I hope the Committee will support the proposal. It can only be of benefit to the good management of the societies and will be one of the few things which the legislation requires societies to have in their rules.

New clause put and negatived.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 11.37 p.m.

Legislative Assembly

Tuesday, the 24th August, 1976

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

WOOD CHIPPING INDUSTRY

Excision of Area: Petition

MR CARR (Geraldton) [4.32 p.m.]: I present a petition on behalf of 14 470 citizens of Western Australia. The petition reads as follows—

> To the Honourable the Speaker and members of the Legislative Assembly of Western Australia in Parliament assembled.
>
> We, the undersigned citizens of Western Australia do humbly petition the Parliament of Western Australia that it take such steps as necessary to:
>
> > Excise the Shannon River Catchment Basin from the woodchip license area (as has been recommended by the Conservation Through Reserves Committee of the E.P.A.) and make of it a national park; and
> >
> > place a moratorium on woodchipping until an appropriately constituted committee of inquiry determines a pattern of forest utilization which is both environmentally sound and takes into full account the needs of the community in whose name the forests are dedicated.
>
> Your petitioners humbly pray that you will give this matter earnest consideration, and your petitioners, as in duty bound, will ever pray.

As I have said, the petition bears 14 470 signatures, and I certify that it conforms with the Standing Orders of the Legislative Assembly. I have signed a certificate to that effect.

The SPEAKER: I direct that the petition be brought to the Table of the House.

The petition was tabled (see paper No. 347).

QUESTIONS (8): ON NOTICE

1. DIAMOND TREE-BUNBURY RAILWAY LINE

Wood Chipping Industry

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

(1) What is the rail distance from the Diamond Tree woodchip siding and the loading facilities at Bunbury wharf?

(2) What is the tonnage of each specially constructed woodchip wagon fully loaded?

(3) What is the maximum speed of this line?

(4) Of what weight railway line is the complete track between Bunbury and Diamond Tree constructed?

Mr O'CONNOR replied:

(1) 157 km.

(2) 76 tonne.

(3) General traffic—75 km/h
Woodchip trains—50 km/h.

(4) 41 kg/metre.

2. MINING

State Forests: Kirup-Grimwade

Mr MAY, to the Minister for Mines:

(1) Has he received a recommendation from the Perth mining warden to approve an application for a mining tenement in the state forest between Kirup and Grimwade?

(2) If "Yes" has the Mines Department approved the application?

(3) If "No" will he indicate the current position?

Mr MENSAROS replied:

(1) Seven mineral claim applications between Kirup and Grimwade were recommended for approval by the warden of the south west mineral field on the 12th November, 1975.

(2) Five of those applications have been approved.

(3) Dealing with the remaining two applications has been postponed.

3. SOLAR ENERGY

Research

Mr MAY, to the Minister for Fuel and Energy:

(1) Has the special committee of the Energy Advisory Council set up to study solar research in Western Australia completed its investigation?

(2) If not, when is it anticipated the study will be completed?

(3) When will action be taken to provide Government subsidies for companies doing research and development on the use of solar energy?

Mr MENSAROS replied:

(1) No.

(2) Apart from the studies made so far by the State Energy Commission, the work party of the Energy Advisory Council has begun its investigation and it is anticipated that the study will run for some months.

(3) The question of actions to be taken by the Government to encourage research and development in the field of solar energy will be given particular attention by the Energy Advisory Council and the Government intends to await their recommendations.

4. INDUSTRIAL DEVELOPMENT

Shipbuilding and Repair Complex

Mr MAY, to the Minister for Industrial Development:

(1) Have proposals for a large shipbuilding and repair complex in Cockburn Sound just south of Woodman Point been submitted to Cabinet?

(2) If not, when is it anticipated the proposals will be available for Cabinet discussion?

(3) Has the Federal Government been requested to provide funds for the complex as well as releasing land at Woodman Point?

Mr MENSAROS replied:

(1) and (2) Studies have been made into such a proposal and found to be uneconomic. However, consideration is being given to a rationalisation of the use of the area to support and stimulate the development of the successful Western Australian small shipbuilding industry. Also, the Government is still examining its earlier proposals for major ship docking, surveying and repair facilities as distinct from large shipbuilding. The outlook does not look encouraging because of the high wages cost and low productivity in Australia at present compared with other countries with which we would be in competition.

(3) The Commonwealth Government has been approached to transfer land at Woodman Point to the State and has been advised of the possible rationalisation.

5. DAIRYING DIVISION

Officers and Cost

Mrs CRAIG, to the Minister for Agriculture:

(1) How many persons have been employed in the dairy division of the Department of Agriculture in the years 1974-75 and 1975-76?

(2) (a) What divisions of the Public Service do these officers represent; and

(b) what are their salary ranges?

(3) (a) How many officers in the dairy division are employed in rural areas; and

(b) where are they situated?

(4) What is the cost of the dairy division of the Department of Agriculture?

(5) How many licensed market milk producers are there in Western Australia? (Figures to include those presently engaged in the industry and those who have been notified of allocation of base quotas to commence production in 1977.)

(6) How many producers are still engaged in the production of manufacturing milk and cream?

Mr OLD replied:

(1) 1974-75—115.
1975-76—112.

(2) (a) professional—18
general—44
clerical—13
wages—37

(b) $5 426-$24 696.

(3) (a) 72.

(b) Albany—1
Bunbury—10
Bridgetown—1
Busselton—5
Denmark—2
Denmark research station—15
Harvey—12
Kelmscott—5
Manjimup—2
Wokalup research station—19

(4) 1974-75—$1 143 692.
1975-76—$1 215 059.

(5) 650 including 50 to commence supply in 1977.

(6) It is estimated that at present there are about 280 manufacturing milk or cream producers who do not have a market milk quota. Of these 50 have been allocated a market milk quota to commence supply in 1977.

6. IMMIGRATION
Nominations

Mr T. J. BURKE, to the Minister for Immigration:

How many migrants have been nominated to come to Western Australia through the State migration office in each of the last four years?

Mr GRAYDEN replied:

Year	Persons Nominated
1972-73	8 617.
1973-74	7 357.
1974-75	4 286.
1975-76	2 043.

7. BUS TERMINAL
Kwinana: Services

Mr TAYLOR, to the Minister for Transport:

With respect to the opening of the new bus transfer terminal at Kwinana—

(1) How many timetabled services per week were made, prior to its opening—
  (a) to Kwinana townsite;
  (b) to Rockingham;
  (c) to the Phoenix shopping centre or on?

(2) How many such services per week were made, subsequent to its opening—
  (a) to Kwinana townsite;
  (b) to Rockingham;
  (c) to the Phoenix shopping centre or on?

Mr O'CONNOR replied:

(1) (a) 60.
  (b) 58.
  (c) 55.

(2) (a) 67.
  (b) 56.
  (c) 61.

8. SWAN BREWERY
Canning Vale Site

Mr BATEMAN, to the Minister for Industrial Development:

(1) Has the Swan Brewery of Western Australia received a clear title for the land they purchased in Canning Vale under the Canning Vale improvement plan No. 7 for light industrial purposes?

(2) If not, why not?

Mr MENSAROS replied:

(1) No.

(2) The company has not yet completed a development obligation stipulated in its agreement for sale with the Industrial Lands Development Authority.

QUESTIONS (3): WITHOUT NOTICE

1. ALCOHOL AND DRUGS
Use by High School Students: Survey

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

With reference to *The Sunday Times* article (Page 3, Sunday, the 22nd August, 1976) concerning the use of drugs and alcohol by secondary school students in Western Australia—

(a) Is it a fact that the survey conducted by the Health Education Council involved only students in non-Government schools?

(b) Is it a fact that the approval of the Education Department was sought for the survey to include students in Government high schools?

(c) If such approval was sought, why was not that approval granted?

Mr GRAYDEN replied:

On behalf of the Minister for Education, I thank the honourable member for some notice of the question. The reply is—

(a) Yes.

(b) Yes.

(c) No decision was made and the matter lapsed.

2. TRAFFIC
Speeding Charges: Use of Radar Gun

Mr JAMIESON, to the Minister for Traffic:

In view of the present controversy regarding radar gun prosecution of speedsters, will the Minister investigate the possibility of having regulations proclaimed for the correct use of the gun as no such regulations exist at the present time?

Mr O'CONNOR replied:

If that is necessary, yes.

3. RECREATION
Point Walter Camp

Mr BRYCE, to the Minister for Agriculture:

My question without notice is to the Minister for Agriculture in his capacity as Leader of the Country Party, and relates to our concern at the closure of the Point Walter camp.

In view of the fact that the Point Walter camp has been used by so many organisations and students from country areas, will the Minister indicate whether or not the

Country Party supports the Government decision to close the camp and hand it back to the Melville Shire Council?

The SPEAKER: I am at a loss to understand how this question to the Minister for Agriculture can be asked of him when the area in question does not come under his control. That is my understanding.

Mr Bryce: I thought he could reply as Leader of the Country Party.

The SPEAKER: Order, I do not want interjections prompting me, helpful though they may be.

Actually, "Leader of the Country Party" is not a portfolio in this House and as such, the question cannot be asked in its present form.

I rule the question inadmissible.

MOTOR VEHICLE DEALERS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Grayden (Minister for Labour and Industry), and read a first time.

BILLS (2): THIRD READING

1. Main Roads Act Amendment Bill.
   Bill read a third time, on motion by Mr O'Connor (Minister for Transport), and transmitted to the Council.
2. The Confederation of Western Australian Industry (Incorporated) Bill.
   Bill read a third time, on motion by Mr O'Neil (Minister for Works), and passed.

TEACHERS' REGISTRATION BILL

Report

Report of Committee adopted.

RACECOURSE DEVELOPMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Police) [4.46 p.m.]: I move—

That the Bill be now read a second time.

This measure is to establish a racecourse development trust and to make provision for a racecourse development trust fund for the purpose of assisting country racing and trotting clubs in improving facilities on their racecourses. They are to be used exclusively to assist country clubs.

Without exception, all country racing and trotting clubs in the State are experiencing extreme difficulty in the financing of course improvements.

The avenues open to clubs to obtain finance are limited; interest rates are high and generally clubs have insufficient income available to them to repay loans at today's going rates of interest.

With the exception of Tasmania, all other Australian States have development funds. The purposes of this fund are in line with the purposes of funds in other States.

This fund will make finance available to country racing and trotting clubs under such conditions as are deemed appropriate by the body administering the fund for such purposes as improving facilities on existing racecourses, establishing new racecourses or training tracks, providing new or improved totalisator facilities, and the reduction or discharge of existing loans, or for assistance during times that clubs may be in financial difficulty.

There is a direct relationship between the standard of on-course facilities and public support.

Many courses require assistance and if it is not forthcoming their capacity to produce revenue for the Government and the racing and trotting industry will be reduced.

The Bill provides for the fund being established and maintained at the Treasury, and for it to be financed on the basis of a contribution by the Government of 25 per cent of the amount it receives from the Totalisator Agency Board on account of unclaimed dividends and refunds, supplemented by a similar amount contributed by the Western Australian Turf Club and the Western Australian Trotting Association in the same proportion as they now share the Totalisator Agency Board's surplus.

For the racing year just finished, the Totalisator Agency Board paid $582 304 to the State Government by way of unclaimed dividends and refunds.

For the first year of operation of the fund the Government would contribute $145 576 which would be matched by an equal amount contributed by the Western Australian Turf Club and the Western Australian Trotting Association in the proportions of $87 346 and $58 230. That will amount to something over $291 000.

Whilst the total amount of $291 152 in the first year will by no means satisfy the demands likely to be made on the fund, it will provide the basis for the generation of long-term development programmes by country clubs and give them the confidence and incentive required to improve their facilities for the benefit of the public as well as for the racing and trotting industry.

The Bill provides for the appointment of a four-man trust to administer the fund: A member nominated by the Treasurer, a member nominated by the Western Australian Turf Club to represent racing, a member nominated by the Western Australian Trotting Association to represent trotting, and a member to represent the Totalisator Agency Board which will also, incidentally, provide a secretary and office and other facilities for the trust.

The chairman will be appointed by the Minister from either of the two Government members.

I might say that I have discussed with the various authorities involved the possibility of bringing other representatives onto the board, and this can be done if and when necessary. For instance, if facilities are to be installed at Northam, a member of the trotting industry there could be brought onto the board for discussion purposes. The same situation would apply in the case of Albany or any other centre.

The basis of contributions to the fund, the composition of the trust, and the purposes of the fund are acceptable to the Treasurer, the Totalisator Agency Board, the parent bodies of racing and trotting, and the country racing and trotting clubs throughout the State who will be eligible to benefit from it.

I have had some discussions with members of the racing and trotting industry in the metropolitan area and also representatives of country clubs.

All in all I believe this Bill can do a great deal for country racing and trotting and, in the long run, it could contribute to the coffers of the Treasury. I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

Message: Appropriations

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

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL (No. 2)

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Transport) [4.53 p.m.]: I move—

That the Bill be now read a second time.

The amendments proposed to this Act are identical with those I introduced previously relating to the Road Maintenance (Contribution) Act. The member for Collie took the adjournment on that amending Bill last week.

Members will recollect that I then mentioned three Bills were involved. After discussion with the Crown Law Department it was felt that the original amendments were a little harsh on certain individuals, and that is the reason for the measure before us.

Mr McIver: In essence what we said on this side of the House is absolutely correct.

Mr O'CONNOR: No, what the member for Boulder-Dundas said was correct, and quite frequently the member for Boulder-Dundas does not agree with the member for Avon.

Mr Bertram: The member for Boulder-Dundas shows a lot of promise!

Mr O'CONNOR: He shows probably the most promise of any solicitor in this House.

Mr May: And the other House.

Mr O'CONNOR: The first two amendments detail the measures needed to ensure that adequate time is provided for the making of the necessary administrative arrangements for court hearings.

The third amendment is considered necessary in order to provide a degree of protection to persons charged with an offence under the Act regarding any record they may have of previous convictions.

During the first part of the session the member for Boulder-Dundas spoke about these particular points, and spoke fairly strongly. I suggested that an amendment be moved in another place, but the honourable member disagreed with that course. However, in the interim the matter has been discussed with the Crown Law Department which felt that the regulations were a little stringent and they have been amended accordingly.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

HOSPITALS ACT AMENDMENT BILL

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [4.56 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to eliminate any reference to the Teaching Hospitals Advisory Council from the Hospitals Act.

When the Hospitals Act was amended in 1972, provision was made for the establishment of the Teaching Hospitals Advisory Council to advise the Minister for Health on matters relating to the provision, co-ordination, and utilisation of the clinical and teaching facilities, services and resources that are—or ought to be—available in the teaching hospitals for clinical teaching and research, and upon such other matters referred to the council by the Minister.

Several matters have been dealt with by the council, but generally most of the persons on the council represent sectional interests and the ability of the council members to be impartial is affected as a result.

When the Teaching Hospitals Advisory Council was established in 1972, the then Minister for Health indicated that if it did not prove effective he would take steps to eliminate it.

During the past two years the role of the Medical and Public Health Departments has been strengthened in several ways.

The State Health Services Executive, composed of the most senior officers of the Medical and Public Health Departments and the Mental Health Services, advises the Minister on policy.

The Hospitals Development Programme Committee, the Community Health Committee, and the Health Services Planning and Research Committee advise the State Health Services Executive, and the Royal Perth-Sir Charles Gairdner Hospitals Resources Co-ordination Committee, which comprises senior departmental officers and representatives from each hospital, is doing effective work, particularly in regard to recommendations whereby duplication of staff, facilities, and costly equipment is avoided.

The establishment of the Commonwealth-State Joint Hospital Works Advisory Council is a further avenue of review of hospital development programmes.

In 1975, the firm of hospital consultants, Llewelyn-Davies Kinhill Pty. Ltd., reviewed the development plans of the teaching hospitals having regard for the total metropolitan hospitals planned programme, and also examined the requirements for the Lakes Hospital. The consultants have also completed a review of the outline brief for the Wanneroo Hospital.

It is considered, therefore, that any matter upon which the Minister requires advice can and is being more appropriately handled without reference to the Teaching Hospitals Advisory Council.

