Mr BRYCE: The point that should concern members opposite, including the member for Murray in his highly marginal seat following the redistribution, is how much the people of Murray are going to believe anything that the Premier says when he trots out his long list of promises in view of the fact that he promised to do all these things in respect of the economy and promised this so-called wonderful education programme. The people of this State are sick and tired of listening to the promises and they are going to give this Government the thumbs down.

Question put and a division taken with the following result—

Ayes—18

Mr Barnett	Mr Harman
Mr Bertram	Mr Hartrey
Mr Bryce	Mr Jamieson
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr Moiler

(Teller)

Noes—27

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

(Teller)

Question thus negatived.

Motion defeated.

House adjourned at 1.07 a.m. (Thursday).

Legislative Assembly

Thursday, the 16th September, 1976

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

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): As is customary, I propose to have questions taken at a later stage of this sitting.

BILLS (2): INTRODUCTION AND FIRST READING

1. Wildlife Conservation Act Amendment Bill.
2. Artificial Breeding of Stock Act Amendment Bill.

Bills introduced, on motions by Sir Charles Court (Premier), and read a first time.

CHILD WELFARE ACT AMENDMENT BILL (No. 2)

Third Reading

Bill read a third time, on motion by Mr Ridge (Minister for Lands), and transmitted to the Council.

HIRE-PURCHASE ACT AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [2.23 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to streamline procedure before the Hire-Purchase Licensing Tribunal so as to obviate time wasting appearances by applicants, being busy personnel in the field of commerce, when initial applications for licences or annual renewal of applications for licences are being determined by the tribunal.

The first licences to credit providers issued under the Hire-Purchase Act expired on the 30th June, 1976. On the 25th June the tribunal heard over 100 applications for renewal of licences. This caused the attendance of applicants who naturally were occupied for some time in the process. The Act, as it stands, requires a "hearing" of applications whether contested or not.

Arising from the hearings for renewal on the 25th June some applicants lodged letters of complaint about the time wasting activity in appearing before the tribunal, simply to answer as to name and company, when no other evidence had to be adduced, and have the licence renewed.

The amendment will alter the law so that the appearance of applicants can be dispensed with, not entirely, but at least in cases where there is no evidence to be adduced, no submissions to be made, and no question to be put by the tribunal. This will allow the tribunal to reserve only matters, as necessary, for formal hearing when attendance of parties will be required.

I commend this Bill to the House.

Debate adjourned, on motion by Mr Harman.

TRANSPORT COMMISSION ACT AMENDMENT BILL (No. 2)

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Transport) [2.26 p.m.]: I move—

That the Bill be now read a second time.

The Bill relates to several amendments which experience has shown to be necessary or desirable in order to facilitate the administration of the Transport Commission Act.

The Act itself has three parts, each dealing separately with the responsibilities of the Commissioner of Transport in the licensing of omnibuses, commercial goods vehicles and aircraft.

Apart from the responsibilities, as specified the commissioner when dealing with an application for omnibus and commercial goods vehicles may attach such other conditions as he thinks proper to impose in the public interest. However, in the case of the licensing of aircraft, the commissioner may make conditions relating only to the aircraft operation, the routes and the area, specified timetables, specified fares and safety features, and the keeping of records and statistics to be supplied to the commissioner.

It is unusual that there is no opportunity for the commissioner to consider public interest in a manner similar to the other two classifications of vehicles and it would seem appropriate that in the light of the involvement in the provision of air services in Western Australia and the limitations imposed upon the Federal authorities in relation to the licensing of regular passenger services, we should provide the same authority under the Transport Commission Act, in the public interest, as is already applicable to omnibuses or commercial goods vehicles.

The present provisions of the Act, when defining the powers under which authorised officers are able to ascertain whether the Act or regulations are being contravened specifically relate to the responsibility of the driver of a vehicle. It is made an offence for a driver to refuse to supply certain information. However, in no way does the Act require the owner of a vehicle, or other persons involved in the use or operation of the vehicle, to provide information.

Recently we experienced some difficulties in connection with drivers, who had been provided with the information they must carry on the vehicle and had it in a sealed envelope addressed to the owner, not submitting the required information although having it on the vehicle. This is a legal way to overcome some parts of the Act.

This in itself places an unreasonable onus on the driver if he is an employee of the owner, and it has become more noticeable in recent years that owners or other persons involved in the operation of commercial goods vehicles have hidden behind this obvious weakness in enforcement. The purpose of the amendment is to place the onus on the owner in a similar manner to that which already applies to the driver.

Mr Bertram: Why?

Mr O'CONNOR: Does the honourable member think we should not do this?

Mr Bertram: You say you should not intervene not we.

Mr O'CONNOR: I am saying that what we are trying to do is protect the driver against circumstances over which he should be able to have some control. If the honourable member is not concerned about the driver, we are and we are trying to protect him.

Mr Bertram: You will be able to manifest your concern for people when we come to the liquor legislation later on.

Mr O'CONNOR: The member for Mt. Hawthorn is a full bottle on everything.

Mr Bertram: I am indebted to you.

Several members interjected.

Mr Bertram: He is doing very well. He is improving.

Mr O'CONNOR: That would not be hard, in comparison with the member for Mt. Hawthorn. To return to my explanation of the Bill: Presently a condition of some goods vehicle licenses requires the production of documents such as manifests. The amending Bill will clarify the responsibility in relation to the production of such documents and ensure that they are available for scrutiny by an authorised officer. It has been found desirable in some instances to determine the format of these documents and the Bill will give the authority necessary to make regulations to cover this aspect.

The commissioner is frequently required to pursue investigations in relation to the payment or nonpayment of appropriate fees. The Act now provides that on conviction the court may order the convicted person to pay to the commissioner licence fees which should have been and were not paid. Up till now these investigations have been well-nigh impossible in certain cases because of the lack of authority in the Act for the commissioner to obtain certain information. The amendment will remove this difficulty.

During the last session of Parliament I introduced an amendment to the Transport Commission Act to allow evidence to be submitted by affidavit in the case of uncontested prosecutions. The amendment included a provision that where the accused had previous convictions, a statement of those convictions should be prepared and served with the summons.

During the parliamentary debate some concern was expressed that a separate document with prior convictions would be filed in the court and that the court would have knowledge of these convictions before the person was convicted. Parliamentary Counsel has agreed that this could happen and has recommended a further amendment to ensure that the court will not gain knowledge of prior convictions before dealing with the case before it. The member for Boulder-Dundas raised this point and we agreed to investigate it as we did in connection with the other two Acts—the Taxi-cars

(Co-ordination and Control) Act and the Road Maintenance (Contribution) Act—as we promised.

Measures also are included to ensure that adequate time is provided for the making of the necessary administrative arrangements for court hearings. In practical terms it has been found that the period of seven days allowed for the defendant to return a notice of election prior to the date of a court hearing of a complaint is barely adequate to enable planning for Transport Commission officers to be available to attend court where this is necessary. The amendment provides for this period to be increased to 21 days.

Similarly, at the present time the Act requires that a complaint must be served on the defendant at least 14 days before the date of hearing. This has been found to be insufficient in practice and it is proposed that the term be extended to 28 days.

I think the Bill generally will be an advantage to the operator who desires to abide by the law. It is aimed at those who are not prepared to do so and who place their drivers at a disadvantage. I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

ACTS AMENDMENT (JURISDICTION OF COURTS) BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [2.35 p.m.]: I move—

> That the Bill be now read a second time.

Members will possibly be aware that at present the civil jurisdiction of the District Court is restricted to a figure of $10 000 and actions for the recovery of possession of land at a figure of $5 000.

In the Local Court the monetary limit in personal actions and actions in relation to a partnership account, a share under intestacy, or legacy under a will, and also equitable claims, is set at $1 000. Also in this court, the ceiling rental in relation to actions for the recovery of possession of land is currently $1 600.

On present-day values such limits on the court's jurisdiction as well as other factors, to which I will refer later, naturally have a significant bearing on the work load of the Supreme Court.

A special committee which had operated over recent years was reconvened to examine the distribution of jurisdiction between the Supreme Court, the District Court, and the Local Courts of Western Australia. That committee, comprising a Supreme Court judge and district judge, the Solicitor-General, and the President of the Law Society, has now reported to the Government and the substantive recommendations of the committee are contained in the Bill before the House. His Honour, the Chief Justice, has stated that, in general terms, the special committee's report accords with his own views on the various matters referred to.

The report reviewed the statistics showing the volume of work in each of the courts since their last report four years ago, and has noted various factors affecting, or likely to affect, the work load of the Supreme Court, including—

> the Road Traffic Authority Act, whereby the majority of trials on indictment in respect of road deaths now proceed in the District Court;
>
> the creation of the Family Court of Western Australia, thus hiving off all original matrimonial jurisdiction and most similar proceedings; and
>
> proposed amendments to the Commonwealth Judiciary Act, transferring significant areas of jurisdiction from the High Court to the State Supreme Court.

In essence, this Bill is designed to increase the civil jurisdiction of both the District Court and the Local Courts, and to provide for an appeal from a Local Court to a judge of the District Court with a further appeal, by leave, to the Supreme Court. Its provisions will amend the District Court of Western Australia Act and the Local Courts Act.

It is proposed to lift the monetary limit in the civil jurisdiction of the District Court to $20 000, and to lift the monetary limit for recovery of possession of land to $10 000.

The Local Courts Act will be amended by increasing the monetary limit in personal actions and actions in relation to a partnership account, a share under an intestacy, or legacy under a will, and also equitable claims, to $3 000, and by increasing the ceiling rental in relation to actions for the recovery of possession of land to $5 000.

It is further proposed to amend section 107 of the Local Courts Act to provide that there shall be an appeal as of right from a final judgment, and by leave from an interlocutory judgment, of a Local Court to a judge of the District Court; with an appeal from the District Court to the Full Court of the Supreme Court only by leave of that court; and with a further provision that the Supreme Court, or a judge thereof, may on summons remove into the Full Court an appeal then pending in the District Court.

Generally speaking, the civil jurisdiction of the District Court is recommended to be doubled in terms of the monetary value of actions, and trebled in relation to the Local Court. This is because the

Local Court jurisdiction was last increased some 22 years ago, whereas the jurisdiction of the District Court was increased more recently.

There are some other minor consequential amendments, including arrangements in regard to pending proceedings.

The altered jurisdiction conferred under the Bill will work for the benefit of persons having business in the courts, and provide a more sensible distribution of cases under current conditions.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

PARLIAMENTARY COMMISSIONER ACT: RULES

Application to Authorities: Motion

SIR CHARLES COURT (Nedlands—Premier) [2.40 p.m.]: I move—

That pursuant to sections 12 and 13 of the Parliamentary Commissioner Act, 1971 this House make the following rules:—

1. In these rules the Parliamentary Commissioner's Rules, 1972, made by the Legislative Assembly and the Legislative Council on the 1st November, 1972 and published in the *Government Gazette* on the 10th November, 1972, as amended by the addition of a rule made by the Legislative Assembly on the 12th December, 1973 and the Legislative Council on the 13th December, 1973 and published in the *Government Gazette* on the 11th January, 1974, are referred to as the principal rules.

