Anyhow, although it is a Wembley Downs subdivision, it involves a principle, and a most important one, in town planning. It is so important that I quoted the Miami case. I have not a clue as to what the Minister or the department sought to do in connection with the subdivision in that case, but the Miami people objected to what was required of them and they went to the Supreme Court with the case. The Government felt this principle of making provision for public open space so important that it—the Government—took the matter to the High Court of Australia, and was successful in its appeal.

That is the only reason I mentioned the Miami case; and yet, within a few short weeks, the Minister and the Government—because the Premier had a finger in it—are ignoring this high principle for which they fought, and are bestowing political favours while sacrificing the interests of the people.

Because of the principle involved, it is my intention to call for a division on this matter so that we can see exactly where people stand; whether there is to be a law applied equally to all concerned, or whether there are to be special favours for special people.

Question put and a division taken with the following result:—

Ayes—20

Mr. Brady	Mr. Kelly
Mr. Davies	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. H. May

(Teller.)

Noes—21

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Dunn	Mr. Runciman
Mr. Gayfer	Mr. Wild
Mr. Grayden	Mr. Williams
Mr. Hart	Mr. O'Neil
Mr. Hutchinson	

(Teller.)

Pairs

Ayes	Noes
Mr. Curran	Mr. Cornell
Mr. Bickerton	Mr. I. W. Manning
Mr. Heal	Dr. Henn
Mr. D. G. May	Mr. Guthrie

Majority against—1.

Question thus negatived.

House adjourned at 10.40 p.m.

Legislative Council

Thursday, the 31st October, 1963

CONTENTS

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

LICENSING ACT AMENDMENT BILL (No. 3)

Second Reading

THE HON. E. M. HEENAN (North-East) [2.33 p.m.]: I move—

That the Bill be now read a second time.

This is one of three Bills to amend the Licensing Act, two of which have already been brought before the House. This Bill well deserves the careful consideration and, in my view, the support of members. The measure simply seeks to amend section 39 of the principal Act by deleting therefrom any reference to a gallon license. In order to explain the position I would point out that section 39 provides as follows:—

> (1) The holder of any gallon license or two gallon license, or a brewer's license, or a spirit merchant's license—
>
> (a) shall keep a book and shall enter therein forthwith, after every purchase by him of liquor, for sale under his license, the date of purchase, the quantity and kind of liquor purchased, and the name of the seller;

(b) shall keep a book and shall enter therein forthwith, after every sale under such license, the date of sale, the quantity of liquor sold, and the name of the purchaser; and

(c) shall produce to any police officer, inspector of licensed premises, or inspector of liquor, on demand, such books and the invoices of all liquor purchased, and copies of the sale notes or invoices of all liquor sold.

Those obligations apply under section 39 to the holders of a gallon license, a two-gallon license, a brewer's license, and a spirit merchant's license, and the proposal in this Bill is to delete application of the section to the holders of a gallon license.

The Hon. A. F. Griffith: That would mean that a gallon licensee would not have to keep any records of sales whatsoever.

The Hon. E. M. HEENAN: It would not mean anything of the sort. As I proceed I hope not to ignore interjections, but I would be glad if the Minister would please allow me to deal with the Bill in proper sequence. We want to be quite clear on the Bill; and to summarise the provisions in a brief way, it is obligatory on the holder of a gallon license to keep a book and enter in it the date he purchased liquor, and the quantity and kind of liquor purchased. That comes under paragraph (a) of section 39.

In reply to the Minister's interjection, I would say that the holder of a gallon license would do that as a matter of course. When he buys, say, half a dozen cases of beer, two cases of wine, a case of spirits, and so on, obviously he would keep a record of those purchases in the same way as he would keep a record of his purchases of butter, jams, and other goods. I think that is fairly obvious, because it is in the nature of the man's business for him to do so.

The more objectionable requirement with which he has to comply under the section is that he also has to keep a book and enter in it after every sale, the date of sale, the quantity of liquor sold, and the name of the purchaser.

If the police were to call around, the gallon license holder would be obliged to show them his books. On the surface that does not seem to create a tremendous obligation, but in actual practice it does. I hope to point out to members that this requirement of the law is quite unnecessary, and is somewhat objectionable.

We have to remember that the gallon license provision has been in the Licensing Act since the Act was first adopted. This provision has rendered considerable service to the general public. As most of us know, a big section of the public do not patronise hotels; and quite a big section do not like to go into hotels. Furthermore, hotels are not always situated conveniently for some people to patronise them. What such people do is to purchase their liquor requirements from their grocer.

Almost every member of the public deals with some grocer, but not every grocer holds a gallon license. Scattered about the place there is usually a gallon license within convenient distance from most homes. It is very convenient for people to be able to call at these stores, purchase their liquor requirements, and take the liquor home in their motorcars. This facility is appreciated by the public, and it was specially appreciated in the days when grocers delivered the orders, and people were able to have their liquor requirements included in the weekly grocery order. This type of license is made use of to a considerable extent, and it serves a useful purpose.

Nowadays grocery deliveries have been largely minimised, because of the necessity to cut down on overhead expenses, and the general community find they have to call at the grocer's and take away their orders as best they can. Simply because a person elects to go to the grocery store which holds a gallon license, and which may be within a quarter of a mile from his residence, he is asked to furnish his name. If a person orders six bottles of beer at the grocer's, the holder of the gallon license is compelled by law to ask that person for his name—not for his address or occupation. Then the license holder is compelled to write down the name in a book, with the date and the description of the liquor purchased.

The Hon. F. J. S. Wise: There have been many "Ned Kellys" and "Bob Menzies" in the community.

The Hon. E. M. HEENAN: I can go into such a store and order groceries, but I am not asked for my name. I can go into a hotel and purchase any quantity of liquor, and the hotelkeeper is not obliged to ask me for my name.

The Hon. G. C. MacKinnon: Do the grocery stores sell liquor to people under 21 years of age?

The Hon. E. M. HEENAN: No liquor can be sold anywhere in the State to persons under the age of 21 years. I suppose at one time the need to follow the procedure I have outlined was regarded as being justified, but nowadays, in my view, it is not justified. I presume the provision was inserted in the Act to enable the police to ensure that the law was not broken. If that were still the case I, for one, would not ask Parliament to amend the law, because if there is one principle I hold dear it is the principle of the rule of the law.

My view is that if a law is unsatisfactory or unjust, Parliament is the place where such law can be corrected; but whilst a law remains in force everyone is obliged to observe it. I shall not be a party to introducing any measure which will make it easy for people to get behind the principle of the law as is announced in our Acts of Parliament.

In introducing this Bill I assure members that in my view the retention of the provision regarding gallon licenses is unnecessary, is inconvenient to the holders of such licenses, and is objectionable to the general public. First of all, it is hard to reconcile this position: A person can go into a hotel and buy half a dozen bottles of liquor, but he is not called on to give his name. I am sure that if one went into the Adelphi Hotel and purchased half a dozen bottles of beer, and the barman or some such person asked him for his name, he would resent it. If one goes to a gallon-license holder to purchase this quantity of liquor, why should one be called upon to give his name?

Reverting to the proposition that the only justification for the provision is to prevent holders of gallon licenses from breaking the law, my argument is that when prosecutions have been instituted for breaches of the gallon license provisions, the evidence is invariably obtained by the police employing someone to go in to buy a single bottle or a couple of bottles. The books are of no value in that regard.

If, in his reply, the Minister argues that by doing away with this requirement we are going to make the lot of the police more difficult, I will not be able to agree with him. It is well known that if anyone conducts what we call a sly grog shop—we have had them on the goldfields, especially in the early days—they get away with it for a while, but the police hear of it, and they find quick and easy methods of detecting it. Likewise, we have some hotel licensees who trade after hours. They get away with it for a while, but the police usually go in in plain clothes and quickly put a stop to that sort of thing.

If the holder of a gallon license is foolish enough to make a practice of selling single bottles—that is the important part of his license, that he is compelled to sell in quantities of a gallon, and it has to be admitted that some of them have not always complied with that condition—then he has broken the law and I have no sympathy for him; and if anyone is foolish enough to engage in this business of selling single bottles, the authorities quickly hear of it, and a policeman in plain clothes can order a single bottle and if he is sold it, that is all the evidence that is required.

My objection to the provision is that it involves the holder of a gallon license in unnecessary book work. As members know, staff has to be employed and it involves them in unnecessary tedious work They tell me—and I am satisfied it is the truth—that when they ask the public for their names, as they are compelled to do they find that the public resent it and will give them any name they think of. The gallon licensee fulfils his duty by asking the customer his name. The customer replies, "Ned Kelly" or some fictitious name if he wants to be facetious, and that is the end of it. It is of little or no value because all the licensee has to get is the name of the purchaser, not his address or occupation.

I am also told—and I believe it to be true—that when new Australians, especially, go into premises which have a gallon license and are asked their name, they get afraid. They think there is some catch and they resent it; and the unfortunate gallon licensee thereby loses trade. Some think there is a stigma on them, or some catch because they have to give their name This is because they come from countries where that sort of thing usually involved them in trouble. Therefore they go to a hotel where no questions are asked.

Those are, I think, the main reasons in support of the proposition contained in this Bill. I may have overlooked some points I should have remembered, but, no doubt, there will be a debate and I will have an opportunity later of amplifying these remarks.

The holders of gallon licenses, I repeat are rendering—and have always rendered—a useful service to the community, and there is a large section of the community which avails itself of this service. Those holding a gallon license are invariably men who conduct grocery stores, and they are men of standing and repute in the community who conduct their businesses along legitimate lines. As in every other section of the community, there are always one or two persons who want to step out of line and get an advantage over the other chaps by breaking the law, but I am sure that country members especially know the gallon license is usually ancillary to a grocery store, and it renders a useful service to the farmers and others who find it more convenient to avail themselves of it.

I repeat that if anyone can bring forth logical arguments that this will enable gallon licensees to defeat their obligations under the Licensing Act, I will not press the measure.

The Hon. A. F. Griffith: Do you think the gallon licensee would still fulfil paragraph (a) of section 39?

The Hon. E. M. HEENAN: I do not think that involves him in much obligation.

The Hon. A. F. Griffith: What about paragraph (c)?

The Hon. E. M. HEENAN: I do not think there is any terrible obligation in that.

The Hon. A. F. Griffith: But you remove him from the obligations in paragraphs (a), (b), and (c).

The Hon. E. M. HEENAN: Yes, I know, because I do not think they amount to much. The idea of the whole thing is to ensure that the holder of the license sells liquor only by the gallon. There is no limit on the quantity that he can buy, so I do not think that paragraphs (a), (b), and (c) matter. He can buy 100 cases of beer and 100 cases of wine, if he has the turnover, but he has to sell it in quantities of one gallon.

He can sell 20 gallons at a time, if he has the customers, but he cannot sell less than one gallon at a time. I see nothing wrong in the police wanting to inspect his invoices and what-have-you, but the obligation to which I am opposed is this tedious one which compels the licensee to write down the name of everyone to whom he makes a sale.

The Hon. F. J. S. Wise: It is quite a worthless record.

The Hon. E. M. HEENAN: Yes, and I am not doing this at the instance purely of the holders of gallon licenses. I am one who patronises them; I find it convenient to do so. But I am fairly well known to my grocer; and I can understand the attitude of the casual purchaser who, when he comes in, is asked his name. One would feel like replying, "Well, what business is that of yours?"; or, "If that's your attitude I will walk down to the hotel at the corner and buy what I want."

The Hon. A. F. Griffith: The gallon licensees have been wanting this taken out for a long time.

The Hon. E. M. HEENAN: I know. It is all right for us who know the law, but the average member of the public thinks there is something sinister when his name is asked. He is not asked his name when he buys his groceries, or his clothing, or many other things that one purchases in the ordinary course of the day. But in this instance, simply because a person wants to buy a half a dozen bottles of beer, maybe because he has some friends visiting his home that night, he is asked his name, and the assistant behind the counter has to write it down in a book.

The average person thinks there is something wrong and that a record is being kept of him; and, of course, if the public is honest a record is kept. If one is a regular patron of these places and buys a fair amount of liquor, as one is entitled to do, I think one has every right to resent the fact that the grocer, and the girls in the shop, know that over a month, or over six months, he has purchased so much liquor.

The Hon. A. R. Jones: It would be easier to take fingerprints, wouldn't it.

The Hon. E. M. HEENAN: Yes, I think so. I might have many friends and I might do a lot of entertaining and, week after week, my name is entered in the record. By the end of the year my reputation could suffer in the eyes of a lot of people; and in these shops a number of boys and girls are employed and one could easily get oneself talked about.

The Hon. A. L. Loton: You might get a Christmas card for being a good customer.

The Hon. G. Bennetts: In the case of an accident it would be a good reference.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. E. M. HEENAN: What the feelings are of some of the Italians and Poles and others I can only imagine, but I am assured by the holders of the gallon licenses that they are resentful and suspicious and think there is some catch in it. I think that attitude would be fairly common throughout the community. For those reasons I think the Bill has merit and I hope members will support it.

Debate adjourned, on motion by The Hon. A. F. Griffith (Minister for Justice).

LICENSING ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 30th October, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

> That the Bill be now read a second time.

THE HON. E. M. HEENAN (North-East) [3.7 p.m.]: The Minister was kind enough to give me a copy of his notes when introducing this measure, and I do not propose to say much about it. It appears that, in respect of the assessment of license fees, last year we made amendments to the Act and they have not worked out as was envisaged. This Bill, which is purely of a technical nature, seeks to correct the position and rectify certain anomalies which the legislation of last year created. I will repeat one of the paragraphs in the Minister's notes—

> It should be emphasised at this point in the explanation of this measure that the redrafted provisions do not increase in any way the incidence of percentage fees payable by any licensee above that which was intended under the 1962 legislation. Licensees have, in fact, already taken action to recover the additional cost in fees by increases in the price of liquor, which became effective from the 1st January, 1963.

