

way it will not be a punishable offence. I would like to move the following amendment—

Section 54 of the principal Act is amended—

- (a) by inserting after the word "skins" in line one of paragraph (a) of subsection (2) the words "or sheep";
- (b) by inserting after the word "agent" in line two of paragraph (a) of subsection (2) the words "or owner";
- (c) by inserting after the word "skins" in line two of paragraph (b) of subsection (2) the words "or sheep"; and
- (d) by inserting after the word "skins" in lines one and six of paragraph (c) of subsection (2) the words "or sheep".

Mr. H. D. EVANS: This proposed amendment refers to section 54(2) of the principal Act. Along with paragraphs (c) and (d) of the proposed amendment, the member for Blackwood seeks to include sheep together with skins. Subsection (2) of section 54 provides defence only for charges brought under paragraph (d) of section 54(1); that is, for offences concerning possession of skins of sheep from which ears or parts of ears have been removed. Members will see that it is concerned only with that specific point. What the honourable member is trying to elaborate upon would not be possible under the terms of the Bill. If paragraphs (a), (c), and (d) proposed by the member for Blackwood were accepted they would still not provide the defence he seeks so far as live sheep are concerned.

If one reads section 54 (1), to which subsection (2) refers, it will be found the protection required will not be achieved.

The member for Blackwood seems to be concerned about offences involving live sheep. The relevant parts of section 54 are paragraphs (a), (b), and (f) of subsection (1); but not paragraph (d). Therefore, the amendment cannot apply to paragraph (d). It can apply to the other three paragraphs. The Crown Law Department agrees this is so. Perhaps the honourable member would care to consult the Crown Law Department before the Bill goes to another place.

Paragraph (b) of the proposed amendment of the honourable member appears to protect the person who, as an owner, comes into possession of mutilated skins which he did not mutilate. I think that is the underlying purpose of it. There is no objection to that minor amendment. I do not think the Police Force would object to it.

Mr. REID: I accept the Minister's explanation that the amendments relate back to skins only. I wish to incorporate live sheep. I will agree to the suggestion the Minister put forward and withdraw paragraphs (a), (c), and (d) of my proposed new amendment. I move—

That the new clause be amended by adding after paragraph (d) a new paragraph (e) as follows:—

(e) by inserting after the word "agent" in line two of paragraph (a) of subsection (2) the words "or owner";

Amendment put and passed.

New clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

House adjourned at 6.11 p.m.

Legislative Council

Tuesday, the 24th October, 1972

The DEPUTY PRESIDENT (The Hon. N. E. Baxter) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (8): ON NOTICE

1. *This question was postponed until Thursday, 26th October, 1972.*
- 2.

CATTLE INDUSTRY COMPENSATION FUND

Method of Levy Collection

The Hon. N. McNEILL, to the Leader of the House:

- (1) What is the method by which the Cattle Compensation Levy is collected in Western Australia?
- (2) What are the agencies responsible for the collection of the levy?
- (3) Who is responsible for the administration of the fund, and under what authority?

The Hon. W. F. WILLESEE replied:

- (1) Payment of stamp duty on cattle sales.
- (2) (a) Commissioner of Stamps;
(b) authorised selling agents;
(c) authorised processing companies.
- (3) The fund is controlled by the Director of Agriculture under the provisions of Part IV of the Cattle Industry Compensation Act.

3. WATER SUPPLIES

Coral Bay Holiday Resort

The Hon. G. W. BERRY, to the Leader of the House:

- (1) Has any undertaking been given by the Government to supply Coral Bay Holiday Resort with potable water?
- (2) If so, from where is it intended to draw the water?

The Hon. W. F. WILLESEE replied:

- (1) No.
- (2) Answered by (1).

4. DAIRYING

Seminar on Organisation

The Hon. N. McNEILL, to the Leader of the House:

- (1) Is it correct that a seminar was held in 1970, representative of many sections of the dairy industry, to discuss the future organisation of the industry?
- (2) If so, what interests were represented?
- (3) If the seminar came to any conclusions or defined recommendations, what were those recommendations or conclusions?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) Dairy and Whole Milk sections of the Farmers' Union, Milk Treatment Plants Association, Australian Institute of Dairy Factory Managers and Secretaries (W.A. Division), Australian Society of Dairy Technology (W.A. Division), Milk Board, Department of Agriculture and Members of Parliament.
- (3) A summary of the seminar's recommendations and conclusions is contained in pages 3 to 6 of a paper entitled "The Dairy Industry in W.A. Report and Recommendations of the Farmers' Union Joint Dairy-Wholemilk Committee which has been considering the Industry's Future." This report was submitted by D. P. Eckersley, R. W. Skidmore, T. R. Noakes and F. J. Oates in February, 1972.

5. DAIRYING

Single Industry Authority: Legislation

The Hon. N. McNEILL, to the Leader of the House:

- (1) On how many occasions, and on what dates, did the Government, that is, the Minister for Agriculture and/or the Department of Agriculture, have discussions concern-

ing proposed legislation for a single dairy industry authority with—

- (a) producers' representatives;
 - (b) manufacturing, processing and treatment interests;
 - (c) milk vendors;
 - (d) commercial interests other than (a), (b), (c)?
- (2) What form did these discussions take?
 - (3) When were the invitations extended to the interests referred to in (1), to submit views or propositions for inclusion in the proposed legislation?

The Hon. W. F. WILLESEE replied:

- (1) (a) 7—15/5/72; 24/5/72; 6/6/72; 15/6/72; 21/6/72; 17/7/72; 19/7/72.
(b) 3—14/3/72; 9/6/72; 15/6/72.
(c) 2—28/9/71; 13/6/72.
(d) 1—20/10/72.

Correspondence has also been entered into with the organisations mentioned and in addition with the Federated Miscellaneous Workers' Union of Australia (W.A. Branch) and the Retail Grocers and Storekeepers Association of Western Australia.

- (2) The proposed legislation was outlined and comment invited resulting in a full discussion of the proposals.
- (3) At the above dates.

6.

DAIRYING

Asset Valuation

The Hon. N. McNEILL, to the Leader of the House:

In the dairying industry, and in activities closely associated with that industry, in Western Australia, what is the total value of assets in each of the categories hereunder—

- (a) production;
- (b) manufacture, processing and treatment;
- (c) wholesaling and vending, other than (b);
- (d) commercial interests other than (a), (b) and (c), such as supermarkets and retail shops;
- (e) transport;
- (f) activities providing service to the industry; namely—machinery manufacture, irrigation, equipment, hygiene and fertiliser manufacture?

The Hon. W. F. WILLESEE replied:

- (a) No exact information is available to me on the total value of assets associated with production in the dairy industry.

However, the Bureau of Agricultural Economics Dairy Industry Survey 1967-68 to 1969-70 has given the average value of assets for W.A. dairy farms at 30 June, 1970 at \$145,330.72. If this figure is multiplied by the present number of dairy farmers in Western Australia, the total value of assets associated with production would be approximately \$190,000,000.

- (b) No information is available to me on the value of assets associated with manufacture, processing and treatment.

The value of land, building, plant and machinery associated with the production of butter, cheese, condensed and processed milk in 1967-68 for Western Australia was \$2,261,000. This figure does not include the value of assets for milk treatment plants.

This information has not been collected by the Bureau of Census and Statistics since 1967-68.

- (c) to (e) This information is not available to me.

- (f) Full information is not available to me.

The value of land, building, plant and machinery involved in the manufacture of chemical fertilisers in Western Australia in 1967-68 was \$25,556,000. More recent information is not available as figures for this item are no longer collected.

I have no information for any other service industries associated with the dairy industry.

7.

DAIRYING

Investment Finance

The Hon. N. McNEILL, to the Leader of the House:

- (1) What is the extent of the direct investment in the dairy industry in Western Australia by way of loans, hire purchase agreements, bills of sale, liens, and similar financial arrangements?
- (2) What are the main sources of this investment finance?

The Hon. W. F. WILLESEE replied:

- (1) and (2) No precise information is available to me on the present situation. However, figures for average W.A. dairy farm indebtedness are available from a Commonwealth Bureau of Agricultural Economics report on the Australian Dairy Industry Survey

1967-68 to 1969-70. These figures were multiplied by 1,307 (the estimated number of dairy farmers in W.A.), to obtain an estimate of total indebtedness.

W.A. DAIRY FARM INDEBTEDNESS

Amounts Outstanding as at 30th June, 1970

Creditor	W.A. Dairy Farm Average Indebtedness from B.A.E. Report \$	Estimated Total Dairy Farms Indebtedness in W.A. \$
Banks—		
Commonwealth Development	6,274.32	8,201,000
Major Trading	3,543.22	4,631,000
State Trading	286.37	374,000
Savings	135.90	175,000
Government Agencies—		
War Service Land Settlement	90.67	119,000
Other	302.00	395,000
Pastoral Finance Company	523.91	685,000
Packing House, Grower Co-ops.	57.13	75,000
Merchants, Trading Organisations	23.40	31,000
Hire Purchase	585.47	765,000
Private—		
Relatives	1,757.09	2,297,000
Other	186.14	243,000
Insurance Co. Pension Trustee	1,043.24	1,364,000
Solicitors Trust Accounts	1,646.19	2,152,000
Livestock Auctioneers	62.17	81,000
Total	\$16,517.31	\$21,591,000

8.

DAIRYING

Personnel Engaged

The Hon. N. McNEILL, to the Leader of the House:

How many persons are engaged mainly or partly in the dairy industry in Western Australia in the categories of—

- (a) production;
- (b) manufacture, processing and treatment;
- (c) storage, transport and packing, other than in (b);
- (d) distribution and sale of dairy products;
- (e) other dairy service industries?

The Hon. W. F. WILLESEE replied:

- (a) There are at present approximately 1,307 producers in the dairy industry, but there are no figures available for the total number of persons engaged in production.

The Australian Dairy Industry Survey 1967-68 to 1969-70 conducted by the Bureau of Agricultural Economics has indicated the average adult male equivalent labour force per dairy farm to be 1.97. Using this figure the total labour force on W.A. dairy farms would be 2,575 male equivalents. The total figure for persons engaged partly or mainly in production would be higher than the figure for male equivalents.

- (b) 1,131.
- (c) Most persons engaged in storage, transport and packing are included in (b), but there is no information available to me on the number of persons engaged in storage, transport and packing excepting for the numbers employed by dairy factories as included in (b).
- (d) 303 milk vendors and 2,184 shops are licensed with the Milk Board to sell milk. Both vendors and shops would employ additional labour, so the total number of persons wholly or partly engaged in the sale of milk would be much greater than the sum of milk vendors and shops licensed for the sale of milk. Shops which do not sell milk but sell other dairy products are not licensed and no information is available to me on the number of these shops or the total number employed by them.
- (e) No figures are available to me for the number of people engaged in other dairy service industries.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.50 p.m.]: I move, without notice—

That the House at its rising adjourn until Wednesday, the 25th October, at 2.15 p.m.

Question put and passed.

CLOSING DAYS OF SESSION

Standing Orders Suspension

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.51 p.m.]: I move—

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

In moving this motion, I take the opportunity to assure the House that at the moment we do not intend to take advantage of the motion except to enable us to proceed with second readings immediately and move the usual adjournments thereof. If it is convenient, we will do third readings immediately after the Committee stage where this is appropriate. In the immediate future, there will be very little departure from the present practice.

The Leader of the Opposition asked me to give an idea of the programme of work for the remaining weeks of the sitting. As far as I am able to ascertain, it is proposed to endeavour to close the session during the week commencing on the 14th November. If it proves to be successful, we may continue to meet at 2.15 p.m. on Wednesdays.

I will give a clear week's notice if it is intended to sit on Thursday nights. I do not want to do this until it is really necessary. I hope that by meeting earlier on Wednesdays we shall obviate the necessity to sit on Thursday nights except, say, in the last two weeks. It is difficult for Ministers, the Leader of the Opposition, and members to have to sit into the night on Wednesdays and then turn to it and have legislation ready to be dealt with on Thursdays. I have been through the experience and I know what it is like. Therefore, it is not intended to sit on Thursday nights until it is really necessary.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.54 p.m.]: The moving of this motion and motion No. 2 standing in the name of the Leader of the House usually heralds the end of a portion of a session or the whole of a session. In this case, it can only herald the end of portion of the session because, obviously, there is too much legislation on the notice paper—not so much in this House but certainly in another place—for us to finish by the date indicated. I take it the Leader of the House meant the week of the 14th November.

The Hon. W. F. Willesee: Hopefully.

The Hon. A. F. GRIFFITH: The 15th is a Wednesday and the 16th is a Thursday. If experience is any guide, we will still be here for some portion of Friday, anyway.

I thank the Leader of the House for the information he has given us. I certainly do not intend to oppose the motion. I support it, and I would like to indicate that I, personally, have not the slightest objection to the Government introducing Bills and proceeding with the first and second readings on the same day. That also applies to messages containing Bills received from the Legislative Assembly. I appreciate the offer of a satisfactory adjournment on the various Bills we will receive between now and the date the Government hopes to finish.

However, I would like to know what major pieces of legislation the Government wants to get through in the next four weeks. I have in mind one or two Bills on which, as Leader of the Opposition, I would like reasonable adjournments—by which I mean more than one day. I am thinking particularly of the Mining Bill.

The Hon. W. F. Willesee: I think I can relieve your mind about that now.

The Hon. A. F. GRIFFITH: Then I have no need to carry on about the Mining Bill.

The Hon. W. F. Willesee: I did not mention it before because I was not sure.

The Hon. A. F. GRIFFITH: Does that mean the Mining Bill will not be dealt with during this session?

The Hon. W. F. Willesee: There is every hope of that.

The Hon. A. F. GRIFFITH: That is in the hands of the Government. I thank the Leader of the House for the information. Perhaps he could give us some idea about the other Bills the Government wants to get through. Such information would allow me and other members in the Chamber to know which Bills we will have to sit down and study.

I am more than prepared to continue the co-operation which has existed between the Leader of the House and myself as Leader of the Opposition, to the extent that, as far as I am concerned, Bills of no consequence could be received and dealt with through all stages in one day. I would like to use the time we make up in that way on Bills that will require more consideration.

It is only now, when I stand here in the position of Leader of the Opposition for the time being, that I realise the tremendous task the Leader of the Opposition had when I was sitting where Mr. Willesee now sits, with absolutely no assistance, apart from the goodwill of my own members, in researching the legislation and sometimes working long hours in doing so. I am sorry that we, as a Government, left the Leader of the Opposition in that situation. Something should have been done about it. I realise that now. I was probably taken up with the obligations imposed by my own job and I was not aware of the situation in which the Leader of the Opposition was placed.

The Hon. W. F. Willesee: At the same time, I am not finding this job any sinecure.

The Hon. A. F. GRIFFITH: If the experience of the Leader of the House is in any way similar to mine, I am sure he finds the job of Minister and Leader of this House is no sinecure.

I simply want to say I agree to the motion and would be grateful if the Leader of the House could give us some information in relation to the important Bills. If he cannot do so now, perhaps he could find out from the Premier and let us know later on.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.00 p.m.]: I thought the time was a little premature for me to endeavour to specify legislation, although I did consider

the question. I can assure the Leader of the Opposition and the House that at a later stage, when all the legislation is before us, I intend to confer with the Premier to ascertain his priorities in order that I may inform the House accordingly.

