POISONS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Ross Hutchinson (Minister for Works), read a first time.

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [10.25 p.m.]: I move—

That the Bill be now read a second time.

This Bill is to amend the Poisons Act. Although it is a small amending Bill it is important, having regard to its nature in endeavouring to deal with drug trafficking and drug taking.

Events indicate that drug taking is increasing in Western Australia, and as is known by members, the problem is world wide. Perhaps the most unhappy feature is the number of young persons who become involved.

Governments all over the world are concerned with this problem because it is generally felt that the taking of drugs by young people, in particular, saps national character. It affects the mental, moral, and physical fibre in people, and it is important that all steps possible be taken to try to minimise it.

The Government's concern is expressed in this Bill, which seeks to increase the general penalty for breaches connected with drugs of addiction and to introduce a special penalty where these drugs are illegally supplied. Perhaps to refresh members' memories, I will point out that two separate laws cover the possession, use, and supply of narcotic drugs. The Police Act is concerned with illicit trafficking; and the Poisons Act regulates legal supply, possession, and use of these drugs through wholesalers, retailers, and the medical profession. A complementary amendment to the Police Act, similar to the contents of this Bill, has also been presented.

Dealing with the present Bill, it contains two main clauses and both refer to penalties.

Clause 3 proposes that a penalty of a fine of $4,000 or imprisonment for 10 years, or both, may be imposed if a person legally entitled to possess drugs of addiction supplies the drugs to people not entitled to them. A charge under this provision may be dealt with summarily by a magistrate, but because of the magnitude of the penalties involved, sentence must be passed by the District Court.

Clause 4 amends section 44 of the Poisons Act, and a new subsection (2) is proposed. This is the general penalty provision relating to narcotic drugs, and covers all offences other than illegal supply. The proposal here is that the existing penalty of a fine of $1,500, or imprisonment for three years be increased to a fine of $2,000 or three years' imprisonment.

The Bill does present what is called a "get tough" policy with people who supply narcotics to other people who then become their victims. It is hoped that these very substantial penalties will deter those who may be inclined or tempted to break the law. If this succeeds I feel we will have achieved the purpose of the amendments. I commend the Bill to all members of this House.

Debate adjourned, on motion by Mr. Fletcher.

BILLS (2): RETURNED

1. Western Australian Tertiary Education Commission Bill.
2. Police Act Amendment Bill (No. 2).

Bills returned from the Council without amendment.

DISPOSAL OF UNCOLLECTED GOODS BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Court (Minister for Industrial Development), read a first time.

ADJOURNMENT OF THE HOUSE

SIR DAVID BRAND (Greenough—Premier) [10.29 p.m.]: I move—

That the House do now adjourn.

With your permission, Mr. Speaker, I would remind members that we will sit on normal days and at normal hours for the balance of this week. However, I suggest that during the following week members do not commit themselves for early afternoon.

If, by any chance, we see a possibility of finishing early, we might sit on Friday. If not, then we will have in mind finishing on the 25th or the 26th November. We are making reasonable progress. Nevertheless, a Probate Bill is to be introduced, and a number of small Bills, but I do not think they will be controversial or that they will take very much time.

Mr. Brady: By "normal hours," does the Premier mean that we will sit on Thursday night?

Question put and passed.

Sir DAVID BRAND: Yes.

House adjourned at 10.31 p.m.

Legislative Council

Wednesday, the 11th November, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (3): ON NOTICE

1. POLICE

Staff at Manjimup

The Hon. V. J. FERRY, to the Minister for Mines:

(1) What is the complement of staff of the Manjimup Police Station?

(2) In view of an apparent increase in crime in this town recently, particularly in respect of breaking and entering and stealing, is it considered necessary to appoint additional officers to the local police establishment to assist with the maintenance of law and order?

(3) Is the Police Department in a position to increase night patrols throughout the business area?

(4) If a private night-watchman were to be employed by the business houses of Manjimup, is there a subsidy scheme available from Government sources to assist with the cost of maintaining such a service?

The Hon. A. F. GRIFFITH replied:

(1) Nine.

(2) No. However, staff requirements are constantly under review.

(3) When and where necessary but it is considered staff is sufficient to undertake all duties required by Manjimup Station.

(4) No.

2. POLICE

Boulder Station

The Hon. J. J. GARRIGAN, to the Minister for Mines:

(1) Is it intended to close down the Boulder Police Station in the near future?

(2) If so, for what reason?

The Hon. A. F. GRIFFITH replied:

(1) Current research is being made into the possibility of the closure of Boulder Police Station at some future date.

(2) The Boulder area is only two miles from Kalgoorlie, and modern methods of Police protection envisage mobile radio-equipped units patrolling larger areas, which enables better coverage insofar as Police protection is concerned.

