

prevented from obtaining a home because, with the increase in the basic wage, it would take his income beyond that allowed.

Mr. Watts: I think you will find it is the other way round.

Mr. J. HEGNEY: Then that is all right. I merely wanted to say those few words in supporting the measure.

Clause put and passed.

Title put and passed.

Report

Bill reported without amendment, and the report adopted.

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

MR. TONKIN (Melville) [5.35]: This is a very desirable enactment. It is proposing to legalise something which has been carried out administratively for some time, and it is quite right that this step should be taken. In my view the Government has done what ought to be done in such circumstances. The people to benefit are charitable organisations, and there is every justification for saving them this expense. Therefore, the Opposition is not opposed in any way to the Government's proposal. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee

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

House adjourned at 5.38 p.m.

Legislative Council

Tuesday, the 20th September, 1960

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

KIKUYU GRASS

Eradication at Mt. Yokine Reservoir

1. The Hon. J. M. A. CUNNINGHAM asked the Minister for Mines:

- (1) What has been the cost to date of attempts to eradicate kikuyu grass at Mt. Yokine Reservoir in—
 - (a) machinery, bulldozers, etc.
 - (b) manpower, labourers, etc.;
 - (c) materials in sprays, etc.?
- (2) Has the work been successful in eradicating the grass?
- (3) Has the effort necessitated the employment of extra workers?
- (4) Have the difficulties encountered in this work resulted in the unnecessary harassing of regular employees?
- (5) If the cost involved is out of proportion to the success achieved, will the Minister take steps to curtail unnecessary activities?

The Hon. A. F. GRIFFITH replied:

- (1) As this is only a minor operation in the maintenance of service reservoirs, separate detailed costs were not kept. However, the total sum is assessed at £120.

- (2) A considerable measure of success has resulted, and with a small amount of spraying later, it is anticipated that the objective will be achieved.
- (3) The few workers engaged are members of the department's maintenance staff.
- (4) No.
- (5) Costs are considered reasonable.

Wholesale prices are—

- (a) 3s. 3½d.
- (b) 3s. 2½d.
- (c) 3s. 1½d.

The comparatively higher wholesale price between Wyndham and the other ports is attributable to the smaller offtake shipments at Wyndham.

RESTAURANT AND HOTEL LICENSES

Number Issued Last Year

2. The Hon. E. M. HEENAN asked the Minister for Mines:

- (1) How many restaurant licenses have been granted by the State Licensing Court since provision was made for the granting of such licenses last year?
- (2) How many such licenses have been granted to—
 - (a) hotels in the metropolitan area;
 - (b) restaurants in the metropolitan area;
 - (c) hotels in the goldfields district;
 - (d) restaurants in the goldfields district;
 - (e) hotels elsewhere in the State;
 - (f) restaurants elsewhere in the State?

The Hon. A. F. GRIFFITH replied:

- (1) 17.
- (2) (a) 7.
- (b) 9.
- (c) Nil.
- (d) 1.
- (e) Nil.
- (f) Nil.

MOTOR SPIRIT

Price from Northern Bowsters

3. The Hon. H. C. STRICKLAND asked the Minister for Mines:

What is the retail price of standard motor spirit sold through bowsters at—

- (a) Darwin;
- (b) Geraldton;
- (c) Wyndham?

The Hon. A. F. GRIFFITH replied:

- (a) 3s. 9d.
- (b) 3s. 8½d.
- (c) 4s. 9d.

I would add that oil companies have no control over retail prices.

QUESTION WITHOUT NOTICE

ST. JOHN AMBULANCE

Grant to Brookton Subcentre

The Hon. A. L. LOTON asked the Minister for Mines:

- (1) Is it a fact that the Western Australian Government has made a grant to the St. John Ambulance Brigade, Brookton Subcentre?
- (2) Were there any particular conditions applicable to such grant?

The Hon. A. F. GRIFFITH replied:

The honourable member was good enough to send me notice of this question and therefore I am in a position to supply the answer, which is as follows:—

- (1) Yes. A grant of £500 has been paid towards a new ambulance van.
- (2) No.

BILLS (4)—THIRD READING

1. Stock Diseases Act Amendment Bill.
2. Administration Act Amendment Bill.
On motions by The Hon. A. F. Griffith (Minister for Mines), Bills read a third time and returned to the Assembly with amendments.
3. Absconding Debtors Act Amendment Bill.
4. Marketing of Eggs Act Amendment Bill.

On motions by The Hon. A. F. Griffith (Minister for Mines), Bills read a third time and passed.

RADIOACTIVE SUBSTANCES ACT AMENDMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.43]: I move—

That the Bill be now read a third time.

A question was posed to me by Mr. Jones as to physiotherapists being permitted to use equipment under the principal Act. I do not remember whether or not I gave the honourable member a reply to his satisfaction the other day. I have made

inquiries and find that it is not at all likely that a physiotherapist is required to register under the new section. This is because he would be required to obtain a license under the existing section. I hope that answers the honourable member's query.

Question put and passed.

Bill read a third time and passed.

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST ACT AMENDMENT BILL

Third Reading

On motion by The Hon. L. A. Logan (Minister for Local Government), Bill read a third time and passed.

FIREARMS AND GUNS ACT AMENDMENT BILL

Report

On motion by The Hon. L. A. Logan (Minister for Local Government), report of Committee adopted.

CORONERS ACT AMENDMENT BILL

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5—Section 13A added:

The Hon. A. F. GRIFFITH: Members will recall that Dr. Hislop, in his second reading speech, queried the source from which the coroner would obtain his information to advise the Registrar of Deaths under section 11 (4) of the Act the cause of death and other necessary details.

The answer is clearly given in subsection (5) of the proposed new section 13A. The words "those proceedings" in line 33, refer to court proceedings; and it is from this source that the coroner would obtain his information if, as a result of court proceedings, an inquest had been curtailed or prevented entirely. It follows accordingly that with such evidence as the coroner may establish during an inquest or portion of an inquest, together with the results of court proceedings, he will be in possession of complete information to give to the registrar. The phrase "proceedings in respect of the offence" is clearly defined in subsection (6) of proposed new section 13A in clause 5 of the Bill. This advice was supplied to me by the Crown Law Department, and is given for the benefit of the Committee.

Clause put and passed.

Clauses 6 to 13 put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th September.

THE HON. E. M. HEENAN (North-East) [4.52]: This Bill proposes to make two amendments to the Legal Practitioners Act, the first being an addendum to section 25, and the second being an addendum to section 62. Section 4 of the Act provides for the constitution of the Barristers' Board, which consists of the Attorney-General, the Solicitor-General, each one of Her Majesty's Counsel—commonly termed Queen's Counsel—and five practitioners of at least three years' standing, who are elected.

The Barristers' Board, under section 25 of the Act, has certain powers which it can exercise in connection with complaints which are made to it against practitioners. Section 25 provides that any person who feels aggrieved by reason of any alleged illegal or unprofessional conduct of a legal practitioner can write into the Barristers' Board and lay a complaint. Section 26 and the following sections set out the procedure which is then adopted.

The Barristers' Board itself has fairly extensive powers to deal with solicitors in the way of punitive action; and, if it deems advisable, it can refer the matter to the Full Court which has a wider discretion. When unfortunate cases are dealt with, it is the Full Court which removes a practitioner's name from the roll. The legal profession has a body of its own which is known as the Law Society. The Law Society is the official body to which practically every member of the legal profession belongs.

I, myself, have had the privilege of being a member of it for the past 31 years. We pay an annual membership fee of £4 4s.; and, as I said, almost every member of the legal profession belongs to the Law Society. I do not think there is 100 per cent. membership, any more than there is 100 per cent. membership of our own Commonwealth Parliamentary Association; but the two bodies are somewhat analogous inasmuch as almost every member of the legal profession belongs to the Law Society; and almost every member of Parliament belongs to the Commonwealth Parliamentary Association.

The aims and objects of the Law Society are to safeguard the status and standing of members of the legal profession; to foster increasingly high standards; and to be ever watchful of the public interest. There is a social and educational side to the society's activities; and, as I said before, it is a body to which most members

belong. I have tried to explain that up to date anyone who has a complaint against alleged unprofessional behaviour on the part of a legal practitioner makes his or her complaint direct to the Barristers' Board.

It is then the function of the Barristers' Board to investigate the complaint and, if deemed advisable or if the complaint is justified, to call the practitioner before the board and, if necessary, to carry out punitive action. It will be appreciated that when that occurs, the Barristers' Board has to act in the dual capacity of investigator and judge.

The Hon. H. K. Watson: This Bill does not alter that position.

The Hon. E. M. HEENAN: No, not altogether. A case could be instanced where an individual who has a complaint, writes into the Barristers' Board and the Barristers' Board has to assist that person, through its own solicitor, to present the case before the board itself. That is why it is appreciated that the present set-up is not quite satisfactory.

This Bill proposes a new section 25A which provides—

The Secretary for the time being of the Law Society of Western Australia (Inc.) may, if so authorised by a resolution of the Council of that Society, make complaint in writing to the Board that a practitioner has been guilty of illegal or unprofessional conduct—

A solicitor representing the Law Society could then appear before the Barristers' Board on behalf of the individual who is laying the complaint. The Barristers' Board would then act in its judicial capacity, and hear the complaint without perhaps any prior knowledge of it.

The idea is to give more standing to the Law Society; to give the Law Society the power to handle these matters, in the first instance, and to investigate them, and then to submit them to the Barristers' Board. This procedure should be far more satisfactory for the individual who wishes to make a complaint, because the Law Society will assist him in presenting his case to the Barristers' Board. If the matter is of a trivial nature, it could then be settled with a minimum of trouble.

In reading through the speech of the Minister in another place, I noticed he quoted a case where an individual wrote in to the Barristers' Board concerning undue delay that had occurred in connection with a Titles Office transaction. When the matter was investigated, it was made palpably clear that the delay had been due entirely to circumstances operating in the Titles Office, over which the solicitor had no control. Had such a complaint gone to the Law Society in the first instance, a

good deal of trouble, annoyance, and perhaps misunderstanding might have been avoided.

This provision seems to be a very good step indeed. Members of the House can rest assured that the Law Society is a body which is well fitted to carry this added responsibility. The proposition meets with the approval of the Barristers' Board, the Law Society, and, I understand, the Crown Law authorities. No-one should imagine for one moment that the purpose of this provision is to give more protection to solicitors. That is far from its intention. Its intention is undoubtedly to safeguard the interests and well-being of the public and to see that any complaints are handled in a more practical and possibly a more expeditious and equitable manner than has been possible in the past. Members may rest assured that any legal practitioner who is proved to have been guilty of unprofessional conduct will be dealt with by the Barristers' Board and, if necessary, by the courts, as has been done in the past.

This provision does not prevent the Barristers' Board, in the first instance, from making complaints itself. As in the past, if the Barristers' Board has knowledge of unprofessional conduct on the part of a legal practitioner it can, without consulting or conferring with the Law Society in any way, take the initial step. However, in a number of ordinary cases, if this proviso is added, the first channel will be through the medium of the Law Society.

The Hon. J. G. Hislop: How will the Barristers' Board be constituted?

The Hon. E. M. HEENAN: As I have already mentioned, it is a statutory body. It consists of the Attorney-General as *ex-officio* chairman; the Solicitor-General; all of Her Majesty's Queen's Counsel; and five elected members. This statutory body is set up under the Legal Practitioners Act. The Law Society is an incorporated society composed of practically every member of the legal profession. Any duly-qualified solicitor is entitled to be a member of the Law Society. As I have already said, members pay an annual subscription of four guineas. The council consists of established and reputable members who are well known to the public.

The second provision is an addendum to section 62. I think the Minister adequately explained this, but briefly it provides that where Crown Law officials appear for Crown agencies or statutory bodies, they shall be entitled to be awarded costs in the same way as if they were ordinary practitioners. I think the point arose last year when a solicitor from the Crown Law Department handled an appeal for the Land Agents' Advisory Board—I think that is the correct name. That is the body set up under the Land Agents' Act to control the activities of

land agents. This body had, I believe, cancelled the license of a land agent. The land agent concerned appealed to a judge of the Supreme Court against the cancellation. Apparently, the Crown Law Department handled the appeal on behalf of the Land Agents' Advisory Board; and when the appeal was dismissed, the judge refused to allow costs to the solicitor from the Crown Law Department. The reason the judge gave was that the Land Agents' Advisory Board was not an agency of the Crown.

That position is unsatisfactory. There are a number of these bodies, and their status is not quite clear. They have some affiliation with the Crown, however, in that their duties are in some way associated with the Crown; and when the Crown acts for them in a legal capacity, it seems right and proper that if costs are awarded, the solicitor from the Crown should not be excluded.

