Legislative Council

Tuesday, the 5th November, 1963

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

BILLS (8): ASSENT

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

1. Foreign Judgments (Reciprocal Enforcement) Bill.
2. Dog Act Amendment Bill.
3. Bills of Sale Act Amendment Bill.
4. Legal Practitioners Act Amendment Bill.
5. Bee Industry Compensation Act Amendment Bill.
6. Supply Bill (No. 2), £22,000,000.
7. Spencer's Brook-Northam Railway Extension Bill.
8. Railway (Portion of Tambellup-Ongerup Railway) Discontinuance and Land Revestment Bill.

QUESTIONS WITHOUT NOTICE

TAXI-CARS

Number Operative and License Fees

1. The Hon. J. DOLAN asked the Minister for Mines:

   (1) What was the approximate population of the metropolitan area at the 31st October, 1963?

   (2) How many taxi-car licenses for this area were operative on that date?

   (3) What are the present fees for the issue or renewal of a taxi-car license?

   The Hon. A. F. GRIFFITH replied:

   (1) 468,200.

   (2) 726.

   (3) In addition to normal motor vehicle license fee, a fee of 15*s.* per wheel is required for taxis.

SITTINGS OF THE HOUSE

Time of Dinner Suspension

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

   In view of the practice over a period of many years for the sitting of the Legislative Council before the dinner suspension to continue in session until as close to 6.15 p.m. as was practicable, and often some business could be completed if a further 10 to 15 minutes were used in debate, will the Minister discuss with Mr. President the desirability of reverting to that position in view of the amount of legislation to be discussed before the end of this session?

   The Hon. A. F. GRIFFITH replied:

   I will discuss the matter with you, Mr. President, at a time convenient to you.

LICENSING ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

FIRE BRIGADES ACT AMENDMENT BILL

Recommittal

Bill recommitted, on motion by The Hon. R. C. Mattiske, for the further consideration of clause 6.

In Committee

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

Clause 6: Section 7 amended—

The Hon. R. C. MATTISKE: For some time past there has been a good deal of dissatisfaction in the insurance world regarding the representation of the insurance companies on the Western Australian Fire Brigades Board. I remind members that the board comprises two representatives of the Government, one of whom is the chairman of the board; four representatives of local authorities; three representatives of the insurance companies; and one representative of the volunteer fire brigades, making a total of 10 persons on the board. The funds of the board are contributed as to 55.5 per cent. by the insurance companies and firms; as to 22.2 per cent. by the local governing authorities; and as to 22.2 per cent. by the Government.

Under the Bill, these proportions are to be varied so that in the future, if the Bill is passed, the insurance companies will be asked to contribute 64 per cent. of the total funds of the board, while the local governing bodies will have a reduction in their quota from 22.2 per cent. to 20 per cent., and the Government will have a reduction in its quota from 22.2 per cent. to 16 per cent.

In view of the principle which has often been expressed here: that those who pay the piper should call the tune, I feel there is a strong argument why the insurance companies and firms should have greater representation on the board than the three that they now have. The local governing authorities, which have four members on the board, have, in my opinion, an unduly large representation. I think the claims of the insurance companies to an additional member are well founded.

I have given this matter a great deal of consideration and feel that it would not be wise for this Chamber to reduce the representation by any of those persons at present serving on the board, because it is working as a harmonious body, and I would not like to be responsible for doing anything that would create dissatisfaction and disharmony on the board. I feel, however, that the simple way out of this problem is to add an extra member; and in the provision of that member consideration should be given to the claims of the non-tariff bodies which contribute to the funds of the Fire Brigades Board.

Of the total amount contributed by the insurance companies and firms, approximately 21 per cent. is contributed by the non-tariff bodies. I feel, therefore, that they have a strong claim to representation. Furthermore, according to the report of the Western Australian Fire Brigades Board for the year ended the 30th September, 1962, there were, in that year, 161 contributing insurance companies and firms. I have made a check and found that of these 161 companies and firms, 72 were not members of the Fire and Accident Underwriters' Association.

The Hon. F. R. H. Lavery: Do you know why?

The Hon. R. C. MATTISKE: Why they are not members of that association is their business entirely; and it is, I feel, beside the point for the purpose of the present argument. We have 72 companies and firms which have no direct representation on the Fire Brigades Board, and they contribute 21 per cent. of the moneys contributed by the insurance companies. Therefore they should have some opportunity of directly expressing any views they may have concerning the Fire Brigades Board.

At present there is provision for three representatives from the insurance companies on the board; and, with the procedure under which elections are held for the appointment of these individuals, it would be virtually impossible for a member of a non-tariff company to be elected. I feel that is just; because if the tariff companies pay four-fifths of the total contributions, they have a strong argument to retain their three representatives. I have had discussions with the tariff company representatives and they agree wholeheartedly that there should be an additional representative from the insurance companies on the Fire Brigades Board, and they agree also that it would be fair and equitable for the additional member to represent the non-tariff interests in this State. Therefore I think the amendment I propose to move is a fair and reasonable one.

It may be argued that the enlargement of the board from 10 to 11 members may tend to make it unwieldy, but we all know there are many organisations in this State which have considerably more than 11 members, and they function quite successfully. I see no reason why the alteration from 10 to 11 members should make any difference whatsoever to the proper functioning of this board.

Again, it has been said that by introducing a representative from the non-tariff insurance companies and firms we are giving sectional representation. To that

point I would direct attention to the Act as it stands, because there is sectional representation in it. Section 7 specifically provides that there shall be certain representatives of different sections of local government and, in particular, it states that there shall be one representative from the City of Perth. Therefore there is no argument about sectional representation.

If my amendment be passed, it will not affect the expenditure of the board because section 17 of the principal Act provides that the total amount to be paid to board members shall not exceed, in the aggregate, £1,300. So it can be seen that if the amendment is agreed to it will not constitute any additional charge on the board. It will simply mean that the present board members will have to share their fees with the additional member who may be appointed.