Debate adjourned, on motion by Mr Bateman.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

In Committee

Resumed from the 19th August. The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Progress was reported after clause 12 had been agreed to.

Clause 13: Heading and section 20A added—

Mr BERTRAM: In the momentary absence of the member for Boulder-Dundas, I wish to speak to this clause because the heading to be added is, "Part IIA.—Community Service Orders". We indicated during the second reading debate that whilst we support what we believe is a worth-while humanitarian measure designed to rehabilitate primarily rather than to condemn and to punish, nonetheless we have some reservations about it. No matter how meritorious the end result, we do not believe one particular segment of society should bear the whole burden to the exclusion of the rest.

We hear talk about things being "equitable", and "equity" being a good thing. As I understand it, "equity" means "equality" and in this case, it means equality of sharing the burden of the measure. We are concerned that the responsibility will not be shared equally.

As has been mentioned, we believe the situation may arise where an offender, under a community service order, may find himself encroaching on an area of work covered by some Industrial Arbitration Act agreement or award. I am not convinced that is really the intention of the Bill, or the Government. However, if it is not, it should be spelt out; if the Government is genuine in this direction, it has nothing to lose by setting it out in the clearest terms.

This will become the datum peg or the pointer to the advisory committee to be established under this legislation as to the direction in which it should move and thereby will eliminate difficulties which otherwise may confront the advisory committee in that its members may not readily comprehend the precise delineation of the "services" contemplated by this measure.

We are supposed to be the legislators, and now is the time to insert such a provision; it should not be left to an advisory committee. Therefore, I move an amendment—

> Page 9, line 5—Insert after the word "appears" the following new definition—
>
> "Award" means any Award or Agreement that is registered with the appropriate Authority under the Conciliation and Arbitration Act or the Industrial Arbitration Act, 1912-1975.

Mr O'NEIL: I oppose the amendment. In my view, it would sound the death knell of this piece of social reform. I believe too much stress has been placed upon the work aspect of a community service order. In Tasmania, a community "work" order Bill was introduced by a Labor Government; however, in this State we have used the word "service" to replace the word "work" because the "services" of most offenders will be used in worth-while community projects rather than any physical work being undertaken which may endanger the employment prospects of tradesmen.

The matter received some little publicity in the newspapers, as a result of which the Chief Probation and Parole Officer (Mr I. M. Vodanovich) advised the Under-Secretary, Crown Law Department, of his concern regarding the misapprehension which might be placed on the move by the Opposition. The minute is dated the 28th August, 1976, and the relevant section reads as follows—

> The Scheme definitely will not operate to the detriment of workers by putting anyone out of a job or affecting earnings or livelihood. This assurance has been given to the Trade Union Movement via Mr. Peter Cook and provision has expressly been made in the Bill to clear any doubtful projects, with an advisory committee, one member of

which must be nominated by the Trades and Labor Council of Western Australia.

I believe the interests of all those people about whom the Opposition is worried are adequately covered. Certainly, the advisory committee would be the body which would point out the difficulties which possibly could occur if one of these offenders were placed in an area of work which could endanger the livelihood of a tradesman.

Mr SKIDMORE: While it may be true this matter has been discussed with Mr Peter Cook, it would appear that he in turn has not been able to get through to the unions concerned. Although he is the Secretary of the TLC, he still must consult with the affiliated unions to obtain their views.

I have indicated already my belief that the undue haste in putting through the legislation will make it difficult for the TLC to consult the unions concerned, and I have taken the trouble to ascertain the attitude of those unions. I point out that I do not oppose the Bill; the principle behind it is a good one. However, we should look after the interests of the people who may be involved.

Of course it is a good idea to provide someone with a worth-while occupation instead of a prison sentence to be served behind bars. It has been suggested no avenues are available which would enable an offender to undertake work not covered by an industrial award. However, I believe many such avenues are available.

For instance, tremendous potential exists in the area of work now being conducted on a voluntary basis by members of the Apex Clubs, the Lions Clubs and the many other service organisations; offenders could assist in looking after the interests of our aged people, by chopping wood, trimming trees and removing rubbish. This would not infringe upon work undertaken by members of trade unions.

The Minister suggested that the TLC member of the advisory committee would be able to look after the interests of the unions; but it is the attitude of the trade unions involved which is important. I have been informed by the secretary of one union that under no circumstances will the union allow any encroachment on its members' area of responsibility. Although they are sympathetic to the principle behind this legislation, they feel it is very difficult to draw a line of demarcation.

One has to look at how we are to operate this. I put forward the following proposition: Let us assume that a person is to be employed under a community service order which involves cutting a hedge and there is an award for the AWU which classifies a worker for the purpose of gardening and the trimming of hedges is part of that work. The union will immediately say, "That is award work and should be done by the worker concerned." Under this proposed legislation the Parole Board will be able to thumb its nose at the union and say, "We agree that it is part of your job but what can you do about it?"

At all times the Government has been saying that it wants a responsible attitude to trade unions and that it wants trade unions to be responsible for their actions. Yet it is saying to the unions, "You cannot do anything about it because the Act does not provide that that work will not be done." The only avenue left for the union is to go on strike to bring the matter before the people.

Sir Charles Court: Fair go!

Mr SKIDMORE: If other avenues are available I hope the Premier will be able to tell me.

Sir Charles Court: You are not serious in what you are saying, are you?

Mr SKIDMORE: I do not know, Mr Premier. Maybe the Premier should do the exercise I did and speak to the unions who feel very strongly on this issue, not because they do not want to accept the concept but because they are concerned as to how they may get over the problem.

Sir Charles Court: But you kill the concept if we adopt your amendment.

Mr SKIDMORE: If I were to accept what the Minister has said on behalf of the chief officer of the board we will not kill it because he has said that there is ample scope for the TLC to agree to work which will be outside the conditions of the award. If that is not the intention I believe the award should be protected because it would be quite futile for us to have a law that sets out an award or agreement registered with an industrial authority and then have an overriding Bill such as this which would take away the rights of workers under that award or agreement. That is why I raise the issue at this time.

We believe that if there are to be no doubts in anybody's mind the Government should accept the amendment that has been proposed and that it should make the position quite clear.

The present Fraser Government has given notice that it intends to enact similar legislation in the Australian Capital Territory. On the 29th July the Minister for the Capital Territory (the Hon. A. A. Staley) advised that he planned to introduce a community work order scheme as an alternative to gaol for some people convicted in ACT courts. Mr Staley met a deputation of the Canberra Civil Rehabilitation Committee and explained that community work would be done at places such as homes for the physically handicapped, aged persons' homes and child care centres. This is a Federal concept with which I agree. Then Mr Staley said that the work would be the type not normally done by trade unionists.

I know that the intention of the present Parole Board is that the work would be of a type not normally done by trade

unionists. If that is the intention why not make it clear so that we may avoid any disputation in the future between unionists and the Parole Board? It will be remembered that the previous Secretary of the TLC was on the Parole Board for many years and made a tremendous contribution.

Having looked at what Mr Staley wants to do in the ACT I think the Minister would be well advised to see how this Bill is to be worded to protect the interests of workers working under awards and agreements because it is patently obvious from the Minister's own words that it is not his intention that the legislation should embrace that type of work.

I suggest to the Minister that if a compromise could be worked out so that unionists could be involved in community service orders and could be consulted about the possible effects of such orders, it may not be a bad idea. But we should have something definite in the Bill so that we will avoid the sort of disputation I can foresee. I do not want disputation and I do not think anybody else does. I think the Minister should accept our amendment which does nothing more than make the position clear.

Mr O'NEIL: I am not sure whether this is my final say on this proposed amendment. However, as far as I am concerned it will be—

Mr Jamieson: Do not make promises like that.

Mr O'NEIL: —on this particular issue. I shall use the member for Swan's own example. He said that if an industrial award or agreement covered people who cut hedges, that work should not be suitable to be performed by people under community service orders. I want to make the point that the work which would be undertaken will be that for which, in my view, no money will be available. So we are not denying people the opportunity of employment.

The honourable member went a little further and quoted from material relating to the situation in Canberra. He mentioned places such as aged persons' homes. It is possible that in a particular district there is a pensioner home complex run by a charitable organisation which has not sufficient money to maintain its hedges in the condition it would like them maintained. So it is not inconceivable that the local Lions Club, Rotary or Apex may request that a person on a community service order be given the opportunity to do this work. Members should remember that a community service order is not compulsory. The person concerned must be willing to perform the task.

Mr Harman: What is his alternative?

Mr O'NEIL: To stay where he is. I suppose.

Mr Harman: Go to gaol?

Mr O'NEIL: That is right.

Mr Harman: What do you think he is going to do?

Mr O'NEIL: I do not know. It is becoming more and more obvious that it is the attitude of at least some members of the Opposition that this provision will be insisted upon. If that attitude prevails the Opposition will take the blame for killing what I believe to be a very important advancement in social welfare legislation.

I used the example of the member for Swan to indicate that if it is denied that any person can work on a project covered by an industrial award or agreement, the whole thing will of necessity fail.

Mr Bertram: Why would it fail?

Mr O'NEIL: Opposition members should prove themselves when we come to a division on this matter, if they wish to call one.

Mr Harman: Why will it fail?

Mr O'NEIL: It will fail because very few occupations are not covered in some way by an industrial award or agreement.

Mr Skidmore: Is there an award which covers the cutting of hedges?

Mr O'NEIL: The member for Swan gave the example. He said, "Say, for example, that in an AWU award there was a provision covering people who cut hedges."

Mr Skidmore: I did not say there was.

Mr O'NEIL: I used the member's own example.

Mr Skidmore: There is no award for cutting hedges.

Mr O'NEIL: Then the member used a very bad example. Most of the work which will be done under a community service order will be work for which no money is available. It could be work undertaken in respect of aged persons' complexes, the frail aged and the like. The advisory committee which will determine which work is suitable will certainly look into that matter and will have on it a member of the Trades and Labor Council. To say that doing work which is covered by an industrial award or agreement will aggravate unemployment or prevent people being employed is patently wrong because it will be work for which no money would be available and instead of a hedge being clipped it will grow to 20 feet high. If this provision were to contain options to such a degree that no work covered by an industrial award or agreement can be performed, members should make no mistake that that will kill this Bill.

Mr HARMAN: The whole thrust of this Bill is to rehabilitate offenders. The Minister made this patently obvious in his second reading speech. We are really getting down to the nitty-gritty of the situation and we are endeavouring to establish exactly what the Government has in mind, through this legislation, for people

who offend and are convicted. There may be a suggestion in the Government's mind that a person convicted of assuming control of a car will be rehabilitated by cutting a hedge. That seems to be the philosophy of the Government.

A person who has a propensity for assuming control of cars must first elect not to go to gaol and to undertake a service order. He cannot make that election unless, in the area in which he has been convicted, a committee has been set up and an organisation has been prepared to engage in helping the offender rehabilitate himself through some sort of service procedure. It might be argued that one can rehabilitate a person who has a propensity to steal by getting him to cut a hedge. I am not convinced of the logic of that argument but there could probably be a great deal of argument one way or another as to whether that would be successful.

I am trying to establish from the Minister just what sort of service work would be available to offenders that would have this emphasis on rehabilitation. We suggest to the Minister that it might be a home for the frail aged. What service work does the Government have in mind? Has it really thought this matter out? I am sure the Government has no intention of going into areas which are normally the province of persons who wish to earn an income from the work they do. So I think it would be doubtful that the Government would allow a person to go into a cemetery to do some weeding. It is obvious the Government has some plan for the sort of service work in which these people would be involved but it has not been able to tell us exactly what the plan is. Neither has the Government indicated whether there will be any element of rehabilitation for the prisoner.

The final point is that if there is an organisation in the area and if the probation officer recommends it, the court may ask the person to elect either to go to gaol or to go on a service order for some sort of work in the community.

It is quite obvious what most people would do under those circumstances. With the threat of gaol a person would probably be left to undertake some sort of service order. I want to know exactly what the Government has in mind so that when and if this legislation comes into being everyone will have an idea of what will occur. As on previous occasions the Government is merely creating an illusion that it is trying to do something about this matter, but it has not really thought about it and does not know what it will do. It is hoping, as in the past, that something will come along to solve the problem.

Mr O'NEIL: I noted the significance of the member for Maylands' comment, "when and if this legislation comes into being". I suggest that the honourable member should read the second reading speech because—

Mr Harman: I have.

Mr O'NEIL: It would not appear so from what he had to say. Explanations have been given in the second reading speech. Reference was made to certain studies on the whole matter which has also been the subject of consultation between those who enforce the law and those who want to rehabilitate people who are convicted under the law. To say the Government wants to make people cut hedges indicates that the member for Maylands is ignorant of the whole situation. It is not the Government which issues a community service order. This will become a part of the normal procedure of the Probation and Parole Board and provide an alternative to probation, parole, or imprisonment.

Mr Bertram: You are not right there.

Mr O'NEIL: Not in every respect.

Mr Bertram: It will be the court.

Mr O'NEIL: That is right, but the honourable member said that the Government will do it and thereby he exposes a complete ignorance of the situation. I say again that I note the significance of his statement, "when and if this legislation comes into being".

Mr SKIDMORE: I must take the Minister to task in regard to his attitude to what we are seeking under the amendment. In his second reading speech the Minister stated that supervisors would be appointed and he suggested that they would be the volunteers who work in the laudable field of assistance to the disabled and aged. It was hoped that their impact upon the prisoners would be a good one and would make them realise they have done the wrong thing and will encourage them to live a better life and help people rather than rob them. That in itself may be a laudable objective, but we must be sure that the supervisors will be well versed concerning work which comes under awards and agreements.

The Minister made great play about the fact that the Opposition is concerned about unemployment. This is not so in this situation. I am as concerned about unemployment as the Minister, but the amendment does not involve unemployment. It is designed to ensure that there is no involvement between unions, the Parole Board, and the prisoners.

When talking about using the more workable term of "community service orders" as distinct from the Tasmanian expression "work orders", the Minister said that the term in the Bill provides more scope for imagination and initiative in arranging either service or work for offenders. Yet the Minister has not bothered to give any idea as to the service or work and what will be involved.

I used the cutting of a hedge as an example because there is no award for people who do this work. I used that

illustration deliberately. If the Minister was so concerned about what might happen, why did he raise such a kerfuffle about the worker cutting a hedge. If there is such a clear issue, why did he wax so lyrical?

Mr Bertram: He was hedging!

Mr SKIDMORE: Plenty of work is available not involving awards and agreements. If the Minister were to inquire as to what work was in this category I am sure the unions would supply it readily and the Minister would be agreeably surprised at the amount of work available not covered by unions, agreements, or awards.

Mr BERTRAM: The Minister and the Premier in harmony have announced that the amendment will kill the measure, but that is utter, arrant nonsense. They are relying on the old technique of repetition. As the former Leader of the Opposition used to say, "If a person keeps on repeating something long enough, even though it is not accurate, people will believe it." It is a propaganda technique, but should not be used in Committee.

The Minister supported our case. I will illustrate step by step the things he said which support our case, yet he will vote against the amendment. That might be extraordinary, but it is not surprising.

What does he say? First of all he said that this has to do with service and not with work. That distinguishes it from the Tasmanian provision. Therefore, by inference if not expressly, he is saying that we should not worry about unions and awards because the legislation deals with service and not with work covered by awards.

If this is so, why does he oppose the amendment which merely improves the provision to cover that very point? What is the answer to that? We will not get an answer because the Minister is determined not to delay the Committee and will therefore not talk any more after having risen momentarily to his feet.

He has said there is no money to pay the prisoners. Let us consider a professional man—for instance, an accountant—who is aware there are offenders who are accountants and who are being asked to do accountancy work without pay. The accountant would be very thrilled at that prospect.

Sir Charles Court: He would not be very thrilled about having working for him a fellow who has been through the courts.

Mr BERTRAM: No, but in the new era we are endeavouring to rehabilitate people. We can imagine how thrilled an accountant would be at the prospect of this person doing for naught the books of the aged persons' homes. There would be hell to pay.

