Legislative Council

Thursday, the 11th November, 1965

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

TAPE RECORDING OF PROCEEDINGS

Experiment

THE PRESIDENT (The Hon. L. C. Diver): Honourable members, I have authorised the Clerk to make experimental tape recordings of proceedings in the House. The purpose of these experiments is to ascertain whether it is possible to make a satisfactory recording should it be desired to have such a record of any particular debates or occasions in the future.

The first of these experiments is being made during this sitting.

QUESTIONS (2): WITHOUT NOTICE

FREMANTLE HOSPITAL

New Children's Ward

1. The Hon. R. THOMPSON asked the Minister for Health:

Have any plans been made for the provision of a new children's ward at the Fremantle Hospital?

The Hon. G. C. MacKINNON replied:

The honourable member was good enough to let me know he would be asking this question this afternoon and I am in a position to give him an answer, which is as follows:—

At this stage the Chairman of the Fremantle Hospital Board already has influenced the local community to raise funds for furnishing. They are prepared to start raising these funds as soon as planning is completed, etc. This involves other hospital work, but the children's ward will be included.

This matter is mentioned in the 1965 annual report of the Fremantle Hospital, which contains the following statement:—

> The projected expansion of many areas within the boundaries of the district served by the hospital will also increase the demands made on both inpatient and outpatient facilities at this hospital. With these thoughts in mind the board has charged its building committee with the responsibility of preparing detailed plans for the erection of a new ward block to contain 120 beds (including a new children's ward), outpatient clinics, and administrative offices.

LEGISLATIVE COUNCIL PROCEEDINGS

Playback of Tape Recording

2. The Hon. A. F. GRIFFITH asked the President:

As you have embarked upon an experiment to have the proceedings of the House tape-recorded, would you also be good enough to arrange for a playback of the recording of these proceedings for the benefit of members, in that they may have firsthand knowledge of the result of the experiment?

The PRESIDENT replied:

I understand there will be no problems whatsoever in that regard and your request will be carried out.

QUESTIONS (3): ON NOTICE

POWER STATION AT KWINANA

Plans, and Beach Frontage for Public Use

1. The Hon. R. THOMPSON asked the Minister for Town Planning:

(1) Have ground plans been prepared for the proposed Kwinana power station?

(2) If so, would the Minister—

(a) make the plans available; and

(b) advise what open space and beach frontage will remain available for public use in this area?

The Hon. L. A. LOGAN replied:

(1) No. Site plans are not yet available.

(2) Further information will be furnished after the power station site planning has further advanced.

FARMS AT ESPERANCE

Foreign Ownership, and Areas

2. The Hon. R. H. C. STUBBS asked the Minister for Local Government:

(1) How many farms in the Esperance region are held by other than Australians?

(2) Who are the individuals or corporate bodies who hold the farms referred to in (1)?

(3) What is the area of each of the holdings owned by other than Australians?

The Hon. L. A. LOGAN replied:

It is assumed the question refers to farms disposed of by the Esperance Land and Development Company; if so—

(1) Ten farm units.

(2) Orleans Farms Pty. Limited —Lots 161 and 162 of Neridup Location 20.
Edward Tindall Richardson Cook—Lot 36 of Oldfield Location 770.
Roland Terence Mytton-Watson—Lot 37 of Oldfield Location 770.

(3) Lot 161 of Neridup Location 20—7,628 acres.
Lot 162 of Neridup Location 20—7,956 acres.
Lot 36 of Oldfield Location 770—2,062 acres 3 roods 34 perches.
Lot 37 of Oldfield Location 770—1,979 acres 1 rood 3 perches.

Forty-three farm units have been disposed of to persons of Australian nationality.

HOUSING COMMISSION LAND AT SPENCER PARK, ALBANY

Availability

3. The Hon. J. M. THOMSON asked the Minister for Mines:

Regarding the State Housing Commission land at Spencer Park, Albany, will the Minister inform the House:—

(a) Is it available to persons desirous of erecting a house—

(i) under the Commonwealth-State homes purchase agreement; or

(ii) utilising finance from some other source?

Value of Blocks and Conditions of Sale

(b) What is the estimated value of a building block in this area?

(c) What are the terms and conditions of an agreement referred to in (a) (i) above?

The Hon. A. F. GRIFFITH replied:

(a) (i) Group housing being erected at Spencer Park under the Commonwealth-State Housing Agreement scheme will be offered to applicants on turn being reached either for purchase or rental.

Group housing being erected under the State Housing Act will be made available for purchase, only, by eligible applicants desirous of purchasing under contract of sale or mortgage conditions.

(ii) Individuals can apply to purchase developed and serviced sites not required by the commission, subject to the terms and conditions as attached.

(b) Current values range from £580 to £650 per lot.

(c) Answered by (a) (i), and detailed conditions are tabled herewith.

The papers showing detailed conditions were tabled.

GUARDIANSHIP OF INFANTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 9th November, on the following motion by The Hon. L. A. Logan (Minister for Child Welfare):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North-East Metropolitan) [2.40 p.m.]: Any moves which tend to lend efficiency to the conduct and administration of the law with regard to the guardianship of infants would have the approval of my party at all times. This Bill comes before us mainly as a measure consequential to the Child Welfare Act Amendment Bill, which is the next item on today's notice paper. It is because of the process of streamlining the administration of the Child Welfare Department that these amendments to the Guardianship of Infants Act become necessary. In effect the Bill will be a consolidation of jurisdiction within the Supreme Court, and will enable that court to deal with the guardianship of infants and all matters concerning their property. This particular field will be taken from the Child Welfare Act and reposed in the Guardianship of Infants Act.

There will still be the question of custody, and this will be dealt with by courts of summary jurisdiction to be established under the Married Persons and Children (Summary Relief) Bill which is now before another place. Jurisdiction on this aspect will be covered by the following Bill on the notice paper. This will, in effect, be a streamlining of the legislation, and a set of powers will be handed over to a particular court experienced in dealing more capably with such matters. The differentiation between the property of infants and the custody applications is set out distinctly in the Bill before us. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. L. A. Logan (Minister for Child Welfare) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 8 repealed and re-enacted.

The Hon. L. A. LOGAN: I have recevied a request from the Parliamentary Draftsman to make an alteration. I move an amendment—

Page 2, line 32—Delete the word "guardianship" and substitute the word "custody."

The reason is that inquiries have shown that courts of summary jurisdiction do not purport to make guardianship orders in the strict sense; they make only custody orders under the Act. It is more correct to speak of custody orders, than guardianship orders, in this context.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with an amendment.

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 4th November, on the following motion by The Hon. L. A. Logan (Minister for Child Welfare):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North-East Metropolitan) [2.47 p.m.]: The Bill before us contains many amendments dealing with the subject of child welfare, and in particular with underprivileged children. It is a sad thought that within our community there exist not only underprivileged children, but also underprivileged persons. So it becomes the responsibility of government at some time or other to intervene for the benefit and well-being of such persons.

In this instance we are dealing with a Bill to amend the Child Welfare Act, and it deals in particular with underprivileged children. It is a matter of grave concern that in Australia today we have to face the ugly situation which exists when children reach a point in their lives where they become subject to discipline and control, in their own interests, so that they may later on in life be able to better enjoy the benefits and privileges of society.

It is particularly unfortunate that children, through circumstances entirely beyond their control, have to suffer, because of the neglect of their parents, by being hailed before a court and subjected to the rigours of the law without knowing what it is all about. This generates, at a very young and tender stage of their lives, a degree of animosity towards control—a degree of animosity which, as time goes on, will be vented upon the adult people, because in the main the situation which brings these children before the court arises through adults neglecting their responsibilities to society.

They are the people who, generally speaking, accept all the privileges and benefits that emanate from the best that society can give them, but when responsibility comes their way they fall down very badly. Therefore when we approach legislation such as this it must be in a spirit of co-operation. There is a great responsibility on any Government, through its department, to do all in its power, with

the help of training and knowledge, to change the downward trend of a person's life and thus help to create a useful citizen of the future. It was with that thought in mind that I examined this Bill. There is, I repeat, the greatest responsibility upon us in Parliament to ensure that there is the greatest efficiency in this field.

This Bill tends generally, I think, to transfer much of the machinery legislation of the Child Welfare Act to various other Acts and to leave the department under the control of its Minister to deal more with the humanitarian angle. With the knowledge and experience of today, the department has the chance of giving these people the opportunities that they should have had earlier in their upbringing.

Commenting briefly on some of the clauses as they appear to me, I thought it was quite good that under clause 8 young offenders are to be protected from publicity in connection with court appearances. The Minister explained that newspaper, radio, and television publicity of court proceedings would be prohibited unless authorised by the court; and one could well imagine that such authorisation would be given only if it was considered in the best interests of the community and the person concerned, and would not affect him detrimentally.

So many things can happen to a person of immature years, and because of the different types of characters which would be encountered in the courts, we must, I feel, err always on the side of overprotection and give the benefit of the doubt to an infant. We should at all times endeavour to mould its life; and we should hope that the element of suspicion which exists in the mind of such a person, together with the element of negation of society in being against everything that savours of control, will be forgotten in the course of better counsels in the courts.

Clause 13 of the Bill will assist in the rehabilitation of these people when on probation, and this is a most laudable provision. We must develop a humanitarian outlook more than it was developed some years ago. The responsibility of society surely does not end when a person is placed on probation. If during a person's probationary period it is found that his character is improving and he is capable of going his own way because he has utilised the rehabilitation period to advantage, then let us by all means give the Minister the right to congratulate that person and allow him to go forth into the world as anyone else's equal.

When I first read clause 12 I found it a little startling. It contains a proposal which, to say the least, creates some thought. Under this clause it will be possible to gaol children under the age of 14 years. It is quite a sweeping proposal when we consider that in the first instance these juveniles can be sentenced in a criminal court, and it is worthy of some serious consideration.

However, upon reflection, I tend to the view that if by force of circumstance—let us hope there is only ever the exception—a crime such as murder is committed, it would perhaps be better that the sentence should be handled by a court competent to deal with such a crime.

The perogative of mercy is to be extended under this Bill, and would indicate to me that possibly in the ultimate a junior offender would be subject to better overall treatment under such circumstances than he is under the Act, bearing in mind that experts are in control; and we have the utmost faith in their ability to deal with all the people under their jurisdiction.