2. The principal rules are amended by adding after rule 6 the following rule and schedule—

7. The Act is hereby declared to apply to the authorities specified in the Schedule to these rules in addition to the government departments and other authorities specified in the Schedule to the Act.

SCHEDULE.

Builders' Registration Board of Western Australia constituted under the Builders' Registration Act, 1939-1975.

Land Agents Supervisory Committee of Western Australia constituted under the Land Agents Act, 1921-1974.

Motor Vehicle Dealers Licensing Board constituted under the Motor Vehicle Dealers Act, 1973-1974.

Murdoch University constituted under the Murdoch University Act, 1973-1976.

National Parks Authority of Western Australia constituted under the National Parks Authority Act, 1976.

Registrar of Building Societies holding office under the Building Societies Act, 1920-1970.

I think the import of the motion will be very well understood by all members but, for the information of newer members who have not been privy to the background of this legislation, and the situation which makes it necessary for rules to be established by the Parliament, I will just briefly go over some of the background.

The original Parliamentary Commissioner legislation provides that the commissioner is an officer of Parliament. Section 6 of the original Act, which is No. 64 of 1971, sets out that the commissioner may, at any time, be suspended or removed from his office by the Governor on addresses from both Houses of Parliament. The section also includes some other conditions, but the significant point is that the commissioner is not a normal servant of the Government, but an officer of Parliament. Therefore, any rules, or changes of rules, have to be made by Parliament.

Members will observe, from the motion on the notice paper—and particularly from paragraph 2 of the motion—that it is intended to add a rule 7 to follow rule 6. It is also important to note that under the provisions of sections 12 and 13 of the parent Act—that is, the Parliamentary Commissioner Act of 1971—there is provision first of all for rules of Parliament, in section 12, and for departments and authorities subject to investigation, in section 13.

When the original Act was introduced it included a schedule, referred to in section 13 of the Act, setting out the Government departments and other authorities to which the Act applies. Amendments have been made on a number of occasions, and it is now sought to add a rule 7 which will increase those covered by the rules by adding the following authorities—

Builders' Registration Board of Western Australia constituted under the Builders' Registration Act, 1939-1975.

Land Agents Supervisory Committee of Western Australia constituted under the Land Agents Act, 1921-1974.

Motor Vehicle Dealers Licensing Board constituted under the Motor Vehicle Dealers Act, 1973-1974.

Murdoch University constituted under the Murdoch University Act, 1973-1976.

National Parks Authority of Western Australia constituted under the National Parks Authority Act, 1976.

Registrar of Building Societies holding office under the Building Societies Act, 1920-1970.

The Parliamentary Commissioner made representation to the Government in October, suggesting the inclusion of additional authorities to the rules. The names of those authorities have been submitted to the President of the Legislative Council and to the Speaker. Following a study of those recommendations, the new list of authorities has been submitted to Parliament to become rule 7.

I would like to make two added observations. The last authority on the list to be added to the schedule is the Registrar of Building Societies holding office under the Building Societies Act, 1920-1970. In fact, during this session we have passed a new Bill to repeal the old Building Societies Act. The new Act will be known as the Building Societies Act, 1976. However, it is specified in the Bill that the Act will come into operation on a date to be fixed by proclamation.

Before the debate resumes on this motion, and before its final passage through this House and another place, I will check with my colleague to find out when it is intended to proclaim the Building Societies Act, 1976. It may be necessary, when it is proclaimed, for us to amend the reference to the Registrar of Building Societies holding office under the Building Societies Act, 1920-1970. However, my understanding is that this motion will have passed through both Houses before the new Act is proclaimed and, therefore, reference to the Interpretation Act should cope with the situation when the new Bill takes its place on the Statute book.

The other reference I want to make is to the Dairy Industry Authority. There has been a number of queries as to whether the Dairy Industry Authority is actually included in the schedule. I understand that even the Parliamentary Commissioner himself, when approached on the matter, said that it was not included. Subsequent studies have revealed that the authority is included, and the Parliamentary Commissioner has confirmed to me that he now accepts that the Dairy Industry Authority is included in the existing schedule because of the reference to the old milk board and the Dairy Products Marketing Board in the Dairy Industry Act, which is Act No. 92 of 1973. Section 21 of that Act states—

> 21. A reference in—
>
> (a) any Act, regulation, by-law or other law of the State; and
>
> (b) any statutory instrument or other document,
>
> in force immediately before the commencing date, to the Milk Board of Western Australia or the Dairy Products Marketing Board shall, unless the context requires otherwise, be read and construed respectively as a reference to the Authority.

Because of that provision I have been assured by Crown Law—and it has now been accepted by the Parliamentary Commissioner—that there is no need to include reference to the Dairy Industry Authority in new rule 7 which will become part of the schedule.

I discussed this matter very briefly with the Leader of the Opposition last week and it was agreed I would introduce the motion today, and allow it to be adjourned so that it can be dealt with at a later date. However, I think members will find all formalities have been observed, and they will agree this is a desirable list of authorities to be added to the schedule.

Debate adjourned, on motion by Mr Bertram.

LIQUOR ACT AMENDMENT BILL

In Committee

Resumed from the 9th September. The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Postponed clause 7: Section 24 amended—

Progress was reported after the postponed clause had been partly considered.

Mr SKIDMORE: I move an amendment—

> Page 4, line 20—Delete the word "beer".

It is my intention to move for the substitution of the word "liquor". Having got the technicalities out of the way I would like to deal with the basis on which I propose my amendment to the Bill.

Members are aware that the public at large have been very critical of the attitude of the Australian Hotels Association toward the purchase of beer on Sundays. A law which is able to be broken with impunity and no apparent risk of prosecution must be a bad law. When we seek to obtain bottles of liquor at a hotel on Sundays we can buy beer only.

The argument has been put forward on other occasions that if beer is available other spirituous liquors should be available also. It does not seem to be reasonable that if people wish to entertain unexpected guests on a Sunday they should not be able to obtain a bottle of wine or any other spirit they may desire to serve. It is a ridiculous situation when a person can return to a hotel time and time again for the purpose of obtaining quantities of beer larger than the restricted amount allowed under the Act.

Members of the public are concerned that they should be able to exercise the right to purchase liquor other than beer on a Sunday. No doubt all members have received circulars from those with a vested interest in the industry urging us to be reasonable on this question.

One can go into a hotel on a Sunday and consume by the glass as much as one likes of any kind of liquor, but one cannot take away a bottle of wine or brandy. I therefore believe the law should be changed and that my amendment will give to many people the right they have sought in the period in which Sunday trading has been on trial.

Mr O'NEIL: Last Thursday I appealed to the Committee to follow a course of action different from that suggested by the member for Swan. I suggested we were striking so many problems with clause 7 that we should not entertain any amendments to it at all but should vote it out of the Bill, following which the Bill would have passed through the Committee stage because we have dealt with all the other clauses. I suggested that following the Committee's report we should recommit the Bill to make the necessary repairs to the other clauses.

The member for Kalgoorlie withdrew his amendment to clause 7 but the member for Swan, exercising his inalienable right, said he did not agree with the course I proposed, for which at least some members of the Committee had indicated support. I suggested at that stage we should adopt a philosophy of "softly, softly, catchee monkey" because if we start to amend clause 7 in any way we may find ourselves in difficulty.

I think the suggestion I offered to the Committee was well received because the Bill will have to be recommitted to look at the other clauses which need amendment, and of course another House of this Parliament can take any appropriate action it desires to make further alterations or amendments to the Bill.

I concede the member for Swan the right to do what he has done, but I suggest if we follow the course I originally outlined—that is, delete clause 7—the first step will be to vote against the amendment proposed by the member for Swan, and perhaps the next step will be to vote on clause 7 itself. I oppose the amendment.

Mr BERTRAM: The amendment attempts to substitute the word "liquor" for the word "beer". The section which clause 7 seeks to amend relates to the matter of trading in liquor and beer in Western Australia on Sundays. With the law as it is people in Western Australia can purchase beer in bottles on a Sunday at certain times and in certain limited quantities. However, I think it is desirable that the Committee be made aware of the definition of "beer" in the Liquor Act. According to the principal Act "beer" as defined "includes ale, porter and stout".

Mr Jamieson: How much porter is consumed here now?

Mr O'Neil: What is it?

Mr BERTRAM: The Leader of the Opposition obviously has considerable respect for my knowledge of matters concerned with liquor. I will take him into my confidence at a more opportune time to fill him in on that. It is a technical question.

Mr Jamieson: That is circumlocution if ever there was any.

Mr BERTRAM: Under the Act "beer" is not simply beer, as the definition indicates. I think there is some misunderstanding about this matter. Liquor is also defined. It is an all-embracing expression. The principal Act says—

> "liquor" means spirits, wine, or beer containing more than two per centum of proof spirit;

The member for Swan says it is ludicrous and unacceptable to him that a person may purchase bottled beer on a Sunday but a person who wants to purchase liquor other than beer is precluded from doing so by force of law.

It seems rather odd to me also, but I do not propose to go any further with this other than to say I believe there is a fair body of opinion these days to support the argument that to place restrictions upon the purchase of liquor—whether on a week day or a Sunday—is not necessarily a good thing. There was a time when it was thought that such a course would be part of the solution to liquor problems but statistically today it is acknowledged generally that it is not, and to put restrictions upon the availability of liquor probably works in the opposite direction. So I do not think we should consider this amendment lightly; it is an amendment which ought to be given very real and due consideration.

Our function is not only to provide for the availability of liquor for people to purchase, but also to do our best to see it is provided in a way that is convenient and will be the best method not only for the individual consumer but for the State as a whole.

Years ago in other States it was found that the people manufacturing liquor were those most anxious to confine the drinking hours and to continue what was known as the six o'clock swill. These people worked out that these hours were much better for their pockets than extended hours. As I intimated, there may be a good deal of support for that argument and this Committee ought to make up its mind as to what is the best course and not just brush the amendment off lightly.

Mr SKIDMORE: The Minister has in no way satisfied me that my amendment would in some way interfere with the practicality and future operation of the Liquor Act. He suggests that difficulties would arise, but he has not substantiated his statement to show that my amendment would interfere with, let us say, sections 37, 97, or any others.

In view of the remarks made by the Minister on the last occasion this Bill was before us, I spent many hours studying the Bill and the Act in an endeavour to find some difficulties which might arise and I could not find any.

I would like the Committee to understand what I am endeavouring to do. The original Bill took in totality a section of the parent Act, numbered in the same manner, and two minor alterations were made to it. The first amendment was to delete the paragraph designation "(a)" from the commencement of the subsection and the second amendment was to alter the words, "one-third" to "one and one-half litres". The provision in the Bill did nothing else whatever, so it would be completely incorrect to say that difficulties could exist when my amendment seeks merely to delete the word "beer" and substitute the word "liquor". It does not make any difference because this particular section sets out fairly basically, and without equivocation, what a person is allowed to do on a Sunday in regard to purchasing beer. My amendment would mean that he could purchase other liquor as well as beer. In our wildest dreams we cannot imagine that such an amendment would create problems with the parent Act. Nowhere in the Act is there any cross-reference back to this clause which would interfere with its wording.