All the worker wants is for the Committee to treat him the same as the accountants' institute, the Law Society, or the doctors' guild in an analogous situation would treat its members. At all times members of those organisations must charge the appropriate and proper common fee, call it what one likes. That is just what the Opposition is seeking here for the workers; nothing more nor less.

The fact that there is no money is an argument to sustain our case. It underlines and accentuates it because it is the best argument so far submitted in support of the amendment. I congratulate the Minister for his ready co-operation in this regard. The argument otherwise might have been overlooked.

The Minister has told us that the work to be done will not be in the industrial scene and there will be no money payable. This makes the situation even more dangerous. If no award will be trespassed upon why does the Government hedge? Why does the Government not spell it out in the Bill? Members opposite must forgive us if we are suspicious of the Government because we have been caught and hurt previously. We have been enjoined by the member for Gascoyne not to trust the Government. We have bitter recollections of the SHC management fee of $60.

If the provision is not designed to hurt the workers why should it not be included in the Bill? That is what we want to know. Recently the member for Ascot was concerned about something that was not included in a Bill and he was told the provision in the Bill was innocuous and would never be used, but something occurred in the Federal Parliament very shortly afterwards which spilled the beans on the State Government. That is another example.

If the Government is really dinkum that this is service and not work, and that it is service without payment, etc., why will it not accept the amendment? What is the objection?

The final point which needs to be made perfectly clear—and I do not think it is commonly understood or accepted, but it is a fact—is that there are large areas of work which are not covered by industrial awards, and members would be surprised at some of them. Probably it is the intention of the Government and everyone associated with this measure that none of this service work will in any way touch the awards. That point seems to be coming out loud and clear, but for some reason best known to those on the other side, they will not include it in the Bill.

That is all we are asking. The Government has virtually agreed, but will not insert it in the Bill. Why conceal something which is acknowledged? No explanation has been given.

The amendment will not kill the Bill and continuous repetition of a point will not change it from fiction to fact.

Mr FLETCHER: I can give a practical illustration of opposition by the trade union movement in connection with something which occurred in Fremantle. Let me emphasise first of all that I am all in favour of rehabilitation of prisoners. I have seen the cage-like conditions under which prisoners exist in Fremantle Prison and I do not like them. They do not encourage rehabilitation; in fact it is quite conceivable that prisoners are in a much worse condition when they are discharged than when they are convicted.

The illustration I wish to give does not relate to hedges but to cement slabs which the council wished to have laid at a day centre for children in Fremantle. The day centre is named after a councillor in Fremantle. The council thought it would be good for prisoners in Fremantle Prison to be remotely associated with the children by doing a worth-while community service in laying cement slabs in the playground. All was proceeding very nicely until the appropriate union became aware that prison labour was being used in this way. The secretary of the union which has constitutional coverage of this type of work immediately rang me, as the member for Fremantle, and asked why I was condoning the work being done by prisoners to the exclusion of union members. I pointed out that no municipal employees in the Fremantle City Council were unemployed and as a consequence I thought it was a good idea for the prisoners to do the work. However, work was stopped.

That is one illustration of a union taking exception to work of a worth-while community nature being carried out by prisoners. I am not criticising the union; it was protecting its interests, and on an industrial basis it had a perfect right to do so. I was in a cleft stick in respect of that issue.

The Minister mentioned homes for the aged. Many such homes, like the day centre, come under the umbrella of a local authority, and in many instances the local authority would no doubt receive matching grants to assist in the building. As that category of building comes under local authorities, it is reasonable to assume it could also come under the constitutional coverage of a union.

I am suggesting there will be very limited scope for the kind of work suggested by this Bill. I understood one member to suggest there could be work associated with cemeteries. If prisoners went into cemeteries to do weeding and tidy up the gravestones, it would be a worth-while project, but the Miscellaneous Workers' Union has constitutional coverage for that work; so that would be out. Like the Minister, I am groping for areas in which these people could be employed. I think it would be splendid for prisoners to do work outside the prison, but another thought occurs to me.

It is conceivable it would be necessary to employ supervisory staff to ensure no-one was hiding behind a tombstone enjoying a cigarette. I can see an increase in staff and membership of the Prison Officers' Union to assist in this work.

Mr O'Neil: And the member for Mt. Hawthorn would be concerned about the increase in cigarette smoking.

Mr FLETCHER: I am not putting obstacles in the way but I thought it appropriate to mention an incident known to me in order to illustrate the limited scope. I think the amendment is worth while because it would give protection to the unions which might take exception, and if it could be shown they were being unreasonable they would have the spotlight of public attention focused on them.

Amendment put and a division taken with the following result—

Ayes—18

Mr Barnett	Mr Hartrey
Mr Bateman	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr May
Mr B. T. Burke	Mr McIver
Mr Carr	Mr Skidmore
Mr H. D. Evans	Mr A. R. Tonkin
Mr Fletcher	Mr J. T. Tonkin
Mr Harman	Mr Moller

(Teller)

Noes—23

Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Dr Dadour	Mr Rushton
Mr Grayden	Mr Shalders
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr McPharlin	Mr Clarko
Mr Mensaros	

(Teller)

Pairs

Ayes	Noes
Mr T. D. Evans	Mr Sibson
Mr Davies	Mr Young
Mr T. J. Burke	Mr Sodeman
Mr Taylor	Mr Blaikie

Amendment thus negatived.

Clause put and passed.

Clauses 14 to 38 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

FORESTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th August.

MR A. R. TONKIN (Morley) [5.55 p.m.]: Unless we are very much mistaken, this Bill is of no great moment. It is important in that it deals with various machinery matters to bring the Forests Department up to date.

One very desirable change is that relating to the ability of the department to employ people with tertiary qualifications other than those obtained at a school of forestry. This is being done already through various devices such as secondment but it is very desirable that the department be able to employ people from disciplines other than forestry because, as is beginning to be realised, forests are producers of much more than timber and wood chips. Therefore, what is needed is the full propagation of the forests, and this will be achieved by employing people from other disciplines.

Much of the matter in the Bill merely deletes outmoded wording and deals with the Conservator of Forests in his capacity as a body corporate. We therefore describe it as a machinery Bill which will not excite a great deal of controversy. It increases penalties and takes registration fees out of the body of the Act by making provision for the prescription of such fees by regulation, which seems to be desirable. The Bill also abolishes the special fund into which 90 per cent of royalties had to be paid for reafforestation.

The Opposition does not intend to oppose the measure. However, we would like to place on record something which seems to occur when there is a commodity which is becoming scarce; that is, people begin to appreciate things which previously they took for granted. There is now a feeling abroad in the community, which was not prevalent a few years ago, that our forests are a very precious resource and that because Australia and Western Australia are so poorly endowed with forests we must look after them better than we did in the past in respect of water salinity and fauna habitats. A forest is a thing of great beauty and a heritage which must be passed on to future generations. I believe that attitude has been established in the public mind to a much greater extent than has been the case hitherto.

The Opposition would like to place on record its appreciation of the work done by the Forests Department, which has been concerned with the other qualities of forests. Many years ago most people were not alive to some of the great environmental problems, and we are aware of the great service which has been done for the community and the State by officers of the Forests Department. The research which is being undertaken treads new ground. We have in this State probably the best Forests Department in Australia, and we are very proud of that fact.

So although I do not think the Bill is of great moment in the sense that it makes provision for the Forests Department to do anything that it has not been doing hitherto, the legislation is desirable because it updates the Forests Department and brings the Act into line with the reality of what has already occurred and dawned in the department. With those few words I indicate that the Opposition supports the Bill.

The SPEAKER: The Minister.

Mr RIDGE: Mr Speaker—

The SPEAKER: Order! The member for Warren was very slow to rise, and strictly I should not permit him to speak. However, I do.

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [6.00 p.m.]: Your tolerance, Sir, is much appreciated. I would like to take advantage of this opportunity to say I am pleased to see this Bill before the House. The amendments are long overdue for a number of reasons. The Act does not altogether preclude the Forests Department from venturing into a number of areas which, strictly speaking, I suppose could be questioned in terms of its operation under the Forests Act. Broad generalisations giving such authority do exist in the Act, but they are to be much more clearly defined and there will be far less opportunity for doubt and disputation once the amendments take effect.

The original Forests Act as it was passed in 1919 is a model piece of legislation especially having regard to the time of its introduction. Prior to 1919 very scant regard was paid to the forests of this State, and that was evidenced by the tremendous waste of timber that occurred over the years in the south-west. It was the era of the sleeper cutter in the lower south-west; hundreds of them literally hewed a living out of the jarrah forest. It would not be an exaggeration to say that there was probably about 50 per cent waste for the amount of sleepers and other hewn timbers produced. If a tree did not split just right to the satisfaction of the hewer, it was left and another tree felled.

Indeed, a visitor from Canada at the turn of the century made a remark about this. He said that timber in Western Australia seemed to be regarded with the same esteem as straw was regarded in the prairie provinces of his native land, and that is an indictment of our forebears to some extent.

Having read the debates which occurred when the Act was originally introduced, and having seen it operating subsequently over the years, there is no doubt in my mind that those who introduced it probably did not think it would be as effective as it has been. The general atmosphere prevailing in the community at that time has to be understood to appreciate the meaning of that comment, and perhaps we should not be too hasty in our condemnation of a previous generation.

At that time this vast State had a small population, and the foremost factors in everybody's mind were the generation of economic activity and the growth of the

population. Every activity, including perhaps group settlement and the disaster that was in one way, reflected this and perhaps there was not the scrutiny there should have been.

The whole approach of the community has since changed very greatly, and it can be shown in recent years that the area that is designated State forest has actually increased from its lowest ebb. The State forest in 1919 was not intended to extend very far in reality. The main centre of interest was, of course, in the areas further from the south. But once group settlement made inroads into the forests and brought with it further destruction of our native hardwoods, the realisation dawned, and a policy was established of maintaining existing State forest and adding to it wherever practicable. That has been the keynote of management of successive conservators and successive Ministers. It is to the credit of conservators and Ministers, and more especially to the department, that we have been fortunate to retain the small amount of forest we possess now.

It is as well to consider what the forest industry means to Western Australia. The production of hardwoods has declined, though it has been maintained at a reasonably high level. In 1966, 545 144 cubic metres of sawn hardwoods were produced, and in 1975 that was reduced to 368 844 cubic metres. When we are considering the economic health and wealth of this State, it should be mentioned that the average employment in the industry in each of those years was 5 804 and 2 238 respectively, which reflects the degree of automation that has come into the mills not only in Western Australia but throughout the world. That is a necessary circumstance; there has had to be a curtailment of production methods to cope with increasing costs.

On the same production theme, the decrease from 1974 to 1975 was some 5 503 cubic metres. This is rather encouraging in one regard, because the question of overcutting of the hardwood forests has caused a deal of concern and must be faced up to in order to determine a firm policy. The factors involved are fairly complex, and it is not easy to find a ready solution. I am aware of this.

The log production of jarrah in 1974-75 increased by 49 434 cubic metres, and possibly this is attributable to a salvage operation concerning dieback. The Minister might care to verify that in his reply. The production of karri saw logs dropped by 26 676 cubic metres in the same year.

I have already referred to the fact that the area of State forest has increased, and the net increase in the 1974-75 year was 2 190 hectares, making a total of 1 832 124 hectares of State forests currently dedicated in Western Australia.

In respect of revenue, in 1974 the total revenue generated by the department was $6.901 million, and in 1975 it was $7 150 831. So the timber industry is of considerable significance in Western Australia. Speaking from memory, I think the total value of the production of all timbers in Western Australia is in the order of $28 million. Our imports are valued in the order of something like $12 million, excluding paper, which would account for something like a further $12 million. So it can be seen that the timber industry is quite an important facet in respect of the economic health and growth of the State.

At the same time, there is a point worth mentioning which comes back to one of the amendments in the Bill before us. It involves the multi-purpose management of forests. This is not new; it has been going on apace for a considerable number of years. It entails the management of forests not only for water catchment, but also for scientific purposes, for recreation and tourist purposes, as well as for direct timber and other production.

Bearing that in mind, it will be appreciated that there are difficulties in funding these activities from time to time. The reply to a question I asked only last week could not distinguish precisely the amounts which have been spent on recreation and tourism as distinct from water conservation, the conservation of flora and fauna, and environmental research. I would have liked to ascertain the amount involved under each of those headings, but the Minister was good enough to indicate he would make available a written statement at some future time.

It will be appreciated that there has been a strain on the funding of the Forests Department, which for a time was able to exist on the revenue generated from royalties, nine-tenths of which were returned to the department. Of course, loan funds met capital expenditure. As a result of the increased costs and activities, that has been insufficient, and the amount of general revenue going to the funding of the Forests Department has become increasingly significant.

I make the point that some aspects of multi-management have been funded in such a way that production forest management funds have gone to the management of national parks, as in the Walpole situation, the establishment of picnic areas and tourist trails.

Mr Ridge: Obviously you find this quite acceptable?

Mr H. D. EVANS: Yes, as a matter of fact I commend it strongly. I am simply pointing out the difficulty the department has experienced in finding funds to enable these things to proceed.

Mr Ridge: The Bill will overcome that.

Mr H. D. EVANS: The Minister will appreciate that I was coming to that. I feel the working plans should be extended

to cover the items listed in his speech so that each could attract general revenue to allow it to be expanded. Had the strict terms of the Forests Act been applied in the narrowest of interpretations, there could have been difficulties. The amount we have spent on national parks has indeed not been excessive, and this is one area I feel will have to be examined closely.

Sitting suspended from 6.15 to 7.30 p.m.

Mr H. D. EVANS: I would like to avail myself of a little further time to conclude the remarks I had commenced before the tea suspension. At that juncture I was making reference to national parks as they exist in the State at the present time and also the expenditure that is involved in this regard.

I did see in today's Press—and it is also foreshadowed in the Minister's second reading notes—that it is proposed to set aside as timber reserves certain areas which would come under special management prescriptions. From my understanding these will be announced in the coming week and I would appreciate verification on that point by the Minister.

It should be remembered that the difficulty in handling forest national parks is a very real one and it is quite possible a great many people do not appreciate the management problems that could arise. It is not possible to leave an area of forest and expect it to remain in its existing condition for the duration of a long period. This is just not possible, because the forest is a living entity, and as with people trees too grow old and deteriorate. This is evidenced even in the life of the Warren National Park, because in the 35 years I have traversed it the forest has shown signs of acute degradation, and because of the number of overmatured trees it will be only a matter of time before it will become a real danger to people who pass through it.

In the course of its existence a tree gets to the stage where it becomes overmatured and it no longer produces any marked annual growth. Apart from this, it begins to decline particularly from an aesthetic point of view and also from the point of view of becoming a hazard in the forest. In the normal course of events such a tree would eventually fall and another would take its place. So the problem most people have is to see that a management operation might involve a period of as long as 50 years, and where such an area exists it must needs be treated and another area opened up to show the forest in its full majesty.

As a consequence, any legislation that will involve the establishment of timber reserves of a special kind, such as national parks, needs a degree of flexibility that will permit of this management. I do not know how this is to be implemented. I can only surmise and reason that specific areas will be set aside for recreational use, but the flexibility that is necessary will change these from time to time in the course of the years.

I would expect that would be the underlying management principle that would have to be followed. So, too, the question of management of these areas again will become a primary responsibility of the Forests Department. It would be almost impossible to allow some other authority to undertake the control of any forest national park—and I use the term in the broad sense—because of the duplication of services and the cost this would entail.

I did begin to touch on the figures that indicate the spending in this State in regard to national parks. I cited the 1956 figure which showed that operational costs had risen to $826 308 and capital expenditure to $293 000, making a total of just over $1 million.

It has been traditional that national parks have been compelled to run on a marginal sort of budget. This is one of the underlying reasons that in the term of the Tonkin Government a move was initiated to set up a professional director, because it was felt it needed somebody with not only background and academic qualifications but with personality to become involved all of the time and ensure that the apportionment of funds is in accordance with the desires of the administrative Government of the day.

The time will most certainly come when we will spend a great percentage of our revenue on national parks; indeed the trends indicate that will be so. Annual expenditure seems to have increased beyond the rate of the inflationary level over the past seven or eight years. It is also a desirable characteristic to see that the State's funding and disbursement of revenue varies with track management, fire control, maintenance of a general sort that has to be carried out, and the training of personnel. From the point of view of economics, this would be best left to the Forests Department to undertake.