I should think there are exceptions in all communities, and there are exceptions in types among people; and human beings being what they are, there will occasionally be the odd person who in himself is an extremist and who can be dealt with only by the extreme penalties of the law. If, even at a tender age, there is to be a head-on clash with authority then I feel we should arm those people in charge with the power to do the best they can under the circumstances as they arise.

I note in reading the Minister's introductory comments that he makes mention of a report of a Government committee on this matter and I, for one, would like the opportunity and the privilege of reading in their entirety the committee's views on this subject. It would appear that some of the information put forward by this committee has been adopted and has been included in this piece of legislation, but some of the information, or findings that were put forward by the committee have not been augmented by this Bill, and possibly for very good reasons. However, I would like the Minister, if possible, to make the committee's report available; because, although it might have helped somewhat with a study of the Bill, it is still not too late to give members the benefit of the committee's findings, and it may enable them to understand better the principles involved in and the thoughts behind the legislation.

The Hon. L. A. Logan: I think the report has been tabled.

The Hon. W. F. WILLESEE: I did not know that it had been; and, if that is the case, I still have an opportunity to study it. I was somewhat surprised to learn that foster parents are apparently developing into a major problem for the department, and so clause 24 of the Bill

seeks to amend section 62 of the Act. Under this amending legislation section 62 will read as follows:—

> Every foster parent who illtreats, injures or neglects any ward placed out with or apprenticed to him shall be liable to a penalty of not exceeding twenty pounds, or to imprisonment with or without hard labour for any term not exceeding six months.

My question on this matter is: Does this clause give sufficient authority to remove a child from the custody of foster parents? The clause deals with the penalty, so far as foster parents are concerned, and, on the assumption that the foster parents—both of them, or one—are gaoled, has the department, in the opinion of the Minister, sufficient authority to resume control of the child—

The Hon. L. A. Logan: What clause is this?

The Hon. W. F. WILLESEE: Clause 24. Or is there sufficient power in this regard in some other part of the Act? It seems to me that in dealing with foster parents the immediate responsibility to the child could be neglected.

Clause 26 amends section 126 of the Act, and I feel there could be some danger in the new proposals. The Minister said, regarding clause 26—

> With section 23, this section endeavours to protect young offenders from the malicious thoughtless, or even well-intentioned gossip or report concerning their past offences. Unfortunately, the section as now worded is overprotective to the extent that the superior courts dealing with a hardened and repeating young adult offender are prevented from knowing of his earlier juvenile record. This in turn prevents the adult courts from giving proper consideration to the sentence, and to the conditions of probation and/or parole to which the adult should be subjected.
>
> The department does not believe that the protection now given to young offenders by this section should be completely removed, but it does agree that all courts of law and persons authorised to consider the welfare of young offenders should have access to their records of early offences.

I admit the qualifications contained in the Minister's notes but I am also mindful of what might be done under pressure where a young person is taken from parents who have neglected him or her, and he has had very little discipline up to the point of time when he becomes a responsibility of the State. I believe that any actions taken by such an individual could at that time have a detrimental effect upon his future welfare. He might have no intention of being anything but rebellious because he does not understand clearly what is happening to him; he does not know why he is underprivileged, or why he has to be treated in the manner in which he is being treated, not recognising that what is being done is for his own good in the hope that ultimately a citizen who will be of benefit to the State will be produced.

If something happens after maturity, and in the course of his later life, and that person is hailed before an adult court, the offence committed at that time should be the only one to be considered. I am not suggesting for a minute that the presentation of a juvenile record would seriously affect the decision of a magistrate, or a judge, if a judge were handling the issue. I believe that would not be the case. I have a high regard for the law but I think this provision could have a a detrimental effect on the person concerned.

He might feel that he is being pursued; he might feel what he did some years ago in an institution is being held against him in the latest predicament in which he finds himself. In the case of people who find themselves involved in serious circumstances, and in conflict with the law, sometimes there are very unfortunate circumstances involved. There is, even at that point in a person's life a realisation that what has happened in the past could be forgotten; and it is quite probable that this person, even though convicted, might, for the rest of his life, carry on as a capable, respectable, and loyal citizen, assuming all the responsibilities that go with adulthood.

It could be that at this particular point of time and realisation he might feel he is being hounded; that he has no chance. He might wonder why this is being done to him. Accordingly he starts cross-examining himself and he formulates something in his own mind, which he might not have done were it not for this simple circumstance.

The Hon. A. F. Griffith: But what if he had been persistently a very bad boy over a long time?

The Hon. W. F. WILLESEE: He should be given the benefit of the doubt, because he is now an adult person. I do not think we will gain anything by digging up the record of a person who, in the terms of the Minister, has been a very bad boy.

The Hon. A. F. Griffith: Irrespective of the crime?

The Hon. W. F. WILLESEE: I think the crime should be treated on its merits.

The Hon. A. F. Griffith: Crime has no merit.

The Hon. W. F. WILLESEE: That is possibly not the correct word. Shall I say the issue should be treated on its merits? That is why earlier in my remarks I conceded it was desirable to have

a criminal level. But even at a criminal level a particular circumstance that might have involved a person at the age of 24 or 25 would, I submit, not involve him 10 years later; because 10 years later he would not be capable of the same action.

Which of us in our younger days did not at times take a risk; and which of us does not look back on those risks and thank heaven that we were not caught? We realise how serious the situation was in retrospect, but we did not realise it at the moment. Ten years later, however, we consider ourselves lucky that we were not caught, and swear that we will never do it again.

The Hon. R. Thompson: I am wondering which one of us is without guilt.

The Hon. W. F. WILLESEE: If there is the tendency for a person to be sensitive under certain conditions, I do not think we should provoke that tendency, or suspicion; we should endeavour to placate any possible doubts that might arise in the minds of such a person. As I said in my opening remarks, we must lean towards the individual. That is the basic concept of doing things like this which appear to be hard to the child himself in the first instance. It is difficult to remove children from their environment. They think they are doing the right thing, running around the street quite happily, but we say "No," that they must do things a certain way and become better people.

They cannot understand the position. In furtherance of that concept, when a man is discharged from an institution the shadow should fall behind him. He should not be reminded of what happened in that institution, or while he was in the care of the department. That should not be raised with the person in his future life. It is a recognised principle that if a person is gaoled, or fined, or whatever the penalty might be for the particular conviction—he could even be on a term of probation—he has paid his debt to society, and once that debt is paid he should be on a footing of equality with other citizens.

In pursuing this matter I feel we are overlooking that particular principle. The role of the psychiatrists, of the welfare officers, and of the police, when moulded together provide ample avenues and opportunities for watching over the destinies of the people. I do not think there should be a pursuance of a youth's record once he becomes an adult. I would ask the Minister to give some thought to the suggestions I have made. There can be a very real danger in this matter.

I speak obviously as a layman on this subject, but I do also speak as one with some thoughts of how far we should go in the process of rehabilitation. I also wonder how consistent we are when we frame legislation for this purpose. With the best of intentions it is possible that a mistake will be made, even with an advanced piece of legislation such as I believe this to be.

The Hon. G. C. MacKinnon: You have thought of protecting the ordinary conforming individual from the non-conforming individual?

The Hon. W. F. WILLESEE: Yes, I have and I feel the courts in their own rights would take a commonsense view of this aspect.

The Hon. G. C. MacKinnon: Without full knowledge?

The Hon. W. F. WILLESEE: No knowledge is required. I would like to give an illustration that comes to my mind. Let us suppose we have an institutional subject who commits some misdemeanour and finds himself at fault with the law. Let us suppose he has a background of innumerable offences whilst under the control of the Child Welfare Department. On the other hand there is a boy who comes from a very good family, and who commits exactly the same misdemeanour. In my opinion, they should both stand in the eyes of the law on an equal footing. We cannot approach one person in one manner because of what happened in his youth in an institution, because he may have been there in circumstances entirely beyond his control. I believe that the boy who has had all the opportunities in the world should be considered on an equal footing with the other boy.

The Hon. G. C. MacKinnon: The second one might have a record of being mentally erratic.

The Hon. W. F. WILLESEE: If that is so we would be taking him out of the field to which I am referring. This argument can be developed indefinitely, but I only put the matter forward on the basis of constructive thought. I do not condemn the proposal, but I do think there is a danger. I would rather see us err and not do this sort of thing, particularly if in doing so we prejudice the rights of even one person.

If a person is basically bad, or bad at heart, and persists in offending, no time at all would be lost in incarcerating him to such an extent that he would be removed from society. I fail to see the reason to place before the person a record that he might have gained in his younger days.

The other point of view is that a boy might have had a very bad record—he might have been in an institution—and we might never hear anything more about him. Good luck to him. Let us give each boy and girl the opportunity to make a fresh start in life.

We find that part V of the Act is entirely repealed. This provision deals with the maintenance of children by their relatives. The Bill takes out of the Act clauses 67 to 91. These are removed from the Child

Welfare Act and are re-enacted in a Bill which is to become the Married Persons and Children (Summary Relief) Act.

This would seem to me to be quite a sensible move. I think it is placing a particular issue with everyone surrounding a family in the one set of circumstances and it frees the Child Welfare Department from machinery legislation and gives it an opportunity to concentrate on a more difficult problem of the situation; that is, the upbringing and training of these wards so that they can become decent citizens.

Clause 31, which deals with section 137, is, I think, a very vital part of the Bill. It deals with people who immorally associate with and immorally treat, young girls. Apparently in the past it has been found there has been considerable evasion by people of this kind who associate with young girls in that they evade any responsibility placed upon them by way of a charge. There is an amendment to subsection (2), which will now read—

> A charge of an offence under this section may be prosecuted, heard and determined before a Children's Court.

Having developed the thought that these things are now being taken away from the Children's Court—and in the case of a major court we would move into the field of the Criminal Court—I am wondering whether these people should not be treated in the Criminal Court rather than in the Children's Court. Maybe there are good reasons why it has been done this way, but I think this is something worthy of being taken to the highest channels.

Generally, the Bill covers quite a wide orbit and it will tend to improve the law dealing with the care of deprived and delinquent children. It transfers all maintenance and custody matters from the Children's Court to the married persons' summary relief court; it provides for the treatment of deprived and delinquent children; and it provides for imprisonment of people—foster parents—who desert children; and, I think it improves the Child Welfare Department's opportunity to conduct its more serious affairs.