In the case of Boulder, it would simply mean the staff attached thereto would be transferred and attached to Kalgoorlie Station, and Boulder area given necessary attention by the means indicated above.

3. EDUCATION

Thornlie High School

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

(1) From which primary schools will students be drawn to attend the new Thornlie High School in 1971?

(2) Have any arrangements been made with the Metropolitan Transport Trust for special buses to transport these students to and from the new high school?

(3) If the answer to (2) is "yes" would the Minister advise—

(a) the starting point and approximate route of each bus service;

(b) the starting time of each bus service;

(c) the anticipated time of arrival at the school of each bus service; and

(d) the departure times of the buses from the school each afternoon?

The Hon. A. F. GRIFFITH replied:

(1) Canning Vale.
Gosnells.
Kenwick.
Maddington.
Orange Grove, with option to Thornlie.
Armadale Senior High.

(2) Yes.

(3) (a) (i) From Maddington via Gosnells.

(ii) From Gosnells.

(iii) From Canning Vale area.

(iv) Students from Orange Grove can change on to the bus from Maddington. Routes are not yet fixed but will be designed to give the greatest convenience to students.

Schools will be advised and pamphlets distributed to students giving all information.

(b), (c) and (d) Timetables not yet devised.

LEAVE OF ABSENCE

On motion by The Hon. L. A. Logan (Minister for Local Government), leave of absence for 12 consecutive sittings of the House granted to The Hon. E. C. House (South) on the ground of ill-health.

APPROPRIATION BILL (GENERAL LOAN FUND)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.37 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for the appropriation from the General Loan Fund of funds required to carry out the capital works detailed in the Estimates. It also makes provision for the grant of supply to complete requirements for this year.

Supply of $30,000,000 was granted under the Supply Act, 1970. Further supply of $46,769,000 is now sought. Therefore, funds totalling $76,769,000 are to be appropriated for the purposes and services detailed in a schedule to the Bill.

In addition to authorising the provision of funds for the current year, the Bill also seeks ratification of amounts spent during 1969-70 in excess of the Estimates for that year. Details of those excesses are also contained in a relevant schedule to the Bill.

Debate adjourned, on motion by the Hon. J. Dolan.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th November.

THE HON. I. G. MEDCALF (Metropolitan) [4.38 p.m.]: This is a fairly short Bill and the Minister has adequately explained the purpose of the various clauses. It is unnecessary for me to repeat what has been said about those clauses which have been fully dealt with by the Minister so I do not propose to make any reference to clauses 3 or 5 which deal with British subjects. That question was thoroughly dealt with on another occasion.

I am therefore confining my remarks to the consideration of clause 6 which is rather interesting in that it seeks to change the qualifications for legal practitioners in Western Australia. Section 20 of the principal Act lays down the qualifications for the admission of legal practitioners, and the first requirement is that a legal practitioner—

> for six calendar months immediately preceding his application for admission resided within the Colony of Western Australia.

Clause 6 proposes to delete that requirement. So henceforth a legal practitioner who has subscribed to the other qualifications of the Barristers' Board shall not be required to reside in Western Australia. In fact, so long as he has been admitted in a jurisdiction which is comparable with our own, and has in all other respects satisfied the board as to his professional qualifications, he will be eligible for admission as a legal practitioner in Western Australia.

As the Minister mentioned, this matter was precipitated by the situation that arose in Kununurra where no legal representation for the citizens was available. The practitioners in Darwin—that centre being outside of Western Australia—were debarred from practising in Kununurra, because Kununurra is part of Western Australia; and they had not resided for six months in this State, although in other respects they were qualified to appear in the Kununurra court.

This situation was drawn to the attention of the Law Society by, I think, the Under-Secretary for Law, who pointed out that this matter might need some modification. The position was further illustrated by the visit of an Eastern States legal practitioner who came to Western Australia and had a holiday in this State for six months. He was able to comply with the residential qualification in the Act in that he had resided for six months in Western Australia. Actually he was living at one of the beaches. After having resided in this State for six months he took out his admission papers on the ground that he was otherwise qualified to practise. He was duly admitted as a legal practitioner; but immediately on being admitted he packed his bags and returned to the State from whence he came. So far as I know he has not been back to Western Australia.

The Hon. J. Dolan: Is not a list of legal practitioners published each year?

The Hon. I. G. MEDCALF: Yes.

The Hon. J. Dolan: Does not a legal practitioner have to pay an annual fee?

The Hon. I. G. MEDCALF: Yes. He has to take out a practising certificate. This involves the payment of a fee to the Barristers' Board. The practitioner to whom I have referred complied in all respects with the law.

