

## Legislative Council

Thursday, 22 October 1981

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

### LEAVE OF ABSENCE

On motion by the Hon. F. E. McKenzie, leave of absence for six consecutive sittings of the House granted to the Hon. R. T. Leeson (South-East) on the ground of private business interstate.

### BILLS (3): THIRD READING

1. Transport Amendment Bill (No. 3).
2. Road Traffic Amendment Bill (No. 2).

Bills read a third time, on motions by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

3. Metropolitan Water Supply, Sewerage, and Drainage Amendment Bill (No. 2).

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

### LIQUOR AMENDMENT BILL

#### *Second Reading*

Debate resumed from 21 October.

**THE HON. P. H. WELLS** (North Metropolitan) [2.37 p.m.]: I wish to deal with specific areas in connection with the control, licensing, and supply of liquor. The inquiry that made various recommendations did a good job.

However, I take exception to a number of points it made, particularly the basis on which it argued that the strength of spirits should be altered. Two areas affected would be employment and finance. The decision making relating to liquor should be on the basis of what is best for Western Australia and its people. Although the areas of employment and finance may be worthy of consideration, they should certainly not be the basis for decision making as to whether we should increase or decrease the strength of alcohol in any spirit. I am not certain where I stand in terms of agreeing or disagreeing with the proposition in connection with the strength of alcohol, but I detect a need to recognise low-alcohol beer and drinks within the community, as there is a demand for them.

These will be in line with some of the recommendations from the Federal Senate Committee of Inquiry to which I will refer.

Strong consideration should be given by those responsible to making available certain advantages to suppliers of low alcohol beer and other drinks which seem to have been accepted in the community. Those people who wish to drink but do not want to overstep the mark should have the opportunity of being served low alcoholic drinks.

I would like to direct my remarks to two areas relating to liquor and its consumption, and to the non-alcoholic drinks which are available. Members will recall that I have mentioned them in this House previously.

I would like to talk about adulterating liquor. I have been assured that it is illegal to adulterate drinks. In other words, if one asks for a particular drink one should be provided with it and not with an alcoholic drink.

I am told this situation is controlled by regulations under the Public Health Act or by the food and drug regulations; however I have been unable to establish this fact. It is not, however, controlled under the Liquor Act. I am certain that probably there are enough controls to ensure the public are supplied with the commodity they ask for. I do not stop people from drinking, but I do take exception to those people in the community who lace people's drinks. If, for example, I ask for a Coke someone may decide that I should have gin or vodka in it—just to see how "Wellsie" would look when under the weather.

The Hon. R. Hetherington: Terrible.

The Hon. P. H. WELLS: I take exception to this also because I have daughters as do probably all members. The Hon. Lyla Elliott shakes her head; obviously she does not have any daughters. Non-alcoholic drinks should be readily available. However there are people in the community who delight in giving "Mickey Finns" to their guests.

With regard to licensing, it is an offence for suppliers of liquor to supply alcohol outside the normal trading hours, and it should be an offence for people to adulterate drinks. I believe it is an infringement of the rights of people and it is certainly bad manners. People who desire not to partake of liquor should have their rights protected by law, and if this is not provided for in the Public Health Act it should be included in the Liquor Act. I direct these remarks to the Minister so that he may give some consideration to including in the legislation a provision to protect people in this instance.

The second point I would like to raise, and I will probably move an amendment in this regard, is the supply of alternative drinks in those areas where licences are issued. In regard to the supply

of liquor we certainly impose conditions; we are not talking about the free enterprise system because licensees operate under strong controls. Historically Governments have established controls, and certainly the current legislation will relax those controls in certain areas, particularly in relation to the withdrawal of the two-bottle limit.

It is reasonable that the two-bottle limit be lifted. In connection with that provision in the Bill I am sorry that it came about by default and not by design. People can drive from hotel to hotel or from tavern to tavern and purchase two bottles from each until they have the required amount. This problem can be overcome in many ways; for instance, if one had a bus and was holding a party, one could take a bus load of people to a hotel and each person could purchase two bottles. Therefore, I accept that it is reasonable that the legislation be altered accordingly.

If I were to make the choice as to whether there should be any liquor trade on a Sunday I would abolish it. There are people who believe that Sunday is the same as every other day and that they should have access to liquor; however I disagree. Persons employed in the liquor trade and who have to work on a Sunday must be paid double time or triple time in accordance with the relative award.

Sunday is generally recognised as a special day. I notice that this House does not sit on Sunday. I would opt for no Sunday trading if given the choice. I suggest to workers in the community that if they study their awards they will find that Sunday is treated with special significance.

I believe the hotel is an important part of the community. More and more functions are organised around hotels; they are used as venues not only for social drinking but also for meetings and celebrations. Hotels should not serve only one section of the community, but rather the community as a whole. As well as supplying a range of alcoholic drinks, the hotel industry should be encouraged to make available a variety of alternative drinks. Under the Liquor Act in this State licensees are not required to provide aerated water but in one State it is incumbent upon those who have a licence to provide aerated waters and fruit drinks, and I believe that is some concession.

I believe that requirement should be included in our Act with one addition; namely, the Minister should be able to regulate for a range of other drinks, including some of the brewed drinks available today.

Recently, a campaign was conducted by the hotels for groups of people to appoint a "skipper"

who would have the responsibility of remaining sober so that he could drive his colleagues home at the end of the evening. It is an accepted fact that over-indulgence in liquor contributes in a major way to death and injury on our roads. However, having accepted the position of "skipper" that person finds himself left drinking either squash, orange juice, or any of the aerated drinks available at hotels. Very often, because he does not want to feel out of the group, he has one alcoholic drink; then he has another, and another.

I believe that if a range of brewed, non-alcoholic drinks was available, it would overcome the situation where such people feel left out of the group; it would remove the pressure on them to conform with their mates. Those licensees who provide a range of these non-alcoholic brewed beverages are doing a service to the community by catering for the drinker of non-alcoholic beverages, or the people who like to drink, but who also must drive home; they do not wish to become involved in drinking alcoholic beverages because they know it would slow their reflexes.

I know of one case involving a friend of mine who frequently goes to the hotel, and if his wife is not to drive him home, he simply does not drink. He has something which reminds him, because one of his children was killed by a drunk driver.

At a later stage, I intend to move an amendment along the lines of the Queensland legislation which would enable these drinks to be listed in the regulations. I intend to frame my amendment in that way because the Public Health Department may feel obliged to check out the range of alternative drinks which are available. I do not say licensees should be compelled to stock a particular brand; I say a range of alternative drinks should be available to the drinker of non-alcoholic beverages.

Section 67A of the Queensland Liquor Licence Act 1912-65 reads as follows—

67A. Holder of license to sell liquor to stock and supply aerated waters, etc. A holder of a license under this Act authorising the holder thereof to sell liquor (other than a spirit merchant or a brewer) shall keep in stock on the licensed premises and have available for sale or supply in any part of those premises set apart for the sale or supply of liquor for immediate consumption upon the premises aerated waters, and fruit drinks in reasonable quantities and upon demand by any person at any time when liquor is being sold or supplied upon the licensed premises shall sell or supply those aerated waters and

fruit drinks according to the demand for immediate consumption upon those premises.

As far as I can ascertain, our legislation contains no such requirement of the licensee.

Liquor certainly causes a number of problems within our community. I have mentioned the "skipper" campaign run by the hotels; I believe that in this campaign the hotels actually are doing a disservice to the community, because they provide only aerated waters and fruit juices as an alternative.

Another problem area is the "bring-your-own-liquor" unlicensed restaurants. People patronising such restaurants may bring their own liquor, but they are not permitted to bring their own non-alcoholic drinks. In such circumstances, people eating out in groups find themselves with the alternative of drinking squash or aerated water, which may not be suitable for the occasion. I believe a simple amendment along the lines I intend to frame will overcome the problem without causing hardship to any group of people. It will be a small step towards recognising there are people within our community who do not drink alcoholic beverages, and they should be catered for.

Another area to which I wish to refer concerns the treatment of people who have a problem with regard to alcohol. I do not know whether one needs to justify the community's responsibility to these people, and to conduct a worth-while education programme to warn people of the dangers of over-indulgence in alcohol. The Act provides that the Minister for Education may apply moneys paid to him for the purposes of the section to instruct students at Government and other schools on the effect of over-indulgence in alcohol. The Act also allows the Minister for Health to apply funds in a similar fashion.

A great deal of evidence is available to indicate that alcohol is the drug upon which more people in our community are dependent than any other. Many reports have been written on the subject. I refer to an extract from a paper tabled last year, the Australian Royal Commission of Inquiry into Drugs, as follows—

The Senate Standing Committee on Social Welfare in its 1977 report 'Drug Problems in Australia—an intoxicated society?', stated:

Alcohol is the major drug of abuse in Australia. It now constitutes a problem of epidemic proportions.

It goes on at page 8478 of book "A" to provide supporting evidence in the following terms—

Over 250 000 Australians can be classified as alcoholics.

1 200 000 Australians are affected personally or in their family situations by the abuse of alcohol.

It might be useful later if I mention those people who it is said are caught up with the excessive use of alcohol. A broad range of people are covered, including politicians.

The Senate committee included such fine people as Senator Peter Baume of New South Wales, and Senators Brown, Grimes, Meltzer, Tehan, and Walters. They made a number of recommendations and I would like to quote the following passage which can be found on page 31 of their report—

From further surveys, one can state some conclusions about the correlation of certain other factors with high levels of alcohol consumption.

There is no stereotype of the problem drinker. However, it appears that the male drinker is more at risk. The problem drinker may be found in any socio-economic stratum and be of any age. One researcher noted:

Doctors, dentists, politicians, clergymen, businessmen, shopkeepers, labourers, artisans, school teachers, social workers and journalists are a cross-section of alcoholics.

I might mention that the report came out in 1977 and highlighted many areas of alcohol abuse. It directed its recommendations not only to parliamentarians in the Commonwealth and State Governments but also to trade unions and employers. Recommendation No. 12 reads—

That Commonwealth and State Governments participate with trade unions and employers in further research into and development of appropriate alcohol-abuse programs.

Here we have a recommendation about the need for education. Recommendation No. 19 reads—

That the Commonwealth Department of Health prepare and publish a comprehensive analysis of the costs of alcohol abuse in Australian society.

It would be an eye-opener if I could cite the exact figures involved. The excessive use of alcohol involves a large cost to the community. Recommendation No. 22 reads—

That State Governments and local government authorities be encouraged to ban the advertising of alcoholic beverages.

I have only recently received from the Apex organisation a publication which was put out to celebrate its jubilee year. On page 69 of volume 38 No. 192 the following can be found—

The 1980 Apex National Convention has called on the Government to ban television advertising for alcoholic liquor.

Mr Fader from the Australian Marketing Institute criticised those people because he felt they had the reputation for having a few drinks from time to time and were being hypocritical in making this sort of recommendation.

There is certainly a change in community attitudes; people are questioning their own values in regard to the consumption of liquor. They want some direction on the matter. The large number of people who abuse alcohol are a problem to society. People who have criticised Apex have said a better suggestion would be for that group to influence Governments to implement effective public education campaigns, especially in respect of drinking and driving.

I will now direct my comments to the part of the Bill which relates to education. The Senate committee made 38 recommendations, the last of which reads as follows—

That the Commonwealth Government develop and announce a specific policy on alcohol and alcohol abuse, which should include a clear statement of the Government's intention to bring about an overall reduction in the level of alcohol consumption in the community.

Members from the Liberal Party, National Country Party, and Labor Party were on that committee, so a wide range of the community was represented. They recognised the need for a Government policy on the consumption of alcohol in the community.