In general, I think we could say the Bill is a concept of modernisation of the Child Welfare Department's role. It gives the department an opportunity to streamline its administration in the light of experience. Naturally, some of the conditions basic to this legislation in 1907 must now be completely redundant; and the amendments of 1947, whilst appropriate at the time, probably also need overhauling. If we view these changes as being in the interests of the children concerned and, at the same time, realise the great responsibility the department is undertaking in these matters, we must appreciate that the only people who can effect the changes for better conditions and for better opportunities for training are the officers of the Child Welfare Department.

It must be expected that, from time to time, in the light of modern treatment, modern approaches, and greater learning, we will have to amend Acts of this nature. If we view this legislation at the present time as against its background of 20 or 25 years ago, we will begin to appreciate the great changes made in society. Therefore it is only reasonable to say there must be great changes in the administration of this Act and great changes in the concept of how we are to deal with delinquent children. I support the Bill.

Debate adjourned, on motion by The Hon. R. F. Hutchison.

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 10th November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

> That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [3.27 p.m.]: This Bill of somewhat involved character was introduced on Wednesday the 10th November in a speech which lasted from 4.38 p.m. to 5.12 p.m.—and that was yesterday. The speech was carefully read, and the principal contents and effects of the Bill were well explained.

I can only presume at this hour of 3.27 p.m. on the 11th November that all members have looked at the Bill; that they have compared it and all its clauses with the many sections of the Act affected by it; and have also compared the 30 alterations to the second schedule which it involves, and have studied their impact. Some will, I am sure, since reaching home after 1 a.m. today—because that has been the only time available—have looked at it from an angle or angles of selfish or personal interest; others will have examined it from a narrow point of view; and others may have looked at all of it dispassionately and thoroughly.

Be that as it may, it is a Bill designed to extract from various kinds of Western Australian taxpayers £750,000 in various kinds of ways in a full year. We were told in the Minister's speech that to avoid a deficit of a substantial order, such a taxing measure is necessary. I believe that contrary to statements made that the Government does not like imposing new taxes, there is ample evidence to show that this Government positively enjoys levying taxation. In one's daily life, I think the things one enjoys most are the things one does the most frequently.

That is what this Government is doing, and it is enjoying every minute of it. The Government has, since attaining office,

been able to exercise the greatest ingenuity in finding new fields of taxation to conquer. I think all of us recall that in 1959 the present Treasurer said of the previous Government, that taxes and charges had been pressed to breaking point. He said that the prospect of reducing the impact of taxes and charges through economy and efficiency seemed foreign to the Hawke Government's thinking. How true those words would be if the word "Brand" were substituted for the word "Hawke."

In all those years since that statement was made the present Treasurer has been able to find ways of extracting millions compared to the heavily taxed community of 1959. Some taxes have been doubled since 1959, and others have shown an enormous increase. The most insidious methods are now being used to collect the taxes. There is the iniquitous sales tax of the Commonwealth, which is not paid cheerfully by anyone but which is almost paid unnoticed nowadays; and the Government has made many invasions and many incursions into the taxing fields of Western Australia.

Such taxes as the £1 surcharge on third party insurance go straight into revenue. There are many others instituted under protest, and amazingly speedily forgotten. Some new fields are entered through this Bill, and some taxes are doubled by this Bill.

We find there are new rates for stamp duty on the transfer of property which will bring in £130,000 at least for the full year. Share transfer increases will bring in £22,000 in a full year and an additional £175,000 per year will be taken in stamp duty from the hard-hit and long-suffering motorists. During the course of his speech, the Minister said that in the aggregate the duties and rates are expected to produce additional receipts totalling £413,000. Prior to the Minister making that statement he made comparisons with the rates existing in Victoria and New South Wales and said it was understood that New South Wales intended to reduce the rate to 8s. per cent. on motor vehicle transactions. He said that broadly speaking the increases are set within the average rates charged in New South Wales and Victoria.

Stamp duty increases will, of course, be a very happy hunting ground for the Government in relationship to decimal currency. I am wondering if the Minister will explain why he specifies that the 3d. duty stamp will be welcomed by the commissioner in the change from the old currency to the new. There is no reference to it in the Bill. Perhaps Mr. Dolan could tell us what the margin will be to the Government in the change to the 3d. stamp duty.

The Hon. J. Dolan: It sounds like a Government "weekend special." Three cents for a 3d. stamp.

The Hon. F. J. S. WISE: I doubt it; I am afraid it is going to mean 2c.

The Hon. A. F. Griffith: To which page of my notes are you referring?

The Hon. F. J. S. WISE: I am referring to page 8, and I will read a section from that page. It is as follows:—

> With the introduction of the new currency, numbers of stamps of existing currency held by the public will not be readily usable. This holds particularly in respect of 3d. stamps.
>
> Consequently, it is desirable that the commissioner be empowered to exchange these stamps for stamps of equivalent value in decimal currency.

What does that mean?

The Hon. A. R. Jones: A 2½c stamp.

The Hon. F. J. S. WISE: Two and a half cents?

The Hon. L. A. Logan: He must have a ready reckoner.

The Hon. F. J. S. WISE: That is mentioned in the notes, and provision is made in the Bill that the commissioner shall pay to persons tendering stamps the decimal equivalent of those stamps.

The Hon. A. F. Griffith: I thought you said the commissioner was pleased about this.

The Hon. F. J. S. WISE: I said exactly what was in the preceding sentence. I could suggest that if the State Government arranged with the Commonwealth Government to take charge of the transference of postage stamps under the new currency, the State Government would show a profit.

Most people know that in the little spare time I have, I am interested in stamps. I have an interesting collection. I could suggest to the Government that if it trades in postage stamps, some issues must show a big profit. That is just a suggestion of a way of making some more revenue, from these minor details.

The Hon. L. A. Logan: I thought you were looking for some extra revenue for yourself.

The Hon. F. J. S. WISE: No, I am quite capable of handling my own collection, which I think is one of my greatest material assets.

From the evidence already before us, I forecast that every opportunity will be taken by this Government to exploit the currency changeover. We have evidence here already. This is another example of how the Government will enjoy every opportunity to show a profit where there is an inexact conversion. I think we already have evidence that wherever there is to be a change of inexactness, the Government will ensure the exchange is in favour of the Treasury. Not everything in the Bill is unpleasant.

The Hon. A. F. Griffith: By jove, that is good!

The Hon. F. J. S. WISE: I have almost brightened the Minister's demeanour.

The Hon. A. F. Griffith: You must admit that in the circumstances I need to be brightened a little.

The Hon. F. J. S. WISE: I am sure the Minister has had a hard day, and we all had a late night last night. That is why I am trying to help the Minister by adopting this attitude towards the Bill.

The Hon. A. F. Griffith: Thank you.

The Hon. F. J. S. WISE: I am glad to see the relief, however small, in connection with receipts and other documents of building societies. It is not very much; indeed the exemptions included in the group items dealt with in paragraph (p) of the second schedule will amount to a sacrifice of £3,000 by the Treasury. That is the overall picture. All these fiddly little things that cost more to collect than the amount of the tax involved have been sacrificed.

The Hon. H. C. Strickland: The Grants Commission will penalise them.

The Hon. F. J. S. WISE: That is a start. It is admitted that where the amounts are more costly to collect than they are worth, the Government will give them away—£3,000 worth. In any case, all of them, however humble or small, were included in a very good cause. Some of these amounts relate to the cattle industry. I presume the Country Party members have noticed the matter of 1d. on certain documents. These are all large sums in the schedules of exemptions and cancellations.

This unfortunate 3d. situation is going to be of some benefit to the Treasurer with the decimal currency changeover. The fact that we will have no decimal coin corresponding to 3d. will be of tremendous advantage to the Treasurer; it has been shown already. Stockbrokers' documents advising clients of their shares, stocks, or other securities that are held on their behalf attract stamp duty amounting to 3d., which will not convert exactly to decimal currency. This problem has been simplified—the amount has been doubled; it has been made 6d. It is as simple as that.

The rates, with the exception of the 3d. one, remain unchanged, because all the other amounts are easily convertible to decimal currency. So is the amount of 3d., by the very standards the Decimal Currency Board suggests. But it is made 6d. for simplicity.

The Hon. F. R. H. Lavery: They could have made it a bob for simplicity, too!

The Hon. F. J. S. WISE: Quite. I am sure members are following me, because they have had the same time as I have had to examine the Bill. The amendment to section 17 of the Act is readily understandable. It will, I think, facilitate the dealings of the public with the Government, and it will facilitate and expedite the departmental stamping of documents. With the installation of machinery for embossing, many of the transactions which are now laborious will become easy. In addition, the administration will be easier. The ability to serve the public and to give service to the public is very important. In every transaction I have had with the Commissioner of Stamps, I have found that he has been most interested, most obliging, and most efficient.

The Bill, as a whole, is designed to find new sources of taxation and to use amply the opportunities of taxing the motorists—the persons who will, as a section of the community, be most affected by the Bill. They are so easy to get at that every opportunity is taken, year by year, by the Government to add to their burdens. We are not, these days, dealing with hundreds of thousands of pounds, as former Treasurers had to deal with; we are dealing with millions of pounds; and I will now deal with other burdens which are being imposed by the Government quite apart from stamp duty, and which are imposed quite out of all proportion, in some instances, to the burdens some sections should bear in relation to the needs of the Government.

It is not practicable to amend the Bill, and it is neither practicable nor desirable to try to defeat it. As far as I am concerned, like some members—several of them—who spoke on another matter last evening, my support is grudgingly given. I think that is a fair comparison with their attitude.

Debate adjourned, on motion by The Hon. H. C. Strickland.

Sitting suspended from 3.47 to 4.1 p.m.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 9th November, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. R. THOMPSON (South Metropolitan) [4.2 p.m.]: This Bill contains 11 amendments which, in the main, have been brought forward as a result of the experience of the Parole Board, which commenced its operations on the 1st October, 1964. The board has found that the legislation did not assist to the full in the carrying out of its operations. This means, therefore, that the amendments, and the new sections proposed to be added, are fully justified.