I am illustrating that it was brought to the attention of the Law Society that the requirement of six months' residence in Western Australia would not prevent a person from coming here, living in the State for six months and having what might be called a rather lengthy long service leave, then applying to be admitted; and, on being admitted, returning to his original State, but still being eligible to practise in Western Australia. Such an absent practitioner would have the right technically to practise in Western Australia. This might sound peculiar, but it works out that way. It does not mean that he is able to appear before a court, but he can do other legal work without residing in this State.

The Kununurra case and the case I have just mentioned brought home to the Law Society the fact that the residential qualification needed some clarification. This

matter was debated at a general meeting of which due notice was given to all members of the society—and the membership numbers about 300—that this question of the removal of the six months' qualification would be discussed. Sixty practitioners attended the meeting; and as a result of a lengthy debate during which members were lined up on both sides, and all the pros and cons were put forward, 30 voted in favour of the motion to remove the six months' residential qualification, and 24 voted against it, there being six abstentions. This result nevertheless gave a majority to that section of the legal profession which was in favour of the abolition of the six months' qualification. These facts were supplied to me by the Secretary of the Law Society.

I understand that at a subsequent meeting of the Law Society the matter was debated further. Although I have not any figures relating to the voting at this meeting, I believe that as a result of further discussion the majority of the legal practitioners present were in favour of the abolition of the six months' residential qualification.

The Law Society has, therefore, made representations to the Minister for Justice along the lines of the provision in the Bill, and the Barristers' Board has made similar representations. As the Minister indicated, in view of the fact that both bodies have expressed the opinion that the residential qualification should be altered, he has proposed the particular amendment appearing in the Bill.

It was most noticeable to me that there was a divergence of opinion inside the legal profession on this matter; and the point that crossed my mind was how far the legal profession itself should, in fact, be the arbiter. Is the legal profession the body which should decide this matter, or are there any other considerations which should be taken into account? I suppose on a moment's reflection one must appreciate that this is also the business of Parliament, to decide whether or not a public Act is to be changed. Therefore it is clearly the business of this House to decide this question one way or the other.

I feel that, perhaps, it might be of value to members to know what the position is in some of the other States. I understand there is no bar on the ground of residence to legal practitioners practising in Victoria and New South Wales, and that they move quite freely from one State to another. If they have been admitted in Victoria they are permitted to practise in New South Wales merely by complying with the formalities, without any residential requirement.

I believe the position is the same in Tasmania, and that Victorian legal practitioners, for example, can move freely into Tasmania and practise there. As the occasion demands they do move in and out of Tasmania.

In Queensland there is no such reciprocal provision. There are strict requirements in Queensland which forbid practitioners from other States from entering that State and practising there, without the required residential qualification; but I cannot say exactly what period this qualification is.

In South Australia the Government amended the Act a year or two ago. That Act had a provision somewhat similar to our own, with a residential qualification of six months. The Act was amended to provide that the residential qualification be three months, and that any person who proposes to practise in that State shall declare that he is domiciled in South Australia.

Of course, there is a distinction between residence and domicile. Residing merely means that one happens to be living in a particular place at the time when one makes a statement or performs an act; on the other hand, domicile refers to the person having a fixed intention to reside permanently in the particular place. It does not mean that that person is bound to continue to reside there, but it means that he has at the time he claimed to be domiciled there made his permanent home in that State with the fixed intention of remaining permanently in the State. So there is a difference between residence and domicile. South Australia did away with the residential qualification of six months, but introduced a domicile requirement after three months. That is the position in the other States.

In Western Australia it is proposed, at the request of the professional bodies, to do away with the requirement of residence. As I say, the argument on this question has waxed long and loud. There are two distinct views; the first is that we should do away with the residential qualification on the basis that there should be some reciprocity throughout Australia, because the standards of the profession are very much the same throughout Australia. Those holding this view think this is the sensible thing to do, and the amendment should be looked at from the point of view of the Australia-wide operation of the law, rather than State-wide operation of the law. They suggest that we should be prepared to demonstrate that we are willing to open our doors, so that other States which have not opened their doors could follow suit in due course. This is quite a formidable argument, and an idealistic one. It is also hoped by those who put forward this view that this move will encourage more legal practitioners from the other States to come to Western Australia, and thereby ease the burden on the profession here.

The opposite view is probably best expressed, by saying that those who hold it would be in favour of practitioners coming here to practise and not having any restrictions on practising here, provided they were quite certain they would come here and practise. However, they were not at all certain this would mean practitioners who would take out practising certificates would come here. Some would carry on their practice in Wesetrn Australia from the Eastern States. That is the opposite view, and, as I have said, much was said on both sides. However, the majority finally prevailed in favour of removing the residential qualification altogether.

This is a matter which has been aired lengthily and strongly in legal circles, and those members of the profession who did not attend the meeting, or who have not stated their views, must be deemed to have no objection to the proposals. As the majority has indicated its view on this matter, I personally fall in with that view, and I feel that Parliament, perhaps, would do the same. That, of course, is for Parliament to decide.