The Hon. A. F. Griffith: I would like to know about the legislation before it gets to us.

The Hon. W. F. WILLESEE: By that I mean when I know the last Bill has been introduced in the Assembly. Legislation is still coming forward in that House, and I do not know what priority the Premier will place upon it.

With regard to the Mining Bill, the Minister for Mines is going away on the 4th November, and I think it would be a physical impossibility for him to get the Bill through the Assembly and presented to this House before then. I am sure we will not see it here this session.

However, I have noted the point raised by the Leader of the Opposition, and as soon as I am in a position to do so I will get down to tin tacks and find out what Bills are to be dealt with. We are not badly placed at the moment, but we could have a rush of legislation and, if so, we will need to work out our priorities. I have no doubt that some Bills will be left over to the next session.

Question put and passed.

NEW BUSINESS: TIME LIMIT

Suspension of Standing Order No. 116

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.02 p.m.]: I move—

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

Question put and passed.

ENVIRONMENTAL PROTECTION ACT AMENDMENT BILL

Personal Explanation

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.03 p.m.]: I would like to make an explanation to the House regarding an error I made when moving the second reading of the Environmental Protection Act Amendment Bill. To emphasise the meaning of the Bill I read out a particular clause. Unfortunately, I read the clause as it was originally introduced, and I did not take note of the fact that it had been amended in another place. Perhaps I should again read the clause I read on that occasion. I said—

The proposed additional subsection reads as follows:—

If at any time a Council member ceases to hold office before the expiration of the period of his

appointment, the person who was at that time the deputy of that member is, until the office of a member is filled by the appointment of another member, entitled to attend any meeting of the Council and when so attending has all the powers, functions and duties of a Council member.

The following is what I should have read to the House:—

The proposed additional subsection reads as follows:—

If at any time a Council member ceases to hold office before the expiration of the period of his appointment, the person who was at that time the deputy of that member is, until the office of a member is filled by the appointment of another member, or until the expiration of three months from the date the Council member ceased to hold office, which-

ever is the lesser time, entitled to attend any meeting of the Council and when so attending has all the powers, functions and duties of a Council member.

I trust members will accept that explanation.

PERTH REGIONAL RAILWAY BILL

Third Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Railways)
[5.05 p.m.]: I move—

That the Bill be now read a third time.

During the Committee stage I was asked by the Leader of the Opposition and also by Mr. Ferry to enumerate the processes of decentralisation engaged in by the present Government in relation to the southern portion of the State. With your permission, Mr. Deputy President, I submit the following statement:—

COUNTRY	Amount of Government Assistance	Type of Industry	Capital Investment (excluding assistance)	Type of Assistance	Comments
Northam— Brake & Clutch Services	\$ 4,200	Brake and Clutch repairs	\$ 4,500	Guarantee	Funds were provided to purchase the business and reduce trade creditors.
Lenham Tanneries Pty. Ltd.	105,000	Sheepskin Tannery	75,000	Guarantee	Funds provided for land and buildings (\$55,000), plant (\$25,000), and working capital (\$25,000).
Kectah Products Pty. Ltd.	57,000	Extruded plastic goods	10,000	Guarantee	Funds provided for working capital (\$23,000) and land and buildings (\$34,000).
Pemberton— Pemberton Works	Joinery 30,000 } 28,000 }	Joinery works and construction	Guarantee	Funds provided for working capital purposes. Guarantee for \$28,000 issued shortly after repayment of the previous \$30,000. Firm is also being assisted by a General Loan Fund advance.
Merredin— Anted Industries:	10,000	Cabinet and joinery works	12,800	Guarantee	Funds required for debt repayment (\$6,000), purchase of plant (\$1,000), extensions to factory (\$2,000), and working capital (\$1,000).
Denmark— Schmidt, M.	20,000	Plastic moulding	16,400	Guarantee	Funds provided for clearance of existing loans (\$5,400), capital expenditure (\$10,780), and working capital (\$3,820).
Manjimup— Manjimup Cannlug Co-op. Pty. Ltd.	260,000 } 140,000 } 35,000 } 420,000 }	Fruit and vegetable cannery	28,000	Guarantee	Funds provided to take over debt outstanding on plant and machinery.
Pinjarra— Pinjarra Bricks P/L ...	110,000	Brickworks	214,000	Guarantee	Funds were provided for clearance of term loan (\$50,000), capital expenditure (\$30,000), and working capital (\$30,000).
Narrogin— Hunter, A. B.	4,000	Tool handles	Guarantee	Funds were provided for purchase of plant and machinery (\$1,770), and working capital (\$2,230). An existing guarantee for \$10,000 was given in 1967.
Katanning— Oat Milling Co. of Katanning P/L	38,605	Flour and oat millers	79,000	Guarantee	R. & I. Bank entered into a bond (under guarantee) with the Australian Wheat Board on behalf of the company.
Southern Meat Packers Ltd.	800,000 } 100,000 }	Abattoir	600,000	Guarantee	Funds were provided for the establishment and operation of an abattoir at Katanning.
Albany— Wallace Engineering Co. Pty. Ltd.	7,000	Engineering	Guarantee	Funds were provided for working capital purposes. The company has previously been assisted to the extent of \$31,000.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

**ALUMINA REFINERY (MITCHELL PLATEAU) AGREEMENT ACT
AMENDMENT BILL**

Third Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.10 p.m.]: I move—

That the Bill be now read a third time.

During the second reading debate on the Bill Mr. McNeill raised a question regarding the figures I had supplied in connection with possible employment as a result of the agreement. I promised to have the matter investigated and to reply at the third reading stage.

Mr. McNeill questioned the validity of projected employment figures of construction work force and permanent employees resulting from Alcoa's expansion programme at the Pinjarra alumina refinery. Inquiries have been made which have confirmed the original estimates. It can be anticipated that the construction work force will peak at 1,000, while operations of the expanded plant will result in an estimated increase of 250 permanent employees.

I am told that at the 1st September this year, 128 construction workers connected with the initial construction of the plant were still on site at Pinjarra, and at that time there were 370 operational employees. The number of construction workers has dropped to a current figure of 60 due to the phasing out of the initial programme, but probably this will be the lowest point reached before employment rises as a result of the expansion programme. There has been a slight rise in permanent employees to a current figure of 372.

The company is preparing for early commencement of construction, and a flow-on should be felt shortly in the construction and supply industries.

The Hon. N. McNeill: So those figures were not intended to be additional employment figures?

The Hon. W. F. WILLESEE: Yes, it is expected that the work force will peak at 1,000, so an additional number will be employed. At the moment I understand there are 370 operational employees and 60 construction workers on the site. The construction work force will rise to 1,000 at its peak.

The Hon. A. F. Griffith: So at some stage of the proceedings the work force will be 1,000?

The Hon. W. F. WILLESEE: Yes, it will peak at 1,000.

The Hon. A. F. Griffith: Is it not misleading to say that the expansion of the industry will give employment to 1,000 men?

The Hon. W. F. WILLESEE: I do not think so. It was not meant to be misleading. The expansion of the industry will provide employment for 1,000 men; the figure may have been embellished to its highest possible employment level. I think that was reasonable in the circumstances.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.13 p.m.]: I take the opportunity to thank the Leader of the House for carrying out the research requested by Mr. McNeill, and for telling us what the Government expects to be the employment situation when Alcoa proceeds with the construction of a further unit at Pinjarra.

It is clear, of course, that whilst the Government might not have intended to be misleading, 1,000 people will not be employed at the refinery at all; rather, at some stage the work force will reach a peak of 1,000 men. Probably Mr. McNeill, as one of the members for the area, was interested only in obtaining information concerning the overall level of employment. That is a different matter from peak employment of people who are required to move in, do their job, and move out again. Quite apart from the fact that Alcoa naturally will take some time to get going, it is obvious that the rate of absorption of the 1,000 men will be slow. I would venture to suggest that after the employment figure reaches a peak of 1,000 it will quickly start to drop again. However, I thank the Leader of the House for the information he has provided.

THE HON. N. McNEILL (Lower West) [5.15 p.m.]: I would first like to acknowledge the information which the Leader of the House has supplied in reply to a point I questioned. In passing, however, I would mention a comment he made when replying to the second reading debate when he said, "It is unfortunate that the employment figure was questioned because I do not think the figure would have been quoted had it not been closely examined."

I think the answer the Leader of the House has given fully justifies the query I raised; indeed I think it highlights the particular situation which has now been referred to by the Leader of the Opposition.

The impression was certainly gained by the people interested that there would be an increase in the construction work force of 1,000 and an increase in the permanent work force on site of 250 people. This clearly is not necessarily the situation.

It is quite a different thing to say there will be 1,000 men employed, possibly in addition to the existing construction work force, when, in fact, as the Leader of the House has now said, what is actually meant is that the construction work force may reach a peak of 1,000 at some time.

I think the comments of the Leader of the House were, in fact, quite timely and I hope it will be noted in the area concerned that, perhaps, this agreement will not have the impact of relieving the situation there as we formerly believed it would.

I do not wish to discuss the matter any further. I again thank the Leader of the House for his comments and, I repeat, I am glad I asked the questions in order to secure verification of the position.

Before I sit down I would like to say that by interjection Mr. Hunt said perhaps I was referring to an assumption. I did not disagree with that. This is the assumption being made by the people in the district at the present time. Once again I thank the Leader of the House for his reply which, I feel, vindicates my having pursued the question.

Question put and passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Report

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.18 p.m.]: I move—

That the report of the Committee be adopted.

THE HON. F. R. WHITE (West) [5.19 p.m.]: I would like to ask when the Minister proposes to answer the queries I raised in regard to clauses 7 and 9.

The Hon. W. F. Willesee: We are not going on with the third reading today.

The Hon. F. R. WHITE: I am asking the Minister for Local Government the question at this point of time.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [5.20 p.m.]: I understood that I was to give that explanation when I moved the third reading of the Bill.

Question put and passed.

Report adopted.

ACTS AMENDMENT (ROMAN CATHOLIC CHURCH LANDS) BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.21 p.m.]: I move—

That the Bill be now read a second time.

The Bill, which is being introduced at the request of the Roman Catholic Church, deals with matters relating to property of the church of all kinds within the Archdiocese of Perth, and the powers of His Grace the Archbishop in relation thereto.

The amendments which are sought relate to—

- (1) Change of name of the corporation sole from "Roman Catholic Bishop of Perth" to "Roman Catholic Archbishop of Perth";
- (2) Simplification of the method of fixing the corporation seal;
- (3) Provision to the effect that when there are any alterations between the Archdiocese or any other diocese, the Registrar of Titles or Registrar of Deeds can record the change of ownership on an application supported by a statutory declaration;
- (4) Provide for appointment of Vicar Capitular to act after the death of an Archbishop; and
- (5) Enlargement of the powers of the corporation relating to all kinds of property.

It is necessary to mention in regard to item 5, the powers can be exercised only in relation to property acquired by the church itself free of any trust.

As a matter of public policy the State could not give to the church unlimited rights of dealing with property given by the Crown on an express or implied trust for church purposes. Clause 14 (4) requires the prior approval of the Governor in respect of transactions affecting such lands. The Bill has been perused by the solicitors acting for the Archbishop and is satisfactory to them.

Members will be aware that it has been the practice for Governments to introduce legislation of this type on behalf of the church involved. My colleague, The Hon. J. Dolan, introduced a Bill to assist the Presbyterian Church in this manner last April.

I commend the Bill as being necessary for the more effective control by the church of its property.

Debate adjourned, on motion by The Hon. V. J. Ferry.

STOCK (BRANDS AND MOVEMENT) ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Minister for Police), read a first time.

SALES BY AUCTION ACT AMENDMENT BILL

Recommittal

Resumed from the 21st September.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; the Hon. J. M. Thomson in charge of the Bill.

Clause 6: Amendment to section 4—

The DEPUTY CHAIRMAN: Progress was reported on the clause, which had been recommitted for further consideration, and to which The Hon. D. J. Wordsworth had moved the following amendment:—

Page 4—Delete paragraphs (d) and (e).

The Hon. D. J. WORDSWORTH: For the benefit of members I would repeat that these two paragraphs concern the public declaration at an auction of the name of the successful bidder.

At the moment the legislation provides that a successful bidder will give his name to an auctioneer or his assistant. I feel this is ample. I do not think it is right for the successful bidder to have to publicly call out his name.

Penalties are provided if the successful bidder gives the wrong name. I feel it is important that it should not be necessary for a successful bidder to publicly call out the name of the purchaser. Since this matter was last before the Committee we have had an opinion from the Western Australian Livestock Salesmen's Association which confirms the opinion that it is not necessary for us to compel people to publicly declare for whom they are bidding. The situation is amply covered in the parent Act.

The Hon. J. M. THOMSON: I take it, Mr. Deputy Chairman, that you will first deal with the deletion of paragraph (d).

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): No, we will take the deletion of both paragraphs together.

The Hon. J. M. THOMSON: I oppose the deletion of paragraphs (d) and (e) contained in lines 22-27 inclusive, though I am prepared to accept that the successful bidder who supplies incorrect information to the auctioneer as to the name of the purchaser should be liable to a penalty.

I feel, however, that \$50 is not a sufficient penalty for a person who gives a false name, particularly in the view of the cash and other transactions that occur. I feel that a successful bidder who supplies false information as to the name of the purchaser should be subject to a penalty of \$150 rather than \$50.

The Hon. J. HEITMAN: Last time we considered this Bill I think I said we had not had a chance to consider what the auctioneers had to say in the matter. I got in touch with them and they have

written a letter dated the 29th September, 1972 which indicates their views as follows:—

It is not considered practical nor necessary for the person purchasing livestock to make a public declaration as to ownership. It is recommended the wording should be altered to the effect that the individual actually bidding at the sale must identify himself and/or his Company to the Auctioneer at the fall of the hammer. If bidding on behalf of another party the successful bidder must advise the Auctioneer full details as to name and address at the conclusion of the auction. Any extension of this thinking is an intrusion on the liberties and rights of the person or persons concerned in the transaction.

If a sale is to be stopped while a purchaser publicly declares his name to the auctioneer it will mean that the speed of the sale will be inhibited.

Anyone who has had a great deal to do with the sale of stock will know that the flow of a sale is most important in selling by auction and if we do away with this speed in the roll of a sale, as we call it, I feel sure people will receive lower prices and the sale will not be as effective as at present.

The Hon. R. THOMPSON: I am a little alarmed at the course the debate on this Bill has taken. Over the years members have had an opportunity to know exactly what Mr. Jack Thomson has had in mind in his attempts to clear up a most unsavoury situation. Most members agree that his objective is worth while.

However we are reaching the point where we are being a little ridiculous inasmuch as on several occasions one member has said that pig sales should not be included because certain Commonwealth officers attend these. This is a public auction system and we are not being just to ourselves or to anyone else if we enact laws to protect certain people and assist them to break the law. That is what we are tending to do.

The Hon. J. Heitman: Of course we are not.