I would have liked to read and study the report of the board that will be made available shortly, because I feel sure it will contain a great deal of interesting material and will give some indication of the intentions of the board in the future. During the period of nine months until it submitted its report for the year ended

the 30th June, 1965, the board released 144 prisoners. I have spoken to many of these parolees. They were first offenders and they seemed to be quite pleased at the manner in which the board went about its duties, and the way they have been treated since being paroled.

Members of Parliament should be gratified to know that this legislation—although probably introduced 20 or 30 years too late—is now functioning efficiently. Thirty years ago The Hon. J. B. Sleeman tried to introduce similar legislation in another place, but his efforts were unsuccessful. The measures that he tried to introduce into Parliament were patterned on the Canadian Statutes; and, subsequently, New South Wales and Victoria used the Canadian legislation as a guide to frame their legislation. The Western Australian Statute is based on the Acts of these two States and these amendments are necessary because it has been discovered that what is applicable in one State is not necessarily suitable in another, particularly a large State such as ours.

The Hon. A. F. Griffith: Our Act is based mainly on the Victorian legislation.

The Hon. R. THOMPSON: Portions of it are.

The Hon. A. F. Griffith: The Victorian Government probably obtained its information from the Act that you mentioned.

The Hon. R. THOMPSON: Yes, from New South Wales. The New South Wales legislation came into operation some eight years prior to the proclamation of the Victorian Act.

The first amendment in the Bill deals with the authority of the board to appoint honorary probation and parole officers who can function in any part of the State. Under the existing legislation these persons could not be appointed, unless they were carrying out their duties in a specified area outside a certain radius of the G.P.O., Perth; and they had to be classified officers.

The way is now open for any qualified person to become a probation officer. I cannot see any cause for complaint with that. Under section 9 of the Act, which this Bill seeks to amend, reports by paroled persons to the probation officer can be made by telegram, telephone or letter. When we consider how remote are the centres to which some of these parolees go to obtain employment, we realise that the amendment in the Bill is necessary.

Other clauses deal with strict custody, safe custody, reports on certain persons serving life sentences, and reports on those people kept in safe custody due to insanity. All in all, the clauses seek to tidy up the Act and to amend it so that it will become workable.

A very necessary provision is the amendment which seeks to make it possible for the Parole Board to report on any persons serving life imprisonment, and for the report to be forwarded to the Minister after the prisoner has served 10 years, and at intervals of five years thereafter. I know of two prisoners who were committed for a life sentence who were released from prison, and who are now playing a major part in the development of our north-west. They are people who, during their imprisonment studied, qualified themselves, and are now earning large incomes. They are of benefit to the State, and a credit to themselves. Those two men exemplify that any prisoner who is given the opportunity, and who has undergone corrective treatment during imprisonment after having committed a crime in his early life, can be rehabilitated.

It is very seldom one learns that, in any part of the world, when a prisoner has been released from prison after having been committed to a life sentence, he commits another misdemeanour and is returned to gaol. In all probability the original crime committed was done on the spur of the moment. It is found that these people pay the penalty, rehabilitate themselves when paroled, and become model citizens.

At present there are prisoners in Fremantle gaol and on prison farms in Western Australia who, I think, would be given due consideration by the Parole Board without denying the Governor his right to exercise the Royal prerogative to release any life prisoner. But this will take away some of the stigma that is attached to life prisoners who have been released. I therefore support the measure wholeheartedly.

The Hon. A. F. Griffith: You realise that the final decision on release must be made by Executive Council?

The Hon. R. THOMPSON: I have already said that when reports are made on such prisoners, the Parole Board does not have the power to release them. If the board considers a life prisoner is fit to be released, then it makes a recommendation; therefore action cannot be taken by pressure groups.

The Hon. A. F. Griffith: That is a good way of expressing the situation.

The Hon. R. THOMPSON: The parole system helps the Commonwealth and State instrumentalities to a great extent. When people are released on parole they mostly become re-united with their families. Thus they bring about a saving to the Government by way of child welfare payments and maintenance for their wives. If a person is imprisoned for more than six months, a widow's pension and a child allowance are paid by the Commonwealth; but after he is released on parole no further payments need be made by the Government. Furthermore if the families of such prisoners live in housing commission homes there will be a saving in

rental rebates when the prisoners are released on parole. Then there is also the saving on the upkeep of the prisoners while they are in gaol.

Generally prisoners who are released on parole assist the community. Most people are aware that after a prisoner has been released a watchful eye is kept on him by friends, neighbours, and relatives; and this tends to help him in rehabilitating himself. It is not necessary for me to go through the Bill clause by clause. I have made a pretty close examination of it, but cannot find anything objectionable. Only time will tell us whether every part of this legislation will be workable. Probably from time to time amendments will have to be made.

I realise the provision in clause 9 could bring about a most difficult and embarrassing situation in respect of the Parole Board. This provision defines clearly that when more than one term of imprisonment is imposed, the total will be determined, and the court will decide the minimum period to be served by the prisoner before he becomes eligible for parole. I commend the Bill to the House, because headway has been made very rapidly in this legislation. I wish the Parole Board every success in its future work.

THE HON. F. R. H. LAVERY (South Metropolitan) [4.20 p.m.]: When I took the adjournment of the debate on a similar Bill last year I raised several points. I said we might be attempting to move too quickly, and perhaps not in the right direction. I made the remark that the introduction of the Parole Board would deprive parliamentarians and other well-intentioned citizens of the right to approach the Minister to seek the release of prisoners before they had completed their sentences. At that time the Minister said that to some extent I was correct, but the matter would be left in the hands of the board, and taken away from political considerations. In the lifetime of people they usually run up against many problems, and sometimes they make hostile and critical remarks which may or may not be justified. I want to pay a tribute to the Minister for Justice, because I know this legislation was his baby. It has since developed into a very virile child.

A great amount of work has been done by the Civilian Rehabilitation Council, which is a voluntary organisation in which I play some part. When the Parole Board was appointed it was hoped that certain things would eventuate. The savings which the State has made with the introduction of the Parole Board have been great; and this board has been instrumental in preventing the breaking up of homes, and in rehabilitating people after they have been released.

I rise to make two points. Firstly, I congratulate the Minister on the success which has been achieved; and, secondly, I am pleased to say that the doubts which I held when I spoke previously to a similar measure in this House were ill-founded. At the same time I want to pay a tribute to the excellent service that has been rendered by the Civilian Rehabilitation Council. I think the Minister will appreciate that.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.23 p.m.]: I thank the two honourable members who have just spoken. I suppose it is nice for one to receive a pat on the back in respect of a matter about which one is very keen. I felt for some time there was an urgent need in the community for this type of thing. Whilst I accept the kind remarks of Mr. Lavery, it is only fair for me to say that whatever success the Parole Board has achieved is due to the efforts of the chairman and the members.

The Hon. F. R. H. Lavery: I agree.

The Hon. A. F. GRIFFITH: I was very lucky in being able to obtain the services of people of high calibre. We all know their names and the part they play in professional and business life. To this point of time the board has been quite successful. The chairman is dedicated to this work, and I believe it is through the excellent lead he gives, and through the dedicated work of those who work with him on the board, that such success has been achieved.

Mr. Ron Thompson said this Bill is intended to improve the provisions in the Act in a small way. In the future I may have to come back with other amendments to the legislation in the light of experience and circumstances. The Bill has received the support of the House, and I am grateful for that.

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.

STATE FORESTS

Revocation of Dedication: Assembly's Resolution

Debate resumed, from the 10th November, on the motion by The Hon. L. A. Logan (Minister for Local Government) to concur in the Assembly's resolution—

> That the proposal for the partial revocation of State Forests Nos. 14, 27, 33, 37, 42, 52 and 58 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on 2nd November, 1965, be carried out.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [4.29 p.m.]: Section 21 of the Forests Act requires that revocation of dedication of State forests, or any part of a State forest, be carried out by a resolution passed by both Houses of Parliament, after which the Governor shall by Order-in-Council revoke such dedication.

There have been very few resolutions to revoke dedications containing the minor variations that this one does. The Forests Department has through the years very jealously guarded its assets. I pay the greatest tribute to the body of men in the service of the State who are inspired in their work. In the Forests Department there are very many officers, both male and female, actively engaged in the forests or in the laboratories pursuing the objective which was set down so very many years ago when the Forests Act was first instituted to bring about forests in perpetuity. That it was necessary to take very drastic steps was obvious at the time, and the progress that has been made in controlled cutting and reafforestation has been most marked.

We have been fortunate in the people in charge of the Forests Act. It is a remarkable Statute in regard to the authorities that are vested in individuals who are more or less obliquely controlled ministerially. We have been very fortunate indeed in the men of extraordinary capacity, great industry, and vision from the early days of Mr. Lane-Poole, himself, until now, who have given to this State a most remarkable service.

We are approaching the time when it can almost be said that their objective—forests in perpetuity—can be estimated as a realisation in prospect. Those who have been privileged to see controlled cutting and forest management have enjoyed an experience where an outstanding example is given of enterprise, foresight, determination, energy, and industry applied by the officers I have mentioned.

The people in the forests themselves and in every section are experts. When we look at the almost extermination in the nearby areas of Perth, particularly in the watersheds of the rivers whence we draw our water supplies, we realise that the denudation of those forests was something which, had it been allowed to progress throughout the State, would have resulted in the State being left without any forests at all at this stage.

So under this Act, which makes compulsory a resolution of this kind to be passed in both Houses, I suggest we are receiving a very great service in all the sections which the Statute governs.

It is striking to observe in the resolution before us that several of the areas are of a few acres only, and one of them is of one acre. I have looked at the plans in connection with these, and the only area of any consequence is one, poor in quality, in spite of our very great knowledge in regard to third-class land—as formerly designated—and worse land. This land has continued to be insufficient, although it is 1,450 acres in extent, to be an economic unit for a farm in the district, which is in the Williams area. This has been relinquished and another portion exchanged and added which will give to the Forests Department an area for the protection of flora and fauna, vested in the Minister. That is the only large area in this resolution, which I support.

I think the particulars of the individual efforts and the departmental efforts and the district achievements in forestry should be made very much more known to the public of Western Australia.

Question put and passed, and a message accordingly returned to the Assembly.

LICENSING ACT AMENDMENT BILL (No. 2)

In Committee

Resumed from the 9th November. The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Postponed clause 2: Section 5 amended—

The DEPUTY CHAIRMAN: Progress was reported after the clause had been partly considered.

