of psychology in their profession, "You are out. It will be only by special dispensation or exemption, on application to the board, that we will allow you to do this." Therefore all those, other than registered psychologists, who carry out psychological practices will be under threat of prosecution.

I do not doubt the Minister sincerely believes that no social worker would be prosecuted for indulging in psychological practices. Nevertheless, such prosecution will be made under the Bill as it is at present.

Apparently the provision is being included simply because other States have done so, but those States have been unable to pursue certain sections of their legislation relating to such a provision. Although I have not been able to verify the information, I understand the Victorian legislation has not been proclaimed at all because of this big "if".

I cannot emphasise too strongly that this is an extremely important aspect of the Bill, a Bill which the Opposition lauds because it establishes the machinery under which psychologists may be registered, thus protecting the profession. However, the inclusion in the Bill of provisions to achieve other ends is not supported by the Opposition. I have no argument about the fact that we must legislate against charlatans but we will not achieve this by this blanket provision which bans stage hypnotists, and perhaps gets at the scintologists, and so on. Such a blanket provision will have inestimable side effects. Obviously the Minister has not been able to grasp this point.

It is apparent, on a study of the legislation in other States, that this provision has been lifted from legislation in other States. One can understand this because the Minister must depend upon the staff of his department and upon the Parliamentary Draftsman. In South Australia a phrase similar to that I wish deleted was deleted when its effect was outlined in the South Australian Parliament.

If we include the words I want deleted, we are not only excluding the other professions, but we are asking the psychologists themselves to be a party to the exclusion. We are permitting them to be registered but we are not permitting them to allow anyone in their team to carry out any psychological practices. If they do they will be brought to book under the legislation. It is there in black and white. It is quite likely the social workers will not permit the psychologists and others in the team to use their knowledge.

We must remember that a great deal of the taxpayers' money has been spent on training occupational therapists, physiotherapists, and social workers and if they are not to be allowed to use their knowledge in the carrying out of their profession because of the provisions in this Bill we will be doing the patients a bad turn and we will not be doing our duty to the people of Western Australia who expect us to legislate in order that the health and welfare services will be improved.

The Hon. N. McNEILL: In the absence of the Minister for Health who is absent on Government business I want to draw the attention of the Hon. Grace Vaughan to the wording of the subclause to which she has referred in part. I cannot see that the subclause provides a blanket prohibition, nor do I consider it is sloppy legislation, which is the term used by the honourable member. In fact, when giving his second reading speech, the Minister emphasised the purpose of the Bill quite clearly. He said—

... no attempt has been made to seek a form of legislation which lays down exclusive functions for the psychologist alone. Indeed to seek to do so would be a formidable if not fruitless and impossible task.

Surely this indicates that the Minister recognises—and surely the Hon. Grace Vaughan recognises—there will not be a blanket prohibition. The provision merely requires that no registered psychologist may permit a person not registered to perform psychological practices on his behalf. I do not see anything confusing, dangerous, or anything else in that provision. In fact, I think it is a legitimate one and it is one which I can recall is included in other pieces of legislation passed over many years. It applies to a number of other professions subject to registration, control, and all manner of disciplines, whether those professions be medical, academic, or what-have-you.

The honourable member is forgetting that the subclause allows an unregistered person to carry out work authorised or permitted by the rules. In other words, the provision allows certain flexibility to the board. Therefore I certainly would not support the amendment.

The Hon. GRACE VAUGHAN: I can only reiterate that the decision of a team of psychologists, dealing with a patient,

could be that another person, other than a psychologist, should carry out certain psychological practices. Psychological practices, if not defined, will be interpreted to mean those performed by a psychologist, and that is not the case. Psychological practices are those which emanate from the study of psychology, and the study of psychology is not exclusive to psychologists.

I consider this phrase to be the most important one in the Bill as it concerns other professional people who are attempting to carry out health and welfare services. I believe it threatens the whole basis of teamwork in the care of patients. I cannot give credence to the Minister's statement that he cannot understand me. I believe he just does not want to understand me.

I do not know whether the Minister has been a patient in a hospital, but he should know that with regard to health and welfare services the development of teamwork in the last few years is most commendable. People joining together are able to work out a better programme and provide some hope of recovery or rehabilitation to a patient.

The Hon. N. McNEILL: My last word is that I do not see anything in the subclause which would prevent the so-called teamwork referred to by the Hon. Grace Vaughan. If some function is performed, which meets the requirements of the board, I imagine that would be permitted. It appears to me that the honourable member is saying there would be a total prohibition on anyone carrying out such work if that person were not registered. That is not the way I read the subclause. To me the wording is abundantly clear and it provides flexibility which may need to be exercised, but at the same time it provides for the essential ingredient of control.

To draw an analogy, I wonder whether the honourable member would be prepared to accept from a pharmacy a prescription which was made up by a person who was not a registered pharmacist. Obviously, she would not because there could be some danger if a junior person, studying pharmacy, made up a prescription unless that person were under the control of the pharmacist himself. If the person in the pharmacy made up a prescription under the direct control of the pharmacist I believe the situation would be different.

The intention of the clause is to allow flexibility but, at the same time, impose the right degree of control to prevent the abuse of any practices which may be to the disadvantage of a patient, or prejudice a patient in any way.

The Hon. GRACE VAUGHAN: By drawing the analogy which he has, the Minister has shown that he does not understand the business of psychological

practice. The Minister is talking about the practice of psychology, that is, a person setting himself up as a psychologist and carrying out psychological practices. However, "psychological practices" is quite different because it means the person concerned has developed some sort of treatment or some sort of application from his studies of psychology. That is quite different from a person acting as an apprentice, or a person at a slightly lower order in the particular field. One can spell out what can and cannot be done by a pharmacist, but in the matter of psychological practices the position is quite different.

In Victoria, "psychological practices" was defined, but it was inadequate. How will a person know whether or not he is carrying out psychological practices if it has not been defined? The Minister has got himself into a position and he cannot get out of it. It is a "catch 22" situation; he will not state what "psychological practices" means, or what psychology is, but demands that one must not carry out psychological practices unless one is registered by the board.

A psychologist who believes in teamwork will not be allowed to be registered unless he does what the Act states. The Act states that he cannot do certain things without the threat of being struck off by the board. I am not making a mountain out of a molehill; I have discussed this matter with people all over Australia; people who are extremely concerned, and they include many psychologists. The other States have already found it necessary to include additional people eligible to be registered by their boards.

The Minister says the rules will take care of the situation. I have previously referred to sloppy legislation. In leaving it to the executive arm of Government to say who is to be exempted is passing the buck to the executive arm of Government. I am very concerned that these rules will be drawn up according to the department, and not according to the Government or the legislative arm of the Government.

We constantly complain about the executive arm of Government running the country yet we are pushing more responsibility onto the executive arm of Government by providing for it to make up the rules. I am concerned because the rules will cover not only professional people, but many voluntary organisations which are the back bone of health and welfare services. We do not have enough professional people to cope with health and welfare. I am referring to persons who have done courses in marriage guidance counselling, and resident child care where psychological practices are dominant. That is the whole business of learning how to handle the psyche of other people so that they can be adjusted to the rigours of life in our society.

If the Minister thinks that rules will overcome the problem, why then did he go out of his way, by means of an earlier clause, to exempt ministers of religion, in certain circumstances, and medical practitioners? By saying the rules will take care of the other people, he is making fish of one and flesh of another. Medical practitioners are less likely to be versed in psychological practices than many other professional people.

The Hon. N. McNEILL: Although I indicated I had said my last word, I consider the Hon. Grace Vaughan has brought in another angle which gives a further illustration of her misunderstanding of the functions of not just this particular board, but of many other boards. She made constant reference to the "executive arm of Government". The executive arm of Government is the Government itself; that is, the legislature itself. I think she meant to refer to the administrative side—the board—because the board will set the rules. The rules may need to be further examined, and would be subject to the Minister.

I want to remind the honourable member who will establish the rules: it will be a group of people well capable and certainly well qualified and who have a thorough appreciation of the functions of psychologists, and the practices of psychology. They will be able to make the rules which contain flexibility but also lay down control. The members of the board—dealt with in an earlier clause—shall consist of five persons appointed by the Governor, and they are set out as follows—

- (a) one shall be a person who gives instruction in psychology at a university or other tertiary educational institution in the State, nominated on the occasion of the first appointment under this paragraph entirely at the discretion of the Minister but thereafter nominated by him from amongst persons who are registered under this Act;
- (b) one shall be a psychiatrist appointed on the nomination of the body known as the Australian and New Zealand College of Psychiatrists;
- (c) two shall be persons appointed on the nomination of the body known as the Australian Psychological Society (W.A. Branch); and
- (d) one shall be a person nominated by the Minister in so far as that is in his opinion practicable, from amongst persons who are practitioners within the meaning of the Legal Practitioners Act, 1893.

I am sure the honourable member must agree it is not just an executive board. It is not just a Government department—

and she did use the word "department". In fact, the board will comprise a body of professional people drawn almost wholly from the psychiatric profession. I do not think I need say more.

The Hon. GRACE VAUGHAN: If the Minister is trying to say the people who are appointed to the board will sit down and write all the regulations emanating from this Bill when it is enacted, I cannot take him seriously. What will happen is that the board members will approve of regulations drawn up by departmental officers and perhaps based on suggestions from the Australian Psychological Society. It will not be a matter of the members of the board deliberating and saying, "We know what was in the Minister's mind; we have read his second reading speech and therefore we will be able miraculously to produce all the answers to all the arguments that have been put up against some parts of the legislation." I cannot take that seriously.

I make one last plea to members of the Committee to seriously reconsider the repercussions that will arise from the inclusion of these words and the misinterpretation of the words "psychological practice".

Amendment put and a division taken with the following result—

**Ayes—8**

Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. D. K. Dana	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. R. T. Leeson

(Teller)

**Noes—16**

Hon. C. R. Abbey	Hon. N. McNeill
Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. H. W. Gayfer	Hon. T. O. Perry
Hon. J. Heltman	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. A. A. Lewis	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry

(Teller)

**Pair**

Aye	No
Hon. R. F. Claughton	Hon. N. E. Baxter

Amendment thus negatived.

Clause put and passed.

Clauses 54 to 57 put and passed.

Title put and passed.

**Report**

Bill reported, without amendment, and the report adopted.

**STAMP ACT AMENDMENT BILL**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

*Second Reading*

THE HON. N. McNEILL (Lower West—Minister for Justice) [8.07 p.m.]: I move—

That the Bill be now read a second time.

This small measure is the first of the Bills to give effect to taxation concessions which were outlined by the Treasurer when introducing the Budget.

It is concerned mainly with the removal of small, irritating imposts which have little revenue yield, but inflict time-consuming expense on the taxpayer.

The removal of these stamp duties is also part of the policy undertaking to review all taxes and charges, and to see what streamlining is possible to reduce irritation to the public.

The various documents which it is proposed shall be exempt from duty on and from the 1st January, 1977, are detailed in the Bill as amendments to the second schedule to the Stamp Act.

The duty now imposed on these instruments ranges from 10c to \$5 each, with the majority attracting 10c or 25c per document.

Over the years, the Commissioner of State Taxation has received what is regarded as justifiable complaints from taxpayers who are having to meet the not inconsiderable expense, in these days of high wages and salaries, of their staff needing to attend the State Taxation Department and await their turn to have a declaration stamped with 10c.

Not unreasonably, it is pointed out that the cost to a taxpayer of getting the declaration stamped in accordance with the existing laws is many times greater than the duty involved.

A number of the duties which it is proposed to repeal in the \$1 to \$5 range are rarely, if ever, used. These are such instruments as appraisements, deeds of assignment in bankruptcy, warrants of attorney, and the like.

By reducing the number of documents, which in the 10c and 25c class are numerous, though yielding little revenue, assessors will be able to use their time in a more productive manner, and reduce the need for additional staff to cope with volume increases in assessments.

It is believed that the proposals in this Bill not only will be of financial benefit to the taxpayers, but also will assist in the administration of the Stamp Act.

Advantage has been taken of the introduction of this measure to propose an amendment to overcome a number of complaints in respect of duty levied under the heading of "Bond".

Under this heading of stamp duty, tax is levied on a wide variety of agreements which provide for the carrying out of a contract, be it for a building or a service of some nature, and also secures the payments required under these contracts.