The Hon. R. THOMPSON: Why then was the reference made to the Commonwealth officers? It was implied that if they find out the prices paid and the names of the purchasers of pigs the sellers could be in some sort of trouble. If I am wrong, I will certainly apologise, but the impression I have gained after listening to the debate—and I am sure anyone else listening to the debate or reading it will have gained the same impression—is that we are protecting someone so that he can carry out transactions at an auction sale, the proceeds of which would not, I assume, be taxable.

This is a public auction system and I have yet to attend a public auction and see a sale take place in regard to which the purchaser does not declare his name if called upon to do so. We must be honest with ourselves before we proceed past this point.

The Hon. D. J. Wordsworth: What if some animals at an auction sale are knocked down to Elders, Esperance?

The Hon. R. THOMPSON: What is wrong with that?

The Hon. D. J. Wordsworth: We must change that now.

The Hon. R. THOMPSON: We do not.

The Hon. D. J. Wordsworth: We are trying to overcome the trouble to which Mr. Jack Thomson has referred.

The Hon. R. THOMPSON: I cannot see why we must change it.

The Hon. A. F. Griffith: If a man asks Elders to buy some stock for him and the auctioneer knocks that stock down to Elders, Esperance, does that disclose the name of the purchaser?

The Hon. R. THOMPSON: No.

The Hon. A. F. Griffith: There is no public declaration in that.

The Hon. R. THOMPSON: Elders, Esperance, is the purchaser.

The Hon. A. F. Griffith: Who do you think will receive the account?

The Hon. R. THOMPSON: Elders, Esperance. My understanding is that when a person buys something and it is knocked down in his name at an auction, he receives the account. Is someone going to tell me he does not?

The Hon. A. F. Griffith: If you sit down for a moment I could tell you he doesn't.

The Hon. R. THOMPSON: In that case I will sit down and listen to the Leader of the Opposition.

The Hon. A. F. GRIFFITH: If I asked a stock company to buy some stock for me at a sale, the stock would be knocked down to the stock company purchasing on my behalf and I would get the bill, because it would be known the stock was being purchased for me. Is that not right?

The Hon. J. Heitman: Yes.

The Hon. A. F. GRIFFITH: How would the world at large know the stock was purchased for me?

The Hon. R. Thompson: Who sends the account—the auctioneer?

The Hon. A. F. GRIFFITH: No; the stock firm. It is my understanding that if I rang a stock agent and asked him to attend a certain sale to buy some stock for me, and the agent was successful, the stock would be knocked down in the name of that agent who would be aware he was

buying for me; and he would send me the account for that stock. Where is the disclosure of my interest?

However, under the Bill that agent would have to declare my name as the name of the purchaser.

How many times have members read in the paper an article stating that a property had been sold for a certain figure to an undisclosed buyer? Is this an untoward business practice? The purchaser may not desire to disclose the fact that he bought the property. Quite often I have seen such an article. Has not Mr. Ron Thompson?

The Hon. R. Thompson: Not in relation to an auction sale but only in relation to private negotiations following an auction.

The Hon. A. F. GRIFFITH: All I can do then is to advise the honourable member to read the paper because he will find many such references.

The Hon. R. Thompson: Not the way you say it.

The Hon. A. F. GRIFFITH: Yes. The weekend papers would perhaps be the best ones to read for this purpose. I think we have all consciously or unconsciously seen references to the fact that various properties have been sold at certain figures to undisclosed buyers.

I am concerned because although Mr. Jack Thomson's intention is good, in trying to correct an anomaly he will put many other people in a position in which they should not really be placed. Do not let us imagine everyone is a criminal in this scheme of things.

The Hon. R. Thompson: I don't.

The Hon. A. F. GRIFFITH: An unfortunate experience occurred in Albany and Mr. Jack Thomson is trying to ensure it does not occur again. However, in his attempt he is affecting many other people. I know I have said that the criminal law is intended to catch the criminals and not those who do not break the law; but this provision goes a little too far. To satisfy Mr. Ron Thompson I must say that the name of the purchaser is undisclosed at certain property auctions. If he does not know this, I certainly do.

The Hon. R. THOMPSON: I do not think the contents of newspaper articles solve anything. I have attended some auction sales and the subject of the auction is usually knocked down to the bidder who for the most part is named. A public declaration is made. A property cannot be knocked down to Father Christmas. The purchaser must be named.

Under the provision, if an agent is commissioned by someone to attend a sale to purchase certain stock, that is not a transaction between an outside person and the auctioneer; and the bidder does not have to declare he has bought stock on behalf of someone else. There is nothing wrong with that. We could not draft a

law to stop that type of transaction, and we do not want to. Therefore I do not know what we are arguing about. If an agent were buying on order for someone, and the stock were knocked down to it, the agent would send the invoice to whoever commissioned it to purchase the stock.

The Hon. D. J. WORDSWORTH: The provision is that the successful bidder must publicly declare that he bought the cattle or farm produce on behalf of another person, so the auctioneer cannot write down "Elders".

The Hon. R. Thompson: The person is buying for Elders for sale to someone else.

The Hon. D. J. WORDSWORTH: Elders is not selling to someone else at all.

The Hon. R. Thompson: All right. If the person for whom Elders was buying did not pay, the auctioneer would collect the amount from Elders, would he not?

The Hon. D. J. WORDSWORTH: Yes, because the auctioneer writes down the name of the person for whom Elders is bidding. That is the law as it is today.

The Hon. R. Thompson: And if that person defaults, who gets the account?

The Hon. D. J. WORDSWORTH: Elders.

The Hon. R. Thompson: Of course.

The Hon. D. J. WORDSWORTH: But that has nothing to do with it.

The Hon. R. Thompson: Of course it has.

The Hon. D. J. WORDSWORTH: If that is true I am very happy. The point I am making is that I do not think Elders should have to publicly declare the name of the person for whom the stock is being bought.

The Hon. R. Thompson: I agree with you.

The Hon. D. J. WORDSWORTH: If it is true that under the provision the bidder does not have to publicly declare the name of the person for whom the purchase is being made, then perhaps Mr. Jack Thomson will agree to write this into the Bill and this would thus clear the matter up very quickly.

The Hon. J. M. THOMSON: My main objective is to avoid the recurrence of a situation which occurred at Albany—and which is recurring—and which was responsible for the introduction of this measure. The Act contained no provision for a public declaration appertaining to sale by auction and thus the police authorities were unable to take the necessary action under the Act. It was ultimately taken under the Criminal Code.

This was pointed out to me at the time by one legal person and by quite a few others who were interested in the proceedings before the court. Indeed others

who were not at the court had approached me and said that something should be done to obviate the existing situation which has been allowed to drift along because of a lack of teeth in the present legislation.

It was thought desirable that, when a bid was made, there should be a public declaration of who the stock was knocked down to. This entry would be made in a register and would be available to police officers or stock inspectors to verify.

The question has been asked: If stock is knocked down to Elder Smith and Company, is there need to declare publicly that it was knocked down to that firm?

The Hon. G. C. MacKinnon: If it was knocked down to Elder Smith while that company was acting as agent for someone else, whose name would appear in the sale book?

The Hon. J. M. THOMSON: Elder Smith and Company.

The Hon. A. F. Griffith: Your Bill is completely abortive.

The Hon. J. M. THOMSON: Just one moment. If Elder Smith were buying for, say, Mr. Smith or Mr. Jones, the actual owner's name—the person to whom the stock was being sold—would be recorded in the register, although it was knocked down to Elder Smith.

The Hon. G. C. MacKinnon: That contradicts what you said a minute ago.

The Hon. T. O. PERRY: I see nothing wrong with the Bill as it is. If I go to an auction sale personally and buy stock my name is actually called out and recorded. If I am too busily engaged on the farm and do not wish to attend the sale, I could well ask a stock firm to buy on my behalf. What is wrong with the stock firm which is buying on my behalf declaring that it is doing this?

For many years some stock firms had amongst their employees people who themselves were engaged in farming. They bought and sold on behalf of themselves but did not declare their own names—merely the name of the stock firm for whom they were operating. Quite a deal of skulduggery went on.

If I attend a stock sale and buy stock, the normal practice would be for my name to be called out; I would be identified as the purchaser of the stock. If I do not attend and ask a stock firm to buy on my behalf, surely there is nothing wrong with the stock firm declaring on whose behalf it is buying. I see no reason for the amendment.

The Hon. G. C. MacKinnon: As I understand it, Mr. Jack Thomson said that Mr. Ron Thompson was wrong.

The Hon. J. M. Thomson: No.

The Hon. G. C. MacKINNON: Let us go back to the beginning. Mr. Ron Thompson said that if a representative of a stock firm acting as an agent were to make a bid and the stock were knocked down to that representative, the name in the sales register would be that of the stock firm—the agent.

When Mr. Jack Thomson was asked to answer the question he said that if Elder Smith made the bid, the agent's name would be entered in the book. Within 70 seconds he contradicted himself and said that if the agent were bidding for a legitimate buyer, the name to be declared—and therefore entered in the sales register—would be that of the genuine purchaser and not the agent.

This is what Mr. Perry understood Mr. Jack Thomson to mean, because Mr. Perry said he could see nothing wrong with that. However, when I asked Mr. Jack Thomson whether Mr. Ron Thompson was wrong, he said, "No." He has contradicted not only himself, but Mr. Perry.

The Hon. R. Thompson: We can clear that up.

The Hon. G. C. MacKINNON: I would like Mr. Jack Thomson to clear this up. I shall state it simply. If I ask an agent to buy on my behalf and go up to X dollars, whose name does that agent have to declare? I would like Mr. Jack Thomson to say "Mr. MacKinnon" or "Elder Smith and Company." It is as simple as that. If this question is answered in an equally simple way we would understand the position and do away with the contradiction.

The Hon. R. THOMPSON: I do not want any confusion to exist as to what I did or did not say.

The Hon. G. C. MacKinnon: Tell us what Mr. Jack Thomson means.

The Hon. R. THOMPSON: Mr. Jack Thomson can speak for himself. If we relate paragraph (d) to the parent Act, section 4 (3), will read in part, "such actual successful bidder publicly declares to . . ." In other words, he makes a public declaration. He could say, "Elder Smith and Company." Alternatively, he could say that the firm purchased the cattle on behalf of another person and give the name of that person. Consequently, he has a choice. If he wants to say, "Book it down to Mr. MacKinnon" he can do that. However, in accordance with the schedule to the Bill the name of the successful bidder will be recorded. It amounts to nothing more nor less than that. The person has the choice of saying, "I am bidding for Elder Smith," or "I am bidding for Mr. MacKinnon."

The Hon. G. C. MacKINNON: Let us go back to the case in point which led up to this. Let us consider the fellow who bids

for stock as the purchasing agent. When the auctioneer asks who it is, let us say he says, "John Citizen." The auctioneer writes this down. According to Mr. Ron Thompson this would be perfectly all right in the event of the cattle being purchased by him, because he has a choice. We all know the story of a person who made a deal with the auctioneer, and of the cattle that were transferred through at an increased price. In other words, this is fraud and can be picked up under the Criminal Code. Every Act does not deal with every transgression which can be made under the particular legislation.

Mr. Ron Thompson is saying that precisely the same thing can happen if Mr. Jack Thomson is successful in having the Bill passed. Therefore, it is a waste of time.

The Hon. R. THOMPSON: There is a difference. Under the old system a public declaration was not necessary. This is where the legislation was left open. The auctioneer is duty bound to write down whatever name is called out, whether it be Elder Smith, Mr. MacKinnon, or Mr. Thomson. That is the public declaration which must be entered into the book, as contained in the schedule.

Previously, there has been no public declaration. Section 4(3) states—

Notwithstanding anything in the foregoing provisions of this section, where the actual successful bidder at a sale by auction of any cattle or farm produce immediately after the auctioneer conducting such sale—

It is not after he has knocked it down. To continue—

—has indicated such actual successful bidder informs such auctioneer—

In other words, he must inform the auctioneer that he either bought it on his own behalf or on behalf of someone else. The public declaration, which is to be a must, should clear up the situation. The public declaration will state that the stock was bought by, say, Elder Smith and Company, Mr. MacKinnon, or Mr. Thomson. The auctioneer would be under a penalty if he were to change anything after that has happened. The situation is perfectly clear.

The Hon. I. G. MEDCALF: I think Mr. Ron Thompson has, in fact, clarified this considerably—at any rate, in my own mind. It is quite apparent to me it is not necessary for anyone to make a public declaration. I had earlier thought this was Mr. Jack Thomson's intention. I understood originally that if somebody bought stock at an auction sale, on behalf of somebody else, that person had to make a public declaration. I must confess I made my comments to the measure on this assumption.

The Hon. G. C. MacKinnon: We have been suffering under a serious misapprehension.

The Hon. I. G. MEDCALF: I had made my comments on the assumption that the successful bidder will have to make a public declaration as to who is the real purchaser. I think Mr. Ron Thomson has clarified the point and has drawn our attention to the fact that this is not the effect at all.

I must say I feel rather guilty and I apologise to Mr. Jack Thomson for having directed my comments on the incorrect assumption that the measure would require every purchaser to make a public declaration. I agree with Mr. Ron Thomson that there is a choice after a sale. Elder Smith and Company has been mentioned frequently, but I will change the name of the agent and make it Wesfarmers, Narrogin. If the successful bidder says, "Wesfarmers, Narrogin" he does not need to say any more. That is Mr. Ron Thomson's point, with which I agree. If he says more, it will not be sufficient to tell the clerk of the auctioneer; he will have to make a public declaration if he decides to state the name of the person for whom he is really buying.

As I see it—and I think Mr. Ron Thomson would agree—it is not necessary for any public declaration to be made at all. That appears to be Mr. Jack Thomson's intention and is certainly the effect of the Bill as I understand it. I must confess this changes my whole attitude to the legislation.

The Hon. G. C. MacKinnon: The buyer's anonymity can be preserved.

The Hon. I. G. MEDCALF: Yes, the buyer's anonymity can be completely preserved, simply because the successful bidder does not need to make any public declaration unless he wants to. If he wants to, he can, but if he does not want to, he need not do so. This puts a different complexion on the measure and I am indebted to Mr. Ron Thomson for clarifying this point.

Amendment put.

Point of Order

The Hon. A. F. GRIFFITH: Mr. Deputy Chairman (The Hon. F. D. Willmott), Mr. Medcalf was on his feet when the question was put.

The Hon. I. G. MEDCALF: I was on my feet, but I hesitated because I had just spoken. I did not think I was entitled to speak again. I wondered why Mr. Jack Thomson had not commented to indicate whether this was, in fact, his intention.

The Hon. G. C. MacKinnon: I saw Mr. Medcalf rise and consequently I remained seated. I was rather alarmed that Mr. Jack Thomson had left the entire explanation to Mr. Ron Thomson. We asked Mr. Jack

Thomson specific questions, and he has not answered them. Knowing how courteous he is by nature, I thought he would have reassured us that the Bill now before us will do what he intended it should. We are presuming a little if we accept Mr. Ron Thomson's interpretation of the Bill and the amplification of it made by Mr. Medcalf unless we have confirmation from Mr. Jack Thomson.