I may not have made myself very clear on this matter, but if members will read the Minister's speech, they will find it sets out the position probably in more detail than I have been able to give here. It is a provision that to me seems quite proper and I propose to support the Bill. The main item is, of course, the section to be added after section 25. That is one I favour very strongly, and I am very pleased that the Government has seen fit to introduce it.

THE HON. H. K. WATSON (Metropolitan) [5.15]: I merely wish to make an observation or two on the second proposal in the Bill which is to permit the Crown Law Department to recover fictional legal costs from an unsuccessful litigant in an appeal. I am not sure whether there is much merit in that proposal. If the Crown Law Department is represented by a salaried officer it is not out of pocket, because his salary goes on whether he is fighting in the court, preparing a Bill, or performing some other legal work. Many contests in court are fought merely to ascertain what the law is. For instance, take the Transport Act, where a farmer may be advised by a lawyer that so long as he takes a bag of chaff from point A to point B he is entitled to bring back a load of super from point B to point A. The farmer acts in good faith upon that advice and is prosecuted by the Transport Board. Then he desires to contest the point to find out what the law is, and off he goes to court.

It seems to me that the work performed in court by salaried officers of the Crown Law Department should be part and parcel of their ordinary duties. It appears to be very unfair that if a litigant is unsuccessful, the Crown Law Department should render him a bill of costs for counsel's fees of, say, 200 guineas, just as though the department had paid 200 guineas to a counsel. Yet, as I understand it, the Bill

is introduced to authorise that practice. Merely because that may have been the practice in the past is no reason, so far as I am concerned, for its continuance to be authorised by a Bill.

I am sounding a word of caution. A man fighting against the Crown starts off under a great disability. Personally, I feel that the position ought to be that when the Crown Law Department is represented by a salaried officer, it ought not to claim from an unsuccessful litigant fictional and notional fees as though it had engaged outside counsel.

THE HON. J. G. HISLOP (Metropolitan) [5.18]: The first part of the Bill is rather foreign to my way of thinking. I am considerably interested in the manner in which Mr. Heenan approached this matter. First of all, let us have a look at the various bodies to see what they are. In my opinion, the Law Society is purely a professional body or trade union. It is exactly the same as the British Medical Association.

The Hon. F. J. S. Wise: It is something like the British Medical Association.

The Hon. J. G. HISLOP: Yes; it is on parallel lines. It is not a body designed to protect the public. Like the B.M.A., it is a body designed to protect its members. The Medical Board is the body which is constituted by members of the medical profession to protect the public; and I always thought the Barristers' Board was constituted by members of the legal profession to protect the public.

If my memory serves me correctly, when amendments to this Act were before the House a year or two ago, we learned that of the 14 members constituting the Barristers' Board—I think that is the number roughly—the senior officers seldom attended. I may be quite wrong in that statement, but I am certain that is what I remember of what was said during the debate on the Bill in this House at the time. When it comes to a question of laying a charge against a member of the legal profession, the Law Society, according to the provisions of this Bill, is going to make a statement in writing to the board that a practitioner has been guilty of illegal and unprofessional conduct.

I should think that if a member of the legal fraternity were to face the Barristers' Board, a statement made by a member of his profession setting out that he had committed such a crime would be almost a *prima facie* case against him from the start. If the British Medical Association were, as a council, to decide that a member of the medical profession had been guilty of unprofessional conduct and had notified the Medical Board to that effect, surely that individual's case would have already been prejudged. I suggest that is what will happen under the conditions outlined in the Bill. This is not

a body to be set up—simply because it is composed of members of the legal profession—to take evidence against a person guilty of any misconduct. The members of this body are not appointed by law for such purpose; but the Barristers' Board surely is.

I should think that the correct method of approach to this Bill would be to reorganise the Barristers' Board with a view to giving it the same status and standing as the Medical Board; and I think there are about seven members on the Medical Board. If that were done, a small number of persons could be appointed to the board who would regard it as their bounden duty to take evidence and to sit in judgment on persons who had acted in the disinterest of the public. There would be no question of their not attending, because it would be a duty which they would regard very highly. If the Barristers' Board were reorganised to act in the same way as the Medical Board, a situation such as that envisaged by this Bill would not arise. I do not believe this measure will lead to better judgment or better law, or that the individual's interests will be looked after any better by this method. I do not believe the original body—the Law Society—has the status by law to hold an inquiry into the conduct of any individual, so it must act on some sort of evidence which is brought before it, and it must then submit to the Barristers' Board a statement in writing that such-and-such an individual has been guilty of a certain act. That will be the situation, because nothing in the Bill allows the Law Society to hold an inquiry.

The Bill permits the Law Society to be represented at the Barristers' Board afterwards, but it has no jurisdiction to hold an inquiry; so on what grounds is the Bill permitting the society to make a statement in writing about a certain individual? The second factor I see is this: If I were a person who was to be the subject of an inquiry, and I were called before the council of the British Medical Association or the association itself—which comprises a large number of people; and there must be a large number of people in the Law Society—and I felt that eventually the council was going to submit a statement about a crime that I had committed, I would refuse to attend the inquiry because I would have no intention of incriminating myself in front of a body that had no legal status. After reading through the Bill, that is the position as I see it.

Therefore, I think the correct attitude to adopt would be to reorganise the Barristers' Board and to have the people appointed to it appointed by the Governor with a view to ensuring that they perform their duties to protect the public. It seems to me that one of the arguments put forward by Mr. Heenan is based on

the legal representation of the person laying the complaint before the board. There does not seem to be any difficulty in regard to legal representation being obtained for a person laying a complaint before the Medical Board, and therefore there should be no difficulty in this situation, either.

I would like the Minister to have another look at this Bill, because I would hate this sort of thing to creep into the profession to which I belong. I do not think it would lead to a betterment of the existing situation at all. When I consider the second part of the Bill I find I must accept the view expressed by Mr. Watson; namely, when an individual decides to contest the Crown at law, he takes on a pretty tough task. Again, I think we should ask seriously whether this part of the Bill is really justified. If I can be given a complete assurance that in regard to the first part of the Bill my statements have been wide of the mark, I will submit; but I cannot imagine that the Law Society is the body to make statements in writing about members of its own profession, or to hold any sort of an inquiry prior to the Barristers' Board taking action.

Let us suppose an inquiry was, by some means or other, referred to the Law Society and it decided to take no further action. That would not prevent the Barristers' Board from acting, because it would want to act of its own accord, just as the Medical Board would. I do not think this power should be placed in the hands of the Law Society, but should be vested in a properly-constituted board with full authority to carry out its duties.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [5.28]: In referring to clause 2 of the Bill, Mr. Watson and Dr. Hislop are consistent, inasmuch as they touch upon the same subject. The interpretation contained in section 25 of the Act defines the Barristers' Board. The section also sets out the purpose of the complaints and the manner in which they can be laid by any aggrieved person. As I said when introducing the Bill, the inclusion of proposed new section 25A will give the Law Society an opportunity to inquire into less important matters which have been referred to it.

The Hon. H. K. Watson: No; I don't think so.

The Hon. J. G. Hislop: It does not say so.

The Hon. A. F. GRIFFITH: I think it does. Section 25 of the Act is as follows:—

Any person feeling aggrieved by reason of—

- (a) any alleged illegal or unprofessional conduct of any practitioner . . .

- (b) any neglect or undue delay in the conduct of the business of such person by any practitioner—

Those words are important because Mr. Heenan, when making his speech, referred to the considered undue delay by a solicitor in attending to a certificate of title. When inquiries were made it was found there were good reasons for the delay, and the explanation given was satisfactory.

In respect of the Law Society, I suppose the definition given by Dr. Hislop is near the mark. It is a society of members of the legal profession, in the same way as the British Medical Association is a society of members of the medical profession.

The Hon. H. C. Strickland: Is it compulsory for the members of those professions to belong to those associations?

The Hon. A. F. GRIFFITH: I do not think that in either case it is compulsory.

The Hon. H. C. Strickland: I thought a medical practitioner could not practise without being a member of the British Medical Association.

The Hon. J. G. Hislop: That is not correct. A doctor does not have to belong to the British Medical Association.

The Hon. A. F. GRIFFITH: Dr. Hislop inquired who was to make the investigation. Of course, the board would make the inquiry. The words used in the Bill are as follows:—

The Secretary for the time being of the Law Society of Western Australia (Inc.) may, if so authorised by a resolution of the Council of that Society, make complaint in writing to the Board.

Under the Act, the board is defined as the Barristers' Board. There is no other definition.

The Hon. J. G. Hislop: How does the council reach its conclusions?

The Hon. A. F. GRIFFITH: By making inquiries.

The Hon. J. G. Hislop: With evidence?

The Hon. A. F. GRIFFITH: I do not know whether or not it would be with evidence; but I doubt whether it would be with evidence. I doubt whether an inquiry made by the Barristers' Board would be upon evidence.

The Hon. J. G. Hislop: Why not?

The Hon. A. F. GRIFFITH: It is based upon facts. If a complaint is made, I take it the legal practitioner will have to attend before the Barristers' Board and give his reasons. Not being a member of the Barristers' Board I cannot tell the House what actually takes place there; however, I have reason to believe the inquiry is not conducted on evidence, until a complaint is made. The point is that

it is not proposed that the Law Society should conduct the inquiry. It is provided that the board shall carry out the inquiry.

The Hon. H. K. Watson: All submissions would be regarded as evidence.

The Hon. A. F. GRIFFITH: That is right. I take it that if the Law Society considered a complaint to be trivial, the matter would not end there. The Barristers' Board could carry on and decide there was something in the complaint; and the aggrieved person would be able to lodge a complaint under section 25 of the Act.

The Hon. E. M. Heenan: The provision in this Bill does not take away anything that has obtained under the existing Act.

The Hon. A. F. GRIFFITH: That is correct. The Bill adds a new provision to the existing Act. The Act now empowers an aggrieved person to make a complaint to the Barristers' Board. The Bill provides that if the Law Society has reason to believe that untoward practices are going on, it can make inquiries and report the matter to the Barristers' Board.

The Hon. E. M. Heenan: The Law Society will come across instances which escape the Barristers' Board.

The Hon. A. F. GRIFFITH: The provision in the Bill could add weight to the point. It deals with practices upon which complaints may not necessarily be made by aggrieved persons. The matter may refer to a breach of professional etiquette in respect of which no one has suffered.

There is nothing to be feared from the Bill. Its passage will enable the Law Society to seek out the preliminaries of any matter. If it considers the investigations which it has made to be worthy of further action, it can make a report to the Barristers' Board.

Regarding the other complaint which has been raised against the question of costs, if the Crown decides to engage a practitioner outside the field of those employed by it, such a practitioner will be able to accept a fee for his services.

The Hon. H. K. Watson: They would have to pay him a fee.

The Hon. A. F. GRIFFITH: Basically there is no difference between the Crown paying a fee to a practitioner employed by the Crown, and paying the costs of a salaried officer in respect of a case which he conducts for the Crown. It is perfectly true that the employee of the Crown receives a salary; but the expenses of an action are not limited to that salary. There are many other incidental expenses which are included in the costs, and they must be taken into account. I do not see any reason for the objections which have been raised in this debate.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. E. M. Davies) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2—Section 25A added:

The Hon. J. G. HISLOP: It might enlighten us if we were told how the Law Society of Western Australia is formed and who appoints the council of that society. I presume this council is an elected body of legal practitioners. If that is so, are we to allow this council to hold an inquiry without evidence being given?

The Hon. A. F. Griffith: I did not say that. The honourable member asked whether evidence would be given on oath, and I replied that I did not know.

The Hon. J. G. HISLOP: I used the words, when I interjected, "with evidence." Surely no council should be permitted to lay a charge in writing without having some evidence. These elected members of the Law Society are to constitute a body of inquiry. Surely this body is not necessary, because the Barristers' Board can now receive complaints from people in relation to any act by a legal practitioner which is against the public interest.

The Hon. A. F. Griffith: The Act provides for that course of action.

The Hon. J. G. HISLOP: What then is the reason for the provision in the Bill? If an individual can now lay a complaint before an existing board, it is not necessary to establish another board to deal with the same matter. It has been possible for the Barristers' Board, as well as the Medical Board, to take any action which is warranted; and it has been possible for any person to make a complaint to those bodies. Why then appoint another body for the purpose of making preliminary inquiries?