This is an area which I am afraid is not fully appreciated, probably because of the expansive areas in terms of which foresters are compelled to think when determining their activities and policies.

I noticed also that one of the amendments deals with permitting the conservator to raise loans subject, of course, to the authority of the Treasury, and these will be used to supplement the present rate of pine planting.

I do not know the reason for this departure and it is one about which I am rather curious. To me it seems rather an unusual provision under which the conservator alone has the responsibility to raise loans; though it is not indicated from what sources, or what parameters he is required to follow.

I think this is a matter that should be cleared up this evening. I am sure the Minister will elaborate on the point and tell us the reason for its being included in the amendment; what the source of such loans will be, from whence they will come, the conditions that will apply, and the general eligibility and guidelines which will bind the conservator in this matter.

It is a substantial amendment that is proposed to the Act and it is one I certainly would not condemn without first having been given the opportunity to understand the rationale which would support it.

There are two other aspects of the Bill, one of which is concerned with pine plantations. This has currently become increasingly interesting for a number of reasons. There are areas in the State which are being planted with pines by the Forests Department and by private pine planting companies.

A report was tabled in this House in March which made reference to this aspect and which also showed some disparity between the conclusions of the Forests Department and the understanding that was conveyed by some of the companies.

It would be very desirable to have the Forests Department in a position to offer expert guidance and to have it indicate by way of records and experience just what could be expected from the establishment of private pine plantations. I feel it would give some reassurance to those involved in such a venture.

The question of pine plantations is a vexing one in some of the shires of the south-west. The usual complaint—and it is by way of a complaint from those involved in local government—is that firstly the planting of large areas to pines is accountable for the decline in the population and, secondly, it results in the diminution of revenue to the particular shire—that is, of course, so far as State plantations are concerned.

On frequent occasions there have been moves to see whether some compensation could be accorded to a particular local government to replace the income that would have been derived had the holdings planted with pines been left as farming properties.

Arguments have been advanced also to counter that, and of those the Minister would be well aware. I do know the Minister has had representations and the justification for it has been the contribution that has been made in an indirect way by the various departments—the fact that they generate employment and provide an impetus to the business houses and in many other ways contribute to the particular town in which the settlement is domiciled.

The increasing range of activities of the Forests Department must be reflected in the expanded role of the officers concerned together with the demand and requirement placed upon them for additional qualifications and expertise. Accordingly the amendment which does extend the employment opportunities for categories of qualifications other than those of a forestry degree is perfectly understandable. In the course of time it would also be incumbent to appoint educational officers, or perhaps public relations officers, or similar personnel to the department, which will make possible the provision of the machinery for this purpose.

The anachronistic aspects of the original Act were mentioned and the tidying up of these is long overdue; indeed it is some years since an amendment to the Act was first mooted and discussed.

I do not think there is any other aspect about which it is necessary to comment. The expanding role of the Forests Department is the essential thing; and this must necessarily reflect the changes in its administration and management and, as a consequence, this Bill is before the House.

I was very pleased to attend a conference only last Sunday week at which a motion was passed commending the Forests Department. It happened to be the Forrest divisional conference of the Australian Labor Party—a very discerning body—and it spontaneously passed a motion commending the department for its management of State Forests over the years. That in itself indicates the general approbation extended to a department the officers of which have a very high degree of dedication of which the Civil Service can be justly proud. I support the Bill.

MR RIDGE (Kimberley—Minister for Forests) [7.45 p.m.]: The member for Morley described the Bill as being of no great moment, but on the other hand he acknowledged the importance of it to the Forests Department. The member for Warren said the legislation was long overdue and he was pleased to see it being introduced. He described the parent Act as being what may be termed model legislation. I think it is worthy of note that the original Bill was drafted in what might be termed an historical setting—

Mr H. D. Evans: It was a model of its time.

Mr RIDGE: —when the industry was experiencing very vigorous growth and expansion, and a great deal of forest produce was being exported overseas.

At the time land clearing was being undertaken at a fairly rapid rate. In those days the purpose of the Act was primarily to protect the resource from uncontrolled cutting and bushfire. As has been said, the Act has proved to be

very soundly based; and it has served the industry and the State well, with only minor amendments being necessary.

Over recent years the role of the Forests Department changed considerably, in that it has been adapted to becoming involved in multi-use management of the forests. There can be no doubt that the officers of the Forests Department have adapted themselves quickly in recognising and implementing the demands of society in providing for the well-being of the forests, whilst at the same time providing for the social and material needs of the people of this State.

For that reason I was very pleased to hear both the member for Morley and the Deputy Leader of the Opposition compliment the Forests Department. I thank them for doing that, and I agree with their comments entirely. This department is made up of very dedicated officers. Quite often when one reads the newspapers, particularly in relation to certain proposals initiated in recent years, one wonders whether the people have a reasonable understanding of what we are trying to achieve in the forest areas throughout Western Australia.

I do not know of any forester who likes to see a tree being cut down. At heart they are all conservationists. As against that I do not think many people would like to go to an abattoir to see a bullock being killed, but we accept the need for the slaughter of beasts to provide food. Just as we accept that, I believe we should also accept the need for the cutting of timber and using our forests as they are being used at the present time.

The Deputy Leader of the Opposition made reference to overcutting which has taken place within the forest areas. I do not need to remind him that the general working plan of 1972 indicated that the total hardwood saw log yield would have to be substantially reduced if continuous production was to be maintained at a reasonable level.

Mr H. D. Evans: At least we did bring forward a working plan, and we did not leave it for 11 years.

Mr RIDGE: That working plan was adopted by the Cabinet of the day, and it is still currently in use. The point I make is that the working plan referred to the fact that overcutting was occurring and should continue to occur. I believe there was good reason for that view. Whilst it is undesirable to have general overcutting, I believe that overcutting is acceptable for short periods, because sound management demands that overcutting must be reduced as time goes on, particularly to coincide with the closure of small mills and with the increasing availability of pine saw logs. We accept the fact that overcutting is going on and that this is undesirable.

Quite obviously in the next working plan we have to make provision for reducing the overcut. It is not something we will achieve overnight, but I believe we will be able to achieve it on a fairly long-term basis. At this stage I shall not nominate the term, because later on in this session the working plan will be brought down.

The Deputy Leader of the Opposition referred to an increase in the jarrah cut. I would point out that this was not brought about by a planned escalation in salvage cutting. I am sure he will appreciate that salvage cutting can vary from year to year because of incidences such as die-back disease and bushfires. That is a simple explanation of the increase in the jarrah cut which has taken place over the last 12 months or so.

The honourable member also made reference to the difficulty of funding some projects undertaken by the Forests Department in its multi-use management programme. He said some of these functions being undertaken by the Government were not perhaps sanctioned under the provisions of the Act.

Mr H. D. Evans: I said in a general way.

Mr RIDGE: The Act contains a section which gives the department the authority to engage in the broader aspects of forestry. So far as the department is concerned, its right to become involved in multi-use management has never been in doubt.

For this reason the Government recently adopted a multi-use policy within the terms of the existing legislation. The policy has been spelt out in a report in the *Forest Focus* produced in April of this year. It is a focus on forestry policy. I would commend that publication to members as being worthy of reading.

The Deputy Leader of the Opposition spoke on the special management areas in respect of which he said a decision was expected to be announced next week. That is not quite correct. The Environmental Protection Authority recently submitted to the Government its report on systems 1, 2, 3, and 5; and that report is presently being considered by Cabinet. Although some decisions are imminent, it is not likely the results will be known within the next week.

I was pleased to hear the comments of the Deputy Leader of the Opposition on the special management areas, because he described the forests as being living entities. This is fairly important when it comes to declaring what types of reserves these areas shall be. Whilst it might be desirable to have them set aside as parks, we have to acknowledge that these areas can change with the passage of time, and they can change fairly quickly as a result

of fire. One area about which the honourable member knows has deteriorated fairly quickly over the years. Special consideration has to be given to some of the forest parks; so, it is quite essential for the department to adopt a degree of flexibility in determining future usage.

The honourable member also referred to the ability of the department to raise loans under the terms of the new legislation. I would point out that the conservator has the power only to borrow money which is subject to the approval of the Treasurer. This gives the State access to funds outside its normal allocation.

Proposed section 41(5) gives the conservator power to borrow money upon the guarantee of the Treasurer for the purpose of carrying out his powers and functions under the Act. In so far as the conservator is a body corporate and this power has been further emphasised by clause 6 of the Bill, it is possible to give the conservator power to borrow money under the Loan Council, local authority or smaller authority borrowing programme. The provision will permit greater flexibility in raising money for forestry purposes up to the limit of the local authority borrowing programme which currently stands at $800 000 per annum.

The Deputy Leader of the Opposition referred to the planting of pines by private companies. I am not quite sure what his query was. At the present time the Forests Department has not been able to give advice generally to private plantation owners. Whilst the department has been able to say that if it owned the land it would do this and that, it has never had any protection at law, so it has been somewhat reluctant to give such advice.

The provision in the Bill seeks to establish the authority of the department to provide technical expertise to private plantation owners, while at the same time ensuring that the department is not held liable if the advice given is wrong.

As the Deputy Leader of the Opposition has pointed out, other provisions in the Bill will simply tidy up the Act so that it will become more readily readable and, of course, more meaningful to the people in general.

On many occasions I have heard people say that some of our Acts of Parliament are quite archaic. I am happy to point out that the Bill before us is an attempt to tidy up the Forests Act, so that its provisions will become clearer to the people who have to operate under the legislation.

I thank members for their support of the measure, and 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.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 19th August.

MR McIVER (Avon) [7.59 p.m.]: The Bill before us seeks to amend sections 19 and 20 of the parent Act. It is a small measure. As the Minister pointed out in his second reading speech, its introduction was necessary, because when the previous amendment to the Act was being debated, members on this side of the House expressed the view that when a person, who had committed a previous offence, submitted an affidavit to the court it should not be presented to the court before it had heard what the person was charged with. It was felt that the court would be influenced if the affidavit was presented before the hearing.

At the time the Government was a little reluctant to agree to the amendment moved by the member for Boulder-Dundas; so it is very pleasing to see that at last the Government has taken some notice of the Opposition. We are always pleased to be able to assist the Government. We are in full agreement with the extension of time which is to be allowed for the defendant during which he can produce an affidavit to the court. The period has been extended to 21 days and a person who has committed an offence will have adequate time during which to return a notice of election prior to the date of a court hearing.

The time during which a defendant will be able to prepare his case and present it to the court has been extended from 14 days to 28 days, with which we are in full agreement.

The amendments are of small consequence, and there is no need for me to labour the point any further. With those remarks I clearly indicate that the Opposition is in full agreement with the measure.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [8.02 p.m.]: I thank the honourable member for his support of the Bill, and I commend the second reading.

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.

CIVIL AVIATION (CARRIERS' LIABILITY) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th August.

MR McIVER (Avon) [8.05 p.m.]: This is a small measure and will simply increase the liability for compensation from $30 000 to $45 000.

This matter has been discussed in the Federal Parliament, and the amendment now before us will bring our legislation into uniformity with the Federal legislation.

The main airline companies in Australia, ANA and TAA, are in full agreement with the amendment. A sum of $30 000 is not very much when compared with present day standards and is not much by way of compensation for the family of a person who loses his life.

We are very fortunate in Australia that payments for compensation for loss of life as a result of aircraft accidents do not occur very often. Full marks should be given to the very stringent safety regulations laid down under our aviation policy. We do not have the same number of aircraft disasters in this country as there are in other parts of the world. Perhaps we do not have the same weather hazards as are experienced in other countries, but we cannot deny that the stringent conditions which apply to aviation in Australia contribute to our safety record.

There is no need for me to labour this Bill. The measure also provides that in the event of the Commonwealth Government increasing the amount of compensation payable, this State will be able to increase the amount accordingly.

We support the Bill in its entirety.

MR T. H. JONES (Collie) [8.06 p.m.]: I want to raise one question with the Minister. If the Federal Government does not amend its legislation, and we find that our compensation rates are out of line with economic standards, will this State be able to amend its legislation? That seems to me to be a danger.

In the case of workers' compensation, payments in this State have been higher, in some cases, than those paid under Commonwealth legislation. If the Federal Government does not amend the aviation law to keep abreast of the economic situation, surely that should not prevent this State from amending its legislation.

MR O'CONNOR (Mt. Lawley—Minister for Transport) [8.07 p.m.]: I thank members for the tremendous co-operation I am receiving at the moment. In reply to the comment from the member for Collie, there is no reason we should not amend our legislation if it becomes necessary. However, generally speaking we have fitted in with the Commonwealth. In this instance the position has been left open so that the figure can be altered, irrespective of what is done in the Federal sphere. I again thank members for their support, and I commend the second reading.

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.

LAW REFORM COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th August.

MR HARTREY (Boulder-Dundas) [8.10 p.m.]: It has been left to me, by our leader, to support this proposal. It is a very simple amendment and one which meets with the approval of my party. Therefore, I have much pleasure in supporting it; we are in complete agreement with it.

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

Resumed from the 17th August. The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clause 7: Section 24 amended—

Progress was reported on the clause after the member for Kalgoorlie (Mr T. D. Evans) had moved the following amendment—

> Page 4, lines 5 to 9—Delete paragraph (a).

Mr O'NEIL: I move—

> That further consideration of the clause be postponed.

Motion put and passed.

Clauses 8 to 12 put and passed.

Clause 13: Section 35 amended—

Mr MOILER: It is my intention to move for the deletion of a paragraph.

Point of Order

Mr BERTRAM: On a point of order, Mr Chairman, I think the member for Mundaring is thinking in terms of moving for the deletion of paragraph (2b)(a).

The CHAIRMAN: I cannot speak for the member for Mundaring.

Mr BERTRAM: On the assumption that that is his intention, I was hoping to move an amendment to the same clause. I am

concerned that if the member for Mundaring proceeds I may miss out. It may be preferable for me to deal with my amendment. I am seeking some guidance.

The CHAIRMAN: There is on the notice paper, notice of an amendment by the member for Mundaring, but that is the only amendment which appears with respect to clause 13.

Mr BERTRAM: I have a further amendment, a copy of which I can give to you.

The CHAIRMAN: Perhaps I could have a look at the amendment proposed by the member for Mt. Hawthorn.

Mr O'Neil: The Minister in charge of the Bill also would like to have a look at it.

Chairman's Ruling

The CHAIRMAN: To make it possible for the two amendments to be considered by the Committee, it will be necessary—if acceptable to the member for Mundaring—for him to move for the deletion of those words in lines 14 and 15 down to and including the word "situated", and then we can consider the amendment foreshadowed by the member for Mt. Hawthorn. Dependent on what happens, we can then consider the other amendment which the member for Mundaring seeks to move.

Committee Resumed

Mr MOILER: Thank you for your guidance, Mr Chairman. I move an amendment—

> Page 10, lines 14 and 15—Delete the passage "(a) the licensed premises are situated".

The CHAIRMAN: Would you like to speak to the amendment?

Mr MOILER: I daresay I could.

Mr O'Neil: I would like to know what it is all about!

Mr MOILER: The Minister has indicated he would like to know what it is all about.

Sir Charles Court: You can hardly blame him.

Mr MOILER: I believe the Minister in his second reading speech said that voluntary association permits would be available in certain circumstances to licensed clubs outside the metropolitan area. The Government's proposal is excellent, but in my opinion this provision should not be confined to areas outside the metropolitan area. The intention of my amendment is to delete the portion of the paragraph which restricts this provision only to areas outside the metropolitan area. I believe service clubs should be able to utilise the facility of licensed club premises within their region in the metropolitan area where there is no suitable hotel or other licensed premises available for the particular function which the clubs propose to conduct.

In the case of such a service club wishing to use licensed premises to conduct a function, the permission of the Licensing Court must still be obtained, so I cannot see any good reason for the restriction imposed in this provision. I believe the safeguard of having to obtain the approval of the Licensing Court is adequate, and therefore there is no reason to stipulate that the licensed club premises must be situated outside the metropolitan area.