Having read all the report I noted one part of it covered the price of alcohol. There were large increases in price in 1975 and 1978, and the Australian Hotels Association issued a paper which indicated the *per capita* consumption of beer during those years. The *per capita* consumption of beer in 1974-75 and 1975-76 dropped from 139.6 litres to 137.9 litres. The next price rise was in 1978 and there was a further decrease from 1977-78 to 1978-79 from 136.87 litres to 133.36 litres.

The Hon. A. A. Lewis: Do you have any figures to indicate that there was a corresponding increase in the consumption of soft drinks? Do you have figures to indicate more fluids of a different kind were consumed, or whether cooler seasons had something to do with it?

The Hon. P. H. WELLS: The member might have something there, but I do not have any such figures. The Senate committee certainly indicated that price rises affected the consumption of alcohol. The submission I received from the Australian Hotels Association, which was a submission it made to the Federal Government in connection with excise, shows this to be its experience. The consumption of beer was affected by price rises. It spoke of problems facing the industry and small businessmen in this regard. However, the Senate report certainly indicated that one method of holding down the consumption of alcohol concerned pricing.

A note of warning was given in that it was said an increase in the price of beer could cause in the community a shift from the consumption of beer to the consumption of wines or spirits, which would mean higher alcohol intakes. This would work against any moves to hold down rather than increase the *per capita* consumption of alcohol.

In the Hon. Graham MacKinnon's judgment—which I respect—this Bill might bring about a more liberalised attitude to drinking in our community. It is certainly not in the nation's interest to have an increase in the consumption of liquor.

To tackle the problems of alcohol abuse the New Zealand Government established an advisory council, and in its report on 31 March 1979 it made certain remarks in regard to people who use alcohol to excess. The report states—

The misuse of alcohol by numbers of people in our community continues to present social, economic, and personal consequences on a serious scale.

That statement is applicable to the problems in this country. The report continues—

It is now well established that the incidence of social and medical problems relating to alcohol in any community is proportional to the *per capita* consumption of liquor.

That is why I made reference to the *per capita* consumption of liquor, which the report says is correct. Certainly we should work towards adopting recommendation No. 38 of the Federal Select Committee which inquired into drug problems in Australia.

The New Zealand advisory council report goes on to refer to what should be done about the problems. It says that over half the consumption of alcohol occurs in homes and clubs, which means the control of excessive drinking is difficult.

It can be seen that we must do much more research in order to control the problem, because there has been a shift in drinking habits. This point is borne out by the fact that 70 per cent of the sales of liquor, as I read in one report, comprises packaged sales. Perhaps that can be attributed in this State to the RTA programme against drink-driving. However, it is plain that a lesser amount of drinking now occurs only in hotels. The second report indicates the penalty we all pay, as follows—

The individual, the family, and society as a whole, all pay the penalties which inevitably result.

The results of the misuse of alcohol are then referred to.

We must consider the better education of the community in the use of alcohol. The report refers to the great need for the public to be aware of the problems, which is a point I highlight. The report states—

There is now a greater public awareness of potential drinking problems than was previously apparent.

That is one of the reasons for my amendment, because I believe it is necessary in our present climate. People do not always want to drink alcoholic beverages.

The Bill states that the two Ministers referred to may apply for funds to provide alcohol education. Therefore I took the trouble to determine what we in this State are doing in terms of educating people about the problems associated with alcoholic beverages. The Bill is negative in its approach because it refers only to the effects of alcohol consumption. I think more in terms of teaching people that alcohol is not necessary, that not everyone needs to consume it.

Nowadays it is good that Coca-Cola is portrayed as a manly drink. It is now not regarded as a child's drink.

The Hon. R. Hetherington: It has sugar in it.

The Hon. P. H. WELLS: I am not saying that I think the drink is good, but the advertising programme is good because it portrays the drink with a better image.

The Hon. N. F. Moore: It is worse than anything.

The Hon. P. H. WELLS: The member may be right. I was impressed by the number of reading articles produced in regard to health education and, in particular, in regard to education about the effects of alcohol consumption. These articles are produced by the Health Education Unit. The September 1981 pamphlet is entitled "Facts

about Drinking". If members do not have a copy of it I suggest they take the trouble to get one so that they can determine such things as what the term "spirits" means. The article informs drinkers so that they are better informed generally about alcohol, and I certainly think they should be better informed. A good range of articles has been produced.

I am told that in the present health education programme for primary and secondary schools the children are informed about the abuse of alcohol, although that varies in different schools and with different teachers. A certain amount of research material is available to the teachers. Other pamphlets were produced in November 1978, July 1979, and August 1981. One article, entitled "Moderate drinkers", came out in September 1981. I believe five Health Education Unit films are available. The titles are "How much is Too much?", "Alcoholism: One company's Answer", "What about alcohol?", "Alcohol, Tobacco and Marihuana", and "All in the Same Boat".

The National Safety Council produces pamphlets in regard to safe driving. The State Government provides a number of films in regard to drinking and driving, and juvenile alcoholism. Publications by the State Education Department include "Alcohol and You", which was produced in 1973, and "Human relations: Teachers' manual" of which I do not know the date. One pamphlet is entitled "Consequences". Without going through all this material individually it would appear that some positive moves have been made. I am hopeful future programmes will continue the present policy, although I do not believe the present programme is enough. I am concerned by the wording of the Bill in that it may inhibit the programme, because the Bill talks about taking the programme into schools only. Schools are one area to be considered, but the programme should be taken to the community generally.

If we are honest about the situation in relation to alcohol consumption, we must consider not only the increasing road toll. The road toll is always highlighted, and although I am very concerned about it, I do not believe we should concentrate all our efforts in that area. The RTA report provides graphs to show that the number of people killed per 10 000 vehicles registered is decreasing each year, and that is a credit to the department; but we must accept the responsibility of educating the community to the extent that it is not necessary to consume alcohol—it is not necessary to depend on it. In other words, drinkers must be educated in the way of thinking

that they do not have to follow the crowd, or be one of the boys.

Some people will always make snide remarks to others who do not want to drink alcohol, but that situation is fast becoming a thing of the past. The community is accepting that a person who does not drink is a person who has made up his own mind.

The education campaign must extend to all the community. I hope the Public Health Department might eventually be able to convince the Premier's Department that it should be provided with more funds so that it can advertise the benefits of people making up their own minds in relation to alcohol consumption. The education of the community in this regard should not be the sole responsibility of the Education Department.

One other area of concern to me which is mentioned in the New Zealand report was that not enough money is directed towards research into this problem. I guess research into the alcohol problem in this State would be directed by the Alcohol and Drug Authority. The reports which have been tabled in this place by the ADA have listed the number of registered patients receiving treatment. The statistics show that the numbers have remained reasonably static. In the years 1974 to 1976 just over 1 100 patients were treated; in 1977, 1 200 were treated; in 1978-79, 800 were treated; and in the year 1979-80, 996 were treated.

There is a need for money to be made available for further research into the problems of alcohol, because I do not think we have all the answers. I have studied the method used in New Zealand to tackle this problem. In that country a number of research programmes are financed by the alcohol advisory committee. There are something like a dozen programmes and the district of Hamilton has carried out an effective alcohol education programme. The committee has also made contributions to the University of Victoria and the Institute of Criminology.

I have read many reports on these programmes, reports on domestic violence, and reports on people who have been in prison, and I find a large number of convictions were as a result of alcohol-related problems. If the people did not have an alcohol problem they certainly had been drinking prior to the committing of an offence.

There is a need for money to be made available so that there is an advertising campaign for schools and also for adults in the community.

My last comment relates to a submission put forward by the Australian Hotels Association. One of the statements made on page 11 of the

report referred to homemade liquor. It stated that homemade liquor produced without hygienic control would be capable of causing blindness and other serious disabilities and that it may well become a health hazard. It said that the social implications were horrendous.

The Hon. P. G. Pendal: But you would also have to agree that professionally manufactured liquor is also capable of doing those things.

The Hon. P. H. WELLS: I would not agree with the member. I have a certain amount of faith in the Health Department because it has laid down certain controls in this area.

The Hon. G. C. MacKinnon: A very unlikely result from home brew.

The Hon. P. H. WELLS: The Public Health Department certainly has a responsibility under the food and drug legislation and its officers have indicated that those people who produce their own alcohol often do not comply with the required health standards. It would certainly be difficult to require home-produced alcohol to meet a certain standard.

The Hon. G. C. MacKinnon: You are drawing a long bow.

The Hon. P. H. WELLS: Apparently home-produced liquor has a higher alcohol content.

The Hon. R. Hetherington: I do not know what your evidence would be.

The Hon. P. H. WELLS: That is what I have been told; it has a higher alcohol content than normal beer. I do not know whether that is true. I hope this fact will be considered when the pricing of liquor is under review. We do not wish to push people into producing more home liquor, because it should be produced under certain scrutiny.

Although I am a non-drinker I frequent hotels and liquor outlets as much as any person in this House, often through necessity of the organisations to which I belong and often because I associate with some people who drink. I have found that most people run reasonable businesses and this Act places controls on their operations.

However, I am a little staggered that we can say hotels should have a certain part of the trade and the liquor outlets should have another. That confuses me, although if we did not have controls the situation would be chaotic. I am concerned, however, that the present legislation will bring about an increase in the consumption of liquor, and I do not believe that would be in the interests of this State.

This problem will not be overcome by more control, but by an honest education programme within the community. If we have a balanced

education programme it will go a long way towards improving the situation. I hope the Government will put forward a balanced programme which will ensure that people are properly informed and the situation will comply with recommendation No. 38 of the Commonwealth report which calls for the reduction of the level of alcohol consumption in the community.

I support the Bill.

**THE HON. NEIL OLIVER** (West) [3.29 p.m.]: I respect the points of view put forward by Mr Wells. However, I find it extremely disappointing he has found at certain functions that suitable and attractive alternatives to alcoholic beverages have not been available to people who do not drink alcoholic beverages. In my own experience, and it is possibly as a result of the nature of the country areas I represent, a wide range of alternatives to alcoholic beverages has always been available. Mr Lewis may agree with me that it is due to the wonderful catering of the Country Women's Association.

That is what I believe the situation to be, and it is regrettable that the Hon. Peter Wells' experiences are different. I listened to his speech with interest. However, as one who has resided in a country during a period of prohibition, I assure him that disasters can occur. It is preferable to control the distribution and supply of alcoholic beverages rather than prohibit them completely. It was an absolute disaster in India, and it was found necessary to institute a form of licensing to permit alcohol to be sold, for instance, to people who may have required it for medicinal purposes, upon the production of a medical certificate.

It is interesting to note that the Licensing Act was introduced into this Parliament in 1902. Because alcoholic beverages were being diluted, it was proposed that legislation should be introduced to control their production and sale. That was the reason for the introduction of the legislation.

It is interesting that the Bill proposes to amend the hour at which a cabaret may open. Previously, under the provisions of the cabaret licence, a cabaret could not open until 9.00 p.m. The Bill proposes to amend this to an opening time of 8.00 p.m. I have never been in a cabaret, but I can understand that cabarets would be disadvantaged when all other outlets at which liquor is sold may open earlier. I applaud the Government for this provision which will make the situation more equitable.

A few days ago I was discussing this matter with a cabaret licensee and I mentioned to him that the legislation was introduced because

alcoholic beverages were being diluted. He told me that he had been asked by one of his customers a few nights ago whether he was watering down the beer. He told this client that his annual water rates for the premises were more than the annual amount he paid for beer. He assured the client that it was far too expensive to water down the beer.

I support all but one clause of the Bill. I trust that the Clerk has circulated to members a copy of an amendment I intend to move during the Committee stage.