The Hon. A. F. GRIFFITH: I move an amendment—

> Page 1, line 16—Delete the passage commencing with the word "licensed" down to the end of the clause and insert in lieu the passage—
>
> > premises the subject of a license under this Act that authorises liquor to be sold and disposed of for consumption on those premises or in relation to the premises of a club registered under this Act, means any room or place in those premises in or from which, or by means of any opening in which, liquor is sold or supplied to persons for consumption whether on the premises or not, and includes any part of those premises known as a bottle department; but does not include any cellar or other part of those premises used solely or principally for the storage of liquor;

The purpose of asking the Committee to agree to a reframing of this clause is that it has been pointed out to me that a hotelier could be prevented from receiving kegs of beer into his cellar outside the licensing hours of 10 a.m. to 10 p.m. This was not intended. It was merely desired

to give a definition of "bar" or "bar room". Therefore the important words of this amendment are the last four lines.

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 3: Section 21 amended—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 2, line 11—Insert after the word "amended" the following passage:—

(a) by inserting after the word "licenses" in line six of subsection (7), the passage ", the granting and renewal of permits under sections one hundred and thirty-four B and one hundred and thirty-four D of this Act"; and

(b) .

This was an amendment which the Licensing Court asked me to effect in a recast of the section. Section 21 (7) empowers *inter alia* delegation to stipendiary magistrates of the court's powers relating to such matters as renewal, transfer, and removal of licenses, and the granting of occasional and temporary licenses. If the legislation now proposed is passed it is suggested there will probably be a large number of applications for permits in respect of unlicensed premises both within and outside the metropolitan licensing district, and it would not be possible for the court itself to hear and deal with all the applications. It has therefore been recommended that section 21 be amended to enable delegation to stipendiary magistrates of the power to grant and renew permits under sections 134B and 134D. As clause 3 proposes to amend section 21, a further amendment can be incorporated in that clause.

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 6: Section 35 amended—

The Hon. A. F. GRIFFITH: This was the clause about which Mr. Wise asked me to get some information in relation to State ships, the idea of the amending Bill being to exempt State ships which were north of the 26th parallel. The honourable member did not want State ships to be in the position that as soon as they proceeded south of the 26th parallel they would come within the ambit of the Act. Having made inquiries I am not completely satisfied with the explanation that has been given to me, which is this: State ships would be outside the three-mile limit when sailing below the 26th parallel. They do not, except very rarely, call in at Geraldton. Therefore the probability that State ships would come within the three-mile limit on Good Friday is very remote. It might happen only once in a good many years.

As I said, I am not completely satisfied with that, because that sort of thing could happen just when one does not expect it to happen. I did not suggest to the draftsman that he prepare an amendment for me. I thought it would be better to tell members what the situation was and to tell Mr. Wise that I was not happy to accept the explanation, because this rare occurrence could take place and the objective of the clause would be destroyed. Could the honourable member give me some idea of what he wants, because I do not mind if he moves an amendment, or if I move it, so long as we get something which is acceptable. The objective was to exclude the State ships.

The Hon. F. J. S. WISE: In spite of the advice given to the Minister that State ships will be outside the three-mile limit it need not necessarily be correct.

The Hon. A. F. Griffith: No, and that is why I am not happy about it.

The Hon. F. J. S. WISE: Take the course from Carnarvon south. The 26th parallel goes almost through the town of Denham, and at that point vessels are very close to Steep Point which is the most westerly point of Australia, being much further west than North West Cape. Vessels there are certainly within the three mile limit. It may be a rare occasion that a State vessel will pass that point on a Good Friday and under this legislation be forced to have its bars closed.

There are two alternatives. One is we could do nothing, which could mean a risk now and again on a Good Friday, but only if the law were by design enforced on ships plying along the coast as distinct from those which ply between Fremantle and the islands; or we could prescribe somewhere that vessels above a certain tonnage are exempt. I think we could have a proviso that would meet the situation because the Bill is designed to stop the practices which are occurring on vessels plying between Fremantle and the islands. We could provide that the provision did not apply to vessels over 500 tons displacement. That should cover the situation; because I think the smallest State passenger ship would be 2,100 tons.

However, whether it is worth worrying about I do not know, because it would be difficult to enforce the law in so far as these practices are concerned on State ships; and the captain, I am sure, would be reluctant to do anything about it. This legislation would cover those that trade between Fremantle and Singapore, such as the *Centaur* and others, because they hug the coast at that point.

The Hon. A. F. Griffith: There would not be anybody there with a tape measure measuring the distance.

The Hon. F. J. S. WISE: I can recall travelling north on the *Kangaroo* in February last year and although we were within the three-mile limit a big ocean-going ship passed inside us. So there is a route within the three-mile limit which is commonly used by ships travelling north and south of the 26th parallel, but what we propose to cover would occur very rarely.

The Hon. A. F. GRIFFITH: Let me make this suggestion: Let the Bill go to another place, leaving the clause as it is, and in the meantime I will confer with the draftsman and if he can think of something that will cover the situation I will have the Bill amended in another place.

The Hon. H. K. Watson: Would it meet the case if we included the words "except that the master of a vessel other than a vessel in the service of the State Shipping Service" ?

The Hon. A. F. GRIFFITH: That is outright discrimination and that is what I do not want.

The Hon. F. J. S. Wise: It could affect other than State ships.

The Hon. A. F. GRIFFITH: Yes. And I do not want to say that because it is a State ship it has the hallmark of sanctity. That is not desirable. We are not really worrying about the north-west coast. Frankly it is the Rottnest Island situation, where a lot of alcohol is being sold under a packet license when the hotel is closed, that we are worried about.

The Hon. F. J. S. Wise: It might be on the basis of destination.

The Hon. A. F. GRIFFITH: I will talk to the draftsman and if I can get a satisfactory amendment I will suggest to the Minister who handles my legislation in another place that it be included there, and I will advise Mr. Wise of what is happening.

The Hon. F. J. S. WISE: I am wondering if we could add words such as these, "If that vessel is south of the 26th parallel of south latitude and excepting vessels arriving from or departing to overseas ports, or ports outside the jurisdiction of the Port of Fremantle."

The Hon. A. F. Griffith: They would not be operating on packet licenses, anyway. The bars of overseas ships are closed when they are in the Port of Fremantle.

The Hon. F. J. S. WISE: There are the vessels which are trading between Fremantle and Singapore, Kuala Lumpur, and so on.

The Hon. A. F. Griffith: Frankly I do not know whether the *Centaur* operates on a Western Australian packet license or not.

The Hon. J. G. Hislop: As soon as they are outside the three-mile limit they open their bars.

The Hon. F. J. S. WISE: But all the State ships operate on a W.A. packet license.

The Hon. A. F. Griffith: Yes.

The Hon. F. J. S. WISE: I think there are two or three worth-while alternatives but I do not think we should tie the State ships into this provision.

Postponed clause put and passed.

Postponed clause 8: Section 44E amended—

The Hon. N. E. BAXTER: I was rather interested in this clause because, firstly, it provided that a sitting of the court could be arranged by the chairman and that in those circumstances it was not necessary, when a canteen license was provided for, for it to be advertised in the *Government Gazette*. I cannot see much wrong with the provision but it struck me as rather peculiar that this new subsection is being included in section 44E which deals with conditions regarding canteen licenses, whereas sittings of the Licensing Court are covered by section 25. I think this provision could have been included in section 25 so that in the principal Act there would have been, firstly, a proviso regarding special sittings of the court and, secondly, the proposal in new subsection (3). I cannot understand why the draftsman has included this provision in section 44E instead of section 25. Would the Minister explain that away, if he can?

The Hon. A. F. GRIFFITH: I am not getting touchy, but I will not try to explain anything away. I will try to explain the reason for it. The honourable member is correct in that section 48 covers advertisements for applicants for licenses. This clause merely does away with the *Government Gazette* notification for canteen licenses. The reason is that most applications for canteen licenses can spring quite suddenly. The position in the north-west is a case in point. Last year I introduced an amendment to the Act which gave the court power to grant canteen licenses in cases of this nature. To save time it is proposed that these applications can be heard at such time as the Chairman of the Licensing Court may appoint.

The Hon. N. E. Baxter: It is in the wrong section of the Act. Section 25 deals with special sittings of the court.

The Hon. A. F. GRIFFITH: Section 44E deals with canteen licenses and the requirements in connection therewith.

The Hon. F. J. S. Wise: I think you have explained it away.

The Hon. A. F. GRIFFITH: I hope I have explained it away to the honourable member's satisfaction.

The Hon. N. E. BAXTER: The Minister has not explained it to my satisfaction. There are three sections which deal with canteen licenses—sections 44D, 44E, and 44F of the principal Act. The sittings of the court for all licenses are provided for under section 25. There is now a departure that special sittings of the court for a canteen license may be held at such time as the chairman may appoint, and this is included in the section dealing with canteen licenses. It is better to keep the whole thing compact. Section 25 deals with the ordinary sittings of the Licensing Court, but the provision we are referring to deals with canteen licenses.

The Hon. A. F. GRIFFITH: Section 25 deals wtih the quarterly sittings of the court. Section 44E specifically deals with canteen licenses and says that a canteen license can be applied for, where it can be applied for, and adds that the court can decide when it will hear the application. There is nothing wrong with that.

The Hon. N. E. Baxter: It makes the Act very untidy.

The Hon. A. F. GRIFFITH: The Licensing Act is untidy as it is.

Postponed clause put and passed.

Postponed clause 25: Section 134B added—

The Hon. H. K. WATSON: I move an amendment—

> Page 8, lines 35 and 36—Delete the words "which premises are not licensed premises under this Act,".

I do not think anyone can disagree with the object of clause 25. As the Minister explained, it is designed to deal with certain undesirable premises in the city of Perth where, apparently, quite a lot of undesirable drinking by under-age persons takes place lawfully at the moment on unlicensed premises. As the Minister said the Bill is to curb the activities of certain so-called night clubs, some of which, we are told, are frequented by known criminals and prostitutes. No-one can object to the controlling of these premises.

But, as I indicated in my second reading speech, the verbiage of the proposed new section appears to go much further than is reasonably required in the circumstances. At the moment it is wide enough to include non-licensed premises, residential hotels, motels, guest houses, and so on. Apart from this we have only to read the conditions on which a permit is issued to see that they are quite inept in their application to private residential hotels, motels, or guest houses. I want to ensure that the definition of "unlicensed premises" does not include premises which are used for, or in connection with, the provision of temporary accommodation, with or without meals, for persons who desire temporarily to reside there.