Mr O'NEIL: I hope, Mr Chairman, that you do not mind my covering the foreshadowed amendment of the member for Mt. Hawthorn also, as I now have a copy of it. Can I say that I am attracted to the proposition.

The provision in the Bill states that voluntary organisations are not able to use club premises for functions within the metropolitan area at all, but they will be allowed to hold functions in licensed club buildings outside the metropolitan area where hotel facilities of an adequate nature do not exist. The member for Mundaring had an amendment on the notice paper, but he has not moved that amendment. If the member for Mt. Hawthorn is prepared to—

Mr Bertram: Compromise.

Mr O'NEIL: —compromise, perhaps we could consider an amendment along the lines that if the court considers a hotel within the metropolitan area as defined is inadequate for such a function, it may issue a permit to use licensed club premises. This would give the Licensing Court a discretionary power. I can see that such a proposal could be advantageous in some places on the fringes of the metropolitan area where there may be one hotel only and, Mr Chairman, you would know of one place like this.

As members know, I have had very short notice of this amendment, but I state that we accept the principle enunciated; that is, should the court decide there is a warrant for a function to be held in a club, it may issue a permit. I would like to have the wording of the amendment checked, but I assure members that an amendment incorporating this principle will be introduced into the Bill in another place.

Mr BERTRAM: In the circumstances as outlined by the Minister, I think it is only fair that the member for Mundaring and I should accept that undertaking. It is a fact that the Minister has had a few minutes only to consider my foreshadowed amendment, although I think the original proposed amendment of the member for Mundaring has been on the notice paper for a while.

Amendment put and negatived.

Mr SKIDMORE: I am not at all sure how to explain the problem that is worrying me. I do not profess to be a lawyer, but one matter is obvious to me, and I hope that some of my legal colleagues will come to my assistance.

As I understand what has been said, section 35 of the principal Act contains an overriding provision applying to holders of club licences, so that they in turn will come under the provisions of the proposed amendments to this section. I understand the Minister has suggested this is not so and that contained in the amending Bill—

Mr O'Neil: I have not suggested that to the Committee.

Mr SKIDMORE: I understood that during during the previous debate the Minister said—

Mr O'Neil: I simply said it did not cover clubs.

Mr SKIDMORE: That is the point I was trying to make. The problem we are facing at the moment is to try to determine whether or not clubs are excluded. If they are excluded, I must say I do not understand it. Section 35(2) of the principal Act refers to subsections (2) and (10) of section 24. Now section 24(2) states—

> (2) Notwithstanding any provision of subsection (1) of this section—
>
> (a) the holder of an hotel licence may, if his licensed premises are situated within a prescribed area in each of any two periods during which he is authorised to sell and supply liquor on a Sunday, sell and supply beer, in sealed containers, in quantities not exceeding one-third of a gallon to any one person for consumption off the premises . . .

The discussion on the amendment proposed by the member for Mundaring has been adjourned, so the Minister will appreciate my difficulty in understanding what has occurred. Now subsection (2) of section 35 states—

> (2) The provisions of subsections (2) and (10) of section 24 apply, with such adaptations as may be necessary, to the holder of a club licence; but, in deciding whether or not to grant an occasional permit, the Court shall have regard to the facilities available for the occasion and the extent to which the quiet enjoyment of the club by members may be affected by the operation of the permit.

The Bill we are considering does not contain an amendment to that subsection. Therefore, it would appear that the clubs have the right at any given time to seek a special licence for a particular function. I now come to a consideration of paragraph (e) of clause 13 which states—

> (e) by adding after subsection (1a) the following subsection—
>
> (1aa) Where, pursuant to the provisions of subsection (1a) of this section . . . .

So we must then look at subsection (1a) to find out whether or not that has been amended.

Mr O'Neil: I have some notes here!

Mr SKIDMORE: I am trying to understand what is going on. When I turn back to subsection (1a) I find it has not been amended.

Section 35 (1) (a) states—

> A club licence authorises the licensee to sell and supply liquor, on the licensed premises—
>
> (a) at any time, to a member who is a lodger of the club;

This is the part which is in force immediately prior to the coming into operation of section 13 of the Act.

Mr O'Neil: Have you an amended copy of the Act?

Mr SKIDMORE: Yes, I have. However, section 13 of the Act states as follows—

> 13. (1) Subject to this Act and the rules, the Court shall sit at such times and such places as are, in the opinion of the Court, most convenient for the despatch of business.
>
> (2) The Court shall cause at least fourteen days notice to be given of the time and place of sittings, either by notice sent to the parties and persons interested, by prepaid post, or by notice published in the *Government Gazette* and in a newspaper circulating in the area of the proposed sitting.
>
> (3) The Court may, of its own motion, adjourn any sitting, from time to time and from place to place, and may, on the application of a party, so adjourn any hearing, upon such terms as to costs, as it thinks fit.

This section appears to bestow on the Licensing Court certain powers, and directs it to let people know what is going on. So, it would appear that section 13 will not bother us very much. I have referred to about seven cross-references to try to understand exactly what the legislation is trying to say.

Mr O'Neil: Give me a chance, and I will tell you.

Mr SKIDMORE: I would be grateful if the Minister could do that. Section 35 (1) (d) of the Act states—

> subject to subsection (2) of this section, between the hours of eleven in the morning and one in the afternoon and between half-past four and half-past six in the afternoon, on a Sunday, to a member of the club, for consumption on the premises, by him and his guests, not exceeding three in number, in his company;

This is the first definitive statement I can find in the whole hotchpotch, and it relates to hours of trading. But do the hours

contained in paragraph (d) conform with the hours in the amending Bill? To ascertain that, I would have to refer to a postponed clause, and I am not able to do that.

The CHAIRMAN: That is right.

Mr SKIDMORE: We are asked to agree to this clause, yet we are not permitted to refer to a part of the Bill which is relevant to this clause, because it has been postponed.

Mr O'Neil: We can have the debate when we return to the clause.

Mr SKIDMORE: Yes, but by that time this clause may have passed the Committee. I have underlined the words, "the holder of that licence shall continue to be authorised to sell and supply liquor during those first-mentioned hours until the court otherwise orders". I take that to mean it does not alter the overriding effect of section 35 (2) of the parent Act, which bestows on the court the right to grant special licences.

Mr O'Neil: We are amending section 35 now.

Mr SKIDMORE: Clause 13 (g) states—

> by adding after subsection (2) the following subsections—

However, we do not propose to change section 35 (2) of the principal Act.

The CHAIRMAN: The honourable member has two minutes remaining.

Mr SKIDMORE: I am unable to accept that clubs are not to be embraced by this amending legislation. However, there is to be so much alteration it becomes virtually impossible to understand all the ramifications of the amendments. Is it the intention that clubs shall not be permitted to vary their hours, as they are presently able to do? Or will they be lumped together with hotels? It should be clearly spelt out. Clause 13(e) bestows upon the Licensing Court the power to continue those hours. However, if the Act is contrary to the amending Bill, how could the Licensing Court vary the hours?

Mr O'NEIL: Firstly, the number of examples given by the member for Swan in respect of various matters are not the subject of amendment by this legislation, and I will not discuss them. During the last discussion in Committee, a query was raised as to whether the provisions regarding trading hours inside and outside the prescribed zone applied only to hotels, or were clubs also covered. I said, "It is a hotel licence, not a club licence." In other words we were discussing hotel licences. The member for Collie interjected and said, "I thought that initially." An interjection from the member for Swan was not fully reported by *Hansard*. We continued with the debate, and right at the end, the member for Swan interjected and said—

> I will tell the Minister privately how I wanted to help him.

There was a consensus that the provision relating to trading hours on a Sunday would affect clubs, and I maintained that it would not. Clause 13 of the Bill seeks to amend section 35 of the principal Act, which contains all those other matters to which the member for Swan referred, and which are not the subject of amendment.

Mr Skidmore: I mentioned only section 35(1) and (2). The hours of trading are relevant, and are due for amendment.

Mr O'NEIL: The member for Swan has asked whether the present provisions of the Act will override the Bill; I believe that will not be the case, and that the amendment to section 35, which maintains club hours at their present level, is the correct interpretation.

Mr T. H. Jones: Is that your opinion, or does the Crown Law Department agree with you?

Mr O'NEIL: I will read the relevant part of the Bill. After various other amendments to section 35 of the principal Act, the following savings provision is included in the Bill—

> (e) by adding after subsection (1a) the following subsection—
>
> (1aa) Where, pursuant to the provisions of subsection (1a) of this section as in force immediately prior to the coming into operation of section 13 of the Liquor Act Amendment Act, 1976, the hours during which the holder of a club licence was authorised to sell and supply liquor on a Sunday were different from those specified in paragraph (d) of sub-section (1) of this section, the holder of that licence shall continue to be authorised to sell and supply liquor during those first-mentioned hours until the Court otherwise orders. ;

It is quite clear that this savings provision will maintain the current situation in respect of the trading hours of clubs on Sundays.

Mr SKIDMORE: I accept what the Minister has to say about the savings clause. However, I am concerned that at some time in the future, the Licensing Court may persuade the clubs to alter their hours of trading to conform with the rest of the trade.

Mr O'Neil: Is that not the purpose of the Licensing Court—to have some surveillance over liquor and trading? Or do you not want a court? Do you want the clubs to do as they like?

Mr SKIDMORE: I do not believe the Minister is entitled to make such an assumption from my remarks; that is not what I wish. At the moment, the clubs are permitted to vary their hours, and it will

be accepted by the court, unless otherwise ordered. However, the clubs will be subjected to the control of the Licensing Court. We are to have an inner and an outer zone. The metropolitan hotels and clubs will be restricted in their hours of trading, and may not vary them, and in this way it would appear that the rights of clubs will be interfered with by this legislation. In my district, in an area of no more than one square mile, there are two bowling clubs and one football club, each of which could have varying hours. Those varying hours will be maintained until such time as the court otherwise orders. The order will be: "You will conform with the same hours that apply to any other club."

To me that is not on. The court may withdraw a licence at any time now but the intention is not restricted. It is merely setting hours to suit the wishes of each club. For instance, some bowling clubs may have pennants or tournaments which close later than those of other clubs. So they vary their hours to suit. Under this Bill it will be absolutely impossible for the clubs to have any jurisdiction. I think the clubs should have the right to vary hours in accordance with their desires, not only because they now have that right but also because it appears to me that this legislation will allow them to vary in the future. If this amending legislation is passed that is precisely what it will say.

Mr T. H. JONES: The Minister must readily agree that if clause 7 is passed in its present form it will take the jurisdiction away from the court in certain areas. We do not know whether the reference to zones will be taken out of the Bill, whether the Government will change its attitude or whether, when the conscience vote is put, the rules will apply and the concept generally will remain law. That is something for the future. The fact is that the court will have jurisdiction in respect of clubs but will have no jurisdiction so far as hotels in the inner zone are concerned. This is what is worrying.

The Bill will differentiate between clubs and hotels. If the court says that the trading hours for clubs in Western Australia are now satisfactory, no matter what zone they are in the hours will remain. If we accept zoning as contained in clause 7, hotels will be at a disadvantage compared with clubs.

In his second reading speech the Minister advanced reasons for introducing standard hours within the inner zone. He said there would be problems on the road as far as drink is concerned. If the court is to have jurisdiction in the clubs they may carry on with the hours they were operating before this amending Bill becomes law.

In my speech at the second reading stage I put forward the views of the AHA when it argued that the clubs have an advantage over the hotels in Western Australia. It does not matter to me whether hotels have a better deal than clubs in one respect. But if we are looking at principles we have to treat the whole industry on the same basis. Why should clubs have better trading hours than hotels?

What worries me is that if the established hours are to be two two-hour sessions the court may say that a club presently enjoying a three-hour session and a two-hour session will have to adopt two-hour sessions as standard practice because Parliament is now implying that this should happen in the inner zone. If it is good enough for the Government to interfere with hotels generally in Western Australia it must be dinkum and say that the conditions shall also apply to clubs.

Why differentiate between the two licensing sectors? I am a great supporter of clubs. I attend clubs probably more than I attend hotels, but I do not see why, if we are to amend the Act for the reasons outlined by the Minister, the court should have the power to say that clubs can have longer sessions than hotels in the areas defined.

Mr O'NEIL: Firstly, I want to put the honourable member's mind at rest. If there is a major amendment to the postponed clause there are facilities available to ensure that the amendment will be reflected throughout the subsequent clauses of the Bill by a simple recommittal process. Whether we accept or reject the principle of inner and outer zones in clause 7, the appropriate machinery is available to the Committee to recommit the Bill or, alternatively, to have it corrected in another place. This is the purpose of our system. I do not think the honourable member need have any fear that whatever progress we make in respect of the balance of the legislation will be inhibited or marred by whatever we do to clause 7 when we come to it at the end of this legislation.

Mr BERTRAM: Clause 13 on page 10, reads as follows—

> (2b) The Court shall not grant a voluntary associations permit under subsection (2a) of this section unless—
>
> (b) in the opinion of the Court each voluntary association specified in the permit—
>
> (i) is a body of persons associated together for a political, social, literary, sporting or other lawful purpose;
>
> (ii) imposes adequate restrictions upon the admission to membership of the association;

I move an amendment—

Page 10, line 31—Insert after the passage "association;" the word "and".

Subparagraph (iii) reads as follows—

(iii) has been well managed for a period of at least two years prior to the making of the application; and

I believe that is taking caution a little too far. I suggest that to have that provision is a little pettifogging. It does Parliament little credit and reflects discredit and lack of confidence upon the Licensing Court. The court is made up of three persons experienced in the Liquor Act. They know the intention and the spirit of the Act and they know the intention and the spirit of this voluntary associations permit. In my view, we should be prepared to give the court a little flexibility, elbow room, initiative and imagination and not constrain it by providing that it must be satisfied that a particular organisation has been well managed for a period of at least two years prior to making the application. I see nothing wrong with the other guidelines but I think this is taking it a little too far. Surely we should be prepared to place some confidence in the court.

If the court thinks an application is sensible and proper but the organisation has been going for only 21 months, to turf out the application would be a little ludicrous. Does it mean that the voluntary association must postpone its annual general meeting for three months? I have moved my amendment to give the court ordinary sensible discretion. We are not throwing any earth-shattering responsibility or decision upon its plate. We are simply saying, "You know the spirit and the thinking behind this measure and it is up to you to implement it properly."

The CHAIRMAN: I remind the member for Mt. Hawthorn that it is a requirement of the Standing Orders of this place that an amendment should be handed in in writing. I shall accept this one at this stage but I warn members that I will not accept any more in the future.

Mr O'NEIL: I suggest that the Committee reject this amendment. We are dealing with a completely new type of permit, not a licence. It is a permit which may be granted to voluntary associations. The matter is not clear in my mind but I gather that a permit issued for a single function at a certain place is not a matter considered by the court *per se*. I understand that in many cases these permits are issued by the senior police officer in the locality so the court has delegated this authority to issue a function permit.

I think most of us on both sides of the Chamber would be glad to see political parties included in voluntary associations because I understand that at certain times political parties are not permitted to hold functions on licensed premises. This overcomes that rather outdated provision in the Act. The member for Mt. Hawthorn agrees with the provisions concerning adequate restrictions on the admission to membership of such associations. I presume that would be in respect of the parent body of an association which has a branch within a certain district.

I believe it is important that some strictures be placed on the granting of voluntary associations permits because it is not inconceivable that 15 or 20 people would decide to have a function on licensed premises and find a way round the legislation by forming an association four or five days before asking for the permit. Therefore, this is a guide not to the Licensing Court, which I agree would have the expertise to examine all the conditions contained in the application, but to the senior officer of the Police Force who has the responsibility for granting the permit.

I might agree that the two-year period might be a little long in this case, but I will oppose the amendment at the moment because I believe there should be some period to ensure that the particular voluntary association is in fact what it says it is and not just a group of fellows who decide to apply for a permit. I will check with my colleague to see if there is any reason for the particular period.

Mr Bertram: It could be a sporting club in a new mining town.

Mr O'NEIL: That is right. The point is well made, but some guidelines must be available to the officer who issues the permit and I will have the matter checked to see whether or not there is any real reason for the inclusion of the two-year qualifying period.