The only other matter of importance in the Bill, and I will mention it briefly, is the proposal to provide that where a practitioner dies there will be some way of carrying on his practice; winding up the affairs of clients; and seeing that attention is given to them. There will be a way open so that a supervising solicitor can be appointed to look after the deceased practitioner's clients. The supervising solicitor will either complete the matters himself, or hand them over, together with the documents concerned, to some other practitioner.

There is no such provision in the Legal Practitioners Act at present and there is, undoubtedly, a hiatus. The proposed amendment could be of assistance. Of course, a deceased practitioner could have a deficiency and the amendment will cater for that situation under the Legal Contribution Trust in the same way as for a living practitioner. This provision has also been approved by the Barristers' Board.

The Hon. W. F. Willesee: There will be provision for the winding up of the affairs of clients?

The Hon. I. G. MEDCALF: Yes, under the proposals in the Bill a supervising solicitor will be appointed and he will wind up the affairs of clients. He will find out what was happening at the time. He will then either complete the business himself, if it is a simple matter, or he will hand it over to somebody else.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.54 p.m.]: I feel I should make some brief response in thanking Mr. Medcalf for his remarks. Whether the honourable member intended it or not, I feel he might have conveyed to the House that there was some doubt as to whether the particular amendment in relation to the residential period of a Western Australian practitioner should, in fact, be passed by this House.

The Hon. W. F. Willesee: I think that if he had been on this side of the House he would have opposed the Bill.

The Hon. A. F. GRIFFITH: I do not think it matters on which side of the House one sits, because Bills are sometimes opposed. The point I want to make is that in the first place I rejected the proposals the profession put forward a couple of years ago that I should put before Parliament the very type of amendment contained in the Bill. The reasons were those mentioned by Mr. Medcalf. However, the Barristers' Board continued to make representations to me on this matter over a considerable period of time.

I did not take into consideration what the voting was when the board held its meeting and made its decision to put this matter forward for consideration by the Government. I did not count the heads at all; I was not in a position to do so, but maybe Mr. Medcalf was present.

The Hon. I. G. Medcalf: No, I was not there, but the secretary supplied the information.

The Hon. A. F. GRIFFITH: The fact remains that, so far as I was concerned, the Barristers' Board continued to make its requests. I consulted the present Solicitor-General, as I related in my speech last night, and he supported the proposal. With that in mind, and with the attitude of the Barristers' Board in mind, I decided to put the matter to Cabinet for consideration and Cabinet approved that it should be submitted to Parliament.

Of course, it is not for the legal fraternity to be the arbiter in this matter; it is for Parliament to make the decision. However, it is competent for the legal fraternity to make representations to the Government in respect of legislation under which the profession operates. This is the system. All along the line it will be found that there will be those for and those against. I have often found myself involved with the pressure for, and decidedly with the pressure against, certain proposals.

I make this explanation because, so far as I am concerned, the expression of opinion conveyed to me was that of the board which represents the profession—it does not constitute the whole of the profession but a limited number of practitioners —and that is why this Bill is before us.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

PRESBYTERIAN CHURCH OF AUSTRALIA BILL

Second Reading

Debate resumed from the 10th November.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.00 p.m.]: This Bill gives legislative approval to what are primarily domestic arrangements within the Presbyterian Church as it has now been constituted. The changes are from an organisation of a Federal nature, to a union of the different church bodies within each State. The Bill contains a substantial schedule setting out the basis of this union. I do not propose to comment on that as I feel it would not be appropriate. Nor do I intend to give a long dissertation on the history of the church, except to say that the Presbyterian Church was established in Scotland by John Knox, who was a disciple of Calvin, at the time of the reformation in 1560. The Presbyterian Church differed from the church that existed at that time in matters of ritual and sacraments, and derived its name from "Presbyter," which means an elder or priest in the Christian church.

Over the years the Presbyterian Church has had a fairly checkered history. It was bound up in the argument between churches and State, and in a movement for a greater say by lay people in the affairs of the church. A considerable number of splinter groups have broken away from the church which was originally formed, and at the turn of this century there was a move for the reuniting of the church. That move began in Scotland in about 1892. At that time there was some disagreement between the different groups in regard to the control of a fairly substantial amount of property that the church had accumulated, and several law suits followed.

I imagine that the Act which was passed here reflected part of that argument but, as we see from the Bill before us and from the Act to which it refers, the church did achieve a union of its various parts at that time. As its first aim, the Bill seeks to replace a Federal structure with a unified, national church. Secondly, the Bill defines the powers of the General Assembly to negotiate and agree to union with other churches, and lays down the procedures to be followed in such cases.

Although the Presbyterian Church, as with other churches, has suffered a decline in recent years, it still fulfils a role in our community by reflecting the conscience of the community and plays a complementary role to the Legislature. Legislation similar to this has already been passed in the other States, and for that reason I feel members will support it.