The rate of duty imposed is either 25c per \$200 of the amount secured, or 25c per \$10 of the amount annually payable, where the amount ultimately payable cannot be ascertained.

It appears that these provisions and rates were originally taken from English law and have remained unaltered, apart from decimal currency change, since the last major revision of the Act in 1921.

Since that time there have been many changes in commercial practices which have brought an increasing number of documents within the scope of the provisions.

Many of these documents were never contemplated when the provisions were first introduced, and it is clear that it was never intended that these documents should bear this *ad valorem* stamp duty.

This situation also arose in England as a result of court judgments, and in consequence the law was amended to exempt these documents.

So far as Australia is concerned, most other States do not levy this type of duty.

Foremost among the agreements attracting these duties are contracts for works or services of engineering, or of a technological nature, and agreements for the hire, construction, or installation of any machinery or plant.

While in total the duty yielded from these agreements is not a significant amount in terms of the total annual contribution to revenue by stamp duty, in individual cases the amount levied imposes a burden in areas of development. The commissioner has received a number of representations from the firms involved.

In one case an exploration company pointed out that an agreement for rental of machinery for an indefinite period which, in fact, turned out to be for a very short period, attracted duty of over \$600.

In addition to the inequitable imposition of duty on the agreement just described, difficulties arose with building contracts, the bulk of which are for ordinary homes.

For many years this type of agreement attracted only 25c. However, to protect themselves, contractors inserted a clause to secure unpaid amounts earned in the course of construction. This resulted in bringing these agreements under the "Bond" provisions, and required the payment of *ad valorem* duty, which was much greater and, it is understood, in most cases was passed on to the owner, thus increasing his costs.

The commissioner's decision was challenged in the Supreme Court, which found for the commissioner. However, the decision which was given, in the opinion of some legal authorities, is open to the interpretation that all building contracts, whether containing the security clause or not, are to be stamped with the *ad valorem* duty.

The commissioner has not adopted this interpretation, but the situation should be clarified and, at the same time, it is proposed to remove this added impost to the costs of the building industry.

The Bill before members contains proposals to exempt these hiring, service, and building agreements from "Bond" duty.

The cost of the proposals in this Bill is estimated to be \$70 000 in a full year, and provision is made to bring them into operation on the 1st January next.

Members will appreciate that these proposals are but a first step to a full review of the stamp duties legislation.

Since the establishment of the State Taxation Department, all of the Western Australian taxation legislation, with the exception of the Stamp Act, has been thoroughly overhauled and kept updated.

In summary, this Bill is designed to implement Government policy by removing irritating imposts and to correct some inequities.

I commend it to members.

Debate adjourned, on motion by the Hon. S. J. Dellar.

## NICKEL (AGNEW) AGREEMENT ACT AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

### *Second Reading*

**THE HON. N. MCNEILL** (Lower West—Minister for Justice) [8.14 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill before the House is to ratify an agreement between the State and Western Selcast (Pty.) Limited and Mount Isa Mines Limited which amends the Nickel (Agnew) Agreement Act, 1974.

The parties to the agreement remain the same as those to the principal agreement; namely, the State and a joint venture, comprising Western Selcast (Pty.) Limited (60 per cent share), and Mount Isa Mines Limited (40 per cent share). All negotiations were conducted with Agnew Mining Company Pty. Ltd., the operating company formed by the joint venturers.

A brief history of the project, leading up to the request by the joint venturers for an amendment to the principal agreement to enable the project to proceed on a reduced scale, follows.

The company first intersected ore in May, 1971. Subsequent drilling proved up several ore bodies of major world significance which today total 45 million tonnes of 2.2 per cent nickel ore.

In November, 1973, the company made final preparations for the decision to go ahead on the basis of a production rate of 30 000 tonnes of nickel in matte per year. However, in December, 1972 the first of several currency movements—revaluation of the Australian dollar—and

the introduction by the then Federal Government of statutory deposits requirements of 50 per cent of imported capital funds prevented the joint venturers from starting operations. Despite these difficulties, the Government urged the company to make firm plans to proceed and conclude an agreement with the State. This resulted in the principal agreement in November, 1974, the provisions of which included—

initial production from an open cut to give a quick cash flow while the shafts and decline were developed into the deeper ore;

a concentrator near the mine;

flash smelter instead of an electric smelter near the minesite; and

a new town to be built approximately 10 kilometres from the mine and smelter to provide accommodation for a population of approximately 3 000 people.

In June, 1975, following consultation with the Premier, the joint venturers made the following announcement—

The joint venturers had hoped that studies of the economic potential of the project would by now have indicated that, subject to all necessary Government approval being granted, a go-ahead decision could have been made about mid-1975.

Although the project appears to be technically possible, due to the effect of inflation on capital and operating costs in relation to the international price for nickel, the financial viability of the project has not yet been established.

In view of this the joint venturers have had to defer taking a decision to proceed, but the position will be kept under constant review and design work is continuing.

In October, 1975, having expended almost \$20 million on exploration and studies, the joint venturers advised the State that the project was not economically viable under conditions then prevailing, and a 12 months' extension of time was sought and granted.

However, discussions were continued between the State and the joint venturers, who were prevailed upon to make every effort to revive the project, even if initially it had to be on a smaller scale.

It was through the initiative of the Government that the project has been revived on the basis of a smaller scale operation which is viable under prevailing economic circumstances, particularly the high labour costs.

It is added that adequate provision has been made for the venture to increase the scope of its operations and the volume throughput just as soon as economic

conditions in Australia become more competitive and the international market place returns to more favourable levels.

Under the reduced project the initial production is 10 000 tonnes of nickel a year in concentrate, which will be transported south. This will be achieved by underground mining of a zone of massive sulphide mineralisation lying relatively near the surface, access to which will be by a decline from the surface. At the same time, preparations will be made for the sinking of an exploration shaft to examine the structure of the disseminated mineralisation at depth. The minesite smeltering to matte is for the time being cancelled.

To the point of production, the joint venturers will be outlaying a capital expenditure of \$55 million, without allowing for escalation. During the following five years a further \$30 million will be required to complete the development of the mine and other facilities to sustain the predicted production rate.

The project will be producing concentrate by 1978 and will employ between 350 and 400 people. This is a significant level of new employment for the goldfields and will, in a single project, substantially offset the labour situation caused through the enforced closure of the Mt. Charlotte Gold Mine in Kalgoorlie.

There are other obvious benefits which will accrue from an early start to this project. It is the northernmost of the nickel prospects in Western Australia. Its very existence and the creation of new infrastructure which is involved, is heightening prospects for the establishment of further projects in the region.

One of these under consideration is the Mt. Keith project, which has been deferred because it is not viable on existing economics. These economics would be improved with cost-sharing on infrastructure such as railways and subregional community services and facilities.

The amendment agreement has been prepared with a view to altering as little as possible the terms of the original agreement, and I will now explain the amendments contained in the Bill, in broad terms.

Firstly, recital (b) is amended to permit smelting in the Agnew area or at such other site or sites as the parties may agree. This change allows smelting to be carried out for the joint venturers by Western Mining Corporation Limited at its smelter at Hampton, near Kalgoorlie.

The definition of "mining areas" has been amended to refer to the "plan marked A1" in lieu of "the plan marked A". With your permission, Mr President, I will table a copy of the plan.

*The plan was tabled (see paper No. 428).*

As a result of extensive exploration already carried out, the joint venturers desired to upgrade the plan referred to

in the principal agreement by deleting therefrom 186 of the mineral claims in the yellow areas and by adding 41 new mineral claims.

There is a requirement in new clause 6A for the joint venturers to continue to investigate the feasibility of increasing the annual capacity of the mining and treatment plant from 300 000 tonnes of ore to one million tonnes of ore, and to keep the State fully informed at least annually.

An amendment to the provisions dealing with "roads" in clause 11 was required. The joint venturers desired to alter the timing referred to in this clause to defer the construction of new roads and to allow the revised stage 1 of the project to utilise existing roads where possible. A deferral of road commitments by the joint venturers in this regard is not expected to inconvenience the Main Roads Department in either planning or construction.

As the principal agreement provided for rail transportation of matte, it was necessary to provide for the present intention—by amending clause 12—to rail concentrates. In addition, amendments were necessary in respect of the revised tonnages to be railed and the capital contributions to be made by the joint venturers.

The provisions in subclauses (1), (4), (6) and (8) of clause 12 deal respectively with transport of nickel containing products, advance payment of freight, improvement of the railway line, and notice of anticipated tonnages, together with the first schedule, which refers to railways. The appropriate amendments reflect the reduced scale of operations, and the change in smelting from the minesite to Kalgoorlie.

The "water" clause—clause 14—in the principal agreement, provided for a major developer using water from the Depot Springs water reserve which is located some 70 kilometres from the project site.

However, since 1972, Australian Selection (Pty.) Limited, and more recently Agnew Mining Company Pty. Ltd., have undertaken various investigations into the possibility of finding potable and raw water within the local area of the project site.

The water requirements of the project have naturally varied correspondingly with the reduced scale of operations envisaged.

The joint venturers believe that adequate supplies of water have been located within the mining areas and that now it may not be necessary to draw on the Depot Springs water reserve. However, they have stressed that the Depot Springs water reserve was located and proved at the cost of the joint venturers, and that it may still be necessary for them to use

this water source for all or part of their daily water requirements, if the local sources should prove to be inadequate.

Therefore, it has been agreed that the State will reserve, until the 31st December, 1984, the rights for the joint venturers to apply for a licence to draw up to 20 000 cubic metres a day from this source.

It should be noted that the annual average daily water requirement of the joint venturers has been reduced from 28 000 cubic metres in the principal agreement to 20 000 cubic metres.

The water provisions in clause 14 have therefore been amended to allow the joint venturers to draw water from sources located within their mining areas, but at the same time to be able to apply for a licence to draw all or part of their requirements from Depot Springs until the 31st December, 1984, should such a need arise.

The actual wording of the new clause 14 is basically similar to that of the standard water subclauses now incorporated into other mining project agreements.

As I have already mentioned, the principal agreement has been amended in respect of the definition of "mining areas". In conjunction with this amendment, it was also necessary to amend the provisions in Clause 16 which deal with mineral claims. These amendments are relatively minor, and are intended to remove any possible ambiguity which may have arisen.

Under the principal agreement, the joint venturers were required to commence their programme of exploration of mineral claims in the yellow areas after the expiration of the third year next following the "production date".

Provision has now been made for the joint venturers to continue to carry out their programme of exploration, which they had already begun prior to the commencement of production, and to report the results at yearly intervals after the "application date", which is the date application is made for a mineral lease pursuant to clause 15 (1).

It is to the State's advantage that early exploration should be encouraged. This amendment is reflected in clause 16 (1) (b).

The principal agreement—paragraphs (c), (d) and (e) of subclause (1) of clause 16—required the joint venturers to surrender mineral claims totalling one-third of the yellow areas at the expiration of each of the fourth, fifth and sixth year next following the production.

Provision has now been made for the joint venturers to surrender all or any of their yellow mineral claims at any time, but by the expiration of the fourth, fifth and sixth year next following the application date, they must have surrendered respectively one-third, two-thirds and the total area of the yellow

mineral claims. Again, this provision secures the speeding up of exploration.

Finally, clause 16 (2) of the principal agreement has been replaced by new subclauses (2), (3), (4) and (5) which retain basically the same obligations concerning incorporation of the surrendered mineral claims into the mineral lease, but with the added proviso that the joint venturers may apply to have yellow mineral claims incorporated at times other than the fourth, fifth and sixth year next following the application date.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

### **FISH FARMING (LAKE ARGYLE) DEVELOPMENT AGREEMENT BILL**

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

### **JUSTICES ACT AMENDMENT BILL (No. 2)**

#### *Second Reading*

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney-General) [8.28 p.m.]: I move—

That the Bill be now read a second time.

This Bill is directed to two quite separate problems.

The first, which is dealt with in clause 2 of this Bill, is the need to provide for certain formal steps to enable selected Courts of Petty Sessions to carry out functions assigned to them under the Family Courts Act.

In order that the requirements of the Family Courts Act in this regard may be carried out it is necessary that there be some certainty as to sitting dates of these selected Courts of Summary Jurisdictions. In addition it is necessary that these courts should have a seal; which is not generally so of our Courts of Petty Sessions.

Both of these objects will be achieved by the proposed sub-sections (2), (3) and (4) to be added to the existing section 24 of the Act.