It is interesting to consider the history of the Licensing Act. On page 342 of *Hansard* of 1904 we read a question which was put to the Premier by Mr Carson. The question reads as follows—

Is it the intention of the Government to introduce legislation during the present session of Parliament dealing with the liquor laws of the State? If not, why not?

The Premier replied as follows—

Notice of motion for the introduction of a measure dealing with this subject has already been given.

That was on 20 September. I do not know how the House was conducted in those days, but the Bill was not introduced into the House by the Premier until 22 September. Obviously the Premier was not aware of the progress of the legislation.

The Bill that was introduced in 1904 was later discharged. Similar legislation was introduced in 1910, and then it had to be amended in 1911 because of a redistribution of electoral boundaries in Western Australia. At that time the licensing system operated on the boundaries for the electoral districts and provinces.

In 1970 the present Premier introduced the Liquor Act to replace the Licensing Act.

I would like particularly to commend the Government in relation to the clause which deals with the delicensing of club premises. This was one of the recommendations of the inquiry held into the Liquor Act and the Government has adopted it. The clause reads as follows—

... a club licence ... does not include a part of the club premises which for the time being is excluded from the licensed premises of the club by an order under section 35A.

This refers to a club such as a sporting club which operates as a licensed club on a seasonal basis. The owner of a club may wish to apply to delicense the club or a portion of the club out of season so that over that period it may be used for children and juveniles who would not be

permitted on the premises while it is licensed, or for an alternative purpose.

The Hon. Jim Brown has referred already to licensed stores in a great deal of detail. All members have been circulated with a copy of a letter to the Editor of *The West Australian* which appeared in that paper on 28 September. As the member referred to it in detail, I will not comment any further.

I am concerned about the provisions relating to caterers, and I hope the Minister will explain how a caterer's licence will operate. It seems to me that a caterer must acquire a hotel licence to enable him to operate as a caterer if alcoholic liquor is to be served.

Does he apply to the court for an extension of the premises into the area where he requires to operate as a caterer? This is a little confusing. I understand a caterer at Belmont, or the Richmond Raceway, or Gloucester Park who has been granted a caterer's licence has to purchase a hotel, though he may not wish to own a hotel because his direct aim is to operate as a caterer. He has to purchase the hotel licence and apply to the court to have it extended to wherever he wishes to operate as a caterer.

I am not proposing an amendment to this, but it is a little "cart and horse" philosophy. Is it necessary for a caterer at a racecourse, or other premises, to purchase a hotel somewhere and then apply to the court to extend the licence? If so, if any future amendment is made to the Act—and they seem to be fairly regular—I would like some sense to be made of this situation.

In relation to the amendment I have distributed, the wine producers in Western Australia have embarked on a major tourist promotion. They have appointed tour operators who have purchased buses, each costing approximately \$80 000. I am referring at the moment to the Swan Valley and Regional Winemakers Association. It has appointed a promotions officer (Mr Ron Grant); and the intention is to promote Western Australian wines. It will use the tourist industry as one of the major methods of promoting the wines.

Any member of the House who samples wines would agree that the quality of Western Australian wines has improved dramatically over the past 10 years. In fact, the whole direction of the wine industry in Western Australia is towards quality, not quantity. It is moving towards excellence.

The Hon. Peter Wells mentioned the influx by dumping of very cheap and poor quality wines from other States. One could say they are almost

discarded wines which are being retailed through some of our major supermarket outlets. This has resulted in a reduction of over 50 per cent in the sale of Western Australian wines in the past three years.

The Government committee that inquired into the Liquor Act presented its report on 19 December 1980 to the Hon. W. R. B. Hassell in his capacity as Chief Secretary. The members of that committee were Judge J. F. Syme as the chairman, Mr K. G. Shimmer, and Superintendent G. E. Brown. One of the recommendations of that committee was as follows—

One obstacle to effective Sunday tours is the prohibition of off-consumption packaged sales on this day.

We recommend permitted sales for on and off consumption under a permit to be granted by the Court on application. Before granting a Sunday vineyard tourist permit, the Court should be satisfied as to:

1. Suitability of premises and facilities.
2. The existence of a tourist demand.

When I received a copy of this report, I read it in full. Then I had an opportunity to discuss it with the Chief Secretary. I examined the very detailed proposed amendments contained on pages 40 to 62 inclusive. The committee did not propose any change to section 6(h) of the Act, which covers the exemption of wine producers. I will go into that in more detail later. Section 36(1) makes no mention of the way in which a vigneron's licence is issued.

The current situation is that under section 6(h) a wine producer on a property over two hectares in area which bears fruit may sell wine produced on that property between the hours of 8.30 a.m. and 8.30 p.m., Monday to Saturday, exclusive of Anzac Day. This section allows exemption from licensing, and allows customers to taste and buy any quantity of wine for consumption off the premises. I emphasise the words "off the premises".

*Sitting suspended from 3.48 to 4.03 p.m.*

The Hon. NEIL OLIVER: Prior to the afternoon tea suspension I was referring to section 6(h) of the Liquor Act, which refers to a wine producer being allowed to sell wine between 8.30 a.m. and 8.30 p.m. on Monday to Saturday, excluding Anzac Day. Section 6 allows for a series of exemptions and specifically grants those exemptions to vignerons—wine producers—who qualify in the manner to which I have referred.



The liquor inquiry report referred to the inability of wine producers to sell wine for consumption off their premises. Again I emphasise the words "off the premises". It was said this inability is to the detriment of Western Australia's tourist industry. It was proposed that vignerons—wine producers—be allowed to sell wine for consumption off or on their premises. Frankly, I find that proposal unacceptable. The majority of vignerons do not wish to have wine consumed on their premises; they wish only to operate under the exemption in section 6(h) for the period from Monday to Sunday.

Mr President, would you believe there are members of this Parliament and members of the public at large of the opinion that what I am proposing to the House, to which I will speak later when I move my proposed amendment, is already a fact; that is, that wine is available for sale and consumption off the premises of vignerons on a Sunday? In fact, many of my constituents who are vignerons have been abused by members of the public because those members of the public have believed that wine is available from vignerons for consumption off the premises. In fact, I spoke to two vignerons operating in the south-west who said that, regularly, people who had driven to Margaret River to buy wine had been told by a vigneron that regrettably under the Act a bottle of wine could not be supplied.

The Hon. G. E. Masters: They can buy it on a weekday in a sealed container, to take it away.

The Hon. NEIL OLIVER: I am referring to Sundays. Families have driven from, say, Bunbury or Perth to Margaret River to buy wine, but have found they could not purchase the wine for consumption off the premises.

Unfortunately I used the word "abused". It may be felt that by the use of that word the people concerned had over-indulged in alcohol, which gave rise to this attitude. After one has travelled something like 150 kilometres on a pleasant day with one's family—

The Hon. P. G. Pental: So it was you, was it?

The Hon. NEIL OLIVER:—one may find that one's hackles are up if one cannot purchase wine, which was the intention of the trip. One vigneron, in order to satisfy the irate people, provided a presentation bottle of wine and said, "Take it away, please. You can't consume it on the premises, and I can't sell it to you for consumption off the premises because I would be in breach of the Act".

It is quite surprising that many members of Parliament and the general public are of the

opinion that the exemptions which apply in section 6(h) do not include Sundays.

Section 36(1) was not mentioned in the text of the report to which I referred, but was mentioned in the details of the report where proposed amendments were set out. I was under the misapprehension that section 36(1) would not be amended. Some four or five months ago I raised the matter with the Chief Secretary because I was uncertain as to what was proposed. I had gained the impression that operators also were under a misapprehension—until about three weeks ago when I obtained a copy of the Bill from another place and examined it in detail. I found that what I had understood the legislation would do, and other people had understood was proposed, in fact were totally opposite.

Section 36(1) will be amended extensively. It will apply to liquor consumption on premises, which is the same as the provision in the original Bill. I support the proposition that if vignerons intend to attract the public to consume liquor on their premises, the Licensing Court should inspect those premises to determine whether the facilities are of a continuing nature and the conditions are of an appropriate standard.

In this Bill it is proposed that all wine growers be licensed, if the period of trading for the purchase of liquor to be consumed off the premises be extended to Sunday. It is proposed that if a wine producer wishes to sell a bottle of wine on a Sunday for consumption off his premises he must put aside his exemption for trading on Monday to Saturday, and therefore be brought under the requirements of section 36(1) which will have him relinquish his exemption rights which apply to weekdays. However, in the current Bill this is optional.

The amendments in this Bill give no recognition of the fact that 99 per cent of vignerons do not wish to have wine consumed on their premises, and it does not recognise that for more than 120 years the industry has been self-regulating. Vignerons have not been required to apply for licences or to demonstrate to the liquor and gaming branch or the Licensing Court that they have appropriate premises to be licensed. I intend to move the proposed amendment appearing on the notice paper in my name and will cover in more detail this matter during the Committee stage.

**THE HON. P. H. LOCKYER** (Lower North) [4.12 p.m.]: I wish to make a brief contribution to the debate on this Bill. Some clauses certainly will improve the lot of hotels and licensed clubs in Western Australia; but I make the point that,

although much of what the Hon. Peter Wells said does not follow my way of thinking, I am one who has temperate drinking habits—although not as temperate as his.

If I had my way there would be no liquor trading on Sundays. Sunday should be a day for family activities only and not for drinking alcohol. I can see the Hon. Norman Moore finds some mirth in that remark.

The Hon. N. F. Moore: I am slightly amused.

The Hon. P. H. LOCKYER: I am not rustling up numbers to have Sunday trading done away with.

The Hon. G. E. Masters: If you did we would be very interested to see how you voted.

The Hon. P. H. LOCKYER: I do not think we should have liquor trading on Sundays. I believe it is a bad practice, but it appears it is here to stay. I am glad the archaic two-bottle rule finally will be lifted. It is a cumbersome rule universally, not accepted by the community, and terribly easy to violate. No place exists in my electorate where constituents cannot go to a hotel or club to obtain the quantity of liquor they require. They can get as much as they want. I know the Hon. Bob Hetherington has a certain view on this because he is shaking his head.

The Hon. R. Hetherington: All this law breaking worries me.

The Hon. P. H. LOCKYER: In most electorates I am sure people can obtain on a Sunday as much liquor as they require. It is impossible for the police to uphold the law because it is archaic and cumbersome.

The Bill provides for hotel licensees to be given the right to close parts of their premises at their own discretion and as customer demand dictates. This is a sensible approach to the situation. In this day and age the cost of staffing at times absorbs much of an operator's profit. It is important that during the slack times of the day, say, between opening and the commencement of lunch, and after lunch until the 4.30 bar trade, it is necessary for some hotels to close certain bars to regulate the number of staff they employ. As I have said, this measure is good, and it is sensible. It has been universally accepted by the hotel and liquor industry.

I was interested in the comments of the Hon. Peter Wells in regard to the strength of wines and spirits, and I would like to add to his comments. I believe the strength of the brand of beer normally sold in Western Australia is too high. I am one who has travelled extensively in South-East Asia and other overseas countries. An example of the

beer purchased in South-East Asia is the product called "San Miguel". It is drunk almost universally in South-East Asia and, in particular, in Singapore. It is a low strength beer similar to Swan Gold, and far more acceptable for long drinking sessions than the brand normally consumed. If one has a serious drinking session, if not deadly serious, our brand of beer should not be consumed. One can only be a sprinter, not a stayer.

The Hon. P. G. Pental: Disgusting!

The Hon. P. H. LOCKYER: The strength of spirits and beer should be decreased so that people may drink more for enjoyment rather than for the reason of filling themselves with alcohol. That is my personal view and it may not be the view of my colleagues.