I contacted officers of the church here, who intimated that there had been full discussion with them and that they were in full agreement with what was to be done, although at that time they had not seen a printed copy of the Bill. However, they will have done so by the time the Bill passes through the Assembly. With those remarks, I support the legislation and commend it to members.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and transmitted to the Assembly.

PUBLIC SERVICE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.11 p.m.]: This Bill proposes to set up a board of three commissioners to administer the Public Service Act. Undoubtedly, the Bill meets with the general approval of Parliament and all, or most, of its members. Such a board was advocated by my party, the Australian Labor Party, in the last election campaign. I understand it has the approval of the Civil Service Association. In fact, the association itself requested a board of this nature as far back as 1966.

At the present time, Western Australia is the only State on the mainland that does not have such a board, and this legislation merely draws Western Australia into line with what has been established throughout Australia. One of the reasons given in support of the legislation by the Minister was the growth in the Civil Service. He said that since 1966 the number of employees in the Civil Service had increased by 30 per cent.

However, there are some 540 people who are generally termed "ministerial appointments," and who do not come within the scope of the Civil Service at this stage.

Apparently the appointments of those people are the subject of separate agreements or arrangements. One assumes that with the progress of this legislation those people would be brought into the Civil Service and within the scope of the Civil Service Association, thereby making available to them the opportunity to become members of that organisation. Many of those people should be brought into the Civil Service because it seems to me that we are developing a two-tier structure outside the Civil Service, which I think is bad in principle. I therefore hope that this legislation will correct the situation that has developed over the years.

I am disappointed that there will not be a representative of the Civil Service Association on the board. I think an appointment of that nature would give rise to good relationships and smooth working. There is a precedent in this regard, in that Victoria has such a representative on its board. There is a development in public relations today, whereby there is a closer relationship between management and staff, which promotes the smoother working and efficiency of an organisation as a whole. We are fast moving away from the position that exists under the term "class distinction." There is nothing to indicate that the arrangements in Victoria do not work well, and I am sure a similar arrangement would work with advantage in Western Australia.

It was pleasing to note in the Bill provisions for improved conditions in relation to those who join the service on the basis of a cadetship. I think all public-minded people today appreciate that we must have in the service an influx of young people—people who will be trained in the service, and who will stay in the service. Unfortunately, in recent years, the tendency has been for the service to train young people to a high degree of efficiency and then to lose them to private enterprise, which obviously pays a better salary or, alternatively, offers better conditions. It is essential that we train within the Public Service people who are prepared to give a lifetime of service to the Government. Generally speaking, those in the employment of the Public Service are just as dedicated as those found in any other field of endeavour.

The amendments in the Bill dealing with sections 42 to 45 of the Act are most laudable. They provide that a person will not now be punished twice for the same misdemeanour, and that having offended and been tried by law it does not necessarily mean, if the amendments are agreed to, that a person will be dismissed from the service. Under the amendments a person can be transferred, reduced to a lower grade, and so on, but his talents will still be available for the benefit of the service. It will allow for flexibility, and this is a good principle. Also, it will mean that a person is not punished twice for a single offence.

I do not intend to pursue the matter any further. Obviously, this is a measure that has received general approval. The only point is that I would like to see the Civil Service Association represented on the board—in other words, a representative of the association—as a member of the board. Apparently that is not proposed at present, but I hope that in the course of time the Government will see fit to rectify this situation and endeavour to create greater working harmony and smoother operation of the board by such an appointment. This would be to the benefit not only of the Public Service but also of the people who pay the price—that is, the taxpayers of Western Australia.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.18 p.m.]: I just wish to thank the honourable member for his comments. The only matter he touched on is one of policy at this stage; but, as he said, there is the possibility of a change in the future. I thank him for his constructive remarks.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

PUBLIC SERVICE ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.23 p.m.]: To a certain extent, this Bill is complementary to the previous measure. It has a distinct purpose—that is, to improve the Public Service arbitration system and also industrial proceedings taken under the Act. In essence, the Bill gives much greater powers to the arbitrator.

In introducing the measure the Minister said that the amendments had been approved by the Government following consideration and suggestions made by the Civil Service Association, the Public Service Arbitrator, and the Public Service Commissioner. In view of that consideration and approval one could not cavil at a Bill of this nature being introduced, particularly as the Minister said that

further improvements are still being considered. In other words, it is not considered or suggested that this legislation is the be-all and end-all of the arbitration system as applying to the Civil Service. Further negotiations are to be held in the near future with all the interested parties whom I have mentioned. Following those deliberations it would be reasonable to expect further amending legislation.