So much for the need to have Summary Courts to fit into the scheme of the Family Courts Act.

The second and perhaps, from a public point of view, more important aspect of the proposed amendments is a tidying up and indeed tightening up of the provisions for appeals to the Supreme Court from the decisions of justices.

As announced publicly I have referred to the Law Reform Commission for detailed consideration the wider question of appeal procedures and the substantive law in relation to rights and methods of appeal.

These present amendments in the interim make no substantive changes to rights, forms and times for appeal. They are to avoid the possibility of either deliberate or careless abuses of the present system—a few examples of which have received recent widespread publicity.

There have for many years been two methods of appeal from Courts of Petty Sessions. The one, commonly known as "ordinary appeals", is limited to cases where a person had pleaded not guilty but been convicted and imprisoned. In such cases there is obviously need for a simple and speedy form of appeal and the existing provisions provide for notice of appeal and recognisance to prosecute the appeal to be served upon the clerk of petty sessions and the person convicted then to be released pending the hearing of his appeal.

As no great problems have arisen in relation to this type of appeal, no changes are proposed except as to certain formal steps for the transmission of documents and the enforcement of decisions. These are to be found in clauses 4 and 5 of the Bill.

It is to the order *nisi* to review method of appeal which comprises the vast majority of appeals that most of the provisions of the Bill are directed. In fact all but 10 or 12 appeals each year are carried on by way of this order to review procedure.

The present provisions of the Act provide that a prospective appellant may go before a Supreme Court judge in chambers to obtain an order *nisi* to review the decision from which he wishes to appeal.

Because of the need for speed these proceedings are *ex-parte*—the respondent, usually a police complainant, not being present.

Once an order has been obtained the appellant is entitled to enter into a recognisance before any justice of the peace—the minimum amount being set at \$50—and then to be released from custody; still without the police or the Crown knowing. This is so even though he may be a person sentenced on committal to the District Court to say 5 years imprisonment for a serious drug offence.

Once he is released it is up to him to serve the order *nisi* upon the police thus informing them for the first time of his appeal and his release. It does not take a great deal of imagination to realise that he may "forget" to do this or that by the time his solicitor does so the appellant—having obtained his release at a bargain price—may have developed a sudden yearning for distant places.

When the order has been served, assuming that it is, the appellant has the responsibility of entering the appeal for hearing and further undesirable delays can occur.

Clause 6 of the Bill provides that the terms of the recognisance are to be set by the judge granting the order to review.

This will allow proper amounts and conditions to be set and to be tailored, as with bail, to the seriousness of the charge and to any relevant questions of security. There will be no delay because the appellant in any event had to obtain his order *nisi* by having his counsel attend the Supreme Court and the recognisance, once the judge has set the terms, is still to be signed before any justice.

This recognisance will then operate as a stay of execution and authorise the release of the appellant once presented to his gaoler. This is achieved by the amendments set out in clauses 7 and 8 of the Bill. The effect is the same as the present law.

Clause 8 also takes care, by means of the proposed new subsection 201 (1), of the problem of informing the police and the Crown by providing for the Supreme Court to forward a memorandum of the granting of an order to review to—

- (a) the clerk of petty sessions of the court appealed from,
- (b) the Attorney-General, and
- (c) the other party to the order; who will be of course, in most cases, the police complainant.

These persons are then alerted even if the appellant neglects or delays serving his order to review.

The remaining clauses 9 to 13 provide for a number of procedural matters such as the transmission of recognisances to the Supreme Court, the issuing of proper memoranda of decisions of the court and warrants to enforce those decisions; and applications to the court by a respondent seeking to strike out an appeal for want of prosecution. The amendments in these five clauses are really only a tidying up and amplification of provisions which already exist in the Act as it presently stands.

Finally in clause 3 it is proposed to widen section 96 of the Act to allow for prescribing appropriate appeal rules and forms for various matters relating to appeals.

In summary then the proposed amendments are purely procedural. None of them affects any right or method of appeal. They do, however, ensure that persons released from custody pending their appeal will be released only on appropriate terms set by a judge. This is achieved without altering the system in any way causative of delaying the release of an appellant. In addition the gate is effectively closed to any undesirable delays which can, and have been seen to, occur under present procedures.

I commend this Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

# RURAL AND INDUSTRIES BANK ACT AMENDMENT BILL

## Second Reading

Debate resumed from the 20th October.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [8.35 p.m.]: The Opposition supports the Bill, which seeks to enable the Rural and Industries Bank to establish offices outside the State of Western Australia; and as I understand the position in this instance to open a branch in London, similar to the branches that have been opened by other State banks in previous years.

It is interesting to note that the Rural and Industries Bank has raised the amount of its revenue from just under \$500 000 to just over \$1 million in a period of five years.

The establishment of an office in London will enable the bank to provide a great range of services to the travelling public from Western Australia. As the Minister rightly pointed out in his second reading speech, the London office will, among other functions—

assist in inquiries on banking and directly related matters originating from Western Australia;

enable attention to be given to travel and currency problems of bank customers encountered in the United Kingdom.

The Rural and Industries Bank has pointed out that the person who is to be appointed as its agent in London will probably be a recently retired banker from one of the four British clearing houses.

If one looks at the history of the Rural and Industries Bank one will find it is a history of continued achievements, and the establishment of a London office will add another page to that history of achievements. I imagine that in the not-too-distant future it will be doing business which will bring in much more than \$1 million in revenue per year.

This is a Government bank; it is competing with other banks on fair terms; and it has proved its worth. I wonder what the history of the State Government Insurance Office would have been, had it been given the same opportunity. I am sure it would have been able to provide a great range of services to people all over the State, on a very competitive basis.

**THE PRESIDENT:** That comment has nothing to do with the Rural and Industries Bank.

**The Hon. D. K. DANS:** I am making the comment in relation to the Bill. A similar kind of organisation would certainly have brought much benefit to the people in all parts of the State.

With those remarks I support the Bill.

**THE HON. H. W. GAYFER** (Central) [8.39 p.m.]: I rise to congratulate the Rural and Industries Bank on having

sufficient confidence to open overseas branches, and in particular the proposed branch in London. We know that the bank has some 173 agents in 74 countries. However, the step the bank proposes to take now is a very significant one, and one which I believe to be well justified. This has been taken as a result of a decision by the commissioners of the bank.

The Rural and Industries Bank is not an orphan to overseas banking practices, or indeed to overseas investments. It might have been said, perhaps five years ago, that it was somewhat new in the field of international banking; but today it is a bank which is certainly well known among the international banking establishments of the world. It is not the agency that is proposed to be established in London that will give the Rural and Industries Bank the importance it deserves, and that will enable its talents to be recognised by the principals of the major world banks. That was accomplished quite a few years ago.

I feel that I am in a position, possibly in as good a position as any other member of this House, to pay a tribute to the Rural and Industries Bank, and in particular to the officers who served in the bank in the March to August, 1972, period. In that period through the agency of the Rural and Industries Bank, and with the backing of the State Government, Co-operative Bulk Handling was able to borrow from overseas \$30 million in Deutsche Marks. That, combined with the \$12 million loan that was arranged in Australia by the Rural and Industries Bank with other principal banking houses, constituted a total loan of \$42 million. I believe this was one of the largest loans that had been floated up to that time, and certainly the largest for the purpose for which it was designated.

As a result of that loan, shortly Co-operative Bulk Handling will open its grain handling facilities at Kwinana. I know that members of Parliament have received invitations to attend the official opening on the 24th November. None of this would have been possible unless the finance had been forthcoming, particularly at the rate of interest and the ongoing terms that were to be observed during the term of the loan, namely from 1972 through to 1987.

It is interesting to recall some of the occurrences relating to this loan. In this respect I refer to the publication "Coined Notes" of September, 1972. It records the historical changes that occurred in the Rural and Industries Bank as a result of that loan.

This publication contains a report headed, "The \$42 000 000 Exercise", which is as follows—

The recent, and highly successful, international money market exercise which afforded Co-operative Bulk Handling Limited a borrowing capacity

of \$42,000,000 to build their planned grain terminal at Kwinana was probably the most significant business dealing in the whole 27 years of the Bank's history.

The funds for the project were raised throughout the world and the principal negotiators included major international banking corporations.

The Bank first became acquainted with the project when the State Government and C.B.H. who were anxious to obtain finance for expansion of the grain handling facilities at Kwinana invited the Bank to take part in discussions concerning the raising of an overseas loan.

As can be appreciated, a dealing as large and involved as this could not be negotiated quickly. It therefore was not until May, 1972 that all parties felt confident enough to proceed, and it was with some pride that the R. & I. was able to show that through its excellent overseas facilities it was able to bring skilled international investment bankers to Western Australia to put their propositions.

We contacted several of our overseas correspondent banks, who had shown interest previously. We asked them to provide us with quotes as to currencies, rates and other information which would enable us to make a decision on the feasibility of completing the borrowing overseas.

Each bank placed its proposition before us and eventually a decision was made in favour of the deal presented by Orion Bank Limited.

Orion Bank Limited is a consortium of six of the largest banks in the world, namely, the National Westminster Bank Limited of London, Chase Manhattan Bank, New York, The Royal Bank of Canada, Credito Italiano of Italy, West-deutsche Landesbank Girozentrale of Germany and Mitsubishi Bank Limited of Japan.

That exercise made history as far as Australian banking circles were concerned; it certainly made history as far as the Rural and Industries Bank was concerned, because it was able to bring before these great world banks not only Western Australian enterprise, but also arguments for the needs of a relatively small bank, like the Rural and Industries Bank of Western Australia, to be satisfied.

I continue to quote—

The total amount of the financing of \$442m. was broken into two parts. The first amounting to \$412m. was to be raised by way of an Australian dollar bond issue; the second was to be raised in Europe by way of a dual currency bond issue denominated in Australian dollars but with the option for the holders to be repaid in Australian dollars or Deutsche Marks.

In putting the dealing together, the Orion Bank took the position of lead manager, with the co-managers West-deutsche Landesbank Girozentrale and Swiss Bank Corporation (Overseas) Limited. In addition to these banks some 270 international bankers took part in underwriting the issue.

I repeat that some 270 international bankers took part in subwriting the issue. The whole exercise was actually carried out, to the eventual signing in London, by hundreds of telexes that flew between the head office of the R & I Bank in Perth and the representatives of the major banks of the world, represented by the Orion Bank of Threadneedle Street, London.

It was only after some little time that all was in readiness for the principals of the R & I Bank to proceed to London together with the other principals of the exercise to complete the documentation. I well remember the work that went into the preparing of the documents and the inspecting of the agreements; I well remember the tremendous amount of work that was done likewise by the officers of the State Government departments to bring this exercise to fruition.

I have never yet had the chance to express my appreciation publicly and to in fact place on the Statute the wonderful work that was done by these men.

We must realise that Co-operative Bulk Handling needed firstly a State Government guarantee as the land upon which it was to build this edifice was in fact virtually Government land; as indeed is all the land on which its buildings are situated. Consequently the State Government had to come into the scene.

The PRESIDENT: Order! I think Order of the Day No. 16 would have been a much more appropriate place for the honourable member to give a dissertation on CBH. This Bill has nothing to do with CBH. It simply has to do with the R & I Bank establishing itself elsewhere.

The Hon. H. W. GAYFER: Had you allowed me to do so, Mr President, I was going to indicate—and I thought I was doing so—why the bank needs an office to continue the work it has done in the past, and I was going to point out how this will happen. If, however, you challenge me, Sir, I am afraid I will have to cease my remarks concerning the various people involved in this exercise—the bankers I was about to name—and the good work done by these men, since retired, will not be recorded in *Hansard*. However, I do give them credit. They will know to whom I refer; they will know the officer of the Crown Law Department who assisted the R & I Bank in this exercise; as did also the present Under-Treasurer of the State.

The PRESIDENT: I have already given the honourable member a good deal of licence so I may as well allow him to continue.

The Hon. H. W. GAYFER: Thank you, Sir. The principal architects of the exercise that was to establish the R & I Bank as an international banking house were Mr Leo Regan of the Crown Law Department, Mr Ken Townsing and Mr Les McCarrey who actually took the matter through with George Chessell in London to the eventual signing. This was done in conjunction with the officers of the R & I Bank whom I would like to name at this stage; they are Mr Chessell, the chairman; Mr C. E. Collins, the deputy chairman and chief lending accountant; Mr Andy Gordon, chief accountant; and Mr Dan Coulter and Mr Bill Phillips, both inspectors of the bank. These gentlemen were the principal negotiators with the overseas banks I have already mentioned.