The Hon. A. F. GRIFFITH: When Dr. Hislop asked whether evidence would be taken at inquiries conducted by the council, I took the term "evidence" to imply evidence given on oath; otherwise such evidence would not mean very much. Under section 25 of the Act, any aggrieved person can lodge a complaint; and section 26 sets out the manner in which the Barristers' Board shall conduct the inquiry. Section 27 provides for the chairman of the board to administer oaths or affirmations. That means if any evidence is given, it can be given under oath.

The Hon. J. G. Hislop: That refers to the Barristers' Board. What is the position to be in respect of the council of the Law Society?

The Hon. A. F. GRIFFITH: It is not intended that this council shall carry out any proceedings against a legal practitioner.

The Hon. J. G. Hislop: Except to lay the charge.

The Hon. A. F. GRIFFITH: Under the provision in this clause, the secretary of the Law Society may make a complaint in writing to the Barristers' Board that a practitioner has been guilty of some action. From then on the provisions of the Act shall operate and the Barristers' Board will conduct the inquiry. The council of the Law Society will not replace the Barristers' Board.

The Hon. H. K. Watson: Under section 25, who else can lodge a complaint besides an aggrieved person?

The Hon. A. F. GRIFFITH: Nobody but an aggrieved person.

The Hon. H. K. Watson: What about the secretary of the Law Society?

The Hon. A. F. GRIFFITH: Under proposed section 25A, the secretary is empowered to lodge a complaint also. At present only an aggrieved person can make a complaint against a legal practitioner to the Barristers' Board. As envisaged by Mr. Heenan, it is possible to have a minor complaint made against a practitioner's failure to attend to a transfer of land expeditiously, and under the Bill it will be possible to lodge the complaint with the council of the Law Society. That council could inquire into the matter by asking the practitioner the reason for the delay in the transfer of the title.

The reason given by the practitioner may be that the title deed is missing, but that the transfer will be effected in a day or two. This is the type of inquiry which will be undertaken by the council. It will deal with the behaviour and etiquette of legal practitioners. By waiting a day or two the council will be able to ascertain whether the transfer has been effected; and if the transfer has been effected that will be the end of the complaint. If it is not then, of course, the secretary of the Law Society, as the clause states, upon being authorised so to do by resolution, might say to the Barristers' Board, "We have reason to believe that there is misconduct in this man's practice and we suggest that under section 25 of the Act you should summon him and ask for an explanation." I do not believe there is anything very dreadful about this at all.

The Hon. J. G. HISLOP: I must continue to fight this clause because I think it is quite unjust. Let me put it this way: We were led to believe in the Minister's introductory speech that this provision is for the purpose of minor charges being dealt with by the Law Society. Why not say so?

The Hon. A. F. Griffith: I did say so.

The Hon. J. G. HISLOP: But the Bill does not. If this clause were altered to read that the Barristers' Board might refer charges of a minor nature to the Law

Society for a report, I would unhesitatingly agree; but here is what really takes place: In actual practice so often the individual who is aggrieved about something which a member of the medical profession has done writes to the British Medical Association. If it is a trivial matter it is investigated and the individual who has the grievance is told of the findings of the association. However, if the offence is regarded as being of a serious nature, the aggrieved person is advised that the British Medical Association has no authority in such matters, and he is referred to the Medical Board. That is what ought to be done here; and it has been done in the past.

I would like to emphasise again that if an aggrieved person lays a charge against an individual practitioner in any profession and takes the matter to the legally qualified body, then that aggrieved person has to state his case; but if the society to which he belongs is prepared to allow its secretary to send, in writing, a statement that he has committed some crime, is that not added weight when presented to the board? Of course it is! Unless the statement is made on a proper basis, it should not be regarded as evidence by the board. But that is the situation which is creeping in here. I hope that it will not eventuate, because it is entirely unjust. If a person is prejudged by the society to which he belongs then—

The Hon. A. L. LOTON: He is convicted before he is heard by the board.

The Hon. J. G. HISLOP: Yes.

The Hon. H. K. WATSON: I imagine that the rules of the Law Society already provide power for the expulsion of a member for unprofessional conduct or any other sufficient reason.

The Hon. A. F. GRIFFITH: I think that is the function of the Barristers' Board.

The Hon. H. K. WATSON: No. I am talking about the Law Society. I imagine that it has power to deal with its own members.

The Hon. G. C. MacKINNON: Even a football club has that right.

The Hon. H. K. WATSON: Confusion seems to have arisen quite a bit from the fact that the contents of the clause do not seem to square with the explanation given for its introduction. For instance, under section 25 an aggrieved individual at the moment may make a complaint which has to be supported by a statutory declaration. It would appear at present that only an aggrieved individual, apart from the secretary of the Barristers' Board, can make a complaint.

As I understand this Bill it proposes that in addition to the aggrieved individual making a complaint, the Law Society may, with sufficient reason, also lodge a complaint. That seems all right as far as it

goes when we remember that one of the reasons given for the introduction of the Bill is that the Barristers' Board at present finds itself in a somewhat unsatisfactory position because it acts as investigator, prosecutor, and judge. However, it seems to me that that position has not been altered one iota as the Barristers' Board will still be acting as investigator, prosecutor, and judge.

All the clause does is to enable the society to do what it cannot do today; namely, lodge a complaint with the Barristers' Board. However, the complaint having been lodged, the board then continues to exercise the rather unsatisfactory role of investigator, prosecutor, and judge. To that extent, it seems to be rather curious.

If, however, it is intended that by one means or another not set forth in the Bill, some of these complaints are to be channelled off to the Law Society first rather than to the Barristers' Board, then I think there is much to be said for the objections raised by Dr. Hislop. The complaint to the Barristers' Board has to be made in writing and verified by statutory declaration; but here, apparently, the complaint can be lodged on hearsay evidence and on anyone's *ipse dixit*.

The Hon. E. M. HEENAN: There are obviously a number of misconceptions regarding this matter. Dr. Hislop referred to "this Law Society." I do not know what significance to attach to his use of the word "this." The Law Society of Western Australia is an incorporated body fully representative of the legal profession in this State. There are analogous bodies in all of the other States; and as members will readily appreciate the function of such a body is to safeguard the interests of its members. Fortunately it has high ideals; and among its other functions it has to safeguard the best interests of the profession to which its members belong; and it is ever watchful of the welfare of the community which the members of its profession are privileged to serve.

Members will recall that only last year there was a legal convention held in Perth. Notable and illustrious members of the legal profession from almost every centre in the commonwealth attended that convention together with professors from law schools in America, Canada, England, and so on. The purpose of such functions is to raise the standard of the profession; to raise the educational standards; to educate the public; to improve our laws and our respect for them; and in a general way to look after the best interests of the community. Also present at that convention were Mr. Justice Hale, just appointed to the Bench; Oscar Negus, Queen's Counsel, who was President last year when that wonderful convention was held; G. D. Wright; and Mr. Reilly. I am just mentioning these things because the Law Society is a worth-while body. Members can

take that from me. Those men are interested in the law school, and a number of them act in a voluntary capacity as lecturers in our University. They contribute in their discussions with suggestions for the improvement of our laws. They do their best not only to safeguard the welfare of their members, but also to safeguard the interests of the community to which they belong.

A monthly meeting is held which is very well attended. The society has its committees, and they are closely associated with the lives and activities of every practitioner. Members can rest assured that if there is anything wrong in regard to the legal profession in Perth or the country towns of Western Australia it will quickly come to the attention of the Law Society. People may suffer wrongs, and legal practitioners may not carry out their obligations and responsibilities; and those facts may be missed by the public, but they will not escape the attention of the Law Society whose members are scattered throughout the State. The society is jealous and anxious to maintain good public relations; to avoid incidents that will bring disgrace upon their profession; and to protect the well-being of all by bringing to the notice of their organisation any wrong that is being inflicted on anyone.

This provision in the Bill will provide protection additional to what the public already has. Dr. Hislop is concerned about some practitioner in respect of whom the Law Society is going to make a complaint. The honourable member can rest assured that the Law Society will not make a complaint to the Barristers' Board unless it feels fully justified in doing so, because the members of the Law Society are colleagues; they are brothers in law.

The Barristers' Board is a different body altogether. I am disappointed that Dr. Hislop has insinuated that the members of the Barristers' Board are neglectful of their responsibilities by not attending. Without any knowledge, but based on a hazy recollection of some debate that took place here some years ago, he made the suggestion that our Queen's Counsel and other members of the Barristers' Board were neglectful of their obligations. The honourable member is not justified in what he said. The members of the Barristers' Board are not the type of men who would be careless of their obligations.

If the Law Society makes a complaint to the Barristers' Board, the board becomes a court or tribunal; and the Law Society will be represented before it by its counsel; or if a member of the public is concerned, that person will be represented by counsel.

Mr. Watson has pointed out that at the present time any individual can write to the Barristers' Board, and that nothing is being taken away from the procedure that has existed in the past. Probably

what will happen in the carrying out of this function, will be that in minor matters the secretary of the Barristers' Board will refer certain things to the Law Society.

The Hon. J. G. Hislop: How does this clause give him that right?

The Hon. E. M. HEENAN: I think it is obvious; and it is a matter of practice. This provision will not take away any protection that the public now has; it will provide an added safeguard. I see considerable merit in the provision, and I hope it will pass without any further misconception.

The Hon. A. F. GRIFFITH: The Barristers' Board is made up, in the main, of the legal practitioners. It comprises the Attorney-General, the Solicitor-General—or if there is no Solicitor-General, the Crown Solicitor—and representatives of the legal practitioners. The Barristers' Board agrees that it is a good idea for an independent body such as the Law Society to make these preliminary investigations. The board has said that to the Attorney-General. Where, under section 25 of the Act, a complaint is made by a person, the Barristers' Board has no alternative but to give the complaint—to use a present-day expression—the full treatment. It has to go through the whole gamut of sections 26 and 27.

The Hon. J. G. Hislop: Just explain how the clause gives that authority.

The Hon. A. F. GRIFFITH: I have never tried to indicate that this clause gives any authority to the Law Society.

The Hon. J. G. Hislop: But you said that these minor matters would be transferred to the Law Society.

The Hon. A. F. GRIFFITH: I did not say that. I said that upon resolution of the Law Society, the secretary can be directed to make a complaint to the Barristers' Board. I refer again to the case dealt with by Mr. Heenan when he mentioned some delay over the settlement of a certificate of title. In a case like that, the secretary would make an investigation; and if the explanation given by the practitioner was satisfactory, and the complaint was merely a minor one, that would be the end of it. On the other hand, if by reason of the secretary's inquiries the behaviour of a practitioner was brought before the notice of the Law Society, then under the proposed new section 25A it would be competent for the Law Society to direct the secretary to lay a complaint; and the complaint would be laid under section 25 of the Act.

This provision will not be usurping any authority whatsoever; it will merely be adding another protective provision for the public in respect to the conduct of the practitioners. It could easily be that no formal complaint would be lodged in respect to a particular matter, because no

aggrieved person would be in existence; or no person would know that he was aggrieved. A person may not be aware that the practice of his solicitor is untoward in any way. But the Law Society might be aware of it; and if so it can check on the solicitor's behaviour and it can request its secretary to lodge a complaint which, I repeat, would be heard under section 25 of the Act.

But the complaint might be of a trivial nature, and if it is the Law Society would go no further. The Barristers' Board thinks this provides an opportunity for a preliminary investigation to be made, and it supports the inclusion of this provision.

The Hon. J. G. HISLOP: I offer my apologies to the Law Society if I offended it by using the term "this" instead of the term "the." That is a habit of speech which I may have adopted, and it means nothing at all except that I was referring to the particular society.

I have no intention of deriding any members of the Law Society or the Barristers' Board, but I can recall the statement made in this Chamber that there were poor attendances at the Barristers' Board. I think that statement was made during the time we were dealing with a Bill to register practitioners in a way different from what had applied previously.

If I were to make a second reading speech, as other members have done, I would refer to the glories of the British Medical Association; but they mean nothing at all in connection with this matter. We are dealing with the legal status of a body. The Law Society wants to be given authority to handle some minor complaints. But the Bill will not give the society that authority. All the Bill seeks to do is to allow the Law Society to make a statement in writing about one of its members whom it considers has committed unprofessional conduct.

The Hon. E. M. HEENAN: And to be represented by its own counsel.

The Hon. J. G. HISLOP: Is that altogether wise or just, unless the society is an aggrieved body? I would much prefer the set-up that exists in my profession whereby we join a defence society and have our own legal representation. The Medical Board acts as a strictly judicial body; and the public have been taught to send their trivial or minor complaints to the British Medical Association which deals with the complaints and with its members accordingly. But where the association feels that a graver charge of illegal or unprofessional conduct is involved, then the aggrieved person is told to apply straight to the Medical Board which, in accordance with a clause introduced into this Council by me some years ago, can of its own volition institute an inquiry.