One could not be critical of it, but I noted that the Minister was somewhat cautious when he said that most of the association's requests had been agreed to, either wholly or in part. As we know that this is not what could be termed total legislation, it indicates that the door is open for further talks, further understanding, and further research into the problems associated with arbitration within the service. We must accept the legislation on that basis.

However, there is one point: I would like to see the representation of an aggrieved person widened to the extent that he could employ legal counsel if he wished to do so. It appears that at the moment discussions on this point have become deadlocked. Although representation is available to the point where a union advocate—I should imagine either the secretary or the chairman, or someone of that nature—can appear for an aggrieved person, legal representation is not permitted. Without developing the argument about whether or not a person should be permitted to have legal representation, I leave the matter at that. Future discussions with people with practical experience and a knowledge of the unsatisfactory results brought about by a lack of correct representation may convince the Government that representation of the nature to which I have referred should be available.

As I have already said, I see nothing in the measure that ought to prevent its passage. Basically it will enable further negotiations to take place and promises, in effect, that legislation will be introduced in the future. All interested parties will be free to take part in the negotiations, and this can only result in an improvement in the arbitration system of the Public Service.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.28 p.m.]: I thank Mr. Willesee for his comments and for his appreciation of the Bill. With him I agree that on matters of arbitration—as arbitration is really a matter of reaching agreement between two, at times, conflicting points of view—we must expect variations and changes to take place. This measure is just a step in the ever-changing scene, and I thank the honourable member for his critical analysis of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

LIQUOR ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th November.

THE HON. R. THOMPSON (South Metropolitan) [5.30 p.m.]: As the Minister said last evening when introducing the measure, it has been found necessary to bring down legislation to amend some 16 sections of the principal Act, because of problems that have arisen and omissions that were made when the parent legislation was being considered during the closing stages of the last parliamentary session. In the last days of that session we were still considering some of the provisions about which we were not too happy.

I can recall on that occasion both Mr. Medcalf and I expressed the view that this legislation would come back for amendment during the present session of Parliament. It is, of course, right and proper that any anomalies that might exist should be rectified.

The Minister indicated that he would have preferred the legislation to have a longer settling period before making any amendments to it. He indicated that he would have liked the community at large to test the legislation for a longer period than it has.

I feel, however, that the community generally is to be congratulated for the way it has fitted in and accepted the legislation to this point of time. As members know, I was never very happy about the provisions dealing with Sunday trading, and I am still not very happy about them. The legislation has only been in operation during the winter months, however, and we probably will not know its full impact until we have been through a summer.

Because of the fact that the legislation has been in operation during the winter we have not seen large crowds of people flocking to resorts which could virtually become trouble spots—and I do not mean liquor-wise but traffic-wise; though with liquor being available the carnage on our roads could be increased.

This, however, is something we will probably be able to gauge as time goes by. As I see them the amendments contained in the Bill before us are not of great moment. There are some drafting errors in the original legislation which are now being corrected. There are also certain other omissions in relation to restaurant

licenses and these, together with other sections in the Act which require clarification, have made it necessary to introduce the measure now before us. So far as the hotel licensees in my province are concerned I feel these aspects have been tidied up and the legislation is now all right.

I would suggest, however, that all members have a very close look at the Bill, because what might be suitable so far as my province or the Minister's province is concerned might not be suitable in so far as it relates to the provinces represented by other members. It is only the people with local knowledge of the position who would know whether or not there should be any further amendments.

I feel it is our duty to acquaint the Minister from time to time with any amendments we feel ought to be made to rectify a particular position. One such aspect which comes to my mind is that contained in the following Bill on the notice paper. I would, however, like to see rectified section 45 of the Act which relates to the taking of liquor into unlicensed restaurants after 10 p.m. I know that we lengthened this period from 8 p.m. to 10 p.m., when the legislation was before us previously. I am now only talking from memory, but I think we did amend the legislation to permit liquor to be taken into an unlicensed restaurant until 10 p.m.

I expressed the fear at the time that, as a result of this, we would be driving people into licensed restaurants; into the more sophisticated places which they might not wish to patronise, either because they could not afford to do so, or because they might wish to drink their bottle or can of beer in more humble surroundings. I feel that we should extend the provision contained in section 45 and make it permissible for liquor to be taken into unlicensed restaurants till midnight.

This is not covered in the legislation before us, but I would suggest to the Minister that not all people desire to go out and spend a great deal of money which, perhaps, they cannot afford. At the same time I feel they should not be denied a drink after a picture show or a drive. We should not deny them this privilege while granting it to those who can afford to go to a licensed restaurant.

The Hon. A. F. Griffith: It has been open to you in the last few months to make representation to me or to move an amendment yourself.

The Hon. R. THOMPSON: That is true, but the legislation has only been in operation for a few months.

The Hon. A. F. Griffith: That is why I am asking the House to amend only those sections which I feel really need attention. I would have preferred not to do this at all.