I will not list the events that led up to this momentous occasion except to say that when the deal finally came up in London the R & I Bank had established itself firmly as a world accredited bank.

I have here the full documentation dealing with this matter; it is my personal copy, and each of us was presented with a copy at the time. If one were to look through this document, which is in itself a large volume, one will certainly see the esteem in which the R & I Bank is held by the leading world banks; and the agreement that came forward from 270 other banks indicated they wished to be associated with events in Western Australia through the R & I Bank which was establishing itself in the overseas borrowing market.

That is the history I wanted to recount. I believe the R & I Bank has every right to set up an office; not merely an office that it can share with somebody else, but one that it may enjoy by itself; one with the stature, refinement, and importance that is associated with what may be termed Western Australia's own bank.

I believe it must start with a small beginning and possibly this is the reason that we talk about its sharing an office for the time being and employing from London a banker with the necessary expertise to manage the office.

I notice, however, that the tycoons who were actually associated with the original deals I mentioned were not elderly or retired men, as I have heard said in another place; they were young, able men, who were willing to go out and promote their own particular bank—certainly in this case it would be the R & I Bank—throughout the countries of the world. While I applaud the Bill the Government has brought down in favour of the R & I Bank, I also ask that as soon as the bank is set up in an office of its own, its commissioners should send young, enterprising bankers who can really walk briskly in the banking paths that are currently in the world today.

It is very interesting to note—and I noticed this was so with the Chase Manhattan Bank—that some of the large deals were carried out by very young men who were going out and spotting and interviewing; indeed, they were going from office to office, from organisation to organisation, and from business enterprise to business enterprise. These men seem to get burnt out very quickly on the job. We know it is modern practice to burn men out and then retire them to jobs where they can eke out their days. I remember in the exercise I was talking about the principal negotiator was 29 years of age. He is now retired, and this was only four years ago. These people do get affected by the stresses and strains and I do not believe the job will be one that can be done by a banker who will eventually go from Australia in the last few years of his banking life and take it on as a prestige job.

I thank you, Sir, for giving me the time to build up to my reasons—which I think are very good reasons—for agreeing that the R & I Bank should have an office in London. In allowing me this time, Sir, you have given me the opportunity to express my appreciation and congratulate the officers of the R & I Bank who in 1972 pulled off what I believed was not possible by any bank at that time. I support the Bill.

**THE HON. V. J. FERRY** (South West) [8.55 p.m.]: In supporting this Bill it gives me the opportunity very briefly to congratulate the R & I Bank on the work it has done since its establishment some 27 years ago. This legislation which provides the machinery for it to establish an overseas office of its own is another very important step in its banking operations.

As Mr Gayfer has said, the R & I Bank has established itself in the world money market; and while it is common practice throughout the world for banks to have an agency, it is not the same as a bank having a branch of its own at a certain point where it may deal directly with its clients in the world scene. So the Bill before us is worthy of support, which I believe the House will give it.

The Hon. S. J. Dellar: I think we might.

The Hon. V. J. FERRY: As we all know the R & I Bank serves many Western Australians. It serves those who have humble transactions and small amounts of money, and those who have very large dealings with it. It also serves the Government of the day. Therefore it is well and truly a Western Australian bank. I want to pay a special tribute to the bank in its service as a Government agency and in its many forms. By virtue of its operations throughout the State I believe it is well placed to carry out its

functions and it has proved it has the ability to serve the State in this capacity. I again express my pleasure at this aspect.

The legislation before us provides the means for establishing another stage in the evolution of banking, and the R & I Bank is a young bank by world standards. I am sure it will continue for a long time and will grow in stature. With those remarks I support the Bill.

**THE HON. N. McNEILL** (Lower West—Minister for Justice) [8.58 p.m.]: I wish to express my appreciation of the support the Bill has received. It is probably unnecessary for me to repeat the sentiments that have been adequately expressed by other members in regard to the progress the bank has made.

By your allowing Mr Gayfer to inform us of the history of certain transactions and negotiations with which the Bank was connected, Mr President, we were given a very definite and precise illustration of the stature the Rural and Industries Bank and its officers have attained in the financial circles of the world.

With those few remarks, in appreciation of the support the Bill has received, I commend it to the House.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

## LIQUOR ACT AMENDMENT BILL

*In Committee*

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clauses 1 to 10 put and passed.

Clause 11: Section 35 amended—

**The Hon. N. McNEILL:** Members will see I have on the notice paper amendments to clause 11 which I foreshadowed in the course of my introductory remarks. They come about as a result of certain undertakings which were given in another place. Because of the nature of the Bill and the difficulty members may have in following the amendments, I think I should explain what is proposed.

Clause 11 relates to the new provision for the voluntary association permit. When it was originally introduced in another place the Bill provided for voluntary association permits to be applied for by potential permittees outside the metropolitan area—in other words, such permits to be available in country districts where there were no suitable hotel facilities available at which these associations could conduct their functions.

The Government had in mind, following representations which had been made to it by a number of country organisations—service organisations, Lions, Rotary, and Apex clubs, and so on—that very frequently the only suitable facilities available in a district might be the local licensed club. Because the Act does not at present allow functions of that nature to be held at club premises, it was decided, with good reason, to amend the Act to make it possible for these organisations to meet lawfully at their regular times—weekly or fortnightly as the case may be—but to limit the provision to the country districts.

In addition, some conditions were imposed on those voluntary associations; namely, that they should have been in operation for a period of not less than two years, that they should be well managed, and so on. The permits were to be issued at the discretion of the court, which would have to be satisfied that the organisation met the requirements laid down and that no other facilities were available in the district to cater for that particular association.

That was how the provision stood in the original Bill, but as a result of representations made and undertakings given in another place, these amendments have been placed on the notice paper to provide that voluntary association permits may be available in the metropolitan area at the discretion of the court; in other words, the metropolitan area boundary line would be removed.

Secondly, it was felt an association could become a bona fide organisation and meet all the requirements in a lesser period than two years. The deletion of the requirement that a voluntary association had to be in operation for a period of two years also deleted from the Bill the requirement that an association must be a well managed and bona fide organisation. It was thought this should be rectified and that there should still be a statutory requirement for the court to be satisfied an organisation was well managed in order to comply with the conditions for a voluntary association permit.

Perhaps the subject is not easy to follow but I hope an understanding has been gained from my explanation and that members will give their sympathetic consideration to the proposed amendments. I move an amendment—

Page 6—Delete paragraph (a).

Amendment put and passed.

**The Hon. N. McNEILL:** I think the explanation I have given covers all three amendments on the notice paper. I move an amendment—

Page 6, line 39—Insert before the word "imposes" the words "is well managed and".

Amendment put and passed.

The Hon. N. McNEILL: I move an amendment—

Page 7—Delete subparagraph (iii). While the intention is to make the facility of the voluntary association permit available in the metropolitan area, as well as in country areas, there may be some thought abroad that any organisation with club premises in the metropolitan area will have a fairly easy row to hoe in getting a voluntary association permit. That is certainly not the intention, nor would it meet the requirements which will be laid down by the court. The facility will be available but the application will still need to relate adequately to a situation where alternative facilities are not available in the locality to suit the purposes of the association.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 12 and 13 put and passed.

Clause 14: Section 43 amended—

The Hon. D. K. DANS: I have on the notice paper an amendment which is fairly simple. It seeks to add after the word "licence" on page 9 the passage ", a supplier authorised by the Court in the function permit". Section 43 of the principal Act deals with function permits, and the purpose of my amendment is to allow continuation of the wine-tasting conducted by the Wine Service Bureau which is controlled by the Wine and Brandy Producers Association.

The position at present is that the Licensing Court issues a function permit to each operator of a wine tasting, and that the product used must be supplied from a licensed retailer as described in the Act. If the Wine and Brandy Producers Association wishes to conduct a wine tasting, it should be able to supply the liquor which is consumed.

As I understand the situation at present, in order to conduct a wine tasting, the liquor or wine must be supplied by a licensed retailer; and if my amendment is agreed to the person named in the function permit may supply the liquor for that wine tasting. I move an amendment—

Page 8, line 9—Add after the word "licence" the passage ", a supplier authorised by the Court in the function permit".

The Hon. N. McNEILL: I had to wait for the explanation of the Leader of the Opposition to appreciate his intention. I now understand the amendment is designed to enable wine tastings to be conducted without the necessity to obtain supplies of liquor from a retail premises. To that end he wishes the court to have the opportunity of specifying the Wine

and Brandy Producers Association. I am not unsympathetic to that intention; in fact representations have been made to me, and a great deal of thought was given to this. I submit to the Leader of the Opposition that while his amendment does not specify a particular body, it is a little difficult to trace the origins of the particular concern which is most active in wine tasting activities.

We generally know which concern it is, and it is generally regarded as a promotional exercise; but it is difficult to trace its origins and to ascertain whether it is the Wine and Brandy Producers Association or the Wine Information Bureau which, I understand, has some relationship with an organisation in another State.

It is my understanding that at these functions a charge is made which is not necessarily a charge for admittance or for liquor, but for the service of providing the liquor. This raises a delicate point as to whether a charge is being made for the liquor.

I am not prepared to contest the amendment, but I would like to have the opportunity to have the matter checked so that we may be absolutely certain we would not create an anomalous situation by agreeing to it. I am concerned only about the question of who is the body concerned and what is its background, and whether charges are made.

The Hon. D. K. DANS: The amendment seeks that the liquor may be supplied by a supplier authorised by the court in the function permit. It is true that the Wine and Brandy Producers Association, through its service bureau, conducts wine tasting exercises at which liquor is supplied free of charge. I understand the court turns a blind eye to this at the moment, but that the law is being broken.

We know wine tastings are conducted for a nominal charge by some clubs. An organisation, such as a parents and citizen's association, may decide to have a wine and cheese night, and if it contacts the Wine and Brandy Producers Association, the association will arrange the night as a promotional exercise. The parents and citizen's association may make a small charge for those who participate. We also know there are amateur people who hold wine evenings; but I am not concerned with that.

I am seeking to legalise what now happens illegally. I have knowledge of some people in Fremantle who are a part of this organisation and who, when they hold a wine tasting, although they have plenty of wine in their cellars and in fact conduct wine appreciation courses, must go to a licensed retailer to obtain the wine if they are to observe the letter of the law.

The amendment seeks that the court may authorise a person to supply the wine. If it is the Wine and Brandy Producers Association, for instance, then any wine and brandy producer could supply the wine, and the firm concerned would be named in the function permit. These people are concerned for their industry, and whereas previously the industry had a growth rate of 12 per cent I believe it has now dropped to 7 per cent, and those concerned are eager to do something about it.

The Hon. D. J. WORDSWORTH: A difficulty which arises in respect of catering for a function is the necessity to get a licensee to supply the liquor. I understand that if the person over-caters in respect of liquor, that liquor must be removed from the premises which are the subject of the permit, whether it be in full bottles, half bottles, or whatever. The liquor cannot be left on the premises for later collection or return. As the Minister has undertaken to do some research, perhaps he could also consider this problem because in certain circumstances it causes difficulty in the catering industry.

The Hon. N. McNEILL: The point raised by Mr Wordsworth, as I think he will agree, is outside the ambit of the Bill and certainly of the amendment. However, it relates to section 43, and subsection (2) states—

A function permit authorises the sale and supply of liquor either separately or by way of an inclusive charge with some other service or the sale and supply of liquor by virtue of a caterer's permit issued under section 25, for consumption on the premises to which the permit relates and not otherwise.

Mr Wordsworth is asking me to have a further look at the Bill in respect of covering the situation where liquor is left over. All the liquor at the moment must be consumed on the premises. I am sure all of us know what happens to that which is left over—it is not left over! I note the query and I will have it looked at.

With regard to Mr Dans' amendment, I would appreciate comments from other members of the Committee. I am not opposed to the principle, but I am concerned to see that we do not make a decision which could cause difficulty later.

The Hon. R. THOMPSON: The Minister has invited further comment. I have been to quite a few wine and cheese nights. Some of them have been put on by producers in the Swan district when they have explained their range of wines. I do not think a retail outlet is competent to give an explanation as to the way wines are produced. Wine and spirit merchants would probably have the expertise to do this. They would have

public relations people to promote their products and quite often they also donate wines.