As I stated, the Bill is of a technical nature dealing with fees and their calculation throughout the period of the licenses. I do not think it is necessary, or would be helpful, for me to add anything to what the Minister has already outlined to the House. I propose to support the Bill.

Debate adjourned until a later stage of the sitting, on motion by The Hon. L. A. Logan (Minister for Local Government).

(Continued on page 2223)

FIRE BRIGADES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 30th October, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North) [3.10 p.m.]: This is a sneaky little Bill.

The Hon. F. D. Willmott: What did you say?

The Hon. W. F. WILLESEE: I said it was a sneaky little Bill.

The Hon. F. D. Willmott: I thought that was what you said.

The Hon. W. F. WILLESEE: It is a Bill which sneaks a little money from here, and a little money from there, at the cost of other people; and a very benevolent Government, at the expense of the contributor, lessens its contribution and says, "What jolly good boys are we." In effect the insurance companys have an increment of 8 per cent. on their contributions. The poor local authorities, which have been complaining bitterly about their contributions for years—and I notice the Minister of Local Government pricks his ears when I say that—have the munificent amount of 2 per cent. deducted from their contributions; but the Government comes in and lowers its contributions by 6 per cent.

In order that the insurance companies may be relieved of some of their difficulties, the State Government Insurance Office is included in the new formula, despite the fact that the State Government Insurance Office already makes a contribution through the Government contribution.

The Hon. L. A. Logan: It is very little.

The Hon. W. F. WILLESEE: So it is called upon to pay twice. I would ask the Minister whether it is very little. How often does a fire brigade put out the fire in a car that has caught fire? They generally get there too late.

The Hon. L. A. Logan: The same applies to houses.

The Hon. W. F. WILLESEE: There would be more saving in the case of a house than there would be with a motorcar. In view of this elasticity, the State Government Insurance Office should be given the right of some reciprocity in the way of insurance risks, and insurance premiums, that are shared by other companies in this State, and indeed by other States and other countries.

But we call upon them to pay twice in this instance, but we do not allow them any of the generous benefits that accrue from the ordinary benefits of insurance. The variation of the contributions that are to be paid have been arrived at without any consultation whatever with the State Government Insurance Office.

The Hon. F. J. S. Wise: Is that right?

The Hon. W. F. WILLESEE: This is a mandatory step by the Government which says that the State Government Insurance Office will do this.

The Hon. L. A. Logan: That is not right, of course.

The Hon. W. F. WILLESEE: I was discussing this matter with the Manager of the State Government Insurance Office this morning, and he informed me that he knew nothing about this Bill until he read of it in the newspapers.

The Hon. F. J. S. Wise: That is pretty tough.

The Hon. W. F. WILLESEE: That is the crux of the whole Bill. The three items of which it consists are simply a variation of contributions; the inclusion of the State Government Insurance Office—an iniquitous provision in my opinion—and the right of the underwriters to apportion their own form of payment. What they do among themselves is, of course, their own business.

So it is with considerable regret that I support the Bill. I could not amend it in this Chamber if I tried, since it has been passed by another place. It has my reluctant support.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.15 p.m.]: Whilst Mr. Willesee might reluctantly support this Bill, let us have a look at the situation; and particularly let us have a look at the aspect which he does not like, namely, the inclusion of the State Government Insurance Office. The Bill deals with the fire risk component, for which the Royal Automobile Club has to pay well over £5,000. Yet we find that the State Government Insurance Office, with exactly the same fire risk component, has been paying about £600.

The provisions of the Bill are based upon the fire risk component in motor vehicle insurance. So what is wrong with the State Government Insurance Office, which carries a number of motor vehicle fire risk

policies, coming into the picture and paying a proportion. The Bill seeks to set up a fire brigades board for the protection of everyone; not merely for the protection of local governing authorities. The provisions of the Bill are for everybody's benefit. This is only a portion which the State Government Insurance Office is asked to pay for the fire risk component contained in its policy.

The Hon. F. J. S. Wise: Have you any information on the number of fires the brigade attends.

The Hon. L. A. LOGAN: I do not think that comes into the picture. Surely it is a question of who pays.

The Hon. F. J. S. Wise: Of course it comes into the picture.

The Hon. L. A. LOGAN: I do not think it does. If all the other companies pay for their fire risk component, and if the R.A.C. also pays, why should not the State Government Insurance Office pay a proportionate amount?

The Hon. W. F. Willesee: It is paying something and getting nothing.

The Hon. L. A. LOGAN: This is all part and parcel of the ramifications of the Fire Brigades Board. Whether a motor vehicle is insured by the State Government Insurance Office, the R.A.C., or anybody else, if the fire alarm is sounded, the fire brigade will work on it.

The Hon. F. J. S. Wise: Can you give us any information as to whether the fire brigade renders any service in this connection.

The Hon. L. A. LOGAN: It would if the occasion arose.

The Hon. F. J. S. Wise: But does it?

The Hon. L. A. LOGAN: I cannot say more than that.

The Hon. F. J. S. Wise: You could say a lot more.

The Hon. L. A. LOGAN: Let us take an example. If a car caught fire in St. George's Terrace, and it was insured with the State Government Insurance Office, and the fire brigade was called out, of course it would attend.

The Hon. W. F. Willesee: We are not doubting it would go.

The Hon. F. J. S. Wise: Can you give us any information on it?

The Hon. L. A. LOGAN: I do not know whether the brigade has had any occasion to attend such fires.

The Hon. W. F. Willesee: It is paying something for nothing. It is a negligible risk.

The Hon. L. A. LOGAN: If that is the attitude of the honourable member, then let us cut out insurance altogether. How many people pay into insurance, and never get anything out of it? That is the basis of insurance.

The Hon. W. F. Willesee: You and I had better start up a business.

The Hon. L. A. LOGAN: I have never got anything out of insurance, and I hope I never do. One insures against the possibility that one might require it. The provisions of the Bill seek to ensure that there is a Fire Brigades Board which is well equipped for the purpose of dealing with fires in motor vehicles.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 11 put and passed.

Clause 12: Section 39 repealed and reenacted—

The Hon. F. J. S. WISE: I think the history of this Chamber in dealing with matters of straightforward legislation and contentious legislation is one of co-operation and consideration, and when information is sought, a ready acquiescence is forthcoming. If there is an urgent need for legislation to pass, all parties endeavour to co-operate if the circumstances warrant that course. I object to the attitude of the Minister in trying to bulldoze a Bill of this kind through the Chamber. I asked the Minister, by way of interjection: What service is given by the fire brigade for the contributions paid to it by the insurers in dealing with fires in motor vehicles? and I was simply bulldozed down by the Minister in his reply. That is not good enough.

The basis of insurance, whether it is life assurance, accident assurance, or any other form, is that the premiums are assessed for a service given or an investment made. This is based on something, but on what? We have not been told by the Minister.

The Hon. L. A. Logan: It is based on the fire risk component.

The Hon. F. J. S. WISE: I asked the Minister: How many fires of this nature have been dealt with by the fire brigades? He says there is no need to know, because the R.A.C. has made its contribution, and the State Government Insurance has not. That is not an answer. We may find that not .05 of cars covered with a fire risk component have been saved by any fire brigade. So why pass this legislation to impose a burden if that is the situation? Can the Minister tell me of a fire in a car that was put out by a fire brigade?

The Hon. A. R. Jones: I have seen two.

The Hon. F. J. S. WISE: In your lifetime?

The Hon. A. R. Jones: Yes.

The Hon. F. J. S. WISE: We are entitled to this information. It is of no use the Minister trying to overwhelm me on that point by his irascibility. I object to it, and he cannot get away with it while I am here. All insurance is measured as near as is possible, and has a measurable component based on risk, whether it is a fire risk in a hay crop or a grain crop. Premiums are assessed on the experience of the past. In the case of life assurance, premiums are assessed on the life tables of the expectation of life. The same applies to this insurance, and I am asking the Minister to tell me what is the risk. There must be some risk and I want to know what it is before I vote for this clause.

The Hon. L. A. LOGAN: Some people have a rather peculiar interpretation of the word "bulldozing." That is something I never attempt in this Chamber. In my second reading speech I said that the fire risk component was 3 per cent.; and it is ultimately intended to reduce it to 2½ per cent. That is the figure Mr. Wise asked for, and I gave it in my second reading speech. That is the fire risk component on which these premiums are based today.

The Hon. F. J. S. Wise: I want to know the incidence of fires which brings about that component.

The Hon. L. A. LOGAN: If it is available, I will obtain it for the honourable member.

The Hon. W. F. Willesee: I think the Minister will see that the State Government Insurance Office considers 2½ per cent. to be high.

The Hon. L. A. LOGAN: That is why they want to reduce it to 2½ per cent. I would not know offhand the incidence of fires, and I do not think Mr. Wise would expect me to know. I have never yet refused to get any information that he wanted.

The Hon. F. J. S. Wise: I was refused just now.

The Hon. L. A. LOGAN: I did not say I would not get it; I said that I did not know the answer. Is not that a fair enough statement?

The Hon. W. F. Willesee: Can you give us an assurance that you will endeavour to find out?

The Hon. L. A. LOGAN: Yes. To the best of my knowledge, this has been agreed to by the State Government Insurance Office and the local authorities. It is difficult to find some basis on which to work, so they decided to work on the average of the whole of the Australian States, including Western Australia. They decided to accept this formula for the next three years, when it will come up for review. I repeat that the State Government Insurance Office does pay *ex gratia* a small amount and has recognised its responsibilities and considers it should be brought in on the same basis as the others in regard to the fire risk component. I will endeavour to obtain the information which Mr. Wise has asked for.

The Hon. H. K. WATSON: I think one point should be clarified by the Minister. I understood him to say this formula had been agreed to by the State Government Insurance Office and the local authorities. My understanding is that the insurance companies were presented with an ultimatum. The attitude of insurance companies is that the share they are already paying for the upkeep of the fire brigade is excessive; and the last operative figure I heard was that 25 per cent. of a fire premium paid by an ordinary insured person goes to the fire brigade. In my opinion, this is a very substantial proportion, and an excessive proportion, of the expense of a fire insurance company.

For some years they have felt that that figure should be reduced and that the principle which applies in England should be applied in Australia; that is, that fire brigades and the cost of running fire brigades are part and parcel of Government business and the expense is borne by the Government without recoup from fire insurance companies, and so on. That is the attitude of the insurance companies as I understand it.

The Hon. L. A. LOGAN: Undoubtedly it would be the attitude of insurance companies to let somebody else pay for the responsibility of safeguarding their property. The Fire Brigades Board has been set up to safeguard property with all possible speed. I do not know whether Mr. Watson wants the Government to bear the whole of the expense; after all, insurance companies are reaping the benefits of the fire premiums.

The formula has been worked out not only by the Minister but also by several other people, and I consider it is a pretty fair formula. It is not a bad basis on which to operate, and there is not much wrong with it.

The Hon. F. J. S. WISE: My concern is whether a toll is being imposed and payment levied for something for which a service is not given. Insurance companies are in a very different position, in that they have, as one of the components of the premium, a fire risk, which they have to meet as part of their compensation payment if a car is destroyed by fire. But what has been the contribution of the Fire Brigades Board in limiting the losses in that direction? That is my clear-cut concern.

I think that is very different from the point raised by the Minister, that premiums for all sorts of coverage are given by insurance companies, including fire. My concern is: how much contribution has any fire brigade made towards lessening the risk by insurance companies?

The Hon. L. A. LOGAN: The Fire Brigades Board has contributed a great deal towards safeguarding motor vehicles from fire. We have to consider all the ramifications of the board. We should remember that a fire does not destroy a car only when a car is in the street; many vehicles are burned while they are in garages, or when buildings are burnt by fire.

The board ensures that there is fire protection for all buildings. We should not consider the matter only in terms of motor vehicles on the road. We have to consider all the ramifications of the Fire Brigades Board in its attempt to reduce the risk of fire in all places and in all cases. We cannot divorce a motor vehicle from the general fire risk. If we can ensure that a garage will not be burnt by fire, then we are safeguarding the vehicle contained therein.

Clause put and passed.

Clauses 13 to 18 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

In Committee

Resumed from the 30th October. The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

New clause 6—

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

The Hon. L. A. LOGAN: For the benefit of members, I made out what could be 10 ballot papers to show how they would appear on a tally sheet. I have put two or three of these papers around the Chamber so that members can get a better appreciation of this method.

The Hon. J. D. TEAHAN: I have made a further study of this system of voting, and have consulted others about it, and I am satisfied it will get the result that the electors desire—the true preferences in the order that they wish.

The Hon. S. T. J. THOMPSON: This method is a very simple one. It has been carried out for several years in one organisation that I am connected with. It is very easy to understand.

The Hon. F. J. S. Wise: Have you seen it worked out by extending the preferences? Do you get exactly the same result?

The Hon. S. T. J. THOMPSON: No. I did work it out one day, but it did not come out the same.

The Hon. F. J. S. Wise: But it does bring out those with the highest preferences.

The Hon. S. T. J. THOMPSON: Yes. It takes a little longer than the ordinary method to work out.

New clause put and passed.

Title put and passed.

Sitting suspended from 3.45 to 4.3 p.m.

Report

Bill reported, with an amendment, and the report adopted.

LICENSING ACT AMENDMENT BILL

Second Reading

Debate resumed, from an earlier stage of the sitting, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [4.7 p.m.]: This is the Bill I introduced for the purpose of taking corrective action on matters that were dealt with in an amending Bill introduced last year. When Mr. Baxter sought the adjournment of the debate on this Bill I felt sure he was thinking of another measure on which he wished to speak. However, I thought the best procedure would be to postpone the debate on the Bill until a later stage of the sitting. I have since spoken to Mr. Baxter and he is quite agreeable that the Bill should proceed.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. N. E. Baxter) in the chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 73 amended —

The Hon. H. K. WATSON: I would draw the Minister's attention to subsection (2) of this clause at the foot of page 8. It seems to me that the drafting could be improved. The subclause, as printed, reads—

The provisions of paragraphs (a), (b) and (c) of this section . . .