Why was this change needed? The designation "(a)" would have appeared between the words "section" and "the", and this would have been stupid. The amendment in respect of quantity is merely the adoption of metrication which is necessary in all our legislation, so the Minister has failed to convince me that there would be difficulties associated with my amendment.

Mr Sibson interjected.

Mr SKIDMORE: I am in no way reflecting on the opinion or the integrity of the Minister handling the Bill. I am merely stating my opinion that he should withdraw his opposition to my amendment. I am not convinced by any inane remark made by the member for Bunbury that I should change my opinion.

The Minister indicated that he would be prepared to look to this question later. I may be persuaded to withdraw my amendment if the Minister would give an assurance that he accepts the principle that I have enunciated, and that a similar provision will be contained in a further amending Bill. There may be difficulties in drafting and I realise that the Minister does not wish to create any future problems. I may be wrong in assuming the Minister is sympathetic to my amendment, but he has not really expressed opposition to its content. If the Minister is prepared to give that assurance, I will consider the withdrawal of my amendment.

Mr O'NEIL: I am sorry if I unwittingly misled the honourable member by referring to difficulties that may occur in respect of his amendment; I did not refer to any difficulties concerning the parent Act. Perhaps we should recapitulate on what has happened so far.

The member for Kalgoorlie had an amendment on the notice paper to clause 7 which preceded the amendment which has now been moved by the member for Swan. After I appealed to the Committee as to the course of action we should take in respect of clause 7, the member for Kalgoorlie voluntarily withdrew his amendment by leave of the Committee and there was no dissentient voice. So we have now passed the amendment proposed by the member for Kalgoorlie. The member for Swan has moved an amendment, which he has every right to do—

Mr Jamieson: Let us get that clear—we have not passed the amendment moved by the member for Kalgoorlie.

Mr O'NEIL: I am sorry, I should have said we have gone past the amendment proposed by the member for Kalgoorlie.

The member for Swan has moved an amendment to the latter part of the clause, so the member for Kalgoorlie is now denied the right to move his amendment again. The member for Swan might have misunderstood my point when I said he may have created a difficulty, and perhaps I did not make myself clear.

However, if the Committee is sympathetic to the deletion of clause 7, and if we make a decision on this amendment our future action may well be controlled by Standing Order 178 which says—

> No Question shall be proposed which is the same in substance as any Question which, during the same Session, has been resolved in the affirmative or negative.

I have not checked this, but if we vote against this amendment perhaps that Standing Order will prevent the member for Swan from moving an amendment in the same form if the Committee decides to delete clause 7.

That is the situation. The member for Swan can press on with his amendment and take his chances with it or, alternatively, have no decision made on it so that he has an opportunity to do what he wants to do later. I do not support the proposition, and that is my personal view. I can give no undertaking that the proviso he

is seeking will appear in a resubmitted Bill, because we will not resubmit the Bill but recommit it.

Mr Skidmore: I bow to your superior knowledge of parliamentary language.

Mr O'NEIL: If that course of action is taken we will recommit the Bill to consider all clauses other than clause 7, which will have been deleted.

This is a matter upon which the member for Swan should make a judgment. If he presses on with his amendment and it is defeated in my view he would be hard pressed to have it reconsidered because a decision will have been made on it. I again appeal to the Committee to follow the course of action I imagine it would have followed last Thursday.

Mr Skidmore: So the amendment can be defeated?

Mr O'NEIL: If we defeat the amendment it is my view it cannot be considered again in another form. I make it clear that whilst the Government is the vehicle for introducing these amendments to the Liquor Act there is no way that I could offer any guarantee of what would be in the Bill before it started, and certainly not what will be in it when we have finished with it, because we have already evidenced different points of view which are not based on the side of the Chamber on which members sit.

I request the Committee not to support the amendment. It is still my view that the way out of the dilemma in which we find ourselves is simply and cleanly to delete clause 7. Perhaps the member for Swan may withdraw his amendment. Earlier I suggested to him that he move his amendment instead of talking about it, because I thought he might have been speaking for his third time.

Mr Skidmore: No, I already had a ruling from the previous Chairman.

Mr O'NEIL: I was simply looking after the member's welfare. I have suggested a course of action, and it is up to the Committee to determine whether it is followed. Personally, I oppose the amendment.

Mr T. H. JONES: I do not think it matters whether we argue about this now or at another stage, although I respect the Minister's view. This is a conscience Bill, and members of the Opposition have certain views. Previously I referred not only to the matter of this restriction, but also to the restriction on quantity. I refer to the present restriction which allows only beer to be sold during Sunday trading. When this provision was first introduced we were all worried about the reaction of the public, and whether temperance organisations and others would oppose it.

Mr O'Neil: This proposal was not in the Bill; it is a completely new one.

Mr T. H. JONES: I know that. The Minister has the right to express his views, just as I have, and I am expressing mine now. When the two-bottle requirement was introduced we were concerned about public reaction, but there has not been a great deal of public reaction. The next amendment proposed by the member for Swan will remove completely that restriction on the sale of liquor on Sundays. I support his endeavour.

Does it really matter what liquor is sold on a Sunday? This principle has been accepted by people, generally, in Western Australia, so why should it be restricted? Did we introduce the provision in the first place simply to provide for consumers of liquor who suddenly may need to buy beer on a Sunday? If that is the case, the member for Swan is simply extending the principle a little further and saying that those who do not drink beer should be able to purchase other forms of liquor.

Why should it be restricted to beer? If we agree with the principle that beer may be sold on Sundays, why should not other forms of liquor be available? To the best of my knowledge no organisation has condemned the principle of Sunday trading. I support the amendment.

Mr JAMIESON: Over the years when discussions have occurred on this issue I have adopted the attitude that all types of liquor should be available to the public during Sunday trading hours. Therefore to be consistent I must express an opinion now. Although I bow to the Minister's point that those who are in favour of lifting the restriction on the type of alcohol and the restriction on the quantity of alcohol that may be sold on Sundays may endanger their position by not agreeing with the Minister's proposal, I think probably that is the best course of action to follow. At this juncture that is my opinion and I suggest if we want both we should follow that line of action, and then have a vote on it. I want both; let no-one have any doubt about that.

Let us consider the situation of beer only sales on Sundays. Perhaps it is there to exclude sales of spirits such as Scotch, although I do not know whether anyone would want to buy—or in fact could afford to buy—two bottles of Scotch on a Sunday.

Mr Coyne: They would in some areas.

Mr JAMIESON: I suggest that as the beer sold on Sundays, except perhaps diet ale, is all produced in Western Australia sales should be restricted to locally produced liquor. This would cover what the member for Swan hopes to achieve, and make his constituents smile widely. I would suggest the Minister gives this proposal some thought; perhaps such a promotion gimmick would be of assistance to the local industry.

As the law applies at present, the producers of Swan beer—being the only local brewing company—are given preferential treatment, because the only liquor permitted to be sold on Sundays is beer and I would imagine that the sales of imported ales would be minimal.

Mr O'Neil: Do you know the percentage proof of beer in Western Australia?

Mr JAMIESON: It is something like 3.2 per cent.

Mr O'Neil: If it is over 2 per cent it is liquor. "Liquor" means several things, including beer containing more than 2 per cent.

Mr JAMIESON: That is strange, because as I recall it is about 3.2 per cent and upwards depending upon whether it is ale or bitter, whether it is top or bottom brewed, or whether it is porter or beer. Its alcoholic content varies widely throughout the world from about 2½ per cent to 5 per cent.

I think we should give consideration to this proposal. Of course, there would be some liqueurs manufactured locally but I do not know whether they would be palatable by the bottle.

Mr Skidmore: Be careful!

Mr JAMIESON: I was thinking more of those produced in the electorate of the member for Victoria Park.

As members know, Western Australia now produces many fine table wines, and these should be permitted to be sold on Sundays to encourage the local industry. It is not fair to give the Swan Brewery a virtual franchise to sell liquor on Sundays. We should give every producer of liquor an equal chance. I think we should take the opportunity to encourage competition within the industry. It is obvious that clause 7 will create many problems, and should be deleted or amended; then, at an appropriate time, we can amend the legislation to enable all liquors to be sold on a Sunday.

Mr SKIDMORE: This will be the last occasion I will be able to speak to my amendment so I want to make it quite clear that whilst I have spoken for the population in my electorate generally—because I have had many requests made to me from that quarter—I also have had many other approaches made to me on this matter. In addition, I have made strenuous efforts to ascertain the wishes of the people of Western Australia, as distinct from what the Western Australian Government believes is good for them in the form of this legislation.

Members no doubt will have seen the circular letter from the Wholesale Wine and Spirit Merchants' Association of Western Australia. I did not rest there; I replied to the association, thanking it for its communication and offering my services if they were required in the future. I said "Please do not hesitate to approach m so that I may be able to better assi your association as well as the Wine an Brandy Producers Association of Weste Australia." Following that communica tion, I received a private and confidenti letter from the association which I a prepared to show to the Minister i private. It expressed great appreciatio for my offer of assistance, and offere several suggestions as to the ways i which I could help. The associatio stated—

> This Association considers that th proposed amendments to the Liqu Act 1970 should include the right individuals to purchase wines an spirits in containers on Sundays.
>
> It is felt that in a democrat community individuals should at a times be given freedom of choice. Th includes deciding the type of liqu they wish to drink.

The association regards the limit of bott sales on Sundays to beer to be quite un fair to the rest of the industry and t those people who may wish to purcha wines and spirits rather than beer. Th association pointed out that wine wa traditionally consumed with food an should be available on Sundays for thi purpose. It continued—

> If the Act is amended to includ the sale on Sundays of wines an spirits in containers it will enabl hoteliers to give patrons an alternat choice of beverages.
>
> There are people under doctor orders such as ulcer cases and dia betics who would suffer disadvantage by restriction of wine and spirit sale
>
> Logic cannot support sales by glas of all liquors, but the sale of beer onl by bottle.
>
> There is no restriction in Queens land on sale of liquor in container during the trading hours on Sunday Canberra is even more enlightene having a 24 hour service 7 days pe week.

We in this State have always looked t other States to provide a lead and w should follow that course now.

Sir Charles Court: I hope you read wha was in the newspaper this week regardin Canberra and its problems.

Mr Carr: Don't believe everything yo read in newspapers, Mr Premier.

Mr SKIDMORE: I am not prompte to speak by any selfish motive; I wish onl what is best for the people of this State and it is my belief they should be able t buy any type of liquor on a Sunday.

In addition, I went to considerabl trouble to contact practically everybod associated with the local wine producin industry. I spoke to vignerons who wishe to open their vineyards on Sundays. A plebiscite which was held ascertained tha

60 per cent were against this proposal, and 40 per cent favoured it. These people actually favoured the sale of wine and brandy on Sundays so it cannot be said they were seeking an unfair advantage for their own local industry. What they really want is the option to remain open. Certainly, from the available evidence, an overwhelming proportion of the population wish to have the opportunity to buy any type of liquor on a Sunday. The organisations which wish to distribute locally produced wines on a Sunday are not unreasonable in their demands; they do not want to limit the sale of other forms of liquor.