If an organisation such as the British Medical Association or the Law Society were to sign a document against a member of its own profession, the member would have very little chance of defending himself when he went before the real judicial body, unless that body disregarded the document as being evidence.

The Hon. A. L. LOTON: Dr. Hislop has raised many points, and he has been supported by Mr. Watson. As the time is so close to the tea suspension, I would ask the Minister to report progress to a later stage so that he can confer with the Attorney-General and report to us whether the arguments advanced by Dr. Hislop are correct, or whether the Minister's story is the right one.

The Hon. A. F. GRIFFITH: Normally, if I have any doubt, I am quite happy to report progress, but I have no doubt whatsoever about this matter. I do not think it would be of any avail to report progress. To me the matter is perfectly clear, but apparently I have not been able to make it clear to Dr. Hislop. I can see no object in reporting progress.

Sitting suspended from 6.15 to 7.30 p.m.

Clause put and passed.

Clause 3—Section 62A added:

The Hon. H. K. WATSON: I shall vote against this clause for the reasons I gave during my second reading speech. This proposed section is to enable the Crown Law Department to recover fictional legal costs which are not in fact incurred. If I send my motorcar to a garage to have it repaired, and it costs me £100, I pay the garage man that sum, and I am entitled to claim that in my income tax return as a deduction. But if instead of sending my motorcar to a garage I do the repairs myself, or I get one of my salaried employees to do the repairs, I cannot claim that £100 as a deduction; it is absorbed as part and parcel of my daily outgoings.

I suggest that the same thing applies here, particularly as it is the Crown. A man in a fight with the Crown has to pay legal expenses win, lose or draw; and if he loses we should not add insult to injury by charging him a couple of hundred guineas or more for something for which the Crown has not had to pay; because the work has been done by its officers in the ordinary course of their duties.

The Hon. E. M. HEENAN: I should like to illustrate the point by taking an ordinary worker's compensation case where a miner is injured. Mining companies are insured with the State Government Insurance Office, and if a worker suffers an injury in the normal way, and a dispute arises, the individual makes a claim against the mining company concerned, which really involves the State Government Insurance Office. Eventually the

case comes before the Workers' Compensation Board, and the worker is represented by his counsel and the State Government Insurance Office is represented by a solicitor from the Crown Law Department. In that instance an ordinary legal case ensues; one side wins and the other side loses.

The Hon. A. R. Jones: Don't they draw sometimes?

The Hon. E. M. HEENAN: The usual practice is for the loser to pay the other side's costs, which seems fair and right. I was interested in a case recently, because I represented a man in Kalgoolie. He succeeded in his case, and he will get all his costs against the State Government Insurance Office. Had he lost I could not see any reason why the solicitor representing the State Office should not have recovered costs.

I cannot quarrel with the proposition that the Crown Law Department, through its officers, should recover costs in the ordinary way in the circumstances I have outlined.

The Hon. A. F. GRIFFITH: I am not going to say much about this except that I think the comparison made by Mr. Watson, in doing his own repairs on his own motorcar, was not a good one.

The Hon. H. K. Watson: I think my daughter would agree with you.

The Hon. A. F. GRIFFITH: And maybe a lot of other people would, too. According to the law as it stands, there is no right for the Crown to recover costs; and, as we know, in the past people have taken tiddly-winking action against the Crown. But if the Crown employs an outside practitioner the Crown has to pay a fee and should be entitled to recover the costs involved from the unsuccessful litigant.

The Hon. H. K. Watson: Granted. That is different.

The Hon. A. F. GRIFFITH: What is the difference? If it is right for the Crown to recover costs in one instance, it should be right for it to recover costs in the other; that is, where Crown Law officers are employed. No-one objects to paying survey fees to the Crown, but merely because the Crown is involved in litigation—

The Hon. A. R. Jones: They object to paying water rates.

The Hon. A. F. GRIFFITH: —the suggestion is that the Crown should not be entitled to recover costs where it is successful. I would refer members to my second reading speech in which I mentioned Rule 9 of the Supreme Court rules.

The Hon. H. K. Watson: This is to give legislative approval of that ruling. That is the idea.

The Hon. A. F. GRIFFITH: This is to give the court power to award costs to the Crown where it is successful.

The Hon. H. K. WATSON: I do not want to delay the Committee stage, but the Minister's exposition simply demonstrates the very old saying that the courts of justice are open to everybody who can afford to pay for them. His illustration of paying for survey fees is not analogous; it is much worse than my illustration of the motorcar. There, one is receiving a service. If the Crown employs outside counsel, it incurs out-of-pocket expenses; and there is a logical argument that those outside expenses should be recouped. But when the Crown is not employing outside counsel—

The Hon. A. F. Griffith: Don't you think the Crown incurs out-of-pocket expenses when it is employing its own officers?

The Hon. H. K. WATSON: No; they are salaried officers who are earning their money, even if they are out the back doing repairs to their own motorcars!

The Hon. A. F. Griffith: What about the out-of-pocket expenses incurred in serving processes?

The Hon. H. K. WATSON: That is part of their daily routine.

The Hon. A. F. Griffith: Crown Law officers don't serve processes.

The Hon. H. K. WATSON: That is part of their ordinary routine. I was surprised to hear the Minister say, when moving the second reading, that every practising barrister has to take out a license, the fee for which I understand is £5 or £10; and a barrister cannot practice unless he pays that annual fee. But officers of the Crown Law Department do not even pay that practising fee. One of the clauses in the Bill says in effect that they shall be deemed to have paid the fee. In other words, this is building up a fiction so that the poor old Bill Bowyangs can have fictional costs built up against them. To me it seems to be wrong in principle.

The Hon. J. G. HISLOP: Can I take the opportunity of warning Mr. Heenan that if some of the legislation proposed in this Chamber is accepted, I hope he gets his fees paid rapidly; because if this is agreed to he might find that the Crown's fees are paid before his.

Clause put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

BILLS (4)—FIRST READING

1. Health Act Amendment Bill.

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

2. Marketing of Onions Act Amendment Bill.

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

3. State Housing Act Amendment Bill.

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

4. Stamp Act Amendment Bill.

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

LICENSING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th September.

THE HON. G. E. JEFFERY (Suburban) [7.48]: What I have to say will not take long. Much has been said in this debate of the man on the goldfields who has the good fortune to take two bottles of beer home on a Sunday after obtaining them from the hotel. This provision was placed in the Act some time ago, and the present measure seeks to tidy it up and to allow those who are members of clubs a privilege enjoyed by those who drink in hotels.

After the hospitality I have received on the goldfields, I hope that the people there will be permitted to take two bottles home for ever more! Climatic conditions do not have much to do with it. It is farcical for those who reside on the goldfields and who are members of clubs, to have to go to a hotel on Sunday in order to obtain two bottles of beer. Not many people carry bottles around; it is much easier to keep the beer in one's own interior because then there is not the same chance of breakage. I support the Bill.

THE HON. J. M. A. CUNNINGHAM (South-East—in reply) [7.50]: I think I owe it to those members who have contributed to this Bill to answer one or two points that have been raised. I appreciate the remarks made by members who support the Bill; though at the same time I do not condemn those who for moral or personal reasons oppose the small amendment it contains. The principle has been accepted in the parent Act of serving two bottles of beer—or of serving liquor—to those desiring it on the goldfields on a Sunday. In Australia, the word "liquor" generally means beer. When an average person in Australia refers to two bottles, he usually means two bottles of beer—in nine times out of 10 that is the case.

In America, the words "two bottles" would refer to spirits—whisky or some other spirits. The Bill is a very simple

one. It does not attempt to alter the Act drastically. It merely seeks to tidy up a small anomaly that has remained on the statute book for some time. I do not think its provisions will do harm to anybody, or to their activities; nor will it prove harmful to those who prefer to do their drinking in the convivial atmosphere of clubs.

It has been said that clubs are nothing but drinking houses or beer houses. That may be so; but in most countries it must be remembered that there is a specific group of licenses issued to certain establishments that do not provide the facilities found in hotels. Their sole purpose is to sell liquor to those requiring it; they provide no other facilities. In England I think they are called taverns. Strictly speaking, clubs do not take the place of those establishments in Australia. So far as the five main clubs on the goldfields are concerned, I would say they provide amenities other than merely the right to drink. When saying this I have in mind the bowling club and the golf club which are some miles away from the nearest licensed premises. I think this is a reasonable and fair request, and I hope the Bill will be passed.

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

Ayes—21.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. G. Bennetts	Hon. C. H. Simpson
Hon. J. Cunningham	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. A. F. Griffith	Hon. R. Thompson
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. D. Willmott
Hon. J. G. Hislop	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. Murray
Hon. L. A. Logan	(Teller.)

Noes—8.

Hon. E. M. Davies	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. F. R. H. Lavery	Hon. H. K. Watson
Hon. A. L. Loton	Hon. E. F. Hutchison
	(Teller.)

Majority for—13.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. J. M. A. Cunningham in charge of the Bill.

Clause 1 put and passed.

Clause 2—Section 205 amended:

The Hon. A. L. LOTON: I move an amendment—

Page 2, line 14—Delete the word "liquor" with a view to substituting the word "beer."

This will meet the requirements of the honourable member who says that the Sunday drink of the people on the goldfields is beer, and not liquor.

The Hon. J. M. A. CUNNINGHAM: The definition of "intoxicating liquor" or "liquor" in the parent Act is as follows:—

"intoxicating liquor" or "liquor" means any spirits, wine, beer, or other fermented, distilled, or spirituous liquor, and "beer" includes ale, porter, and stout; and "wine" includes cider and perry; . . .

On page 4 of the Act, the definition of "liquor" is "intoxicating liquor."

As I mentioned earlier, nine times out of 10 the national or popular drink is beer; and that is what is intended, in spite of the honourable member's remarks. The late Mr. Boylen had this to say when he introduced his amending Bill in 1953; and I quote from page 1907 of *Hansard*, Vol. 2, 1953—

This clause concerns the sale of bottled beer on Sunday. People on the goldfields have not been able to purchase bottled beer between 10.30 a.m. and 12.30 p.m. Neither the publicans nor the consumers desire that liquor should be sold after 12.30 p.m.

The late Mr. Boylen used the word, "liquor," but he obviously meant beer. During the course of his speech, Mr. Boylen referred to "liquor" and "beer" in the same breath.

I point out to the Committee that the population on the goldfields is fairly evenly divided between Europeans and Australians. If we specify one particular drink, we are going to preclude quite a lot of foreign residents—naturalised or otherwise—from taking advantage of the amendment, as they may prefer spirits. The parent Act quite definitely refers to liquor as being the subject of the Bill. I ask members to reject the amendment.

The Hon. H. C. STRICKLAND: I feel there is some merit in the amendment. When the Act was amended some years ago, I understand it was to enable the taking home of a cold drink for the rest of the family. Beer may not last for any length of time in the home refrigerator, but liquor is a different proposition. I could not imagine anybody excepting members of the Weld Club buying two bottles of scotch to take home on Sunday or any other day. I should imagine most of those members would order their liquor by the gallon from a gallon licensee, because it is much cheaper. I am of the opinion that when this Bill was introduced it was intended that two bottles of beer be allowed to be sold. Therefore, I support the amendment.

The Hon. A. R. JONES: I did not support the second reading of this Bill because of this particular wording. It was pointed out during the debate that beer was the liquor in question. I do not think anyone would be the worse for drink after consuming two bottles of beer, but the situation would be quite different if two bottles

of another type of liquor were taken home. I think the amendment is worth while; and it is something that was overlooked when the parent Act was previously amended. Therefore, I hope the amendment will be carried.

The Hon. A. F. GRIFFITH: When I was speaking on the second reading of this Bill I think I uncovered something which I certainly did not know previously. If we were to vote for this amendment, I think we would undoubtedly adopt the principle that the late Mr. Boylen had in mind when he introduced his Bill in 1953. I have read the *Hansard* report referred to by Mr. Cunningham, and I do not think there is any doubt whatsoever that Mr. Boylen wanted to bestow upon the goldfields people the privilege of taking home two bottles of beer from hotels on a Sunday. That was where his intention rested. During the second reading I said that if this amendment meant liquor, generally, the Bill would not have my support. However, under the parent Act two bottles of beer can be bought on a Sunday in hotels.

The Hon. J. M. A. Cunningham: Two bottles of liquor.

The Hon. A. F. GRIFFITH: If we change the wording in this Bill from that of the parent Act we will have an inconsistency. I would rather the Bill pass as printed, and then perhaps we could look at the principal Act to see whether it could be amended to take out the word "liquor" and substitute the word "beer."