Committee Resumed

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): I did not see Mr. Medcalf rise. I apologise to him. As there seems to be some confusion, I will put the question again. The question is that the paragraphs proposed to be deleted be deleted.

The Hon. L. A. Logan: Mr. Medcalf sat down and then stood up again.

The Hon. G. C. MacKinnon: He did get up again.

The Hon. J. M. THOMSON: He cannot do that. In reply to the question put to me, I said that the name to be entered in the register would be that of the stock firm. I agree with the comments made by Mr. Ron Thomson and Mr. Medcalf. Although I was held to ransom by one or two speakers because of my answer, I repeat that the name of the stock firm will be the one to be entered in the register.

The Hon. A. F. GRIFFITH: I would like to pose a question to Mr. Jack Thomson because I am now completely and utterly confused. I thought the intention of this measure was to obtain a public declaration of the name of the successful purchaser of certain stock.

At one stage I named myself as a hypothetical purchaser of stock through a stock firm. I said that under this provision the stock firm purchasing for me would have to declare my name. I thought it was agreed that my name would have to be declared. Now I am told, if I have correctly interpreted the remarks of the sponsor of the Bill, that this would not be so. The stock firm could purchase the stock for me and declare that it had purchased it for itself. Does the honourable member agree that he made this statement?

The Hon. J. M. Thomson: No.

The Hon. A. F. GRIFFITH: Will the honourable member please tell me what he did say?

The Hon. J. M. THOMSON: As I stated a few moments ago in reply to a question as to whose name would appear in the register, I said the name of the stock firm which was buying the stock would be entered.

The Hon. A. F. Griffith: Despite the fact that the stock firm was buying the stock for someone else?

The Hon. J. M. THOMSON: The stock firm's name would appear in the register as the successful bidder for the person for whom it was buying the stock. If I have not made myself clear at this point, I am very sorry. Mr. Arthur Griffith has confused himself as well as one or two other members.

The Hon. A. F. GRIFFITH: I admit that I am confused, and I apologise if I have added to any already confused situation. Mr. Jack Thomson told the House that the stock firm purchasing stock for an individual would declare its name as the purchaser.

The Hon. J. M. Thomson: On behalf of the person for whom it is making the purchase.

The Hon. A. F. GRIFFITH: We are back to that again. Perhaps I could put it another way. Mr. A asks a stock firm to purchase some sheep for him. A member of the stock firm attends a public auction and buys a number of sheep for Mr. A. Mr. Jack Thomson has told us that the name to go in the register as the buyer is that of the stock firm.

The Hon. J. M. Thomson: On behalf of the person for whom it is purchasing the stock.

The Hon. A. F. GRIFFITH: Mr. Jack Thomson is contradicting the remarks made by Mr. Ron Thompson, who said that the name appearing in the register would be that of the stock firm.

The Hon. J. M. Thomson: The person on whose behalf it is purchasing stock.

The Hon. A. F. GRIFFITH: Mr. Ron Thompson did not say that. At one stage he said the stock firm would have a choice; it could give its name as the buyer of the stock or the name of the purchaser on whose behalf it acted. I am sure everyone must be as confused as I am.

If Mr. Ron Thompson is correct in saying that the stock firm does not have to disclose the name of the purchaser, why do we need the clause?

Sitting suspended from 6.07 to 7.30 p.m.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): The question is that the paragraph proposed to be deleted be deleted.

The Hon. F. R. WHITE: I have not spoken on this clause previously, but in view of the prolonged debate that has taken place I consider it is necessary to spell out what the amendment under discussion will do to the parent Act. If the amendment is agreed to, then section 4 of the Act will provide that many situations concerning the recording of names will take place. Section 4 of the principal Act reads as follows:—

Any auctioneer or any clerk of an auctioneer who knowingly enters in any register or book kept or required

to be kept by such auctioneer as the purchaser of any cattle or farm produce sold by auction any name other than the name of the actual successful bidder . . .

I repeat that the auctioneer who knowingly enters a name other than the name of the successful bidder will be liable to a penalty because he has committed an offence. That is subsection (1) of section 4. Subsection (2) of the same section reads—

If the clerk of any auctioneer enters in any register or book kept or required to be kept by such auctioneer as the purchaser of any cattle or farm produce sold by auction any name other than the name of the actual successful bidder for such cattle or farm produce the auctioneer shall, unless he proves to the satisfaction of the court that he did not know that a name other than the name of the actual successful bidder was entered as aforesaid, be guilty of an offence . . .

Therefore, under this clause, it would appear that the name of the successful bidder shall be entered in the register.

We now reach subsection (3), which is the subsection with which we are dealing, and it reads—

Notwithstanding anything in the foregoing provisions of this section, where the actual successful bidder at a sale by auction of any cattle or farm produce immediately after the auctioneer conducting such sale has indicated such actual successful bidder informs such auctioneer—

- (a) that he bid for such cattle or farm produce on behalf of another person; and
- (b) of the name of such other person,

This subsection provides that if a bidder is successful with his bid the auctioneer shall enter the name of that successful bidder in the register if the successful bidder does not make a public declaration. However, if he makes a public declaration immediately he buys on behalf of somebody else and states the name of that other person, then that other person's name shall be entered in the register.

The Hon. J. Heltman: Do you not think the books are already kept satisfactorily without keeping a special register?

The Hon. F. R. WHITE: The point is that at the moment we are dealing with subsection (3) of section 4 which seeks to include a protective provision for the auctioneer. This will protect him in a particular set of circumstances if he enters the name of a person other than the name of the successful bidder, but that name would have to be publicly declared by the successful bidder as the name of the person on whose behalf he is buying.

Nowhere does it say that the successful bidder shall publicly declare his name. It merely states that the auctioneer shall enter the name of the successful bidder in the register; it does not state that the successful bidder shall publicly declare his name. Where a successful bidder wants the name of some other person entered in the register he can only do this if he immediately declares publicly that the cattle have been knocked down to him.

So, Mr. Deputy Chairman (The Hon. F. D. Willmott), if I am the buyer and you are the auctioneer, you will knock down to me the final bid that I make. I say no more if I want the sale recorded in my name and you or your clerk will record it in the register with no public declaration being made. However, let us say I am buying on behalf of John Smith, who may or may not be present. I make the final successful bid, but I am not too happy about the financial position of John Smith, and I want him to be loaded with the financial responsibility of paying the bill. I would then immediately declare publicly his name as being the final purchaser and, as a result, he will get the bill. This will protect me from receiving a bill that I do not want, and will protect the auctioneer from entering the name of a person other than myself in the register.

The Hon. S. T. J. THOMPSON: It would appear that we have forgotten what we were trying to do on the Government side in 1969, because the 1969 Bill which I have before me contains the words "publicly declare" which are identical with the words in this Bill.

The Hon. G. C. MacKINNON: I think we have reason to be grateful to Mr. Ron Thompson and Mr. White for explaining the purpose of Mr. Jack Thomson in this Bill. I am at a loss to understand two things; firstly, Mr. Perry's purpose in his explanation, because he merely gave us the opposite point of view. He said that the fellow who finished up with the cattle on the farm was the man whose name had to appear in the register. Also, Mr. Syd Thompson's contribution has made me a little doubtful, because I am not quite sure what was in the 1969 Bill.

The Hon. S. T. J. Thompson: Much the same as that which appears in this Bill.

The Hon. G. C. MacKINNON: I am at a loss to understand what that has to do with it.

The Hon. S. T. J. Thompson: We helped to introduce it on that occasion.

The Hon. G. C. MacKINNON: Mr. Perry's contribution to the debate has left me a little surprised, because when he made his speech I was quite sure he was right, but now I do not think he is. However, by a painful method of extraction we

have probably reached a clear understanding and perhaps we may now hear from Mr. Wordsworth concerning his amendment.

The Hon. I. G. MEDCALF: I think Mr. White has set out the correct position; namely, it is not necessary for a successful bidder to disclose the name of the person for whom he is buying. I will not mention the names of those people who were actually responsible for the introduction of this Bill, because they took their punishment under the Criminal Code. However, a certain person bought cattle at an auction under a fictitious name. In fact, he said, "I am Westlake Graziers" and when he bought the cattle it was bought under the name of Westlake Graziers which, as I have said, was a fictitious name. This Bill would not change that in any respect, because if the bidder does not make a public declaration the cattle would stay in the name of Westlake Graziers.

It is entirely up to the successful bidder whether or not he discloses the name of the real buyer. In the case I have quoted the ultimate buyer became Thomas Borthwick & Sons as a result of another transaction with the successful bidder. He resold the sheep to Thomas Borthwick & Sons at a profit of 150 per cent.

A study of the Bill will show we now have a situation where the actual successful bidder who is, say, Westlake Graziers, bids and buys the cattle. The bidder need not disclose the name of the real purchaser and so he does not do so. It is entirely up to the fraudulent purchaser whether he discloses the name of the real buyer. Accordingly, he was fraudulent before he came to the auction and he is fraudulent after he leaves.

I thought Mr. Jack Thomson was endeavouring to overcome such a situation by forcing such people to come into the open and disclose the name of the real buyer, but that is not so because, as Mr. White has explained, this is not the purpose of the section under discussion. The purpose of the section is merely to give the successful bidder, if he wishes to do so, an opportunity to disclose the name of the real buyer. However, if he does not wish to disclose the name of the real buyer he is not obliged to do so. On the other hand, if he does decide to disclose the name of the real buyer he then immediately makes a public declaration, but it does not matter whether he writes a letter to the auctioneer or mentions it to the auctioneer's clerk after the sale.

If he is a fraudulent buyer he will not be prepared to disclose the information. If I were buying stock for Thomas Borthwick & Sons, or I wanted to buy stock in my name or for a company with a fictitious name, I would not make a public declaration. The auctioneer would know that I

was from Westlake Graziers, but I would not say that I was buying for Thomas Borthwick & Sons. I would take the stock back to my property after the sale, and then resell the stock to Thomas Borthwick & Sons. If a person is inclined to be fraudulent he will break the law. This particular provision in the Bill will not achieve the desired objective.

I thought Mr. Jack Thomson desired to force the successful bidder to disclose the party for whom he was bidding. People will only become aware of the real buyer if the successful bidder chooses to disclose the name. The amendment of Mr. Jack Thomson appears to be no different from section 4 of the Act, except that if the buyer chooses to divulge the name of the party for whom he is buying he may make a public declaration.

The explanation given by Mr. White follows the lines of that given by Mr. Ron Thompson. This does appear to be the essence of the Bill; to enable a successful buyer to make a public declaration by divulging the name of the party for whom he is buying. I thought Mr. Jack Thomson was genuinely attempting to overcome some of the problems that have arisen by forcing the buyers who are bidding for stock on behalf of other parties to come out into the open.

The Bill contains other provisions which are worth while, but the particular one to which I am making reference will only result in the honest buyers declaring the names of the parties for whom they are buying, and in the dishonest buyers continuing to do what they have been doing.

The Hon. F. R. WHITE: I agree with Mr. Medcalf that private buyers will not be prevented from carrying on nefarious practices; but I also believe the intent of the Bill will be put into effect by preventing the books and the employees of auctioneers from being utilised for the purpose of these practices.

The Hon. D. J. WORDSWORTH: If Mr. White refers to the provision in clause 5 he will find that every auctioneer who conducts sales by auction shall enter the particulars on each day that he conducts a sale. That means he has up till 12.00 midnight on the particular day to complete the books.

The Hon. J. M. THOMSON: Mr. Heltman has raised the point as to what is wrong with the existing set of books that are kept. The problem has arisen from the type of books that are used by the auctioneers and their clerks. In this regard one particular firm kept a set of books which was different from that of the other auctioneers; and this set of books was considered by the investigating officers to be satisfactory.

It was because certain entries in the books were altered on the day of a sale by a clerk on the instruction of the auctioneer, and the name was changed to another name to make it look like a resale that the problem arose. For that reason a public declaration is necessary, as it will enable officers who are charged with administering this legislation to inspect the books and the particulars, where they have any suspicion. That is what has applied in the Eastern States since 1968, but whether or not there has been an alteration since I do not know. The whole purpose of the public declaration is to enable the officers to check the registers and books.

Amendment put and negatived.

The Hon. I. G. MEDCALF: I move an amendment—

Page 4—Add after paragraph (e) the following new paragraphs:—

(f) by inserting after the word "enters" in line 12 of subsection (3) the words "in good faith", and

(g) by adding at the end of subsection (3) the following words "as notified by the actual successful bidder".

This is really a minor amendment, and it does not affect any of the principles that have been put forward in the Bill. This amendment seeks to protect the auctioneer and his clerk, in the event of their being given incorrect information. We have already agreed to clause 5 which provides that every auctioneer who conducts sales by auction of cattle shall keep a register or book, and shall make an accurate entry of the particulars of all cattle he has sold on that day. If he is to make accurate entries then he should be given a let-out if he is given incorrect information.

The Hon. J. M. THOMSON: I have no objection to the amendment.

Amendment put and passed.

The Hon. D. J. WORDSWORTH: I move an amendment—

Page 4—Add after paragraph (g) the following new paragraph to stand as paragraph (h):—

(h) by adding a new subsection (4) as follows—

(4) A successful bidder who supplies any wrong information to the auctioneer as to the name of the purchaser shall be liable to a penalty not exceeding fifty dollars.

I feel my amendment does not need any further clarification; it has been freely debated.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): So that members of the Committee will be clear on this amendment, it will now be paragraph (h) instead of paragraph (d).

The Hon. J. M. THOMSON: I wish to indicate to the Committee that I am in favour of the suggested amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Bill again reported with further amendments.

LIQUOR ACT AMENDMENT BILL

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 7 amended—

The Hon. R. J. L. WILLIAMS: I have an amendment on the notice paper which I think I should explain. The Bill includes a new interpretation of "dining room", which did not appear in the principal Act. The definition reads as follows:—

"dining room" means—

- (a) any separate room; or
- (b) any part of a separate room, which part is clearly distinct and not used for the same purpose as the remainder of the separate room,

I wish to draw the attention of the Committee to the fact that on some premises where a room is used as a bar—as, indeed, is the case in the members' bar in this place—part of that room can be used for dining purposes only. I feel that paragraph (b) should be amended to read—

- (b) any separate part of a room, which part is clearly distinct and not used for the same purpose as the remainder of the room,

That would have a different interpretation altogether. If I use the bar in this place as an example, meals could be served, if necessary, to the left of the bar facilities. However, that is not a separate room; that is a separate part of a room and that is what I am trying to introduce with my amendment. My intention is to clarify the terminology, and for that reason I move an amendment—

Page 3, line 1—Insert after the word "any" the word "separate".

The Hon. W. F. WILLESEE: I submitted the proposed amendment to the Parliamentary Draftsman for comment, and he has said that it is purely a matter of drafting. The Parliamentary Draftsman favours the wording contained in the Bill. The wording proposed by Mr. Williams would have no different effect.

The Hon. F. D. WILLMOTT: I prefer to see the Bill the way it is written because, in my opinion, it makes better sense. The clause deals with the definition of a dining room, whether it is a separate room or a part of a separate room. I think the purpose of the clause is that rooms where meals are to be served have to be separate from other activities in hotels. The reason for the inclusion of "part of a separate room" is to cover the situation where a bar is used only by the people who are in that room for the purpose of taking a meal.