Mr Coyne: Vested interests.

Mr SKIDMORE: I know what the member is leading up to. I have said many times before I am not interested in playing politics with this piece of legislation.

Mr Nanovich: Don't make me laugh.

Mr SKIDMORE: The member for Toodyay may laugh. These people have asked me to do something for them, and that is what I am trying to do. The member for Toodyay would be the first to abrogate his responsibility to his electors; instead of facing up to his responsibilities, he chooses to sit there in a dim-witted manner making inane interjections.

Mr Nanovich: If I were dim-witted I would be like the member for Swan.

Mr SKIDMORE: I am not playing politics on this issue. I am looking at it on the basis of fairmindedness and on the basis that I am doing what I was asked to do. I firmly believe in the amendment I have proposed because the situation that exists under the provisions of the present Liquor Act amounts to sheer stupidity and hypocrisy.

Amendment put and a division taken with the following result—

Ayes—15

Mr Barnett	Mr Jamieson
Mr Bateman	Mr May
Mr Bertram	Mr Skidmore
Mr Bryce	Mr Taylor
Mr Carr	Mr A. R. Tonkin
Mr T. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr McIver
Mr Harman	*(Teller)*

Noes—23

Sir Charles Court	Mr O'Connor
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Tubby
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko
Mr Nanovich	*(Teller)*

Pairs

Ayes	Noes
Mr Moller	Mr Blaikie
Mr H. D. Evans	Mr Old
Mr T. H. Jones	Mr P. V. Jones
Mr B. T. Burke	Mr Stephens

Amendment thus negatived.

Mr SKIDMORE: I move an amendment—

> Page 4, lines 21 to 23—Delete all words commencing with the word "in" down to and including the word "premises".

The purpose of this amendment is as foreshadowed when we were speaking previously to my first proposed amendment to this clause, which was defeated. I feel that this amendment may receive the due consideration of the Committee and that it may be more successful. If passed it will remove a very stupid piece of restrictive legislation which is consistently ignored by people. With due respect to those who have to administer the law, this provision is ignored by those who have to police the law; namely, the Police Force.

I believe nobody, least of all the police, should be placed in the position of having to shut his eyes to flagrant disregard of the liquor law. It is patently clear that on any Sunday hundreds and hundreds of people are purchasing from hotels more than two bottles of beer. In fact quite frequently, as has been said in previous debates, hoteliers have actually said to people, "Do you want a carton?" I imagine that in country areas the law would be broken with impunity because time and time again quantities in excess of two bottles are taken away from hotels during the hours the hotels are allowed to trade on a Sunday.

I feel that when laws are made they should be good laws which the people generally want. It is not for us, as legislators, to force upon people a law they do not want. The attitude of people on this question has made it quite evident to this Government that people will continue to break the law until such time as the law is changed.

Mr Coyne: It is easier to take out liquor sales on a Sunday.

Mr SKIDMORE: It would not worry me either way.

Mr Coyne: Why do you not go that way instead of the other way?

Mr SKIDMORE: I am going this way because I did not put forward this amending legislation. The Government did that.

I believe there is a lot of sympathy amongst members of the Government for this proposed amendment. They will view it in the light of their own experiences. If members are honest with themselves and look at the reality of the situation, I believe they should support this amendment.

I shall not use the fact that all members have a conscience vote on this issue as a means of coercion. I believe that members' own knowledge of what takes place in their electorates will make the absolute stupidity of this piece of legislation self-evident. It should be removed from the

Statute book. My amendment proposes to move from the Act the restriction on taking 1½ litres of beer away from a hotel. That seems to me to be desirable.

At present I can obtain more than two bottles within the law. All I have to do is to proceed to every hotel in my area, pick up two bottles from each hotel and take them home.

Mr Coyne: That spreads the business around.

Mr SKIDMORE: Let us look at the sheer stupidity and hypocrisy of a law that allows that situation. Surely the law was brought into being to restrict bottle sales. If that was not the purpose, why restrict the quantity at all? If the purpose of the Act was to allow people to circumvent the law so that they can go to hotel after hotel and finish up with a bootload of liquor, how stupid it is that that sort of situation should exist.

The member for Murchison-Eyre has suggested that is all right, but to me it appears to be quite ludicrous. Where it is possible for people to get around this law, it is stupid to retain it. It is not good legislation.

It is patently obvious to everyone that the restriction should be removed. If we do not remove it we should reword this section of the Act to ensure that people are not able to purchase more than two bottles of beer on a Sunday. If the Government dares to make a move in that direction it will bring the wrath of the gods down on its head.

My amendment is acceptable to many people, and to the consciences of the members on the Government side. The police have to turn a blind eye when flagrant breaches of this legislation occur. I hope that the Aye vote on this amendment will be greater than that on the previous one. If passed my amendment will ensure that some sense prevails in the application of this law which at the present time people are breaking with impunity.

Mr T. H. JONES: I made my position on this provision in the legislation quite clear in the second reading debate. I go further than the member for Swan and say that a person can break this law by acquiring more than two bottles of beer on a Sunday in one hotel. Where a hotel has four bars operating on a Sunday, it is possible for a person to obtain two bottles from each bar. There is nothing to prevent that.

That being the situation, should we not tidy up the law so that the spirit and the intention of it can be applied? Even the member for Bunbury knows what occurs at the present time. Any member opposite may go to a hotel in the metropolitan area or in the country and purchase two bottles of beer from each bar on a Sunday. If there are four bars he would be able to purchase eight bottles from that hotel.

We should consider what the member for Swan has put forward and make the wording of the provision in the legislation quite clear. Members know there is no way to check on the sale of bottles of beer on Sundays. The onus cannot be placed on the barman or barmaid. I am sure the Minister realises what takes place at the present time.

I say the restrictions should be spelt out clearly, because under the present legislation a person can obtain without any difficulty more than two bottles of beer on a Sunday.

Mr Coyne: Why not apply this concession to the goldfields only?

Mr T. H. JONES: I would not agree to that, because the people on the goldfields enjoy more amenities than do those in the metropolitan area. I was there last night, and I found two amenities there which we do not find in Perth.

We should tidy up the law and face up to the situation. We know that the law is broken constantly in respect of the sale of bottles of beer on Sundays. If people are able to obtain more than two bottles on a Sunday, then I suggest the restriction on the sale of bottled beer on Sundays should be removed.

Sitting suspended from 3.45 to 4.05 p.m.

Mr BERTRAM: The discussion on the amendment seems to have reached an interesting stage. The member for Swan is saying for various reasons to which I will return in a moment that people should, by law, be permitted to buy not only two bottles of beer, but in excess of two bottles, but the Committee has expressly decided that people shall not be permited to buy any liquor. According to the definitions in Western Australia beer is classed as liquor if it contains beyond a certain percentage of proof spirit. I have it on reasonable authority that the overwhelming quantity of beer bought and sold in Western Australia contains in excess of 2 per cent proof spirit and is therefore liquor. As this Committee has already decreed that people should not be able to buy liquor, we seem to be proceeding on an extraordinarily false premise.

Mr O'Neil: We have always been able to buy beer. There is another definition for "beer". However, we have not been able to buy liquor.

Mr BERTRAM: I am beginning to think we have been pulling our own legs. The definition of "beer" reads—

> "beer" includes ale, porter and stout;

The definition of "liquor" is as follows—

> "liquor" means spirits, wine or beer containing more than two per centum of proof spirit;

It appears that according to the Act beer, in the ordinary sense of the word, should not be sold on Sundays either because it is liquor. Furthermore, since the Committee has decided that liquor shall not be sold on Sundays, then legally, and without any doubt at all, on a Sunday beer should not be sold if it contains more than 2 per cent proof spirit.

Mr O'Neil: I think the parent Act permits the sale of beer, but not the other beverages which fall within the category of "liquor". The Act does not debar the sale of beer. We tried to legalise the sale of liquor, but we failed.

Mr Skidmore: But under the interpretation, beer is liquor.

Mr O'Neil: We will have to leave it to the Privy Council to decide!

Mr BERTRAM: The Minister may well talk about the Privy Council, but the law seems to be far less than clear and we may find ourselves in the delightful position where people who have been selling beer on Sundays have been doing so illegally. That is quite unsatisfactory. We should spell out what we intend. It could be stated that it does not matter very much, and that beer has been sold on Sundays for many years. I suggest the Minister would tell me very quickly that there has not yet been one prosecution for the sale of beer in contravention of this section of the Act.

Mr O'Neil: I am sorry I cannot do that; your faith is sadly misplaced.

Mr BERTRAM: I have no recollection of anyone having been prosecuted, and I say there is no intention that anyone will be prosecuted.

We have many laws on our Statute book which we do not use very much. We keep them there for a rainy day. However, we should not retain those laws without very good reason. To retain laws without the slightest intention of invoking them is sheer humbug and brings this Parliament into disrepute. They also embarrass and inconvenience members of the Police Force whose task is quite difficult enough without our making it more difficult.

As there have been no prosecutions under section 24 of the Act one quickly comes to the conclusion that the section is really and merely a political device. It could be called a "fob" to certain people. It is just another sham which the people outside the Parliament—those the Premier affectionately refers to as "Joe Blows"—should know about. That is inescapable. This type of law might have been good enough at the turn of the century, but it is not good enough now. If we are to have a law which renders certain things done, or not done, to be illegal we ought to be prepared to do something about prosecutions in cases where we know there has been a breach.

The recent Royal Commission into prostitution came about because the people were of the view that the laws in respect of prostitution were not being enforced. I share that view. Here we have a comparable situation where the member for Swan has pointed out that the law is not being put to work. If it is not being put to work it should be deleted, and that is the intention of the member for Swan.

We have been told this is a conscience Bill so far as Government members are concerned. I simply ask Government members to apply their consciences to this matter. If their consciences can tolerate this sort of thing I am amazed. We may be provided with some evidence that the vote will not be a conscience vote at all, but a party vote.

We have the same sort of legacy we had from the Liberal conservatives in respect of pensions for so many years. The decent and honest people, by reason of the means test, were debarred from receiving the pension whereas the smarties—those who organised their affairs and read the small print—received the full pension. In this case the decent people, knowing the law, do not buy beer on a Sunday while others —the more worldly and the fine print readers—buy it in great quantities. I do not think a heinous intent is involved because there has been no evidence of prosecutions.

The CHAIRMAN: The member has three minutes.

Mr BERTRAM: I will not need three minutes. There is a very real problem concerning the definitions of "beer" and "liquor". I suggest that beer in Western Australia is, in fact, liquor. The position is that liquor cannot be sold on a Sunday. As a matter of fact, only a few minutes ago this Committee indicated unmistakably that it does not desire people in Western Australia to be able to buy liquor on a Sunday in the future.

The point raised by the member for Swan is that the law is not put to work; it is being made to look an ass. The Police Force is embarrassed and is made to look foolish. Members of the Police Force are required to close their eyes to what is happening, well knowing that this section of the Act is blatantly abused, misused, and not complied with. We certainly need to look further at the clause because it requires close scrutiny, and rewriting.