The Hon. A. R. Jones: How would you go about it?

The Hon. A. F. GRIFFITH: It would be necessary to introduce another Bill to bring about that state of affairs. I think it would be iniquitous to have two different conditions prevailing—one allowing hotels to sell what they wished in the way of liquor, and the other limiting clubs to two bottles of beer. That was not the intention of the original legislation.

The Hon. W. F. WILLESEE: I agree with the Minister. I do not think there has been an instance where an abuse has taken place because liquor can be sold. I have a recollection that when the Sunday session is operative the barmen generally call out, "Two bottles are available for the next five minutes." I do not think there has been an instance where spirits have been purchased. For that reason I am going to support the Bill as it stands rather than have the inconsistency pointed out by the Minister.

The Hon. J. M. A. CUNNINGHAM: It is quite true that if the amendment is passed a further inconsistency will be created. Speaker after speaker has stated that this Bill is to iron out an anomaly. Therefore, in trying to iron out one anomaly we do not want to create another.

The Hon. H. C. STRICKLAND: Speaking of inconsistencies, under the Act hotels must sell their two bottles of liquor before 1 p.m., but under this Bill the clubs can sell liquor until 1.30 p.m. I just point that out as an inconsistency.

The Hon. J. M. A. CUNNINGHAM: I would point out to the honourable member that on page two of the Bill it says:—

In this section "Goldfields district" has the same meaning as in subsection (5) of section one hundred and twenty of this Act.

The Hon. A. L. LOTON: I hope the Committee will agree to my amendment, because we propose to define in this Bill what is meant by the word "liquor"; and it is commonly referred to as beer. From the quotations read out by Mr. Cunningham, it is evident that the late Mr. Boylen meant beer; and we meant it when we supported the amendment in this House. We took it for granted, but somehow or other the word "liquor" has crept in. I accept my share of responsibility in that regard. If we put the word "beer" in, the onus will be on the Government, if it thinks the position should be rectified, to bring in correcting legislation. I ask the Committee to support the amendment.

The Hon. H. K. WATSON: If we went wrong before, that is no reason why we should go wrong again. We should go right this time and retrace our steps, and, in due course, correct the error that has been made.

The Hon. G. BENNETTS: I have never heard of any club, with which I have been associated, ask for anything other than two bottles of "beer." It has been two bottles of beer and nothing else. I think that when this Bill was brought in the word "beer" was agreed upon, and I think an amendment was later moved by the member for Murchison in another place to amend the Act. I have had no request to me from any club in my district for anything other than two bottles of beer. I have been to places and seen people drinking light wine for dinner. These people have asked for it, and have been supplied with it. I now concede that there is no reason, if people are in the habit of drinking this light wine, why they should not purchase it during the week and keep it in the home. I am inclined to support the amendment.

The Hon. A. F. GRIFFITH: I do not want to labour this matter. Mr. Loton has said it will be the Government's responsibility to correct the other remaining fault. As the representative of the Government, I would like to say that it will be the Government's responsibility in any case to say whether the Act—not the Bill, but the principal Act as it now stands—shall remain unchanged and continue to provide that liquor can be sold; and liquor means any form of liquor. The Government will correct any inconsistency in allowing hotels

to sell what they wish and the clubs to sell only one brand of liquor; namely, beer. If we leave the Bill as it is, it will be the responsibility of the Government—if it considers fit—or some private member—if one sees fit—to bring down a bill that will amend the principal Act and give effect to what was intended when the late Mr. Boylen introduced his Bill in 1953.

Amendment put and a division called for.

The CHAIRMAN (The Hon. W. R. Hall): Before the tellers tell, I give my vote with the noes.

Division taken with the following result:—

Ayes—14.

Hon. G. Bennetts	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. F. R. H. Lavery	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. J. S. Wise
Hon. A. L. Loton	Hon. H. C. Strickland

(Teller.)

Noes—15.

Hon. C. R. Abbey	Hon. G. E. Jeffery
Hon. N. E. Baxter	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. W. F. Willesee
Hon. W. R. Hall	Hon. F. D. Willmott
Hon. E. M. Heenan	Hon. J. Murray
Hon. J. G. Hislop	

(Teller.)

Majority against—1.

Amendment thus negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

CHEVRON-HILTON HOTEL AGREEMENT BILL

Second Reading

Debate resumed from the 15th September.

THE HON. H. C. STRICKLAND (North) [8.25]: While I do not propose to oppose this Bill, I feel that the Government is due for some criticism in relation to its negotiations and the manner in which it has finally agreed to the establishment of this hotel in St. George's Terrace.

Firstly, I feel that the Government has taken rather an extreme step when it has simply ignored the Stephenson Plan which, I understand, it had adopted in principle for the development of the city. We remember that it was only 12 months ago that the Government imposed a tax on some ratepayers who lived within the scope of the Stephenson Plan for the metropolitan area; and that area extends from somewhere around Mundijong nearly to Gingin in the north. However, the Stephenson Plan, in relation to the area which is being sold or which will be sold

to the hotel company, was zoned by Professor Stephenson for office use; and although this Government set up an authority to administer the Stephenson Plan, it seems that no reference was made by the Minister, or in the Press that I can remember, to that authority when proposals were first brought to the Government in relation to this particular land.

I feel that the Government is under pressure, no doubt from big business and from other big interests, simply to ignore its professed policy in relation to the Stephenson Plan; and it has gone a long way towards breaking its policy in connection with the plan. I would like to quote from the plan for the metropolitan region, which was compiled by Professor Stephenson, and Mr. Hepburn, the town planner at the time. In relation to St. George's Terrace and the central areas, they had this to say—

It is not altogether fortuitous that office development flanks the widest central street, parallel and immediately above the river frontage. It is an excellent example of natural functional zoning. Adelaide Terrace still retaining old houses and large grounds as reminders of past history is in a similar situation to St. George's Terrace; and both, compared with Hay Street for example, benefit to the full from the south-westerly breezes in the height of the summer. It is also fortunate that the main views of the City, from the river and beyond, present the office area in the forefront.

Reference was also made elsewhere to the area being zoned as offices because of the fresh air that blew off the river, and because of the type of buildings that could be erected there to make the best possible use of light and that fresh air.

The Hon. A. R. Jones: It is not always too fresh, either.

The Hon. H. C. STRICKLAND: The honourable member may not be in an area where the air is quite so fresh; but I myself have noticed that the air in that particular area is quite fresh. We now have a Government composed of the parties which really introduced Professor Stephenson to this State to compile a major plan. The Government then passed legislation during its first year in office to ensure that the plan would be implemented; and at the expense of some of the metropolitan taxpayers within the region, primary producers were exempt; so also were some trotting breeders, florists, and so on.

The Hon. L. A. Logan: You do not object to that, do you?

The Hon. H. C. STRICKLAND: There were others, too—market gardeners and poultry farmers.

The Hon. L. A. Logan: You do not object to that, do you?

The Hon. H. C. STRICKLAND: Yes; and I did object at the time. I thought that everyone in the metropolitan area should have been taxed, because everyone's land will benefit in value to the same extent as the land belonging to the householder. If the Minister for Local Government can explain why it will not, I will be pleased to listen to him. I feel one is entitled to raise a legitimate objection against the Government's action in sponsoring, preparing, and legislating for a metropolitan regional plan and then being the first to break away from it by turning this proposed office area into a commercial area.

I do not know whether the Government feels it has justified its action by including in the agreement between itself and the company the provision that there shall be an airline terminal incorporated in the hotel. Although a great deal has been said about airline terminals in the Press and over the air, I have found that most airport terminals in the Eastern States consist merely of a small office in the building which, in many of the leading hotels in all the other capital cities of Australia, is simply a tourist desk. In any event, it is hardly a fair thing if the Government, in order to ease its conscience on the change of planning without reference to Parliament or anybody else, has embodied that reference to an airline terminal in the agreement.

One must wonder what is to happen next to the metropolitan regional plan if some other form of big business should happen to come along and desire another area of land centrally situated in the city, in much the same way as this company has come to the State and obtained one of the best positions in the city area on which to build a hotel. It is rather strange that we hear so much about private and free enterprise from this Government and yet we see that private or free enterprise—as the Government would have us know it—was not given any opportunity to tender for valuable land such as this for the establishment of business interests. Are we to assume that this hotel company is the only one that is likely to be interested in building a hotel such as that proposed in the Bill? Are we to understand that there are not sufficient people in Australia with the necessary capital who could have been interested in such a venture had the Government called tenders in regard to the sale of the land? When sitting in this seat in past years, Mr. Griffith used to tell us what the previous Government should have had done to it because it did not call tenders for the performance of certain works or services, and did not give private enterprise an opportunity to submit such tenders.

The Hon. A. F. Griffith: It should have had what done to it?

The Hon. H. C. STRICKLAND: It is rather strange to see the honourable member as a Minister in a Government which did not even give Australians an opportunity to build a hotel or some other structure on that site which might possibly attract tourists to the State.

The Hon. H. K. Watson: This is an Australian company.

The Hon. H. C. STRICKLAND: I understand it is an international company. If Mr. Watson is correct, I may be on the wrong track, but I understand it to be an international company which is interested in building hotels in every capital city of Australia. I am sure it would not have needed much inducement to come to Western Australia to erect a hotel on the site that has been presented to it.

The Hon. A. R. Jones: It is not exactly presented to it.

The Hon. H. C. STRICKLAND: We know that the company is paying for it, but my complaint is that no one else had the opportunity of building on the same site.

The Hon. A. F. Griffith: The Taxation Department had the opportunity to pay £60,000 for the block.

The Hon. H. C. STRICKLAND: If the Taxation Department had really wanted it, it would have resumed it.

The Hon. F. J. S. Wise: That is right. As soon as it was excised from Government Domain, that method would have been open to the Commonwealth Government.

The Hon. H. C. STRICKLAND: Therefore, I do not think the Minister can claim that an opportunity was given to the Taxation Department to pay £60,000 for the block. In any case, the fact is that private enterprise was not given an opportunity to tender for the site. In my opinion, private enterprise is non-existent. Take, for example, the zoning scheme. Prior to the Stephenson report being made available to the public, the metropolitan area had been zoned by the Perth City Council. That council has its own zoning and town planning schemes, but, nevertheless, it is quite prepared to be a party to an agreement entered into between the Government and the Chevron-Hilton Co., and have its own scheme ruined by that agreement. Only today, at 3.50 p.m., I checked the Perth City Council zoning scheme for that particular city area, and I discovered it is zoned for office use. If any honourable member cares to visit the council chamber he will discover that what I am saying is correct.

What amazes me in regard to the attitude of the Perth City Council is that whilst big business, such as this hotel company, can negotiate with the Government and the Perth City Council to obtain exactly what it desires, there are dozens of other property holders in the city who have objected to the zoning scheme and

have asked for their area to be re-zoned. However, they have been told by the council that no decision can be made until three months after the plan has been advertised. That period will expire on the 31st October. My advice is that the council will then deal with all the objections at the one time.

In the Press the other day it was reported that about 20 objections had been received. That may be so, but there is still another month to go. In any case, 20 objections have been lodged, and I know of one that dates back to the 7th November, 1959. However, the council will not deal with the small fry, but it is taxing those landholders by increased valuations. The attitude of the council apparently is: "We have them in the bag, anyway." But when big business comes along the Perth City Council bends in all directions.

The Hon. H. K. Watson: Mr. Tonkin bent much the same way.

The Hon. H. C. STRICKLAND: The Perth City Council also stretches its zoning laws to meet big business.

The Hon. H. K. Watson: Mr. Tonkin rezoned the land and gave it to one company.

The Hon. H. C. STRICKLAND: Which land?

The Hon. H. K. Watson: Klinger's land.

The Hon. H. C. STRICKLAND: That is bushland. There are banksias, wattles, and gum trees growing on it.

The Hon. H. K. Watson: It is residential land.

The Hon. H. C. STRICKLAND: Zoned for the future. The honourable member is speaking about bushland. We should give bushland to anyone who is prepared to establish a business on it. Also, that was a factory area; it was a different case altogether.

The Hon. A. F. Griffith: They changed their plan.

The Hon. H. C. STRICKLAND: The Minister can tell me about it later. I know the Minister will defend big business because he has to do so.

The Hon. A. F. Griffith: Nonsense!

The Hon. H. C. STRICKLAND: The Minister must defend big business because he represents big business.

The Hon. A. F. Griffith: I represent the people.