The insurance companies have a strong claim for greater representation, and I think the Fire and Accident Underwriters' Association is adopting a broad outlook in agreeing that one additional person be appointed to represent the non-tariff companies. I hope the Committee will accept the amendment which I now move—

> Page 3, line 12—Insert after the word "by", the following new subclauses:—
>
> (1) substituting for the word "ten" in line two the word "eleven";
>
> (2) substituting for subparagraph (b) in lines 7 to 9 inclusive, the following:—
>
> (b) Three members shall be elected by the Contributory Insurance Companies which are members of the Fire and Accident Underwriters' Association of Western Australia.
>
> (3) inserting after subparagraph (b) a new subparagraph to stand as subparagraph (c) as follows:
>
> (c) One member shall be elected by the Contributory Insurance Companies and Firms not being members of the Fire and Accident Underwriters' Association of Western Australia.

The Hon. F. R. H. LAVERY: Mr. Mattiske has stated that he could see no reason why his amendment should not be passed, because the board would not become unwieldy by increasing the number of members from 10 to 11. A few years ago, when the honourable member was sitting on this side of the Chamber and a suggestion was put forward that a union member be appointed as a member of the board, Mr. Mattiske opposed it vehemently.

The Hon. L. A. LOGAN: I must oppose the amendment because I think it would not accomplish anything. First of all, I think we should look around for a good reason why we should interfere with a board that is working very well. Nobody has yet stated that the board is not working as well as it ought to be. On the contrary, it has been said that the board is functioning very well. Therefore, we should maintain the present state of affairs.

There are already three representatives on the board nominated by insurance companies. Admittedly it has been difficult, because of force of numbers, for any of the non-tariff companies to have elected a representative at the election, which is under the control of the election officer. However, irrespective of the insurance companies they represent, the policy and principle of insurance is exactly the same, and therefore the submissions made by the three representatives of the insurance companies express the point of view of all insurance companies.

Mr. Mattiske said there were 89 tariff companies in the association, and there were 72 other companies. I think I can say quite safely that not all of those 72 are non-tariff companies. Therefore, are we to appoint a representative for those other companies as well? I can see no point in agreeing to the amendment, because it would not make for any improvement in the present position.

The Hon. H. K. WATSON: I think Mr. Mattiske has made out a case for his amendment. The Minister has said that members of the Fire and Accident Underwriters' Association are represented, and Mr. Mattiske is asking for a representative of the non-tariff companies to be appointed as a member of the board. The Minister then stated that we would have those companies which are not non-tariff companies also seeking a representative on the board, but I think that is covered by the amendment.

Mr. Mattiske asks that three members shall be elected by the Fire and Accident Underwriters' Association, and one additional member shall be elected by the contributing insurance companies and firms who are not members of the association. Nothing is clearer than that. The fact is that the last-mentioned group is not at this moment represented on the board. Another fact is that that group makes a substantial contribution to the board's funds. I think Mr. Mattiske said that its contributions represented one-fifth of the total contributions by insurance companies.

It must be borne in mind that 60 per cent. of the contributions made to the Fire Brigades Board is made by the insurance companies. The fact that the board is working well today is no answer to the point made by the insurance companies. The fact that this Government is working well today in no way lessens the desire of Mr. Wise and some of our other friends

sitting opposite to move to this side of the Chamber. That, to my mind, is beside the point.

The size of the board does not worry me greatly. I am one of those who believe that a good committee is a committee of two with one away sick; but inasmuch as we have 10 members on this board already, an additional member would not make much difference. Having regard to the increased charges which these companies have to pay, the least that can be done is to give them representation on the board. I support the amendment.

The Hon. W. F. WILLESEE: I have no quarrel with the case which has been put forward by Mr. Mattiske for the appointment of an additional member to the board, nor would I quibble if an attempt were made to appoint an employees' representative on it—as we tried to do previously. No adequate reasons have been given as to why this proposal should not be considered on a governmental level. If the non-tariff companies dealt with the Government directly, the issue would lie in the reallocation of the three seats which insurance companies have on the board.

I do not think the efficiency of the Fire Brigades Board would be increased by adding a representative of the non-tariff companies. If there is one objection to the differentiation of representation by the tariff companies, and by the non-tariff companies, it is that they speak with one voice in the affairs of the board. I regard this issue as a domestic one between the insurance companies themselves, and it should be ironed out on a governmental level. After considering the amendment carefully, and after discussing it with my colleagues, I have to oppose it.

The Hon. R. C. MATTISKE: The important point is that my amendment seeks to add one member to the board to represent the contributing insurance companies and firms. As those companies are to be called upon to bear 64 per cent. of the total cost of running the board, it is only reasonable they should have the same representation as local authorities, which under the amendments in the Bill, will contribute only 20 per cent. of the total cost. That is the important point; and the issue as to whether the additional member should be a representative of the tariff companies or the non-tariff companies is beside the point. The principal reason is that insurance companies should have at least the same representation as local authorities in view of the great amount the insurance companies are being asked to contribute.

The second point is this: By agreement between the tariff companies and the non-tariff companies it has been decided that any additional member to be appointed to the board should be a representative of the non-tariff companies. Mr. Willesee suggested this matter should be dealt with on a governmental level, but I would point out to him that I am taking this opportunity to deal with it because the opportunity presents itself. The Bill is before us, and we are given an opening to discuss the composition of the board.

The Hon. J. G. HISLOP: If it is desirable to alter the representation on the board, there should not be a need to increase the members. If the proportion between the two types of insurance companies has altered, then their representation should also be altered. What usually happens in organisations of this kind is for them to adjust the matter between themselves. Rather than have one type of insurance company fighting for representation on the board, it is preferable that co-ordination be achieved between the two types of companies to arrive at the proper proportion of representation. When that is done the Minister could be advised of their decision. I see no reason why the number of members of the tariff companies should not be reduced from three to two, and a representative of the non-tariff companies appointed to the board. That would retain the existing number on the board.

The Hon. R. C. MATTISKE: It is my primary desire to have four representatives of the insurance companies on the board, in lieu of the existing three. In order to achieve that we have to reduce the representation of one of the other parties by one, but I do not want to do that, because the present harmonious working of the board would be disturbed.

I made it clear that the tariff companies contribute four-fifths of the total subscribed by insurance companies and firms, while the non-tariff companies contribute only one-fifth. Taking into account the proportion of their total contributions, it would be better to have 11 members on the board, four of whom would represent insurance companies and firms. Of those, three would represent the tariff companies and one the non-tariff companies.

I want to make it abundantly clear that with an additional representative of the insurance companies on the board they would not have the majority of votes, because they would only have four members on that board of 11. Therefore they would not be able to exercise any undue voting strength.