The Hon. A. F. Griffith: This seeks to amend section 73 of the Act.

The Hon. H. K. WATSON: Yes. The position is rather peculiar. The whole of subclause (1) of this clause deals with amendments to section 73 of the principal Act, and, when it is reprinted with the amendment, these paragraphs (a), (b), and (c) will be absorbed into the consolidated Act, but subsection (1) will not be absorbed. That subsection is standing on

its own in this legislation. I think it would be clearer if it were reworded, and I move an amendment—

Page 8, line 39—Insert after the letter "(c)" the words "of subsection (1)."

The Hon. A. F. GRIFFITH: This amendment may well be in order, and I propose to accept it. However, during the tea suspension I will check it to see if it is correct.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4: Section 73A added—

The Hon. H. K. WATSON: As a matter of interest, I would point out that here there is different treatment of the retroactive provision of the Bill. In clause 3 it is not incorporated in the principal Act. In clause 4, however, it is proposed to add a new section, the last part of which gives it a retrospective effect, and it is to that extent incorporated in the consolidated Act.

Clause put and passed.

Clauses 5 and 6 put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

TAXI-CARS (CO-ORDINATION AND CONTROL) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

LICENSING ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from the 29th October, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. E. M. HEENAN (North-East) [4.17 p.m.]: This Bill contains a number of worth-while amendments to the Licensing Act, and will, in my view, have the overall effect of improving it. However, no radical changes are proposed, and in this respect some members may have a feeling of disappointment. Taking a general view, I think the present licensing laws have evolved in a fairly satisfactory way, at least as compared with the laws of some of the other States of Australia.

In recent years a few significant trends have developed. Firstly, as regards licensed clubs, we all know there has been a great increase in the number of what are termed sporting clubs. Large sections of the community belong to these clubs, which have erected very attractive premises, and which are very popular. Their impact on hotels has been significant, and in some respects hotels have been placed at a disadvantage, compared with licensed clubs.

Hotels, as we knew them in the past, have had to reorientate their outlook. To satisfy present trends, and possibly to counter the opposition offered by licensed clubs, the usual practice now is for hotels to provide dance floors, music, and entertainment on week nights and Saturday nights. In a general way this trend is not open to much criticism, because from my observations when people of both sexes foregather in decent and clean surroundings they invariably behave better. They are able to sit down at tables and enjoy themselves. In the majority of cases they partake of a modest quantity of liquor.

We have also seen the development of the restaurant liquor license, and the hotel-motel liquor license. Here the trend has developed to the good of the community, and, as far as I am aware, it is not open to much criticism.

One feature of modern life which has worried me, and about which I spoke during the Address-in-Reply debate, is the trend for people to take along quantities of liquor when they attend balls at some of the better-known dance halls. In my view, very often excessive drinking is indulged in, not only by adults but also by young people. The present laws do not make any provision to cope with that unhealthy state of affairs. If such a ball were to be held in one of these dance halls this evening, it would be quite within the law for adults and minors to take along cases of liquor. Usually the liquor is of several varieties—beer, wine, and spirits. That sort of drinking invariably leads to trouble, and there does not seem to be any control over these matters.

The Hon. G. C. MacKinnon: It is not illegal for a minor to drink at these functions?

The Hon. E. M. HEENAN: No. Apparently the authorities are not interested until the stage when those people drive away in their motorcars. Frequently they become involved in tragedies. Parliament and the Licensing Court should share some responsibility for that state of affairs. The obvious answer is to issue the type of license as proposed in this Bill. It is provided in the Bill that during stock sales, the holder of a publican's general license shall be able to obtain a special license to provide facilities for drinking. That seems to be a more sensible method to deal with this situation. It is by far a better method than that now adopted, when the people have to take beer along with them in their vehicles.

The Hon. G. Bennetts: Have you ever heard of people taking along a five-gallon keg of beer?

The Hon. E. M. HEENAN: I have. We should work out some system along the lines I have outlined to apply to the drinking of liquor in ballrooms. Many people attend balls, and it is very convenient for them to be able to take along a bottle of wine of their fancy, to sit down at a table, and to consume the liquor with their friends. I think that is a good trend. However, I would not be agreeable to the issuing of licenses which would enable young people to consume liquor; but in this respect consideration might be given to lowering the age limit to 18 years. I should point out that I am not suggesting this. If this type of license is to be issued, I am not agreeable to boys and girls being permitted to drink at these functions. Further, I would provide for a heavy penalty to be imposed on persons attending these balls with a caseful of liquor.

It is surprising that neither the Licensing Court nor the authorities have worked out some method to cope with the exising problem—and it is a very serious one. I have seen under-age drinking and excessive drinking at balls conducted by the most reputable organisations. No-one seems to have any control over this situation, and often one sees the spectacle of boys and girls drinking effervescent wines, followed by beer and gin, or other types of spirits, with very unfortunate consequences.

This Bill also seems to take cognisance of the fact that wine saloons need improvement; and I hope the Licensing Court will pursue that angle. Here again, in Australia we produce some of the finest wines in the world; and wine, in moderate quantities, is a fine beverage. There should not be any disgrace in going into a wine saloon and having a drink before one's dinner or after one's dinner, as many of us do in our own homes or at a hotel.

Under the existing conditions of wine saloons, they seem to be largely the refuge of derelicts, and that to my way of thinking is an unfortunate state of affairs. I would like to see the Licensing Court improve wine saloons greatly by insisting on a better standard of premises.

The Hon. H. R. Robinson: Don't you think they are fading away a bit?

The Hon. E. M. HEENAN: I don't know. I hope not, for the sake of our wine industry. As I say, the answer is to make them decent and respectable.

The Hon. A. R. Jones: What was that interjection?

The Hon. H. R. Robinson: I asked whether it was thought that wine saloons were fading away a bit.

The Hon. E. M. HEENAN: On that subject, years ago if one wanted to go to the bottle department of a hotel, one looked over one's shoulder before going in. Women in particular did not like to be seen in those places; but, nowadays, we see the lovely bottle departments which some of the hotels have added to their premises, and there is no disgrace at all in going in to purchase liquor. The surroundings are nice, they are open to the public, they are most tastefully decorated, and they have plenty of room. That is all to the good, in my view; and I hope that what some of the hotels have done regarding their bottle departments and their bars and lounges, can be followed by wine saloons, because this would be all to the good.

Regarding the Bill and its clauses, there are a few criticisms I wish to make. On page 6 is clause 10 (d) which provides that no person in future can hold more than one license.

The Hon. G. Bennetts: That is a good idea. Think of the breweries.

The Hon. E. M. HEENAN: Yes. What I have in mind, though—and perhaps the Minister would be good enough to make a note of it—is that this may preclude the holder of a publican's general license from holding a restaurant license.

The Hon. A. F. Griffith: No. I am sure that is not intended.

The Hon. E. M. HEENAN: That certainly would not be the intention, but I have not been able to give the matter the close study I would like to give it and, at a first reading, it seemed to me there might be a catch there.

As far as I know there is only one Australian wine and beer license, and it is held by the Alhambra Bars at the corner of Barrack and Hay Streets. From recollection, I think it is the only one of its kind in the State. It is called an Australian wine and beer license, and all it has been possible to purchase at the Alhambra Bars up to date is beer and wine. At this place there is a big beer turnover and it is now proposed to allow the licensee to sell Australian spirits. I have no particular views on that matter. I suppose it will be an amenity to the people who patronise the Alhambra Bars.

The Hon. A. F. Griffith: We agreed to this last year.

The Hon. E. M. HEENAN: It is to be remembered that these premises will be placed on an almost equal footing with hotels which have much heavier expenses. It is not possible to obtain accommodation at Christmas time, or any other time, at the Alhambra Bars; it is merely a place where one can obtain beer; and it is now proposed to provide another benefit by allowing the premises to trade in spirits. Whether that is a fair thing to the other hotels nearby, which have much heavier expenses, is a matter for some consideration.

The Hon. A. F. Griffith: It will only be permitted to sell Australian wine, Australian beer, and Australian spirits.

The Hon. E. M. HEENAN: Yes. However, I would hazard a guess that Australian whisky would constitute about 75 per cent. of the sales of whisky now. I may be well out.

The Hon. A. F. Griffith: I have no idea.

The Hon. F. J. S. Wise: Not to me anyway.

The Hon. L. A. Logan: Me either.

The Hon. R. Thompson: I won't be drinking whisky if I have to put fluoridated water in it.

The Hon. E. M. HEENAN: Another interesting amendment provides that an airport license can be granted to any airport in the State as the Governor may, from time to time, on the recommendation of the Licensing Court declare. So, one of these days, there may be a license at the Kalgoorlie Airport, and I cannot see anything wrong with that.

The Hon. A. F. Griffith: We had a reason for doing that. The Commonwealth took over the control of the Perth Airport and the license there, and left the State in the position that it might not be able to grant another license at an airport somewhere else. I think it is a reasonable amendment.

The Hon. E. M. HEENAN: Yes, I am in favour of it. Whether clause 25 is reasonable, I have my doubts. It gives the Licensing Court power at any time of the year to require further accommodation to be built. At present, licenses are renewed for twelve months and at the end of that period the court renews the license frequently with the provision that during the coming year additional accommodation must be provided. This Bill allows the court to go further. At any time of the year it will be able to order a licensee to construct further accommodation within a certain time.

The Hon. J. G. Hislop: How does that clause fit in with clause 45?

The Hon. E. M. HEENAN: I do not think they have much in common. Dr. Hislop mentioned clause 45, which makes it obligatory on a licensee who puts people out on a verandah, or in a sitting-room, to enter it in the register of lodgers. At present, when one goes to a hotel and is given a room, his name and address is entered in the lodgers book, and he has to sign it. If the hotel is crowded and he is accommodated in the sleep-out or on the verandah, that has to be mentioned.

The Hon. A. F. Griffith: The purpose being to give the court some indication and information about these crowded periods.

The Hon. E. M. HEENAN: As a matter of fact, only a fortnight ago I was at Meekatharra on such an occasion and the accommodation was booked out. I was accommodated on one of these verandahs where there were about five or six bed I was very tired after my long journe from Perth and went to bed at 10 o'cloc before any of the other beds were occupie Lo and behold, when I woke up in th morning, in the bed alongside me was young lady!

The Hon. G. Bennetts: A very embar rassing position, I should say.

The Hon. R. Thompson: You are sti blushing.

The Hon. R. C. Mattiske: Were yo charged extra?

The Hon. A. F. Griffith: Perhaps yo don't think this is a good provision in th Bill.

The Hon. E. M. HEENAN: I am gla there were no records kept.

The Hon. R. C. Mattiske: How long di you stay there?

The PRESIDENT (The Hon. L. Diver): Order!

The Hon. E. M. HEENAN: Clause 2 deals with applications and sets out tha when a person applies for a license, h application can be objected to not onl by the inspector of the licensed premis and by any resident in the district, bu also by any person authorised in writin by the chairman of the Western Australia Tourist Development Authority. A simila provision is included later in the Bill tha the Tourist Development Authority, someone delegated by it, can object to th renewal of a license.

I feel that that is going a bit too fa I do not think the authority of the Touri Development Authority should extend int the Licensing Act to that extent. If person applies for a license the police ca object, and any residents in the distri can also object. It is an expensive matte to apply for a license. The police ar knowledgeable about the requirements the district and any resident—man woman—in the district can object to license being granted. Why we want t allow the Tourist Development Authorit to have the right to object, I do not know and I do not think I can agree to tha proposal.

The Hon. A. F. Griffith: What claus were you on then?

The Hon. E. M. HEENAN: Clause 2 page 15. There is a similar provision i clause 34 on page 19. I think we migh have too many cooks dabbling in thi business of licensed premises.

There is another important amendmer to section 118. That is the section whic provides that hotelkeepers have to suppl the public with meals at certain times- meals and accommodation. In the Bi there is a rather serious amendment t that section. I think we all know tha hotelkeepers these days are not enjoyin the wonderful times that they had i

former years. They have the opposition of the clubs and restaurants, and they are compelled to modernise their premises.

The Hon. G. Bennetts: The ones in the city are having a bad time.

The Hon. E. M. HEENAN: The Bill provides that if they refuse to receive any person as a guest, or to supply any person with food, liquor, refreshment, or lodging, they commit an offence unless they can prove to the satisfaction of the court hearing the charge that, having regard to all the circumstances, the licensee had reasonable grounds for refusing. But that places the onus on the licensees and makes them sort of guilty for a start; then they can get out of the charge if they have reasonable grounds. I am satisfied with the existing provision in the Act.

The Hon. A. F. Griffith: If you are miles away from anywhere and the licensee says, "You can have as much as you like to drink, but you can't have a bite to eat," do you think that is reasonable?

The Hon. E. M. HEENAN: No, I do not.

The Hon. A. F. Griffith: That is what we are trying to tidy up.

The Hon. E. M. HEENAN: The provision in the Act covers that.

The Hon. A. F. Griffith: I do not think it is proving sufficient.

The Hon. E. M. HEENAN: I always thought it was fairly reasonable. It states—

> Any holder of a publican's general license who, without reasonable cause, refuses to receive any person as a guest into his house, or to supply any person with food, liquor, refreshment or lodging, commits an offence against this Act.
>
> Penalty: Fifty pounds.
>
> Provided that the burden of proof that there was reasonable cause for not complying with this section shall lie upon the licensee.

The Hon. A. F. Griffith: But "reasonable cause" is just about anything: the cook has gone home; there is no bread; the meat is stale.

The Hon. E. M. HEENAN: We have to appreciate the licensee's point of view sometimes; because licensees have difficulty in carrying on in some of these outback places. I cannot imagine that sort of thing happening in the city. A licensee would quickly be apprehended if he did that sort of thing. My experience is that in the majority of cases they are glad to have one stay there and they provide one with liquor.

The Hon. A. F. Griffith: It is not the outback places that offend in these cases; it is the ones nearer in that offend. Outback licensees are more accustomed to dealing with people who travel.