The Hon. R. THOMPSON: If my memory serves me correctly we discussed this matter at length when the Liquor Act was introduced several years ago. On that occasion country members mentioned that functions could be held in a separate room away from a bar, in which a meal could be served. I think that was the reason for the particular phraseology at the time. I support the view expressed by Mr. Willmott.

The Hon. R. J. L. WILLIAMS: In spite of the far better advice which I have received I am happy to go along with the Leader of the House and Mr. Willmott. However, I am convinced that if a case comes before a court the definitions of "any part of a separate room," and "any separate room" will be liable to many interpretations, and will provide a bonanza for someone. I have no objection to what has been said, and I seek leave of the Committee to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. F. D. WILLMOTT: I move an amendment—

Page 3, line 28—Delete the word "noon" and substitute the words "half-past twelve".

The Bill provides that where an hotel ceases to trade at 10.00 p.m. in the evening on Anzac Day it will start to trade at 12.30 p.m. However, for some peculiar reason the Bill also provides that in areas where hotels close at 11.00 p.m. on Anzac Day, they will commence to trade at noon.

The purpose of my amendment is to bring the two types of hotels into line so that they will both commence to trade at 12.30 p.m. on Anzac Day. I have discussed my amendment with the R.S.L., and that organisation is in agreement with my proposal.

The Hon. W. F. WILLESEE: I support the amendment. I think a mistake might have been made in another place.

Amendment put and passed.

The Hon. D. J. WORDSWORTH: I would like to say a few words concerning the obligations of hoteliers regarding the supply of meals. I think the provision of

meals is a carry-over from the days when a hotelier received many benefits from holding the only license in a town.

I want to point out that many hotels are still obliged to open their dining rooms during meal hours. However, licenses are now granted to clubs and other premises but the hotels still have to keep their dining rooms open.

I am fully in agreement with the liberalisation of the liquor laws and the creation of additional licenses, but I think further consideration should be given in the future to revising the obligation to keep a dining room open. Not only is the hotelier obliged to keep a dining room open, but he is also not allowed to lease the dining room.

If we are to have a tourist trade, one of the things we must do is ensure that good meals are available, particularly at country hotels. While a hotelier is probably an expert in running the house and the bar, he runs the dining room merely because he is obliged to do so, and many hotels suffer as a result. If hoteliers were permitted to lease their dining rooms, they could lease them to people who were interested in serving good meals and hotels would then be able to compete with the restaurants. I merely make those comments.

Clause, as amended, put and passed.

Clauses 5 to 7 put and passed.

Clause 8: Section 24 amended—

The Hon. R. F. CLAUGHTON: I move an amendment—

Page 5, line 25—Insert after the word "amended" the subclause designation "(a)".

In explaining the reason for the amendment, I do not think I can do better than repeat what Mr. Willmott said when speaking to the second reading. It seems unjust that a person can go to the limited session and buy beer or wine while a spirits drinker is not able to obtain the drink he prefers. My amendment is intended to provide him with the same opportunity that other people have to obtain the drink of his choice.

The Hon. W. F. WILLESEE: This provision was put into the Bill by way of amendment in another place by Mr. R. L. Young, the intention being to limit the sale on Sunday of liquor in sealed containers because of the effect of spirits compared with that of beer. If we accept the amendment proposed by Mr. Cloughton we will revert to the situation that existed under the original Bill. I think that would be the position.

Mr. Willmott said he could not see any reason why spirits could not be supplied on a Sunday. Because of the effect that spirits can have on some people who may drink in a park or similar place, I am

inclined to limit the supply of spirits on a Sunday, but not in the country where one would buy a bottle of spirits and drive home to consume it. I have the old-fashioned idea that it is preferable to take two bottles of beer under one's arm and go home. I leave it to the Committee. I will vote for the clause as it came before the Chamber.

The Hon. F. D. WILLMOTT: I am in favour of the amendment Mr. Cloughton has moved. As I said in my second reading speech, I do not see why one should not be able to purchase spirits on a Sunday when one can purchase one-third of a gallon of any other type of liquor. It may overcome the objection of the Leader of the House if I point out that the amendment does not propose to enable one to purchase one-third of a gallon or two bottles of spirits. It is limited to one bottle. I think it is fair enough that a farmer or mill worker coming into a hotel from a distance on a Sunday should be able to take home one-third of a gallon of any liquor he likes. Why should he not be able to take home one-sixth of a gallon of spirits?

The Hon. W. F. Willesee: He might not come back for a week, either.

The Hon. A. F. GRIFFITH: I suppose I should know the answer to the question I am about to ask, because I introduced the Liquor Bill. Does the present Liquor Act not limit the purchase to two bottles? I understood Mr. Willmott to say one can buy one-third of a gallon of any liquor other than spirits.

The Hon. R. F. Cloughton: That is right. The amendment included wine.

The Hon. A. F. GRIFFITH: One may buy one-third of a gallon of wine?

The Hon. R. F. Cloughton: One-third of a gallon of wine or beer. In the Act as it stands, one may buy only beer. It was amended to include wine. My amendment proposes that spirits be included. The original Bill included both wine and spirits.

The Hon. A. F. GRIFFITH: I think we should return to the original concept of the sale of liquor on a Sunday, which was that one should be able to have a cold beer on a Sunday. If the sale of liquor on a Sunday is to be extended to include also wine and spirits, the original intention in relaxing the law will disappear. I am in favour of removing from the Bill any reference to the sale on a Sunday of any liquor other than beer.

I will not give my reasons in great detail except to say that people who want whisky have six days of the week in which to purchase it. It might be acceptable to enable people to purchase wine at vineyards, but some undesirable practices occur on Sundays in connection with the

purchase of wine. I would rather the Act were limited to the purchase of beer on Sunday.

The Hon. R. F. CLAUGHTON: I am sorry the Leader of the Opposition adopts that attitude. The hotels are open for a period on Sundays when people can drink whatever quantity they desire, and perhaps even more than they should drink, including wine and spirits. Yet a person who has no wish to drink in a hotel would not be able to purchase wine or spirits for his own enjoyment at home. He would have to stand or sit in the hotel and consume it. I cannot see the sense or justice in that arrangement.

It has been accepted in the other Chamber that a person can buy two bottles of beer or wine to take home. I think it is reasonable that if a beer drinker can go to a hotel and buy one-third of a gallon of beer, a spirits drinker who does not care for beer or wine should be able to purchase the drink of his choice. It is not reasonable to place a restriction on the sale of bottles of spirits when it is considered that any person can go into the bar and consume spirits to his heart's content for the time the hotel is open.

The Hon. D. J. WORDSWORTH: I support the amendment because I feel we are judging the whole of Western Australia on the city. In my province there are many communities living between 50 and 70 miles from a hotel. In those places the local storekeeper may not have applied for a bottle license because the cost of his applying for it would probably amount to several thousand dollars and there is every chance that it would not be granted—and probably rightly so, because the Licensing Court might feel that if he were granted a bottle license it would reduce the chance of there ever being a hotel in the town. People who work on farms at such places as Munglinup and Condingup go into Esperance on Sundays, and they should be able to buy bottles of liquor to take home. They can buy groceries and other things but not liquor.

The Hon. A. F. Griffith: A licensed store would not be open on a Sunday.

The Hon. D. J. WORDSWORTH: People can go into the local town 10 miles away any day of the week to buy those goods. They may be 10 miles away from the nearest town but 70 miles away from a hotel. They should be permitted to buy a drink when they go to a town on a Sunday.

The Hon. J. Heitman: Can they buy their groceries on Sundays?

The Hon. D. J. WORDSWORTH: No, but there is a local store which is not allowed to sell liquor.

The Hon. J. Heitman: Are you telling me they travel 70 miles to a store to buy liquor?

The Hon. D. J. WORDSWORTH: If they are in the town on a Sunday watching the football, they should be able to buy some liquor and take it home. We are assuming that every person who buys a bottle of spirits on a Sunday is going to sit down and drink it there and then. Only a very small percentage of the population acts in that manner—a few natives in the north, for instance. I do not think we should judge the whole community by them.

The Hon. A. F. GRIFFITH: I will need some help from the Chamber on this Bill. I ask: Are we judging the whole community or are we speaking about a section of the community in relation to a prescribed area? Are we not talking about a prescribed area?

The Hon. R. F. Claughton: Yes.

The Hon. A. F. GRIFFITH: How are we judging the whole community? Would Mr. Claughton's amendment allow me to buy two bottles of whisky in the metropolitan area on a Sunday?

The Hon. R. F. Claughton: My amendment would not allow anybody to buy two bottles of whisky on a Sunday. It would allow people to buy one bottle of whisky on a Sunday.

The Hon. A. F. GRIFFITH: I am not clear about that. However, the Act states that one may purchase two bottles of beer. The Bill states that one may purchase two bottles of liquor other than spirits, and the amendment is to extend that privilege to include all forms of liquor.

The Hon. F. D. Willmott: The amendment is to include one-sixth of a gallon of spirits.

The Hon. A. F. GRIFFITH: So a person could buy two bottles of beer, two bottles of wine, or one bottle of spirits. I think we are now moving in a direction opposite to that in which we intended to move in the first place. I heard somebody say that a man could go to a hotel and drink to his heart's content. I do not know what that means, because some could drink to their hearts' content in two hours, whilst others could not. But, having drunk to their hearts' content, we now propose to allow them to drink themselves to the devil by purchasing a bottle of whisky or two bottles of wine. I do not like the clause or the amendment.

The Hon. R. F. CLAUGHTON: I am prepared to leave the matter to the decision of the Committee. As the clause stands a person will be able to buy two bottles of beer or two bottles of wine, and if my proposed amendment is accepted he will be able to buy a bottle of whisky. However, he must buy one or the other; he cannot buy two bottles of beer, two bottles of wine, and a bottle of whisky.

The Hon. A. F. Griffith: Where can he buy beer on Sundays under the Act?

The Hon. R. F. CLAUGHTON: I do not know, because I do not buy liquor on Sundays. I am sure the people concerned would know.

The Hon. R. Thompson: In the prescribed areas.

The Hon. R. F. CLAUGHTON: The Act states that the holder of an hotel licence may, if his licensed premises are situated within a prescribed area, in each of any two periods during which he is authorised to sell and supply liquor on a Sunday, sell one-third of a gallon of beer.

The Hon. A. F. GRIFFITH: I tried to offer a little guidance, but I have been contradicted. It has now been clearly enunciated that one cannot purchase beer, wine, or spirits on Sundays in other than a prescribed area. So I again pose the question to Mr. Wordsworth: How are we judging the whole community, because the whole community cannot buy liquor on a Sunday? Only those in prescribed areas may purchase liquor on Sundays. Therefore, the Bill extends the right to people in prescribed areas to buy wine on Sundays, and spirits if the amendment is accepted. Those are the dangerous areas in which that privilege should not be extended.

The Hon. D. J. Wordsworth: Why?

The Hon. A. F. GRIFFITH: Because wine and spirits might be sold to the wrong people. I will vote against the amendment and the clause.

The Hon. R. THOMPSON: I think we should clear up this matter. Section 24 (2) of the Act states in part—

Notwithstanding any provision of subsection (1) of this section—

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

The Hon. R. F. Claughton: That was amended to include wine.

The Hon. R. THOMPSON: I am referring to the principal Act, and not the Bill. In that subsection the words "liquor other than spirits" are to be substituted for the word "beer."

The Hon. A. F. Griffith: Can you tell me what is a prescribed area?

The Hon. R. THOMPSON: We had a lot of argument about this.

The Hon. A. F. Griffith: No, we didn't. You will find it recorded in *Hansard* that when I was the Minister I said I would prescribe a certain area, and it included the goldfields.

The Hon. R. THOMPSON: The Leader of the Opposition is jumping ahead of me. In 1966 or 1967 we had before us amendments to the old Liquor Act. We had some difficulty in this regard, and the supply of liquor on Sundays was limited to the goldfields area. That was when the then Minister suggested prescribed areas.

The Hon. A. F. Griffith: I said I would copy what was included at the time.

The Hon. R. THOMPSON: I agree with the Leader of the Opposition so far as spirits are concerned, but I cannot see any reason that a person should not be able to purchase two bottles of wine. Much of the wine sold in this State is a product of Western Australia. A person should be able to buy two bottles of Australian wines, or wines of any other origin. If I were visiting someone in the country and we went to the hotel for a drink, we might like to take a couple of bottles of wine to the house to consume with a meal.

The Hon. A. F. GRIFFITH: Each member of the Chamber knows which area of the State he represents. In no part of Mr. Thompson's electorate is he able to buy a bottle of any liquor on a Sunday.

The Hon. R. Thompson: I know that. If you were listening you would have heard me say, "If I were visiting someone in the country."

The Hon. A. F. GRIFFITH: Which part of the country?

The Hon. R. Thompson: It could be in the wheatbelt.

The Hon. A. F. GRIFFITH: Then the honourable member could not purchase wine, because that is not a prescribed area.

The Hon. R. Thompson: Well, the goldfields area.

The Hon. A. F. GRIFFITH: That is not the wheatbelt. I would venture to suggest that few members represent electorates to which this privilege is extended.

The Hon. W. F. Willesee: This raises the point of whether Mr. Wordsworth's province is 'n a prescribed area.

The Hon. D. J. Wordsworth: We belong to the goldfields zone.

The Hon. A. F. GRIFFITH: I think this matter raises a social problem. Mr. Ron Thompson suggests that we should be able to buy Western Australian wines on a Sunday. I do not think that enters into the argument, because we cannot specify that only Western Australian wines may be sold. I do not think we should extend the provision to include wine or spirits in prescribed areas, for reasons which I do not think I need enunciate because many people know what they are.

The Hon. CLIVE GRIFFITHS: I am also old-fashioned in that I do not believe we should amend the Act at all in this respect.

When Parliament passed the new Liquor Act and considered the situation of prescribed areas, it decided that persons in those areas should be permitted to purchase two bottles of beer on a Sunday. If it is intended to extend that to include two bottles of wine, I think we might as well extend it further so that such people may also purchase a bottle of spirits. Having done that, I think we could forget about the limitation of two bottles of beer, and allow them to buy a dozen bottles, because I can see the situation going from bad to worse.

A bottle of whisky in the hands of some people would be more liable to cause a social problem than a dozen bottles of beer in the hands of others. The original purpose of allowing people in prescribed areas to buy two bottles of beer was to enable them to take home a drink on a Sunday. Certainly it was not my intention to support the purchase of unlimited quantities of liquor on a Sunday. I think we are now going beyond what we first intended. Do we wish to do as Mr. Logan suggested some time ago and do away with the Liquor Act completely and allow an open slather?

The Hon. G. C. MacKinnon: You are not suggesting that?

The Hon. CLIVE GRIFFITHS: No, but I think this is another step in that direction, and I do not agree with it.