The amendment to section 122 of the Act deals with the rights of a licensee to refuse service. A licensee may refuse service to a person for a number of reasons and this is an important point. As Mr Moore has said, it is quite right because the amendment will mean that the same rule will apply for everyone. We should not have separate rules, as Mr Dowding says, because of race or colour. It is important that there is a rule for everyone. The incident which occurred at Mullewa was a bad one and one which should not be repeated. I believe this amendment to the Act is a step in the right direction.

I was somewhat alarmed that it was mooted in the other place that the membership charge for licensed clubs would be \$20. However, I am pleased to say this has not occurred. Pensioners could not afford such a fee. Many people who have reached the twilight of their lives like to attend bowling clubs and the like. In my electorate such people like to spend their hours at such clubs—although some are not pensioners—and they cannot afford a large membership fee. I am glad commonsense prevailed in this matter.

I am pleased that the trading hours for hotels, taverns, and clubs are unchanged on Sundays. Regardless of comments I made previously, I think they should be closed on Sundays because there is sufficient time for people to drink on other days and it is unnecessary for those places to be open on Sunday.

The people who drafted this Bill have done a good job; it is a sensible Bill which tidies up the Act. I support it.

**THE HON. G. E. MASTERS** (West—Minister for Fisheries and Wildlife) [4.19 p.m.]: I have listened with interest to the many speeches on this subject and I will make reference to some of the

points which have been made because, as Mr Brown said, if the questions can be answered at this stage, it may not be necessary to raise them during the Committee stage.

Mr Brown raised the subject of club visitors and said some clubs were operated as hotels. The Bill is to tidy up this area of the legislation and I believe it is quite clear in its reference to honorary members and provisional members of clubs. If Mr Brown reads this provision he will note there has been a tightening up which will make it easier for the licensee and the police to maintain watch and make sure that licensed clubs are used in a proper manner.

Mr Brown referred also to section 122 of the Act. I am sorry he is not present in the Chamber at the moment because I am not sure whether he was in favour of the amending clause in the Bill. Perhaps we can discuss this during the Committee stage. However, he wondered how the fee charged to the licensee was assessed. It is assessed by the Licensing Court. The fee imposed is based on the cost of the liquor plus transportation to the wholesaler. If the liquor is transported from the metropolitan area to Carnarvon the cost is assessed to the point of receipt by the wholesaler in Carnarvon, and not beyond. I believe the other States in Australia intend to adopt this method and we will be simply following normal practice throughout Australia.

Mr Brown said "common carrier" was mentioned in the last part of the amending Bill and he did not know what was intended by this term. I checked this with the Crown Law Department and for the record I will read its definition, which says—

Common carrier in law is one who by provision to the public undertakes, for hire, to transfer from place to place, by any means, the goods such persons may choose to employ.

In other words, anyone who undertakes transport at a charge, whether it be in a truck or on a bicycle, would be classed as a common carrier. I do not think that will exclude anyone from carrying goods for charge.

Mr Leeson raised the matter of cabaret licences and said he could not understand why the hours had been extended from 9.00 p.m. to 8.00 p.m. He felt it would have been better to extend the hours after 3.30 a.m. the next day. The extension in the Bill was that which was proposed by the committee which produced a report on the industry. I would find it very hard to believe many people would wish to attend a function until 4.30 a.m. The committee supported the extension

to 8.00 p.m. to allow cabaret licences to compete with hotels which provide entertainment.

Mr Leeson expressed concern about the transfer of licences, and the disadvantages to an affected area. The practice is that if a person who had purchased a licence or liquor outlet wished to move it to another town or area, he would have to obtain the permission of the Licensing Court. The court would have to ascertain whether that removal would disadvantage the area. The same could apply when a person wishes to transfer from one place to another; the Licensing Court would have to consider whether it would be an advantage to the area to which it was being moved.

Mr MacKinnon expressed some concern, which was present in many areas throughout the community, about the noise being caused by bands, which is a problem to the nearby residents. The police have the responsibility to control unruly behaviour and would act properly. Clause 48 of the Bill will enable the Licensing Court to suspend permits if a complaint is received from the Police Force or a supervisor of the Licensing Court.

When speaking about the licensed stores, Mr MacKinnon challenged the right of the committee, which made a report on the liquor industry, to give such an opinion as it did.

The Hon. G. C. MacKinnon: I thought they were a bit paternalistic.

The Hon. G. E. MASTERS: The committee thought that the licensed stores were probably receiving a sufficient percentage of the market.

The Hon. G. C. MacKinnon: I thought that was cheeky.

The Hon. G. E. MASTERS: The committee was set up to consider comments which had been put forward to it and I think it is fair enough that it made certain comments, because it was its job to do so.

The Hon. G. C. MacKinnon: It is a matter of opinion. The comments were out of character with the three gentlemen concerned.

The Hon. G. E. MASTERS: I am sure those comments were made with the best of good will.

Mr Baxter spoke about club hours and suggested there should not be an extension. I draw his attention to pages 8 and 9 of the report and the comments set out under the heading of "licensed clubs". The report mentioned there had been a serious downturn in profitability and a loss of advantages with hotels being able to trade on Sunday. That committee researched the matter

and made its own recommendations, which are contained in this Bill. Mr Baxter said hotels would now have the ability to close certain bars with the permission of the Licensing Court. This is a gain to the hotels when we consider the cost of staffing. Also, they may now deal with packaged liquor on Sundays in unlimited quantities and that also will be an advantage to them. I think the hotels have been well catered for.

Mr Pratt mentioned matters which dealt with Sunday trading hours. He also mentioned licensed stores and, as he has an amendment before the House, I will make some further comments on licensed stores.

The committee, in its report, made mention of licensed stores and said they have an ability to market at lower prices. This is fair competition and if they can do that it is to the advantage of the public generally.

The Hon. I. G. Pratt: Do not hotels have the same right?

The Hon. G. E. MASTERS: They are not penalised and I am not saying it is wrong.

The Hon. P. G. Pandal: They do find it difficult because there is a monopoly.

The Hon. G. E. MASTERS: When we are talking about licensed stores opening on Sunday, we are talking about major stores such as Coles and other groups who have major holdings or major interests in licensed stores. If they were to open and if there were a proliferation of shops there would be the problem of liquor being available in licensed stores along with other goods. We would have pressure in all sorts of areas, so it was felt it was inadvisable to proceed along these lines.

The Hon. I. G. Pratt: Would you equate that with the share of the Swan Brewery in the Yanchep Hotel?

The Hon. G. E. MASTERS: Perhaps we should discuss this matter at a later stage when we can discuss it in depth.

Mrs Piesse suggested that perhaps licensed stores which sell liquor only could be open on Sundays and stores which sell other goods could not.

All I could say is that this could create a problem, and would be inadvisable. Those licensed stores selling liquor and other goods would consider they were being discriminated against, with some justification.

Mr Pratt referred also to the additional hours during which vigneronns would be permitted to trade and mentioned the extensions to Sunday

trading. The intention is that those vigneronns who wish to supply wines produced on their properties for consumption on the premises will be required, at an annual cost of some \$20—which is not an unduly high cost for that sort of facility—to take out a licence and become licensed vigneronns. Those who wish to sell wines produced on their properties but not to be consumed on the property may continue to sell wine in sealed bottles or flagons.

This licensing provision will enable the Licensing Court to require certain standards to be maintained, not the least of which will be some sort of toilet facilities. It is not suggested that the Licensing Court will demand a palatial operation, with extensive toilets, with hot and cold running water and the like.

The Hon. P. G. Pandal: The Licensing Court might take a different view.

The Hon. G. E. MASTERS: I do not believe it will. I have referred this matter to the Licensing Court, and I believe it will adopt a reasonable attitude.

The Hon. I. G. Pratt: We believe you are going to be reasonable.

The Hon. G. E. MASTERS: I am always reasonable, bearing in mind I represent the finest wine-growing area of this State.

The Hon. Neil Oliver: With me.

The Hon. G. E. MASTERS: The Hon. Norman Moore also raised that point, as well as referring to tourist licences. From my discussions with the Licensing Court after he raised the matter, I understand that hotels are able to sell liquor to residents in areas set aside for those residents.

The Hon. N. F. Moore: It does not include the bar.

The Hon. G. E. MASTERS: No, but if the member looks at the Bill he will see it includes the residents' lounge and their rooms. The hotel will be able to sell liquor to its residents and their guests in an area set aside specifically for that purpose. I do not see why residents should not be able to invite guests to their motel or hotel rooms or to a special area set aside for residents.

The Hon. N. F. Moore: They must have a separate lounge for residents. Could they use the existing lounge?

The Hon. G. E. MASTERS: If that lounge could be set aside for the purpose of the residents of the hotel, and not the public, my understanding is that the hotel could sell liquor to residents all day and all night.

The Hon. Tom McNeil: And their guests?

The Hon. G. E. MASTERS: There would be nothing to stop the Hon. Tom McNeil inviting the entire Legislative Council to his hotel room. He would be required to pay for the liquor, and he could not ask his guests to buy it from him. He and his guests would be able to drink to their hearts' content.

The Hon. Phil Pental has foreshadowed an amendment he intends to move during the Committee stage. I give notice I have no objection to the amendment; it will only bring into line something which is an accepted practice.

A great deal of what the Hon. Peter Wells said was purely his opinion, which perhaps differs in some ways from mine. Nevertheless, I respect the stand he takes and the opinion he holds.

He talked about the "spiking" of drinks; I think "doctoring" would be a better term. I do not think that practice could be made an offence, because it would be difficult to prove. I agree it is an objectionable practice and could endanger people who may be driving home and who may not be aware of the situation until it is too late.

He raised an interesting point relating to the supply by hotels of brewed non-alcoholic beverages. He gave notice that he would move an amendment requiring hotel licensees to provide a range of non-alcoholic drinks. I point out to the honourable member that we are discussing the Liquor Amendment Bill which relates to the control of licensed premises, and to the consumption of liquor. "Liquor" is defined in the Act as "spirits, wines or beer containing more than two per centum of proof spirit". Hotels already provide a great variety of non-alcoholic beverages. If they did not, their business would suffer considerably; it is part of their business, just as is the provision of food and accommodation. Members all know that in hot weather, one often goes into a hotel and has a soft drink. More often than not, the Hon. Phil Lockyer would have an orange squash during the hot weather.

The Hon. P. H. Wells: But there is no requirement of the licensee to provide such beverages.

The Hon. G. E. MASTERS: Not a legal requirement; however, there is a public requirement, and the hotels are licensed to provide a service to the public.

The Hon. P. H. Wells: But there is a requirement that they provide food in some areas.

The Hon. G. E. MASTERS: I repeat that hotels are in business to provide a service to the public, and the service they offer above all others is the supply of liquid refreshment. The public

demand that the hotels meet that requirement. I cannot see any point in requiring licensees in the business of selling liquor to supply any sort of cool drinks, or even water.

The matters raised by the Hon. Neil Oliver need to be dealt with during the Committee stage. He was particularly concerned with the arrangements whereby licensed vigneron are able to sell their wine under certain circumstances. He foreshadowed that he would move an amendment to enable wine producers operating from a certain area of land to sell wine in sealed containers for consumption off the premises, seven days a week, trading on Sundays being within defined hours.

Mr Oliver referred also to the caterer's permit. The holder of a hotel, tavern, or restaurant licence may apply for such a permit to supply liquor away from the licensed premises. Racecourses and the like operate under a function permit which is issued direct to the Western Australian Turf Club by the Licensing Court.