Amendment put and negatived.

The Hon. L. A. LOGAN: I was asked by Mr. Wise for some information relating to the number of fires which affected motor vehicles. I have been supplied with the following information:—

> During the twelve months ended the 30th September, 1963, W.A. fire brigades attended 95 calls to motor vehicles on fire, either in premises or

on the road. Of these, six resulted in total destruction, 61 are recorded as slight damage and 28 as severe damage. Apart from false alarms and grass and rubbish fires, brigades attended 593 calls involving damage or destruction of property and of these 593 calls, 95 attach to motor vehicles as already stated.

The present component for premium declaration purposes of 3 per cent. has operated for many years. The volume of traffic on the road has greatly increased and the proposal under the Bill is to drop the comprehensive motor vehicle policy component to 2½ per cent. In other words, companies writing other business will pay more.

It should be realised the 2½ per cent. component is only the basis for making a return to the Fire Brigades Board. £10,000 worth of comprehensive motor vehicle premium requires declaration of 2½ per cent., i.e., £250 as premium income, and the amount an insurer would pay in fire brigade charges (approximately 27 per cent. of declared premium income) is estimated at approximately £70 on £10,000 worth of comprehensive motor vehicle business.

Motor vehicles are definitely a fire risk and the brigades attend fires when called irrespective of whether a house or a motor vehicle is involved. It is extremely difficult to separate motor cars from homes or garages when considering the likelihood of fire, and it is significant the Uniform Building By-laws require extra protection for certain premises where cars are garaged. Underwriters generally recognise a fire risk in a motor vehicle by encouraging the installation of fire extinguishers in vehicles.

Other policies of insurance provide the chief source of contribution to fire brigade charges. These policies require of up to 95 per cent. of premiums to be declared for contribution purposes.

I hope that is the information which Mr. Wise wants.

Clause put and passed.

Further Report

Bill again reported, without amendment, and the report adopted.

Third Reading

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and transmitted to the Assembly.

TAXI-CARS (CO-ORDINATION AND CONTROL) BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.12 p.m.]: I move—

That the Bill be now read a second time.

This measure is described as a Bill which gives recognition to taxis as representing an important part of our passenger transport system, and its passing would give a greater measure of control to the industry in its operations. This legislation is being introduced in response to requests from the industry for some action to be taken along the lines proposed.

During many deputations and conferences received by the Minister for Transport, the discussions which have taken place covered a wide range of aspects of the industry's operations, such as working conditions within the industry, fares, flagfall rates and other charges, the disposition of taxi ranks, the number of taxi licences, the transference of licences, and so on.

There are at present 726 taxis operating, which, worked out on a *per capita* basis in the metropolitan area, represent one taxi to 644 people. As the object of section 8 of the Traffic Act is to make the figures one taxi to 700 people, I am advised there are at present 57 taxis in excess.

There is provision in this measure for setting up a taxi control board and this board will be given full discretion as to the authorisation of transfers. Transfer of taxi plates may be approved under the Traffic Act at present on the following grounds:—

(a) Where the owner dies and his wife or family do not desire to carry on business.

(b) Satisfactory medical grounds.

(c) Extreme hardship and old age.

When this Bill is passed, discretion will rest in the board. There are at present employed two police motorcycle patrolmen, who are fully engaged in policing taxi regulations in the metropolitan area. The special patrol submitted 358 briefs against taxi drivers during the past year and administered 150 cautions, which were mainly for breaches of the taxi regulations applicable to the prescribed area.

The industry is supported by the Government in its view that complete satisfaction will not be achieved until the industry itself has some say in the running and framing of its policy. Strong representations were made some two years ago by taxi owners to the Government in that regard. Resulting from inquiries subsequently made throughout Australia, and a thorough examination of the industry's proposals, it has been decided that

the most effective means of enabling the industry to attain its rightful position in the administration of taxis is by the appointment of the board previously referred to and upon which, of course, the industry will be represented.

In Adelaide, a similar board has been in satisfactory operation for the past five years and a general improvement in the taxi service there has resulted. In Melbourne, Sydney, Brisbane, and Tasmania, on the other hand, the control of taxis is the responsibility of the transport departments.

Before having this legislation drawn up, steps were taken to obtain the opinions and support of all people engaged in the industry. Every section of the industry was given a hearing to enable all aspects to be carefully sifted to ensure that the legislation introduced will enjoy the complete support of the industry. This is understood to be so.

Clearly, then, the Government has no wish to force unnecessary legislation on the industry, which initiated a first approach in the matter. There is no question but that the industry has established its case to the conviction of those in authority that the passing of this measure will enable a greater service to be rendered to the people through taxi passenger transport.

The board is to consist of five members, and the chairman will be the Commissioner of Transport or his deputy. A member of the Police Force, appointed by the Commissioner of Police, will represent the police commissioner. The three other members will be appointed by the Governor to hold office for a period of three years and be eligible for reappointment. Two of these will represent taxi operators and drivers. One of these will be nominated by the Western Australian Taxi Operators' Association and the other elected by taxi car operators who are not members of the operators' association. The fifth member will be chosen from a panel of three names submitted by the Local Government Association and will represent local authorities' interests.

The board will, subject to the Minister, administer the Act, and its power will include the following:—

(1) Schemes for the co-ordination and control of taxicars.

(2) Determination of number and kind of taxis to operate in any control area (subject to the overall statutory limit of one taxi for every 700 persons in the metropolitan area), issue of licences and number plates, and the transfer of taxicar licences.

(3) Fixing fares and other charges and the issue of taxi plates.

(4) Conferring with the sign erecting authorities concerning the provision of taxi stands.

(5) Supervision of the proper marking and cleanliness of taxicars.

(6) Arranging schemes for the operation of taxicars in any part of a control area and the enforcement of such schemes.

(7) Promulgation and enforcement of regulations made under the Act.

The Bill will not affect the responsibility of the Police Traffic Department to issue motor vehicle licences for taxis and the conductors' licences. The department will also continue as the responsible body for examining the proper working of mechanical equipment and checking the roadworthiness of taxis.

The £3 passenger vehicle license fee for taxis in this State is substantially below the fee of £17 applicable in South Australia and the £10 fee operative in Queensland and Victoria for a metered taxi. It is considered necessary, therefore, if the industry is to bear the cost of the administration of the board to be set up, to increase the present licence fee in this State to £10 per annum. With a view to maintaining administrative costs at as low a figure as possible, the board and its staff will be domiciled in the Transport Department.