The Hon. E. M. HEENAN: However, I hope members will have a look at that aspect. My view is that the existing provisions in the Act are adequate; and, when all is said and done, how many times does one hear of this sort of thing happening? I think we can make the lot of licensees a bit intolerable because they are up against many difficulties at the present time.

As regards the instance I mentioned at Meekatharra, on that occasion the licensee would have been quite justified in refusing me, and a number of others, accommodation. But she went to a lot of trouble and provided quite reasonable accommodation in the circumstances.

The Hon. G. Bennetts: You were put in a good position.

The Hon. E. M. HEENAN: As a matter of fact, I gather from the remarks of some members that they will be going to Meekatharra at the first opportunity they get.

The Hon. A. F. Griffith: As you explained, the licensee there had a perfectly reasonable excuse. The house was full.

The Hon. E. M. HEENAN: Yes.

The Hon. A. F. Griffith: But what about the fellow who has not got a full house, and who has not got anybody in his dining-room, and refuses to supply you with food?

The PRESIDENT (The Hon. L. C. Diver): Order! The Minister can make notes of these queries and reply later.

The Hon. E. M. HEENAN: I want to make it quite clear that I am 100 per cent. with the Minister in dealing with that type of licensee, and the court always has the right to refuse to renew his license. But I would suggest that members have a look at the existing provision in the Act and compare it with the one which is now proposed.

The Hon. A. F. Griffith: Fair enough.

The Hon. E. M. HEENAN: My objection to the one now proposed is that it makes things a bit harder on the licensee in a way which I think is hardly warranted from my experience of the position.

Those are my views on the Bill and I propose to support the second reading. I repeat: Overall I think it will be an improvement to the Act and I have not a great deal of criticism to make of it.

THE HON. G. BENNETTS (South East) [4.54 p.m.]: I, too, intend to support the Bill. I know that hotels in certain areas are having difficulty in carrying on because of the number of licenses that have been issued to clubs.

I can speak of things that happened 60-odd years back and in those days a hotel was established to provide beverages for the public, and the licensee who kept his beverages cool and gave a good service to the public got the trade. But what

do we find today? These days hotels are competing with each other for the trade that is offering. All sorts of entertainments are provided, and these have even extended to the Sunday sessions at hotels —the entertainments even include dancing. The cost of these entertainments is terrific.

One hotelkeeper told me that he had to sell an 18-gallon keg of beer before he started to reap any benefit himself. That is what the entertainment he provided was costing him, and he was in an area where the trade was limited and he was just showing a profit. His wife had to clean the rooms while he served in the bar and did the yardman's work; and they had the services of a cook.

The way things are going, everything is getting out of plumb, and if some of the entertainment in hotels were cut out I imagine the drinker would be able to get his drink at a reduced price. I am sure if hotelkeepers did not have to pay for the entertainment they are forced to offer they would be able to reduce the price of their beer by a substantial sum.

During the recent racing round on the goldfields I was in one area and a number of people from Perth were there also. One member of my family went out for a drink with these friends from Perth and my daughter told me that when they got to the hotel some bodgie types came in, took off their shoes, and started dancing in the hotel, with their hair down and making complete fools of themselves. The police heard about it and pulled the publican into line, and I do not think he will stand any further nonsense of that kind.

As far as some of the hotels Mr. Heenan mentioned are concerned—and hotels in the centre of Kalgoorlie would be in much the same position as those in the City of Perth—many of them would be hardly balancing the budget. Ever since I have been in Parliament I have had to depend on hotels for room and board, and I have always been shown courteous attention. Members know that I do not patronise the bar, so licensees do not look to me to spend money in that direction. I have a social drink on occasions with certain guests whom I meet at the hotel, but my drink is in the lemonade class. However, that does not matter.

When I go on trips around my area, and I meet my colleagues, we go for a drink in a hotel or a club. I go there, the same as any other member of the public, and I have a convivial drink with my friends and acquaintances. As regards the hotels in the outlying areas, I had experience of one the other day where the tariff was terrific and the meals were not fit to put on the table. I suppose the same sort of thing applies in certain other areas.

Mr. Heenan also mentioned travelling in some of these remote areas, and I should like to relate an experience I had. Some considerable time ago I happened to be travelling with the Minister for Police and some other members. When we left our starting point we had 105 miles to go to our destination and before we left we arranged for lunch to be provided at the hotel. On the way we had a lot of trouble with the car because of the bad weather, and when we reached our destination I was sent in to the hotel to find out what arrangements had been made for a meal. The proprietor said, "You can't get a meal. We've got nothing for you." I said, "Did you get our wire?" He said, "No, we didn't get any wire because of the bad weather, but we've got nothing for you."

I said, "All right," and started to walk out to notify the Minister. Just then a schoolmaster, who was a Kalgoorlie man on transfer, stopped me and said, "Hello, George. What are you doing here? Have you met the publican?" I said, "Yes. He has turned us down for a feed." He said to me, "That will never do. You will have to come back with me." I went back, and said to the hotel proprietor, "I have the Minister for Police here with me," to which he replied, "That is a different thing altogether. If you do not mind waiting a while we will be able to grill you a chop or two, from some of the mutton we have here." The point I want to make is that that was one of the best meals I have ever had. We had soup, roast dinner, and sweets.

The Hon. R. Thompson: How much did it cost you?

The Hon. G. BENNETTS: We did not worry about the price. We felt we were lucky to get it. During my recent trip to the field day at Esperance, I moved around and met two farmers from Victoria. I happened to be walking down the street and somebody who was talking to these people said, "George; just a minute, I want to introduce you to these people." He told them I was a member of Parliament, and they said, "You are just the man we want to see." They went on to say, "We have been touring around the State, and we dread going back to a certain place." I asked the reason and they replied, "We went to this place in question. It was about 5 a.m. and the proprietor was in slippers and shorts. He was not wearing a singlet. He did not want to attend to us and said, 'I may be able to dish you up something.' "

The Hon. F. J. S. Wise: Is this the chap you described to me?

The Hon. G. BENNETTS: No. There is another place I wish to mention with particular reference to the clothing of the proprietor. On our way home we called in at the hotel in question for a drink at about midday. In came a little Italian fellow, who was the proprietor. He was

wearing boots, a little pair of shorts, and no singlet; and he had more hair than McGinty's goat.

I think there should be some provision made in the Bill for the standard of dress of hotel proprietors. The Licensing Court has a big job ahead of it. The authorities are doing a good job at the moment, and I hope we never emulate New South Wales. I happened to be over there recently and we stayed at a hotel. I might mention here that when ships come into the harbour—and there was an American ship in at the time—these hotels are granted an extended license from 10 o'clock till midnight.

They generally have loudspeakers blaring forth, and the noise has to be heard to be believed. Nobody can sleep as a result of the noise. Merely by making application these hotels are granted extended hours of trading. I hope the Licensing Court here does not follow that example.

I am quite sincere in my approach to this Bill. I do think that we should take away some of the privileges from the hotels I have mentioned. They have been given too much latitude, particularly in regard to their advertising as it relates to the fixtures they are putting in and so on. Let us bring them back a bit. Let us decide that the hotel which serves the best drink, and keeps the best house, is the one that should get the custom.

We hear from time to time the dangers inherent in our young people being left without places of amusement; or being left alone while their parents are out waltzing like Jackie. On the goldfields these young people attend the dance halls, but one of the big dance halls there has had to close down, and this has meant that the adult patrons of the dance hall now take their patronage to the hotel, while the younger people have nowhere to go. This is the sort of thing that breeds delinquents. I can name any number of families of which the parents frequent hotels while the children are allowed to roam the streets uncared for.

THE HON. C. R. ABBEY (Central) [5.6 p.m.]: I certainly support the Bill. I think its provisions are very necessary. One of the comments made by Mr. Heenan took my attention; particularly when he questioned clause 25 of the Bill, which makes it possible for the court to order additions to accommodation between licensing periods.

This seems to have become necessary now—it may not have been necessary in the past—because of the rapid development of the State. During a recent trip to the north, I observed that the growth of some of the towns in the north was extremely rapid. In my opinion it could well be that even in the 12-month period it would be necessary for the court to order additions to accommodation; and these would be permanently needed, at least from my observation of the position. Possibly the provision in the Bill is brought about by that need, and no doubt the north-west members will be aware of the situation.

I do not think it will be throwing any burden on the licensee, because in the newly developed areas it is obvious that the trade will be adequate providing the accommodation is there and is acceptable. On my examination of clause 25 of the Bill, it occurred to me that some future amendment to the Act could provide more stringent conditions in the supply of good accommodation in all hotels. By this I mean accommodation for the guests.

In my travels around the State I find a great disparity in the standards of accommodation. I could quote many towns in which the standard is quite high, and satisfactory. Yet we have a situation perhaps 20 miles away—and I am referring to the country—where the bedroom accommodation is of very poor standard. This, however, also applies in the metropolitan area.

I think officers could well be appointed by the Licensing Court, charged with the responsibility of raising the standard of accommodation over a period—and not too long a period, either.

The Hon. F. J. S. Wise: One of the worries is the big finance involved.

The Hon. C. R. ABBEY: Yes. I admit that would be a worry; and the court has placed the responsibility on many licensees to expend large sums of money on their bathrooms, toilets and so on; and quite considerable improvements have been made. But it would not be a very great expense to provide decent furniture in the bedrooms which are already there. We have a growing influx of people from all States, and from overseas. They want to see our State. They travel around extensively, and it must create a very bad impression if the accommodation standard is low.

After all, the standard of living today is pretty high, and large numbers of our population provide very good accommodation in their own homes. So why should they have to put up with substandard bedrooms in some of the hotels to which I have referred? I wish to stress the point, and make it quite clear, that this only applies to some hotels.

The Hon. A. F. Griffith: Nevertheless, the lot of publicans in some districts is not an easy one.

The Hon. C. R. ABBEY: I agree, but where a percentage of the accommodation is being used fairly fully, I think provision should be made for a decent standard to be provided. Generally speaking the standard of accommodation in the hotels in the metropolitan area is fairly low.

That in the new hotels is undoubtedly good, but the older hotels—and quite a number of them are under the control of the Swan Brewery—provide very poor accommodation. I think the Licensing Court should take action to raise the standard progressively.

I would ask the Minister to bring this matter to the attention of the court, because we must take into account that with the building of new motels, the licensees of hotels must be finding it somewhat difficult to compete. I feel we should have a look at the matter I have raised in the hope that, in the next two or three years, we will progressively improve our standards very greatly.

THE HON. F. R. H. LAVERY (West) [5.13 p.m.]: I have not very much to say in supporting the Bill, except to touch on the matter of accommodation, which has been mentioned by Mr. Abbey. Some cognisance should be taken of the fact that the furniture in some of the country hotels is as old as I am.

The Hon. L. A. Logan: That is not very old.

The Hon. F. R. H. LAVERY: In the last 12 months I have travelled quite a bit in the country, and have stayed at various hotels. I would like to say straight away that the Vasse Hotel at Busselton is outstanding. The appointments in the bedrooms, and eveything else, leave nothing to be desired. The service is excellent.

Travellers are prepared to pay a reasonable price for their food, and somewhere to sleep. While the bedrooms in some hotels are very clean, there was one hotel in which I stayed where I had to ask the manager to change my room because the springs were coming through the mattress. He gave me another bedroom, and I found that the wire spring in the original frame was fixed with fencing wire.

At any time I am prepared to pay my £2, or about that amount, for dinner, bed, and breakfast, but I expect to get a bed on which I can lie. Despite the fact that there is a lot of motor transport today, some of the small hotels are not obtaining the trade they should. However, at the Vasse—which I previously instanced—one has to make an appointment weeks before in order to obtain a booking, because that hotel has a good table and fine beds.

I believe it is not necessary for the court to go around asking people to paint rooms and lay carpets in passages. It is the bedroom of a hotel that concerns a person who is travelling, and the court should make every endeavour to see the standard of bedrooms is raised. That is the only point I would like brought before the attention of the Licensing Court. I would like the court to inspect the bedrooms because there seems to be an idea among some of the hotel proprietors that so long as there is a pillow, sheets, and a nice blanket on a bed, that is all that is required. That is the complaint I make, and I think it should be looked into.

The Hon. A. F. Griffith: I think you will find one of these clauses will help.

THE HON. J. G. HISLOP (Metropolitan) [5.17 p.m.]: There are one or two aspects in regard to this Bill that interest me. One of the things that comes to mind quickly is the magnificence of the Perth Airport; and it must be said quite frankly that it has probably the finest hotel in Perth. Naturally, with the number of planes that are coming and going, it is open for long periods during the day. There is the possibility that we may have to extend this sort of thing to the new airports like Jandakot and give them something in the nature of a hotel license in order to allow them to compete in the same way.

I am convinced that many people who drink at the airport are not there for the purpose of seeing friends arrive or depart. They are simply using this place as a restaurant and hotel.

The Hon. A. R. Jones: I reckon it is a disgrace.

The Hon. J. G. HISLOP: On most nights the cocktail bar is full; and I am certain the people are not at the airport in connection with the arrival or departure of visitors. They go there because it is a place at which they can drink until late hours.

The Hon. F. J. S. Wise: After hours drinking.

The Hon. A. R. Jones: Sundays as well.

The Hon. J. G. HISLOP: The plane on which I travelled arrived at approximately 11.50 p.m., and quite a number of people were drinking.

The Hon. R. Thompson: How did the charges for drinks compare?

The Hon. J. G. HISLOP: They were no different from a hotel, from what we paid. It is wrong to give a limited license to airports, restaurants, and so on, in view of the breadth of the license given by the Commonwealth.

I also agree that wine shops should be conducted differently. I believe the whole of the front of a wine shop should, as is done in America, be open to the public so that one can see what is going on inside. Usually there is a great glass screen across half the front of a wine shop, so those who are sitting inside drinking wine at the tables will not be seen. This seems to be a deplorable way to drink. I think more chronic alcoholics drink wine than any other liquor. If these places were open so that one could see what was going on inside; and if they were conducted as restaurants—allowed to sell food—it would be a great advantage. Alcohol does not have anything like the

same serious effects when it is taken with a meal as it does when absorbed on an empty stomach; and some of the people who frequent wine shops spend more money on wine than they do on food. I would have liked this Bill to contain more rigorous control over wine shops than will be the case.