I have endeavoured to cover most of the points raised. There were a large number of them and I hope I have not skimmed over them too quickly. Perhaps I have been able to head off some discussion during the Committee stage.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 6 amended—

The Hon. NEIL OLIVER: This section applies to wine makers, and I make it clear that these people also happen to be vigneron; but in this clause an exemption is allowed to wine makers. These are people who have properties of over 2 hectares bearing fruit vines, and between the hours of 8.30 a.m. and 8.30 p.m. Monday to Saturday excluding Anzac Day they may sell wine produced on the property. Therefore, I move an amendment—

Page 2, line 6—Add after the passage "(1)" the passage "(a)".

Page 2, after line 8—Add the following new paragraphs to stand as paragraphs (b) and (c)—

(b) in subparagraph (iii) to delete "a week" and substitute "any".

(c) after "Anzac Day" insert "Christmas Day and Good Friday;"

I have moved this amendment because of our involvement in the tourist trade. The Liquor Act inquiry recognised that the tourist industry was an important factor to be considered. The inquiry determined that the inability to buy wines on Sundays from properties in the Swan Valley for consumption off the premises was detrimental to the tourist trade. The lead spokesman for the Opposition in another place astounded me by dealing with the Bill in tremendous detail. However, even he was under the misapprehension that my amendment was not needed despite the fact the inquiry showed there was a need to promote tourism. The valley wine tours have been promoted and vehicles have been purchased.

I have a Press statement dated 26 September last which was issued by the Honorary Minister for Industrial Development and Commerce (the Hon. Barry MacKinnon). It reads, in part, as follows—

Western Australia's wine producers are set for a full scale "invasion" of Melbourne next month.

Further on in the statement the following comment is made—

The overall theme of the State's display will be "growing in excellence" and marketing emphasis will be on premium wines.

Therefore, it can be seen the Government is promoting our product. The Department of Tourism supports strongly the potential expansion of tourism in the Swan Valley.

I should like to quote from a Press statement dated 16 October as follows—

An increasing number of wines produced in Western Australia are gradually making their mark in the rest of the country. Industrial Development and Commerce Minister Barry MacKinnon said today.

He was speaking in Melbourne, where he opened Expovin, Australia's premier annual wine exhibition.

Western Australia is strongly represented at the show.

Eighteen local producers, from the State's three wine growing areas, have combined to mount a joint display—the largest single group taking part.

Mr Mackinnon applauded the industry's co-operative approach.

"By combining resources in this way, the producers will make a far bigger impact than if they exhibited individually.

"I am confident that this is the way to win greater recognition and appreciation of the many fine wines that are produced here," Mr MacKinnon said.

The theme of Western Australia's stand at Expovin is "Growing in Excellence".

If the small wine producer loses his exemption under the Act, it will affect drastically those who operate in the Swan Valley. I accept the assurances of the Minister and also those of the people involved in the liquor inquiry—I have great confidence in them—but the position could change in the future.

The wine producers in the Swan Valley have a fine record. They have operated successfully under the exemption scheme for 120 years. Therefore, I imagine all members would agree that, if the industry has been able to operate satisfactorily for that period without any problems, that situation should be allowed to continue. In no way do the small wine producers to whom I refer wish wine to be consumed on their premises. The proposed amendment contained in the Bill is a backward step. Indeed, it will turn back the clock 120 years.

Like all members, I am concerned about the dead hand of bureaucracy. The exclusion of the exemption for wine producers who do not wish wine to be consumed on their premises, but want only to sell bottled wine, is an extension of the power of the bureaucracy.

I commend my amendment to members. The provision in the Bill is only the beginning of the influence of the bureaucracy over this industry. If the provision is passed, we shall regret it, because, during the time I have been a member of this House, on only one occasion can I recall the repeal of legislation empowering bureaucratic control. I refer to the Bill which repealed the legislation covering the Onion Marketing Board.

The Hon. R. G. Pike: There was also the repeal of the emu and grasshopper advisory committee.

The Hon. NEIL OLIVER: I agree with the honourable member.

The provision in the Bill is simply a beginning of bureaucratic control over this industry. The small wine producers to whom I refer are family concerns and, without the labour of all members of the family, they would exist no longer.

If my amendment is not accepted and the Bill is passed in its present form, the clock will be turned

back 120 years and it will spell disaster for the small vineyards in the Swan Valley.

The Hon. G. E. MASTERS: I oppose the amendment and I shall set out my reasons for that. I live in the area; therefore I have a good understanding of what occurs there. The present position is this: A wine producer with two hectares of land in the Swan Valley is able to sell wine in sealed containers for consumption off the premises six days a week. The honourable member is saying they should be able to sell wine in sealed containers for consumption off the premises seven days a week in hours which are no greater than normal trading hours.

The member went on to say that, if we do not accept his amendment, we will set back the industry many years. However, we are not taking anything away from the present arrangements under which the vineyards operate. When this Bill is proclaimed, the vineyards will still be able to operate as they do now. Those people who wish to sell wine for consumption on the premises will simply have to supply some sort of facilities and take out a vigneron's licence.

The situation in that regard is no different from that which obtains at present. Section 6(h) of the Act reads as follows—

the sale, by the occupier of a vineyard of not less than two hectares of vines in full bearing or of an orchard of not less than two hectares, of wine manufactured by him, on the vineyard or orchard in quantities of not less than 740 millimetres, if the wine—

As a result of the Hon. Neil Oliver's amendment, subparagraph (iii) of that paragraph would read as follows—

—is not sold or supplied at any time outside the hours of half-past eight in the morning and half-past eight in the evening on any day—

As I understand the amendment, the paragraph would then go on to say—

—and a period not exceeding, or two periods not exceeding in the aggregate, five hours on a Sunday other than Anzac Day.

When he referred to the term "any day", I think he was referring to a different situation. The term "weekday" is defined clearly in the Act. The word "means any day of the week other than a Sunday, Christmas Day or Good Friday; and a reference to any hours—"

The Hon. Neil Oliver: That has been amended.

The Hon. G. E. MASTERS: I am referring to the definition of "weekday" in the Act. To continue, "—extending after half-past twelve in

the afternoon, on a weekday, includes those hours on Anzac Day, where it does not fall on a Sunday;". If we were to follow the amendment and use the term "any day", it would seem to conflict with the latter part of the amendment because the term "any day" would indicate normal trading hours. I suggest it would mean wine producers would be able to operate on a Sunday between 8.30 a.m. and 8.30 p.m. I am not positive that is the correct position, but that is how I read the amendment. I would have thought it would be better left as the member first placed it on the notice paper. I cannot understand why he used the term "any day".

The Hon. R. G. Pike: I agree with that.

The Hon. G. E. MASTERS: It goes on to refer to Sunday trading hours as the ones agreed to by the Licensing Court. I fail to understand why he needed to include this new part in the amendment. Perhaps he can explain it to me.

The Hon. R. G. PIKE: The Hon. Neil Oliver discussed this point with me, but only in a brief way. There are two parts to the amendment before the Committee. The first part is unquestionably the proposition put forward by the Hon. Neil Oliver with which I wholeheartedly agree, which is the amendment to delete the term "weekday" with a view to substituting the term "any day", which clearly is intended to allow vignerons with two hectares or more to sell their wine on a Sunday, whereas at present Sunday trading is excluded under the definition of the term "weekday" as set out in the Act. The term "weekday" means any day of the week other than a Sunday, Christmas Day, or Good Friday.

It seems to me the amendment proposed first by the Hon. Neil Oliver is the correct one, and I suggest he go back to it. As I understand the position, if he moves that amendment and it is carried the occupier of a vineyard will be able to sell liquor on any day of the week other than Christmas Day or Good Friday, and that is a proposition with which I wholeheartedly agree.

I ask the Minister two questions, because I do not follow his first point. Is it his intention to oppose the proposition that occupiers of vineyards not less than two hectares in area should not be entitled to sell liquor on a Sunday? Is the confusion that has arisen related to the two amendments purporting to do the same thing as put forward by the Hon. Neil Oliver?

The Hon. G. E. MASTERS: I intend to oppose the amendment on any day.

The Hon. R. G. Pike: On any day?

The Hon. G. E. MASTERS: In line with the points I have raised I believe the present

arrangement should continue. Vignerons who wish to trade on a Sunday to cater for the tourist trade should be treated in the way proposed in the Bill. It is reasonable for the consumption of wine to be undertaken on premises on Sundays, and it is not reasonable that people should be permitted to take that wine away from all wine-producing premises. Once we allow the sale of packaged liquor by wine producers on a Sunday we will support the request that licensed stores be allowed to do the same sort of thing. In other words, I believe the two propositions are closely related.

The Hon. A. A. Lewis: Are you against the licensed stores operating on Sundays?

The Hon. G. E. MASTERS: Yes, I am, but I will continue that argument at another time.

The Hon. J. M. Berinson: I wonder whether I can ask you to comment on the Hon. Neil Oliver's point in regard to tourism. That would not apply to licensed stores, but it seems to have some relevance to vineyards.

The Hon. G. E. MASTERS: I agree there is an argument in favour of vineyards being able to sell wine on Sunday for consumption off the premises to aid the tourist trade, but I do not believe that argument justifies the amendment. At this time we have gone about as far as we can. A person can obtain a vigneron's licence at a cost of \$20, and great requirements are not placed upon him. That is a reasonable situation. I understand the arguments put forward, and I accept some of them; but we should encourage the arrangement proposed in the Bill.

The Hon. J. M. Berinson: Do you say that the payment of the \$20 fee entitles the vigneron to operate on a Sunday?

The Hon. G. E. MASTERS: A vigneron who wishes to sell wine from his vineyard in a wine-producing area on a Sunday for consumption on the premises or for the purchase and taking away, will be required to take out a vigneron's licence. I think the fee is \$20, and that licence will enable him to sell wine produced at his vineyard for consumption on and off his premises.

The Hon. I. G. PRATT: Earlier I thought the Minister had made a slip of the tongue when he replied to an interjection by the Hon. Graham MacKinnon asking whether the Minister wants our support, to which the Minister replied "No". Now I wonder whether that reaction was genuine. Some of the things he has said in the last few minutes have astounded me. It is wrong to suggest that anyone who is not given a concession when others are is not disadvantaged. That concept is something with which I cannot cope, but perhaps my powers of reasoning are not up to comprehending it.

If each outlet has a set capacity for sale, and every outlet except a few receives a concession, it cannot be said that the few are not disadvantaged. The Minister, in replying to the remarks of the Hon. Neil Oliver, said that is not the case, but I cannot accept the Minister's statement. Perhaps he made a slip of the tongue this time, if he did not in the first place.

I want to follow up a point made by the Hon. Neil Oliver and attempt to stress it. I refer to the tourist trade. Vineyards at Mt. Barker or Margaret River are involved in this tourist trade. It is not reasonable to suggest that a tourist will set off on his journey to coincide with the liquor trading hours at the spot to which he intends to travel. Perhaps that spot has an afternoon Sunday session between 5.00 p.m. and 7.00 p.m. A tourist would be travelling and enjoying himself, and would not set off on his trip just to be at a particular spot for a particular session. I do not think that which the Minister has suggested is reasonable.

The Minister referred to the minimal fee paid by vignerons so they can sell liquor not only for consumption on their premises, but also for consumption off their premises. As was said by the Hon. Neil Oliver during his second reading speech, this situation would involve vignerons in great expense. They do not want to sell wine on their premises, and have no intention of doing so. They would have to establish all the required facilities and employ staff to cater for customers. It is completely unrealistic that vignerons should be forced to operate in this way when they have no desire to do so. Some commonsense and an understanding of reality are required. Liquor legislation is always pressure legislation, and the Minister has my sympathy in his dealings with it, but I think a little more thought on the matter would not go astray.