Mr BERTRAM: In the course of his remarks the Minister referred to political parties and their branches. I am not clear on the position under the clause. Let us assume that we have a political party A with branch No. 10 just commencing in, for example, Wanneroo. Does that branch have to exist for two years or is it necessary for the branch simply to indicate that it is a member of political party A which has been in existence for the last 100 years?

Mr O'NEIL: I think perhaps I was wrong in referring to the difficulty of political parties. The main provision is to allow voluntary organisations to hold meetings in other than licensed premises. In other words, the voluntary association's permit is to be granted for the holding of a club function on licensed premises outside the metropolitan area, etc. Paragraph (c) of proposed new subsection 2(b) indicates that the court shall not grant a voluntary associations permit unless—

(c) the Court is of the opinion that the licensed premises to which the application relates are reasonably

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

In essence we are still talking about the occasions when these voluntary associations will be permitted to hold meetings in clubs. Perhaps my reference to the difficulty in hotels was wrong. I am not a lawyer, but I would expect that a branch of the ALP would identify itself as such. A branch would in fact be a part of the whole. As I say, I am no lawyer, but I do not believe any police officer worth his salt would argue the point.

Other voluntary associations are not probably a part of a parent body, but are peculiar to the local district. I do not think the provision will be found difficult to enforce.

Mr BERTRAM: Will the defence counsel be able to quote the Minister?

Amendment put and negatived.

Clause put and passed.

Clauses 14 to 19 put and passed.

Clause 20: Section 57 amended—

Mr BERTRAM: I oppose the clause because the provision it contains should not be supported for a moment. I touched on this clause in my second reading speech at some length. If this provision is included, the licensees of established premises will be given a protection of a nature which is almost unprecedented and is certainly not a protection to which a local fish shop, grocer, greengrocer, delicatessen, or anyone else is entitled.

Though the clause refers only to the hardship of an existing licensee or existing licensees, what it leaves out is very important and is something of which I hope the Committee will take real heed. Really it protects the landlords of premises because very often the licensee is not the landlord. If new premises were established and the trade of the existing premises diminished, the rent would have to go down and the landlord would suffer. This is a most unacceptable principle to embody in any legislation and it will have the effect of slowing down the type of progress made in respect of civilised drinking—if I may use that expression—which has been made in this State over the last few years largely because of the sort of recommendations made by the Adams committee years ago and the initiative of Mr H. E. Graham and others with him for some years in the Licensing Court.

We do not want to slow down that progress merely because we have huge Taj Mahals the public no longer want as they prefer the smaller establishments like taverns, and so forth. We should not pass legislation which dictates to the public and forces them, whether or not they want to, to patronise the Taj Mahals costing $1 million or more placed in an area of bitumen or concrete provided as parking space for thousands of cars. We should not include a provision which forces people to use these Taj Mahals by allowing the upholding of an objection by the licensee of such premises on the ground that to allow the new premises to be established next door or up the street the licensee of the Taj Mahal will suffer substantial economic hardship.

I am not aware of any political party which would sustain this type of provision. People in business take certain risks. If they did not want to take them they would not enter business. During the years, being mindful of the risks involved, the licensees charge a certain price for the beer. These people having taken those risks and charged accordingly, the amendment now stipulates that there will be no risk. This clause will help the licensee or licensees, but ultimately fundamentally, and most importantly, it will help those who own these huge hotel establishments.

I would be less than natural if I did not have some compassion for people who invest these huge sums of money, but this is business and businesses are collapsing all around the place. Consider the situation on the goldfields when suddenly a seam of ore runs out and the investment of those involved collapses. The same thing occurs when a new invention is involved. A certain business enterprise is not able to function at a profit and therefore ceases to be viable. What about those establishments? Why should the licensee under this legislation get this extraordinary, special protection and privilege? Have we, as members of the Committee, the right to give it without any mandate? These are the hazards of the occupation and it is not a matter of wanting to take anything from the licensee. I would not enjoy being in that position myself; but this is not the cure.

If an established hotel is no longer acceptable to the public for any reason the public should not be forced to patronise it if they want a tavern or a restaurant instead. They are being told that they cannot have such premises merely because the licensee of the established premises will suffer economic hardship. Such situations are occurring every second of the day and those involved should, with great respect and some concern for their occasional dilemmas, have to rough it like the rest of them. That is what is called competition—free, open, untrammelled, and fair competition. That is the aim for which we should be striving here and that is why I will be voting against the clause.

Mr O'NEIL: Although I am sure the honourable member is aware of the fact I want to make it perfectly clear that

we are not banning the establishment of any liquor outlet adjacent to those already operating. From the tenor of the remarks of the member for Mt. Hawthorn one would imagine we were.

Provisions in the Liquor Act allow for objections to be made to the granting of a licence or a provisional certificate. I often wish this was not the case because on one occasion I was called before the court to support the case for the establishment of a hotel—namely, the Manning Hotel—now in the electorate of the member for Clontarf. As the then local member I was requested to try to express to the court the need for the facility in that area and one would have thought I was on trial. I was torn asunder by the legal practitioners representing the applicant and others.

However, after this traumatic experience we all adjourned from the court to a nearby place to replace the body juices we had lost. The two solicitors were very friendly towards each other and as a result of the hearing the fellow against whom one was objecting became a member of the organisation. That is what happens.

There are provisions for people of all kinds to object to the granting of a licence for a liquor outlet. There are provisions that objection may be lodged to various licences which were listed by the honourable member, and the grounds may be—

(i) that the reasonable requirements of the affected area do not justify the granting of the licence or certificate;

(ii) that the accommodation and services provided or proposed to be provided by the applicant are inadequate to meet the needs of the public in the area or for the type of licence sought;

(iii) that the premises to which the application relates are in the immediate vicinity of a place of worship, hospital or school; or

(iv) that the quiet of the immediate vicinity of the premises to which the application relates would be unduly disturbed, if a licence were granted;

That can be found in section 57 (2) (a) of the Liquor Act, 1970. It is now simply proposed that an additional ground for lodging an objection be—

> that the granting of the application may reasonably be expected to lead to the creation of substantial economic hardship to a licensee or licensees in the affected area;

It is true there has been a proliferation of a number of new kinds of drinking outlets since the passing of the Liquor Act in 1970—taverns and the like. It is also true that some people have not sufficient business acumen to enter into this trade. I always imagined it to be reasonably lucrative but so many of these outlets have been opened in recent times that it is felt some of the people who are endeavouring to provide the kind of liquor outlet to which the honourable member is referring—a quiet little place where people can go to have a few drinks—will find them becoming uneconomic.

That is probably what has produced the Taj Mahal to which the member for Mt. Hawthorn has referred. I believe some of the first tavern licences resulted in premises which were not in accordance with the intent of Parliament. They were very large premises and, as I understand it, became to a large extent simply beer halls. But in latter times there have been some rather pleasant little taverns. There is one in your electorate, Mr Chairman, to which I have been on occasions. This is the kind of thing we want, but if we allow them to proliferate to the extent they appear to be the proprietors of those places for economic reasons will not be able to maintain the standards and the service in respect of meals that now prevail, and will find themselves competing for the beer trade.

Surely it is not unfair to allow the people who are trying to do the right thing—like the people in your electorate, Mr Chairman—to lodge an objection to the court against the granting of a further licence in that area. The court simply takes the objection into consideration. We are not banning the establishment of new premises but we are saying that the licensee of such existing premises can object to the establishment of new premises on the ground that they will cause his service to deteriorate. That is all it is and I suggest the Committee vote for the retention of clause 20.

Mr BERTRAM: What the Minister says is true: the amendment simply provides a ground of objection. But if the ground of objection is not written in at this time by this Committee it simply will not be in the parent Act, and if it is not in the parent Act such a licensee or licensees will not be able to raise that objection; they just will not get started. They may have several objections they would like to raise. I am saying this particular new proposed ground should not be written in because once it is written in licensees will home straight onto it. So instead of objecting only on the other existing grounds of objection they will throw this one in as well, and it will be a very persuasive device as far as the Licensing Court is concerned. That is what I am afraid of.

I maintain it is a backward step. I believe when one goes into business one takes the risks involved and charges the customers accordingly. I do not think

one needs to have accountancy qualifications to realise that the resultant hardship in this case will be upon the customers—the thousands of people who resort to the premises of the objector—because they will have to pay for all the huge places when as a matter of fact the smaller shows—the taverns and the like—can operate at a lower cost and, I would have thought, will be able in the near future to provide some kind of amelioration so far as the charges to the customers for liquor are concerned. That is what we should be looking for. We should not be doing something which will promote, maintain, and facilitate inflation; we should be aiming against that. Nor should we be here guaranteeing the value of somebody's land. Nobody at all guarantees the value of my land or of the land on which any house is situated in the street in which I live. Yet I and thousands of my electors are being asked to guarantee the value of certain premises. I object to that. I do not think it is fair. It is an isolated situation.

As I understood his remarks, the Minister has not sought to argue against what I said as to the novelty and uniqueness of the situation. He is setting a precedent —what might be described as a landlord's delight—with assets which may be worth $2 million. We are writing into a Bill a provision which will guarantee the value of the asset at the expense of the overwhelming mass of the people whom we are supposed to be representing.

If this Bill has something to do with conscience, members may think the remarks I have made have something to do with conscience. I repeat it is a very bad step and should be recognised as bad. For that reason I urge members to vote against the clause and have a little regard for what they are doing. The clause is on page 13 and sticks out like a beacon on the top of a hill. We are giving a priority, advantage, concession, and benefit to a relatively small handful of people and no real case has been made out to sustain it. If we pick out a few isolated people in the community and give them a huge advantage against the rest, surely we need a good case for doing it.

Mr O'NEIL: These people need a licence to operate and they pay fees for it.

Mr BERTRAM: They pay a premium.

Mr O'NEIL: It is different from a lot of other people.

Mr BERTRAM: That is right, and I think it would be ever so much better for all concerned—perhaps with the exception of the licensee, and more particularly the registered proprietor of the land—and I would be much happier if we refunded to those people part of their premium or something of that kind, rather than operated in this way and propped up something which has spent its time because it is no longer the kind of thing people want.

It is sad to see buildings destroyed by bulldozers, but these days huge buildings are knocked down, and a property which is no longer of value to the community should not be left standing as a burden to the community by propping it up with these disastrous four lines which will appear in subclause (2) of clause 57. This is a very bad move and I have done my best to let the Committee know precisely what it is.

Clause put and passed.

Mr HARTREY: I would like to speak on clause 20.

The CHAIRMAN: The clause has been passed.

Mr HARTREY: No motion has been put.

The CHAIRMAN: The member spoke against the clause and voted against it. I have put the clause and it has been agreed to.

Mr HARTREY: The motion was that it be struck out and it was not struck out.

The CHAIRMAN: There was no such motion. Had the member for Mt. Hawthorn been amending the clause he would have moved an amendment. He opposed the clause in its entirety. I put the question and it was resolved in the affirmative.

Point of Order

Mr BERTRAM: I would like to speak on a point of order in respect of clause 20. As I see it, the Committee will not be put to any inconvenience, disadvantage, or expense, or lose very much time if the member for Boulder-Dundas is given an opportunity to be heard. We have not gone on to clause 21. We are halfway through the debate, and while agreeing with the technical virtue of your decision, Mr Chairman, I also recognise what seems to be the fairness of allowing a member to speak. He should not be prevented from doing so when he was a little slow getting to his feet. He is not as young as many of us.

The CHAIRMAN: I will call clause 20 again.

Committee Resumed

The CHAIRMAN: The question is that clause 20 be agreed to.

Mr HARTREY: I am grateful for your extension of time, Mr Chairman, and I do not blame inability to spring out of my seat. I move an amendment—

> Page 13, line 24—Delete the word "substantial" with a view to substituting the word "exceptional".

I have looked up some of the meanings of those words, and I have come to the conclusion that what I said in my second reading speech when I favoured this particular clause was a little hasty. I find that "hardship" does not mean exactly

what I thought it did in law, and that "substantial economic hardship", which would seem to me to be quite a serious thing, could easily be interpreted as not being something very serious. I agree with the member for Mt. Hawthorn that it would need to be a rather severe economic hardship to merit its being made the ground for objecting to a new licence.

The words "exceptional economic hardship" would give expression to the feelings I have on the matter. The words "substantial economic hardship" really could be translated in legal speech as being something over which a man lost money, and that is not what I feel is intended, and I am sure it is not what the member for Mt. Hawthorn intended.

To find the meaning of "hardship" I looked it up in *Words and Phrases*—a legal dictionary—and I find that in the sense in which it is used in this provision it could be regarded as "the subjective effect of a detrimental nature upon the person concerned, directly consequent upon the deprivation of a benefit subsisting or potential". That to me does not imply seriousness. It simply means economic disadvantage. Of course, the opening of a new hotel always creates an economic disadvantage to other hotels in the vicinity. I do not think Parliament meant to make that a specific ground for the refusal of a new licence.

However, there are places, particularly on the goldfields of Western Australia, where the opening of a new hotel would inflict exceptional economic hardship. In fact, it could drive one or even two of the remaining hotels to the wall. Therefore, I feel there is much merit in deleting the word "substantial" and substituting the word "exceptional".

The CHAIRMAN: I note with interest that the member has not handed in the amendment in writing.

Mr Hartrey: It is only one word.

The CHAIRMAN: The Standing Order is clear; and I point out to the member that I have been reasonably co-operative with the Opposition in this matter.

Mr BERTRAM: I support the amendment moved by the member for Boulder-Dundas, because the case I put forward for deleting the clause clearly has been lost, and this seems to me to be an attempt at compromise.

Mr O'Neil: It has not been lost, because we are still talking about clause 20.

Mr BERTRAM: Well, I did not get my way.

Mr O'Neil: You might still get it; we are back on clause 20. We should not be, but we are.

Mr BERTRAM: I think the Chairman displayed excellent discretion and justified his chairmanship. I came to the conclusion that my attempt to delete the clause was doomed, and now in the interests of compromise I support the move by the member for Boulder-Dundas. As I understand the situation this amendment will place a heavier burden upon the objector than he would otherwise have to face up to if the clause as it stands became law. I do not like this clause at all, whether the word "substantial" or the word "exceptional" is used, and I have made that clear.

Mr O'Neil: You can develop that argument again, because we are still on clause 20.

Mr BERTRAM: However, I prefer the use of the word "exceptional" rather than the word "substantial". I have already pointed out this is a bad piece of law against which the people will rebel one day when they become aware of its significance. Unfortunately, often the people do not become aware of what happens in this place, and as a result we have some extraordinary laws which are thoroughly unjust. I support the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 21: Section 62 amended—

Mr BERTRAM: To be consistent with the remarks I made during the second reading debate and the earlier Committee stages, I repeat the arguments which I advanced in respect of what is happening under this Bill; that is, that we are seeing for the first time a departure from the situation under the Licensing Act and subsequently under the Liquor Act in which Parliament has the power to fix the various fees. In future, fees will be fixed by way of regulation instead of by legislation, which has been the case for many years. This is being done by what can be fairly described as the back-door method.

Furthermore, there is no justification for it because such is the high rating of the subject of liquor in this place that we have before us a Bill to amend the Act about once a year. Therefore, there is a vehicle readily available for us to remedy fees by legislation. Why then without any real reason should we suddenly change direction? I have asked that question before, and to my recollection no serious attempt has been made to justify this action. I oppose the clause in its entirety.

Clause put and passed.

Clauses 22 to 28 put and passed.

Clause 29: Section 120A added—

Mr T. H. JONES: I spoke very forcibly against this provision in the second reading. I refer members to the wording of the clause. I wonder whether the Government has really considered its import. What happens when a riot or disturbance occurs? It happens so quickly that anyone involved has to move rapidly.

As I pointed out previously, I had the unfortunate experience of seeing the bikie incident at Collie. Let us use that as an example. We did not know they were coming; they arrived suddenly, and as a result it was necessary to close all the hotels in Collie, and not just the hotel where the bikies were situated.