Amendment put and a division taken with the following result—

Ayes—15

Mr Barnett	Mr Jamieson
Mr Bateman	Mr May
Mr Bertram	Mr Skidmore
Mr Bryce	Mr Taylor
Mr Carr	Mr A. R. Tonkin
Mr T. D. Evans	Mr J. T. Tonkin
Mr Fletcher	Mr McIver
Mr Harman	*(Teller)*

Noes—22

Sir Charles Court	Mr O'Connor
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Tubby
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Nanovich	Mr Clarko

(Teller)

Pairs

Ayes	Noes
Mr Moller	Mr Blaikie
Mr H. D. Evans	Mr Old
Mr T. H. Jones	Mr P. V. Jones
Mr B. T. Burke	Mr Stephens
Mr T. J. Burke	Mr Mensaros

Amendment thus negatived.

Clause put and negatived.

Title put and passed.

Bill reported with amendments.

BILLS (7): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Veterinary Preparations and Animal Feeding Stuffs Bill.
2. Offenders Probation and Parole Act Amendment Bill.
3. Dog Bill.
4. Companies (Co-operative) Act Amendment Bill.
5. Forests Act Amendment Bill.
6. Firearms Act Amendment Bill.
7. Criminal Code Amendment Bill (No. 2).

QUESTIONS (14): ON NOTICE

1. GOVERNMENT DEPARTMENTS

Country Towns: Office Hours

Mr CARR, to the Premier:

(1) Is he aware that a degree of inconvenience is caused to residents in Geraldton, and presumably in other country towns, by the practice of some departmental offices being closed for lunch?

(2) Will he examine the possibility of having more staggered working hours so that more offices can provide a continuous service throughout the day?

Sir CHARLES COURT replied:

(1) No, but if any instances are brought to my attention, they will be examined.

(2) Departments are expected to provide a service to the public during the lunch break, unless there are exceptional circumstances, or overall staff numbers do not permit such a service.

As departments may utilise flexible working hours, this generally presents no problems.

2. WATER SUPPLIES

Waggrakine-Glenfield-Drummonds Cove Area

Mr CARR, to the Minister for Water Supplies:

Will he please provide a statement of progress so far and a timetable of proposed future development with regard to the provision of water to the Waggrakine-Glenfield-Drummonds Cove area?

Mr O'NEIL replied:

Existing water supply facilities are adequate to serve an additional 650 to 750 possible new lots north of the Chapman River and west of the railway reserve for a distance of three kilometres beyond the river.

There are, at present, more than 1 000 serviced vacant domestic lots and 200 other vacant lots south of the Chapman River in areas both east and west of the main road.

There is no timetable at present for further extensions to the Waggrakine-Glenfield-Drummonds Cove area.

3. GERALDTON REGIONAL HOSPITAL

Resident Doctors

Mr CARR, to the Minister representing the Minister for Health:

(1) Has the Minister's department given any further consideration to the provision of resident doctors at the Geraldton Regional Hospital?

(2) If "Yes" will the Minister please advise of the present position?

Mr RIDGE replied:

(1) Yes.

(2) At a meeting of the Post Graduate Medical Education Committee on 27th July 1976, the possible secondment of resident medical officers to Geraldton was again canvassed. Replies from local doctors are awaited. Experienced medical back-up services must be assured before resident medical officers could be seconded.

4. WATER SUPPLIES

Kalamunda: Forrestfield Main

Mr THOMPSON, to the Minister for Water Supplies:

(1) Is it the intention of the Metropolitan Water Board to construct a large water main up the face of the Darling scarp from Forrestfield to Kalamunda?

(2) If so, when is this construction to take place?

(3) What purpose will be served by the new main?

(4) Has—

(a) the Kalamunda Shire Council; and

(b) the Environmental Protection Authority,

been given the opportunity to vet the proposals, and if so, do they approve of the project?

(5) Bearing in mind a need to conserve as much natural vegetation on the face of the Darling scarp as possible, has—

(a) a route that least disturbs the natural vegetation been chosen; and

(b) will the board replant the disturbed ground with suitable trees and shrubs artificially watered to ensure satisfactory regrowth?

Mr O'NEIL replied:

(1) Yes.

(2) In the latter half of the 1976-77 financial year.

(3) To augment the existing water supplies to the Kalamunda area.

(4) (a) and (b) Both the shire concerned and the Environmental Protection Authority have vetted the proposal and have raised no objections.

(5) (a) Yes.

(b) Planting and ground cover will be provided on completion of the construction.

5. HOUSING

Midvale: Redevelopment

Mr SKIDMORE, to the Minister for Housing:

Would he advise the addresses of any houses, duplexes, flats etc., scheduled for demolition in the proposed redevelopment of the Midvale area which is due to commence in the summer of 1976-77?

Mr Rushton (for Mr P. V. JONES) replied:

The commission has progressed its renewal plans for the Midvale area to the stage whereby, in the near future, it will be possible to submit a formal proposal to the Shire of Swan-Guildford.

Apart from the fact that the tradesmen's flats are to be removed the commission is, therefore, not in a position to give further details until agreement is reached with the council.

6. QUARRYING

Sanctioning Authority

Mr MOILER, to the Minister for Mines:

(1) Is it necessary for persons wishing to quarry metal to obtain authority from the Mines Department as well as the local authority in whose area the quarry may be established?

(2) Has there been any approach to the Mines Department for a company to establish a quarry in the general area east of Padbury Avenue, Herne Hill?

Mr MENSAROS replied:

(1) Yes, if on Crown land.

(2) No application has been received.

7. ELECTRICITY SUPPLIES

Charges: Increases

Mr A. R. TONKIN, to the Minister for Fuel and Energy:

(1) (a) On what dates during the years 1973 to 1976 inclusive were there changes in the charges for electricity by the State Energy Commission; and

(b) what are the details of such charges?

(2) (a) When is it contemplated that there shall be further increases in such charges; and

(b) what will be the magnitude of such increases?

Mr MENSAROS replied:

(1) (a) 1/8/1974; 13/1/1975; 1/7/1975.

(b) Domestic tariffs within the interconnected system

1/8/1974—electricity charges were increased by 17%

13/1/1975—electricity charges were increased by 25%

1/7/1975—electricity charges were increased by 12.5%

Note: Uniform unit charges were applied to all State Energy Commission customers from 1/7/1975.

(2) (a) and (b) No increases in electricity charges are contemplated at present, as already announced by the Premier.

Note: In question 3 on Wednesday, 4th August a typographical error was made in part (1) of that question.

The 8% change in the price of gas introduced on 1/11/1971 was shown as an increase, whereas the tariff was actually reduced by 8% on that date. This error is regretted.

8. SUPERPHOSPHATE

Price and Ingredients

Mr GREWAR, to the Minister for Agriculture:

(1) Could he advise the f.o.b. and c.i.f. (Fremantle) prices of the following phosphate fertilisers ex Morocco, United States of America and the USSR:

single superphosphate;

double superphosphate;

triple superphosphate;

rock phosphate;

finely ground rock phosphate (300 mesh);

calcined phosphate?

(2) What is—

(a) the total phosphate content;

(b) percentage water solubility;

(c) the citrate solubility,

of the above phosphate fertilisers?

Sir Charles Court (for Mr OLD) replied:

(1) This information is not available to my department.

(2) Specific analyses are not available for individual products but the approximate phosphorus contents are as follows:

	Phosphorus Content (Per cent)		
	Total	Water Soluble	Citrate Soluble
Single (regular) superphosphate	9·6	7·4	1·2
Double superphosphate	17·9	13·6	3·1
Triple superphosphate	20·1	17·3	1·9
Rock phosphate (Morocco)	14–16	Nil	Trace
Rock phosphate (United States)	9–14	Nil	Trace
Rock phosphate (USSR)	3–11	Nil	Trace

Rock phosphate data from "Industrial Minerals" 1st International Congress, London 1974.

9. SCHOOL AT WATTLEUP

Reserved Site

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

Within the Wattleup area, what are the lot numbers and the areas of any land held by or for the Education Department or set aside in planning for future construction of a primary school?

Mr GRAYDEN replied:

The balance of lot 17, in Wattleup Road, remaining after the standard gauge railway had been aligned through it, is held for purposes of a primary school—being of an area of approximately 2.5 hectares. The Education Department is currently investigating the possibility of finding an alternative primary school site of at least 4 hectares in the Wattleup area.

10. ROCKINGHAM ROAD

Completion

Mr TAYLOR, to the Minister for Transport:

When is it anticipated that—

(a) the Rockingham Road dual carriageway through Wattleup will be completed;

(b) the Rockingham Road carriageway between Fanstine and Russell Roads will be—

(i) commenced;

(ii) completed?

Mr O'CONNOR replied:

(a) End of January, 1977.

(b) (i) The 15th September, 1976.

(ii) End of January 1977. It is not proposed to complete this section in isolation from the whole project.

11. TRAFFIC

Thomas-Rockingham Roads Junction

Mr TAYLOR, to the Minister for Traffic:

(1) Has a recent inspection been made of the traffic situation at the junction of Thomas Road, Kwinana and Rockingham Road?

(2) Has a count ever been made of the number of vehicles which bank up along Thomas Road, particularly at the early morning peak?

(3) Has he any plans for alleviating daily traffic holdups at this junction?

(4) As an interim measure and to assist traffic flow, would his department replace the present stop sign with a give way sign?

Mr O'CONNOR replied:

(1) and (2) Yes.

(3) Consideration will be given to providing traffic control signals in the Main Roads Department 1977-78 programme.

(4) No.

12. BUSSELTON SCHOOL

Library

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

(1) Have tenders been called for improvements to library facilities at the Busselton Primary School?

(2) Would the Minister advise—

(a) the nature of improvements to be undertaken;

(b) the costs involved; and

(c) when works are expected to be completed?

Mr GRAYDEN replied:

(1) Yes.

(2) (a) Extension and upgrading of the library, upgrading of two classrooms and conversion of existing classroom to new staff room.

(b) It is anticipated that the improvement works will cost approximately $30 000.

(c) Until a contract is let for the work, it is not possible to provide a completion date.

13. BEEF

Marketing Methods: Report

Mr BLAIKIE, to the Minister for Agriculture:

(1) As the Western Australian study group appointed by the Government to investigate various methods of beef marketing in America and Canada were expected to submit a report to the Minister in August, would he table a copy if available?

(2) If not, would he advise why?

Sir Charles Court (for Mr OLD) replied:

(1) and (2) I understand a report is being finalised. It will be tabled when it becomes available to me.

14. SANDALWOOD

Producing Companies

Mr COYNE, to the Minister for Forests:

Further to my question 30 of 15th September concerning sandalwood operations, could he advise me—

(1) Are the companies involved in sandalwood operations private or public?

(2) Who are the main shareholders in those companies?

(3) How many persons are employed by the Forests Department in the Kalgoorlie regional office?

(4) What is the cost of maintaining this office?

(5) How many sandalwood operators are under the control of the Kalgoorlie regional Forest Department office?

(6) What are the major activities of the personnel based at the Kalgoorlie regional office of the Forests Department?

Mr RIDGE replied:

(1) The Australian Sandalwood Company Ltd, referred to in the answer to part (6) of question 30, on the 15th September, is a public company.