When we talk about accommodation in hotels, there are a number of aspects which must be considered. I have said here time and again that I do not think the Licensing Court takes as much interest in the living accommodation in hotels as it does in the bars; and I do not think a man sees dirt and dust in a room as quickly as a woman does. Therefore, I would like to see a woman appointed to the Licensing Court. I would support this without hesitation, as there are women I know for whom I have the highest regard. They have spent their lives in hotels and are now in a position to accept an appointment of this kind.

If this were done, I think we would find that the interiors of hotels would be revolutionised very quickly. Another point I would like to mention is this: After a man or a woman takes on a hotel as licensee and the consumption of beer per week increases, the owner of the hotel suddenly increases the rent, and it is impossible for that man or woman to improve the premises. I would like the Act to provide that no hotel can be leased on a weekly basis. People pay large sums of money to go into hotels, and they should be given some security. If the licensees had more security, the Licensing Court could act in a much more effective manner. The position throughout the State is that when the consumption of beer goes up, so does the rent. I cannot see that that is an equitable or justifiable means of helping a hotel.

The Hon. R. Thompson: Some hotels are purely on a weekly tenancy. They cannot get a lease.

The Hon. J. G. HISLOP: I think this House should look into the matter. As I said, this is a universal custom, and it is holding up progress in the hotel trade. We must lift the status of accommodation in our hotels before we can really attract tourists to the back areas.

The Hon. A. F. Griffith: I think you mean well, but it is hardly for us to legislate that two parties shall enter into certain contractual arrangements, if they do not want to.

The Hon. J. G. HISLOP: Suppose one does want to, and the other does not.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. A. F. Griffith: Every man does not have to—

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. C. R. Abbey: It should be mandatory for the owner.

The Hon. J. G. HISLOP: I would also like the Minister to have a look at what I regard as our silly provision relating to licensed restaurants. Apparently one has to have two courses in order to have a meal. Therefore, to get over that, one simply has to buy a dim sim in a Chinese restaurant and then have one other course. If a person does not have a dim sim he is likely to run into trouble; and he is also likely to get the restaurant keeper into trouble. In many of the Chinese restaurants the amount of food given in one course is more than one person can eat. Therefore, if a person is expected to eat a second course, I think it is a foolish provision.

These restaurants are run very well. I frequent them quite often for meals, and the food they supply is of a very high standard; and the wines they provide are also of a very high standard. I cannot see any sense in retaining in our Acts provisions which are not sensible. I think we should say to these people that they can supply wine provided it is taken with food. Another thing I wish to mention is the cost of wine. In the average hotel, wine is not sold at a price which is in the best interests of either the hotel or the wine trade.

The Hon. L. A. Logan: I agree with you.

The Hon. J. G. HISLOP: I think the profit made on a bottle of wine is excessive if we desire the vineyards to continue as an advantage to the economy of the State. Let me give an example.

The Hon. A. F. Griffith: You mean when served with food?

The Hon. L. A. Logan: They certainly double it from the bar to the dining room.

The Hon. J. G. HISLOP: During the weekend outside of this State I, and my party, had some nice wine which we were trying for the first time. I am certain I could have bought that wine—it was still wine—at a maximum price of 9s. However, by the time we had bought that bottle of wine it cost us £1. The wine was 18s. a bottle; and as we had been well looked after by the waiter it was natural for us to tip him. Therefore one may have got away with it for 19s. When we came to pay our food bill the cost of the meal was sixpence less than the cost of the wine. I do not think that was in the best interests of the trade, and it is one of the reasons why we have these dances which members have been talking about. If arrangements were made for a license to be obtained for the dance, the cost of the alcohol would be very much greater than otherwise and public attendance would drop off.

This is not an easy problem to handle, but it is one that must be tackled. If we could do something to ensure that wine is drunk on a rational basis with meals, it would make a big improvement. It would

also be a good thing if we could improve the provisions in regard to these dances where people drink wine to excess if there is a bottle to be finished. This would be of advantage to the whole of the wine and spirit industry in Western Australia.

THE HON. J. D. TEAHAN (North-East) [5.29 p.m.]: Some of the other speakers have indicated that the Licensing Court must be more strict. To some degree I agree with that statement, but the court could be too strict in asking for alterations and improvements. If this went too far it could seriously affect licensees. I am referring to some small outback settlement where there is a hotel that is doing a good job. It is at such a hotel where prospectors meet in order to discuss their difficulties and perhaps find out if they can borrow a compressor, or something of that sort; and these people enjoy being at that meeting place. It may be a place where pastoralists meet to discuss a particular subject.

The hotels that have only a small trade are playing an important part. The day we eliminate a hotel from a district, we almost eliminate the district. I know of one place where such a thing occurred. It would be a tragedy to close down these small hotels. However, the hotels could be cleaner. Some are certainly not clean. That might lend weight to the argument advanced by Dr. Hislop, who said that no-one notices more quickly than a woman whether a place is clean. That is true.

I have often thought that a woman on the Licensing Court would improve the standard in some of these centres, and it would not necessarily involve costly alterations. Cleanliness is not always costly. The standard of some hotel beds is poor, and no-one would notice that defect quicker than a woman. Although I do not maintain that costly alterations should be insisted on in these small places, the hotels could be kept tidy, clean, and hygienic.

Concerning wine saloons, there has been an improvement in the last few years, and there would be more improvement if they were opened up. There is a tendency to open up hotels. There are wine saloons that could be termed hole-in-the-corner saloons. There has been a tendency to take away frosted windows and generally to open up hotels. What is there to hide in a hotel? It is a pity that the tendency has not applied to wine saloons, because there would be fewer hole-in-the-corner saloons, less behind-the-screen activity, and fewer alcoholics. It would help to remove some of the blot of alcoholism from the community. The drinking of wine produces many of our alcoholics and if anything can be done to lessen the number of alcoholics, it would be a step in the right direction.

I am in favour of canteen licenses being granted. I believe that these canteens have done a good job. I can speak of only one, but I know there are others. There are many small towns—especially gold-mining towns—that may be flourishing, but which have little or no continuity of life. No-one will spend £20,000 of £30,000 on a hotel unless he is assured of some return. I know of one place called Palmer's Find. The Licensing Court insisted on a palatial building being erected. That particular town lasted only a few years, and away went the hotel and the money that was expended on it.

There is a canteen at Mt. Ida. Approximately 100 men are employed in the town, and there is a canteen license there. It is well conducted, and it does the job required of it. The canteen provides the men with reading space and a cold drink as required, and it keeps the men contented in that remote area. The town is 80 miles from the nearest railway line or railway centre. The town would lose quite a lot of its experienced miners if it did not have a canteen license; yet the district is not solid enough to warrant the erection of a hotel.

THE HON. A. R. JONES (Midland) [5.35 p.m.]: As this seems to be a grizzle session, I propose to offer one or two suggestions and ask a question. It was mentioned that the Perth Airport license is not being conducted on the right lines. By way of questions I have asked whether the matter could be looked into; but apparently nothing has been done so far. As Dr. Hislop said, people are passing through the airport at all hours of the day or night, whether it be a week day or a Sunday; and teenagers of 16, 17, and 18 years of age are obtaining what liquor they want on Sundays.

The Hon. J. G. Hislop: It is Commonwealth territory.

The Hon. A. R. JONES: I know it is, but surely the airport comes under the jurisdiction of either the Licensing Court or the police. I would ask the Minister whether this aspect could be looked into. I am concerned that the right thing should be done by the young people who go out to the airport.

The other point on which I wish to comment concerns the suggestion made by Dr. Hislop. It would be a good idea to have someone who could look into the matter of the cleanliness of licensed premises. If one calls in at certain hotels in either the city or the country it is obvious that some rooms are not clean. Licensees would be involved in little expense if they were to improve their premises.

I cannot imagine the members of the court getting on their hands and knees and looking under the beds; but a woman

would very quickly discern whether or not a place was clean. It would be a good idea to have someone to deal with that aspect.

THE HON. G. C. MacKINNON (South-West) [5.38 p.m.]: Several members have remarked on the need to keep up the standard of hotels. In most businesses the machines that are used to enable owners to make a living are subject to a depreciation allowance. We have set up a licensing court which can issue certain orders to a licensee concerning his premises, in much the same way that an inspector of factories can demand that certain things be done in connection with a factory, or can make demands on the man who operates the machinery.

There are good grounds for an approach to be made to the Federal Government that a depreciation allowance be granted to licensees in respect of their premises. These things are a matter of economics; of whether or not a hotel licensee can undertake necessary alterations. On the one hand we have a situation where a hotel is constantly depreciating, and on the other hand we have the Licensing Court constantly pushing for improvements; and it is reasonable that some taxation allowance should be made to cover these improvements.

I think it was Le Corbusier, a French architect, who defined the home as being a machine to live in. It would therefore be reasonable to define a hotel as being a machine for running a business; and it seems perfectly logical that a depreciation allowance should be granted. It would permit an owner of one or two hotels to create a fund from which he could maintain the standard of his hotels. This is important, particularly in view of the standard of hotels that is demanded today.

The Hon. H. K. Watson: Unfortunately the Federal Treasurer does not agree with that view.

The Hon. G. C. MacKINNON: Then there are good grounds on which to bring pressure to bear on the Federal Treasurer. There has been a continual increase in the number of hotels owned by the Swan Brewery and by other syndicates. That is because the cost of alterations and additions to hotels is such that it is beyond the scope of the owner of only one hotel.

There are sound reasons for having a close look at the possibility of establishing a revolving fund from which a licensee could borrow at a moderate interest rate for the purpose of carrying out the orders of the Licensing Court. The repayments should be over a reasonable term of years. This would make available the necessary moneys with which to carry out alterations.

If these two recommendations could be worked in conjunction with each other it would create an economic climate that would be in accord with the wishes of the members of the House. It is no use hoping for these things if, at times, the economic returns are not there.

Most of us have seen small country hotels where the Licensing Court has ordered that specific alterations should be undertaken—alterations such as better toilets, better bedrooms, better bars. But the economic return has not existed to finance the necessary alterations; the owner has not had the financial resources. We constantly hear about one-hotel owners selling their hotels to syndicates, simply because of the lack of financial resources.

I think the main criticism that has been levelled could be solved by the adoption of the two principles to which I have been referring; namely, the granting of a depreciation allowance in respect of hotel premises—which, of course, would be a Federal matter—and the establishment of a fund from which moneys could be borrowed, on the recommendation of the Licensing Court as a safeguard, at moderate interest rates, repayable over set periods. Members' comments have been of a general nature, and I thought the time was opportune for me to put forward these suggestions. In all respects I support the Bill.

THE HON. N. E. BAXTER (Central) [5.44 p.m.]: It was not my intention to speak to this Bill, which I support, but opinions that have been expressed on hotel accommodation have encouraged me to make a few remarks.

It appears that over the years the tendency is for legislation—and the tendency is continuing in respect of this Bill—to provide for increased hotel accommodation, where it is required after investigation by the Licensing Court. That leads me to the thought that at no time has it been suggested that the system be changed; that accommodation provided by some hotels should be closed, which would enable the licensees to undertake certain alterations and do the right thing by the public. Their costs need to be reduced if they are to maintain their premises at a good standard.

I agree with Mr. MacKinnon in that respect. The question is not only that of building or rebuilding accommodation; the problem of the cost of providing accommodation in a country hotel, or in any hotel, is terrific. There must be a large number of country hotels—and also hotels in the city and suburbs—where the bar subsidises the accommodation by not a few hundred pounds, but a few thousand pounds annually. It is an uneconomic venture for hotelkeepers to bring their bedrooms up to date with fixtures that are required in a modern hotel, without having guests to fill the rooms and so provide a return on the money spent in making the accommodation available. The Licensing Court should take a much closer

look at this matter and, perhaps, use a system of the provision of an annual accommodation return.

Surely it would be a simple thing for a licensee to render a return showing the accommodation he has provided; and if it is necessary to maintain a number of rooms, or accede to some of the proposals or demands of the court, he could show, as Mr. MacKinnon suggested, that he had modernised the bathrooms, and so on.

The question of accommodation is a big one. Mr. Lavery referred to the matter of beds, and the like, in hotels; and other members spoke about putting a woman on the court because she could go along and peer under and in the beds whereas a man could not check to see whether the beds or furniture were up to standard.

If we look at section 214 of the Act, in connection with the inspection of licensed premises, we find it provides—

> (1) The Governor may appoint, and at his discretion remove inspectors of licensed premises and inspectors of liquor.
>
> (2) Every inspector and sub-inspector of police, and the senior member of the police force in any licensing district shall, *ex officio*, be an inspector of licensed premises.
>
> (3) An inspector of liquor may exercise any of the powers conferred by this Act on an inspector of licensed premises.

Section 215 provides—

> It shall be the duty of every inspector of licensed premises—
>
> (a) to ascertain, by personal inspection, the mode in which licensed premises situated within the licensing district to which he is appointed are conducted and managed, and the state, condition, nature, and extent of accommodation of such premises.
>
> (b) to see that the provisions of this Act relating to such premises and the licensee thereof are duly observed; and
>
> (c) to attend the quarterly and special sittings of the Licensing Court of such district, and to report upon licensed premises situated therein, and such report shall describe the condition of the premises, fittings, and furniture, and the manner in which such premises have been conducted during the preceding twelve months, and generally as to whether the provisions of this Act are duly observed.

So, inspectors are provided for; and if they are not doing their job, they should be, because it is necessary that they report annually.

The Hon. C. R. Abbey: The police are not trained, but they are doing a good job.

The Hon. N. E. BAXTER: Admittedly they are not trained, but if a police officer inspects premises, he would be able to see whether the wire mattress of a bed was sagging. The fact is that the suggestion of putting a woman on the Licensing Court has been made. How would it be possible for a woman member of the court to go around the country to inspect all these hotels? Perhaps it would have been better to suggest that women inspectors should be specially employed for this job rather than leave it to the police.