The Hon. R. THOMPSON: I agree that some amendments are necessary; for instance there are certain drafting errors which require attention. There was an obvious mistake in section 144 of the Act which implied that a policeman might seize liquor after it had been consumed. At least that is how I read the provision. I think the Minister would agree that it would be rather hard for a police officer to seize liquor after it had been consumed.

The provision on which I particularly wish to speak is dealt with in the Minister's notes. At the bottom of page 6 of his notes the Minister said—

> A further amendment to section 35 of the Act is now included in the Bill to ensure that the court has power to grant trading periods aggregating five hours on a Sunday for clubs in the "goldfields" area, and varied two-hour periods for clubs in other parts of the State.

I would like the Minister to have a look at this aspect, because when he refers to section 35 he must relate it back to section 24 of the principal Act. Quite frankly I cannot see how the amendment to which the Minister referred in his notes can possibly be applicable. It is of course possible that the Minister's notes are wrong, but as I read the amendment I think it should be placed before section 24 (2) (b). Section 24 (2) (a), to my way of thinking, does not deal with the matter at all.

Section 24 (2) (a) of the Act reads—

> The holder of an hotel licence may, if his licensed premises are situated within a prescribed area in each of any two periods during which he is authorised to sell and supply liquor on a Sunday, sell and supply beer, in sealed containers, in quantities not exceeding one-third of a gallon to any one person, for consumption off the premises;

But this does not guarantee that the court can extend the trading hours, and there must have been some doubt about the matter.

I have had no personal experience of knowing that the court has run up against anything that has denied it the right to extend the trading hours to the Kalgoorlie area, and I am only going by the Minister's notes. Perhaps the Minister could clarify this point.

The only clause with which I cannot agree entirely is clause 9 of the Bill which seeks to amend section 69. It is the wording of the new subsection with which I am not quite happy. It states—

> (4a) Notwithstanding the provisions of subsection (4) of this section, where a club has as its object, or one of its principal objects, the conduct of a competitive, outdoor sport, a person who is visiting the club for the purpose of engaging, and in fact actively

> engages, in that sport is deemed to be an honorary member of the club, for a period of eight hours from the time at which a proposal, in writing, by a member, setting out that the person is visiting the club for the purpose of engaging in the sport on the day of his visit, is posted on the club premises, by the secretary, with the time of its posting endorsed on it.

What I do not like is that in the first place it refers to outdoor sport; and in this connection I would point out that there are some R.S.L. clubs which have licenses and do not engage in outdoor sport—they engage in indoor sports. For example, in the Fremantle area a competition is held regularly for a very valuable cup known as the Theo Brennan Memorial Cup. I have had the privilege of presenting this cup on a number of occasions.

It is possible that if we limit this provision to outdoor sports it could eventually mean preventing those who engage in indoor sport from receiving the same concession. This, of course, could also apply to those who play darts.

The Hon. L. A. Logan: Or indoor bowls.

The Hon. R. THOMPSON: I feel that the word "outdoor" should be struck out. After dealing with outdoor sports the Bill refers to a person who is visiting the club for the purpose of engaging in outdoor sport.

What happens if club teams take along a couple of reserves and the people concerned accompany those teams as reserves for the purpose of engaging in the sport? The Bill then refers to the words, "and in fact actively engages . . ." So although a person might be accepted as an honorary member and have his name put on the board, unless he actively engages in the sport he has no right to be there, despite the fact that he may be attending as a reserve.

The Hon. J. Dolan: He may be acting as a scorer.

The Hon. R. THOMPSON: We must get this matter in its proper perspective; and I do not need any help from Mr. Dolan, I can assure him. I believe the words "and in fact actively engages" should be deleted. These people are usually invited as a team for the purpose of engaging in sport. Mr. Logan would probably know more about this than I do, but I do not think bowling clubs take along a cheer squad.

The Hon. L. A. Logan: No.

The Hon. R. THOMPSON: Further on in the clause it refers to a person who has been proposed—

> in writing, by a member, setting out that the person is visiting the club for the purpose of engaging in sport . . .

So all in the one proposed subsection we refer to a person who is going along "for the purpose of engaging" in a sport, and in the same line are the words "and in fact actively engages" in that sport. Then, nearly at the end of the proposed subsection, are the words "for the purpose of engaging in the sport."

I believe that the provisions concerning outdoor sport, as distinct from indoor sport, should be amended as well as the reference to a person being actively engaged in a sport. Provided a person is present for the purpose of engaging in sport, he should be admitted.

Clause 13 is intended to amend section 129 which covers prescribed areas. This clause is designed specifically to deal with discotheques. Members will recall that when the parent legislation was before us last session a provision concerning liquor of any sort in a public hall was debated at length in this Chamber, but when the Bill was sent to another place, that provision was deleted. I was quite happy about alcoholic drink being available at tennis club cabarets, and so on, as were most members at the time. However, I did raise the question of discotheques then and said I would not be happy if alcohol was to be taken to discotheques and dance halls frequented by young people.