The Hon. N. McNeill: I think by law you cannot even donate them.

The Hon. R. THOMPSON: Whether the company charges the association and then gives a donation to the association, there is a way of beating that provision. The Act does not say they must charge; all it says is that it must be a retailer.

I think the atmosphere of wine and cheese tasting nights, when one hears an explanation and evaluation of the product, tends to build up some professionalism within the industry. Long before the Liquor Act was passed wine and cheese tasting nights were held and no function permit was necessary. Nothing seriously wrong was done. I do not think anybody got drunk. People attended such functions to donate money so that the organisation benefited. The first such function I attended was at the Beaconsfield school; it was held in the schoolroom itself. That was probably 15 or 20 years ago. The wine company sent along a representative, the wines were explained, and everybody tasted the wines. Of course, the cheese manufacturers were in on it also and they explained their cheeses.

Such functions amount to a rather entertaining night. I should like more time to attend them because one tends to taste a variety of wines much more cheaply than if one had to buy a bottle and try it out oneself. At least one learns which is a good wine and which is a bad wine, and what suits one and what does not suit one. I cannot see anything sinister in this proposed amendment. I think it will be of great assistance to organisations which everyone in the Chamber applauds; namely, church groups, parents and citizens' associations, and other charitable bodies. I have not discussed this matter with Mr Dans but I hope that is the motive behind his proposed amendment.

The Hon. D. K. DANS: I am quite happy with what the Minister has said. Sometimes we get the impression that everybody in my electorate is a wharfie, a seaman, or a steelworker, but the electorate comprises a whole host of other undertakings and naturally I have to represent their points of view as much as I represent the points of view of the people I have mentioned.

The court had agreed in the past that tastings could be conducted by the Wine and Brandy Producers Association without the requirement of charging through a licensed retailer. That has happened for a number of years. In other words, they were breaking the law. The submission I have put to the Committee is designed to put the matter in order so that the producers' association may conduct trade promotions through tastings. I understand the court has no opposition to the principle because these people are legitimate businessmen.

The court was always mindful of the fact that once this had become a practice some mark in the community may do something to upset it.

I am pretty sure the Minister understands the amendment, which is simple. I am grateful to him for saying he will look at it. It is designed simply to legalise something that has been tolerated for a number of years. The people conducting these tastings are above suspicion and are people of high repute who have only the interests of the whole community and the consumers at heart. I am prepared to let the Minister have a look at it. If he does so, he will find it is a simple amendment whereby a person will be named in the function permit and that will be it.

The Hon. N. McNEILL: I wish to emphasise that the difficulty is in trying to define exactly who the supplier is. The Leader of the Opposition's proposed amendment leaves the matter open so that the situation with regard to the supplier would be left completely at the court's discretion.

The Hon. D. K. Dans: The court would name him.

The Hon. N. McNEILL: That is right. In view of the representations we received previously an endeavour was made to name a specific body. The difficulty arose because it is rather difficult to try to define who the organisation really belongs to. It may even have some connections with the Australian Wine Board which operates mainly from South Australia. However, if the Committee feels it is prepared to support Mr Dans's proposed amendment I am agreeable to letting it go with the proviso that if further examination of it reveals a need to tighten up the drafting we can recommit the Bill to give further consideration to this clause to make it more satisfactory.

The Hon. D. K. Dans: To formalise the matter, I accept the proposition put forward by the Leader of the House. I commend the amendment, with those provisions, to the Committee.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 15: Section 51 amended—

The Hon. D. K. Dans: I move an amendment—

Page 8, lines 15 to 17—Delete all words in the clause and substitute the following—

Section 51 of the principal Act is amended—

(a) by adding at the end of paragraph (b) of subsection (2) the passage "and when so displayed shall be of such size and specifications as is prescribed by regulations made under the provisions of section 177" ; and

(b) by deleting the word "entertain" in line one of subsection (5) and substituting the word "hear".

This clause seeks merely to broaden section 51. A number of complaints have been received from local bodies, one in particular. The amendment simply proposes that on every site where a tavern or other licensed premises are to be erected there shall be erected a proper sign letting the public at large know what is going to happen on that site. I shall not weary the Committee by reading the principal Act. The Parliamentary Draftsman felt that one could not simply move an amendment which provided that on every site on which a tavern is going to be erected there would be a 10 foot by 12 foot sign because that may be in conflict with local authority by-laws. So the amendment was drafted in the form I have just read. I think the Committee will start to understand what I have in mind. This Act is a fairly complicated one to deal with. The idea is to erect a sign that is visible and would be prescribed by regulation.

The Hon. N. McNEILL: I think we need to take consideration of these proposed amendments rather slowly to get a proper understanding of just what is intended. Perhaps I should say by way of further explanation that Mr Dans's proposed amendment reinserts the word "hear". That becomes part of his amendment, so to that extent the Bill would remain unaltered. However, he has proposed that there be written into the existing section 51 a further passage in relation to the notice of application.

The Hon. D. K. Dans: That is right.

The Hon. N. McNEILL: I think perhaps it would be as well if I read the particular section.

The Hon. D. K. Dans: Perhaps I should have done that but I will let you do it.

The Hon. N. McNEILL: I am doing it as much for my own edification as for anybody else's. Mr Dans proposes to amend section 51, subsection (2) (b) by adding certain words. Perhaps I should read subsection (2) (b). It reads—

(2) The notice of application shall—

- (a) be lodged by the applicant sending or delivering four copies of the notice to the principal clerk, at Perth, not later than thirty days before the earliest day on which the application may be heard; and
- (b) except in the case of an application for the grant of a packet licence, a canteen licence (not being a seafarers' canteen), a wholesale spirit merchant's licence or a

brewer's licence, be continuously and conspicuously displayed on or adjoining the premises to which it relates, during a period of twenty-one days falling between the lodging of the notice and the hearing of the application; and

We then proceed to the amendment proposed by Mr Dans, which reads—

and when so displayed shall be of such size and specifications as is prescribed by regulations made under the provisions of section 177"; and

With all due respect to Mr Dans, in his explanation, I am not sure really of the particular value of the amendment.

The Hon. D. K. Dans: I could have given a long resume of a fight which took place between a local authority and the Licensing Court which delayed and tied up a considerable sum of money for a long time.

The Hon. N. McNEILL: Has Mr Dans a specific instance in mind?

The Hon. D. K. Dans: Yes.

The Hon. N. McNEILL: As the amendment will provide for notices to be of a prescribed minimum size, I cannot see any difficulty. On that basis I will not contest the amendment.

I hope it is fully understood by the Committee that we are talking about notices of application. Section 51 of the principal Act, in part, reads—

51. (1) Every person applying for the grant of a licence or a provisional certificate for a licence shall give notice of his application in the prescribed form.

We are talking about a provisional certificate for the purpose of building certain premises.

The Hon. D. K. Dans: People will know what is to happen.

The Hon. N. McNEILL: I cannot see that there is any difficulty associated with the amendment. If there is, I will report back to the Committee.

The Hon. D. K. Dans: That is fully acceptable.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 16 to 39 put and passed.

New clause 7—

The Hon. D. K. Dans: Before actually moving to insert the new clause, I want to say that the subject matter of my amendment is the part of the whole operation which causes me greatest concern. I refer to the question of "two-bottle sales" on Sundays.

To set my mind at rest and to see how the law was being broken, I went to a hotel on Sunday afternoon to purchase two bottles of beer. I will not name the

hotel. Quite frankly, I thought that drive-in bottle departments were open on Sundays, but the hotel to which I went had a self-service section. There were about eight people in front of me and the rule seemed to be to say, "I want six bottles, two for myself, two for my brother, and two for my wife." I do not think it was really necessary to follow that procedure; I think one could have just picked up six bottles, paid for them, and walked out.

I have to admit my courage deserted me. I intended to pick up six bottles but I thought it could be my unlucky day and the local police sergeant could walk in and catch me. I bought two bottles only. I have not fabricated my story; what I have related is going on for everybody to see. Indeed, the publican has probably considered it far better to sell bottles in that manner than have the same fellow walk in several times.

So, we have the situation where the law is broken. The hotel from which I purchased the beer was not crowded, and no-one seemed to be worried. The proposal outlined in my new clause simply replaces the original clause taken out in another place. I move an amendment—

Page 4—Insert after clause 6 the following new clause to stand as clause 7—

Section 24 amended.

7. Section 24 of the principal Act is amended by deleting the passage "beer, in sealed containers, in quantities not exceeding 1.5 litres to any one person" in lines 6 to 8 of paragraph (a) of subsection (2) and substituting the words "liquor in sealed containers".

If the Committee agrees that the new clause is in order, and if it agrees that it is a sensible amendment, the sensible thing would be to accept it. The instance I have just related would then become legalised and no-one would have to break the law or resort to devious ways to obtain more than two bottles of beer. More importantly, the amendment will remove the discrimination against liquor other than beer. Surely that is desirable. If a person wants to buy a bottle of wine on a Sunday he should be able to do so.

I do not support the theory that the brewery has put forward the proposition that only beer should be sold on Sundays. I read recently that in Hobart the chairman of Carlton United Breweries said he was concerned because beer sales were down by 4.2 per cent. I had read previously, in *The Australian Financial Review*, that the only growth in beer sales in Australia has been in package form. That is very significant.

To persist with the law as it stands at present, to my way of thinking, holds the whole legal process up to ridicule. Firstly, on the last occasion we discussed an

amendment to the Liquor Act, the intention was that a person should be able to buy more than two bottles of beer—but only beer. Perhaps it could be more justifiably argued that that proposal was put forward by the breweries!

The present situation is that a person can purchase as much beer as he wants to by following the process I have outlined. I have yet to witness a publican, or a person holding a club licence selling a bottle of wine or a bottle of whisky on a Sunday.

What is the difference between a Saturday and a Sunday? I am rapidly reaching the stage where I agree with what Mr Cooley said; or nothing on Sundays. At the time he made that statement, I thought it was rather drastic but we have gradually developed a more civilised approach to drinking. Things are normal from Monday to Saturday, but suddenly on Sunday we turn the clock back to the dark ages.

My amendment will not extend Sunday trading hours. It would be impossible to police the two-bottle limit; we would need a battalion of police to do the job. I do not believe there would be a great upsurge in sales. If a person wants to purchase a bottle of red or white wine on a Sunday, he should be able to do so.

Much of the action taken in Parliament has a great bearing on the lives of the people we represent. However, when we do something stupid we cloud the good things we have done. I could cite the case of a person living on a farm 40 kilometres from the nearest hotel. If he were to drive into town to buy bottles on a Sunday, and the local police sergeant happened to be at the hotel, he would be able to purchase only two bottles and then have to drive 40 kilometres back to his farm.

It is an extreme case I know, but with all the stories we hear about the Road Traffic Authority in country areas, I imagine people will be taking that action rather than buying draught beer over the counter.

I know that perhaps my amendment is not in order and we may not be able to proceed with it. However, if it is possible to include a new clause in the measure, I hope the Committee will seriously consider it. The clause would allow the public to buy any amount of beer on a Sunday and in addition, they would have the opportunity to purchase spirits or wines.

I hope members will seriously consider this amendment. If it is not passed here tonight, the Act will be back again shortly because the people want these changes; they want us to consider this matter. Without going into what happened in another place, it appears that when this clause was taken out of the Bill it virtually left an amending Bill with no teeth. We have spoken about

some of its minor provisions in relation to clubs and disorderly persons on premises, but it does nothing to take us any further along the path of some normalisation of our drinking habits. Let me say that I believe in slow progress in this particular area, but we should be entrusted to go to a hotel on a Sunday and to buy the alcoholic beverage of our choosing. I hope the amendment is in order, and if it is in order, I hope it receives the maximum amount of support.

The Hon. G. E. MASTERS: I believe my views on this matter are clear to all by this time. A certain amount of debate on this subject occurred about 12 months ago and during the second reading of this measure last week I again made my attitude quite clear. I do not intend to repeat to any great extent the remarks I made then.

It is quite clear the proposed amendment will permit the sale of liquor in sealed containers on Sundays without limit during the accepted trading hours, and the liquor would not be restricted to beer. This matter is of some concern to me as it has been in the past.

The intention of the amendment is to overcome the farcical situation which we have today, and I think Mr Dans has explained it very well. The present law appears to be unenforceable, and indeed not so very long ago the Minister himself said just that. To remind members of the Minister's statement, I will read from the *Daily News* of the 10th March, 1976. Under the heading, "2-bottle limit will go", Mr McNeill is quoted as follows—

It has been realised that the limit of two bottles is unrealistic and difficult, if not impossible, to police.