However, as I have said, the Government may at present appoint inspectors even outside of the police, and I say it is up to the Licensing Court to make a recommendation along those lines to the Minister. If members feel that something should be done about this matter, I would have no objection; but provision is already made for it, and if what is provided for is not being properly carried out, it is not our fault as legislators, but because of the administration within the department, which should be smartened up.

The Hon. F. R. H. Lavery: Are you objecting to my bringing forward the matter of bedding?

The Hon. N. E. BAXTER: Not at all. I believe it is a good idea to draw attention to this point; but provision is already in the Act, and it could be applied.

THE HON. H. C. STRICKLAND (North) [5.54 p.m.]: I might as well add my contribution to this controversial subject; and licensing is always very controversial. Those who represent different areas of the State naturally have different ideas on this subject. Personally I think that if the accommodation is to be cut down in the metropolitan area—and no doubt it has been, because we have seen hotels built with very few bedrooms in them—the time has arrived when, perhaps, anybody should be licensed to sell liquor. After all, the intention probably behind the provision of accommodation is to give a monopoly in regard to the retailing of liquor.

I did know—I am not quite up to date with the position now—that for many years if the licensee of a hotel owned by the Swan Brewery improved his turnover, so did the brewery improve its rent. The brewery would look up the turnover, on a quarterly basis, and if the licensee looked for trade and improved his figures, the brewery raised the rent. So, if licensees are suffering some disability in that respect it is, perhaps, time that rents were looked into to see how much the licensees are required to pay. I do not know whether the same conditions apply today, but they did for many years, and I was conversant with them.

Taking the remote areas of the State, such as the north-west, where capital for private investment is not readily available, I point out that the costs of building are double what they are in the metropolitan area; and the Licensing Court requires rather a large proportion of bedrooms to be constructed in any new hotel in the north—a much larger proportion than it would demand in respect of a hotel constructed in the metropolitan area.

I believe that in the remote parts of the State, where investment capital is difficult to attract, there should be some compensation by way of taxation deductions, not on turnover, but on capital invested. A hotel in the north is not merely a liquor bar; and anyone building a hotel there should be allowed to write down some of his capital, because he provides a service to the public in those areas. He provides a definite and most useful service when we consider places like Derby, Wyndham, Port Hedland, Broome, and so on. The hotels in those towns are always overcrowded, and the tariff is by no means cheap.

I think the lowest tariff I have paid there in recent years was around 21 guineas a week and there was nothing special about it; but one must live somewhere; and with the tourist trade being attracted to the north, the position is becoming rather acute in some towns. The hotelkeepers' association might take some action by making representations to the Federal Government for a writing-off over a period of capital spent on bedroom and dining-room facilities.

When I first went to Derby in 1920 there were three hotels, and they have since been reduced to one. The hotel that has survived was known as the "shypoo" shop and it sold Australian wines and beers. The other two hotels went by the board in flames at various times.

The Hon. F. J. S. Wise: Lots of lives were lost, too!

The Hon. H. C. STRICKLAND: I imagine that insects by the million died. Fortunately the licensee of the hotel that has survived has ploughed every penny back into it.

The Hon. F. J. S. Wise: He has done a great job.

The Hon. H. C. STRICKLAND: He has built bedrooms, and he would build another hotel except that the cost is prohibitive and is outside of his reach at the moment. In a case like this, the licensee should have some kind of relief extended to him inasmuch as he should be able to write off his capital. The value of the type of building that is constructed in those parts does not increase and cannot increase when there is always hanging over the licensee's head the threat of clubs—a worker's club, a bowling club, or a golf club—getting a license and taking away a lot of the trade. This is a difficult question, and these complications arise in different parts of the State.

Whilst we cannot do anything about the matter in this particular measure—and I do not know that we could anyway, unless it was a matter of local option or jurisdiction of some kind—it is a big question and requires a lot of consideration.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [5.58 p.m.]: The Bill, generally, has received the approbation of members. In the main the clauses of the measure do not introduce anything of a controversial nature into the Act.

Now that the Bill has received general support, I think we should deal with it in Committee, clause by clause. The measure contains 75 clauses, and after tea we could take it into Committee, and, if I cannot give satisfactory explanations on certain clauses, they could be postponed and dealt with at a later stage, and we could make progress on the others.

Question put and passed.

Bill read a second time.

Sitting suspended from 6 to 7.30 p.m.

In Committee

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Section 28 amended—

The Hon. E. M. HEENAN: I refer to a provision which appears on page 6. It states that no licensee shall hold more than one liquor license. At the present time certain hotels have been granted restaurant liquor licenses. The person conducting a hotel, in some cases, holds a publican's general license and a restaurant liquor license. I am sure it is not intended that this practice should be disallowed, but on the face of the provision it might be.

The Hon. A. F. GRIFFITH: I do not think the provision referred to will have any application whatever to the hotelkeeper who has been granted a restaurant liquor license in addition to his publican's general license. There are other provisions in the Act dealing with the circumstances under which two liquor licenses are held by a person; for example, where the transfer of a license is being made, or where an estate is being administered after the death of a licensee.

The Hon. E. M. Heenan: The provision will not apply to them.

The Hon. A. F. GRIFFITH: Neither is the provision intended to apply to a hotelkeeper who has been granted two licenses. If this clause is allowed to pass, I shall inquire from the Parliamentary Draftsman

as to whether it will bring about the position which Mr. Heenan fears. If it does, I shall have the Bill recommitted for the reconsideration of the clause.

The Hon. E. M. HEENAN: I refer now to another provision on page 6 commencing at line 31. It deals with the position of the Alhambra Bars. This license has up to now been confined to the sale of beer and wine, but under the Bill it is proposed to extend that license to permit the sale of Australian spirits. I have no strong objection to that provision being agreed to.

Seeing that the Alhambra Bars is adjacent to a number of hotels, those hotels could be prejudiced in some way by the extension of this license. On the other hand, the extension of the license will provide a further amenity to the people who patronise the Alhambra Bars.

The Hon. H. C. STRICKLAND: Some time back an attempt was made to amend the Act, because one hotel in Geraldton was penalised in respect of Sunday trading. As that hotel sold only beer and wine it could not participate in Sunday trading.

The Hon. A. F. GRIFFITH: I understand this provision will not affect Sunday sessions. It only affects the Alhambra Bars. I do not know about the position of the hotel in Geraldton, but I have been informed by Mr. Logan there is now no further worry.

During last session this very point was dealt with. It was justifiably pointed out by Mr. Willesee at that time that this license should not be extended to include the sale of Australian spirits, and there were sound reasons in his argument. The Alhambra Bars is the only hotel which holds a license of this type. A patron can obtain only beer or Australian wine there, and he cannot obtain Australian whisky, for instance. A party of a few people who patronise that hotel might order beer and wine for all but one of its members. That one might prefer Australian spirits, and it is only reasonable that the Alhambra Bars should be permitted to serve that customer with Australian spirits. Those premises serve inexpensive meals of good quality, and at the invitation of the licensee last year I made an inspection and found the conditions to be excellent.

Clause put and passed.

Clauses 11 to 24 put and passed.

Clause 25: Section 50 amended—

The Hon. E. M. HEENAN: I refer to the provision on page 14 commencing at line 4. After a license has been renewed by the Licensing Court, subject to whatever conditions the court might impose, at any time during the year following, the court could require the licensee to provide further accommodation within a time fixed by the court. This is a fairly radical departure from the practice adopted up to the present time. Up to now all licenses expire at the end of the year, and some time in November or December the court sits and renews licenses, subject to certain conditions which it deems to be necessary. The court can renew a license subject to the addition of further rooms, extra bathrooms, and so on. The licensee then knows the sum total of his obligations for the forthcoming 12 months.

It is now proposed to alter that situation. The court, when it renews a license in December, should know the likely requirements for the forthcoming year, and the licensee can budget accordingly. However, if, as is provided in this amendment, he is to be subject to another order in April, May, June, or July, to build extra rooms, it could be a hardship. It would be necessary in exceptional circumstances only, in which case the licensee, of his own volition, would probably do something about it. I therefore move an amendment—

> Page 14, lines 4 to 26—Delete paragraph (c).

The Hon. A. F. GRIFFITH: The position is this: The renewals are dealt with in November or December, but the reports of the supervisors come in at all times during the year. It is quite likely that subsequent to the renewal of a license, changed circumstances could necessitate the provision of additional accommodation, but under the present law it would not be possible for the court to order this until the next renewal.

We must have some faith that the court will do the right thing. Members who represent sparsely populated districts know that the court does exercise a very reasonable discretion in these things, and therefore I hope the Committee will not agree to the amendment.

Amendment put and negatived.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Might I point out at this stage that Standing Order No. 374 prohibits the movement of members while questions are being put by the President. I missed an opportunity earlier of drawing the attention of members to this matter. Standing Order No. 254 extends the same rules to Committee proceedings. It is at times very disconcerting if members move about when the Chairman is putting a question, and I would appreciate it if members would bear that in mind.

I am sorry to be quoting Standing Orders so much. However, with a Bill as long as this, the Chairman tends to move fairly rapidly through the clauses. I would point out that Standing Order No. 378 states that every member shall address himself to the President. In other words, when a member desires to speak, he must call, "Mr. President" or, in Committee, "Mr. Chairman". It would facilitate matters if

members would remember this, particularly when the Chairman is calling a number of clauses at a time, because he does not always look up; and any member wishing to speak must draw the attention of the Chair to the fact that he desires to speak.

The Hon. A. R. JONES: All I desire to say is that I know I was wrong. I apologise and stand castigated.

Clause put and passed.

Clause 26 put and passed.

Clause 27: Section 51A amended—

The Hon. J. DOLAN: Would the Minister please explain the object of paragraph (d) (b) (ii)?

The Hon. A. F. GRIFFITH: Its purpose is to enable some control to be exercised over accommodation in wayside houses and to permit the Chairman of the Western Australian Tourist Development authority to apply for improved accommodation if it is considered necessary. It is then a question for the Licensing Court to deal with the matter.

The Hon. E. M. HEENAN: If it is deemed that additions or improvements are necessary to licensed premises, a direction can be made by the court itself by an inspector of licensed premises, or by a resident of the district concerned. It seems to me that that is adequate. Subparagraph (ii) provides for the same action to be taken by any person authorised in writing by the Chairman of the Western Australian Tourist Development Authority, and I feel that this authority should confine itself to its own sphere, in which it has so much to do, and leave licensing matters as they are. I therefore move an amendment—

Page 15, lines 22 to 27—Delete subparagraph (ii).

The Hon. A. F. GRIFFITH: I would like an opportunity to look at this again. We would still have subparagraphs (i) and (iii), with (iii) becoming (ii). If members look at the Act they will see that it reads almost the same, but in different terms, as the Bill would read if we deleted subparagraph (ii). I think we should postpone further consideration of this clause, and I will have a look at the honourable member's amendment.

The Hon. E. M. Heenan: I agree with that.

The Hon. A. F. GRIFFITH: I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clauses 28 to 33 put and passed.

Clause 34: Section 63 amended—

The Hon. E. M. HEENAN: Section 63, subsection (1) deals with the rights of people to object to the granting, transfer, or removal of any license. Among those who can object are any resident of the district, any inspector of licensed premises, any police officer stationed in the district, and any person acting with the authority and on behalf of the council of a municipal district or road board.

So if a license is applied for a lot of people can object to the granting of it, or to its transfer. Now it is proposed that in addition to those people any person authorised by the Chairman of the Tourist Development Authority can also object. As I said before, I think the Tourist Development Authority should keep in its realm; we have enough people looking after the Licensing Act, and the interests of the general public are well protected under section 63 (1) as it stands. Therefore, I move an amendment—

Page 19, lines 16 to 22—Delete paragraph (c).

The Hon. A. F. GRIFFITH: It strikes me that the argument revolves around whether the Tourist Development Authority is to have any say or not. In view of the postponement of clause 27, I think I should have an opportunity to look at this amendment also. If one reference to the authority is to go out I think the other reference should, too, and *vice versa*. Therefore, I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clauses 35 to 40 put and passed.

Clause 41: Section 117 amended—

The Hon. H. R. ROBINSON: I would like the Minister to tell me how proposed new subsection (2) affects other Acts, such as the Local Government Act, the Health Act, and perhaps some other Acts. Section 117 of the principal Act sets out that no structural alterations, enlargement, etc., of licensed premises shall be made without the permission in writing of the court.

Just how will this new subsection fit in with the Act? I think section 117 should be given serious consideration in view of the court case that took place in connection with the Esplanade Hotel. The Perth City Council had a by-law requiring that all verandahs be removed within a certain period. After court action was taken I believe that eventually, on appeal, it was claimed that under section 117 the Licensing Court would not agree to the removal of the verandah. I also understand a similar circumstance occurred in Fremantle. Surely the Licensing Court should have no jurisdiction over that sort of thing! If there is to be an enlargement of a bar of a hotel, or additional rooms have to be provided, that is within the jurisdiction of the Licensing Court.

The Hon. A. F. Griffith: You are missing the point.

The Hon. H. R. ROBINSON: That is what I want to clear up.

The Hon. A. F. Griffith: This subclause only extends the time for the right to prosecute.

The Hon. H. R. ROBINSON: Yes; but does the Minister consider that under section 117 the Licensing Court has too much power? While we are dealing with this aspect should not the whole section be tidied up? If a local governing authority has a by-law, surely the Licensing Court should not be in a position to override it when that by-law has already been approved! Suppose a local authority, or even the Public Health Department, issued an order under the Health Act. What is the position? Can the Licensing Court simply override an order such as that?

The Hon. A. F. GRIFFITH: The Licensing Court has come up against some difficulties in respect of the application of section 117, and the amendment in the Bill does not affect the application of section 117. It merely extends the right of the court to prosecute for any illegal aleration or construction to 12 months as against six months under the Justices Act.