I ask for the indulgence of the Chamber to clarify a point. If it is not clarified we will be totally confused by this amendment. I gave my explanation in the light of the Minister's interpretation of the definition of the term "weekday" as appearing at section 7(1), page 11, of the Liquor Act. The point I made to the Chamber was accommodated by the Minister's remarks. I have had more time to read the definition, and it appears that clearly the Minister was not concerned with the definition itself; he was concerned as to what it may or may not mean. I submit that what it may or may not mean is totally irrelevant; that has nothing to do with the provisions in the Bill.

The amendment moved by the Hon. Neil Oliver is to delete the word "weekday" and substitute



the words "any day". Since he has deleted the word "weekday", what that may or may not mean in the definitions does not apply.

The Hon. H. W. Olney: It does, if "weekday" stands. The Minister says, "Let it stay". I am saying what it means.

The Hon. I. G. PRATT: Then we get into the argument rather than the explanation. I merely restate the proposition that the amendment moved by the Hon. Neil Oliver will now read that wine may not be supplied at any time outside the hours of 8.30 a.m. and 8.30 p.m. on any day other than Anzac Day, Christmas Day, and Good Friday. If the Chamber supports that proposition, which I hope it does—I certainly do—the effect of it will be that those people who own 2 hectares as vigneron will be able to trade on Sundays—which they are not entitled to at the present time—and that the definition of "weekday" will be not applicable because it will not be in the section.

The Hon. P. G. Pendl: They will be able to do that without a vigneron's licence.

The Hon. NEIL OLIVER: What the Minister is putting forward about our intention in regard to the hours is that at 8.30 a.m. at Margaret River a wine producer and trader should be able to sell wine for consumption on the premises. The proposal in another part of this Bill is to extend trading hours from 8.30 p.m. to 10.00 p.m. I have not proposed that; it is a Government proposal. What I am asking of the Chamber is to accept 8.30 a.m. to 8.30 p.m., so I will not accept the Minister's proposal regarding the hours.

The Hon. G. E. Masters: Did you say on a Sunday from 8.30 a.m. to 8.30 p.m.?

The Hon. NEIL OLIVER: From 8.30 a.m. to 10.00 p.m., but it depends on what the court decides. The proposal is that it be 8.30 a.m. to 10.00 p.m. on week days.

The Hon. G. E. Masters: I am talking about Sundays. What do you propose?

The Hon. NEIL OLIVER: On Sundays there are various commitments to be met. When we speak of limiting these hours, does it mean producers in the Swan Valley or at Margaret River meet and try to get everybody to agree to an optional proposal as to whether they are going to operate between 10.00 and 11.00? What do we do, put an advertisement in *The Sunday Times* and put down where one can go and at what time? The whole thing is optional from Monday to Saturday and has always been so. That has worked extremely well for 120 years. Frankly, I just cannot accept it.

In conclusion, I make the point that 99.9 per cent of wine producers in this State do not want consumption of liquor on their premises.

An Opposition member: With or without South Australian wine?

The Hon. NEIL OLIVER: I do not want any South Australian wine at all.

The Hon. G. E. MASTERS: First of all, I am not clear in my mind as to the exact meaning and the proper way this amendment can be interpreted, particularly in view of the changed wording. We ask for two things: Firstly, the meaning of the original amendment and the late amendments moved by the Hon. Neil Oliver and, secondly the principle of whether in fact wine should be sold by wine producers in the manner that the amendment suggests. I ask members to postpone consideration of this clause—because we certainly are not going to get through the whole of the Committee stage of the Bill this afternoon—until I receive formal interpretation of exactly what the wording means. We can consider it with the remainder of the committee stage at another sitting. I move—

That further consideration of the clause be postponed.

The Hon. R. G. PIKE: Perhaps in my own humble way I can clarify the matter. Both the Minister and the mover of the amendment are confusing types of licences and types of premises. The Hon. Neil Oliver's amendment refers to section 6 which says, "Subject to subsection (ii) of this section nothing in this Act applies to", and then moving to (h), "The sale, by the occupier of a vineyard of not less than two hectares of vines in full bearing or of an orchard of not less than two hectares . . ."

So the amendment proposed by the Hon. Neil Oliver applies particularly and specifically to a person who has not less than two hectares of vines. What he is saying by way of his amendment is that a person can sell on any day of the week between 8.30 a.m. and 8.30 p.m., other than on Anzac Day, etc.

The CHAIRMAN: I direct the honourable member's attention to the question before the Chamber, which is that the consideration of clause 4 be postponed.

The Hon. R. G. PIKE: I am arguing that consideration of the clause ought not to be postponed and in arguing that point of view, I go on to point out that both the Minister and the mover of the amendment, the Hon. Neil Oliver, are confusing that provision with section 36A referred to on page 12 of the Bill, which deals with a vigneron's licence and has nothing to do

with the amendment. The Hon. Neil Oliver's substantive argument about sales on Sundays and opening times he made relevant to a vigneron's licence and has no particular application to the proposition before the Chair, which is an amendment of an entirely different section which proposes to give authority to somebody who owns two hectares of vines to sell his "booze" on a Sunday, which he cannot at present do. It does not need an erudite legal-eagle interpretation. That is simply the matter before the Chair. When we come to clause 22 we can then argue about vignerons, but the question before the Chair is that they be able to sell on seven days a week.

The Hon. N. F. MOORE: If the Chamber agrees to postpone consideration of this clause, I request that clause 22 be not considered until clause 4 has been resolved because the outcome of clause 4 will determine a possible amendment I may move to clause 22.

The Hon. NEIL OLIVER: I cannot see any reason for postponing the decision. It is quite simple. It has been spelt out quite clearly by the Hon. Bob Pike. I have had discussions with Ministers in another place. The situation was quite clear to me five minutes ago, as it is now, and I cannot see any reason that it should be postponed.

Motion put and a division taken with the following result—

#### Ayes 20

Hon. J. M. Berinson	Hon. I. G. Medcalf
Hon. Peter Dowding	Hon. N. F. Moore
Hon. Lyla Elliott	Hon. H. W. Olney
Hon. R. Hetherington	Hon. P. G. Pandal
Hon. Tom Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. P. H. Wells
Hon. P. H. Lockyer	Hon. R. J. L. Williams
Hon. G. E. Masters	Hon. W. R. Withers
Hon. M. McAleer	Hon. D. J. Wordsworth
Hon. Tom McNeil	Hon. F. E. McKenzie

(Teller)

#### Noes 4

Hon. G. C. MacKinnon	Hon. W. M. Piesse
Hon. Neil Oliver	Hon. R. G. Pike

(Teller)

Motion thus passed.

Clauses 5 to 14 put and passed.

Clause 15: Section 27 amended—

The Hon. G. E. MASTERS: I move an amendment—

Page 7, lines 34 and 35—Delete the words "a bar set aside for the public for consumption on the premises only" and substitute the passage "for consumption on the premises only, in a bar set aside for the public".

This change was recommended by the advisers, who said it would be a better wording and would be understood more easily by those people in the legal profession who must interpret the Act.

The Hon. R. HETHERINGTON: I note the fact that the Government at last has an adviser who is someone with an appreciation of syntax. I hope this is the beginning of a major reform and that Government Bills may in future improve. I support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 16 to 20 put and passed.

Clause 21: Section 36 amended—

The Hon. I. G. PRATT: I do not wish to proceed with the amendment on the notice paper; however, I have circulated a slightly altered amendment and wish to explain my reasons for doing this.

There seems to be some doubt in the community as to whether licensed stores will be obliged to stay open for the total prescribed hours. I have spoken with several people who run liquor stores; some are under the impression that they are obliged to stay open and others believe they are not. With the present legislation they are obliged to stay open, so I can understand the reason for the confusion. Section 122 states "This section applies to the holder of a hotel licence and a limited hotel licence". Anyone reading that heading would assume it refers to hotels and limited licences. The heading continues to state that it applies also to bottle shops and other outlets. I have altered my amendment to include the words "where a licensee elects" because it is not my intention to move an amendment which would make it obligatory for licensed stores to remain open on Sundays if they do not wish to do so.

During the second reading stage I asked the Minister to consider two points. I asked him whether or not bottle shops are entitled to a fair share of the market and, if they are not, why not? They were questions which required simple answers.

Unfortunately, the Minister seems to have missed my queries. I am sure he had good reason to do so, but we are entitled to receive an answer. The reason for my amendment is that there should be equal opportunity within the industry. We should not give one section of the industry the privilege of trading on Sunday and exclude another.

This is something which should appeal to the Government and the Opposition members,

especially when we are dealing with a non-party Bill. The Government makes no secret of the fact that we believe in free enterprise and competition and the Opposition makes a strong case for looking after the small people.

The Hon. R. G. Pike: They are not as humanitarian as we.

The Hon. I. G. PRATT: I do not wish to enter that debate. If hotels are made to stay open, now that the two-bottle limit is to be lifted, we could put some people at a considerable disadvantage, especially if we believe in free competition. The bottle shops should be allowed to compete on the same basis as hotels. Now that we have removed the reins from the whole situation we should give all a fair go, and we should consider that fact when we make decisions in this place.

A great deal of lobbying has occurred on this subject and all sorts of red herrings have been dragged into the argument; one is that if we do this we will be opening the way for licensed general stores.

The situation would be no different from that which exists today with the competition between the large liquor outlets and the small bottle shops. They compete from Monday to Saturday, so what difference does it make if they compete also on Sundays? That is our objection.

If one looks at small bottle shops, one sees that frequently they operate in conjunction with small delicatessens. The delicatessen side of the business is open on Sundays, and it will not place any burden on the owners—they are usually family concerns—to have the liquor outlet open also. While speaking of family concerns, I am sure that all members want to encourage and assist small businesses in every way possible. These businesses would be able to cope with the Sunday situation probably more ably than their larger competitors.

Another reason which has been put forward as an argument for not supporting this amendment is that hotels have an obligation to provide meals and accommodation, and taverns have a responsibility in regard to meals particularly, but we find in many cases that taverns fulfil their obligations in a roundabout way. In any case I cannot see any connection between packaged liquor that can be taken somewhere else and drunk and the necessity to provide meals.

It is logical that a person who takes his liquor home wants to eat his meal at home. So packaged liquor sales should not require taverns to provide meals. I believe my foreshadowed amendment is a fair and equitable one. While the Minister representing the Chief Secretary in this place has a point to make, I would imagine the Minister

representing the Minister for Police and Traffic would give my amendment his support, because it would encourage people to purchase their liquor and take it home. It will not encourage people to frequent hotels, drink for a few hours, and then stagger to their cars with an armful of bottles and drive home. It would encourage them to take liquor home and drink it in the company of family and friends. I hope that members on both sides of the House will find it in their hearts to support the amendment.

I move an amendment—

Page 11—Add after paragraph (b) the following new paragraph to stand as paragraph (c)—

(c) Where a licensee elects, during a specified period, or two specified periods not exceeding in the aggregate, five hours on a Sunday.

The Hon. G. E. MASTERS: I do not want to cut the member short because he spoke with some feeling. However, in view of the time and the fact that questions have yet to be dealt with, I suggest that the Committee report progress and seek leave to sit again.

#### *Progress*

Progress reported and leave given to sit again, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife).

### **SMALL CLAIMS TRIBUNALS AMENDMENT BILL**

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

#### *Second Reading*

**THE HON. G. E. MASTERS** (West—Minister for Fisheries and Wildlife) [5.46 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to formalise procedures adopted by the Small Claims Tribunal, to clarify certain matters, and to assist in administrative functions.

The majority of amendments to various definitions of the Act relate purely to matters requiring greater clarity.