The board in Adelaide acquired its own property and with the capital cost being met from the annual licence fees, practically the whole of the £17 per annum fee is being absorbed in administrative costs. Our proposals should be far less expensive; and also, in the hope of further reducing costs, the only members of our board who will receive a fee for attending meetings will be the two representatives of the taxi industry and the local authorities' representative.

There is provision in the Bill which restricts the licence fee being raised above £15. The actual fee payable will be determined from time to time and will be based on actual costs. It is considered that initially a fee of £10 per annum will cover the cost of administration and the appointment of two inspectors.

Debate adjourned until Thursday, the 7th November, on motion by The Hon. W. F. Willesee.

LAND ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 29th October, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. A. R. JONES (Midland) [5.20 p.m.]: The Bill before the House deals with future leasing of pastoral properties. There is not much need for me to go through the ramifications of the measure, but merely to express my thoughts on the subject following the speech given by the Minister when he introduced the Bill, and that given by Mr. Wise last week, which was heard with great interest. The knowledge of the Leader of the Opposition on the subject, coupled with that of the members for the district, should have a great bearing on our thoughts and decisions in connection with this subject, because they know the situation so well.

It is the aim of all of us to introduce leasing conditions that will encourage the right type of lessee; and, in addition, will encourage, firstly, good management and control of the leases in the best possible manner and good production through sound husbandry; and, secondly, family units and resident lessees. If we can attain those objectives, we will go a long way towards bettering the conditions that have prevailed in the past, particularly in connection with those leases in the northern part of the State.

Surely, by this time, we have learned something of the north and the way it should be controlled. Those people who are in regular touch with the leases and the stations concerned would naturally have a store of knowledge which would be of benefit to us. No doubt, before this Bill is put to a vote, some other members will express their opinions.

The other evening, Mr. Wise, when speaking to the debate, mentioned many things. I gathered from what he said that some of the leases have been badly managed, to the extent that they are not a good proposition at the present time because of erosion, overstocking, or bad management. The view held by the inspectors and the Director of Agriculture, who has had an opportunity of visiting some of these stations, is that bad management has had an adverse effect on the leases.

It is possible that some of the devastation—that is a word which could be used in some instances—is due to lack of information, partly brought about by the fact that we have had insufficient advisers. The Government has not had sufficient money to enable the Department of Agriculture to send sufficient advisers into the field. I am aware that some companies have had little desire to put back into the soil as much as they have taken out. They have raped the country rather than reaped it on an economical basis.

My contact with the station country has been mainly in the eastern goldfields and the lower Murchison. It is claimed that some of the stations in those areas would not be as badly off as some of those in the Kimberley area, but when I passed through the areas I mentioned, I saw great contrasts. On one occasion I travelled from Cue to Sandstone, a distance of approximately 80 miles, and our party passed through four or five stations. The first station we called at had had one manager, and there had been three different proprietors. The first proprietor took more from the station than it was capable of producing. The second was prepared to build up the station to enable it to carry an economical number of stock; and the third called for an overstocking programme.

Travelling further, we came to a station that had been practically denuded of feed. We could not see feed anywhere. The mulga was dying and there was little growth to be seen. What stock we saw was in poor condition. We considered that the next station we came to was paradise in comparison. Growth could be seen, and the station appeared to be doing well in every respect. Mulga trees were growing well. There seemed to be a considerable number of water points, and the stock were in excellent condition and flourishing.

In view of the changing conditions that I saw, it was not hard to realise that some people were doing the right thing by their leases and others were not. Some of the poor leases are probably caused by lack of finance, knowledge, and know-how; but some are caused through property owners wishing to make a quick pound.

I think it is the desire of all of us that the leasing conditions should meet the two essentials I have mentioned; namely, that the stations are well conducted and there is good husbandry, and that we should encourage family units and resident lessees. Some of the larger companies operate a number of leases and they do not encourage managements that live on the properties to trade within the State; nor do they kill their stock in Western Australia.

Mr. Wise gave notice of his intention to move, during the Committee stage, amendments which, in his opinion, would tighten up the provisions of the Bill before it became law. He proposes, firstly, to amend clause 17 by adding after the word "industry" the words "or to enable the land to be declared open for selection for pastoral purposes and again leased under the provisions of this Part." It will tidy up something which is obscure in the Bill, and which is not understood by all of us.

The wording of the proposed amendment will improve the purposes for which land shall be taken, and will give the proposed pastoral appraisement board the right to re-lease land. The provision in the Bill, as it stands, seems a doubtful proposition. I propose to introduce a further amendment that will give emphasis and preference to the family unit and to resident lessees. The Minister, following discussions with the Under-Secretary for Lands, has

agreed to my proposals, and is suitably wording a proposed amendment. The inspectors who will be appointed to administer the Act and make inspections—if this Bill becomes law—will then have a very clear knowledge of what it is suggested that they do. The amendment would also make the wording of the Act such—as explained—that anyone could pick it up and feel that the Act gave preference to the family unit or the person who might be a resident lessee.

That is one of the suggestions I made, and I hope it will meet with the approval of all concerned; because I feel it will add something to the Bill to make it more easily understood by all people concerned. particularly the people I have mentioned.

The Hon. G. Bennetts: It would be beneficial to the State, too.

The Hon. A. R. JONES: Yes, as Mr. Bennetts said, it would be beneficial to the State.

The second amendment is one which, of course, is, I have no doubt, acceptable to the Minister, because it tidies up that particular clause. The third amendment is to add after the word "approval" in line 14, page 20, a new paragraph to stand as paragraph (e). I said previously, I thought of supporting this amendment, because I feel that those people who do not do the right thing should not be given an opportunity of a further lease. If it is possible, we should bring in other lessees.

After having talks with the Under-Secretary for Lands and the people who drafted the Bill, in consultation with the Under-Secretary for Lands and the Minister concerned, an effort to find the best possible way of emptying out undesirable lessees was investigated, and it was explained to me that under the old lease conditions there was really very little in the lease to which the Government could bind them. Even if they only erected a homestead on the lease they complied with the conditions sufficiently to cover the lease requirements. If they desired not to go on with the lease at this time, they could carry on under the old Act and finish their lease in the year 1982, which gives them a further 19 years.