The Hon. R. F. CLAUGHTON: It is very seldom that I drink any liquor at home on a Sunday, but I do not see why I should prevent other people from doing so. We must remember there is a great deal of difference between the cost of a couple of bottles of beer and the cost of a bottle of spirits. I am not sure who it is proposed to protect by omitting wines and spirits from the legislation; but if it be Aborigines, I would doubt very much whether they would spend their money on a bottle of spirits as distinct from beer or wine. It seems that while we are endeavouring to protect those people we are depriving others of the opportunity to obtain the liquor they prefer. I hope the Committee will accept my amendment.

The Hon. R. J. L. WILLIAMS: We are dealing only with prescribed areas. Therefore, the amendment contained in the Bill which mentions "liquor other than spirits" is a very dangerous one for obvious reasons. By the same token, I agree with Mr. Wordsworth. I have been to Munglinup and Ned's Corner, and I know that those who visit Esperance for the day may wish to purchase a bottle of Scotch because the liquor cabinet may be empty. They would be doing no harm to anyone.

I agree with the Leader of the Opposition that this will create social problems. However those who may get into social bother by drinking a bottle of spirits are

usually those who cannot afford to purchase a bottle of spirits. I would like to stress that the parent Act says, "The holder of a hotel license may . . ."

It does not say "He must". The holder of the license may say to a person whom he thinks has had enough "You have had too much to drink and I can no longer supply you." Accordingly, the person who is unduly affected by alcohol and for whom it constitutes a social problem can be restricted by the word "may", and the person at Munglinup referred to by Mr. Wordsworth can be supplied for what may be termed a legitimate purpose.

The Hon. S. J. DELLAR: The points raised by the Leader of the Opposition and other speakers indicate there are areas in the State in which problems exist, and which may or may not lead to further problems.

Let us confine our remarks to the people living in the areas about which we are talking; people who at the moment have full drinking rights. If they wish, they can drink for five hours on a Sunday providing they have the money to do so. I am now talking of those in Carnarvon and other areas in the north. As a privileged Western Australian I am entitled, in those areas, to obtain two bottles of beer, but when I come to Perth I find that the people in the metropolitan area do not have this privilege; and in this regard I think the Act is antiquated. The people in the metropolitan area should be granted the same privilege.

The Hon. R. T. LEESON: I am inclined to disagree with Mr. Dellar to some extent. Quite frankly I would like to see the words "liquor and spirits other than wine" contained in the amending Bill.

In the area I represent wine shops are open six days a week, and on the seventh day people are given a rest from those who hang around wine shops. If we add wines to the Bill we will have seven days of hell instead of six. There would not be too many people in my area who would be happy with such a provision.

While I sympathise with those who travel long distances there is generally a hotel conveniently situated to cater for their needs. I am inclined to disagree with the amendment as it stands.

The Hon. A. F. GRIFFITH: I am very pleased to see what happens when we deal with a Bill on which members are free to speak as they wish.

The Hon. W. R. WITHERS: I consider many of us are being sanctimonious when discussing this Bill.

The Hon. A. F. Griffith: Speak for yourself.

The Hon. W. R. WITHERS: We are endeavouring to say "Thou shalt not drink anything but beer from a bottle on

Sunday." To my mind this is rather sanctimonious of us. By saying this we are seeking to protect certain people from a social problem. We do not propose to protect them during the rest of the week, but only on a Sunday. To my mind this is rather sanctimonious. I do not like the Bill in its present form.

The Hon. R. Thompson: You can amend it.

The Hon. W. R. WITHERS: That would be too much of a problem at this stage. If we are to allow alcoholic beverage to be sold on a Sunday we should not tell people what alcoholic beverage they may or may not drink. We should give them a free choice in this matter.

The Hon. J. HEITMAN: I cannot agree with Mr. Withers. I do not think we are being sanctimonious by limiting the drinking of bottled beer. There are four hours on a Sunday during which people can drink as much beer as they wish. All we are seeking to provide is that they be not permitted to purchase spirits. A man can get a skinful of beer on a Sunday anywhere he likes in this State.

One of the reasons for Kalgoorlie being made a prescribed area is that it has certain problems among which are those relating to shift workers and so on. This also applies to the northern areas of the State. We are not seeking to force people to drink out of bottles; we are merely enabling them to take home a couple of bottles of beer after they have been to the hotel. I cannot see why Mr. Withers should consider our attitude as being sanctimonious. Perhaps I am old fashioned, but I cannot agree to the amendment. I do not think we should allow people to buy bottled whisky on Sunday with a view to taking it home, particularly when they can do so on any other day of the week.

Amendment put and negatived.

The Hon. A. F. GRIFFITH: I intend to vote against the clause. If the Committee deletes the clause we will have left in the Act that which we originally intended. The reference is to a prescribed area, not to the metropolitan area or to the country towns that do not have the privilege at the moment. I cannot help but think that Mr. Claughton felt he was doing good for everybody in the community by moving his amendment. Is not that so?

The Hon. R. F. CLAUGHTON: Yes.

The Hon. A. F. GRIFFITH: It is a good man who admits what he has done. On the question of whether or not a man may be supplied with liquor, all I can say to Mr. Williams is that pigs may fly. Perhaps it is as well they do not.

The Hon. W. F. WILLESEE: While I am not violently opposed to the remarks of the Leader of the Opposition I intend to oppose his suggestion, and I hope the

clause is retained as printed. It has been put forward to try to alleviate the two-bottle situation as it relates to beer.

When dealing with a Liquor Bill we seem to anticipate what may or may not happen. It is only as a result of giving the Bill a trial that we know what will actually happen in practice. I know of certain families who would far more enjoy two bottles of wine in preference to two bottles of beer.

The Hon. R. F. CLAUGHTON: I prefer brandy and dry.

The Hon. W. F. WILLESEE: The honourable member may purchase his supply during the week or on Saturday afternoon. He may slip up to Kalgoorlie and buy some. I hope the Committee retains the clause as printed.

The Hon. A. F. GRIFFITH: I respect the view of the Leader of the House, although he did not tell us why the clause should remain as printed. The man who wants to drink wine on Sunday as the drink of his choice may not be a connoisseur, but at least he is able to select his wine in his own time and of his own free will and drink it at his home.

The man who is not a connoisseur and is likely to do himself damage as a result of drinking a couple of bottles of wine on top of a skinful of beer is the type of person about whom we are thinking.

If people want to drink wine on a Sunday let them buy this during the week and take it home. We will be in great trouble if we allow people to buy wine to drink on Sunday, particularly after they have drunk quantities of beer.

The Hon. R. F. CLAUGHTON: Most of my friends drink very little beer; some of them prefer wine. A man does not need to be a connoisseur of wine any more than he needs to be a connoisseur of beer. People drink wine for the same reason that people drink beer—it is a drink they prefer.

If a beer drinker is given the privilege of buying bottled beer on a Sunday because he did not have the forethought to keep himself supplied during the week why should the wine drinker be denied a similar privilege? I cannot see the logic of it at all. The same applies to whisky drinkers. There are those who prefer to drink whisky or brandy. This does not necessarily mean they are connoisseurs any more than beer drinkers are connoisseurs. Wine drinkers, of which there are many, should be afforded the same privilege as that given to beer drinkers as this relates to the purchase of bottles on a Sunday.

People will not necessarily drink wine on top of a skinful of beer. We might as well say that a person who has been drinking wine will buy a couple of bottles of beer to drink on top of a skinful of wine. It makes just as much sense.

The Hon. J. Heitman: And it would make the drinker just as sick.

The Hon. R. F. CLAUGHTON: That is correct. The provision is designed for those who do not want to drink in the hotel, but who prefer to drink at home.

The Hon. G. C. MacKINNON: Perhaps I could refer members back to the time when this provision was first included in the Act, to enable a man who had been drinking in a hotel in Kalgoorlie to take home a couple of bottles of beer to Mum who was slaving over the washing or cooking the dinner on a Sunday.

The Hon. D. J. Wordsworth: What if Mum drinks wine?

The Hon. G. C. MacKINNON: We have all hedged around the question, but we all know the problem involved. It concerns the unsophisticated Aborigines in certain areas who have a preference for wine. Incidentally I do not know whether the wines include fortified wines. I take it that they include any wine other than spirits.

The Hon. W. F. Willesee: Any wine on the shelf.

The Hon. G. C. MacKINNON: The areas involved are usually those where only one policeman is stationed. I remember that in its wisdom Parliament refrained from including Wiluna and I can well recall the difficulty experienced at the hospital at Meekatharra because almost the entire population at Wiluna moved in a body to Meekatharra. I can recollect all the trouble that was experienced at the hospital and the tremendous upsurge in beatings and general problems.

Our hedging has gone far enough. I intend to support Mr. Arthur Griffith and vote against the clause. Not enough care has been exercised to specify the type of wine to be served. The effect of liquors is absolutely diabolical.

We are not talking about the sophisticated drinker who wants a bottle of cabernet with his lunch because such a person, if he were down in the city, would not be able to get that particular liquor anyway, as Mr. Arthur Griffith has been at great pains to point out.

The Hon. D. J. Wordsworth: No-one in the bush is sophisticated enough.

The Hon. G. C. MacKINNON: No. It is a great shame that so many must put up with the problems involved. Certain groups of people need to be looked after at this stage. We have an obligation to ensure not only that they are looked after, but also that life is made a little easier for the publicans, the policemen, and the staff of the hospitals involved. We should therefore vote against this clause.

The Hon. G. W. BERRY: I agree with Mr. Arthur Griffith and Mr. MacKinnon. No-one has been inconvenienced by the Act as it is and consequently I do not consider a need exists for the clause.

Clause put and negatived.

Clauses 9 and 10 put and passed.

Clause 11: Section 30 amended—

The Hon. W. F. WILLESEE: I have two amendments on the notice paper and I would like to speak at length now in order that members may know the intention behind both amendments. It is proposed to delete from paragraph (a) of section 1 the words "light refreshment and to" with the object of inserting a new provision to deal distinctly with light refreshments. Paragraph (a) will then deal only with entertainment as it relates to the service of liquor.

Under the principal Act of 1970, section 30 authorised the holder of a cabaret license to supply liquor on premises with, or ancillary to, entertainment. The amending Act of 1970 extended this provision to read "with or ancillary to light refreshments and to entertainment". It is thought the wording of the amending Act of 1970 did not make it obligatory for clients to consume light refreshments as a condition to procuring the service of liquor; but it required licensees to have available light refreshments as required by patrons.

Parliament having repealed and re-enacted subsection (1) of section 30 as affecting hours of trading, an impression has been formed that in future it will be obligatory for patrons to consume a meal if they are to avail themselves of the liquor service. In the re-enacted provisions in this Bill this was not intended; nor was it intended under the 1970 amendment.

The sole purpose of the amendment now proposed is to remove any doubt in the matter by deleting the reference to light refreshments in paragraph (a) and to insert a new paragraph (b) which expressly states that light refreshments must be available continuously for purchase and consumption on the premises by persons requiring such refreshments.

It is believed that by segregating the entertainment, which must be provided ancillary to the service of liquor, from the light refreshments there will be no scope for confusion. I therefore move an amendment—

Page 6, line 31—Delete the words "light refreshment and to".

Amendment put and passed.

The Hon. R. F. CLAUGHTON: I move an amendment—

Page 7, line 1—Delete the word "ten" and substitute the word "nine".

This amendment merely seeks to revert to the original legislation. Cabaret owners had proposed that their hours of trading should be extended by one hour to 4.30 a.m. because they felt that was the time

desired by those who patronised their establishments. In order to obtain this privilege they were prepared to relinquish an hour at the beginning of the evening. In this way the number of hours during which they traded would have remained the same.

In the process of the amendment being dealt with in another place, the Committee agreed to the 10.00 p.m. commencing time, which was a separate part of the amendment; but when the discussion took place on the second portion, the Committee in that Chamber would not agree to the 4.30 a.m. As a result, under the Bill as it stands at present, the cabaret owners will lose an hour's trading. My amendment is simply to have their hours reverted to those in the Act.

The Hon. V. J. FERRY: I agree with the amendment as it is in accordance with the point I raised during my second reading debate. I consider that 9.00 p.m. is a more reasonable time than 10.00 p.m.

The Hon. A. F. GRIFFITH: I just wonder how much further we will go when liberalising licensing laws in taking away from hotels the trade which they are entitled to receive. When we look back on the Licensing Act before it became the Liquor Act—which is a long way back—the principal form of liquor license was a hotel license with all the obligations which went with it.

I do not suppose it would be exaggerating to say that under the Act now a dozen or more different types of licenses can be obtained, all of which have made inroads into hotel trade. Despite this we still spell out in the Act that the Licensing Court has the authority to do this, that, and the other thing. It orders hotels to better their improvements and to have meals and rooms available and in many parts of the country these facilities are not used. Nevertheless the hotels must make these facilities available. We have reached the stage now where the inroads into hotel trading are considerable.

If this Bill is passed in its present form the cabaret or night club will be able to open between 10.00 p.m. and 3.30 a.m. I understand that the cabaret operators desire to stay open until 4.30 a.m.

The Hon. R. F. CLAUGHTON: That is what I said.

The Hon. A. F. GRIFFITH: Yes. Perhaps I am old-fashioned, but I believe everybody should be in bed by 4.30 a.m., unless he has some good reason for staying out to work. I think the Bill is all right as it stands. My comments relate to hotelkeepers, because I have some sympathy for these people in connection with the obligations which Parliament has imposed upon them. As amendments to the Liquor Act come before the Chamber from time to time we see further inroads, but

none of the requirements and the obligations which hoteliers must maintain are broken down. We gradually erode their ability to cope with the obligations which Parliament imposes upon them. I know that 9.00 p.m. is suggested now, but to my way of thinking 10.00 p.m. would not be a bad time.

The Hon. F. D. WILLMOTT: I also have some sympathy for hoteliers in connection with this matter. Mr. Claughton has said that holders of cabaret and nightclub licenses put forward the suggestion of starting at 10.00 p.m. with the idea of having an extra hour—until 4.30 a.m.—at the end. I said during the second reading that I would be opposed to this, because people would be coming out in daylight at this time of the year. Apparently some want to start at 8.00 p.m. and continue until 3.30 a.m. Part of their claim was that they were losing some of their trade to hotels. We must remember that hotels lost a great deal of their trade to these people in the first place. I think we cannot overlook this fact.

I would not be violently opposed to keeping to the provisions of the Act at present; that is, 9.00 p.m. to 3.30 a.m. These have been the hours all the time. I would not be opposed to this, but I certainly would be opposed to extending the hours further.

The Hon. W. F. WILLESEE: When I made inquiries about this amendment I was advised that when the time was moved back from 4.30 to 3.30 a.m. it was considered an oversight that the hour of 10.00 p.m. was not altered to 9.00 p.m.

The Hon. A. F. Griffith: When the time of 4.30 a.m. was not agreed to?

The Hon. W. F. WILLESEE: Yes. I understand that the adjustment of one hour should have been made at both ends. This was overlooked, and only one time was changed. This is the simple explanation which I have been given.

I feel that what has been said about the hotel trade losing consistently under the Liquor Act is true. I think I mentioned this on the last occasion the legislation was before the Chamber.