I am sure everyone in this Chamber recognises the statement is correct. We should do something about it; that is what we are here for. All we are doing at the moment is encouraging the breaking of the law. We bring the law into contempt by allowing the situation to continue. Anyone who can afford the petrol and the purchase price can drive around and buy as much beer as he likes on a Sunday. In fact, as Mr Dans pointed out, one can buy a large quantity of beer at a single hotel, and even wines and spirits.

The other argument which has been put forward quite strongly is that we should restrict the sale of alcohol because of the number of drunk drivers on our roads and the accidents which occur as a result of drink. At the present time we are forcing the public to drink on hotel premises, and then to drive home. If we are serious in our endeavours to keep drunken drivers off the road, we should permit the public to take home unlimited quantities of alcohol. Instead we are

piously saying that we are going to retain the limit of two bottles of beer for Sunday trading.

The wine industry is going from strength to strength, although sales do need a bit of a boost. Here we are saying to the public, "You can buy beer on a Sunday but you cannot buy wine." There is world recognition of the quality of our wines and yet we return to the dark ages. We are saying to the public, "Beer is good for you but wine is dangerous." We are doing the public an injustice by even suggesting such a thing. How can we possibly justify saying that beer is good and wine is dangerous?

The Hon. Clive Griffiths: Who is saying that?

The Hon. G. E. MASTERS: Mr Clive Griffiths is shaking his head, but I will be very surprised if he can possibly oppose this amendment. I draw the Committee's attention, as I did the other day, to the document which has been tabled—a petition containing some 60 000 signatures from all over the State. These signatures were easily obtained and they indicate to me the public's strong feeling about this matter. We must be sensible and do something to rectify an impossible and ridiculous situation.

At the end of the debate last year Mr Withers expressed some concern about the effect of such a provision in the northern areas of the State. I can understand there are problem areas in the north, and while I am sure his concern is genuine, I do not see why we should restrict or penalise the majority of the people for a few.

The Bill contains many penalties and surely the use of these penalties would overcome the problems referred to by Mr Withers. A licensee is able to refuse to sell liquor to a person he considers undesirable, and police officers are able to close an outlet if they think such a course is necessary. I believe the public is adequately protected under the legislation.

I would just like to repeat; the Minister himself said the law at present is unenforceable and therefore, I suggest it is utterly ridiculous. In the name of common sense this Committee should seriously consider the amendment. We must make a judgment on the facts and I believe we should rectify an impossible situation. I support the proposed new clause.

The Hon. D. W. COOLEY: At this stage I take a different attitude from the one I took last year. I believe the Committee should pass this amendment because it is silly to have a situation where one type of liquor can be sold on a Sunday and another type cannot be sold.

The most important feature of the amendment is that it will allow the law to be applied in the manner in which we frame it. How often have we heard it

said that the law is an ass? It is all too true when some laws cannot be enforced. We see the situation now where it is all right to gamble in James Street or William Street but it is not all right to gamble anywhere else. We can buy two bottles of beer in a hotel on a Sunday but it is against the law to buy any more or to buy any other sort of liquor.

If we believe it is morally right that this limit should apply to Sunday sales, we should police it. We all know that it is very easy to purchase more than two bottles of beer on a Sunday. Also, beer is certainly dear enough and Mr Dans mentioned that the sale of packaged beer has increased while the sale of draught beer over the counter has decreased. I know the beer trade rather intimately and Mr Dans' statement is true. It is very expensive to buy a glass of beer over the counter and people are attracted to buying their beer in bottles. I do not frequent hotels to buy glasses of beer over the counter, but I believe a 7-ounce glass of beer costs about 30c, and that works out to \$1.20 for four 7-ounce glasses.

The Hon. D. K. Dans: More than that.

The Hon. D. W. COOLEY: A 26-ounce bottle of beer will provide four glasses of beer at a cost of 72c or 76c. So a glass of beer at home will cost about 18c a glass but it is something like 30c a glass over the bar. In the financial interests of the beer-drinking public the Government should allow some liberalisation of the sale of bottled beer on a Sunday.

Our road toll is increasing and we hear it said that alcohol is one of the major causes of this, although we do not hear about the accidents where alcohol is not a cause. If alcohol is causing deaths on the road, would it not be better to allow people to buy their beer in bottles to take home? When people are subjected to a two-hour limit in a hotel, the beer is swilled down very quickly. Often these people get in their cars to drive home.

I do not believe that the brewery is at all concerned about the sale of wine on a Sunday. I do not believe any pressure has been put on the Government by the brewery to prohibit the sale of wine on Sundays. The brewery is doing all right—in tonight's Press we see that its profits are up 20 per cent on its first six months' trading, and the six months from March to September is its worst period. With the brewery in a secure position, I do not feel it would hurt one little bit to allow the sale of other types of liquor on Sundays. If we agree to this amendment we will be doing the community a service. I still adhere to my previous view that it would be better for the hotels to be open all day or shut all day, but at least let us drink in a civilised manner when they are open.

I believe we would be doing the people of Western Australia a service if we permitted this amendment to go through.

The Hon. T. KNIGHT: I make it quite clear at the outset that I support the amendment. Similar to Mr Dans, last month I visited a suburban hotel where, obviously, I was unknown. I went into the bottle shop and said, "I would like some beer", the reply to which was, "Certainly, how many do you want?" Unlike Mr Dans, I purchased one dozen bottles simply for the purpose of proving a point to members. This sort of thing is happening all the time.

I support the amendment for the simple reason that we are a civilised people and I believe we would be assisting the people we are supposed to represent. By removing this anomalous situation, we would be removing an area of risk, in that young people to my knowledge dare one another to see how many bottles they can buy on a Sunday. Where there is no risk there is no kick, and if these young people were permitted to buy as much beer as they liked on a Sunday they would not be so eager to do so.

Also, people are inclined to have unexpected visitors on a Sunday; this happens on numerous occasions at my own home. I know they may like a bottle of wine or some spirits, and as is often the case, I may have only a few bottles of beer. All I am permitted to do is go to the hotel and buy an additional two bottles of beer to add to my own supply.

I also believe that by removing this provision, we would be releasing policemen for other more important duties. Instead of trying to apprehend somebody who is buying more than two bottles of beer, members of the Police Force would be servicing other problem areas existing in our community, and this would be a step in the right direction.

The Hon. CLIVE GRIFFITHS: I do not support the amendment. Frankly, the arguments which have been put forward astound me. People visit me frequently on Sundays, and I visit people frequently on Sundays, and I have never witnessed this extraordinary problem which it is alleged crops up so frequently, where people get the overwhelming urge to dash out and buy quantities of liquor. Quite frankly, the people I visit on Sundays do not rush out to buy liquor. Perhaps I am visiting the wrong sort of people. I do not get an overwhelming desire to go out and purchase bottles of wine on a Sunday.

The Hon. D. J. Wordsworth: I suppose you offer your guests a cup of coffee.

The Hon. CLIVE GRIFFITHS: Perhaps I do.

The Hon. D. K. Dans: I'll bet you do not get too many friends visiting you.

The Hon. CLIVE GRIFFITHS: Perhaps I do not. I cannot follow this reasoning. The present position is that people can purchase two bottles of beer on a

Sunday. The provision has not been in the law for very long; indeed, the law was changed in this respect since I have been in Parliament.

The Hon. D. K. Dans: That is not correct.

The Hon. CLIVE GRIFFITHS: Yes, it is as far as the metropolitan area is concerned.

The Hon. D. K. Dans: You must have been breaking the law at one stage.

The Hon. CLIVE GRIFFITHS: I do not understand the interjection; I must have missed the point. It seems to me that members who support this amendment are trying to convey the theory that if we changed this law, instead of staying at the hotels to drink during the Sunday sessions, these people would simply go to the hotel and purchase one dozen or two dozen bottles of beer and go home to drink them and thus there would be a great deal less people at the hotels on Sundays. I am not naive enough to believe that.

The Hon. D. K. Dans: No-one has said that.

The Hon. CLIVE GRIFFITHS: Members have said that more people would drink at home. If people preferred to drink within the social atmosphere of their own homes, or because it was far cheaper to buy bottles of beer and take them away, they would purchase their beer on a Saturday. They have every opportunity to purchase their Sunday beer on any of the other days of the week the hotels are open.

If we decide to accept this amendment, I foresee the following situation arising: The people who currently spend time at the hotels during the Sunday sessions would still do so, but when the time came to go home, instead of purchasing only two bottles of beer, they would buy a dozen bottles.

The Hon. S. J. Dellar: They do now.

The Hon. CLIVE GRIFFITHS: The law says they are able to buy only two bottles of beer. Nobody will deny the statistics relating to the contributory effects of alcohol on road deaths; statistics prove conclusively the part alcohol plays in accidents.

The Hon. D. K. Dans: That is a very dangerous statement.

The Hon. CLIVE GRIFFITHS: All the reports and examinations undertaken by the various authorities have clearly indicated that many road fatalities and accidents are caused by an excessive consumption of alcohol.

The Hon. G. E. Masters: Would it not be better for them to drink at home than at the hotel?

The Hon. CLIVE GRIFFITHS: I repeat that they will continue to drink at the hotel and will buy additional quantities of beer or spirits to take home. I do not intend to support the amendment.

The Hon. S. J. DELLAR: I support the amendment to insert a new clause, and for a very good reason. At present, members are hedging around this question. Nobody will confess to the fact that the two-bottle limit is an absurdity. Whether Mr Griffiths is aware of it or not, the law cannot be policed and has not been policed except in isolated instances.

As I have said before, I come from an area where a person can buy as much beer as he likes on a Sunday. This applies throughout the country areas. As I mentioned during the second reading debate, it also applies to the metropolitan area; it is only a matter of driving from hotel to hotel to get as much as one likes. If this proposal is accepted, we will simply be making legal something which now is being done illegally. Perhaps we are not here to do that sort of thing, but the situation now is quite ridiculous.

Nobody has the power to police the two-bottle limit. If we were to place a constable at the drive-in bottle department of every hotel and club in Western Australia, there would be no Police Force left to enforce the law, apart from preventing the horrible crime of purchasing more than two bottles of beer on a Sunday.

Recently Mr Lewis, in reply to an interjection from Mr Thompson that we should be looking to the future rather than the past, said we were looking at modern times. Let us look at the present. In 1975, when talking about the same subject, I mentioned that in some areas of the State, hotels could open on a Sunday while in other areas they could not. I mentioned that the rabbit proof fence was the dividing line to which Mr Dans interjected that it was probably to keep the rabbits off the grog. That situation now has changed; metropolitan hotels are permitted to conduct Sunday sessions so that not only those people living with the rabbits can obtain two bottles of beer on a Sunday but also their ignorant city friends are allowed the same luxury.

It is ridiculous and absurd to perpetuate a law which cannot be policed; we should not leave on the Statutes of this State such an archaic provision under which we assume a person is not capable of knowing what he wants to buy.

I know I can go into hotels in my area and purchase as much beer as I like on a Sunday—and not merely because I am well known, because in some areas I am not as well known as I would like to be. I could purchase a carton of beer without question. A person can walk out of a Sunday session, purchase a carton of beer and put it in the back of his car and go back and buy another one. The same objective can be achieved in the metropolitan area by driving from hotel to hotel.

Mention has been made of the road toll, and the part alcohol plays in road accidents. Whether or not I agree with

the statement made by Mr Griffiths, there may be some merit in his suggestion. However, would it not be better to amend the present law and avoid the possibility of cars travelling from hotel to hotel, thereby adding to the number of vehicles on the road and increasing the likelihood of accidents?

We can go back even further to 1972, when I disagreed with Mr Leeson on the subject of the sale of wines and other spirits on Sundays. He was opposed to the proposition, while I favoured it. I do not know his current thinking, but I believe he now agrees wines and spirits should be available on Sundays. The law is being openly flouted by all sections of the community, from high society to the lowest labourer in the State. I cannot see why we should stick with this law.

A member talked about illegal gambling. That is not likely to stop in the future, and neither will the problem of buying as much beer as one wants on a Sunday. I disagree that people will buy any more beer than they do now.

If a person sets out to buy a dozen bottles on Sunday he will do so by travelling from hotel to hotel. However, he will save a great deal of petrol and lives on the road if he is permitted to buy those bottles at one establishment.