The Hon. H. C. STRICKLAND: Well, let us see whether the Minister can do something for those 20 people who have lodged objections with the Perth City Council. Let us see what he can do for the little fellows! Within 12 months we pass legislation to implement an over-all town planning scheme designed by Professor Stephenson; and then, right out of the blue, an approach is made from a large

financial company—which I understand is an international company—and it selects the most valuable site in the city and says, "We will build a hotel here if you will do this and that."

In the agreement, we find that the company has driven a very good bargain by having the council agree to widen and lengthen the roads to meet its convenience. Also, we find that the Perth City Council, in order to carry out that work is raising a loan to which the taxpayers in the metropolitan area will contribute interest payments.

The Hon. L. A. Logan: They did not object to the raising of the loan.

The Hon. H. C. STRICKLAND: Yes; that is a fact. I understand that the council's intention to raise a loan was advertised for six weeks and the taxpayers did not object. However, I did not notice any large headlines appearing over the advertisement.

The Hon. L. A. Logan: It was advertised for weeks.

The Hon. H. C. STRICKLAND: The Minister for Local Government would know about that. I did not read the published notice and the advertisements in connection with that loan, but there were no large headlines appearing over it.

The Hon. L. A. Logan: The whole matter was headlined for weeks.

The Hon. H. C. STRICKLAND: Yes; headlines expounding the political angle of the development.

The Hon. L. A. Logan: There were leading articles on it.

The Hon. H. C. STRICKLAND: The leading articles do not always entirely agree with the methods that are adopted; even if we take the writings of the leader writer as the last word. That matters little. We pass legislation for a metropolitan region town planning scheme, spend hundreds of thousands of pounds for the services of town planners, and then wreck the whole scheme by granting to a company such as this a site in the centre of the city for the erection of a hotel; but, apparently, that does not affect the position.

The Hon. L. A. Logan: Do you think the town planning should stand still for 20 years?

The Hon. H. C. STRICKLAND: I do not know whether it is standing still, but if the Minister is thinking that way, surely he should not have supported the engagement of Professor Stephenson in the first place to prepare a town planning scheme for Perth!

The Hon. L. A. Logan: Planning does not remain still; it is continuous.

The Hon. H. C. STRICKLAND: Of course it is continuous. There is already a master plan—the Stephenson Plan.

The Hon. F. J. S. Wise: Planning is continuous; and it varies.

The Hon. H. C. STRICKLAND: Not twelve months passed before the Government changed its mind. In the last session of this Parliament legislation creating the town planning authority was passed.

The Hon. L. A. Logan: What for?

The Hon. H. C. STRICKLAND: The Government imposed a tax to implement the plan; yet in May last we read in the newspapers that the Government intended to break that plan.

The Hon. L. A. Logan: You are on the wrong track.

The Hon. H. C. STRICKLAND: The Minister may deny these things, but they are facts. The first I knew about the negotiations was in May last when I read about them in the newspapers. Certain aspects of the negotiations must be criticised; the action of both the Perth City Council and the Government in rushing in and agreeing to revoke the Stephenson Plan for the zoning of premises should be criticised.

I consider the Government has usurped the authority of the Licensing Court by firstly agreeing to the Chevron Hotel obtaining a publican's general license if it established the hotel at that centre. We all know that any other party desiring a liquor license has to apply to the Licensing Court, and great costs are involved in any such application. In 99 cases out of 100—in fact in all the cases of which I am aware—applications for liquor licenses have been opposed by the police on the ground that the requirements of the area did not warrant the granting of a further license. On this occasion the police did not have an opportunity to put forward any case in respect of the liquor license for the Chevron Hotel.

It was only a few months ago that a local company expressed a desire to build a tourist hotel at Esperance. The Government and all members here well know that Esperance will develop into an attractive and popular centre for tourists; yet when the application for a liquor license for such a tourist hotel was referred to the Licensing Court it was rejected.

The Hon. L. A. Logan: Do you know why?

The Hon. H. C. STRICKLAND: I do not.

The Hon. L. A. Logan: In that case, why make comparisons?

The Hon. H. C. STRICKLAND: Let the Minister give the reasons. We have heard a lot from him about anomalies and about the need to sponsor tourism in this State. Apparently, according to him, all tourists to this State visit only Perth or Rottnest. Esperance did not get a license for a tourist hotel because the Government considered it did not deserve one.

The Hon. L. A. Logan: Find out the reason first before you talk about this license.

The Hon. H. C. STRICKLAND: One may as well ask the Minister why the Government did not send the application by the Chevron Hotel for a liquor license to the Licensing Court for consideration.

The Hon. A. F. Griffith: What did your Government do in respect of Medina?

The Hon. H. C. STRICKLAND: We know why the Government did not refer the application by the Chevron Hotel to the Licensing Court—because big business was involved.

The Hon. A. F. Griffith: What was the big business which activated your Government in respect of the Medina liquor license?

The Hon. H. C. STRICKLAND: The British Petroleum Company. That was granted to keep the workers in that industry at Medina. It is a canteen license and not a hotel license. I would like to ask the Minister why he has not sold the establishment at Medina as his Government has sold the rest of the State hotels?

The Hon. A. F. Griffith: What is the difference between the Medina license and the one now under discussion?

The Hon. H. C. STRICKLAND: I think the Minister supported the Medina application for a canteen license, although he criticised the Bill when it was introduced. He knows that in the planning of Medina a hotel site was set aside, and any person desiring to obtain that license had to apply to the Licensing Court. He will remember the late Chief Secretary assuring him that should anybody apply for a publican's general license, the canteen license issued to the State hotel at Medina would be revoked.

The Hon. A. F. Griffith: It is obvious you looked at what your Government did in respect of Medina.

The Hon. H. C. STRICKLAND: Being a member of the previous Government I did not exactly fall asleep. Any party which now applies to the Licensing Court for a liquor license in respect of the land set aside for a hotel at Medina will, without doubt, be granted the license; in that event the canteen license will be revoked. Evidently nobody is prepared to enter into such a speculation.

The Hon. L. A. Logan: Not with a club just formed down there.

The Hon. H. C. STRICKLAND: The points I have raised—the flouting of the Stephenson Plan and the usurping of the rights and jurisdiction of the Licensing Court—are very important. Two precedents have now been set up; but they should not have been established. I am not opposed to the Chevron Hotel agreement or to the establishment of a hotel on the proposed site; I believe that if a person

who has the finance wants to start a business, he should be permitted to do so. That is free enterprise. If he were to fail, that would be bad luck. However, when we get down to the hole-in-the-corner negotiations with big business, and when the small fry is absolutely ignored by the Government and has to stick to the letter of the law, we should view the position with concern. I hope the Minister for Local Government, who is in an important position with regard to zoning and town planning, will remember the position of the small man when appeals are received by him against the zoning of the Perth City Council.

The Hon. L. A. Logan: Everyone gets consideration, irrespective of who he is.

The Hon. H. C. STRICKLAND: I know the Minister will give a considered opinion, but I hope he will be consistent in matters of zoning in the metropolitan area as set out in the Stephenson Plan.

There are several other aspects of this Bill on which I could speak, but I leave them to be dealt with by other speakers who have examined this measure which asks Parliament to amend several Acts.

THE HON. F. J. S. WISE (North) [8.55]: I think it is more than passing strange that the composite Government of today should be the medium for sponsoring a Bill to ratify an agreement, when one takes into consideration its past trenchant criticism of any Minister who presented to Parliament any agreement for ratification. I believe that any Government has the right to make agreements which have to be ratified by Parliament; but I oppose entirely the views formerly held by members of the present Government in this connection. I go so far as to say that such agreement made by a Government, even though it has made mistakes, but if it is honourable in its intentions and if the agreement is made for the betterment of the State, should be supported by Parliament.

I therefore support not only the ratification of the agreement, but maintain the right to criticise many of the aspects of the agreement and its effects, and of the Bill which is before us. My criticisms will not be idle ones; they will be valid ones, directed to this, the most conglomerate Bill ever presented to this Parliament. In the whole history of the legislation of Western Australia there has never been such a Bill presented—a Bill to ratify not one, but several agreements between the parties, and to amend certain Acts to ensure that the provisions of the Bill and the agreements will be put into effect. Within this Bill there is provision for the closing of roads, for the amendment of other Acts, and for the repealing of existing laws and part of existing laws. All this appears in the one Bill before us. The overriding of certain statutes by expressed design is also included within this Bill.

In the whole of these very involved negotiations for the sale of Crown land, the interests of the people of the State, as well as the rights and responsibilities of the Perth City Council, have to be considered. The land is in an area which is one of the most important within the State, and therefore the most valuable.

The area, the subject of some of the plans which were tabled when this Bill was introduced, embraces that portion of the city of Perth which was included in the first recorded survey made in 1838 of the Perth town site by Mr. Hillman, the surveyor. That time was so long ago that it was before Lord Street, as we know it, was Lord Street at all; and when Victoria Avenue, as we know, it was named Lord Street.

In 1845 the first survey was made of the whole of the city area from Wellington Street to the river; and it was the subject of a plan which, 20 years ago, I had framed and presented to the other House of our legislature as a memento. This plan showed Pier Street extending to the river; and that portion of Pier Street on which Government House now stands has never been closed. The plan also showed Stirling Square and Government Domain.

It was not until the area now occupied by Christian Brothers' College was first purchased by a man named Stone that a subdivision took place of any of the original survey of the Perth townsite. Therefore, this area we are dealing with is the most historical of the whole of the Western Australian community. The first subdivision in Perth's history from an original plan is the area on which Christian Brothers' College now stands—the first area excised from any block in the city.

The 1845 and the 1851 plans clearly show Stirling Square and Government Domain with Pier Street running through to the river between those two areas. When Government House was built between 1858 and 1860, a decision had been reached after negotiations had taken place with the Imperial Government to use part of this historical area—Government Domain—for the purpose of Government House. It was never known as Government House Domain.

I wish to point out that a study of these facts was more than a hobby of mine 20 or more years ago when it was my responsibility to locate for the then Government the area best suited for the construction of public buildings for the future of the public service in this city. It was not until three attempts had been made that the area was excised from Government Domain for that purpose, and a Bill was passed through both Houses of Parliament.

The Hon. A. F. Griffith: You envisaged taking more land than the hotel takes now.

The Hon. F. J. S. WISE: It would have been more than heresy to suggest a hotel ever being placed on this site. Even as recently as 20 years ago, when I was in another place and the Bill had been defeated for the third time, it was agreed that I should ask all of those who opposed the Bill vigorously to be part of a committee to inquire into the best site for Government buildings. I thought that was the best way to resolve the problem. That committee's report will be found in the *Votes and Proceedings of Parliament*, Vol. 1, for the year 1940, when every area—even within five miles of this city—was carefully analysed, because the endeavour was to be visionary in the matter and to find a place accessible to the public for all time. Then, because of the scattered nature of our public buildings at that time, it was decided that we would excise 8 acres from Government Domain; and one proposal included the purchase of Christian Brothers' College at an approximate figure of £60,000.

I give these facts to illustrate the background of the history of Government Domain, which would be well known to anyone who cared to study the findings of that committee of only 20 years ago.

It is recorded that as long ago as 1835 there is a record of a despatch which allowed Governor Stirling repayment of the cost of a building to live in. He was living in a small building where the Treasury now stands. The reference is to the "site of the building now in the course of erection for the Governor's private residence as being adapted from every point of view to the purpose, being centrally situated in Perth and convenient to the site of the proposed public offices." In 1835 the site for the proposed public offices was on the area on which the head office of the Department of Agriculture still stands, and eastwards past where Government House now stands.

I point that out to show there is an historic link with this area at a time when Perth could be circumscribed within a half-mile radius, and when public offices were in the central part of the city; and it is remarkable to say that that position still obtains. There is still no better site; and people like Dr. Hislop, for example, who have travelled in many parts of the world and have seen public buildings in many countries with their beauty and using to advantage a waterfront or river, would be able to tell us whether there is any better site for public buildings than this Government Domain which was excised for such purpose 20 years ago and which is now being frittered away for other purposes. Just imagine centrally-situated Government offices on that site from the lodge gates up to and including Christian Brothers' College at the corner of the avenue, 10 and 12 storeys high in several sections! There would be nothing better in this Commonwealth or out of it.

I would point out, to show that this plan before us cannot be the last word in regard to this area, that the town planning authorities, before Professor Stephenson, supported Government Domain as the ideal site for public offices in this State.

The Hon. H. C. Strickland: So did he.