The cabaret situation is slightly different, because people usually go to cabarets for a night out in company. I think 9.00 p.m. is a reasonable starting time. Most people do not go to cabarets frequently whereas some frequent hotels regularly. In fact, they are called "regulars." These people go when they knock off work and have a few drinks each evening. A cabaret usually represents a night out. Sometimes it is a family get-together and often a big occasion. I think 10.00 p.m. is a little late and 9.00 p.m. is quite reasonable. Certainly a closing time of 3.30 a.m. would suit me. If I were to last that long I would be quite happy when I reached home.

The Hon. S. T. J. THOMPSON: I wish to speak in connection with the situation in country towns. I do not think hotels would be penalised. If people in the country go to a cabaret they must buy liquor from a hotel. Alternatively the people running the cabaret may set up a bar, but they must buy their alcohol from a hotel.

The Hon. A. F. Griffith: Are you saying that if a person goes to a cabaret in the country he has to buy his alcohol from the hotel first?

The Hon. S. T. J. THOMPSON: The cabarets can set up a bar if they have a function license.

The Hon. A. F. Griffith: That is a different section of the Act.

The Hon. S. T. J. THOMPSON: However, they still must purchase their alcohol from the hotel.

The Hon. A. F. Griffith: That is a different section of the Act.

The Hon. S. T. J. THOMPSON: I realise this, but the point I am making is that hotels in the country would not be affected whether the hour is 9.00 p.m. or 10.00 p.m. The hotels will still sell the same amount of liquor.

The Hon. F. D. WILLMOTT: I think Mr. Syd Thompson is quite confused over a cabaret. The cabarets about which we are talking are those which hold cabaret licenses; we are not talking about cabarets which are run in country towns. In the latter case, it is usually a get-together and the cabaret operates under a function permit; it purchases liquor from an hotel or another specified place. We are dealing with cabaret license holders who do not have to purchase their liquor requirements from someone else, because they obtain their supplies from the wholesalers.

The honourable member is thinking of a cabaret of the type which occurs in the country. This is an occasion for entertainment and is called a cabaret, but no licensed cabaret holders are involved.

The Hon. S. J. DELLAR: I intend to support the amendment basically for the reasons outlined by the Leader of the House.

The Leader of the Opposition said that hotels are being required by the Licensing Court to carry out certain obligations in accordance with the Licensing Act. I realise this is the case, but I remind the Leader of the Opposition that cabarets are also subjected to the conditions imposed by the Licensing Court. It has been said that cabarets have taken business from hotels and probably this has occurred in the past. However, many hotels take out a late entertainment license and provide entertainment until midnight. Of course this does not occur on every night of the week but it does occur on some nights.

Perhaps in this way hotels have been taking trade from cabarets. I consider the legislation is impartial and controls both section of the industry.

The Hon. R. T. LEESON: I wish to support the amendment. There are two nightclubs in Kalgoorlie which employ a considerable number of staff. I understand the nightclubs in the metropolitan area employ approximately 400 staff. I think something which has been overlooked is that the staff work on a permanent basis and derive their living from their work. They are paid by the hour, and if we are to shorten their working hours, we will be taking an hour's salary from them each night for reasons best known to ourselves.

The Hon. A. F. Griffith: That does it for me; keep it at 10.00 p.m.

The Hon. R. T. LEESON: One never knows what may happen. A man may have to work in one of these places one of these days.

The Hon. V. J. Ferry: Are you becoming a little shaky?

The Hon. R. T. LEESON: I support the amendment.

Amendment put and passed.

The Hon. V. J. FERRY: I move an amendment—

Page 7, lines 7 to 14—Delete paragraph (b) of proposed new subsection (1) of section 30.

I believe the provisions contained in this segment of the Bill extend the rights of the particular licensee rather outside the original intention of the Liquor Act of 1970. I understand that a theatre license was intended for the convenience of theatregoers and a cabaret license was intended to cater for members of the public requiring late-night entertainment and refreshment. I think the granting of occasional permits to either of these license holders is a little unnecessary and it will make a direct inroad into the hotel trade, as has already been mentioned tonight.

I do not intend to elaborate on this. Members will realise that my voice is not in the best condition tonight. I conclude my remarks and leave the debate to other members of the Committee.

The Hon. W. F. WILLESEE: I merely state that I will support the amendment, particularly as it is in line with the amendment in relation to hours which was moved by Mr. Cloughton and passed by the Committee.

The Hon. A. F. Griffith: You support Mr. Ferry's amendment?

The Hon. W. F. WILLESEE: Yes.

Amendment put and passed.

The Hon. W. F. WILLESEE: I move an amendment—

Page 7, line 16—Add a new paragraph to stand as paragraph (b) as follows—

(b) by adding after subsection (1) a subsection as follows—

(1a) The holder of a cabaret licence is required to make light refreshments continuously available for purchase and consumption on the premises, between the hours during which he sells and supplies liquor under the authority of paragraph (a) of subsection (1) of this section.

I have already outlined the reason for this amendment when I moved earlier to delete certain words in clause 11.

The Hon. A. F. GRIFFITH: I would like to ask whether there is any standard, determined by the court, for the type of refreshment to be provided by a licensee of this nature. The word "refreshment" could mean anything; hot pies or saveloys. Is there any standard of refreshment which the court can lay down?

The Hon. W. F. WILLESEE: The term "light refreshment" is frequently used. I do not know whether there is a definition of this term in the Act itself. I would understand light refreshment to mean a light meal—not a hot meal but perhaps cold meat and salads, or something of that nature. However, I am not an expert on this subject.

It is worth looking into this to see whether we can find a definition. I will take up this matter.

The Hon. A. F. Griffith: You could ask your officers to approach the court.

The Hon. W. F. WILLESEE: Does the Leader of the Opposition want to know what the court considers the term "light refreshment" means?

The Hon. A. F. Griffith: Yes, what the court determines.

The Hon. W. F. WILLESEE: That is reasonable. I will go into this and give an explanation at a later stage.

Amendment put and passed.

The Hon. V. J. FERRY: I move an amendment—

Page 7, lines 17 to 22—Delete sub-clause (b).

I believe this amendment is consequential on the amendment with which we recently dealt on the same clause.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 12: Section 31 amended—

The Hon. V. J. FERRY: I move an amendment—

Pages 7 and 8—Delete paragraph (b) of proposed new subsection (1).

This amendment is consequential upon the action we have just taken in respect to clause 11.

The Hon. W. F. WILLESEE: I think Mr. Willmott touched on this point. As Mr. Ferry said, it is a consequential amendment. This provision will enable holders of theatre permits to hold functions outside ordinary trading hours. I see no reason for objecting to the amendment.

Amendment put and passed.

The Hon. V. J. FERRY: I move an amendment—

Page 8, lines 6 to 11—Delete sub-clause (b).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 13: Section 33 repealed and re-enacted—

The Hon. W. F. WILLESEE: Mr. Dans has an amendment to this clause on the notice paper. Unfortunately he has gone home early as he was indisposed. I do not wish to deal with the amendment myself, and I therefore ask the Committee to support my motion. I move—

That the clause be postponed.

Motion put and passed.

Clause 14: Section 36A added—

The Hon. R. J. L. WILLIAMS: I move an amendment—

Page 10, line 4—Delete the words "consist of", and substitute the following:—"is situated in".

This is a question of interpretation. I do not see how premises can consist of a vineyard. Is it not more correct to say that the premises are situated in a vineyard?

The Hon. A. F. GRIFFITH: I am not satisfied that Mr. Williams is correct. Premises situated in a vineyard may be in the middle of it, on the side of it, or at the end of it.

The Hon. R. J. L. Williams: The clause will then read, "situated in a vineyard of not less than five acres." It can be anywhere in the vineyard.

The Hon. A. F. GRIFFITH: I think we know the intention of the clause—the premises must be situated in the land of the vineyard.

The Hon. R. J. L. Williams: The premises cannot consist of a vineyard.

The Hon. A. F. GRIFFITH: I would ask the honourable member whether he has consulted the draftsman?

The Hon. R. J. L. Williams: No.

The Hon. A. F. GRIFFITH: Perhaps the Leader of the House will enlighten us.

The Hon. W. F. WILLESEE: I have discussed this with the Attorney-General. He said that a vineyard constitutes premises on a vineyard, so "vineyard" is the operative word. The Parliamentary Draftsman said that the proposed amendment is a question of drafting, and the Parliamentary Counsel considers the present clause is satisfactory. The amendment implies that there is some doubt as to what constitutes a vineyard. For the purpose of a vigneron's license the premises consist of the premises and the vineyard itself so the actual site of the house is secondary.

The Hon. F. D. WILLMOTT: I thoroughly agree with the Leader of the House because the vigneron's license is tied to the vineyard or to the orchard consisting of not less than five acres. If we pass the amendment, the license would be tied to the premises and not to the whole property. I think it would be a mistake to pass this amendment.

The Hon. R. J. L. WILLIAMS: It is a matter of no great moment. I will withdraw the amendment.

The CHAIRMAN: The honourable member will have to seek leave to withdraw it.

The Hon. R. J. L. WILLIAMS: I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 15 to 18 put and passed.

Clause 19: Section 43 amended—

The Hon. W. F. WILLESEE: I move an amendment—

Page 11, line 32—Add after the word "meeting" the words "or to a person conducting a canteen at a livestock saleyard".

This amendment rectifies an omission by the draftsman and is consequent on the 1970 amendment of section 43. Proposed new subsection (3) of section 43 provides that when a function permit is issued for an agricultural show or race meeting, the liquor sold need not be purchased from the holder of an hotel license, a winehouse license, a tavern license, a store license, or a caterer's permit. The amendment now proposed includes canteens at livestock saleyards in the same category as agricultural shows and race meetings.

Mr. Willmott touched on this matter during the second reading debate. Frequent requests have been received from country residents seeking approval to purchase liquor for sale at functions from clubs and licensees other than hotels where the distance from hotels made the obtaining of supplies difficult. There seems to be no reason why hotels should have a monopoly in this field if inconvenience is caused to other persons. The purpose of function permits was to exercise control

over the functions held in other than licensed premises for the purpose of raising funds for various organisations. There is no evidence that individuals have been able to use this provision for their own personal gain. The number of small organisations which previously held gatherings where liquor was disposed of can now do so within the law by obtaining a function permit from the Licensing Court.

Amendment put and passed.

The Hon. F. D. WILLMOTT: I would like to raise a question with the Leader of the House. I think I know the answer, but I would like to be quite clear. It is specified in the Bill that the holder of a function permit may purchase liquor from the holder of a hotel license, a tavern license, or a winehouse license. Under the provisions of the Act, a winehouse license enables the licensee to sell and supply wine and brandy. Does this mean he may sell and supply only wine and brandy to the holder of a function permit?

The Hon. W. F. WILLESEE: I cannot give an authoritative reply, but in my opinion it would depend where the permit holder purchased the liquor.

The Hon. F. D. Willmott: I am speaking of liquor purchased from a winehouse.

The Hon. W. F. WILLESEE: The permit holder could not purchase spirits from a winehouse. He could purchase spirits from an hotel.

The Hon. F. D. Willmott: Yes.

The Hon. W. F. WILLESEE: The Act could not be stretched to allow the winehouse to sell spirits.

Clause, as amended, put and passed.

Clauses 20 to 26 put and passed.

Clause 27: Section 126 amended—

The Hon. V. J. FERRY: I move an amendment—

Page 16—Delete proposed new subsection (2b).

In placing this amendment on the notice paper I sought to draw members' attention to this particular part of the Bill so that they may be alerted to its provisions, and perhaps give further careful consideration to it. I realise that the proposed subsection was included to cater for the situation existing in many country hotels and licensed premises where raffle tickets are sold on behalf of charitable and sporting organisations under sanction from the Lotteries Commission. I believe it is a reasonable provision. However, I am concerned with the fact that this paragraph may allow the playing of bingo—if the legislation is passed—on licensed premises.

For this reason I feel we should look at this proposed new subsection, and I seek clarification on this point from the Leader of the House.

The Hon. W. F. WILLESEE: I do not know how far in depth the clause would go. As outlined by Mr. Ferry, if, for example, on a particular occasion a person wished to conduct a raffle or lottery on hotel premises permission could be obtained to conduct the lottery or raffle, but this provision would not permit the sale of lottery tickets over a hotel counter. If we delete proposed new subsection (2b) the sale of lottery tickets in a hotel would definitely not be permitted. It is a question of whether this small benefit should be conferred on the patrons of a hotel. I think the provision has been written into the Bill for that purpose.

At some stage when lotteries were initially conducted, a small country hotel was permitted to sell lottery tickets over the counter, but subsequently the sale of lottery tickets was taken over by certain shops in the locality and the hotel was no longer permitted to sell such tickets. I do not think any great harm would be done if we agreed to the amendment, but if the provision were left in the Bill advantage could be taken of it. I could obtain further information if the Committee so desires.

The Hon. F. D. WILLMOTT: There seems to be complete misunderstanding over this clause, because it has nothing to do with hotels. Proposed new subsection (2b) relates to an offence that is committed if anyone bets with another person. It deals with the playing of unlawful games and the conducting of lotteries. Section 35 mentioned in this provision relates to club licenses and not to a hotel license.

What may have helped to confuse the issue is that during my second reading speech I mentioned that if we were to grasp this as a defence for a club, why should we not make it applicable to a hotel? Very often, in country areas, a hotel provides the same services as a club. In many instances it is a community centre, and I referred to the Denmark Hotel as an example. I also mentioned that hotels do sell raffle tickets for the benefit of sporting organisations. If it is good enough for the holder of a club license to be able to use this provision as a defence against a complaint, I think a hotelkeeper should be entitled to do the same.

The Hon. W. F. WILLESEE: If the provision does relate to a club license I was really off the track, because I was dealing with section 126. I thought the amendment in clause 27 referred to section 126.

The Hon. F. D. Willmott: But this proposed new subsection is tied to section 35.

The Hon. A. F. Griffith: If you add "on premises licensed under section 35" you would get the correct meaning.

The Hon. F. D. Willmott: Section 35 applies to club licenses only.

The Hon. W. F. WILLESEE: We are seeking to amend section 126, so where does section 35 enter the position?

The Hon. F. D. Willmott: It is tied only to section 35 of the Act, and not to a hotel license.

The Hon. G. C. MacKinnon: If you read line 4 of proposed new subsection (2b) you will see that it reads "on premises licensed under section 35".

The Hon. W. F. WILLESEE: I thank the honourable member. I appreciate that I was on the wrong track.

The Hon. CLIVE GRIFFITHS: I thought section 35 related to clubs that were licensed. I was a little concerned when the Leader of the House said he may be prepared to agree to the deletion of proposed new subsection (2b), because I do not think he should. The provision relates to licensed clubs that apply to the Lotteries Commission for permission to conduct raffles so that they will not contravene the Act.

Members will recall that when we were discussing vigneron under another piece of legislation I read to the House a long list of organisations to which the Lotteries Commission was currently granting approval under section 18 of the Lotteries (Control) Act to conduct lotteries as defined in that section. Therefore, this part of the Bill merely seeks to grant protection to those people so that they will not break the law and consequently it should be retained. I am sure the Lotteries Commission did not suggest that it should grant permission to hotels to conduct lotteries on hotel premises.

The Hon. G. C. MacKinnon: Do you not think that Mr. Willmott had a good point in referring to one hotel in a remote country town?