Let us consider who was at Collie when the bikies arrived. There was an inspector of police from Bunbury (Mr Napier) together with the senior sergeant in Collie. Had this provision been operating at that time, the senior officer would not have had authority to close the hotels in Collie. He would have had to look around for a stipendiary magistrate or two justices of the peace and say, "I want the hotels closed because in my opinion there will be a riot in such and such a hotel." What a stupid set of circumstances! All the stipendiary magistrate or two justices of the peace could do is to act on his advice. The most important thing is that irrespective of whether it is a magistrate or two justices of the peace, they can act only on the advice of the senior police officer.

Would it not be easier if the senior police officer were advised by his juniors that in their opinion a disturbance was about to occur at a particular hotel, and so the senior officer could recommend the closure of the hotel forthwith?

In the instance to which I am referring, the senior police officer, if this provision were law at that time, would have to try to find a magistrate. If he could not find a magistrate he would have to look for a justice of the peace and, if he found one, he would then have to locate another.

Mr Skidmore: What if one of the justices of the peace is in the civil disorder?

Mr T. H. JONES: Yes, and what if the justices of the peace cannot be found? This can happen in a small town. As country members would know, small towns have a limited number of justices of the peace; in some there are only three or four. What would happen if they were away playing bowls or golf? Would the riot proceed? If the senior police officer cannot locate a magistrate or any justices of the peace, does he have the right to close the hotel?

Do we say, "I am sorry, I cannot find any of the men specified in the Bill. Things will have to go on"? Just how stupid are we becoming? Anyone who has been associated with hotels will know that things happen very quickly. By the time the senior police constable can contact a magistrate or two JPs things will have got out of hand. All members on that side of the House know this to be a fact. It could well be that the magistrate concerned lives several miles from the hotel. By the time the constable finds he is not at home and by the time he looks for a couple of JPs a skirmish could occur.

Mr Nanovich: The publican could be a JP.

Mr T. H. JONES: I do not know any publicans who are JPs. Members who are involved in areas containing Aborigines—I am not taking a shot at Aborigines—will know that things can get out of hand within a couple of minutes. I think the Government will be very sorry in the long term that it ever thought of introducing this type of provision in the Bill. I think the Government should have another look at the proposition which I believe to be unworkable. If the Minister can convince me I can accept his point. For him to suggest it would be preferable for the senior officer on the job to get on the telephone—

Mr O'Neil: He is busy holding one of the rioters.

Mr T. H. JONES: If he is holding one of the rioters, how can he send for a magistrate?

Mr O'Neil: He can send someone to do it.

Mr T. H. JONES: The clause states—

> Where the senior member of the Police Force for the time being on duty at any place has reasonable grounds for believing . . . he shall so advise . . .

If the constable were holding down a person would a magistrate accept the word of someone who said, "Constable Brown has sent me. I want an order to close the hotel"?

I think my strongest argument is that a policeman who considers a riot may occur can recommend the closure of a hotel. Neither the magistrate nor a JP need visit the hotel to say that it must close. My proposition is that the Government should make provision for one telephone call directly to headquarters to say, "A skirmish will occur, I have viewed the situation, and I recommend the closure of the hotel." I think that is a far better proposition than the provision contained in this clause.

Mr O'NEIL: This matter was canvassed fully in the second reading debate. I explained my support of the proposition quite fully and clearly. It has not convinced the member for Collie but I do not propropose to vote out this clause or to assist him in disposing of it. If the proposition that has been put forward in this Bill is not suitable, no amendments to it appear on the notice paper and there has been no indication of any amendments that might be made. The matter was fully debated at the second reading stage. Ample opportunity existed for any member to propose an amendment to it. I suggest to the Committee that this clause be supported.

Mr SKIDMORE: I wish to see the whole of the amending provisions in this Bill thrown out. Members may recall my remarks in another debate when I said it appears the Government has hit the panic button and has produced a sledge hammer to crack a peanut. It seems to want to achieve this objective by this piece of legislation.

I wonder whether the people concerned with this amending legislation have considered the situation that could have developed in Laverton when some innocent Aborigines were moving down from the Warburton Range and were supposed to have been armed, to have been drinking, and to have caused a riot when in fact none of those things were going to take place. It would appear that in trying to overcome a possible riot situation the authorities failed to consider the possibility of closing down the hotel.

I should like to refer the Minister to section 120 of the Liquor Act, 1970, because it deals precisely with the questions that have been raised. It reads as follows—

> 120. (1) Subject to the succeeding provisions of this section, the holder of a licence under which he is authorised to sell and supply liquor from a bar shall—
>
> . . . .
>
> (d) not, except in conformity with this section, close any bar known or accepted as a public bar except by reason of some pressing emergency or other just cause.

That subsection was amended by adding the words "without the leave of the court". We now have the situation that if we want to get rid of paragraph (d) so that the licensee, on advice from the police, may close the hotel, the court will have to be advised. That seems to me to be ludicrous.

We now find ourselves having to do something about what may occur. The situation is that any senior police officer in any situation in any town will have to say that he believes a riot or civil disorder could take place. It seems to me that what he ought to be doing is looking at his present powers under the Police Act. They are wide enough to take care of any disturbances in and around licensed premises. One does not need to look for a stipendiary magistrate or two justices of the peace to sign an order to close a bar and then discover that one cannot find two JPs or a stipendiary magistrate. I do not see any credit at all in that situation.

I believe the present law is sufficient. I do not believe anybody should be given the right to gaze into a crystal ball and to assume that there will be a disorder merely because a couple of people are fighting in the area of the hotel. The present law allows those people to be arrested and charged with an offence under the Police Act. I do not believe there is any need to place further emphasis on it.

Will the Minister try to convince me that the closing of a bar will stop a riot? One could well prevent a riot by closing all the hotels in a town for 14 days before somebody arrives on the assumption that that person will cause a riot. If there is a riot will the senior police officer have to say, "A riot has started, find a stipendiary magistrate, if not find two justices of the peace; explain the situation, come back, and I will direct what we are going to do"? How stupid can we get?

I do not know the difference between a riot and a tumult. I do not know the difference between a civil disorder and a tumult. I am told that a riot involves three people or more and a tumult involves more people than a riot. If a riot consists of three people or more a tumult will really be some sort of upheaval.

In the interests of a sensible approach to our liquor laws surely we should leave the question of whether people are going to disturb the rights of others to enjoy a drink in a hotel to the police under the Police Act. The problem with this Bill is that it contains so many penal clauses it is almost laughable. Clause 7 covers penalties. Section 126 of the parent Act covers offences relating to sale and supply of liquor. Section 127 relates to penalties, as does section 128.

The CHAIRMAN: I would prefer the member to go to clause 29 of the Bill.

Mr SKIDMORE: Mr Chairman, if you wish me to develop an argument along the lines of the stupidity of the proposed amendment to section 120, surely it is not unreasonable that I should refer to the parent Act.

The CHAIRMAN: Order! The member for Swan will resume his seat. If the member is suggesting that I, as Chairman of this Committee, am being unreasonable in view of what I have already done with this Committee, I suggest that he withdraw his remark.

Mr SKIDMORE: I shall not withdraw the remark because I never made it.

The CHAIRMAN: As I understood the member for Swan, he was suggesting I was being unreasonable in my suggestion that he should address his remarks to clause 29. Did he say that or not?

Mr SKIDMORE: I did not say that.

The CHAIRMAN: Then the member for Swan may continue.

Mr SKIDMORE: I said that it is not unreasonable for me to develop the argument to show that the present Act provides for certain assumptions to be made and that the offences which are required to be covered in these situations are already covered in the Police Act. The police already have power to remove people from

the precincts of a hotel bar at any time and to charge them with being drunk on licensed premises. This seems to me to be a way of overcoming a possible riot situation.

I take strong exception to the fact that a lodger in a hotel will be grandiosely permitted to return to his hotel room, notwithstanding that the hotel has been closed, but he will not get any liquor until the restriction is lifted. He will not be permitted to take liquor simply because somebody has suggested that there may be a riot. Somebody may say, "Bikies will come into the town tomorrow and we are going to close the hotel." To me that does not seem reasonable. It is as stupid a using a sledge hammer to crack a peanut.

Regarding the provision in paragraph (b) of proposed section 120A I cannot see how in the interests of maintaining peace it may be necessary to close a hotel. Does anyone suggest that if a fight is likely to take place outside a hotel and the hotel is closed, such action will stop the fight?

When a group of bikies purchase a keg of beer and take it out of town to be consumed, does anyone suggest the closing down of the hotel will prevent a riot? There is a great deal of supposition in the proposition that one could put forward to the exposition! I say that the provision in paragraph (b) should not be agreed to, and it has no place in the legislation.

I say in all sincerity that a provision of this nature should not be agreed to, because I consider the existing legislation to be adequate. There are adequate safeguards in the Liquor Act of 1970, and I would point out that in respect of 15 to 20 offences the police are empowered to act to quell a possible riot, disorderly conduct, tumult, or civil disorder. I hope the Government will agree to toss this provision out, and so allow the lodger at a hotel to go back to his room and to be able to obtain liquor. This right should not be taken away from a person merely on the assumption by a police officer that some riot or disorder might take place, just like the police officer at Laverton who assumed that some civil disorder would occur the next day when some Aborigines with their wives and children on a truck would be coming to town.

Mr COYNE: I oppose the clause which seeks to insert new section 120A. My first description of it was that it was a case of using a sledge hammer to crack a peanut. The liquor trade, and in particular the licensees, think this is a ridiculous provision.

The application of the provision in this clause to the electorate that I represent, which has a fairly high Aboriginal content among the population, would be undesirable. I have seen situations developing where the licensee closed his premises without reference to anyone.

The member for Swan has urged that paragraph (b) of proposed section 120A (1) be deleted. If it is it would enable the licensee to act in a reasonable way without reference to justices of the peace.

In country areas, particularly in the remote areas, people find great difficulty in the present climate in contacting justices of the peace and getting them to act. Justices of the peace are reluctant to come forward, because of the many charges arising which involve Aborigines.

The court duties of justices of the peace are very onerous, and they take up considerable time. In Wiluna there are two justices of the peace, one being the manager of the desert farm project and the other being on a pastoral station. In the first half of this year they dealt with 300 charges. It is unfair to place that amount of work on those two justices of the peace. When a riot, an argument, or a fight occurs involving Aborgines how would it be possible for people to obtain one or two justices of the peace in the Murchison area? The position in Laverton, which also has a high content of Aborigines among the population, is similar. The position in many other towns also is similar.

I think the community will be well served by the deletion of paragraph (b) of proposed section 120A (1).

Mr HARTREY: I agree with the comments of the member for Collie. In support of them I propose to move two amendments as follows—

(1) Page 17, lines 22 to 30—Delete all words after the word "he" down to and including the word "requires".

(2) Page 17, line 35—Delete the words "Magistrate or Justices" and substitute the words "said member of the Police Force".

If the two amendments are agreed to proposed subsections (1) and (2) of new section 120A will be amalgamated and will read as follows—

120A. (1) Where the senior member of the Police Force for the time being on duty at any place has reasonable grounds for believing that—

(a) a riot, tumult or civil disorder is occurring or is likely to occur in or about that place; and

(b) in the interests of maintaining the peace it is or may be necessary for one or more licensed premises at or in the vicinity of that place to be closed,

he may order or direct the licensee of any licensed premises situated at or in the vicinity of the place concerned, to close his licensed premises for such time as is thought fit by the said member of the Police Force.

In other words these amendments seek to do away with the need to chase around for justices of the peace and magistrates. The senior police officer, who after all is responsible for maintaining order and who will be at the receiving end of any tumult that is created, will be given the discretion to close a hotel for the time being because the town could be in danger. Towns of reasonable size in Western Australia have in recent times been endangered by this type of riot or tumult. It did happen at Laverton, and the bikies created a tumult in a town in the south-west. The same thing could happen with a mob of hoodlums anywhere in the State.

This country, like many others, is drifting in the direction of experiencing outbreaks of collective violence. Collective violence is spontaneous, and prompt action to quell the first signs of it might be, metaphorically speaking, the stamping out of the match which might otherwise set fire to the bush. I think the provision has merit and should be adopted. However, I do not agree it is a case of using a sledge hammer to crack a peanut. I think that some of the "nuts" which this provision could be the means of cracking would be well cracked, and possibly with batons!

I say that the senior police officer in the area should be left to exercise his discretion. If he finds it necessary or advisable to close a hotel he would be able to do so. The hotel keepers will not complain, because they do not want their premises and stock smashed. Furthermore, the people of the town will be grateful for such a provision in the legislation. The impracticality of chasing around the countryside to find justices of the peace not only in Wiluna but also in many other centres has been amply demonstrated. I say this function should be carried out by the police officers themselves.

For the reasons I have given I move my first amendment—

Page 17, lines 22 to 30—Delete all words after the word "he" down to and including the word "requires".

Mr O'NEIL: It is necessary for me to go back a little, before I express myself on the amendment. I refer to the provisions that exist in the parent Act. The member for Swan has indicated that power already is vested in the licensee of an hotel to close his premises or parts thereof in certain emergency situations, but he questioned why an amendment was made that in those circumstances the licensee needed the approval of the court.

I do not know whether he was here at the time this amendment was considered. There did arise the situation, particularly in metropolitan hotels, where because business had dropped off the licensee was desirous of closing down part of his bar service. It was felt that in some cases to do that would be to deny a service to the community which the licensee was bound to provide. It was considered that if there was warrant for closing a hotel or certain parts thereof, particularly in the evenings, the court could permit the licensee to operate only one or two bars.

It is true that in cases of emergency or for other just causes the licensee may close his premises, but for any other cause he has to obtain the approval of the court.

I am attracted to the proposition of the member for Boulder-Dundas. I understand that the member for Collie considered that if the senior police officer in an area wanted to close a hotel because of the circumstances mentioned he should first obtain the approval of his superior officer, even if his superior were stationed some distance away. I suppose that if we agree to the amendments of the member for Boulder-Dundas and accept the clause as amended, the senior police officer would do that for his own protection in any case. I therefore assume that the amendment is all right.

When this provision was drafted it was felt that justice should not only be done but also seen to be done. It was considered that there could be objection in some of the small country towns where the single police officer in the town had the power to close a hotel where he had reasonable grounds for believing that certain events would take place. We felt that Parliament would accept the proposition where the ultimate decision would not lie with the officer on the spot, but with the person who was more representative of justice in the area. Often we have heard the member for Boulder-Dundas say that we do not get justice from justices, but he preferred the determination by justices in many cases than by the police officers in charge.

If the Committee desires that under the conditions mentioned—where a riot, or a tumult was likely to arise—the senior officer in the district shall have the power to close a licensed premises for such time as he thinks fit, we will be quite happy to accept the proposition.

Mr T. H. JONES: This is a better compromise. When I first spoke on this matter the Minister ruled out any possibility of my suggestions being agreed to. The amendment moved by the member for Boulder-Dundas at least is an improvement on the existing provision, so in my opinion it would be preferable to give the power to the police constable. He would probably confer with his superior officer over the telephone. It would be preferable to have such a provision than the provision in the Bill which I consider will be unworkable

in many instances. I think the amendment suggested by the member for Boulder-Dundas is preferable to the provision in the Bill.

Mr SKIDMORE: I am not prepared to accept the amendment moved by the member for Boulder-Dundas for the reasons I have given previously. I do not agree with the Minister that it is necessary to protect a police officer in a small town from having to accept the responsibility of closing a local hotel.

The Bill provides that the police officer will confer with the hotel licensee before closing any premises. He would be able to take that action before things got out of hand. A responsible licensee would want to protect his property and would agree to close the place immediately. The compromise proposed in the amendment might be acceptable to some, but it is not acceptable to me. I am of the firm opinion that the present provision is sufficient.

Mr BERTRAM: The whole of the discussion on this clause seems to have been based on the belief that the only place where a riot, a tumult, or a civil disorder can occur is in a lonely country outpost.

Mr Coyne: The member should go up there for a while; it happens every Sunday.

Mr BERTRAM: I think there is evidence to the contrary. The same thing could occur half way between Perth and Fremantle.

Mr O'Neil: There are plenty of policemen here to handle such a situation.