(2) As the company referred to in (1) is a public company this information is available at the Companies Registration Office.

(3) Four persons.

(4) The total cost of maintaining the Kalgoorlie office in 1975-76 was $65 874 including the cost of field works under control of Kalgoorlie staff to the value of $19 908.

(5) All sandalwood operators are under the control of the Forests Department Divisional Office at Kalgoorlie. Currently 13 contract pullers with associated employees are engaged in sandalwood operations.

(6) Personnel based at Kalgoorlie Divisional Office are responsible for control and issue of licences for sandalwood and other forest produce, seed collection, experimental tree planting and research, forestry extension services—including liaison and assistance to such bodies as Kalgoorlie Dust Abatement Committee and Central Fire Control Officer—and conservation activities throughout the area extending from the State border to Carnarvon, Geraldton, Merredin, Hopetoun, and along the coast to the State border. This includes control of the department's pine plantation at Esperance.

QUESTIONS (8): WITHOUT NOTICE

1. ROCKINGHAM BEACH SCHOOL

Extensions

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

Would the Minister please advise complete details of alterations and extensions to the Rockingham Beach Primary School, including details of financial expenditure?

Mr GRAYDEN replied:

I thank the member for Rockingham for some notice of this question, the reply to which is as follows—

Alterations include gas heaters and carpeting in the classrooms, new staff toilets, additional storage, an upgraded administration area, and a library-resource centre. It is anticipated that the proposed works will cost approximately $107 000.

2. LAND AT WAGERUP

Acquisition for Industry and Mining

Mrs CRAIG, to the Premier:

Has the Premier any information to give the House in regard to the options on land being sought in the Wagerup area?

Sir CHARLES COURT replied:

I made a statement today regarding this matter following discussions that have taken place with Alcoa of Australia and I think it would be desirable, Sir, with your permission, for me to table a copy of the statement because it covers all the questions raised by the honourable member. Also, with your permission, Mr Speaker, I will hand in two extra copies of my statement so that Opposition members may refer to them.

The paper was tabled (see paper No. 409).

3. LAND AT WAGERUP

Acquisition for Alumina Refinery

Mr MAY, to the Premier:

I would like to direct a question without notice to the Premier on the same subject. Will the Premier indicate when the Government was first made aware of the intention of Alcoa of Australia to acquire land in the Wagerup district for the purpose of setting up a further alumina refinery?

Sir CHARLES COURT replied:

If the honourable member would like to place his question on the notice paper I will endeavour at a later date to give him a precise answer about the date. However, I want to remind him that in the statement I have released I said that negotiations, and overtures to owners of land made by Alcoa of Australia were made on the company's own initiative.

Mr May: That is right—the same as with most companies lately.

4. GOLDMINING

Work Session at Kalgoorlie

Mr MAY, to the Premier:

Will the Premier indicate who issued the invitations to attend the work session held at Kalgoorlie on Saturday, the 11th September, 1976, in connection with the current goldmining situation?

Sir CHARLES COURT replied:

My understanding of the situation is that the Mayor of Kalgoorlie and the President of the Boulder Shire Council, in consultation with the under-secretary of my department, worked out who would be attending the work session, and presumably invitations came from that quarter. As to whether the invitations were issued specifically by the mayor, the shire president, or my under-secretary, I would not know. However, if the honourable member wants this information I will be glad to obtain it.

Mr May: That is why I asked the question.

Sir CHARLES COURT: I will obtain this information. In answer to the question as to who would attend the work sessions as distinct from the luncheon session and the open session that took place after lunch, the details of that were worked out by the Mayor of Kalgoorlie, the President of the Boulder Shire Council, and my under-secretary.

Mr May: Not according to the mayor on Saturday.

Sir CHARLES COURT: I will ask the mayor.

Mr May: I did ask the mayor.

Sir CHARLES COURT: What did he say?

Mr May: The mayor said that you did.

Sir CHARLES COURT: I will check it with him.

Mr May: You can check it, but he said you did.

Sir CHARLES COURT: I am trying to answer the honourable member's question. The matter of who extended the invitations to attend the work session as distinct from the open session after lunch was agreed between the mayor, the shire president, and the under-secretary.

Mr May: You had better check that.

Sir CHARLES COURT: I am just telling the honourable member—

Mr May: You should check it with your deputy leader, too.

Several members interjected.

The SPEAKER: Order!

5. TEACHERS

Salaries: Commencing Date

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

I wish to ask a question of which some notice has been given.

At what date does the salary for newly-graduated bonded and unbonded teachers start in 1977?

Mr GRAYDEN replied:

This will be announced in due course.

Mr Bryce: More gobbledygook.

6. PARLIAMENTARY COMMISSIONER ACT

Application of Rules

Mr BERTRAM, to the Premier:

I wish to ask a question about notice of motion No. 3 on today's notice paper which was moved earlier this afternoon.

The Premier said that a list of bodies was supplied to him by the Ombudsman and I would like to ask him whether the list as set out on the notice paper is the full list as supplied or were other bodies listed; and if so, will he supply details of these other bodies?

Sir CHARLES COURT replied:

I cannot be precise in my reply, but I can say that the six items as set out were in fact the list supplied by the Ombudsman. However, the honourable member has asked precisely as to whether any other bodies were listed and I shall have to obtain this information for him. I know the list was referred to the two presiding officers and I shall be able to supply this information without any difficulty when the matter comes up for debate next week.

7. HAIRDRESSERS

Registrations: Submissions

Mr HARMAN, to the Minister for Labour and Industry:

(1) Has the Minister reached any conclusions upon submissions made to him in respect of hairdressers and the particular request for persons trained to dress females to be able to dress males and vice versa?

(2) If so, what are they?

Mr GRAYDEN replied:

(1) and (2) No. A further meeting with the industry was held on Tuesday, the 14th September, 1976. At that meeting I met representatives from the Master Ladies' Hairdressers' Industrial Union of Employers of W.A.; the Master Gentlemen's Hairdressers' Association of W.A. Union of Workers; the Hairdressers Registration Board of W.A.; and the Hairdressers Association of W.A. The matter is still receiving consideration and it is anticipated that the Government will make a decision in the near future.

8. MEDIBANK

Agreement with Commonwealth: Correspondence

Mr BERTRAM, to the Minister representing the Minister for Health:

(1) Since the Premier says it was the fault of the Australian Government that this State lost $3.9 million under Medibank and I have information to the contrary, will he table all correspondence between the Australian Government and the Western Australian Government leading up to the signing of the Medibank agreement between this State and the Australian Government?

(2) If not, why not?

Mr RIDGE replied:

(1) and (2) I think the honourable member would have a fair appreciation of the fact that I have no intention of answering that question without reference first to the Minister for Health. I suggest that he place the question on the notice paper.

BETTING CONTROL ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Police) [4.43 p.m.]: I move—

That the Bill be now read a second time.

This measure is to enable bookmakers legally to operate at greyhound meetings conducted in Western Australia under licence issued under the Greyhound Racing Control Act, 1972.

The Bill also makes provision for the Totalisator Agency Board members to be relieved of the responsibility of administering the Betting Control Act and for the administrative functions to be carried out by a Betting Control Board.

When the Betting Control Act of 1954 was first brought into operation it was administered by a body known as the Betting Control Board consisting of five persons; one member representing racing nominated by the Western Australian Turf Club, one member representing trotting nominated by the Western Australian Trotting Association, and three other members including one member to occupy the office of chairman of the board, being chosen by the Governor.

The Betting Control Board carried out all functions in respect of the licensing and control of off-course and on-course bookmakers, until the Totalisator Agency Board was established in accordance with the Totalisator Agency Board Betting Act, 1960.

In view of the constitution of the Totalisator Agency Board at the time and its pending involvement in the replacement

of the 206 licensed premises betting shops then in operation with an off-course totalisator agency system, it was deemed appropriate that the Totalisator Agency Board carry out the functions previously exercised by the Betting Control Board, and legislation was amended accordingly.

The Totalisator Agency Board has administered the Betting Control Act since the 13th December, 1960, and in the ensuing years virtually fulfilled its charter to replace premises bookmakers with totalisator agencies.

At present the Totalisator Agency Board's main involvement with the Betting Control Act lies in the licensing of on-course bookmakers, the hearing of betting disputes between bookmakers and on-course punters, and the disciplining of bookmakers when necessary.

None of these functions is related to, or compatible with, the operations of the off-course totalisator system. Therefore it is preferable that the licensing and control of bookmakers be placed in the hands of a Betting Control Board constituted along lines similar to the original board of 1954.

The introduction of bookmakers for greyhound racing makes it advisable that greyhounds have representation on the body that is to be responsible for the licensing and control of their bookmakers. This Bill makes provision for the Betting Control Board to be reconstituted giving greyhounds representation equal to that enjoyed by racing and trotting interests.

Mr Barnett: Will you teach them to speak before you put them on the board?

Mr O'CONNOR: I said "interests".

Mr Barnett: No, you said greyhounds will be represented on the board.

Mr O'CONNOR: I am referring to the interests of greyhound racing, horse racing, and trotting. I am sure the member knows we have no intention of having greyhounds on the board.

The appointment of the Chairman and General Manager of the Totalisator Agency Board as *ex officio* members of the new Betting Control Board will ensure continuity of the Government's interests in the matter and the appointments of the racing, trotting, and greyhound representatives will ensure the protection of their respective interests.

The Totalisator Agency Board itself whilst not continuing to license and control bookmakers will provide a secretary and office and other facilities as a matter of administrative convenience to enable the Betting Control Board to carry out its functions and to keep down costs.

The parent bodies of racing and trotting in this State, mainly for the purposes of control and the zoning of bookmakers, have always licensed bookmakers to operate at either racing meetings or trotting meetings but not at both types of meetings.

This system has worked well in this State for more than 20 years, it has provided effective control where it was needed and it has allowed zoning to operate for the benefit of clubs, the public, and bookmakers.

This Bill allows the same provisions which have worked so well for racing and trotting, to apply to greyhound controlling bodies, their public, and the bookmakers who are to be licensed to operate at their meetings.

Whilst generally bookmakers at race meetings for galloping horses have been permitted to bet only on races for galloping horses, and bookmakers at trotting meetings have been permitted to bet only on races for trotting horses, there have been some occasions in the past where trotting bookmakers operating at country daylight trotting meetings have been given permission to bet on galloping races held on the same day at some other racecourse. I think this has applied at Pinjarra and Williams, and possibly to a minor degree in some other areas.

The Government recognises the occasion could well arise at some future time when it could be to the advantage of a club and its patrons if its bookmakers for a particular meeting were permitted to operate on some form of racing other than that being conducted on its racecourse that day.

The Bill makes provision for the board, if it is satisfied that special circumstances exist, to authorise a club to permit its bookmakers at a meeting to be held by the club, whether a racing club, a trotting club, or a greyhound club, to bet on another form of racing other than that to be conducted on its racecourse.

I am sure, generally speaking, members will agree with the view that it is essential to allow some bookmakers to conduct operations at greyhound meetings. It has been stated by a number of people that until this is done greyhound racing will not prosper as it was hoped it would prosper initially. I think the Bill should receive the support of members, and I commend it to the House.