The Hon. A. F. GRIFFITH: When the clauses were being put together many ideas were discussed as to how our objective could be achieved. I was inclined to give the police power to close down undesirable premises.

The Hon. H. K. Watson: I still think there is a lot of merit in that proposition.

The Hon. A. F. GRIFFITH: I do not, because after giving the matter a lot of thought we decided it was not our intention that teenagers should be hunted by the police. Far from it. I am convinced that the average teenager behaves himself or herself. Only a small percentage do not, but those who do not are having temptation put in their way by the type of people on whom the report was made by the police.

If the police are to be given authority it will mean they will have to seek out these undesirable places; whereas if the persons concerned have to apply for a permit, they will have to come out in the open and make application to the Licensing Court, and the court will be able to see exactly what types of premises are involved. We do not propose to hunt the teenager, and I use that expression advisedly. There are undesirable people who conduct the type of premises referred to, and who take advantage of the youngsters who go to these places.

Mr. Watson's amendment is well intended. It is not the intention of the Government to make the law difficult for decently-conducted places. I cannot see why people running the type of premises referred to by the honourable member should not make an application to the court. They have nothing to fear.

The Hon. F. J. S. Wise: How often has the license to be reapplied for?

The Hon. A. F. GRIFFITH: Every five years. When Mr. Watson was speaking on the Bill he talked about locked doors. He said a man's privacy would be invaded; and if he took a bottle of liquor into his private hotel room and he locked the door, he would be breaking the law.

The Hon. H. K. Watson: As per paragraph (c) on page 10.

The Hon. A. F. GRIFFITH: This was not my intention; and if there is anything wrong with it, let us alter it. Let us clean it up on the basis of not interfering with the liberty of decent people.

The reason for putting the reference to the locked door in the Bill was that in some places the police go along and have to knock on the door, thus giving a certain amount of warning. Therefore it was thought that an open door would be better than a locked door. However, I repeat, I have an open mind as to whether the

door is locked or unlocked. But in some cases when a locked door is opened, the evidence has gone.

In order to accept Mr. Watson's amendment I will have to be quite clear about it and be given an opportunity to have a further look at it to see if it will work all right. I doubt it though, because the people to whom I have referred will find ways and means of coming within this category.

The Hon. J. G. Hislop: They will find their way around it whether this amendment is accepted or not.

The Hon. A. F. GRIFFITH: Then we must not make it easier for them to do that. I do not mind giving anybody a copy of this report as it is most revealing in regard to some of the antics that are going on in the city in relation to some of these premises. I do not know what to do at this point. I do not want to make it difficult; and some of the premises I know would have no trouble in getting a permit. They would simply make application. I ask Mr. Watson this: What is wrong with the principle of making an application for a permit and receiving it for five years? The well-conducted places would have no trouble. We know their names and where they are. I would go to them for a meal and take a bottle of wine with me to drink with that meal as they are well conducted.

Members will see I have provided that these establishments should remain open for a longer period than the Bill foreshadowed in the first place.

The Hon. H. K. WATSON: I will have more to say on the general principle later on in the Committee stage when I am moving two proposed new clauses, because this Bill extends not only to the 20 or 30 grog shops to which the Minister makes reference and about which he has a really startling report. I will concede everything he said on that point, but this Bill will not only apply to private residential hotels, it will apply to every café proprietor, teashop proprietor, and every roadhouse from Wyndham to Esperance. On that issue I intend to have quite a bit to say later on. At the moment I will confine my remarks to the immediate proposition before the Chair.

Whereas the people about whom the Minister has given examples of goings-on are virtually wholly and solely concerned with encouraging drink out of which they make a profit, either directly or indirectly, the non-licensed private hotels—there are 16 in the metropolitan area and and quite a few outside—are, in the main, concerned with selling sleeping accommodation to adults. They are not concerned with even facilitating drinking by adults, much less by minors. There is an absolute distinction between the two; and for that reason I feel they should be left out of the Bill. If they are to come under the Bill, then the provisions which appear in subclause (5) should be left out and the matter should be left to the discretion of the Licensing Court. Subclause (5) should read this way—

> Every permit granted under this section is subject to such conditions and restrictions as the Court imposes and specifies in the permit.

Then the court need not necessarily impose the restriction of having the doors of the rooms locked. If a private hotel did apply for a permit for its guests to consume liquor in their rooms, then those rooms would have to be nominated and be included in the permit, and the conditions of paragraph (c) would apply. As I said the other night, this is impracticable in a hotel.

The Hon. A. F. Griffith: Which I said I will remove.

The Hon. H. K. WATSON: If these provisions remain in the Bill, later on I will suggest that not only these premises, but many others should be excluded from their operation, and that the provisions should be confined to the class of shop, café, and night club, which the measure is designed to cover.

The Hon. C. R. ABBEY: At this point I agree with Mr. Watson. As a country member I have had many opportunities to study the premises he seeks to exclude by his amendment.

The Hon. H. K. Watson: I have 16 in mind.

The Hon. C. R. ABBEY: I have studied many by staying at them. From personal experience I would say they are well run, and are not the type of premises which the Minister, the Government, and every one of us desires to restrict. Therefore Mr. Watson's amendment meets the case.

I am doubtful whether the Minister should remove the provision regarding the locked door. About 12 months ago some goings-on were taking place at certain premises, and I took the opportunity of walking around. From my experience the door was locked. It was a plain door, containing a small hole through which the doorkeeper could look. I stood in the shadows, and when someone knocked the doorkeeper looked out and then admitted the person if he thought he was O.K.; but he quickly locked the door after looking around to see if the arm of the law was about.

It is quite obvious to me that the provision which keeps the door unlocked on this type of premises is wise; and conversely, the provision which requires the room in a private hotel to be unlocked is unwise. I agree with Mr. Watson.

The Hon. N. McNEILL: I do not claim to have any experience in these matters, but I believe we should deal with one thing at a time. We have not yet come

to the locked door provision, so let us leave it for the moment. I agree with the Minister in regard to the amendment moved by Mr. Watson.

My interpretation of the wording of the amendment is that it concerns providing temporary residential accommodation, with or without meals. It is my belief that these places would have to establish their *bona fides* and they would then take whatever business they wished, because they do not conduct the type of business this Bill is aiming to prevent. They would establish that their business was to provide *bona fide* temporary accommodation —and they could establish this. Whether or not meals were supplied would be quite inconsequential, because it says "with or without meals." I agree with the interpretation of the Minister.

A point I am not sure about is the one in respect of subsection (1) of proposed new section 134B which refers to all places as unlicensed premises. I understand that such places could qualify for a permit.

The Hon. A. F. Griffith: Yes.

The Hon. N. McNEILL: All of those places referred to in the subsection as unlicensed premises would at all times be permitted to apply for a permit under the circumstances.

The Hon. A. F. Griffith: The point is that any person who does not want to serve liquor on his premises does not have to apply, anyway.

The Hon. N. McNEILL: That being so, I support the Minister.

The Hon. J. G. HISLOP: I am a little puzzled about proposed section 134B to which Mr. Watson has moved his amendment. Is there to be a register or roster of unlicensed premises?

The Hon. A. F. Griffith: There will be a register of the premises with permits.

The Hon. J. G. HISLOP: If Mr. Watson's amendment is passed it simply means that unlicensed premises will not have to apply at all. Surely there will have to be a register of those places. We will have to know if they are licensed or unlicensed. There are quite a number of people who do not want to be licensed.

The Hon. A. F. Griffith: I think you have to use the word "permit" as distinct from the word "license".

The Hon. J. G. HISLOP: Then we will use the word "permit". We must realise that there are owners of unlicensed premises who feel that they do much better by allowing a person to bring his own liquor to drink at the table. There are quite a number of Chinese restaurants where one can take a bottle of wine. Will those premises be subject to being registered?

The Hon. A. F. Griffith: Yes.

The Hon. J. G. HISLOP: If they want to sell liquor themselves and not allow liquor to be brought in, they must also apply.

The Hon. H. K. Watson: They would come under the restaurant license.

The Hon. J. G. HISLOP: They have that now.

The Hon. A. F. Griffith: If they want to sell liquor they get a license under the Act.

The Hon. J. G. HISLOP: But there are those people who do not want to sell liquor; they want the clients to bring their own liquor.

The Hon. A. F. Griffith: They would become permitted premises, if they applied for a permit.

The Hon. J. G. HISLOP: So if they do not apply for a permit they cannot allow clients to bring in liquor.

The Hon. A. F. Griffith: That is right.

The Hon. J. G. HISLOP: So we are making everyone associated with alcohol apply for a permit or license, and the legislation will be quite mandatory on that point.

The Hon. A. F. Griffith: If the owner wants his customers to consume alcohol on his premises, that is so.

The Hon. J. G. HISLOP: That may be the object of the Bill, but the majority of our restaurants are quite well managed.

The Hon. A. F. Griffith: Those are the ones Mr. Watson seeks to help by his amendment. They do not come within the scope of the amendment.

The Hon. J. G. HISLOP: I had better sit down and let the Minister explain the position.

The Hon. A. F. GRIFFITH: In the first place, Mr. Watson is attempting to include (a), premises which are licensed premises under this Act. Of course, they do not need to be included because they are already included. They have licenses so (a), to my mind, is unnecessary. The honourable member seeks to include in the case of (b), premises, not being licensed premises under this Act, which are used principally for or in connection with the business of providing temporary residential accommodation, with or without meals, for persons who desire temporarily to reside there. This will not help the situation in respect of restaurants. This serves one section of the community within the ambit of the description of those words. Is that right?

The Hon. H. K. Watson: Yes.

The Hon. A. F. GRIFFITH: It would not help the A.B.C.D. room in some street in Perth. It would not exclude it from the Act, but it would exclude those other people from the Act. If we exclude the residential places, we will exclude the

decently run residential places. As soon as that is done then the type of fellow we have been talking about gets in underneath. He gets hold of some premises and turns them into a place providing temporary accommodation with or without meals, and then he has his party.

In those establishments corkage is charged on the bottles as they are opened. The patron might get some biscuits, and perhaps some sandwiches, but, in most cases, nothing. There might be an orchestra playing some sort of music.