The argument has been put forward by Mr Clive Griffiths and others in this debate and in the debate of last year that if people wish to drink on Sundays they have the opportunity to obtain the liquor on the other days of the week. It is not always possible for some people to do that, and as we all know there are shift workers in our community.

We should not be debating the point as to whether the people should buy more than two bottles on a Sunday; the fact is they do buy more than two bottles. I do not support the contention of Mr Masters that it will encourage people to drink at home; in some circumstances it might. I myself am partial to having a drink on a Sunday when I visit the towns in my province, for obvious reasons. The first reason is that I like to have a drink. In many of the towns in my province it is the place where I meet the electors. I am sure that 99 per cent of my electors will support a provision which will enable them to obtain whatever quantity of liquor they want on Sundays.

I hope the Committee agrees to the new clause.

The Hon. N. McNEILL: In moving his amendment Mr Dans raised a query as to whether the new clause was in order. I do not contest the point, because I think it is quite appropriate for the matter to be discussed. It will be recalled that the Bill for which I was responsible, and which was introduced in another place, included a provision in clause 7 which was not agreed to.

I am far more interested in the substance of the argument that has been advanced. I say clearly and categorically that I am opposed to the new clause. I agree with the comments of Mr Clive Griffiths, and I describe many of the arguments that have been advanced as excuses for allowing unlimited quantities of liquor to be made available on Sundays.

Here is a Chamber which ought to be concerned about the ever-increasing consumption of alcohol in the community, and about what this is doing to the people, particularly the young people, yet some members have advocated that on Sundays the people should be permitted to purchase unlimited quantities of alcohol.

The Hon. D. W. Cooley: Why do you not close the hotels altogether on Sundays if you are so concerned about the road fatalities?

The Hon. N. McNEILL: I did not mention road fatalities. I would not be averse to any member placing an amendment on the notice paper to achieve the end mentioned by Mr Cooley, but I notice he has not done that.

The Hon. R. Thompson: You are in charge of this Act. Why do you not do that?

The Hon. N. McNEILL: I have already said that I will not contest the point raised by the Leader of the Opposition as to whether the provision in the new clause is in order.

The Hon. D. K. Dans: I thought it would be futile to debate a provision which was not in order.

The Hon. N. McNEILL: I will ask Mr Thompson to bear that in mind, when making that sort of interjection. In relation to this question I recall certain past events. I am not arguing as to whether hotels ought to be closed for business on Sundays, or whether they should be permitted to remain open all day on Sundays. That is not the point under consideration.

Let me remind members about the origin of the provision which permits the sale of two bottles on Sundays. I am sure that Mr Thompson and the goldfields members are aware of its origin, as they would be of the origin of the extended trading hours on Sundays.

Some of us have a very clear recollection of the provision relating to bona fide travellers. This is very relevant to the whole discussion, because when the decision was made to enable hotels to open for two hours on Sundays the purpose was to provide the people with a convenience. The provision originally was to enable hotels to open for two hours on Sundays, and then the period was extended to not exceeding five hours. This was introduced to enable people to obtain refreshments, and to do away with the archaic bona fide traveller provision.

We should bear in mind the arguments that were advanced to enable hotels to open for trading on Sundays. Because that provision applies, now there is pressure for the lifting of all restrictions as to the quantity.

When people have visitors on Sundays who wish to partake of a bottle of wine or some special liquor but are not able to buy it, they feel the same concern as a woman who wishes to have her hair set on a Sunday. She knows that now she cannot have it done on Sundays. Similarly a man might want to purchase some clothing on a Sunday for a particular occasion, but it would not be available for sale on Sundays.

The Hon. Lyla Elliott: The hotels are now open for the sale of beer. Why not permit them to sell wine?

The Hon. N. McNEILL: One should bear in mind that the new clause proposes that liquor be made available in unlimited quantities on Sundays.

The Hon. D. K. Dans: In sealed containers.

The Hon. N. McNEILL: I am referring to liquor in sealed containers, and if the new clause is agreed to a person would be able to obtain a keg of beer to take home. These are the times when we ought to be exercising restraint in matters of this sort, but we seem to be doing the reverse.

The Hon. Lyla Elliott: They will go home to drink it, and not be a menace on the roads.

The Hon. N. McNEILL: I am sure some members of the community appreciate that they will be able to obtain unlimited quantities of liquor on Sundays, which they fail to obtain on the other days of the week. However, I wonder whether the provision in the new clause will be appreciated by everyone in the way that some of us think.

I recall an occasion on a Sunday when I wished to have a bottle of wine or spirits to drink, but did not have one. I did not regard that a great inconvenience. I am sure that anybody visiting me would not consider it a great inconvenience either. The fact is this liquor is available on the other days of the week.

This question has received so much debate that I see no point in continuing with it. I do not dispute the right of members to put forward amendments or new clauses, or their right to support them. All I want to make clear is that I will not support the new clause.

I hope members will not look only at the immediate response or appreciation that will come from certain quarters by the lifting of the lid on the sale of liquor on Sundays. I believe that in the long term there will be repercussions which will give us cause for regret if the new clause is agreed to.

I feel it is necessary for me to point out that the Bill has passed through another place, and this particular question has been dealt with. The Bill did not contain the provision in the new clause when it was transmitted to this Chamber. Members should bear in mind what could be the prospect if the new clause is adopted.

Another place has already expressed an opinion on this matter. I am not suggesting we should not have a different opinion. I would be the last person to advance that sort of argument. I agree with the point that has been made by Mr Clive Griffiths, and it is my intention to oppose the new clause.

The Hon. A. A. LEWIS: I have heard some hogwash being put forward in this place. On this occasion I did not intend to enter into the debate. However, Mr Clive Griffiths and the Minister have, in their contributions, just about hit the height of hogwash.

Mr Clive Griffiths used as the basis for his argument the fact that people cannot buy alcohol on Sundays but it does not matter because they can buy it on Saturday or the other days of the week. If that is the case why is there a need to open the hotels at all? Why should not the people obtain all the liquor they want on Monday, and so close the hotels for the rest of the week?

The Hon. Clive Griffiths: Good thinking.

The Hon. A. A. LEWIS: I am quite sure the honourable member does not believe it is good thinking.

This is a very doubtful clause and is one I do not believe we should be discussing at all. However, we have people like Mr Clive Griffiths who give us this sort of argument which, as I say, can be carried back to the idea of everyone buying grog in half an hour on a Monday morning.

The Hon. Clive Griffiths: Why have restricted hours at all? You reckon we should have unlimited hours.

The Hon. A. A. LEWIS: I did not say that. I believe there should be a great change in the hours in this State. If the honourable member had listened to me or read my second reading speech he would have understood that. I am sorry he did not have the time to do so. The unlimited supply of alcohol on a Sunday is to me no different from the unlimited supply of alcohol on any other day of the week.

The Hon. N. McNeill: Except that it is a nonworking day.

The Hon. A. A. LEWIS: How many people are now working on a Saturday, and how many people can play golf on a Wednesday afternoon? What a ridiculous sort of argument. So few people work on a Saturday now that it does not matter.

The Hon. Clive Griffiths: The barmaids and barmen do.

The Hon. A. A. LEWIS: And they get well paid for it; let us not worry about that.

The Hon. D. W. Cooley: Not enough.

The Hon. A. A. LEWIS: Probably the one thing which will destroy our liquor trade is the penalty rate being paid for Saturday and Sunday work. I think that was discussed during the second reading debate.

The Minister and Mr Clive Griffiths talked about the road toll. Again, if we carry that argument to its logical conclusion we should cut out selling alcohol on working days, because on a nonworking day people are rested and can have a drink in comfort whereas on working days they are tired and irritable and this can have a worse effect on them when they stop on their way home to have a drink, than would be the effect of a drink on a nonworking day. So I will not accept that argument.

The Minister referred to what I should do in my home when I have visitors. Sometimes we run out of butter and have to buy some. If I decide I like scrambled eggs and white wine for lunch, and I run out of both butter and white wine, I should be able to get the white wine on a Sunday the same as I have the privilege to get the butter on a Sunday.

As for using the argument of hairdos and wrong dress, this just does not apply in this day and age. In the summer a man may wear a pair of shorts and maybe a singlet. I do not think the aspect of dress comes into the liquor laws of this State.

The Hon. R. Thompson: He was really battling to conjure up an argument.

The Hon. A. A. LEWIS: Some of the interjections of Mr Thompson were not too hot, either.

The Hon. Clive Griffiths: I do not think your argument is too good.

The Hon. A. A. LEWIS: At least it is an argument which is more than can be said of the remarks of the Minister or Mr Clive Griffiths which were not built on logic.

I believe that the provision would be appreciated by people and not abused. To carry the argument of Mr Clive Griffiths and the Minister to a logical conclusion, we should open for only a few hours each week because everyone is so smart he can order his stores for the week and his booze for the week. Some of us who have lived in the country will know that when we ordered our groceries even, we had a great tendency to run out of some items. Thank the Lord we did because many people mainly bought their groceries in the city and that is what kept the country stores going.

The Hon. Clive Griffiths: That's Chinese.

The Hon. A. A. LEWIS: Bulk stores were purchased in the city—and still are—and it was those items we forgot to buy which kept the country stores going. This does not apply in the metropolitan area because people can go to the shops every day, including Sunday.

I believe many people in the community would appreciate the opportunity to buy the liquor of their choice on a Sunday. At a rough guess I would say this would apply to 70 per cent of the community.

Let us do away with the argument that Sunday is a rest day so we should not accept the provision but should buy our alcohol the day before. In this way we can narrow the position back to the one-day trading situation.

Under the amendment the abuses would be very few because, quite frankly, the majority of people probably want to buy only beer. We have all admitted they can do this now. However, some people on a hot day prefer a chilled white wine to a beer. Why should they not have it merely because we sit here, some of us with our heads in the sand, not thinking of the general public? Just because I do not want it, does not mean to say someone else does not want it. As yet I have not had the misfortune to run out of wine when my visitors have arrived. I have run out of certain other things, but not wine. I believe the general public should be given the opportunity to purchase alcohol of any type on a Sunday, and so I support the amendment.

The Hon. D. K. DANS: I do not want to labour this issue all night. I have listened to the arguments submitted and from the comments made on both sides it appears we are all clutching at straws.

The arguments advanced by Mr McNeill are way out. We must come back to the logic of the situation. During the last session of Parliament a Bill was introduced into this Chamber lifting the restriction on the sale of only two bottles of beer. At that particular time I was worried about the discrimination against other forms of alcoholic beverages. We now are back in this Chamber with a Bill which is returning us to the sale of only two bottles of beer. That is the starting point. It is no good talking about road accidents because one can produce all kinds of statistics involving Mondays to Saturdays.

The facts are that on religious grounds we used to work six days and rest on a Sunday because we were taught that God made the world in six days and rested on the seventh. At that time we had no regard for the Jewish people who rest on a Saturday. So there was some historical and religious viewpoint. People did not work on Sundays, publicans included.

The Hon. N. McNeill: It was the Sabbath.

The Hon. D. K. DANS: That is true, "Sabbath" being a Jewish word.

Let us look at this situation as legislators. Recently the papers have been full of articles on gambling, and we are told it is tolerated. Of course it is. It has been tolerated for as long as I can remember. I was born in Kalgoorlie, and lived there long enough to know that gambling took place and was controlled.

The CHAIRMAN: Order! That has nothing to do with the Bill.

The Hon. D. K. DANS: Now we are back on liquor. Our liquor laws have taken a backward step. When I was very young, and not so very young, the hotels on the goldfields opened all day on Sundays, but closed very rigidly at 6.00 p.m. It was not possible to buy bottles on a Sunday. That was the restriction.

The Hon. N. McNeill: And opened until 11.00 p.m. on a week night.

The Hon. D. K. DANS: Now we have a restriction on a Sunday. For every action there is a reaction. I have just told the Committee of my only experience of going into a hotel on a Sunday to buy a bottle of beer. I know what occurs at the club to which I belong, in regard to bottles on a Sunday.

Like Mr McNeill, if visitors came to my house and I did not have a drink to offer them, I would not be perturbed because they would not be any sort of friends if they walked out merely because I did not have a drink to offer them. However, in 1976, when we have become accustomed to so many things, it is nice to know we have the opportunity and the right to buy what we desire and that there is no discrimination against different kinds of alcohol. As it stands, the law compels me, if I want to exercise my right to buy alcohol, to buy only beer; and as far as I am concerned that is taking away the rights of the individual.