Mr BERTRAM: I am torn between the two propositions, and it would help me if the Minister could tell me how it is intended the proposal will work. It is set out that a senior member of the Police Force shall, forthwith, advise the nearest stipendiary magistrate.

Mr O'Neil: We are talking to the amendment, which I intend to support.

Mr BERTRAM: I would like the Minister to help me because I would very much like to come down on his side.

Mr O'Neil: I intend to agree to the amendment.

Mr BERTRAM: How does one ascertain who is the nearest stipendiary magistrate? Is it envisaged that stipendiary magistrates will become like Martians and wear spiked helmets so they can be identified?

The CHAIRMAN: Actually, the proposal is to take that part of the clause out.

Mr BERTRAM: That is so, but there is no certainty that the amendment will be carried.

The CHAIRMAN: Then it would be proper to address your remarks to the next question. At present the member should address his remarks to the proposed amendment.

Mr BERTRAM: Then I will not develop my theory on the Martians, and who will be the nearest stipendiary magistrate.

Amendment put and passed.

Mr HARTREY: I move an amendment—

> Page 17, line 35—Delete the words "Magistrate or Justices" and substitute the words "said member of the Police Force."

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 30 to 32 put and passed.

Clause 33: Section 129AA added—

Mr HARTREY: The member for Kalgoorlie has placed an amendment on the notice paper. On his behalf, I move an amendment—

> Page 19, line 30—Insert after the word "order" the following passage—
>
> , provided that it is satisfied, where the person has been convicted of an offence other than against subsection (1a) of section 129, that the consumption of alcohol by that person has been a contributing factor to the commission of the assault or the violent or disorderly conduct, .

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 34 and 35 put and passed.

Clause 36: Section 164 amended—

Mr BERTRAM: I oppose this clause and repeat the arguments I advanced previously. This is another clause proceeding along the very lines of setting up a situation where, in the future, charges and fees will be provided for substantially by regulation and not by legislation. The power of Parliament is being eroded, sometimes ceremoniously and sometimes brutally. I oppose the clause.

Clause put and passed.

Clause 37 put and passed.

Clause 38: Section 177 amended—

Mr BERTRAM: I have prepared an amendment which I would like to hand to you, Mr Chairman. Inadvertently, the amendment was not placed on the notice paper but, clearly, it is a further amendment to the one which does appear on the notice paper. I desire to add a new paragraph.

In anticipation of my proposed new section 176A becoming law, the amendment to clause 38 in the Bill becomes necessary. I propose to move to add a new paragraph (c) after paragraph (b), as follows—

> (c) by adding after paragraph (e) the following paragraph—
>
> (ea) defining "advertisement" and generally for the purposes of section 176A.

It seems that I must speak a little to proposed new section 176A in order that the Committee may understand the significance of my proposed amendment to clause 38.

Point of Order

Mr O'NEIL: On a point of order, Mr Chairman, I do not want to stymie the honourable member from putting forward his proposal. However, I wonder whether it is in order to consider an amendment to a clause which does not appear in the Bill at all. It would seem to me the procedure to be adopted would be to wait until the proposed new clause 38 becomes part of the matter we are considering, and then by means of recommittal consider the present proposition.

I do not want to stymie the member for Mt. Hawthorn, and I ask for guidance. We are proposing to amend something which relates to a part of the Bill which does not yet exist.

The CHAIRMAN: It has been done by both means, I understand. If the member for Mt. Hawthorn wishes to proceed then I will accept his proposal at this stage. He may give consideration to the suggestion put forward by the Minister.

Committee Resumed

Mr BERTRAM: I have given some thought to this matter and I would prefer to continue. It appears to be much of a muchness but at least we will have some sort of chronology through the Bill and we will not have to reopen the matter at a later stage.

Reference to the notice paper will indicate that I have given notice of my desire to include a new section in the principal Act which will read as follows—

> 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". .

Mr O'Neil: It would be more dangerous if one did not drink; we all know what happened to Burke and Wills.

Mr BERTRAM: I think in certain circumstances, what the Minister has said is spot on.

The amendment is aimed not at the use of liquor or the use of advertising, but at the abuse of liquor and the abuse of advertising. One would hardly imagine in the light of all the evidence and the almost day-to-day impact of the abuse of liquor and the abuse of advertising that one would need to argue the case at all. However, having been here for a little while I propose to argue it because in a debate of this kind one notices quite a few inhibitions. For example, it is staggering that such a move was not made years ago.

We would not be breaking new ground with this amendment. During my second reading speech I quoted a reliable authority which said that 27 countries had already placed an absolute ban on the advertising of liquor. So as we are wont to do, we are trailing well in the rear. In this case we have 27 hands to hold, so let us pluck up our courage and grasp the hands.

I have not been very impressed, and I am sure most people would agree, with the warning on cigarette packs. However, it was a halting step in the right direction and I believe on the 1st September, 1976, a complete ban will be placed on certain forms of advertising of cigarettes. So we started in a halting fashion, but the move will be consummated to some extent. Cigarettes are very deleterious to the health of the community and no-one argues about that point. However, does anyone here suggest seriously that cigarette smoking is as dangerous, costly, deleterious to health, and generally as adverse to the community as is the abuse of liquor? I do not think anyone could suggest this.

I believe that the State Parliament took no action in regard to cigarette advertising because it doubted whether it had power to do so. Therefore, we had to rely on the initiative of the Australian Parliament. I hope in this instance the member for Boulder-Dundas will come on side to tell me that we do have the power to introduce such legislation in regard to liquor. In any event, if this provision were *ultra vires* our State powers, I would still seek its inclusion because I feel it would indicate to people involved in advertising liquor that the Parliament is not very impressed with the type of advertising we see so often.

We have been told that members may vote on this Bill according to their consciences. If any provision in the Bill is worthy of a conscience vote, I would have thought it is this amendment.

The Minister for Labour and Industry well knows the results of the abuse of liquor on the work force; it causes lost hours, reduced production, and injury to workers. The Minister for Police has stacks of evidence to illustrate the tragedy to this State and to the people through the abuse of liquor. Crime is very costly to our State, and it is certainly linked with liquor, as is recidivism.

Presumably the Minister for Health is well aware of the magnitude of the problem of the abuse of liquor. I am sure

he knows of the many people in Royal Perth Hospital and other places through accidents which are the result of the abuse of alcohol.

I could refer to many other portfolios because the abuse of alcohol affects the community in many ways. If the consciences of Ministers are geared towards the responsibilities of their portfolios, I believe this amendment will be carried. It is a very halting step forward. It is not far-reaching at all, but it would give some leadership to the community. Even if we do not like exhibiting it, leadership is one of our responsibilities.

It is worth remembering that under the provisions of section 168 of the Liquor Act money could be spent on education. Thus far no money has been spent for that purpose at all. On the 11th August, 1976, I asked the following question—

> How much in each of the last three years has been paid out under each of
>
> (a) section 168 (1) (a); and
>
> (b) section 168 (1) (b),
>
> of the Liquor Act, 1970?

The Minister replied as follows—

> No funds have been provided under these provisions in the last three years.

In other words, no funds have ever been paid out. There is a great deal of authority to support the proposition I have advanced that something must be done to deal with what I referred to earlier as the ruthless, relentless, and very often ridiculous advertising of liquor. People are entitled to bring up their families as they please, and to introduce them to the use of liquor according to their own likes. That is elementary fairness.

How can children be brought up to regard liquor as their parents would like them to regard it when they are bombarded with advertisements for alcohol stressing manliness and sexual attractiveness?

The CHAIRMAN: The member has two minutes remaining.

Mr BERTRAM: That is very sad! It is not only Labor members who are concerned with this problem. I have quoted already Mr Chipp's remarks when he referred to this matter. The Senate Select Committee appointed to inquire into this problem expressed a similar viewpoint in no uncertain manner. The time remaining to me does not allow me to develop this theme, but I may have more time later on.

The amendment anticipates the Bill becoming law. It does not attempt to take the management of the provisions away from the Government but it would allow the Government generally to bring in regulations in respect of proposed new section 176A.

I move an amendment—

> Page 21, after line 7—Add a new paragraph (c) as follows—
>
> (c) by adding after paragraph (e) the following paragraph—
>
> (ea) defining "advertisement" and generally for the purposes of section 176A.

Mr FLETCHER: I will be as brief as I can in view of the debate that has already taken place on other amendments. I feel that this amendment is more worth while than any amendments previously discussed, and despite its jocular reception I think it is of great importance.

In my view public opinion is influenced disproportionately by the media, and particularly television. Social pressures make drinkers of people who might not otherwise abuse drink.

The CHAIRMAN: Is the member addressing himself to this particular amendment, or is he in fact addressing himself to the proposal which appears on today's notice paper dealing with the question of advertising? I ask that question because the member should confine his remarks strictly to the precise amendment that is before the Chamber. When we consider the new clauses, the member will have the opportunity to speak about the wider ramification of advertising.

Mr FLETCHER: I think I will take your advice, Mr Chairman, and confine my remarks to the proposed new clause.

Mr McPHARLIN: Are we debating the amendment which appears on page 5 of today's notice paper?

The CHAIRMAN: No, we are debating an amendment which was handed in by the member for Mt. Hawthorn a few moments ago. There will be an opportunity when the Committee considers new clauses to discuss those appearing on page 5.

Amendment put and a division taken with the following result—

Ayes—16

Mr Barnett	Mr Fletcher
Mr Bateman	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr May
Mr B. T. Burke	Mr Skidmore
Mr T. J. Burke	Mr Taylor
Mr Carr	Mr A. R. Tonkin
Mr H. D. Evans	Mr McIver
	(Teller)

Noes—23

Mr Blaikie	Mr McPharlin
Sir Charles Court	Mr Mensaros
Mr Cowan	Mr Nanovich
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Dr Dadour	Mr Shalders
Mr Grayden	Mr Stephens
Mr Grewar	Mr Tubby
Mr Hartrey	Mr Watt
Mr P. V. Jones	Mr Clarko
Mr Laurance	*(Teller)*

Pairs	
Ayes	Noes
Mr T. D. Evans	Mr Sibson
Mr Davies	Mr Young
Mr J. T. Tonkin	Mr Sodeman
Mr Harman	Mr Rushton
Mr Moiler	Mr O'Connor

Amendment thus negatived.

Clause put and passed.

Clauses 39 to 41 put and passed.

Mr O'NEIL: Mr Chairman, I move—

That consideration of clause 7 be further postponed.

Motion put and passed.

New clause 14—

Mr NANOVICH: I move—

Page 11—Insert after clause 13 a new clause to stand as clause 14 as follows—

Section 39A amended.

14. Section 39A of the principal Act is amended—

(a) by deleting the word "three" in line thirteen of subsection (1) and substituting the word "seven"; and

(b) by adding after subsection (1) the following subsection—

(1a) The Court shall cause a copy of any application made by the Association for the grant of a licence under this section to be given to the Minister and the Court shall, when considering the application, take into account such recommendations, if any, as may have been made to it by the Minister in connection with the application.

This is a most significant amendment for the wine industry. Each year, a wine festival is held at Lilac Hill Park, Caversham. The executive committee of the Wine Festival Association is a very dedicated group, intent on staging a festival which is to the benefit of the industry and the people of Western Australia generally.

When the first festival was held four years ago, it showed a loss of $42 000, which was only to be expected. The association then called on the Government for assistance, which was granted; backing also was provided by growers to enable the festival to continue. The committee quickly learnt from its mistakes and immediately began programming for the next festival, to be held some 12 months later. Each succeeding festival has been successful, but none as successful as the 1976 festival which over a period of three days attracted some 38 000 people.

The association wishes to broaden the activities of the annual festival, which is why it has asked for its licence to be extended. As it presently stands, the association is allowed a licence on one occasion during a calendar year for a period of only three days. The amendment also requires that any application must be referred to the responsible Minister, prior to it being considered by the Licensing Court.

Of course, some problems may arise; the festival is getting larger and larger. Traffic problems, possible conflict with the Factories and Shops Act or even an objection from the Department for Community Welfare regarding the activities of teenagers at the festival may all arise, and these points must be considered by the court if the Minister agrees to the application which comes before him. I do not think there will be any need for the Minister to impose any conditions upon the association; it is not as though the association automatically will apply for a seven-day licence if the amendment is passed.

Mr O'Neil: You have convinced me as to the merit of your argument.

Mr NANOVICH: When we consider the festival in conjunction with the new wine-growing areas north and south of Perth we realise that it will be an added tourist attraction. It should be of interest to members to know that the 1975 vintage year at Barossa Valley attracted in excess of 100 000 people over a period of seven days.

The association does not wish to condense the festival at Lilac Hill Park, but to broaden its whole outlook. The president of the Wine Festival Association is the shire president of Swan (Councillor Len Marshall) who has assured me that the association will continue to work to see that the festival achieves the aims and wishes of those associated with it. I know members have a conscience vote on this matter, and I hope they vote according to their consciences.

Mr O'NEILL: I support this proposition; I believe the wine festival is a worthy organisation, and I recommend that the Committee agrees to the proposed new clause.

Mr JAMIESON: It seems to me that, by this amendment, we will be taking something out of the hands of the Licensing Court and placing it back in the hands of the Minister, in that the Minister will have the right of recommendation, which would affect the final decision. I do not know whether this is wise in legislation such as this. However, I go along with the sentiments expresed by the member for Toodyay.

Mr BERTRAM: The member for Toodyay has emphasised this is an amendment which we should support on the basis of conscience, and I am sure members will do just that. I hope they will continue to do it as the Bill proceeds.

New clause put and passed.

Progress

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

House adjourned at 10.58 p.m.

Legislative Council

Wednesday, the 25th August, 1976

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

STANDING ORDERS AMENDMENTS

Approval by Governor

THE PRESIDENT (the Hon. A. F. Griffith): Honourable members, I wish to inform the Council that the following letter has been received—

GOVERNMENT HOUSE
PERTH
WESTERN AUSTRALIA 6000
24th August 1976

Dear Sir,

I am enclosing the amendments made to the Standing Orders of the Legislative Council on Wednesday, 18th August, 1976. which have been approved by His Excellency the Governor in accordance with Section 34 of the Constitution Act, 1889.

Yours sincerely,
P. G. LARARD
OFFICIAL SECRETARY

CLERK OF THE LEGISLATIVE COUNCIL AND CLERK OF THE PARLIAMENTS,
PARLIAMENT HOUSE,
PERTH, W.A. 6000

QUESTIONS (9): ON NOTICE.

1. "POLICY AND PERFORMANCE" PUBLICATION

Local Government Liaison Committee

The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Local Government:

Further to my question of the 18th August, 1976, concerning the Local Government Liaison Committee, will the Minister advise—

(a) who is responsible for selecting the representatives of the Associations named;

(b) what are the names of the representatives;

(c) (i) was the formation of this committee discussed at meetings of the several associations; and

(ii) if so, what was the date of the meetings at which it appeared as an agenda item?

The Hon. I. G. MEDCALF replied:

(a) The associations;

(b) present representatives are:

Local Government Association—

H. Stickland,
L. G. Richardson,
L. F. Bartlett;

Country Shire Councils' Association—

F. E. Brockman,
C. W. Tuckey,
C. P. Scott;

Country Town Councils' Association—

R. W. Farr.

(c) (i) and (ii) Not known to the Minister.

2. HOUSING

North-west: Finance

The Hon. J. C. TOZER, to the Minister for Justice representing the Treasurer:

As a positive measure to assist stability in our northern communities—and decentralisation generally—by providing impetus and encouragement to private home ownership, will the Treasurer direct the Superannuation Board to channel funds to the money-starved Kimberley District, Port Hedland and Roebourne Terminating Building Societies to finance home builders, even though the earnings from such use of funds may be marginally lower than what may be available elsewhere?

The Hon. N. McNEILL replied:

The Superannuation Fund is comprised solely of contributions of members and it would not be proper for the Government to seek to direct the Superannuation Board as to the investment of these funds.

It should be noted that the Board provides considerable sums of moneys for Local Government authorities each year and that as a long standing policy, it has consistently favoured the decentralised areas of the State when allocating funds.

In addition, the Board provides large sums of money each year to the Government Employees' Hous-