The Hon. CLIVE GRIFFITHS: The position of a hotel in those circumstances is entirely different from a licensed club being granted permission to conduct a raffle.

The Hon. G. C. MacKinnon: A local parents and citizens' association may be able to obtain permission to conduct a raffle, so surely hotels should still be permitted to sell raffle tickets where they are situated in country towns.

The Hon. CLIVE GRIFFITHS: Let us talk about what is in the Bill. I think this provision in the Bill should be retained because it provides protection for people who are currently receiving permission from the Lotteries Commission to be exempt from any penalty.

The Hon. A. F. GRIFFITH: I believe the proposed new subsection was put in the Bill to cover the playing of bingo, because when we were debating the Lotteries (Control) Act Amendment Bill the Chief

Secretary pointed out to us that the game of bingo could not be played on licensed premises because this was precluded under section 126F of the Liquor Act. When Mr. Wordsworth asked the Chief Secretary if the game of bingo would be allowed to be played on licensed premises, the Chief Secretary replied, "Certainly not; section 126F precludes it."

If proposed new subsection (2b) remains in the Bill the game of bingo will not be precluded from being played on licensed club premises provided the Bill is passed by another place in the form it is in now. If it is passed in the present form it would provide that the game of bingo could not be played on licensed premises. We know the law is probably silent on whether or not a person—the Lotteries Commission having granted a permit to conduct a lottery or a raffle—commits a breach of this legislation or any other Statute if tickets are sold on licensed premises. I am of the opinion that it depends on the interpretation of a raffle or a lottery. I do not know whether the conducting of a lottery falls within the provision of section 126F.

I believe the intention of placing this provision in the Liquor Act was to give the necessary protection against any prosecution under section 126F of the Liquor Act in regard to an illegal game of bingo being played on licensed premises. If I am correct in that assumption, the Chief Secretary, when debating the other measure recently may have added further confusion to the situation, because he said it was the Government's desire for the game of bingo to be played not only on club premises but also on hotel premises. So I think the Government would find that the two pieces of legislation would conflict.

It all depends on what happens to the Bill that has passed from this Chamber to another place. If it is amended in another place we may still have to go to the Liquor Act or the Criminal Code to sort out this confusion. The safest course would be to agree to the amendment moved by Mr. Ferry and allow the existing practice to continue. Apparently it has been going on for a long time and nobody has said a word about it. Until the Crown Law Department is able to advise what is the correct situation, and until we receive a Message from the Governor as to what the Government will do with the other piece of legislation we should agree with the amendment moved by Mr. Ferry.

The Hon. W. F. WILLESEE: I wish to clarify the situation. I regret that previously I was reading notes that related to section 126F. The notes that I have in relation to clause 27 read as follows:—

The matter of sale of tickets in lotteries authorised by the Lotteries Commission was raised by licensed

clubs and an amendment drafted to allow sales in such circumstances. It would seem undesirable to allow such sales in hotels, but this is a matter of opinion.

So it was clearly stated, and I should have referred to it in the first instance. It does not, as the Leader of the Opposition thinks, deal with bingo specifically because it is for the sale of tickets in lotteries authorised by the Lotteries Commission. An approach was made by the licensed clubs.

I do not think the bingo issue comes into it. It is a question of whether or not we accept Mr. Ferry's amendment and delete the provision for the sale of tickets in lotteries by associated clubs. I do not think tickets can be sold in hotels.

The Hon. A. F. Griffith: No, they cannot.

The Hon. W. F. WILLESEE: Then it is a question of whether we include in the Bill a provision to cover licensed clubs.

The Hon. F. D. WILLMOTT: I want to know a great deal more about the intention before I am prepared to leave the provision in the Bill. As Mr. Griffith said, the playing of bingo will be controlled by the Lotteries Commission.

The Hon. A. F. Griffith: It would be a lottery permitted by them.

The Hon. F. D. WILLMOTT: I think this provision could be used for the purpose of playing bingo, and it would be used by some of the licensed clubs. I would not agree to the playing of bingo on licensed premises.

The Hon. CLIVE GRIFFITHS: If this Chamber had agreed to that particular Bill, as the Minister introduced it, then I could understand the attitude taken by the Leader of the Opposition and Mr. Willmott. However, the Chamber passed that Bill in an entirely different set of circumstances.

The Hon. F. D. Willmott: That Bill has not been agreed to, elsewhere, as yet.

The Hon. CLIVE GRIFFITHS: Until the Bill is agreed to the provision will not be included in the Lotteries (Control) Act and, therefore, we are presupposing that something which did not pass this House will eventually be included in the Lotteries (Control) Act.

The Bill now before us deals with a situation which prevails today, which is that licensed clubs receive permission from the Lotteries Commission to run certain raffles. The provisions of this Bill will simply give permission to licensed clubs to run raffles on their premises, and I can see nothing wrong with that. I would express an entirely different attitude if the word "bingo" were contained in section 18 of the Lotteries (Control) Act which, at the present time, is not the case. The

Bill which passed this House specifically excluded bingo from being played on licensed premises. We fought tooth and nail to get the Government to agree to that proposal. Special permission is provided for bingo, in the other Bill, and the provision we are now discussing simply applies to other lotteries covered by section 18 of the Act.

The Hon. A. F. GRIFFITH: The amendment to the Lotteries (Control) Act was necessary because the Crown Law Department considered that the playing of the game of bingo was unlawful. For that reason the Government introduced a Bill to amend the Lotteries (Control) Act to make the playing of the game of bingo lawful under the Lotteries (Control) Act. We amended that Bill some time ago.

The Government then introduced a new Bill, identical to the previous Bill—before it was amended—and at the same time drafted a Bill to amend the Liquor Act. The two Bills were written separately and the Chief Secretary said that if we did not agree to his Bill the way it was presented to us he did not think the Government would go on with it at all. The Government had in mind that the Bill had to be agreed to in the form it was presented to us, and the intention of the Bill was that the game of bingo could be played on licensed premises, whether hotel premises or club premises. I do not know whether or not it was intentional; I accept the word of the Leader of the House, of course. The Lotteries (Control) Act was amended to cover that situation to permit the game of bingo to be played. It was a defence, under section 126(F) of the Act, if the Lotteries Commission had given permission for the game of bingo to be played.

We amended the Lotteries (Control) Act Amendment Bill and sent it to another place in the same way as we did previously. If that Bill is agreed to by the Legislative Assembly, and returned to us in that form, then the Lotteries (Control) Act will provide that bingo is a game for which the Lotteries Control Board will be able to issue a permit, but a permit will not be issued in respect of licensed premises. In that case proposed new subsection (2b), in relation to the amendment to the Lotteries (Control) Act, becomes entirely and absolutely unnecessary. It can only have any value if what the Leader of the House has said is correct; that is, it is intended to be a defence under section 126(F) if a person is playing a game on licensed premises, the game being the selling of lottery tickets in a lottery permitted by the Lotteries Control Board. I am prepared to accept that explanation. If that Bill comes back from the Legislative Assembly unamended, then I think (2b) of this clause fits into the scheme of things. In those circumstances I am prepared to accept the word of the Leader of the House.

Perhaps I was a little suspicious at the time that the Chief Secretary told us that his Bill would permit the playing of bingo on licensed premises. Let us accept the proposal in good faith. If the Legislative Assembly does not return the Bill to us with a message that it has agreed to our amendment we should have another look at (2b).

The Hon. CLIVE GRIFFITHS: I take it that the Leader of the Opposition agrees with what I was saying. I repeat: if the amendment to the Lotteries (Control) Act does not come back in the form that it left here, then bingo will not appear in Lotteries (Control) Act at all.

The Hon. A. F. Griffith: Not unless we agreed to any amendments which might be made in another place.

The Hon. CLIVE GRIFFITHS: That is right. I think we have made the situation just as clear as did the Chief Secretary when he said, during the heat of the debate, that unless we agreed to the Bill in the form it was presented the Government would not go on with it. We were just as definite that if the Bill were not amended in the way we desired then it would not receive our sanction. The provision may well have been put into the Bill to cover the situation mentioned, but it also covers the existing situation which, I believe, warrants some consideration.

The Hon. W. F. WILLESEE: We have been getting along pretty well with this Bill and I do not want to cause a division unnecessarily. I am wondering whether to postpone this clause so that I can submit the remarks made and obtain an extensive reply.

The Hon. A. F. Griffith: I suggest the Leader of the House pass the clause, and if he does obtain any information which runs contrary to the views of some members the Bill can always be recommitted.

The Hon. W. F. WILLESEE: That is probably a better suggestion. The decision will rest with Mr. Ferry, who has moved an amendment.

The Hon. V. J. FERRY: I appreciate the debate which has ensued on this clause, and I also appreciate the comments of the Leader of the House and the assurance he has given. For that reason I seek permission to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 28: Section 127 amended—

The Hon. V. J. FERRY: I move an amendment—

Page 16, line 24—Insert after the word "permit" the words "or a function permit".

I have moved this amendment because I believe the onus of responsibility should be upon those who have the privilege of

making liquor available to people. The person supplying the liquor should be responsible for controlling the people to whom it may be sold, and for ensuring that those people conduct themselves in a reasonable manner at all times. That responsibility rests with the holders of other licenses and I see no reason why the holder of a function permit license should not, also, have that responsibility.

The Hon. W. F. WILLESEE: I have notes on this amendment which, for the record, I will read. They are as follows:—

Section 127 provides a penalty of \$100 for the offence of being drunk as a licensee, or being a licensee, or the servant or agent of a licensee, knowingly or carelessly permitting an intoxicated person to remain on the premises.

Also it is an offence to allow an unaccompanied juvenile to remain on the premises unless he is there to obtain a meal.

The proposed amendment to Clause 28 would place on holders of a function permit the same obligations in regard to the sale and supply of liquor to intoxicated persons as are imposed on holders of unlicensed club permits.

It may seem appropriate to cover the function permit if the unlicensed club permit is to be covered. There is an aspect here which the committee will have to think about in that club permits are issued to the club as such and not to persons, so there may be a doubt as to whether such can be effectively policed.

On the other hand, it could be said it would be appropriate to cover a function permit if the unlicensed club is also to be covered. I do not feel disposed to oppose the amendment.

The Hon. A. F. GRIFFITH: The last few lines of the clause read "consumption of liquor by the person is likely to induce a state of intoxication." It might well read "consumption of liquor by the person is likely to induce or increase a state of intoxication."

Amendment put and passed.

Clause, as amended, put and passed.

Clause 29: Section 129 amended—

The Hon. W. F. WILLESEE: I move an amendment—

Page 16, line 32—Add after the clause number "29." the subclause designation "(1)".

During his second reading speech, Mr. Willmott raised certain aspects concerning the court's approval to areas on licensed premises to which juveniles can be taken. The provision requiring the court's approval to the areas on licensed premises to which juveniles can be taken will come

into force on a day to be proclaimed. It is proposed to allow sufficient time for the court to hear and determine applications before the proclamation date.

The view is held in the Crown Law Department that the provisions of section 11 of the Interpretation Act are sufficient for the purpose of enabling rules to be made by the court to deal with applications made under the proposed new subsection (5) of section 129 of the Liquor Act. However, if the Committee has any doubt about this matter, it may wish to give support to the amendment to this clause which appears on the notice paper under my name.

The amendment I propose specifically provides that rules may be made by the court for the purposes of subsection (5) of section 129—such rules to have effect on and from a date prior to the date on which paragraph (b) of subsection (1) of section 29 is proclaimed to come into operation. The amendment also provides that applications may be made, heard, and dealt with, and all other matters incidental thereto may be done for the purposes of subsection (5) of section 129 prior to the date on which paragraph (b) of subsection (1) of section 29 is proclaimed to come into operation. There is no question but that the amendment proposed clarifies the position completely, and it is submitted to the Committee for consideration.

The Hon. F. D. WILLMOTT: I raised this matter during the second reading debate when I asked the Leader of the Opposition what the position would be if the application of one hotel licensee had been processed while the application of another hotel licensee had not been processed. I was under the impression that it would be necessary to proclaim that section of the Act before the applications could be lodged and processed. The proposed amendment deals with the matter completely and removes any doubt I had. I support the amendment.

Amendment put and passed.

The Hon. W. F. WILLESEE: I move an amendment—

Page 17, line 27—Add a subclause (2) as follows—

(2) Without limiting the application of the Interpretation Act, 1918 to and in relation to this Act, it is hereby provided that—

(a) rules may be made by the Court for the purposes of subsection (5) of section 129 of the Liquor Act, 1970 as repealed and reenacted by section 29 of the Liquor Act Amendment Act, 1972 so as to have effect on and from a date prior to the date on

which paragraph (b) of subsection (1) of section 29 of the Liquor Act Amendment Act, 1972 is proclaimed to come into operation; and

- (b) applications may be made, heard and dealt with and all other matters and things incidental thereto may be done for the purposes of subsection (5) of section 129 of the Liquor Act, 1970 as repealed and re-enacted by section 29 of the Liquor Act Amendment Act, 1972 prior to the date on which paragraph (b) of subsection (1) of section 29 of the Liquor Act Amendment Act, 1972 is proclaimed to come into operation.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 30 to 38 put and passed.

Postponed clause 13: Section 33 repealed and re-enacted—

Progress

Progress reported and leave given to sit again, on motion by The Hon. W. F. Willesee (Leader of the House).

PARLIAMENTARY COMMISSIONER ACT

Rules: Assembly's Resolution

Message from the Assembly received and read requesting concurrence in the following resolution:—

That pursuant to section 12 of the Parliamentary Commissioner Act, 1971, this House makes the following rules for the guidance of the Parliamentary Commissioner in the exercise of his functions—

1. These rules may be cited as the Parliamentary Commissioner's Rules, 1972.
2. In these rules, the term "the Act" means the Parliamentary Commissioner Act, 1971.
3. The Parliamentary Commissioner may from time to time, in the public interest or in the interests of any department, authority, organization, or person, publish reports relating generally to the exercise of his functions under the Act, or with the prior approval of the Parliamentary Committee, relating to any particular case or cases investigated by him, whether or not

the matters to be dealt with in any such report have been the subject of a report laid before either House of Parliament.

4. (1) The Parliamentary Committee shall consist of the persons from time to time holding the following offices—
in the Legislative Council—
The President,
The Chairman of Committees,
The Deputy Chairmen of Committees,
in the Legislative Assembly—
The Speaker,
The Chairman of Committees,
The Deputy Chairmen of Committees.

(2) At any meeting of the Parliamentary Committee five members shall constitute a quorum.

House adjourned at 10.27 p.m.

Legislative Assembly

Tuesday, the 24th October, 1972

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

BILLS (2): INTRODUCTION AND FIRST READING

1. Alumina Refinery (Muehea) Agreement Bill.

Bill introduced, on motion by Mr. Graham (Minister for Development and Decentralisation), and read a first time.

2. Coal Mine Workers (Pensions) Act Amendment Bill.

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

GOLD BUYERS ACT AMENDMENT BILL

Introduction and First Reading

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

Second Reading

MR. MAY (Clontarf—Minister for Mines) [4.37 p.m.]: I move—

That the Bill be now read a second time.