The Hon. Clive Griffiths: Cut it out!

The Hon. D. K. DANS: It is taking away the individual's right of choice. On Sundays there is a restriction, while on Mondays to Saturdays it is open Sesame. Why the sudden change? The last time the legislation was before us we lifted the restriction on two bottles to allow for the sale of unlimited quantities. Everyone must acknowledge the law is flouted now and to police the law in every licensed premises in this State which can open on a Sunday and sell only two bottles would require an army of police. Every time we bring the law into ridicule, down it goes a little further.

I am rapidly coming around to Mr Cooley's thinking. Let us wind the clock back and allow no drinking at all on Sundays, because in the not-too-distant future if Mr Lewis is right, the cost factor will necessitate self-service of alcohol on a Sunday, the same situation which exists in other parts of the world.

I suppose some device will be invented which will allow only two cans out at a time.

Do not let us be stupid about this. I suppose we ought to get the agony over as quickly as we can. We stand cemented in the one spot. There has been a change of heart since the last episode and we are now back to two bottles. If a person belongs to a certain club he can perhaps drink for longer periods in certain areas. In some places it is possible to get away with a little more.

What I propose in this amendment is only a very small step. On the last occasion that we had before us a Bill to amend the Liquor Act, I said I was not one to get up and make the outlandish statement that in all other parts of the world one can obtain liquor 24 hours a day. That is not true. But this is a step in the right direction. By encouraging people to drink packaged beer in their own homes we are doing some of the things the Minister spoke about.

Our life is full of contradictions. We have large brewing, wine, and distilling industries which employ many thousands of people. Their products are promoted and the industries hope to sell them and make a profit. On the other hand, we constantly hear ridicule of the RTA and I would be the last person to say that this evening we should be discussing prohibition. That has been tried in other parts of the world with disastrous consequences. People found ways around it. The restrictions were imposed and the demand became very great. I think we will look fools if we say, "On the last occasion we were at least going to lift the restrictions on beer, but for some unknown reason we are now back to two bottles again."

I will not discuss what happened with this clause in the other place. Perhaps it was intentional or perhaps it was accidental; I do not know.

The Hon. N. McNeill: Whatever it was, it took them a long time to do it.

The Hon. D. K. DANS: Yes. I read the debates. I hope it will not take us so long. We have the Bill before us here this evening. We either support the removal of the discrimination against those who would like to exercise their right as individuals to buy a bottle of whisky or wine—and if we support that we should be removing the restriction to two bottles—or we stand flatfooted and say, "We think beer is good for you and that is all you can buy, because big brother says that is all you can buy legally; and if you buy more you are breaking the law."

In view of what has been said tonight, it will not be very long before we see people being prosecuted for having the temerity to go through the turnstile twice and get two lots of two bottles of beer.

We can talk all night long about the road toll. Has anyone produced any statistics to show how many people have had an accident when they have not had a drink? I am not suggesting people can drive better with "a few in", but statistics can be twisted around. The road toll is attributable to many factors. I thought Mr Williams would be telling us that alcohol is a killer drug—that every time one has a drink of so many ounces it destroys 2 000 brain cells. I hope they grow again.

Notwithstanding all those arguments, we have allowed two bottles to be sold, and that is the restriction. Are we going to keep it this way or are we going to be sensible and have enough confidence in the public in this State to exercise restraint? I was disturbed when I heard about arguments in some of the hotels. In how many suburban hotels do fights take place? The majority of them are like a morgue on Sundays, and perhaps in the not too distant future we will be looking at the publican's right to open on Sundays, because I am sure it is not profitable as it is.

The Hon. R. Thompson: They do not have to open.

The Hon. Clive Griffiths: Some of them are like grand final day.

The Hon. D. K. DANS: This tends to support the theory that we should have more small outlets rather than the large ones which look like grand final day.

We could talk for hours. Either we retain this discrimination or we do not. I commend the amendment to members of the Committee and I hope they will support it.

The Hon. D. W. COOLEY: I cannot let this debate close without making some comment on the remarks of the Minister and the Hon. Clive Griffiths. Members on the other side of the Chamber never cease to amaze me. They always advocate freedom of choice but when it comes to things that do not suit them they seem to impose restrictions.

I have depended on the liquor trade for a living—in particular, the beer trade—for most of my life, as my father did before me; but I am still old-fashioned enough to believe that if people cannot drink enough on six days of the week there must be something wrong with them. I sincerely say to the Minister that if a Bill were introduced in this place to close hotels altogether on Sundays, and if it were a non-party issue, I would strongly support such a Bill. But that is not the situation.

The situation is that in our wisdom we have allowed hotels to open on Sundays, and we have said that if they are open some restrictions should be placed on the sale of their commodities. The Minister said that hairdressing shops are not open on a Sunday. That is true; but if we were

to pass legislation to allow hairdressing shops to be open on Sundays would be stupid enough to say people can get a haircut but not a shave? When shops are open for late night trading, will we say people can buy a coat but not a pair of trousers? We are doing something similar to that with this legislation.

It is not a question of morality; it is simply a question of common sense. When an establishment is open for business people should be free to buy anything they like in that establishment. It is ludicrous in the extreme to isolate Sunday and say, "If we give people more bottled beer on Sunday it will increase the road toll." The road toll goes on every day of the week, regardless. As Mr Dans has pointed out, not all accidents are attributable to alcohol. How many people who have a blood alcohol content over the limit of .08 get home quite safely on a Sunday or any other day? I do not think the road toll results from more liquor being available to people.

If the hotels are open on Sundays I do not think we should restrict people's right of choice, either in the amount they can buy or consume, or the type of liquor they can buy, provided they keep within the bounds of decency.

New clause put and a division called for.

**THE CHAIRMAN** (the Hon. J. Heltman): Before the tellers tell, I give my vote with the Noes.

Division taken with the following result—

#### Ayes—14

Hon. C. R. Abbey	Hon. R. T. Leeson
Hon. R. F. Cloughton	Hon. A. A. Lewis
Hon. D. W. Cooley	Hon. G. E. Masters
Hon. S. J. Dellar	Hon. R. Thompson
Hon. Lyia Elliott	Hon. Grace Vaughan
Hon. H. W. Gayler	Hon. W. R. Withers
Hon. T. Knight	Hon. D. K. Dans

(Teller)

#### Noes—10

Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. J. Heltman	Hon. R. J. L. Williams
Hon. M. McAleer	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. V. J. Ferry

(Teller)

New clause thus passed.

New clause 37—

**The Hon. D. K. DANS:** I move—

Page 17—Insert after clause 36 the following clause to stand as clause 37—

Section 176A. 37. The principal Act is amended by adding immediately after section 176 the following section—

Advertising to be accompanied by a warning.

176A. Every advertisement which is either in writing or is communicated by word of mouth or pictorially (whether by television or radio or any other medium) and which advocates or encourages the

purchase or consumption of liquor shall be followed immediately by a warning by the same medium in the following terms—  
"Medical authorities warn that drinking can be a danger to health".

**The Hon. N. McNEILL:** This new clause justifies the amount of time the Leader of the Opposition spent on moving it—virtually no time at all.

**The Hon. D. K. Dans:** I thought you would support it in view of your previous remarks.

**The Hon. N. McNEILL:** There was good thought and logic in the previous argument, but not in respect of this amendment. I cannot imagine anything more ridiculous. If people were ridiculing us because the two-bottle requirement could not be enforced, that problem of enforcement would be incredibly diminutive compared with what would be required to police this provision. The new clause refers to every advertisement which is either in writing or is communicated by word of mouth. In other words, every time I invite my friends to a drink I am encouraging them to consume alcohol and, therefore, I must follow up immediately with the words, "Medical authorities warn that drinking can be a danger to health." The only feature about it is that someone might take it seriously and decline my offer of a drink, in which case I would save money! I am being facetious because I think that is all the new clause warrants.

New clause put and negatived.

#### Schedule—

**The Hon. D. K. DANS:** I have on the notice paper some amendments to the schedule which are wrongly drafted. I have further amendments which are correctly drafted, and I seek your guidance, Sir, as to whether I can withdraw the amendments on the notice paper and circulate the others.

**The Hon. N. McNEILL:** Before you put the question, Sir, I feel I need some explanation of what is proposed by these amendments. Quite frankly I found the amendments on the notice paper impossible to understand.

**The Hon. D. K. DANS:** I am happy to comply. The amendments refer to that part of the schedule which relates to section 163 of the Act, and they seek to cancel the requirement that licensees, both retail and wholesale, must submit returns of purchases and sales in terms of quantity of liquor as well as in terms of dollars. The Licensing Court requires only the figures relating to value, and both the principal clerk and the previous chairman of the court are of the opinion that the Act should be altered. There is now some fear that as the new chairman has a legal background, he may insist

on the Act being complied with. The court has always allowed those concerned to submit returns in respect of value only. Perhaps these amendments could fall within the category of the other amendments which the Minister wishes to check.

The Hon. N. McNEILL: Mr Dans has given me an understanding of the purpose of his amendments. I think I should exercise a little caution as I have not had the opportunity to examine the drafting of the amendments. I would prefer that they be placed on the notice paper so that I will have an opportunity to examine them. Certainly the paramount question is the necessity and the validity of the requirement, and the other question is whether the drafting is appropriate.

Rather than proceed with the proposed amendment I suggest we report progress and put this matter on the notice paper so that we may give consideration to it at another time.

The Hon. D. K. Dans: Thank you very much.

### *Progress*

Progress reported and leave given to sit again, on motion by the Hon. N. McNeill (Minister for Justice).

### **ADJOURNMENT OF THE HOUSE**

**THE HON. N. McNEILL** (Lower West—Minister for Justice) [11.23 p.m.]: I move—

That the House do now adjourn.

### *Shipping and Road Transport: North-west Freights*

**THE HON. W. R. WITHERS** (North) [11.24 p.m.]: I shall not keep the House for more than a couple of minutes, but I wish to correct an impression I gave on the 19th October, 1976, in this House when I referred to the comparative charges of freighting goods from Perth to Kununurra by the State Shipping Service and road transport. At the time the information I gave was perfectly correct and the impression gained at that time would have been correct if the figures were analysed correctly. However, the situation has now changed because a new service to Kununurra has been introduced.

On the 19th October I mentioned that the freighting of 5.76 tonnes of goods from a Perth suburb to Kununurra by the State Shipping Service would have cost at that time \$1 262 and that the freighting of the same 5.76 tonnes of goods by road transport from the same Perth suburb to Kununurra was only \$794, these being actual quotes received.

At the time I pointed out that unless the State Shipping Service was restructured it would economically collapse. I expected the date would be within six years. However, since stating that in this House the State Shipping Service has

commenced a restructured and co-ordinated service. That new service commenced on the 29th October. A quote for the freighting by that service of the same 5.76 tonnes of goods was \$693, which is \$101 cheaper door-to-door than by road transport. This co-ordinated service, which is operating door-to-door from Perth to Kununurra, will I hope lengthen the life of the State Shipping Service. I hope the co-ordinated service will improve the economics of the State Shipping Service to the point where it could be the saviour of the State Shipping Service for the north.

I advise members of this service and hope they will pass the information on to traders in their areas and advise them to use the service for the benefit of the north. I thank members and you, Mr President, for the time granted to me in this adjournment debate.

Question put and passed.

*House adjourned at 11.26 p.m.*

## **Legislative Assembly**

Tuesday, the 2nd November, 1976

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

### **BILLS (4): ASSENT**

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

1. Hire-Purchase Act Amendment Bill.
2. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.
3. Prevention of Cruelty to Animals Act Amendment Bill.
4. Artificial Breeding of Stock Act Amendment Bill.

### **PAY-ROLL TAX ASSESSMENT ACT AMENDMENT BILL**

#### *Introduction and First Reading*

Bill introduced, on motion by Sir Charles Court (Treasurer), and read a first time.

### **RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL**

#### *Introduction and First Reading*

Bill introduced, on motion by Mr O'Neill (Minister for Water Supplies), and read a first time.

#### *Second Reading*

**MR O'NEIL** (East Melville—Minister for Water Supplies) [4.33 p.m.]: I move—

That the Bill be now read a second time.

The Bill amends the Rights in Water and Irrigation Act, 1914-1974. The 1974 amendment was found to require alteration