Of course, if the lessees were undesirable types they could overstock and take off as much as possible until the year 1982. The Crown would then receive back a station or a lease which was run down and probably in a very bad state from erosion caused by wind and perhaps from water. It would not be a good prospect.

The legal fraternity claim that there is no possible way of putting off an undesirable lessee, because the lease is so loose and easy. It calls for very little to be done on a lease in order to comply with all the conditions.

When that was explained to me I agreed with the suggestion of the new terms, and agreed that it would be better to invite these people to re-lease their land under different conditions. If they agree to come in within two or three years they will be called upon to show themselves in the light of what they were, and if they are not meeting the requirements of the new Act—as we hope it will become—they will forfeit their lease. It would be within a period of years, and much sooner than the 19 years I have mentioned, that we could get rid of the undesirable types and put better people on the leases.

When the Bill is analysed, I feel it is only right that we should leave it as it is. I feel that perhaps some of the conditions suggested by Mr. Wise would be better than the conditions at present in the Bill, but it is a matter that the Government, or the Minister handling the Bill, must decide. However, if Mr. Wise feels that some of his conditions—or the wording of them—would give a clearer picture and bring about a better effect, it is up to him to suggest to the Minister that something should be done. After the advice I have had I cannot, at this juncture, go along with the suggested amendment as it appears on the notice paper.

Another point which concerned me was that, according to the legal people, there is nothing in this Act or the Soil Conservation Act which would give the present board the right to determine or dictate that a certain area should be fenced, if it is desirable under a reclamation scheme. Such a scheme is envisaged in the upper reaches of the Ord River at the present time. By virtue of the fact that this area is in the watershed area, the Government is forced to go ahead with it. It is to pay two-thirds of the cost of reclamation and the companies, or the owners concerned with the lease, have to pay the other third.

Whilst the Bill says that stock must be removed and kept out of a reclamation area—and the Vermin Act must also be complied with—there is nothing to prevail upon them to fence the area and so keep the stock away. I have asked the Minister to do something about this matter if possible and have suggested an amendment to him. I was told it would not be possible in this Bill or under the Soil Conservation Act, but the Minister did assure me through the under-secretary that it has been decided to bring down a small separate Bill to deal with the subject. When the matter was referred to the Director of Agriculture he felt that this was necessary.

I think that all of us who have had anything to do with the reclamation of land, where the soil has been affected by wind or water, feel that whatever plan is determined must be kept to. The land must be kept free of stock and vermin for a period, and the only way to do that

is to fence it off. It is useless to have an area in the middle of 100,000 acres or 50,000 acres which could not be brought under control in order to allow the treatment, whatever it might be, to have its effect.

So I feel that members will be with me if this amendment does come forward; and if the Minister does not bring it forward tomorrow, I will be forced to submit an amendment to the House. It is my intention to make sure that the area being treated shall be fenced; and the authorities should have the right to determine that it shall be done.

I think it was Mr. Loton who raised the point regarding the number of members on the board. If it was not by interjection it was in conversation with the Minister. He felt that the board, which will consist of the Surveyor-General, the Director of Agriculture, and two members to be nominated by the Governor, was quite sufficient in number. He felt that the two to be nominated by the Governor should be given a definite period for their term of office, and it was suggested that five years should be the period. I believe the Minister has agreed to accept, or include, an amendment which will limit the life of the two members to be nominated by the Governor to five years.

If I remember correctly from what was explained to me, if a person dies, or retires from the board for any reason before the expiration of the five years, a new appointee will only serve the balance of the period of five years. So I feel that is a very good amendment to the Act, because one could envisage a wrong type of man being appointed—not that the Governor would deliberately appoint the wrong type of man but an appointee may turn out to be a bad board member, and nothing could be done about sacking him.

I feel that I have covered this provision. It is one which has concerned other members and myself, and I feel that what has been suggested in the way of amendment will mean that the Bill will be presented in a form much better than was at first suggested.

I think it was Mr. Wise who said that he was not concerned with this matter politically. I feel that the same would apply to all of us, because this is too serious a matter for us to worry about bringing politics into it. We know that when bringing down a law for new leases, the leases will continue for a further period of 30 years past the 1982 figure. That will mean there will be another 50 years of lease, and we want to see that the best is done for the continuance of the properties. We want all those who are concerned with the industry to think of it as something to build up for posterity and something from which to make a good livelihood for themselves. I believe that if some leases are carried on as they have been for a number of years we will not have very much of some areas left. Those who know the conditions can tell us more of what is happening.

Shortly, we have learnt our lesson sufficiently to know that many of the conditions I have mentioned prevail and are to be changed. With those remarks I feel I can support the Bill, in the hope that the amendment suggested by the Minister will be included; if not I will put one forward during the Committee stage.

THE HON. W. F. WILLESEE (North) [5.44 p.m.]: This Bill is a most important one indeed. It affects the pastoral industry of Western Australia and grants additional benefits, by way of long-term leases, to those who desire them. The report which has been made available by the committee of investigation as a result of a motion moved in this House is a most comprehensive one. It has a most historical basis and makes very interesting reading. It was a surprise and a disappointment to me to find that what I thought would be the crux of the report—the opportunity better to subdivide our pastoral leases and give some benefit to those people on marginal properties by absorbing, where possible, unused land on adjoining leases—was not to be the case. Family companies, or family units that in some cases over two or three lifetimes have struggled and worked, and made every endeavour successfully to utilise their leases, according to this report, are not to be given the encouragement I thought they would get.

After Mr. Wise had spoken to the measure the headlines in *The West Australian* the next day were, "Pastoral Bill a Death Blow" and it went on in the article to say that small pastoralists had been dealt a death blow under the recommendations of the Pastoral Leases Committee. In section 110 of the report the committee had this to say—

> A pastoral property should comprise sufficient land and stock to give a lessee a good living and the area should be large enough to maintain two families. The basic factor is not the area of land but the size of the herd or flock which can be carried. This size must be generous to withstand droughts, floods and cyclones, fluctuations in prices and other adverse conditions.

Section 111 states—

> The standard of management and administration, as well as the financial strength of the lessee, are all factors to be taken into account in arriving at a reasonable area for one station.