The Hon. F. J. S. WISE: I know; but I am leading up to the point from which Professor Stephenson started. The Act in 1940 provided for a 1-chain road between Christian Brothers' College and the excised portion of Government Domain. In its schedule the Act clearly showed the area concerned—the 8 acres including the road excised from Government Domain and adjoining Christian Brothers' College, which road we will note is cancelled in this Bill. It is included as it is part of the reserve, and provision is made in this Bill for the widening of the street which is now known as Victoria Avenue. I am concerned as to whether in the arrangements made between Hilton Hotels and the City of Perth for the widening of Victoria Avenue, the avenue of plane trees—the most beautiful avenue left to us in Perth—is to be destroyed.

The Hon. R. F. Hutchison: Is it?

The Hon. F. J. S. WISE: I did not say so, but I am wondering whether it is to be destroyed. The plan shows that Victoria Avenue is to be widened by 33 ft., and I suggest that if 33 ft. is not sufficient for the construction of another roadway without destroying either row of those beautiful trees, then the whole of the area, the subject of this Bill and that plan; should be moved sufficiently westward to enable the road to be built as a two-way road inside the trees.

The Hon. A. F. Griffith: I am informed that there will be a dual carriageway; and the Perth City Council is endeavouring to retain the trees as they are now.

The Hon. F. J. S. WISE: I am glad to have that assurance, but I made an inquiry today and did not receive such an assurance. In the absence of Mr. Green at the Perth City Council, I asked another officer whose name I do not know. I also spoke to an officer in the Public Works Department; but from neither man could I obtain an assurance that the trees were to be retained. If there is any doubt, then, as I have said, provision should be made for the roadway to be shifted westward to enable the trees to be retained.

The Hon. A. F. Griffith: I cannot, of course, give you any categorical assurance.

The Hon. F. J. S. WISE: No. But I draw attention to the matter as being one of importance. Further in connection with the plan as tabled, I think everyone will agree that St. George's Terrace from Victoria Avenue to a point adjoining Stirling Square is to be widened by 78 ft. Can the Minister advise me whether plans are

in hand for the widening to proceed through the City Council area, on which the town hall is to be built, as far as Barrack Street? If this is not done there will be an abrupt ending at the junction of the domain area and Stirling Square, as the width of the road will vary to the extent of 78 ft. If the Minister studies the plan he will realise what I mean.

This plan envisages a ceremonial drive which will go straight through the Supreme Court—through that part now being constructed—and it is stated in the Bill that the Government considers that this is desirable. That will be found in clause 32 of the agreement.

I would like the Minister to convey this thought to all those interested in this vital matter: Is it practicable, is it timely for the planned ceremonial drive to be moved 150 ft. or 200 ft. further south so that it will miss the Supreme Court altogether? Never mind whether it connects with the end of the Esplanade. That is quite secondary, because I venture to say that the Supreme Court will be here after all of us in this Chamber are dead and buried; but we are providing for a ceremonial drive to go through the front of it. I know of the great ability that town planners have, and I know of their splendid direction; but, whether they belong to the City of Perth, to the Government, or to a university, they are still human and can make mistakes.

If members will study the plan they will surely find it worth while considering the shifting of this ceremonial drive further south. Let us plan now to miss the Supreme Court entirely; and let the ceremonial drive join the Esplanade in a loop through a vacant part of the Supreme Court Gardens, if members like.

It is not necessary for the ceremonial drive to be in a straight line at this point, because I venture to say that the provisions in the scheme for the law courts to adjoin the Chevron-Hilton Hotel in Government Domain is a long way off and, indeed, may never be realised. Even if it is envisaged as something that is unavoidable, I suggest that in that very plan provision be made for a two-chain strip to be left as a right-of-way between the hotel area and the area set aside for the law courts. But they abut one against the other. One can imagine the law courts in that setting; but one can also say that the present setting of the Supreme Court is excellent. But if the time should come, as is envisaged and as is considered by the Government to be desirable, for this to be carried into effect, let us make sure now that the planning will not force the law courts into a restricted area adjoining a 20 or 30-storied building. I do not think that adds up sanely, unless an area is to be provided for one or the other.

If the Supreme Court were adjoining four, five or 10, 12 or 15-storied blocks of Government offices, beautifully designed,

such as those in Melbourne around the arc of the Fitzroy Gardens, and adjoining the beautifully designed law courts, the position would be different, and there would be no objection then when Government House had to be removed. And although it is 100 years old, it must remain where it is for quite a while yet. But since we must have the hotel there, we cannot do other than agree to the removal of Government House; so let us look to the better utilisation of the area that is left.

I would rather see the law courts shifted the full width of this area at present prescribed for them, and away from the hotel and be set in an open vista from the river, the Terrace and, perhaps, the hotel, as well as the town hall itself when built.

I make these comments in an attitude of constructive criticism, because it would be wrong, in my view, to say the Bill should be thrown out. An agreement brought in this fashion to Parliament leaves no alternative to Parliament but to ratify it. But the manner in which the agreement has been developed, to pledge the future in so many other directions, is not necessary. The agreement seeks to close roads, to amend the Swan River Improvement Act, to repeal other Acts, and to amend a section of last year's Reserves Act.

As Mr. Strickland said, one of the unfortunate features of the whole thing—and something which the Government could have avoided, and which leaves the Government open to serious criticism—is the overriding of the Licensing Court. That is wholly unnecessary. A consultation between the principals of the Chevron-Hilton group and the court, was all that was needed to get an indication. It is not fair to the court for the Government to usurp its functions and say that a license will be granted. If members read the Licensing Act they will find that the court's authority has been so infringed and so trammelled by this proposed law that in regard to any proposal that is brought to the Government for the treatment of "A" class reserves or other reserves, the present attitude of the Government must continue; the Government must be consistent. So, if someone wants a hotel at Emu Point reserve, the Government will have to grant a license if a Bill is brought forward; and the same thing must apply if anyone is prepared to build a hotel at, say, Bunbury or Esperance. I think that is a very unfortunate mistake on the part of the Government.

I can see many other flaws in the Bill, and if I were an irresponsible person there is one particular provision in the Bill which I would say should not be there. The reason for its being there is obvious to me, but if I raise the matter and criticise it I must, I think, prejudice the State. But I think there is a provision in the Bill which is partly akin to a provision in the Reserves Act of last year, which should have been satisfactory by itself,

without bringing in other aspects that do not properly belong to this transaction. I leave it at that.

In short, while there is much to be said in criticism of the Bill; and appreciating, as I said initially, that this is such a complex matter in the negotiations between so many parties, particularly with the City Council, it had to be agreed that the City Council should be the entity to acquire the Christian Brothers' College area and to sell that area back to the Chevron-Hilton group. The real need for that requires a lot of explanation.

The Crown had the right to acquire that land; and the Crown had the right to exercise the roads necessary for the City Council's town plan. It would have been far better, in my view, for that to have been done—for the Crown to have been agreeable to all of the reasonable requests of the City Council in regard to the land alignments, and to accede to the request for the reservoir, which is also in the Bill.

With all the imperfections in the measure, the criticism I have made are valid criticisms rather than complaints, because I think there are several unanswered aspects of the whole project. There are several uncompleted portions which may never happen. They are so far projected into the future that they have no right to be mentioned here; they should have been the subject of an entirely separate undertaking with the City Council for the disposal, and development of lands extraneous to this measure.

But I would like—and what I am putting forward may not be answered overnight or within a month—the Government, in consultation with the City Council within the next few weeks or months, to give consideration to the points I have raised in regard to Victoria Avenue, the proposed ceremonial drive, the widening of St. George's Terrace, and the treatment of the area marked in blue for the law courts. And if this is to be the site for the law courts, we should not permit them to abut on to the hotel, but, should ensure that they be placed in a proper setting with an adequate area for their purpose. I support the Bill.

THE HON. E. M. HEENAN (North-East) [9.38]: I have been very interested in the speeches just delivered by Mr. Strickland and Mr. Wise. I am sure the criticism they have offered to this measure is of a constructive nature. I find the Bill a very interesting one. However, I can see that there are several aspects of it which fully warrant the criticism which has been levelled against it by the previous speakers. At the same time the over-all result is one which meets with my approval, and I propose to support the passage of the measure. The Chevron-Hilton group has established a world-wide reputation with its hotels, and I think the achievement of

having a hotel of world-wide standard in Perth must be to the good of Western Australia.

Australia is undoubtedly destined for a great future. As the years go by it will continue to attract an ever-increasing stream of tourists and other visitors from the different countries of the world. Only tonight whilst viewing TV I heard on the news that a French airline company is about to institute a regular air service from Paris to Sydney; and another company—I think from Denmark—proposes to do the same thing. I sincerely hope that Western Australia will attract its quota of the visitors brought to Australia by these companies; and I have the feeling that an up-to-date hotel of the highest world standards will assist towards that end.

One feature of the Bill which has been dealt with by both Mr. Strickland and Mr. Wise highlights the unhappy stage which we have reached with our licensing laws in this State. Under sections 61, 62, and 63 of the Licensing Act the procedure is set out for anyone who wishes to build a new hotel in Western Australia. Those sections of the Act provide for the granting of a provisional certificate, and they provide also for objections by the police and members of the public who are interested.

We all know that the Licensing Act also establishes a court which has complete jurisdiction as regards the granting of new licenses. This Bill undoubtedly cuts across the provisions of the Licensing Act in a very material way, and I hesitate to think what the members of the court feel regarding the granting over their heads of a license to this company. However, I think the blame for the unhappy state we have reached can be largely laid at our own door.

In Western Australia we have countless numbers of unnecessary so-called hotels. Their standards probably complied with the requirements of the State 40 or 50 years ago, but by no stretch of the imagination can it be said that they comply with the standards that are needed today. Just to take one place as an example—and this is outside my own area—I mention Albany. There are a number of hotels at Albany; it is a most attractive seaport; and it is a place that is going ahead by leaps and bounds. But I do not think one modern hotel has been built there during the last 50 years. I think all the existing hotels were built over 50 years ago and by no stretch of the imagination do they comply with the standards which future residents of this State and future visitors to this State will require.

The Hon. G. Bennetts: How would Norseman stand?

The Hon. E. M. HEENAN: Norseman has two hotels that were built within the last 20 years; they are hotels of a good

standard which embody most of the architectural advantages which have been thought out in comparatively recent years. However, it is very difficult to get a new hotel license in Western Australia. Some years ago it was proposed to build a new hotel at Bunbury; and last year it was proposed to build a modern hotel at Esperance. But those applications were refused.

If I had my way, and companies were prepared to spend vast sums of money, and the sites they wanted were carefully investigated and found to be suitable, I would offer them every encouragement. But we seem to have built up a myth that we are under some obligation to the existing hotels, the majority of which have been in existence for over 50 years, and which have repaid their capital time and time again. I would like to see the Licensing Court delicense quite a number of these hotels. They can be seen in Fremantle; we have them in Kalgoorlie; and we have them in Perth. The majority of them do not justify their existence other than as mediums for selling liquor. But somehow we seem to have built up a tradition that we are committed to them. If anyone comes here and wants to build an up-to-date hotel, which embodies modern trends and requirements, he has to run the great risk of having his application refused.

In a way I feel sympathetic to the Government for the situation in which it was placed regarding this proposition. This world-wide organisation is prepared to spend £2,000,000 or £3,000,000, and with the present thinking that we have imposed on our Licensing Court there would be considerable doubt whether the company would get a license, because it could be argued that there are plenty of hotels in the locality and a further license is not justified. If these people had gone to the court, their application might have been refused. I candidly admit that was a risk the Government could not afford to take.

I have the greatest respect for our courts, and although what I have stated might have happened it is wrong to override the court. I am not blaming the court; I am blaming us for retaining sections in our Act for which there is no justification with present-day requirements and trends. I think it is a pity that whereas other individuals and companies have to go through the procedure of the Licensing Court, spend a lot of money in preparing plans and specifications, advertising and so on, and go through the formalities of making applications, in this instance it has been made easy for the company concerned. It seems wrong that different treatment has been meted out to this company, treatment which less fortunate people do not get.

The Hon. R. F. Hutchison: They are the rich people.

The Hon. E. M. HEENAN: That is not a good principle, but in this case I am inclined to think that the end probably justified the means. I am one of those who are pleased that a hotel of this standard is to be erected.

The Hon. G. Bennetts: All for the rich and nothing for the poor.

The Hon. E. M. HEENAN: I have not gone closely into the question of the site, but I was impressed by the arguments submitted by Mr. Strickland and Mr. Wise, and I hope the Government will give consideration to them.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [9.41]: I rise to speak only to reply to certain remarks that were made in respect to town planning, about which Mr. Strickland was critical. He criticised the Government for changing the Stephenson Plan. By way of interjection I said that planning was a progressive development, and that because somebody drew up a plan on a broad basis five or six years ago it does not mean to say that we must adhere rigidly to that plan now. To adopt that view is certainly not town-planning thinking.