Building operations may be carried out in a hotel in, say, September or November. It may be seven months after that, because of the size of the State, before a licensing inspector visits the premises and sees that they have been altered illegally, and that the alterations do not conform to the normal requirements of the court. As it would be seven months from the time the alterations were carried out, under the Act as it stands, there could be no prosecution. That is unreasonable.

As regards Mr. Robinson's question whether the Licensing Court should have overriding authority, I do not necessarily think that the court would have overriding authority, but it is essential that it should have some authority otherwise a ridiculous situation could arise. A licensee could apply and submit plans and specifications to a local authority for certain renovations to his premises, which are approved. Then he takes the plans to the Public Health Department, and that authority approves, but he neglects to let the Licensing Court know anything about it.

When the inspector goes around he might find that, in the interests of the public, the building is not satisfactory from the point of view of the Licensing Court. There has been some difficulty over this aspect but, so far as the Health Department is concerned, and I hope local authorities too, there is continued co-operation. I hope that will occur with local governing authorities in the future and there will be a submission of plans to the Licensing Court so that they can be looked at.

The Hon. H. R. Robinson: That is not the point I was raising.

The Hon. A. F. GRIFFITH: The honourable member raised the point that section 117 referred to structural alterations, etc., and that that abrogates the rights of a local authority. It is not a question of the abrogation of rights, but of being sensible and making sure that not only does the local authority know of structural alterations but also that the Licensing Court will not be put in the position later that it has to have something altered, under instructions, when permission has already been given by the local authority. As the Bill is printed it will not affect the parent Act in that regard, because it is working quite satisfactorily.

The Hon. H. R. Robinson: What happens if a toilet block is altered under the Health Act and the Licensing Court rejects it?

The Hon. A. F. GRIFFITH: We do not get that. We get a commonsense point of view where the Licensing Court and the Health Department get together. That is what we have tried to bring about, and that is what happens.

The Hon. H. R. Robinson: That did not happen with the verandahs.

The Hon. A. F. GRIFFITH: The honourable member was talking about toilets. I think he was mixing up toilets with verandah posts, but of course that has been done before!

The Hon. L. A. Logan: On this occasion the Licensing Court overrode the local authority, despite the fact that every order had been confirmed and carried out.

The Hon. A. F. GRIFFITH: This could act adversely against the licensee.

The Hon. H. R. Robinson: Did not the Licensing Court, after the first case, say it was not in agreement with the removal of the verandah posts?

The Hon. A. F. GRIFFITH: This, of course, is bringing something into the Bill that is not there.

The Hon. H. R. Robinson: Is not this the time to do it?

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Order! We are in the Committee stage and members will have ample opportunity of speaking if they wish.

The Hon. A. F. GRIFFITH: This is not easy to deal with. It is necessary for the parties to get together as they are doing now; and the Chairman of the Licensing Court, and his court, are acting in complete liaison with the Health Department. I will have a look at the question of verandah posts.

Clause put and passed.

Clause 42: Section 118 amended—

The Hon. E. M. HEENAN: As we all know, there is an obligation on publicans and holders of licenses to provide accommodation and supply guests with food. Section 118 of the Act provides that if a

licensee refuses, without reasonable cause, to do those things he commits an offence, the penalty for which is £50. The burden of proving that there was reasonable cause is on the licensee. That has always worked satisfactorily.

I travel around a good deal, and have some experience of the Licensing Act and of hotels, and I must admit that complaints about refusal to supply accommodation, food, and refreshment are extremely rare. If members will read section 118 I think they will agree that it goes far enough.

The Hon. A. F. Griffith: Can you tell me what is reasonable cause in this concept?

The Hon. E. M. HEENAN: Of course I cannot. It depends on a multitude of varying circumstances. It may be that every room in the place is booked out.

The Hon. A. F. Griffith: That is a reasonable cause.

The Hon. E. M. HEENAN: But under the provision in the Bill, a member of the public can go to a hotel and ask for accommodation, and if he is refused the licensee commits an offence.

The Hon. G. Bennetts: Does it stipulate anything about meal hours?

The Hon. E. M. HEENAN: I think the court can prescribe the hours from time to time. Although I am out to protect the public, we must be reasonable and fair. Some of the licensees in country districts have a number of difficulties to overcome, as members know. I think the Bill unreasonably tightens up a provision which is functioning well.

The Hon. F. R. H. LAVERY: I would like to relate two experiences. I was travelling from New Norcia down through Bindoon, and across to Toodyay and, thinking that the luncheon hour was from one to two, my late wife and I stopped in Toodyay under a shady tree till 12.45. When we went to the hotel we were told by the hotelkeeper that we had missed the lunch hour, and we had to go on to Goomalling before we could get some lunch.

On another occasion when we travelled from Jerramungup to Ravensthorpe, we did so with the intention of breakfasting from eight to nine. We arrived a few minutes after eight and were told that the breakfast time was from seven to eight.

The Hon. A. F. Griffith: You must have been pretty hungry by then!

The Hon. F. R. H. LAVERY: That was the breakfast hour, because the miners had to go to work early. In Toodyay we were told there was nothing for us to have, but at Ravensthorpe the hotel proprietor used some commonsense and courtesy, and said that if we could wait 20 minutes he would arrange some breakfast for us. Some hotel proprietors just say that there is no meal; and they are not prepared to provide one. I would like the Minister to explain the position.

The Hon. D. P. DELLAR: I think this Bill will create hardship and further inconvenience to the hotelkeeper. The measure states "to supply any person." That is a bit harsh. A lot of people may need a wash and a clean-up, and I certainly would not like them sleeping in my bed. I think section 118 covers what I am trying to get at.

The Hon. A. F. GRIFFITH: It is not my desire to make it hard for people who do the right thing; and Mr. Heenan said that in the main people do do the right thing. The instances of publicans refusing a meal, I think, are isolated. One might ask: If they are isolated, why should we provide this particular amendment? This, of course, applies to everybody who breaks the law. We do not provide a law for the person who does not break it. In the Murchison district I have never been refused a meal; and I have gone through that country as Minister for Mines, and have called at hotels at some pretty odd hours.

I could, however, relate other experiences where I have been refused a meal. There was a country town with a single hotel, and no other type of restaurant. We went in and asked the proprietor for a meal. It was one o'clock and he said, "We do not serve meals." I said, "Don't you? Who gave you the right to break the law?" He replied, "I am not breaking the law." Because I did not want to get into an argument with him, or tell him who I was, I left. But had I gone into the bar and had a few drinks I would have been a welcome customer. However, out of sheer cussedness I was not prepared to go into the bar to have a drink, particularly as I had not had anything to eat since breakfast.

I do not want it to be imagined that because of that occurrence I am asking Parliament to put this clause in the Act. But that is the sort of thing that happens. When a licensee refuses to supply a meal, he breaks the law, but only upon complaint, as far as I can gather. Mr. Heenan would know, as he is a solicitor. If he had a reasonable excuse to put up against the complaint, then the complaint would not succeed. A reasonable complaint would be that his premises were entirely booked out, that the meal hour was on within the prescribed times of the Lisensing Act, or some other reason. I think it is necessary to have something, because in far-flung places the licensee is the only person who can provide one with food. I would like to hear the views of other members, as I do not want to force this down the throat of a licensee; but in the application of the Act at the moment, a person will not be refused.

The Hon. H. K. Watson: Where is this Bill stronger than the existing section?

The Hon. A. F. GRIFFITH: Because of the words "who without reasonable cause." Over the years I have heard complaints in this Chamber about this sort of thing, and the proposed words will strengthen the situation where a complaint has been made against a licensee who refuses to serve a meal. He can suffer a maximum penalty of £50.

The Hon. E. M. HEENAN: The point as I see it is this: At present, the licensee has some discretion in the matter. He has to have reasonable cause; and what is reasonable cause is decided by a magistrate. It is not decided by the licensee, it is decided by the magistrate; and I should say in some of these country towns, if the cook suddenly became sick, or something like that, the magistrate would deem that to be a reasonable excuse. The same would apply if the place were crowded out, or if there were a shortage of staff. In most cases it might be reasonable to refuse accommodation; but whatever it is, it is decided by the magistrate and not by the licensee.

If a man wishes to lay a complaint he can, but as we are altering the provision, the moment the licensee refuses anyone, *prima facie* he commits an offence. If the place is full up, or a man is drunk and behaving badly, and the licensee refuses him, he automatically commits an offence and lays himself open to a complaint. The onus is on him to prove his innocence. He has no discretion. I must admit I do not like the wording of this provision. I think the present one goes far enough. If it is policed it should be able to cope with any situation where a licensee behaves badly.

The Hon. S. T. J. THOMPSON: I cannot subscribe to the last speaker's school of thought on this subject, but I feel the proprietor is the judge himself as to whether he has a reasonable excuse. If he turns someone down, that person has to prove the proprietor has been unreasonable.

The Hon. E. M. Heenan: No, that is not the case.

The Hon. S. T. J. THOMPSON: He can refuse if he has a reasonable excuse.

The Hon. A. F. Griffith: If he does not refuse, there is no complaint. So where is the argument?

The Hon. S. T. J. THOMPSON: I feel the position is well catered for. He will be the judge himself as to whether he is being reasonable. The majority of small hotels do a reasonable job. I often go to small hotels and find that they will get meals for one, particularly if one can give them a bit of notice. Sometimes it is possible that one can eat the proprietor out, and then he has an excuse which the magistrate will uphold. A proprietor would have a reasonable excuse if he thought a person was unclean.

The Hon. A. F. Griffith: There is no problem there.

The Hon. S. T. J. THOMPSON: I am prepared to support the amendment.

The Hon. A. R. JONES: In a town where there would be other avenues to procure a meal, a publican would be within his rights if he told someone that his dining room was closed, but there was a fish shop 100 yards down the road. That would be a reasonable excuse and acceptable. However, to protect him, as Mr. Heenan suggests, instead of putting in the words "any person" the words "respectable reasonable person" should be added.

The Hon. N. E. BAXTER: Once a licensee refuses anyone under this particular section he immediately becomes liable to a penalty of £50.

The Hon. A. F. Griffith: That is not right.

The Hon. F. J. S. Wise: That is how it is worded.

The Hon. N. E. BAXTER: Subject to a charge being laid, and his not having reasonable grounds for refusing. I could walk into a hotel and the licensee could refuse to supply me with refreshments and lodging. I could lay a charge, irrespective of the circumstances, and the licensee would have to defend it in a court, whether my laying of the charge was justified or not.

The Hon. S. T. J. Thompson: You would have to justify your charge in court.

The Hon. N. E. BAXTER: Yes, but if one lays a charge, the licensee would have to defend it in court.

The Hon. J. G. Hislop: What about costs?

The Hon. S. T. J. Thompson: They would be against the person who lays the charge.

The Hon. N. E. BAXTER: Not necessarily. I do not see why charges cannot be laid under this section of the Act. A proprietor should not have to defend himself against a charge which cannot be substantiated. There are some people who would not be satisfied, no matter what reason a licensee gave, and he would have to go to court to defend himself.

The Hon. F. R. H. LAVERY: Paragraphs 3 (a) and (b) of clause 45 are relevant to what we are now discussing, as they refer to accommodation and place restrictions on the proprietor. Mr. Heenan told us the contents of the proviso in the Act which covers the position, and I do not see why we need such a long clause as 42, because clause 45 is almost the same thing over again, except there is nothing in it in regard to food. Part of the pro-

vision says a person shall be served with food, liquor, or lodging. The same things occurs in clause 45. I am wondering whether the Minister can explain that.

The Hon. A. F. GRIFFITH: We are not yet up to clause 45, but it has a removed relationship. Clause 42 deals specifically with a person who wishes to obtain a meal. I would refer members to section 118 of the Act. The words "without reasonable cause" appear therein, and they are not considered to be sufficiently strong. A publican could say that he had reasonable cause for not supplying a meal because his cook was away on holidays. It is erroneous to accept the suggestion of Mr. Baxter that because a publican does something or does not do something, he commits an offence. He commits an offence only if he is found guilty. The act of refusal without reasonable cause is the offence, and whether or not a publican commits an offence is determined by the magistrate.

The same principle applies under the Traffic Act. The Act says that if a person drives beyond a certain speed, then he is committing an offence; but a person is only committing an offence if a complaint is lodged and he is found guilty. Some publicans are apt to say, "You can come in and drink my beer, but I will not give you anything to eat because, with reasonable cause, I have closed my dining room." I think the provision is a worth-while improvement of a situation that does occur, although not very often. However, when such an instance does occur the publican in question should be brought into line.

Regarding the incident that concerned me personally, I could have laid a charge against the publican, but I would not have succeeded because he could have said that he had reasonable cause for not supplying me with a meal. The number of instances where this problem would arise would be very few. We are simply trying to make it tougher for those people who refuse to supply travellers with a meal.

The Hon. E. M. HEENAN: I do not like the wording of this clause, because it places the onus of proof on the licensee.

The Hon. A. F. Griffith: It is there now.

The Hon. E. M. HEENAN: No, it is not. The licensee is allowed some discretion. They are reasonable men and they have to be approved by the Licensing Court before they can obtain a license. Why inflict this situation on licensees, the great majority of whom are decent and responsible people? A person has only to prove to the court that he was refused accommodation and the licensee is put to the expense and embarrassment of proving that he had reasonable grounds for his action.

Goldfields members will appreciate that a very similar situation applies under the Gold Buyers Act. If one is found with gold in one's possession one is automatically in the position of having to explain how the gold came to be in his possession. Goldfields members have objected to that provision for years. A person who is refused accommodation or a meal should be allowed to lay a charge, and we should let the magistrate deal with such matters.

The Hon. F. J. S. Wise: Do you think the Act, as it stands, is much better than the amendment?

The Hon. E. M. HEENAN: Yes, I think it is. Concerning the incident referred to by the Minister, the Minister should have reported the matter to the police. If one sees an offence being committed, he should report the matter because it would be in the interests of the other licensees.