The term "consumer" has suffered certain anomalous situations where, for instance, a claimant had, after retiring from his occupation, purchased a fishing boat and intended in the future to carry on business as a professional fisherman. In this case the claimant was a consumer when in fact he intended to become a

trader. The proposed amendment will alleviate this anomaly.

The inclusion of the term "fixed amount" is to simplify references in the Act. It does not change the jurisdictional limit placed on the tribunal.

The inclusion of the definition of "services" is consequential to an amendment to the Consumer Affairs Act in 1980 which permitted the bureau to investigate and deal with insurance matters, other than workers' compensation insurance and third party motor vehicle insurance effected under the Motor Vehicle (Third Party Insurance) Act.

The Bureau of Consumer Affairs cannot always solve these matters by agreement, and under the existing provisions of the Small Claims Tribunals Act the tribunal does not have jurisdiction over matters arising out of contracts of insurance. The amendment will overcome this difficulty.

The definition of "small claim" is to be amended to provide, firstly, that the return of goods can be a small claim and, secondly, in relation to tenancy bond matters, that the tribunal may deal with matters in excess of the actual bond but not exceeding the jurisdictional limit.

The first amendment referred to is as a result of an appeal to the Supreme Court against a decision by a former referee.

In the second case matters relating to non-return of bond money to tenants by landlords come before the tribunal. In many cases the landlord claims damages and arrears of rent in excess of the bond. Because the tribunal is limited to the amount of the bond, the landlord has gone to the Local Court to obtain the excess. This involves the tenant in additional costs.

Additionally, this procedure is seen as being unnecessary when the matter has already been before the tribunal. Because the definition was becoming unwieldy the opportunity has been taken to re-write it.

This has the added advantage of making the definition easier to read and also of including the current jurisdictional limit of \$1 000 so that the Act can be interpreted in this respect without reference to the regulations.

There are a great number of occasions when a person comes to the counter of the Small Claims Tribunal wishing to enforce an order of the tribunal which has already been made. Among other things, this involves the swearing of an affidavit stating that all, none, or part of the amount has been paid.

The difficulty of swearing arises because justices of the peace are not always available.

There are also cases where a person wishes to file an affidavit of evidence for the tribunal to consider. This also necessitates the availability of a justice of the peace to take the affidavit.

As part of the Government's commitment to rationalise and reduce public inconvenience where possible, it has decided to amend the Act to permit the registrar and other responsible persons to witness affidavits required by the Act.

There is difficulty in respect of the power of the tribunal to order replacement of defective goods. The Act currently provides that the tribunal may make an order that requires a party to the proceeding—other than the claimant—to perform work to rectify a defect in goods and services. Generally speaking, there is no difficulty with performing work to rectify services, but on the wording of the current provision there can be difficulty in relation to goods. The party concerned is required only to do work to rectify.

Under existing legislation, the tribunal has power to order the return of goods even where the property therein has passed and, in addition, to order the repayment of the purchase price.

There are cases, however, where money payment, etc., does not compensate the claimant. The proposed amendment will empower the tribunal in clearer words to make an order requiring a party to replace goods in the proper circumstances.

An order made by a tribunal which exceeds the jurisdiction makes the whole of it of no effect. Such an order is considered to be a nullity and, whilst it is not free from doubt, there can be a rehearing. The Government is concerned that this adds expense and inconvenience to the parties and the tribunal. For this reason it is proposed to provide that an order either for the payment of money or the performance of work which exceeds the jurisdiction is of no effect only as to the excess and is valid and effective up to the amount of the jurisdiction.

Section 23(1) of the principal Act is cumbersome and unworkable in practice. On the wording of the current section, an order must first be made and then the proceeding must be adjourned to a specific date or indefinitely and, at the same time, leave then is granted to renew the reference. As stated, this is a cumbersome procedure and if followed would result in so many adjournments that the tribunal would never catch up.

The proposed amendments relating to contempt provisions are considered necessary so as to provide that the tribunal itself may deal with an

offender who may be summarily convicted by the tribunal.

The current section relating to contempt has shortcomings. If an offending party is excluded from the tribunal it would be difficult to come to a decision in his absence and, if a decision is arrived at in the absence of the party, it may amount to a breach of natural justice. The method of procedure to convict a person is not set out, nor is the offence said to be punishable summarily, nor in what court the proceedings are to be taken.

It is considered that any such extended power would not be abused, especially as the referees must be qualified legal practitioners and past history has shown no abuse of such power.

Other minor amendments have been included to update title references.

I commend the Bill to the House.

**THE HON. H. W. OLNEY** (South Metropolitan) [5.42 p.m.]: The Opposition supports the Bill and has nothing to add. Perhaps I should point out we do not intend to move amendments during the Committee stage.

Question put and passed.

Bill read a second time.

## **AGRICULTURE AND RELATED RESOURCES PROTECTION AMENDMENT BILL**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

### *Second Reading*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [5.43 p.m.]: I move—

That the Bill be now read a second time.

Under the provisions of the Agriculture and Related Resources Protection Act, rates are levied on land held under pastoral lease, based on the amount of rent charged for the lease at 30 June 1976. That is the day prior to the date the Act came into force. In the case of leases granted since that date, rates are assessed on the first rent charged. Anomalies have occurred, particularly in the Kimberley where in 1979 there was a review of the rents charged for pastoral leases resulting in a considerable rise in the rents of a number of properties.

For rating purposes this has made no difference to landholders who have not altered the terms of their leases in any way, because if the leases were

granted before 30 June 1976, they continue to pay rates based on the rent charged at that date.

The pastoralists who have been affected are those who have altered their leases, and particularly when they have extended their properties by incorporating land adjacent to theirs. This practice of amalgamation is encouraged by the Pastoral Board to improve the viability of pastoral leases.

When such an amalgamation is made a new lease document is issued by the Department of Lands and Surveys and because of the present wording of the principal Act, the rate is charged on the basis of rent imposed for the new lease.

In the case of the Kimberley, this is the 1979 rent and an instance has occurred where a lessee extended his boundaries by taking in a relatively small portion of additional land, but the issue of the new lease at the new rent meant that his rate payments have increased more than threefold. His neighbours, whose leases are unchanged, still have to pay only at the old level. The proposed amendments to section 62(3) are designed to correct such anomalies.

The amendment to subsection (4) of that section is purely a re-enactment of an existing section of the Act with additions, to conform with the amendments proposed in this Bill, and amendments which have been made previously to the Land Act.

Proposed new subsection (6) relates to other anomalies which were found to occur when the sizes of pastoral holdings were reduced, or a lessee lost use of part of his land. This has happened when portion of a holding has been resumed or surrendered, or when the owner has been required by the Minister for Lands to reduce the stock numbers on his lease.

In such cases the actual rent charged for the lease by the Lands Department was reduced, but for the purpose of the pastoral rate it remained frozen at the 1976 level, which meant the owner was still being rated on land he could not use.

The Bill proposes that when a leaseholder has lost part of his land, or the use of part of it, and his rent has been reduced, the Minister for Agriculture is empowered similarly to reduce the rent value for rating purposes. It is stressed that any figure the Minister may determine applies for the purposes of the rate only, where loss of use of land has occurred. It will not apply to any variation made by the Minister for Lands in his periodic review of rents charged on all pastoral leases, in the terms of section 98(3a) of the Land Act.

The legislation does not affect the obligation of landholders to pay rates which were assessed prior to 1 July 1981.

The power given to the Minister for Agriculture to determine a lower rent dates from that date to enable any anomalies which are found to have occurred in the current rating year to be corrected.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

#### **BILLS (2): RETURNED**

1. Fisheries Amendment Bill.
2. Bills of Sale Amendment Bill.

Bills returned from the Assembly without amendment.

#### **WORKERS' COMPENSATION AND ASSISTANCE BILL**

##### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

#### **QUESTIONS**

Questions were taken at this stage.

*House adjourned at 6.00 p.m.*

## QUESTIONS ON NOTICE

## HEALTH

*Pharmaceutical Council*

592. The Hon. J. M. BERINSON, to the Minister representing the Minister for Health:

In each of the last five years—

(1) How many charges of unprofessional conduct were—

(a) laid; and

(b) found proven;

by the Pharmaceutical Council?

(2) Of those charges found proven, how many were in respect of—

(a) provision of restricted items without prescription;

(b) dispensing by unqualified persons;

(c) leaving a pharmacy unsupervised by a pharmacist;

(d) advertising; and

(e) other?

(3) In respect of charges found proved, in how many cases did the council impose a penalty by way of—

(a) caution only;

(b) suspension or deregistration;

(c) fines up to \$50;

(d) fines between \$51 and \$100; and

(e) fines over \$100?

(4) What penalties were imposed on pharmacists against whom charges of advertising breaches were found proved?

The Hon. D. J. WORDSWORTH replied:

1976-77 1977-78 1978-79 1979-80 1980-81 TOTAL

(1) (a) 11 13 21 7 28 80

(b) 11 13 20 6 26 76

(2) (a) 1 1

(b) 1

(c) 2 1 3

(d) 9 10 10 3 5 37

(Some cases appear in more than one category)

(c) 2 5 5 23 35

(3) (a) 4 4 2 2 12

(b) 2 2 4

(c) 8 2 7 1 2 20

(d) 1 5 2 2 10

(e) 3 6 20 29

(f) 2 1 4 1 6 14

(g) 2 2

(4)						
no penalty		2				2
undertaking	1	1	4			6
censure	3		4		2	9
fine up to \$50	4	1	6	2	1	14
fine \$50-\$100	1	5			2	8
fine over \$100			1			1

(Some cases appear in more than one category)

## ROAD

*Blowholes Road*

613. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Transport:

(1) What is the anticipated completion date of the Blowholes road north of Carnarvon?

(2) Have the contractors requested extra time for completion of the road?

The Hon. D. J. WORDSWORTH replied:

(1) The contract to construct and blacktop the Blowholes road to the Lake MacLeod turnoff is now due for completion on 19 December 1981. However, the Main Roads Department assessment of the contractor's progress is that completion is unlikely before March 1982.

(2) One extension of time of seven working days has been granted which extended the due date for completion of the contract from 11 December to 19 December.

## ROADS

*Road Maintenance Tax*

614. The Hon. W. M. PIESSE, to the Minister representing the Minister for Transport:

Further to my question 142 of Wednesday, 8 April 1981, would the Minister advise—

(1) In the financial year 1978-79, how many personnel were engaged in the inspection and collection of road maintenance tax?

(2) With the introduction of the wholesale fuel franchise levy, were these personnel absorbed into other departments?

(3) If so, which departments?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) The Road Maintenance (Contribution) Act was repealed with effect as from July 1979, and the personnel affected, totalling 59, were absorbed by the Public Service Board and placed into various departments as positions became available.
- (3) At this time it would require a considerable amount of research work to establish the departments in which the 59 personnel were located.