The Hon. F. J. S. Wise: This is not from your own personal experience.

The Hon. A. F. GRIFFITH: No; from my reading of the report. I am too old for that. We are not going to stop this sort of thing by agreeing to Mr. Watson's amendment.

The Hon. H. K. WATSON: I would like to put Mr. McNeill on the right track and at the same time clean up what the Minister said, because it is far from the true position. If a person or a company is engaged in the business of providing accommodation, it is usually a substantial establishment. By no stretch of the imagination could any of the premises mentioned by the Minister claim that their principal business was providing accommodation.

If they did claim exemption under this provision, it would not be sufficient for them to just say that their principal business was providing accommodation. They would have to prove it.

The Hon. A. F. Griffith: How would it be proved?

The Hon. H. K. WATSON: Proved by prosecution.

The Hon. A. F. Griffith: The onus of proof would be put back on the police. In other words, make the police hunt again.

The Hon. H. K. WATSON: Hunt is ridiculous, because the whole of this Act has come forward as a result, not of a hunt, but of the ordinary activities of the police sergeant whose job it was to check on all the trouble which was going on.

The Hon. H. C. STRICKLAND: As I see the position, the Minister's Bill will not stop what he refers to as corkage. The Bill simply intends to legalise it. It will only be necessary to get a permit to legalise it. If a traveller from the country wants to take liquor into his room and the premises are not licensed, there will be an infringement of the Act. But if a permit is obtained, then one will be able to infringe the Act. If a permit is issued, there will be regular police calls to see that nothing illegal is happening. Nothing illegal is happening now. There is no necessity for the police to go to these places now, so why impose a permit provision so that such premises have to come under the supervision of the liquor branch?

I think the whole Bill is designed mainly to place further restrictions on people who are abiding by the law. If there are people, as the Government claims, who are not abiding by the law, surely there is some law under which the police can take action. If the drinkers are under age, why do the police not arrest them? If a person is charging corkage, and it is illegal, why do not the police arrest him?

The Hon. A. F. Griffith: For the reason that it is not illegal.

The Hon. H. C. STRICKLAND: There must be some Act to cover it.

The Hon. A. F. Griffith: You say that because something is done it must be illegal under some Act?

The Hon. H. C. STRICKLAND: If it is not illegal, is the Minister doing something to make it illegal so that somebody can be caught?

The Hon. A. F. Griffith: I am sorry, but you just do not understand.

The Hon. H. C. STRICKLAND: Yes, I do. Mr. Watson is endeavouring to protect people who go into reputable residential places, as they do now.

The Hon. H. K. Watson: And as they have done for 50 years.

The Hon. H. C. STRICKLAND: The Minister is endeavouring to place those premises under the supervision of the police, and I do not think it is right. I support Mr. Watson.

The Hon. F. D. WILLMOTT: Although I can see what Mr. Watson is getting at, I can visualise a new type of drinking dive in this city if we agree to his amendment.

The Hon. H. K. Watson: The word "principally" is the operative word in the amendment.

The Hon. F. D. WILLMOTT: The people running these dives are not doing it for fun; they are making good money out of them. We could have places which could simply contend they were providing temporary accommodation, but no meals would be provided. To get past this provision, it would be well worth the while of the proprietors to provide ostensible accommodation and yet have the same type of dive as they run now.

The Hon. E. M. HEENAN: I am entirely in sympathy with the Minister in attempting to put a stop to abuses which we all know are going on and of which the police take a serious view. But the police can do little about them as the law stands, in spite of what Mr. Strickland says. These abuses really bring about a scandalous state of affairs, and we have to do something about them, especially in the

light of the report of the Commissioner of Police and as a result of our own knowledge.

There are unsavoury places which make a living out of the depravity and ill-conduct of a lot of youthful people who succumb to temptation. So I am entirely with the Minister.

However, I also find myself to some extent in agreement with what Mr. Watson wants to achieve. I do not think Mr. Watson minds the permit so much. Every place that sells meals and refreshments, and every place where it is customary for people to take bottles of beer and wine, will have to get a permit. Once a permit is obtained, the consumption of liquor will be legal.

But the very purpose of the Minister's aim—and that of the police I take it—is to ensure that these unsavoury places do not get permits.

The Hon. A. F. Griffith: That is right.

The Hon. E. M. HEENAN: In those circumstances, if liquor is consumed at those places there will be a breach of the law and the police will be able to do something about it. However, once a permit is granted it will be subject to a few conditions. They are set out here, and they will not be onerous for the popular restaurants at Cottesloe and in town, because no-one wants to be drinking at those places after 2 a.m. The permit will restrict the consumption of liquor until 2 o'clock in the morning; and no liquor is to be consumed on Good Friday, Sunday, or Anzac Day. That is where Mr. Watson's amendment is worthy of some consideration.

The Hon. A. F. Griffith: I have some amendments on the notice paper in connection with hours.

The Hon. E. M. HEENAN: Yes. Good Friday is a sacred day, and we all regard it as such; but a lot of people think there is nothing wrong with having a drink on Good Friday. I, for one, do not. A person can do a lot of things on Good Friday without breaking the sanctity of it. It is just like a Sunday. It is nice to have a bottle of beer on a Sunday and on Anzac Day, too.

Forrest House and the nice motels that have not got a license will have to apply for permits, and undoubtedly they will be granted permits; but no-one living in them will be allowed to drink on Sundays, Good Friday, or Anzac Day. We do not want the restaurants selling drink with meals on those days; but what is wrong with people who are spending a weekend in such places as I have mentioned having a drink with their meals or in their rooms on a Sunday?

I think Mr. Watson's amendment has merit. We can see how it will work out. We are taking a big step now and are trying to cope with a serious abuse. However, we have to be careful that, in trying to correct the situation, we do not inflict inconvenience and hardship on a number of decent places. Unless Mr. Watson's amendment is carried and the Bill is passed as the Minister introduced it, no-one will be permitted to have a drink in these places on a Sunday. I do not think we want to go that far. I do not.

There might be a little merit in what Mr. Willmott said. There will always be unscrupulous people who will try to get around the Act and who will try to convert certain establishments into places where people will wish to avoid the spirit of the Act; but I do not think the places I have in mind will fall for that sort of thing. I do not share the grave doubts that Mr. Willmott has in that regard.

I do not think the amendment will defeat the Minister's overall intention. It will be a safeguard for the decent motels and private hotels. In the light of our experience in the next 12 months we could, perhaps, have another look at the position.

The Hon. H. K. Watson: I think that is the answer—give it a test for 12 months.

The Hon. E. M. HEENAN: Unless the Minister has some cogent arguments against my point of view, I feel at this stage like supporting Mr. Watson.

The Hon. N. McNEILL: My understanding of the position is that all the facilities that Mr. Heenan would like to see extended to the people who stay at the reputable places will be available under the permit.

The Hon. E. M. Heenan: They will not be available on Sundays. It will be unlawful to drink in them on Sundays.

The Hon. N. McNEILL: All right. Even in a hotel with a full license it is, under certain conditions, unlawful to drink.

The Hon. E. M. Heenan: Not if you are living at the hotel.

The Hon. N. McNEILL: No; but there are restrictions. In the general sense of the Bill these facilities will be available, and the reputable places will have the protection that Mr. Watson wants, provided they apply for a permit; and that will give the court an opportunity to inspect the premises. My understanding is that drinking in all other places would be illegal.

Let me pass to the question of the premises referred to by Mr. Watson; that is, those used principally for or in connection with the business of providing temporary residential accommodation. What is there in that amendment to prevent me from taking up premises, which I shall call a boarding house, and letting three rooms, and saying that is my business?

What would there be to prevent me from displaying a sign outside indicating that I was providing temporary accommodation with or without meals and that

on three, four, or five nights a week I was conducting the type of activities that have been conducted by the premises which have been the subject of the report to the Minister?

If an inspection were made of my premises I would maintain that I was holding a private party; and I would prove by custom over a long period that my principal business was to provide temporary accommodation. I agree wholeheartedly with the Minister that full advantage will be taken of this avenue by certain persons. It is quite likely that in such places it will not be genuine accommodation; but it will be impossible to prove otherwise. I still agree with the Minister on the point he has made.

The Hon. H. K. WATSON: In the circumstances outlined by Mr. McNeill one's principal business could not be described as providing temporary accommodation. The owner of the business might derive £200 a year from providing temporary accommodation, and £1,000 a year from corkage, or something of that nature. I think Mr. Heenan has supplied the answer, even to the points raised by Mr. Willmott.

The last thing I want to see done is to diminish the strength of the Bill against the persons the Minister is seeking to restrict. There is a great deal in what Mr. Heenan has said. I do not think the fears expressed by Mr. McNeill and Mr. Willmott are well founded. If, after the Bill was put into operation, it was found that some unscrupulous person had discovered a loophole in the legislation, an amendment could be bought down next session.

The Hon. J. G. HISLOP: I was interested in the question of whether one could drink liquor on Sundays and Good Fridays in such establishments, because even at present there is some confusion. Not far from this building there is a restaurant which will not supply liquor on a Sunday.

The Hon. A. F. Griffith: Well, it cannot supply liquor on Sunday if it is licensed.

The Hon. J. G. HISLOP: I agree; but I also know of well-conducted establishments into which people are allowed to take liquor and consume it with their meals on a Sunday, but in the licensed premises to which I have referred liquor cannot be supplied on a Sunday, which seems ridiculous.

Further, under the provision in the Bill, licensed or unlicensed premises will not be able to supply liquor on Good Friday or Anzac Day. At present, as far as I can understand, the difference between the two establishments is that one cannot supply liquor on a Sunday, but the other is permitted to allow people to bring liquor with them and to consume it on the premises with their meals.

The Hon. S. T. J. THOMPSON: Originally, the provisions of the Bill sought to achieve something worth while, and so, we have to consider carefully any amendment that is brought forward or we may undermine the good intentions of the measure. I agree with what Mr. Heenan has said, particularly in relation to the establishment which Mr. Watson is trying to cover. I believe that many of the provisions in the Bill are sound and should be retained, but could we not tackle the problem with which we are now confronted from a different angle?