It was interesting to me to find that a member in another place, Mr. Dick Burt, M.L.A., in his contribution to the debate in that Chamber stated that he thought

3,000 sheep would be sufficient for a pastoralist to make a living—that is for a family unit—and he gave as his opinion an area of land in the vicinity of 150,000 acres, which would be one sheep to 50 acres; and I assume that would apply to the district he represents.

These figures, of course, would vary in different areas. One section of country is richer than another, and so it is possible to carry more sheep on one area of land than it is on another. On big leases many of the sheep probably congregate more on one section than on another, but the overall reason for the big area and the big margin, of course, is to enable the pastoralist to withstand the problems that arise with a variation in seasons. That is something the smaller pastoralist cannot avoid and unless he has sufficient land to enable him to absorb the setbacks and the problems as they arise he is in difficulties. He cannot do anything about a drought if he has nowhere to move his sheep for temporary agistment on some other part of his property.

Some suggestions have been made that the report might have been more effective had the committee more comprehensively investigated properties throughout the entire pastoral areas rather than, as appears to have been the case, just take a few pastoralists and use their views as a basis for the report. I think it could be said, with reason, that the committee did not seek a sufficiently big cross-section of the industry. Section 126 of the report reads as follows:—

> We consider that no new leases should be granted unless they are capable of running, when fully developed, at least 6,000 sheep or 1,200 head of cattle.

With that recommendation in the report, I cannot see how it was that some action was not taken, at least by way of a recommendation, that any property with less than those requirements should have something done to bring it up to the stage recommended by the committee.

As regards the Kimberley area, I think a section of the report could have been devoted to the special conditions applying there. The million-acre properties in that section of the pastoral areas have been dealt with at length previously in the debate, and I do not intend to reiterate any of the remarks that have been made. However, I think the door should have been left open for further investigation of that area with a view, where possible, to increasing the number of stations rather that leave the figure as it is at present. A final reference—section 224 (c)—in the report states—

> That where uneconomic units are in existence, no official action to remedy the position be taken at present.

I think that will be the death knell of some properties within the next few years. It means that when these small properties reach a certain stage they will be swallowed up by the larger stations and, under the provisions of the Bill, the population in the pastoral industry will grow progressively less. In the course of time—in the next 30 years—we will have fewer people and fewer properties connected with the pastoral industry, and that is a very serious situation; because the basis of activity in the pastoral areas, the mining areas, or in the metropolitan areas, is a progressive increase in population wherever possible.

In all forms of industry we strive to increase the population, and the same practice should apply with the pastoral industry, wherever possible, with equal force.

It is true that there are many properties which do not come within the conditions set down by the committee, and if all stations were investigated it would be easy to ascertain the position of every station in the industry. Many properties, I think, would stand an investigation from a subdivisional point of view, and if they were subdivided it would mean an increase in the population in the north.

One reference in the report which I think was misleading in the extreme was to the effect that over a period of time cattle stations had shown a return of only 3 per cent. on capital. I think the committee said it was over a period of 30 years.

The Hon. L. A. Logan: That is so.

The Hon. W. F. WILLESEE: I find that statement very hard to accept when one thinks of the Kimberleys, where vested interests have made big investments in pastoral properties. I find it hard to believe that they would invest money which would be available for investment in companies showing a greater return in pastoral properties which would return only 3 per cent. People with money to invest would surely look for a more lucrative investment in other industries, and how that figure was arrived at is difficult to imagine. I think it is something that is worthy of an explanation.

As we all know many of these properties over the last eight or 10 years have been sold with a most enhanced capital value. In many cases the money invested originally was returned many times over, and I am sure it would be hard to sell those properties if there was only a 3 per cent. return on capital invested. Nobody would purchase a property at the high prices which have been paid in the last few years if the return was only 3 per cent. In the interests of the pastoral industry alone, it is a pity that that figure should have been mentioned, because I feel it must be wrong, and a wrong basis must have been used to arrive at it.

As regards the term of the leases, I have no personal quarrel. I believe it is reasonable to give to people leasing pastoral areas a long tenure so that they can plan ahead over a great number of years in regard to capital expenditure, bearing in mind the problems with which they are confronted. With a long tenure such as is proposed, pastoralists can plan a programme of work over eight to 10 years, and do it with safety. But it is a dangerous situation to allow for no change from what has happened in the past, when we all know that many mistakes have been made in the handling of leases. Some properties could have carried many more sheep or cattle to the acre than they have done in the past. Fences could have been erected instead of property owners having almost open-range pasturing.

One would have thought that the Bill would contain a genuine attempt to do something about bringing the population engaged in the industry, and the stock numbers carried, to the optimum figure. I thought that would have been aimed at with the introduction of this Bill so that those who were investing new capital in the industry would know what they had to do. This would have provided for a regeneration of activity in areas that are now dormant.

Without delaying the issue any further, I will wholeheartedly support the amendments placed on the notice paper by Mr. Wise, because I feel they will, within reason and where necessary—and to the extent that amendments can be effective—deal with this situation which seems to have escaped the point of view of the people who formulated the report. I trust, therefore, that when we reach the Committee stage the amendments will be accepted.

Sitting suspended from 6.2 to 7.30 p.m.

THE HON. C. R. ABBEY (Central) [7.32 p.m.]: This measure and the report of the Pastoral Leases Committee are documents which have greatly interested me in the last few weeks. In June I had the opportunity of visiting the north-west by ship, and during that time I made some very interesting inspections as an agriculturist. I had in mind that I would look at the various projects in the north to see how they could be applied to agriculture as I know it.

I found that it is not possible to compare agricultural conditions and pastoral conditions, but as a farmer I found a great many other interesting comparisons which could be useful. I took particular note of the experiments in connection with pasture plants, which are in progress in the Northern Territory and the Ord River areas. I feel there are areas which in the very near future could gain great benefit from pasture introduction.

Although ricegrowing is an industry with some considerable future, it became obvious to me that it would have to be carried out together with the raising of stock in order for it to be economic. We know that in the agricultural areas it is essential to raise stock as well as cultivate crops. This is essential.

In the agricultural portions of the State, our marginal areas are no longer marginal areas as such. This is because of the better methods of cultivation, up-to-date machinery, improved varieties of wheat, and a greater appreciation of what these areas need. What were 10 or 15 years ago classed as marginal areas, now grow a great deal of grain and carry large numbers of stock, particularly sheep.