The Hon. F. R. H. Lavery: Do you think the same thing about the poultry farmers at Riverton? Of course you don't! They don't get that reply from you.

The Hon. L. A. LOGAN: There are many aspects of the Stephenson Plan which, by the time the metropolitan region authority—which was set up by Parliament for the purpose of reviewing the Stephenson Plan and bringing it up to date—has fully investigated the position, will be altered. The Stephenson Plan was on a broad basis and the metropolitan region authority will make many alterations to it in detail. I hope to present those alterations to Parliament next year after the authority has presented them to me.

The Hon. E. M. Davies: They will not be for other hotels, will they?

The Hon. H. C. Strickland: Then the money is wasted?

The Hon. L. A. LOGAN: The Stephenson Plan visualised another railway line north of the river, but Mr. Strickland's Government changed that two or three years ago.

The Hon. H. C. Strickland: No.

The Hon. L. A. LOGAN: Yes, it did. It was changed by Mr. Strickland's Government, so why growl about what we are doing.

The Hon. H. C. Strickland: No; we adopted it at Welshpool.

The Hon. L. A. LOGAN: Professor Stephenson, at page 185 of his report said—

The Plan suggests that sites in the commercial centre should gradually be vacated by the State Government

departments concerned, the sites sold, and the money obtained used for new buildings in the area proposed for Government offices adjacent to Parliament House.

We have complied with the Stephenson Plan in that regard. Professor Stephenson also said that Government House should eventually be located in King's Park. We are complying with that part of the plan; and, as far as I can see, the only alteration is that he said that from a functional point of view the area involved in this agreement could be used for offices. That was six years ago and he could just as easily say now that from a functional point of view it would be just as good a site for a hotel as it would for offices. For the honourable member to say that we are falling down on the job is quite wrong; and it suggests that he is not thinking along town planning lines. What is more, this proposition was presented to the Town Planning Commissioner—I did it myself—and he said there was nothing wrong with it, and that it fitted in with the concept of the plan.

The Hon. H. C. Strickland: He could not say anything else.

The Hon. L. A. LOGAN: We are not going against town planning principles. The honourable member made reference to the Licensing Court and criticised the Government for stating in the agreement that a license would be granted, whereas the court refused a license for Esperance. I said by way of interjection, "Do you know why it was refused at Esperance?" The reason is that from a town planning and a Licensing Court point of view the area required for a hotel is three acres. The area under discussion at Esperance was about 1½ acres or less. That is why the court did not grant a permit to build a hotel at Esperance.

The Hon. H. C. Strickland: The town planning authority was right there.

The Hon. L. A. LOGAN: It is also right here. It agreed that the principle of the set-up at Esperance was all right from the point of view of town planning.

The Hon. R. F. Hutchison: You sell out to the highest bidder.

The Hon. L. A. LOGAN: I think we have sold at a price that is of great benefit to this State; and I am sure that members appreciate the fact that this hotel is to be built here.

The Hon. H. C. Strickland: We have not objected to that but to the manner in which you are administering the law. You are making fish of one and flesh of another.

The Hon. L. A. LOGAN: No, we are not. Last year this House agreed to amendments to the Road Closure and Reserves Acts; we agreed that portion of this area should be built on by the Commonwealth

Taxation Department, and we were prepared to sell at £60,000. We have now sold to these people at £238,000. The House also agreed that the other portion would be excised from the Road Closure and Reserves Acts, and the Government was given a blank cheque as to what could be built on it. A hotel could quite easily have been built in that area with an air-line terminal in it.

The Hon. H. C. Strickland: Can you explain why the council has today zoned for offices?

The Hon. L. A. LOGAN: We cannot fix a zone today, and expect it to remain consistent for the next 50 years.

The Hon. H. C. Strickland: You did it with the Esperance hotel.

The Hon. L. A. LOGAN: The question of zoning, and the area concerned are different propositions altogether. The honourable member is leading himself astray.

The Hon. H. C. Strickland: You are twisting it to suit yourself.

The Hon. L. A. LOGAN: The one is a condition laid down and the other is a zone. There is a lot of difference between them. I only rose to throw back to the honourable member his remarks about town planning. As I said earlier, the authority he referred to was set up by this Parliament for the purpose of reviewing the Stephenson Plan and bringing it to Parliament. When it comes here—and I am working to bring it down next year—there will be many changes in the zoning under the Stephenson Plan, because of the changed circumstances in the last six years. The previous Government changed the plan which included a railway north of the river.

The Hon. H. C. Strickland: We accepted the Welshpool line.

The Hon. L. A. LOGAN: That was the Scarborough passenger line. The previous Government scrapped that, and said it was going to build a road. Planning must be changed to suit circumstances as they arise. As far as I am concerned, if a worth while proposition that is for the betterment of Western Australia, comes up tomorrow, and if it fits in with the whole concept of the original plan for the area, and zoning must be altered to fit it, I will have no hesitation in saying that we will change the zone to suit the circumstances.

We did it in this case; and there was a necessity for it. Since I have been Minister, I have tried to get the Perth City Council to make its zoning scheme law; and I think I have made some progress. For the benefit of the little fellow about whom Mr. Strickland spoke, we must know where we are going. All these things must fit in with the over-all plan; and that is what will happen.

THE HON. F. R. H. LAVERY (West)
[9.50]: I move—

That the debate be adjourned.

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

Ayes—18.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. A. L. Loton
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. A. R. Jones	Hon. R. Thompson

(Teller.)

Noes—13.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. N. E. Baxter	Hon. C. H. Simpson
Hon. J. Cunningham	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
Hon. G. C. MacKinnon	(Teller.)

Majority for—3.

Motion thus passed.

Debate adjourned.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY BILL

Second Reading

Debate resumed from the 15th September.

THE HON. H. C. STRICKLAND (North)
[9.55]: This is a most desirable Bill, and I will support it. I feel however it is a little too restrictive in its scope. The measure proposes to set up an authority consisting of six members who will be authorised to carry out a number of functions, the principal ones being to provide, or cause to be provided, accommodation in hostels for students enrolled in high schools, to supervise and maintain hostels; and so on.

When I said the Bill was too restrictive in its scope, I was referring to the restriction to students enrolled in high schools. I know it is most desirable in the metropolitan area, in the near metropolitan area, and in the near country areas where there are high schools to provide accommodation for students who are required to attend those schools for secondary education. But it is a different proposition altogether when we consider the remote areas of the State where there are no high schools at all.

Without being parochial, but having to appear so, there is no high school in the North Province; there is no high school in the northern half of the State. But there are junior high schools which this Bill will not cover. We also have an urgent demand for some accommodation for primary school students in the North-West; and no doubt that would apply in other remote areas such as Esperance, Laverton, Meekatharra, and similar far-flung areas and towns.

In the North we have several school hostels which are run by various missionaries which cater for native children attending schools within the town, or schools in the mission. We also have at Hall's Creek, a hostel which caters for primary school children of both native extraction and white extraction. These children get on very well; they mix freely and they are under the supervision of the Australian Inland Mission. The school and hostel at Hall's Creek have proved to be quite a boon for families working on the cattle stations surrounding the Hall's Creek area, which covers quite a wide area—thinking quickly it will be anything within a circumference of 200 miles of Hall's Creek.

At the time the McLarty-Watts Government built the school and hostel at Hall's Creek, it was thought that they may not receive the patronage they now enjoy. But those who held any such thoughts were proved to be quite wrong. It has been necessary to enlarge both the hostel and the school. We find that in all the North-West towns there is an urgent need for hostel facilities, such as those envisaged under this legislation, for the children of the outback; particularly as the itinerant teachers, I understand, if not being withdrawn altogether, are being curtailed. That, of course, is a very sad aspect of education in the North; and no doubt it is the same on the Murchison and in other remote areas.

Correspondence classes are made use of by some parents, but it is very difficult in those areas for mothers to get the best results from their children. If adequate hostels were provided and run on the lines envisaged under this Bill, or run in a similar way to the hostel which is conducted by the A.I.M. sisters at Hall's Creek, it would considerably help the people in the North.

I consider this Bill is looking at the southern half of the State. It will build up areas in the southern half of the State if it aims to establish hostels for high school students only. It is my idea to give some thought to the framing of an amendment which would not make it mandatory on the Minister to provide hostels for primary children, but which would give this proposed authority the power to set up hostels, such as I have referred to, with the approval of the Minister; and that, of course, would mean that the Education Department would be the Minister's adviser or the authority's adviser in this respect.

I notice that clause 8 of the Bill specifically mentions that the authority, in the exercise of its powers and functions, must have regard to any representations in writing from the Minister.

I desire to have a little more time to consider the Bill, as I feel it should be widened in scope to give the authority,

which it is proposed to set up, some jurisdiction to inquire into the needs of remote areas where hostels for children of a younger age are urgently required. I support the Bill.

THE HON. J. M. THOMSON (South) [10.41: I strongly commend the Government on the introduction of this measure, because it will fulfil a long-felt need in the country areas of this State. I am of the opinion that the definition of "high school" in clause 3 covers the very point which the Leader of the Opposition claimed had been disregarded. The definition reads as follows:—

"high school" means a Government school established or maintained as a senior high school or high school under the Educational Act, 1928, and situated in the country areas of the State, and any junior high school established or maintained as a junior high school under that Act and so situated which the Minister declares to be a high school for the purposes of this Act.

I feel that provision has been made in this Bill in regard to junior high schools in the circumstances referred to by the Leader of the Opposition. Students attending high schools in the southern portion of the State are, in the main, able to go to their homes in the town or close thereto; and it is not necessary for them to be boarded. The town of Narrogin in the South Province has a senior five-year high school which goes up to junior and leaving standards. The accommodation which is required in that town has not, up to date, been provided to the extent desired by the Education Department and by the parents who wish to send their children to that area.

At Albany there are in existence a number of hostels; and although the parents could possibly send their children to a senior high school much closer to the town or district in which they live, they still desire to send them to Albany. Maybe they do this because of the climatic conditions and the pleasant surroundings of the high school.

The setting up of this authority will enable a hostel to be provided at the towns to which I have referred, as well as at other towns in the State. Contrary to what the Leader of the Opposition has said, I am of the opinion that provision has been made whereby the Minister, if he sees fit, can declare an area in the North-West part of the State an area to which this Bill can apply—and rightly so. I do not wish to say anything further, but commend the Bill to the House and I hope that it will be agreed to. I support the measure.

THE HON. G. BENNETTS (South-East) [10.8]: Over a period of years I have always endeavoured to find ways and means of obtaining hostels for children in the remote areas of the State. I am thinking particularly of the Commonwealth Railways where many children along the line are receiving only an ordinary education. When I say "ordinary education" I mean this: There is generally one schoolteacher at each locality, and this teacher has to teach a number of different classes. When these children reach an age at which they need higher education, their parents are unable to find accommodation for them. This problem has been with us for a long time; and I think the other goldfields members will support me.

Some time ago I wrote to the Government in connection with the establishment of a hostel in Kalgoorlie. I suggested the taking over of the old Maritana Hotel, which was offering at a very low figure at the time. It was a splendid type of building and could easily have been converted into a hostel. At that time the C.W.A. was prepared to run the hostel and cater for the children from the surrounding districts.

The position is the same with regard to children at Salmon Gums on the Esperance line, and similar places. On many occasions I have been asked to obtain accommodation in private homes for these children. Of course, children of high-school age are a big responsibility for a private individual to undertake, with the result that people do not like to accept it. Girls at the age of 15 and 16 years require a very capable person to manage them. The same thing applies to boys of that age group. There is a hostel at Merredin, and it is run in good faith by the Church of England. In my opinion, they do their best to cater for the children. However, segregation is necessary at that hostel. I do not agree with the position as it is. If hostel accommodation is to be provided, we must have segregation. Separate buildings must be provided. If this authority is appointed, that is an aspect to which it must give consideration.

I support the Bill, as I am of the opinion that it is a step in the right direction. As Mr. Strickland said, parents in the North are handicapped; and I suppose children in those areas would have a hard job in finding accommodation. Probably in a city the size of Perth, accommodation is available—more so than in the goldfields areas.

If this authority is set up, children in the remote areas of the outback will be provided with decent accommodation, and they will have the opportunity of obtaining the education to which they are entitled—education similar to that received by children in city areas. I support the Bill.

On motion by the Hon. E. M. Davies, debate adjourned.

House adjourned at 10.13 p.m.

Legislative Assembly

Tuesday, the 20th September, 1960

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.