Evidently the police have found that this is occurring and clause 13 is intended to deal with the matter. However, although the Minister referred to discotheques, this word is not in the Bill, and I suppose this is for a very good reason. However, I would like a better clarification of what is meant by this clause, because the average person reading it would not understand its intent. He would not know what the prescribed area was.

If it is possible within a year or two, after the police and liquor inspectors have had experience under this Act, I would like as many as possible of the areas referred to in the legislation rather than have them prescribed by regulation which very few people see in any case. The regulations are published in the *Government Gazette* and licensees might see them, but those who conduct dances in halls would probably never see them. Many of these dances are conducted on a casual basis, and not by the same person year after year. For instance, the "Good Guys" of 6PR might conduct an evening of this nature and, in complete ignorance of the law, could be breaching this legislation. Therefore, if we could include everything possible in the legislation rather than provide for it by regulations, everyone would be aware of the law.

As members can guess, I support the Bill, but I would like the Minister to clarify the last clause which reads—

> Section 153 of the principal Act is amended by adding, after the word, "a", in line one of paragraph (c), the passage, "place, " .

I would like the Minister to examine this clause because the word "a" appears twice in line 1 of paragraph (c). I take it that the amendment refers to the word "a" where first appearing. Am I correct?

The Hon. A. F. Griffith: I do not know, but if you just make your point I will have a look at your remarks.

The Hon. R. THOMPSON: If the word "place" is inserted after the word "a" where first appearing, the provison will read—

a place, road or any part of a road . . .

If the word is to be inserted after "a" where second appearing, the provision would then read—

a road or any part of a place, road . . .

I am sure it should be after the word "a" where first appearing.

Other provisions in the Bill do not require a long discussion as I think most members would agree with them. I have studied this measure in conjunction with the parent Act and I cannot see anything wrong with it other than the clause which deals with visiting sporting clubs. I trust that others will examine this provision because, as I said, what affects one area might not affect another. However, I do not believe we should leave any loopholes at this time. We do not want to deny anyone who attends a club for the legitimate purpose of engaging in sport the right to be admitted. We certainly do not want him to sit out in the sun or rain because he is not permitted to enter the building. With those remarks I support the Bill.

THE HON. F. J. S. WISE (North) [5.54 p.m.]: I will not be more than a few moments. I have looked at this Bill with a one-eyed sort of view. I have endeavoured to ascertain in what way it might affect the very large area of the State I have the privilege to represent.

As will be recalled, I asked a question or two the other day with particular reference to the north and the tax being imposed on those there in comparison with the tax being imposed for the time being on those in the south, and I know the Minister is studying that matter.

With regard to this Bill, the only clause to which I wish to refer particularly is clause 9 which deals with section 69. I am very concerned with two aspects of this clause. The first is whether eight hours is long enough because although the duration of the actual playing may be confined to eight hours, there are certain convivialities which occur after matches or games are concluded, and it is not a case of "Time gentlemen, please" for those who have an honorary membership, surely.

The other angle is that I think this part of the Bill needs a second study to decide whether it will embrace the visitors to our State to be present officially at our first test match. Those people will not be actively engaged in the sport and will include the members of the Australian board of selectors and the Australian Board of Control.

The Hon. A. F. Griffith: Have you in mind on the ground or on the W.A.C.A. club premises?

The Hon. F. J. S. WISE: I am referring to the premises. I believe that this provision needs to be broadened to meet circumstances of this kind because it will involve a day-to-day process as the match will extend over several days. The Bill does not appear to specify—

The Hon. A. F. Griffith: Except that it refers to a period of eight hours from the time of posting.

The Hon. F. J. S. WISE: Yes, but three or four successive days will be involved for several people who will not be actively engaged in the sport.

The Hon. A. F. Griffith: I will have a look at that.

Debate adjourned, on motion by The Hon. J. Heitman.

House adjourned at 5.58 p.m.

Legislative Assembly

Wednesday, the 11th November, 1970

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

CITY OF PERTH ENDOWMENT LANDS ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Mr. Bovell (Minister for Lands), and read a first time.

QUESTIONS (26): ON NOTICE

1. ROTTNEST ISLAND BOARD

By-laws, Regulations, or Rules

Mr. FLETCHER, to the Minister for Lands:

(1) What by-laws, regulations, or rules govern the meetings and general business of the Rottnest Island Board?

(2) Is the board required to make an annual report on its activities, proposed activities, finance, and budgeting?

(3) To whom, in what form, and under which by-laws or regulations are reports made?

(4) For which years has the report been made available to the public?