In the sound areas of the north—and there are many of them—if pastoral properties are large enough to be economic units, and the lessees have the opportunity of borrowing sufficient capital to develop the properties, vast changes could occur. That is my hope for our north-west pastoral areas. I believe that with the pasture plants which are at present being tested in the Northern Territory and Ord River, the carrying capacity will be at least doubled.

During my trip I took the trouble to fly into Kalumburu, this, as members know, being a station devoted mainly to the welfare of natives. Father Sans, the priest in charge, is obviously a man who wishes to develop the property, and he is prepared to experiment. He is attempting to raise the grade of the cattle, and at present is trying Townsville lucerne. I can assure members that I was quite surprised to see how well Townsville lucerne grows in the area.

Probably some members are thinking that this station is in an area of good rainfall; and so it is. However there are many other comparable areas where similar development could take place. This is the sort of thing which must take place if we are to progress and encourage more people to live in the north.

There have been great variations in prices and seasons during the history of the pastoral areas. This, of course, has made living in the area somewhat chancy; but I feel that if an economic unit could be established for any particular area, the situation would be greatly eased. I would say that at least 10,000 or 12,000 sheep on a property would be a reasonably safe economic unit, or perhaps more; but it is vital that an economic unit be established.

I would draw a comparison with the soldier settlement scheme, where, in my opinion, the economic unit was too low. Such a factor must be kept very firmly in mind to ensure that the unit is high enough to attract families to the area—

and keep them there. I know that in the pastoral areas it would be very hard to establish what would be an economic unit.

We know, too, that in the past there has been a great deal of money made during good seasons and, unfortunately, much of that money has left the industry. In agriculture in the South-West Land Division a great deal of the profits from the land must be ploughed back into it to maintain the properties at a reasonable level. It is essential that this be done also in the pastoral areas. But just how to bring that about is, of course, exercising the minds of many people today.

In my opinion it is necessary that a lease be granted for 50 years in order to ensure that financial institutions will take an interest in the situation. If it were possible for the land to be owned by the lessees, it would be much easier for them to borrow the finance, but it does not look as if that is possible at present.

Taking into account the rapid strides made in agriculture, I feel that in the not too distant future some of the improvements instituted in the southern regions could be applied to the north; and if we are prepared to tackle the problem in this way, a great deal of progress will result. You, Mr. President, being one who went into what was considered an outer area in your day, would know just how great a change has come about and just how sound the outer wheatbelt areas are now. It is only a matter of establishing what an economic unit is. In the early days of the settlement of the outer wheatbelt, it was thought that 1,000 acres was enough; but how wrong that proved to be! Now 5,000 acres, or a little more, is considered to be an economic unit and such farms are prospering.

Therefore I would say on this measure that perhaps the prime necessity is to establish an economic unit for a family. Once that is decided, sufficient capital must, somehow, be made available. It could well be that the Commonwealth Development Bank could come into this field. It is doing a very worth-while job, and with the expansion of world markets for meat, and with the wool industry very sound, the Commonwealth Development Bank could be very useful. I hope that it will, in the future, take some interest in these areas. It rather surprised me during my recent trip to realise just how little interest the financial institutions were prepared to take in the north; although it did appear to me that they—the banks in particular—were just waking up to the potential and starting to establish themselves in some of the major towns.

I had the opportunity of talking to one of the senior men in a major bank, and he was at the time examining the possibilities of opening up a bigger branch. That is certainly something we must have; but it is necessary not only for the banks to take a more active part in the development of the north, but for the other big financial institutions, such as the insurance companies, etc., because they have, as the Government has, a vested interest in that development. If the development of the north is to be left entirely to the Government, I fear the progress will be much too slow. It would be quite reasonable, in my view, for all the financial institutions—banks, insurance companies, and so on—to set aside a portion of their developmental capital specifically to expand in the north. That would be quite reasonable and, in fact, they should do it.

During my examination of certain areas in the Northern Territory, I found some very worth-while experiments going on with legumes that would be suitable for agriculture in the north—some that would be suitable for irrigation and some for dry land farming. The opinion was expressed that should properties be established with a percentage of land that could be irrigated, and 30,000 or even 20,000 acres of dry land, only suitable for grazing, was attached, it would be possible to have a good economic unit. I think that contention is very sound.

So we can well see in the future there could be pastoral properties, much smaller than they are at present, provided they have sufficient irrigable land to carry stock through the dry period. The opinion has been expressed that that is quite possible; but my view is that it should be brought into effect in a few years' time.

The experiments being conducted with rice are now moving to success. If rice-growing is combined with stock-carrying we will see a pretty balanced development. It is obvious that stock can be carried very effectively on rice stubble, because we were shown areas that had been watered after having been harvested, and they were making a great deal of regrowth and would obviously be capable of carrying a lot of sheep, or cattle, for that matter, but I think sheep would be more suitable because they would not cause deterioration of the banks that are necessary for irrigation.

On one property with 1,700 acres irrigated, and a large portion of the 1,700 acres under rice, we were shown several grasses growing very effectively; and the opinion was expressed by the manager that he could carry 20,000 sheep over the dry on that 1,700 acres of irrigated country with the regrowth of rice and considerable areas of paspalum. If that is possible, what a terrific future some of these areas on the major rivers of the north have!

If we create a situation where we have several thousand acres of irrigated pasture adjoining dry land so that we can carry stock over the wet period, then it would

seem there is a great future for the areas adjoining the rivers. So I am very pleased to see in the Bill provision to allow the Government to apply the land for any purpose at all.

I do not think Mr. Wise's amendments are necessary in that regard because, in my opinion, the legislation is specific and the Government would have the right, undoubtedly, to resume any areas it required for whatever purposes were necessary as stated in the Bill. So I think we can accept this measure as one that will bring about further development in the north—although, perhaps, not as fast as we would like it. But providing we can change our methods as they are required to be changed, I feel the north-west has a good future.

THE HON. H. C. STRICKLAND (North) [7.52 p.m.]: The Bill, in so far as pastoral leases are concerned, covers a very wide portion of our State. Whilst it has some very good objectives contained in the various clauses, I feel it lacks some provisions. In my opinion it is wrong to give a blanket increase of 50 years—an extension of a lease, or the provision of a new lease, for 50 years for all pastoralists; and that is virtually what the Bill does.