Could not all business premises be brought under this legislation, and certain approved guest houses be granted exemption from some of the regulations to enable them to operate in the same way as a licensed hotel operates? A hotel guest is allowed to consume liquor on the premises. That would perhaps be a better way to administer the legislation. The restrictions sought are very necessary if we are to achieve what the Minister sought to achieve when he first introduced the Bill. It is very unfortunate that we have introduced the different classes of businesses, but if we can solve the existing problem I believe the Bill will be quite a good one. The Minister may be able to tell us whether it will be possible to exempt some of the hotels from some of the restrictive regulations.

Sitting suspended from 6.9 to 8.21 p.m.

Progress

Progress reported and leave given to sit again, at a later stage of the sitting, on motion by The Hon. A. F. Griffith (Minister for Justice).

(Continued on page 2332)

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Conference Managers' Report

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [8.22 p.m.]: I have to report that the managers have met in conference and have reached the following agreements:—

No. 1.

Amend to read as follows: Clause 2, line 6—Delete "twenty" and insert "fifteen" in lieu.

No. 2.

Amend to read as follows: Clause 5, line 32—Delete "twenty" and insert "fifteen" in lieu.

No. 3.

Amend to read as follows: Clause 15, line 9—Delete "twenty" and insert "fifteen" in lieu.

Nos. 4 and 5.

Clause 18: The managers have agreed not to proceed with amendments Nos. 4 and 5 made by the

Legislative Assembly but to insert the following amendment in the Bill in lieu thereof:—

> Page 8—To delete all words after the word "is" in line 9 down to and including the word "forbidden" in line 19 and substitute the following—
>
> > less than fifteen per centum of those entitled to vote thereat the raising of the loan is approved, but if the ratepayers who vote at the poll number not less than fifteen per centum of those entitled to vote thereat, and if a majority of the valid votes cast are against the loan, or the valid votes cast against the loan are equal in number to those in favour of the loan, the raising of the loan is forbidden.

It is signed by Mr. Wise, Mr. Heitman, and myself. The reason for the redrafting of clause 18 was because it was found that the clause was drafted wrongly in the first place. This was not picked up until about two days ago and the conference managers were quite agreeable that it should be redrafted to make it conform with what it should have been originally; and in so doing the word "twenty" has been replaced by the word "fifteen". I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

LICENSING ACT AMENDMENT BILL (No. 2)

In Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Postponed clause 25: Section 134B added—

The DEPUTY CHAIRMAN: Progress was reported on this postponed clause after Mr. Watson had moved the following amendment:—

> Page 8, lines 35 and 36—Delete the words "which premises are not licensed premises under this Act,".

The Hon. A. F. GRIFFITH: I do not think we will make much progress on this clause.

The Hon. S. T. J. Thompson: You reported progress, did you not?

The Hon. F. J. S. Wise: You had better go to a conference; they make progress.

The Hon. A. F. GRIFFITH: That might not be a bad idea. However, I suggest it is obvious that we have varied views on how to achieve what we have in our minds. It is difficult to arrive at a satisfactory conclusion, and it is impossible, as far as I am concerned, with the amendments, because I think they will create real difficulties. I would like an opportunity to confer with the draftsman again, and if we postpone clauses 25 and 27 we can still go on and consider the other two postponed clauses. In order to do that, I would suggest the honourable member withdraw his amendment.

The Hon. H. K. WATSON: Before I make that request, I should like to make one observation; namely, that during the tea suspension I have given thought to further tightening up my amendment to meet the Minister's wishes, and I have arrived at what might be the solution. I have in my hand two fairly substantial pamphlets, one a document of some 40 pages, and the other a double quarto publication published by the W.A. Government Tourist Development Authority, listing what is an accommodation guide to Western Australia. It lists accommodation that is recommended to tourists and visitors as being worthy of acceptance and up to Western Australian standards.

The Hon. A. F. Griffith: Does it mention unlicensed drinking places?

The Hon. H. K. WATSON: Yes; it mentions whether they are licensed. It contains full details.

The Hon. A. F. Griffith: Unlicensed eating houses, cafes, restaurants, and so on?

The Hon. H. K. WATSON: It merely lists the accommodation. The heading on one publication is, "Accommodation for Perth and Suburbs—Hotels, Guest Houses and Motels—compiled by the Western Australian Tourist Development Authority." There is a similar one in respect of the principal country towns. I would like my amendment tightened up so that paragraph (b) would read as follows:—

> Premises not being licensed premises under this Act which are recorded in any accommodation guide kept or published by the Western Australian Tourist Development Authority as being used principally for or in connection with the business of providing temporary accommodation, etc.

This would remove the disabilities mentioned by Mr. McNeill and Mr. Willmott, because we would have the guidance and wisdom of the Tourist Development Authority.

The Hon. A. F. GRIFFITH: I am not too attracted to this, because it provides relief to only one section of the community. I think that whatever relief is given should be given to everybody. Mr. Watson's suggestion does nothing for the decent eating houses, cafes, etc., mentioned by Dr. Hislop. On the surface it

is not acceptable, but if I were given some time over the weekend, I might be able to come back with something else.

The Hon. H. K. WATSON: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. A. F. GRIFFITH: I move—

That further consideration of the clause be postponed.

Motion put and passed.

Postponed clause 27: Section 134D added—

The Hon. A. F. GRIFFITH: This is tied closely to clause 25 and I move—

That further consideration of the clause be postponed.

Motion put and passed.

Postponed clause 34: Section 175 amended—

The Hon. N. E. BAXTER: On further investigation I think this clause is all right. The penalty for possible forfeiture of a license applies where a licensee knowingly supplies liquor to a person under the age of 21 years. The cancellation or forfeiture of the license is not mandatory but is left in the hands of the court.

The Hon. A. F. GRIFFITH: I wonder whether the honourable member is aware that we are taking the word "knowingly" out of the Act. I think the clause is all right as it is. At the moment section 49A says that a person shall not in any public premises knowingly supply liquor. The accused person could say that he did not know he had done this, and this would be considered a *bona fide* excuse. We are tightening it up to move the onus or obligation on to the person concerned to prove that he had reasonable cause to believe that the person to whom he supplied the liquor was in fact over the age of 21. The clause is all right because all the escape necessary is provided if a man feels he is wrongly charged with an offence.

The Hon. N. E. BAXTER: I thank the Minister for his explanation, but as the matter is left in the hands of the court I am sure it would not take away the license without just cause.

Postponed clause put and passed.

Postponed clause 42: Third Schedule amended—

The Hon. H. K. WATSON: The question I raised has since been answered by the Minister by inference in an amendment which he has on the notice paper. I asked whether an application for a permit had to be advertised in the same manner as one advertises an application for a full license for premises. The indication is that this notice will have to be advertised and go through all the performance of an application for a full license.

The Hon. H. R. ROBINSON: What are the conditions in regard to a hall owned by a local authority which is let out for weddings or birthday parties? Is it necessary for those letting the hall to apply to the court?

The Hon. A. F. GRIFFITH: The answer to the last question is: I do not think so. The fact remains that even when the hall is let no child under the age of 21 can consume liquor within that hall. It would be an offence to supply liquor to such a child.

If I get another approach which may be more acceptable to members, this point and that raised by Mr. Watson may not have any effect. Mr. Watson suggested that an application might be made over the counter and a permit would be granted. This would defeat the whole object, because nobody would be given an opportunity to object to the license, nor would the court be given an opportunity to inquire whether the license should be granted.

If clauses 25 and 27 were accepted it would be necessary for the applicant to advertise in the Press, and for the court to grant the license.

The Hon. J. G. Hislop: What is the cost?

The Hon. H. K. Watson: It would be about £10 for the advertisement and anything from £20 to £25 in legal costs for a tea shop in the country.

The Hon. A. F. GRIFFITH: We are going to postpone consideration of these clauses, but in any case it is a five-year provision.

The Hon. H. R. ROBINSON: It is necessary for application to be made at the next sitting of the Licensing Court. I do not know how often the Licensing Court meets in the city, but I understand it generally only meets every quarter. How will this work in the case of an engagement party held in a public hall?

The Hon. A. F. GRIFFITH: Earlier in the evening I moved an amendment giving the court power to delegate authority, because it could not be expected to deal with all these applications.

Where applicable the application for a permit is made by the owner of the premises, and not by the person holding the party. When a person who owns a hall makes an application for a permit, the court, if it thinks fit, grants a permit for five years. That person is then permitted to allow his patrons to use the premises according to the conditions laid down by the court. This procedure might not be applicable if other alterations are made to clauses 25 and 27.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): I inform members that before we can deal with a new clause it will be necessary to dispose of clauses 25 and 27.

The Hon. A. F. Griffith: In view of what I have said, Mr. Watson might not move the new clause.

The Hon. H. K. WATSON: I shall refrain from moving the new clause, but I wish to refer to its purport and effect. The provisions in the clause are really designed to meet the objective the Minister has of covering all classes of people, except those who are exempted under the Act.

The Hon. A. F. GRIFFITH: Every clause in the Bill has now been cleared up, except clauses 25 and 27. If we arrive at alternatives to what is contained in the Bill and in the amendments on the notice paper, it might be necessary to come back to clause 42.

The Hon. F. J. S. Wise: If this Bill is so important and the amendments so vital, could the Minister have the amendments drafted as an addendum to a subsequent notice paper?

The Hon. A. F. GRIFFITH: I can put them on the notice paper for Tuesday, and I shall do all I can to have that notice paper printed by tomorrow afternoon.

Postponed clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by The Hon. A. F. Griffith (Minister for Justice).

House adjourned at 8.50 p.m.

Legislative Assembly

Thursday, the 11th November, 1965

CONTENTS

The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

PIG INDUSTRY COMPENSATION ACT AMENDMENT BILL

Introduction and First Reading

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

QUESTIONS (9): ON NOTICE

POWER-DRIVEN BOATS

Registrations

1. Mr. DAVIES asked the Minister for Works:

   (1) How many power-driven boats were registered with the Harbour and Light Department as at—
   The 31st December, 1963;
   The 31st December, 1964?

   (2) What is the number currently registered?

Mr. BOVELL (for Mr. Ross Hutchinson) replied:

(1) 31st December, 1963 6,828
31st December, 1964 9,478

(2) 10,694.

ELECTRICITY METERS IN FLATS

Responsibility for Payment of Accounts

2. Mr. GRAHAM asked the Minister for Electricity:

   Where, for example, a block containing four self-contained flats has been built, and they are