Debate adjourned, on motion by Mr McIver.

SECURITY AGENTS BILL

In Committee

Resumed from the 14th September. The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Connor (Minister for Police) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 4 had been agreed to.

Clause 5: Exemptions—

Mr McIVER: I would like the Minister to explain further the grounds for exemption in this provision, as these were not mentioned in the second reading speech, or in the Minister's reply to the debate. I reiterate the Opposition's view that these controls should not be vested with the Commissioner of Police. When replying to the second reading debate the Minister said this would represent a duplication of effort, and would be better left with the Police Department as it had the appropriate records and data; but so would the Chief Secretary's Department. It is already responsible for the warders at the prisons and it would be no trouble to handle these records.

The Minister has said, "We all realise the tasks that the Police Force in Western Australia is facing today." Of course we all realise this, and it is why we raised the matter in the first place. Why should we further burden the Police Force by making the Commissioner of Police or his agent, the licensing officer, responsible for the control of security agents? I think the Minister should have a further look at this. The other night the Minister strongly supported my arguments and agreed that the police had their hands full at the moment. Basically, my two questions are as follows: What are the grounds for exemption, and why cannot the Chief Secretary's Department be responsible for the security agents?

Mr O'CONNOR: The Parliamentary Draftsman and the commissioner felt that this Act should apply to all persons exclusively, apart from those named in subclause (3).

The honourable member raised the possibility of this being handled by the Chief Secretary. Certainly it could be and one could argue either way. Quite frankly, I believe there are advantages in it being handled by the Commissioner of Police; the police are the people most directly concerned with security generally in this State. If we were forced to make a second choice, I suppose the Chief Secretary's Department would be a logical one. However, I see no reason for it to be handled by anyone other than the Police Department. I would be loath to hand the files to anyone other than the police because they are confidential and we have to be very careful where these files go and who has access to them.

Clause put and passed.

Clauses 6 to 8 put and passed.

Clause 9: Restriction on licences—

Mr McIVER: Clause 9 deals with the penalty; in this case it is to be $500. The Minister has indicated that legislation of this type has been enacted in other States. Would he indicate whether this $500 fine is similar to that applying in other States?

Mr O'CONNOR: I do not have the figures relating to fines in other States and it would not be possible to get them today, but I will obtain them as soon as I can and pass the information on to the honourable member.

Mr McIVER: How was the figure of $500 arrived at? Was it taken out of the air or was it a figure that the Crown Law Department felt to be appropriate?

Mr O'CONNOR: The legislation applying in other States was perused by the Crown Law Department and the Police Department and after consultation it was felt it was an appropriate figure in cases such as these. I cannot give the member the actual figures because there may be some variation between the States.

Clause put and passed.

Clauses 10 to 14 put and passed.

Clause 15: Objections—

Mr McIVER: Subclause (2) (e) states—

> (c) has been guilty of conduct which renders him unfit to hold a licence;

Could the Minister elaborate on the meaning of the word "conduct"? It could embrace offences such as a parking offence or drunk driving. Would a person be disqualified from holding a licence under this clause if he were convicted of such an offence?

Mr O'CONNOR: I do not consider that a conviction for such an offence would render a person unsuitable for that office. Last week either the member for Swan or the member for Mt. Hawthorn asked me whether this Bill was needed in view of the fact that in this State there has been very little to indicate that this type of agent had caused a problem. After further discussions with the Police Department it was found that several security agents operating in this State had been involved in problems connected with various firms, some of which they had been associated with, in that they had relieved the firms of some of their goods or chattels.

The intention of this clause is not to harass an individual for a traffic conviction. We are trying to make sure that the right types of people are involved in security agencies throughout the State. We are trying to exclude the person who has criminal convictions of the type that would render him unfit to hold a licence. Subclause (2) (e) is left fairly open but can include that type of person. It would not be possible to list all the types of offences, but the provision is for criminal offences and not traffic offences.

Mr McIVER: Having regard to what the Minister has just said, would he agree that subclause (2) (g) would not be applicable?

Mr O'CONNOR: I told the honourable member that subclause (2) (e) involved criminal offences. It is not possible to list them all. We have listed some in this subclause but the subclause leaves the matter open for any other type of offence which might not have been mentioned. This gives the whole clause a wider scope so that when an individual is not covered in paragraph (e) he is covered in paragraph (g).

Mr BERTRAM: I am a little puzzled why under the provisions of clause 15, subclause (2) (b), a person may be objected to on the grounds that he is not over the age of 21 years. It appears that applicants for certain types of licences may be as young as 18 but under this provision an applicant must be 21 years of age. That is a quite an exceptional provision in the Statute law of Western Australia. I find it somewhat difficult to bring to mind any comparable provision in any other Statute. It may be that the Minister can identify other statutory provisions which stipulate that a person must be of age 21.

I think the overwhelming majority of our legislation states that a person becomes an adult and has contractual capacity and general responsibility at the age of 18 years. For example, a person of 18 years can enter into a huge contract; he can make a will; he can be enlisted in the army, go off to fight and be mortally wounded; he can obtain a driver's licence; and he has the right to go on to licensed premises and consume liquor. He can do a million and one things.

This is an exceptional case. I should like to know why this should be, particularly when one sees in paragraphs (a) to (h) that there are all sorts of other safeguards so that a person determining ultimately whether someone shall or shall not get a licence has very real guidelines as to whom he may grant a licence. I question this provision because I think it requires a very good explanation and I do not think any explanation has yet been put forward.

Another aspect of this matter is that subclause (2) (c) states that objection may be made on the grounds that the applicant—

> is bankrupt, or is otherwise subject to stringent financial pressures;

That is an unusual provision. It is a very vague and general term which places a person adjudicating on an application in an embarrassing position. I doubt whether "stringent financial pressures" have been defined anywhere at law, although that is drawing rather a long bow. Usually the wording is quite different. I should like the Minister's thoughts as to what may be embraced by the phrase "subject to stringent financial pressures". Subclause (2) (d) states that an objection may be made on the grounds that the applicant—

> has been guilty of harassing tactics;

I do not know what that means. I should like the Minister to give me an indication of precisely what it means so that we might have an idea of just what we are saying.

Subclause (2) (e) is a residual type of clause which says that objection may be made on the grounds that the applicant—

> has been guilty of conduct which renders him unfit to hold a licence;

In the light of the provision in paragraph (e) of clause 15 (2) one wonders whether it is necessary to insert paragraphs (f) and (g), because the provision in paragraph (e) embraces those in paragraphs (f) and (g). If paragraph (e) is to be retained in its present form it should be placed in its logical sequence.

Mr O'CONNOR: In connection with paragraph (e) of clause 15 (2) I have replied in part to what the member for Avon has raised. Regarding the comments of the member for Mt. Hawthorn I would point out to him that clause 8 contains the details of a general licence. The honourable member has referred to the provision in paragraph (b) of clause 15 (2) governing the age of applicants for a general licence and licences of other categories. In the case of a general licence the applicant must be over 21 years of age, and in the case of the other categories of licences the applicant must be over the age of 18 years.

I should point out that a general licence authorises the holder to carry on the class or classes of business therein specified in the State; in other words, a person who is authorised to conduct a security agent's business must be over the age of 21 years, and a person who is authorised to be employed by a security company must be over the age of 18 years. That is not an unreasonable restriction to place on people who are engaged in the security business. I am sure everyone will agree that only people with experience should be employed.

If people under the age of 18 years are employed in security companies, or if people under the age of 21 years are permitted to operate security companies, it might create a risk to their clients and to the Police Department.

In very many cases these people perform work which is confidential. They have available confidential information which if passed on to the wrong hands would bring about the risk of robberies being perpetrated.

I should point out that not long ago there was a case of armed robbery in the Eastern States involving an employee of, I think, Mayne Nickless. That employee gave information to the people who perpetrated the crime. Difficulties in this regard could arise, and what we are trying to ensure is that only people with

experience and of the right type should be permitted to engage in this type of business.

Referring to the comments of the member for Mt. Hawthorn on the provision in paragraph (c) of clause 15 (2) which enables an objection to be made on the grounds that the applicant is bankrupt, or is otherwise subject to stringent financial pressures, we might find that a person working for a security company receives a wage of $150 per week, but he has to pay out $200 per week. In such a case the employee would be a risk to the company. Whilst he might not be bankrupt, he is at the stage where he could be forced into bankruptcy. This would present a risk to the company and its clients.

In reply to the honourable member's comments on paragraph (d) where objection can be made on the grounds that the applicant has been guilty of harassing tactics, this could apply in very many ways. Some people are on record as having harassed others in ways which were disadvantageous to them. We have heard of cases overseas where protection money was paid. If a person has attempted to harass someone into paying protection money, he should not be employed as a security agent.

The member for Mt. Hawthorn has suggested that paragraph (e) could be placed after paragraphs (f) and (g). This is not an unreasonable request. However, I would prefer to confer with the Parliamentary Draftsman to see whether there is any reason for the provision in paragraph (e) appearing where it is. I do not think it would make any difference, and perhaps by placing it after paragraph (g) the sequence would be improved. I suggest the honourable member should agree to let this matter rest until I have conferred with the Parliamentary Draftsman. If necessary I will confer with the honourable member before the Bill is considered in another place.

Mr T. D. EVANS: I want to comment on two matters, one of which appears not to have been covered. In regard to cases where objection may be made I would like to deal with the various paragraphs in clause 15 (2).

My main objection is to the provision in clause 15 (1) which states that where the commissioner, or a member of the Police Force authorised by him, or any other person, desires to object to the grant or renewal of a licence he shall lodge with the licensing officer a notice stating the objection and the grounds.

This aspect is dealt with in other pieces of legislation; for instance in the Liquor Act. Earlier this afternoon we were dealing with a Bill to amend that Act under which objection to the granting of licences may be lodged. People lodging objection must show that they have a real interest in the granting of a licence, because of the build-up of traffic, the noise created by the patrons, or the objectionable behaviour that could eventuate. Any person living beyond the affected area and wishing to lodge an objection must demonstrate he has an interest in the subject matter.

Let us take the example of a keeper of a licensed restaurant. Where an application is made for the granting of a club licence, a store licence, a hotel licence, or some other type of licence under the Liquor Act that keeper of the licensed restaurant has no standing before the Licensing Court at all. He must demonstrate that he has a real interest.

There are examples of other pieces of legislation where a person lodging an objection must show that he has a real interest. I think it is against the public good to give everyone the right to object. In this respect I refer to a clause further on in the Bill dealing with costs, and this is relevant to the fact that any person may object. That person is not called upon to show he has a real interest in objecting. If, because of the nature of the business of a security agent or employee, it is said to be for the public good that anyone with relevant knowledge and information should have the right to object, then the person objecting should put up some security as a token of his sincerity and genuiness and to indicate that he is not merely a nosey parker.

The Bill is silent on that point; therefore it has failed to observe the standards that have been applied to other pieces of legislation, in calling upon a person objecting to the granting of a licence to put up some security which can be taken as payment for costs if the objection is found to be baseless, frivolous or vexatious. By doing that we would limit the right of objection to people who have a real interest. However, that aspect has not been mentioned in relation to the Bill before us.