	1980/81 Expenditure \$	1981/82 Estimate \$
Boarding allowances—private schools	194 811	240 000
Scholarships and bursaries	13 505	16 200
Text book allowance—Government schools	727 390	—
Text book allowance—private schools	282 460	—
Text book allowance—technical schools	13 500	—
Scholarships—foreign allowance	4 953	5 800
Tertiary exhibition scholarship	2 160	2 000
Country High School Hostel Authority	220 000	200 000
WA Week Council	27 282	—
WA Council of State School Organisations	59 959	66 000
Children in institutions	129 073	162 000
<b>TOTAL</b>	<b>2 913 081</b>	<b>2 207 000</b>

## STATE FINANCE: CONSOLIDATED REVENUE FUND

### Education

615. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

- (1) What categories of expenditure are contained within the Consolidated Revenue Fund, Education Department item, subsidies and grants?
- (2) For each category in (1), what was the actual expenditure for 1980-81, and what are the corresponding proposed expenditures for 1981-82?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2)

EDUCATION DEPARTMENT ITEM 6—SUBSIDIES AND GRANTS		
	1980/81 Expenditure \$	1981/82 Estimate \$
Text book—staff	24 640	—
ABC booklets	70 456	70 000
Teaching aids	266 250	280 000
Text books—students	200 558	500 000
Travel subsidies	28 850	38 000
Subsidies and allowances	6 780	10 000
Buildings and related projects:		
primary	190 911	149 900
secondary	29 771	35 500
Subsidies—pools:		
primary	774	4 000
secondary	2 000	10 000
Subsidies—school computers	59 654	65 000
School based curriculum development	39 184	35 000
Subsidies—museum of childhood	4 807	3 000
Camps for gifted children	25 451	35 000
Subsidy to SPELD	6 000	6 000
Needs commonwealth grant pre-school services	14 054	11 000
Grants playgroups in needy circumstances	10 640	15 000
Needy kindergarten grants	24 418	8 000
Grant—WA state sports	2 000	2 000
WA University mathematics course	3 575	3 600
Subsidies to ballet and drama	13 500	—
Boarding allowances—Government schools	213 715	234 000

### FUEL AND ENERGY: SEC

#### Dampier-Perth Pipeline: Roads

616. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Fuel and Energy:

- (1) Is the SEC contemplating awarding contracts to various shires involved in the Dampier to Perth pipeline for the purpose of upgrading and constructing roads?
- (2) Will the Minister give an undertaking that, if this is so, the shires be requested to use local contractors as much as possible?

The Hon. I. G. MEDCALF replied:

- (1) and (2) The State Energy Commission, with the support of the Main Roads Department, has recently negotiated the terms of an agreement with the shires along the Dampier to Perth pipeline route for the construction and upgrading by them of the access roads necessary for the project. I am advised that the works to be undertaken by the shires will be carried out using a combination of their own labour and equipment resources and local contractors. The extent of use of local contractors will vary from shire to shire, depending on each shire's available construction resources; but the Minister has asked the SEC to ensure that maximum use is made of local contractors.



# LAND: RESUMPTIONS

## Roe Freeway

617. The Hon. H. W. OLNEY, to the Minister representing the Minister for Transport:

Further to the Minister's answer to question 554 given on 30 September 1981, what are—

- (a) the lot numbers;
- (b) the date of acquisition; and
- (c) the purchase price;

of those lots acquired by negotiated purchase since 16 January 1959?

The Hon. D. J. WORDSWORTH replied:

- (a) to (c) A great deal of research work is involved in providing this information to the member. With the limited staff resources available I am not prepared to direct that this information be provided because of its generalised nature. However, if the member could identify particular problem areas I will endeavour to assist him.

# COURTS: DISTRICT AND SUPREME

## Delays

618. The Hon. J. M. BERINSON, to the Attorney General:

- (1) As at the beginning of October 1981, what was the approximate delay in civil cases between entry for trial and date of hearing in—
  - (a) the District Court; and
  - (b) the Supreme Court?

- (2) What reduction in delay is anticipated in the District Court by June 1982 as a result of the appointment of an additional District Court judge?

- (3) Is any reduction in the Supreme Court backlog expected by June 1982, and, if so—

- (a) to what extent; and
- (b) how is it expected to be achieved?

The Hon. I. G. MEDCALF replied:

- (1) (a) and (b) For civil hearings heard in early October 1981, cases had been entered for trial five months earlier in the District Court and seven months earlier in the Supreme Court.

- (2) Although it is quite apparent that there will be some reduction in the delay period in the District Court, the extent of this will depend almost entirely on the number of cases entered for trial between now and June 1982.

- (3) (a) and (b) Similarly, the delay in the Supreme Court which will apply by June 1982 will depend almost entirely on the number of cases entered for trial between now and then. Various matters concerning the Supreme Court are at present under consideration by the Government. As these involve discussions with the Chief Justice, they must be treated as confidential at this stage.

# TRANSPORT: BUSES

## MTT: Members

619. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

- (1) Who are the current members of the Metropolitan Transport Trust?
- (2) On what date was each appointed?
- (3) What remuneration and allowances were paid to each for services to the trust for the financial year 1980-1981?
- (4) On how many occasions did the trust meet during the financial year 1980-1981?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2)

## Appointed

L.G.S. Hyland (Chairman)	1.7.1981
A. Robinson	29.1.1977
W.I. McCullough	1.11.1978
J.S. Yull	1.9.1981

- (3) Mr Robinson and Mr McCullough are paid in their capacities of Managing Director of the MTT and Commissioner of Railways. They receive no additional payment for their services on the board of the trust. Mr Hyland and Mr Yull were not members of the Trust for the financial year 1980/81.

- (4) 21.

620. This question was postponed.

## TRANSPORT: BUSES

*MTT: Members*

621. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

Will the Minister advise what background of experience in public transport did Mr L. G. Hyland have prior to his appointment to the chairmanship of the Metropolitan Transport Trust?

The Hon. D. J. WORDSWORTH replied:

Mr Hyland brings to the post of Chairman of the Perth (Metropolitan) Transport Trust a great depth of experience in public transport and top level management expertise. He was employed by BOAC from 1943 to 1965, and he held several senior management positions throughout the world, including General Manager USA and General Sales Manager Worldwide.

Mr Hyland recently retired as managing director of a major cement company and is also active in the Confederation of WA Industry and other industry bodies.

- (2) Did it contribute to road maintenance tax prior to its replacement with the fuel tax?
- (3) If not, will the Minister amend existing legislation to exempt the MTT from the tax?
- (4) If not, why not?

The Hon. D. J. WORDSWORTH replied:

- (1) The MTT contribution to the State fuel levy in 1980/81 was \$485 000.
- (2) No.
- (3) No.
- (4) As the business franchise (petroleum products) licensing provisions were enacted to levy a charge on wholesalers for road expenditure, it is considered equitable that all road users, including Government agencies, should contribute to a levy which is being applied for road maintenance and construction.

624. *This question was postponed.*

## EDUCATION: PRE-PRIMARY

*Teachers: Wages and Salaries*

622. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

- (1) What was the total expenditure on wages and salaries in 1980-81 for pre-primary teachers only?
- (2) What is the estimated expenditure on wages and salaries for pre-primary teachers for 1981-82?

The Hon. D. J. WORDSWORTH replied:

- (1) \$5 572 349.
- (2) \$6 054 000.

## TRANSPORT: BUSES

*MTT: Fuel Tax*

623. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

- (1) How much was the Metropolitan Transport Trust's contribution to petrol and diesel fuel tax for the financial year 1980-81?

## RAILWAYS

*Dwellingup-Pinjarra*

625. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

- (1) Is the future of the Pinjarra-Dwellingup railway line assured?
- (2) Is the Minister aware that the Hotham Valley Railway is currently running fully booked passenger trains carrying in excess of 500 passengers each Sunday over this section of line?
- (3) Is this section of track regularly maintained?
- (4) (a) If "Yes", would the Minister give details; and  
(b) if not, why not?
- (5) What is the current condition of this section of track?
- (6) Has Westrail any plans for upgrading it?
- (7) At current level of maintenance, what is its expected lifetime?

The Hon. D. J. WORDSWORTH replied:

- (1) The future of this line for Westrail services is dependent on the effects the phased introduction of the new transport policy has on timber traffic from Dwellingup.
- (2) Yes.
- (3) Yes, it is maintained to a safe standard.
- (4) (a) and (b) The track is inspected regularly by Westrail staff and maintenance is undertaken as required. For example, some 2 000 sleepers were replaced in the last 12 months.
- (5) Adequate for the safe passage of current traffic at the low speeds which apply.
- (6) No.
- (7) The present level of maintenance will allow Westrail to meet its current transport task for the next five years, at which time a major sleeper renewal programme will be necessary.

626. *This question was postponed.*

#### SEEDS: SUNFLOWER

##### Price

627. The Hon. Peter DOWDING, to the Minister representing the Minister for Agriculture:

- (1) Has a guaranteed price been fixed by the Government for sunflower produced in the Ord River irrigation area?
- (2) If so, what is it?
- (3) If not, when will it be set?
- (4) How does this figure compare with the likely return for sunflower on Australian and overseas markets?
- (5) From what source will these payments be met, and what is the expected cost to the Government?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes.
- (2) \$253 per tonne fob Wyndham.
- (3) Answered by (1).

- (4) and (5) As sale of the crop is still to be negotiated, no further information can be provided at this time.

#### EDUCATION: FUNDING CUTBACKS

##### Revenue: Additional

628. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

What is the estimated additional revenue in 1981-82 resulting from the following measures announced recently by the Treasurer—

- (a) cessation of the text book subsidy;
- (b) reduction in levels of non-teaching support staff;
- (c) economies in the in-term swimming classes programme;
- (d) termination of the driver education programme;
- (e) closure of Claremont Technical College;
- (f) exercise of tight control over staffing levels;
- (g) curtailment of one-day relief for primary teachers; and
- (h) close attention to expenditure on non-salary items?

The Hon. D. J. WORDSWORTH replied:

- (a) to (h) No increase in revenue is anticipated from any of the measures listed.

629. *This question was postponed.*

#### MINING: GOLD

##### State Batteries

630. The Hon. Peter DOWDING, to the Minister representing the Minister for Mines:

I refer to the answer to question 563 of Tuesday, 13 October 1981—

- (1) What funds are to be allocated for the 1981-1982 financial year for upgrading State Batteries in my electorate?
- (2) What repair work, if any, will be done to the Nullagine and Marble Bar State Batteries?

The Hon. I. G. MEDCALF replied:

- (1) \$60 000.
- (2) Nullagine—nil (non-operating battery)  
Marble Bar—general maintenance as required, in addition to the plant extension from 5-10 head.

### COURTS

#### *Full Court and Court of Criminal Appeal*

631. The Hon. J. M. BERINSON, to the Attorney General:

In each of the last five years on how many days were there sittings of the—

- (a) Full Court of the Supreme Court; and
- (b) the Court of Criminal Appeal?

The Hon. I. G. MEDCALF replied:

- (a) and (b) Separate figures for each of the courts referred to are not maintained. In addition, on many occasions the Full Court reconvenes on the same days as the Court of Criminal Appeal sits. The number of days either or both courts sat for each of the years is as follows—

1976	78 days
1977	82 days
1978	75 days
1979	66 days
1980	87 days
1981	87 days (to 22.10.81).

### QUESTION WITHOUT NOTICE

SWAN BREWERY CO. LTD.: BOND CORPORATION

#### *Takeover Bid*

191. The Hon. J. M. BERINSON, to the Attorney General:

I refer to the fact that the current takeover bid for Swan Brewery Co. Ltd.

by Bond Corporation Pty. Ltd. is being made in the form of a bid by Mr Bond personally.

In view of the strong association of Swan Brewery with this State and the many Western Australian shareholders involved in both the bidding and target companies, will the Attorney General indicate whether the form of offer adopted in this case reduces or affects in any way the protection which would have been offered to shareholders had the bid been made on the normal company-to-company basis.

The Hon. I. G. MEDCALF replied:

Swan Brewery is a corporation incorporated in the State of Victoria and all documents relating to the takeover must be lodged with the Commissioner for Corporate Affairs in that State.

I understand that the part "A" statement prepared by Mr Bond has been registered by the commissioner in Victoria, but I am unaware of the disclosures made in such document.

The national code which regulates takeover activity provides for full disclosure of the identity of the offeror and his ability to meet the offer.

The code also regulates all offers and does not differentiate between offers made by a corporation or an individual; and the degree of protection afforded by the code does not vary.