The Hon. A. F. GRIFFITH: There would have been no purpose in my reporting the incident to which I referred, because the publican concerned would have had reasonable cause. I could see that he had no cook. The dining room was closed. Is it right that a traveller should be refused a meal because a publican is too busy in his bar to do anything about it? However, I can appreciate the objections which have been raised, and I will consider the matter further. I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 43 put and passed.

Clause 44: Section 122 amended—

The Hon. J. DOLAN: I would like to refer the Minister to subsection 2 (b) of section 122. It is relevant to the sale of liquor.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): The honourable member is referring to subsection 2 (b). That is not mentioned in the Bill and the honourable member's discussion is out of order unless he can tie it in with the amendment.

The Hon. J. DOLAN: It might be another twelve months before I can refer to the matter again.

The Hon. A. F. Griffith: The honourable member may be able to tie it in, and talk about section 122 of the Act; but it is not my amending Bill.

The Hon. J. DOLAN: What I was going to speak about is in section 122 of the Act.

Clause put and passed.

Clauses 45 to 47 put and passed.

Clause 48: Section 126 amended—

The Hon. E. M. HEENAN: Clause 45, on page 23—

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): That clause has already been passed.

The Hon. A. R. JONES: The clause was put, but nobody said "Yes."

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): The clause was clearly put, and I declared it carried. The honourable member will have the opportunity of recommitting the Bill.

The Hon. J. DOLAN: Perhaps I could do that.

Clause put and passed.

Clauses 49 to 59 put and passed.

Clause 60: Section 184 amended—

The Hon. J. G. HISLOP: I have a recollection that when this matter was last brought forward we did something about the wives of members. On looking through the clause I cannot see any mention of it. I am sorry, Mr. Deputy Chairman, I should be speaking to clause 61.

Clause put and passed.

Clause 61: Section 185 amended—

The Hon. J. G. HISLOP: If I remember, when we discussed this Bill previously, we went into the question of wives who accompanied honorary members to the club. I do not see any reference to that aspect here, and I would like to know whether it should be introduced. I would like the Minister to express his view because it is certain that some invitations will include wives.

The Hon. A. F. GRIFFITH: That aspect is already covered by paragraph (k).

Clause put and passed.

Clauses 62 to 75 put and passed.

Progress

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

LICENSING ACT AMENDMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [9.8 p.m.]: I move—

That the Bill be now read a third time.

The delaying of the third reading of this Bill was the result of the keen eye of Mr. Watson who picked out a drafting error on page 8. I have established that it was, in fact, a drafting error, and Mr. Watson moved to insert the words "of subsection (1)". With the inclusion of these words the Bill is now in order.

Question put and passed.

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

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 30th October, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [9.9 p.m.]: The objections to this Bill can be categorised into four sections. The composition of the board; the rights and privileges of the employees; the political aspect; and the borrowing powers of the board, have come under fire.

I will deal with each one separately, and the first will be the question raised by Mr. Dolan and Mr. Ron Thompson in regard to the composition of the board. Those two members referred to appointments by the local authorities, and I think that if they have another look at the Bill they appreciate that the appointees are to represent the ratepayers on the board. The means of selecting these representatives in the case of the City of Perth, is quite easy. For a local authority such as the City of Perth to select a worth-while representative is an easy matter and it is not necessary that, in that particular case, the representative should be a councillor or the mayor. But when dealing with the selection of two ratepayers to represent the rest of the ratepayers in the other 26 local authorities, it would be difficult to reach an agreeable decision.

So it was deemed better to lay down the stipulation that the person selected should be either the mayor, the president, or a councillor. They would, in fact, represent the ratepayers on the board. That is the reason for the selection in this particular way, and I do not think we can quibble at a selection on this basis.

It has been said that these ratepayers—or those people selected to go on the board—could within a very short time no longer hold the qualifications necessary. That is quite true, but if a representative loses his qualification he will not cease to be a member of the board until such time as his term has expired, and that is three years. When the Bill states that the representatives are eligible for reappointment, it means only if they still have the qualification.

If a representative on the board was a mayor of one of the local authorities, and within 12 months or two years he lost his qualification, he would carry on in the position until the expiration of his three-year period. After that he could not be reappointed, because he would not be eligible. Reappointment is made under the same conditions as appointment, and I think it is much better to allow a person

to complete his three-year term rather than keep replacing representatives. We could have three or four changes and lose the continuity of decisions and discussions on the board. I hope I have made that point clear to members.

The aspect of employees is well covered in clause 17 of the Bill. All of the employees of the board, or of the department, are under the Public Service Act and subject to all the conditions of that Act; and according to clause 17 temporary employees are subject to those conditions which are laid down by the Industrial Arbitration Court.

The Hon. G. Bennetts: We won't have an Industrial Arbitration Court the way things are going.

The Hon. L. A. LOGAN: Clause 17, subclause 2, states—

> Subject to the provisions of any current relevant industrial award or agreement made under the Industrial Arbitration Act, 1912, the Board may appoint and dismiss such temporary or casual employees as it thinks fit on such terms and conditions as the Board determines.

So whatever applies to permanent employees also applies to temporary appointees. Even employees who have been seconded from another department to the board are covered in clause 17 by subclause (4).

Dealing with the political aspect, I would like to say that I did not mention politics in my second reading speech. It has been mentioned by two or three members, speaking in support of the Bill, but let us have a look at the situation.

In going through the Bill, I suppose 80 per cent. of it proposes to delete the word, "Minister" and insert the word "Board." That might not have much significance, but at least it means that in the first place the board will define policy in the metropolitan area and then present it to the department and the Minister. By doing so it possibly could come under ministerial control. Hence, we might like to judge the issue.

I do not believe for one minute that any board constituted under ministerial control will be free from political decisions. If we think it will be, we are kidding ourselves. I believe, by my knowledge of the decisions made by the Boundaries Commission, that I have had to bear all the blame for them.

Those decisions have been purely those of the Boundaries Commission, so I do not think we should hide our heads in the sand and think we are going to dodge the political issues by accepting the decisions that are made by the board. Nevertheless, political machinations to some degree will be removed, as a result of the operations of the board, compared to the position that obtained in the past. At least, at all times, everyone in the metropolitan area will be treated on the same basis.

The borrowing powers conferred on the board have caused the greatest opposition to the Bill, but I think there has been some confused thinking on this aspect. To ensure that I had my facts right I have had supplied to me some notes on the loan raisings that will be made by the proposed water board, and I intend to read them to the House. They are as follows:—

> There has been some confused thinking expressed here and in another place in relation to the Commonwealth's sinking fund contribution in respect of loan moneys raised to finance State works programme. In the first place, this contribution is 5s. per cent. and not 10s. per cent. as Mr. Wise has indicated.
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> Furthermore, this contribution by the Commonwealth is not lost where loan money obtained by the State through the Loan Council is readvanced to a semigovernmental or any other authority. It is true that the Commonwealth makes no sinking fund contribution in respect of borrowings by semigovernmental bodies from outside sources but this does not result in any hardship either to the semigovermental authority concerned or the State Treasury.
>
> At the present time the Metropolitan Water Supply Department pays a sinking fund contribution of 10s. per cent. to the Treasury on loan moneys advanced to the department for capital works. This contribution is equivalent to the rate of depreciation on the assets created from loan funds and accordingly is a fair and proper charge on ratepayers. In this respect there can be no question that depreciation is just as much a part of the cost of running a concern as is the wages bill.
>
> The proposed board will continue to draw the bulk of its capital requirements from the Treasury and there will be no change in the present sinking fund charge for these moneys of 10s. per cent.
>
> It has also been agreed that the board should be required to set aside 10s. per cent. as a sinking fund for payment of moneys borrowed from outside sources and therefore the cost will be no different from that applicable to loans obtained from the Treasury. The fact that the Commonwealth makes no contribution to the sinking fund for private loans would be no disadvantage to the water board nor would its costs rise because of this factor. The board's costs are fixed by the rate of depreciation on its assets which has been assessed at 10s. per

cent. and is invested as a sinking fund contribution for the repayment of loans.

As far as State finance is concerned, a private borrowing by the board has no impact on the Treasury at all. The sinking fund created by the water board through the charge to its revenue account for depreciation, will repay the amount of the original loan and any necessary conversion to new loans in due course and the Treasury does not become financially involved in the transaction at all.

This is not just theory but is the situation with private loans raised by the State Electricity Commission for example. The Treasury does not contribute in any way to the repayment of loans raised by that body from outside sources nor would it be called upon to do so.

The question might well be asked as to the significance of the Commonwealth's sinking fund contributions in those cases where it does apply. In this respect the State receives its full entitlement on moneys raised through the Loan Council and the fact that private borrowings do not attract the Commonwealth contribution neither adds nor subtracts from this entitlement.

In other words the Treasury is in exactly the same financial position with respect to sinking fund contributions irrespective of whether the water board raises private loans or does not raise private loans. As I have already indicated the water board itself would be put to no additional expense for sinking fund contributions in respect of private loans and accordingly there can be no logical objection on these grounds to this form of finance.

The only additional cost involved in private loans is in the higher rate of interest. At the present time the long term semigovernmental rate is five per cent. and in some cases brokerage of 5s. per cent. which has to be spread over the term of the loan may be payable. In the case of a 10 year loan, brokerage would amount to 6d. per cent. and for a 40 year loan which is commonplace a 1½d. per cent.

The present rate charged by the Treasury is 4¾ per cent. so the additional cost involved in a private loan would be 5s. 6d. per cent. at the most which is a trifling sum and it would be foolish for the State not to take advantage of the opportunity to raise money in this way. It is not intended that the board should raise even a major part of its capital requirements from private loans, but let me make it clear that every pound that is raised in this way will release an equivalent sum from the General Loan Fund allocation for other capital works, some of which are now held up for lack of finance.

It was indicated in another place that it was contemplated that the board would raise £200,000 in the next financial year and that this target would be increased at the rate of £50,000 per annum in succeeding years until at least £500,000 per annum was being obtained from its separate borrowing powers. I do not think any honourable member could deny that these amounts would be a very useful addition to the total capital works programme of the State, and in view of the very small additional cost involved we would deserve every censure for putting anything in the way of achieving this objective.

So I think, when we realise the very small extra cost of the money which will be obtained from outside sources, and the limited finances which are available to us —even though they are increasing year by year, as they are all over Australia—it will be appreciated we would not be playing our part in this State if we did not make use of every opportunity presented to us of obtaining money as cheaply as we can under these conditions. Even though we raise only £100,000, it is £100,000 of General Loan Funds which can be made available for some other purpose.

Only during this session of Parliament we agreed to grant to the Albany and Bunbury Harbour Boards loan raising powers with the same purpose in view; namely, to assist the Government with the amount of loan money it has available for other public purposes throughout the State. Surely we are not going to deny the whole of the State an opportunity to spend another £200,000 which will be readily made available. It has been stated in this House that the money would not be available, but I can assure members that the money is available. There would be no trouble in borrowing this money from private sources. The experience of the State Electricity Commission has proved that. I happen to know that money is readily available for this type of investment.

Mr. Baxter was worried whether the entry of the proposed water board into the borrowing field would affect local government borrowing. I can assure him it will not affect that type of borrowing in the slightest, because at the moment local governing bodies can borrow up to £100,000 without loan moneys being affected in any way.

The Hon. N. E. Baxter: All subject to the approval of the Treasury, of course.

The Hon. L. A. LOGAN: Yes, but there is no difficulty in obtaining Treasury approval. In regard to the aspect which was raised in relation to the Fremantle Harbour Trust, I do not think the honourable

member has his story quite straight. Let me put it this way: Even though these boards are created for a purpose and they have their own loan-raising powers, I still think it is the duty of the Government to ensure that none of these boards would borrow money which would not be put to economic use. Members would not expect the Minister for Education or the Minister for Works to build schools or hospitals out of loan money if those buildings were not to be used for three or four years. We would not expect this proposed water board to build a new dam or reservoir from which no water would be obtained for another ten years, because that would be uneconomic.

Similarly, we would not expect the Fremantle Harbour Trust to borrow money for expenditure on new berths which would not return any revenue for the next four or five years. So the Fremantle Harbour Trust has been advised to use its borrowing powers only to the extent that the money borrowed can be put to economic use. That is all the power the trust has. I have obtained this information to try to help the honourable member to sum up the Bill in a proper way.

The two main objections to it are the political aspect and the financial aspect, and I believe I have covered those points to the best of my ability, and according to the knowledge and information that has been submitted to me. Also, I can assure members that the information has come from the most authoritative source. I say again that the Government would be lacking in its duty if it missed an opportunity to use loan funds which will be made available by this board being constituted and being granted its own borrowing powers, because the money that would be made available to the Government would be used for the benefit of the State as a whole.

Other States are much more enterprising than we are in this type of loan raising. In the past this State has found it difficult to use the amount of money allocated to it by the Loan Council for semi-Government borrowing. At one stage Western Australia nearly had its loan allocation reduced because the semi-Government borrowings had not been applied for at that stage. However, by a piece of quick thinking on the part of our Under-Treasurer and the Premier, we overcame that difficulty. If we do not make use of these opportunities to borrow money, the other States will. We have to make sure that we grasp every opportunity of getting every penny we can for semi-Government borrowing so that we do not lose our allocation to the advantage of the other States.

Despite the fact that political issues have been raised in regard to this Bill, as far as I am concerned my support of it is because of the board being set up and being granted power to raise loans so that the State can benefit from the use of the funds that are made available, or, alternatively, the moneys it can borrow. We could then use the General Loan Funds for the development of the State. I hope I have given the answers to the questions that have been raised.

Question put and a division taken with the following result:—

Ayes—16

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Heitman	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray *(Teller)*

Noes—13

Hon. G. Bennetts	Hon. R. H. C. Stubbs
Hon. D. P. Dellar	Hon. J. D. Teahan
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. H. C. Strickland
Hon. F. R. H. Lavery	*(Teller)*

Majority for—3.

Question thus passed.

Bill read a second time.

House adjourned at 9.34 p.m.

Legislative Assembly

Thursday, the 31st October, 1963

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