Turning to clause 15 (2) which deals with the grounds upon which an objection can be made, this matter has been covered already by other speakers, but I would pose this question: Who is the person that will form the moral judgments on the grounds set out in subclause (2)? For example, who would form the moral judgments as to whether or not an applicant is of good character?

Paragraph (b) of subclause (2) refers to an aplicant not being over the age of 21 years. This does not, of course, deal with moral judgment, but, as the age of majority legislation was passed, I think, in 1972, we should not now take two steps backwards in 1976 by referring to the age of 21 years as being the age of responsibility.

Paragraph (c) stipulates that objection may be made on the grounds that the applicant is bankrupt, or is otherwise subject to stringent financial pressures. The member for Mt. Hawthorn dealt with the bankruptcy angle at some length, but I do query the use of the expression "stringent financial pressures". Who is to make the determination? Obviously it will not be a court of law or the person would have been declared bankrupt. Under this provision any person at all could object —any nosey parker.

Paragraph (e) refers to a person being guilty of conduct which renders him unfit to hold a licence. This again entails a moral judgment, and who will make it? It does not stipulate that a person must have been convicted in a court of law for an offence arising from or relating to that conduct. So who makes the moral judgment? I would agree with the member for Mt. Hawthorn that the juxtaposition of these paragraphs, if they are necessary, should be altered.

Paragraph (h) refers to a person not being capable of carrying out the duties of a licence holder. This involves another moral judgment. What are the criteria involved? I grant that this is new legislation, but the provision presupposes there will be criteria and that the applicant will be judged against that criteria. However, we have no idea of the criteria.

I do not wish to delay the passage of the clause, but I do consider it should be studied more closely.

Mr O'CONNOR: I acknowledge the comments of the honourable member. Initially he referred to subclause (1) which I consider is reasonable in that first of all the individual who lodges the objection with the authorised officer must also have a copy delivered to the applicant or his authorised representative. Therefore the objector would be liable to prosecution if there was anything of a false nature in his written objection.

I will give an instance of what could occur. The member for Kalgoorie may have employed a person for a period of time during which he stole $5 000 from the honourable member who because of his position in Parliament or anywhere else did not wish to take legal proceedings. However, later he may have found that the individual concerned had applied for a job as a security agent. I think it is fair and reasonable that the honourable member should have an opportunity to lodge an objection in court indicating that the individual would be an undesirable person to hold a licence. I think the member for Kalgoorlie can see that what I am saying is reasonable.

Mr T. D. Evans: He would be able to demonstrate he had a real interest, though.

Mr O'CONNOR: That is correct.

Mr T. D. Evans: But the provision in the Bill does not require that he proves that he has a real interest.

Sir Charles Court: Is this not tied up with clause 17?

Mr O'CONNOR: I was just going to mention that point. If a person is aggrieved because he has not been given a licence, he has an opportunity to go before a Court of Petty Sessions. I think all members agree that we should have the right people in the field.

Mr Bertram: But you should not go overboard, surely.

Mr O'CONNOR: We are not going overboard. Several members on the other side are solicitors and they realise the difficulties involved in drafting legislation to cover all points. First of all if a person has an objection he must lodge it with the authorising officer and give a copy of the objection to the applicant. If the authorising officer does not believe there is any justification for the objection, he will ignore it. On the other hand, if the application is rejected, the applicant has an opportunity to go to court. Ample safeguards are provided.

Clause put and passed.

Clauses 16 to 18 put and passed.

Clause 19: Hearing of Applications—

Mr McIVER: I cannot understand subclause (4). It is mumbo jumbo to me as a layman and I would like the Minister to elaborate on it. If a person already holds a licence and wants it renewed, why should the magistrate be permitted to issue a different licence instead?

Mr O'CONNOR: There may be an instance where some Crown jewels come into the country and an agent may be employed for three months to look after the items. When the jewels leave the country there may be no further use for the agent's services and so a licence would not be renewed. However, the authorising officer would have to give a good reason for refusing the licence, and we must bear in mind that the applicant can appeal to the court if he feels aggrieved.

Frequently we draft legislation believing we have covered all points and then find out later that we have not. It could be that a person who has been granted a licence should not be granted another kind of licence or if he has been granted a licence for a temporay period for specfal circumstances, then when those circumstances no longer prevail, the licence should not be renewed. The provision is merely a safeguard for all involved.

Clause put and passed.

Clauses 20 to 24 put and passed.

Clause 25: Unlicensed persons—

Mr T. D. EVANS: Subclause (2) is the fulcrum about which the legislation will operate because it provides protection for a person who is qualified for a licence to operate without competition from unlicensed persons. This is typical of legislation such as that covering legal practitioners, medical practitioners, and architects, and the code of ethics covering accountants.

A professional person would be possessed of some expertise in his given field. Under this legislation, apart from those grounds upon which a person can object to the granting of a licence, and apart from the fact that an applicant would be required to show intelligence, initiative, and have a knowledge of the English language—and an indefinite degree of education—a person does not need much by way of qualifications to obtain a licence. Such a person would not have the same image as a member of a profession, such as a barrister or a medical practitioner.

Whilst I believe that it is right and proper to ensure that only properly qualified people practise and charge fees for their services, we are going too far with this legislation when, in all situations and without exception, it will be an offence for a person not holding a licence to perform a duty which could be carried out by an agent or, more particularly, a security guard.

I can imagine the situation of a person taking a horse to the north-west to attend a racing round. He might find it necessary to place a guard on that horse overnight, but how would he be able to find a licensed guard? In those circumstances it would be unreasonable to enforce the provisions of clause 25 (2). I ask the Minister to examine the matter to see whether an exception could be made where reasonable circumstances can be shown to exist.

Another example could be that of a commercial traveller breaking down in a remote part of the State. He could be carrying with him valuable equipment such as a computer. He would have to seek help and if he asked someone to look after his vehicle and equipment until he returned, that person who offered to help would not be able to accept a fee. Taken to the extreme I have indicated, it would be unreasonable to expect the provisions of clause 25 (2) to be enforced.

Mr O'CONNOR: In the instance mentioned by the member for Kalgoorlie regarding a racehorse, the owner could employ a strapper to look after the horse.

Mr T. D. Evans: But he would breach the Act.

Mr O'CONNOR: Not if he appointed the strapper to look after the horse, because the strapper would be an employee.

To accept the recommendation to make an exception would render the Bill worthless. In that event the position would be left wide open. I have no objection to examining this clause further, but I am not prepared to open up the position so that the wrong people can come into the field of security agents. I will have a look at the position.

Mr BERTRAM: I would like the Minister to explain just exactly what he intends to do.

Mr O'CONNOR: I have virtually said I am prepared to confer with the Parliamentary Draftsman to see whether authority can be given to a person in order to provide necessary security in special circumstances. I will confer with the honourable member before the Bill passes through another place.

Clause put and passed.

Clauses 26 to 31 put and passed.

Clause 32: Facilitation of proof—

Mr T. D. EVANS: The clause, in part, reads—

> 32. In any prosecution for an offence against this Act—
>
> (a) it is not necessary to prove the appointment of the Commissioner or of the licensing officer or his authority, but nothing in this paragraph prevents the right of the defendant to prove the extent of that authority;

I ask the Minister to explain the words "the extent of that authority". Obviously, the reference is not to the authority of the Commissioner of Police because his appointment is covered by the Police Act. I cannot see the need for this provision. His authority would be absolute. The question is: Has he been appointed pursuant to this legislation?

Mr O'CONNOR: Apparently the commissioner does not have to prove that he has been appointed. Here again, I am prepared to take the word of the draftsman. The Parliamentary Draftsman frequently has good reasons for drawing up these provisions. I will have a word with him about this matter. I do not know the reason for using those particular words but the provision gives the applicant the opportunity to challenge the extent of the authority.

Clause put and passed.

Clauses 33 to 39 put and passed.

Clause 40: Regulations—

Mr BERTRAM: This is a provision one often finds in a Bill. It empowers the Governor to make regulations, and reads—

> 40. (1) The Governor may make regulations for or with respect to any matter or thing which is required to give effect to the provisions of this Act.

(2) Without limiting the general powers conferred by subsection (1) of this section, any regulations made under this Act may . . .

(c) prescribe that fees shall be payable in relation to any application, licence, or other matter under this Act;

Paragraph (c) of clause 40(1) gives the Governor limitless powers to make regulations for or with respect to any matter or thing which is required to give effect to the provisions of the legislation. I am concerned it may empower the Governor to fix the charges security agents may make to their customers. I do not know whether that is the intention. If so, it has not been amplified. If it is the intention it may be a perfectly good one. I would like to have the position clarified.

If that is the intention I think it is desirable the world at large should know. It does not seem to me to be in keeping with the Government's policy. My concern is whether the provision will enable regulations to be made in respect of fees right across the board, including charges security agents may make for their services. If so, security agents may be in for something of a shock.

The word "fee" is also used elsewhere in the Bill. Fees may be construed as meaning a limited thing such as a charge for filing a document, but here "fee" really has another meaning, as is to be seen in clause 25(2), which says—

No fee or other moneys shall be chargeable by any person, and if charged shall not be sued for, recovered, or retained—

That was debated a few moments ago. In the language of the industry, one charges fees for services as a security industry operator, and that is exactly the same word as is used in clause 40(2)(c), which opens up the whole gamut.

This legislation has to do with the provision and control of security agents' services to the public right across the board. It seems to be a reasonable interpretation of clause 40 that regulations may be made by the Government to fix the fees chargeable by security agents to their customers. I would like to know whether that is the intention.

Mr O'CONNOR: I give the honourable member the assurance that it is not the intention of the Government to fix the fees a security agent charges his clients. The clause refers to fees under the Bill and is intended to apply to the fees charged for licensing security agents. Any fees set under the Bill would have to come before the Parliament by way of regulation for approval.

Clause put and passed.

Clause 41 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

As to Third Reading

MR O'CONNOR (Mt. Lawley—Minister for Police) [5.50 p.m.]: I move—

That leave be granted to proceed forthwith to the third reading.

Question put and passed; leave granted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Police), and transmitted to the Council.

House adjourned at 5.51 p.m.

Legislative Council

Tuesday, the 21st September, 1976

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

BILLS (7): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Veterinary Preparations and Animal Feeding Stuffs Bill.
2. Offenders Probation and Parole Act Amendment Bill.
3. Dog Bill.
4. Companies (Co-operative) Act Amendment Bill.
5. Forests Act Amendment Bill.
6. Firearms Act Amendment Bill.
7. Criminal Code Amendment Bill (No. 2).

QUESTIONS (11): ON NOTICE.

1. FOOTBALL GRAND FINAL

Television Coverage

The Hon. R. H. C. STUBBS, to the Minister for Recreation:

As there are many residents in Western Australia who do so much to promote support and finance Australian Rules Football in their districts, and to enable them to see the Grand Final on the 25th September, 1976, on television during the game—

(1) Will the Government make up the financial shortfall, if any, in the attendance receipts and so dispel the fear of the Western Australian National Football League of any loss of revenue, by so giving a very much wanted service to country supporters?