In my opinion it is wrong to say to a bad tenant, "You are going to get another 50 years' tenancy." I feel it is also wrong to say to misfits on the land—men who are triers but who are not capable either financially or from the point of view of their knowledge of running a pastoral property—that they shall have the right to battle and plod along for another 50 years.

The Hon. A. R. Jones: An extra 30 years, actually. They have the right now to 20 years.

The Hon. H. C. STRICKLAND: A new lease for 50 years will mean, in effect, an extra 30 years. The leases at the moment will expire in 1982, and the lessees can apply now and be granted a 50 years' lease from 1964; and I feel it is quite wrong to apply that principle generally. Apply it to the good tenant, yes; apply it to the person who is running his industry properly and is looking after the land, which is his in trust, with the care that the Act requires, but which has not been enforced upon lessees during the term of their existing leases.

To join the lease question up with Mr. Abbey's remarks in relation to finance is rather difficult. While financial institutions will lend readily on freehold land, they think twice before they will advance large sums on leasehold land; and, of course, the areas are far too big to consider being sold as freehold land. They are too sparsely settled and populated. We should not sell 50 per cent. of Western Australia as freehold properties to something like 500 lessees. It is out of the question altogether.

While there appears to be provision in the Bill to bring about a betterment of land tenancy, it seems to me that the enforcement of the provision will be no more effective than have been the provisions for the past 70 or 80 years. That is how it appears to me. I feel that some amendments should be made to the Bill to cover the areas as far as the Kimberley Division is concerned, and that the Kimberley Division should have a separate set of provisions entirely.

There are some four or five sheep properties in the Kimberley region, and they are well controlled indeed, but I feel they could be specially provided for. Something of an anomaly exists between the two industries in the Kimberleys—the industry of producing wool and the industry of producing beef. In the wool industry the lessee must necessarily improve his lease. He must do that to run his business. He must fence the property into paddocks, and he must provide water artificially; otherwise he cannot successfully run a sheep station. And all the wool producers in the Kimberleys do that in exactly the same manner as do the wool producers in the other pastoral areas. But the cattle men do not require to fence their properties and, as a result, the cattle industry generally is in rather a poor condition in respect of the quality of the beef produced.

In fact, the quality has degenerated considerably during the past 50 years on Kimberley cattle stations. In the early years of the beef industry good beef-producing bulls were introduced into the stations, but now the position has degenerated so that there are countless numbers of station-bred bulls—inbred bulls—and as a consequence there are inbred cattle of a very poor quality being turned off the leases today. There are one or two exceptions to the position I have described, but, generally speaking, the quality has deteriorated to a great extent. The figures from the Wyndham Meat Works will prove that. The first killing at the Wyndham Meat Works was in 1920, I think, and if the figures are examined I am sure they will show that the percentage of first-grade beef has fallen considerably over the years. There is only one cure for that—one way of stopping it—and that is to require the beef producer to improve his country in the same manner as the wool producer must improve his.

The wool producer does not have to do it under the Act; he has to do it to run his business, and he has never hesitated to do it; and I have never known anyone—or very few—who has gone broke in the process. During the depression years a number of people would have lost their properties had it not been for the very generous aid of various State Governments. I think it was the Collier Government, followed by the Willcock Government, and then by the Wise Government which saved

the pastoral industry not a few pounds, but millions of pounds, by relieving the lessees of their rents, and by contributing large amounts of interest above 5 per cent., I think it was, which they were required to pay to the stock firms and the banks, some of whom would not reduce the interest rates. The Government took over the payments to keep those people on their properties. One or two who tried to be independent and hang on for two or three years lost their properties to the stock firms which took them over, and they, in turn, resold the properties at increased prices.

I did read in the report that no-one in the industry had ever become a mendicant. Whoever wrote that must have written it since 1945, because many of the young pastoralists of today do not know how their forbears before them had to battle to hang on to their properties with the assistance of State Governments. They fail to realise many of those aspects.

I am rather pleased to read in the Bill that the nineteenth schedule is to be amended. The nineteenth schedule is the actual contract that is signed for a pastoral lease. I am pleased to notice that the vermin control officer, the soil conservation officer, and the noxious weeds officer are to be brought within the terms of that contract, because vermin, soil erosion, and noxious weeds have proved to be very costly to the taxpayers in the past. In the Kimberleys there is a company known as Vesteys which operates under different company names and it has allowed the country to become eroded, not for a few miles, but for hundreds of miles.

The country is as bare as it possibly can be. It is wind-swept and top soil has been blown away to a depth of inches. Those eroded areas have been fenced for that company by the taxpayers of Australia. I do not know what the cost has been, but when I asked a question a few years ago in regard to the erection of fences on those eroded areas and the regrassing of the stations—it has been stated that the soil from these areas would silt up the Ord Dam—the answer I obtained was to the effect that the Government expected to spend £250,000 on the work, and of that amount the pastoral lessees have agreed to contribute one-third, with a limit of £80,000.

That expenditure might have been quite all right so far as the Vesteys group is concerned, but on the Fitzroy River, where there is a large company holding about 3,000,000 acres run as a group of stations, it did not wait for the Government to render assistance. As soon as the material and labour were available after the war that company fenced its various stations at its own expense. It did not put up any excuse that the silt from its properties was silting up any dam; and that company has spent many thousands of pounds, on fencing off eroded river frontages properties. The only assistance that group of stations received was the advice of agricultural advisers.

Yet the overseas resident, or the absentee owner, who provides very poorly for his managers and for the native employees who live and work on the stations, is going to cost the Australian taxpayer certainly no less than £200,000. The worst feature is that the land which is fenced and regrassed for them at the expense of the taxpayer is still theirs. The only difference is that they must obtain the advice of the Agricultural Department to restock it, or the department can request them to reduce their stock in order to control grazing.

That is a peculiar set-up. They are what I call bad tenants, and I do not think a tenant of that type should be granted a 50-year lease on the same terms as an owner who husbands his land and his stock in a proper manner. To give members an idea of the position, I have some reports here from which I would like to quote a few extracts. One report is a little old, but what is said in it still applies. In 1956, when Dr. Ida Mann conducted a survey through the Kimberleys, following a severe outbreak of trachoma among the natives and whites—the whites, of course, having become infected from the natives—she reported on some of the stations she visited, and from her report it will be noticed she commented very adversely on the conditions of some of the stations. The following are some of her comments:—

> Ord River Station—The station house is of unlined corrugated iron. The native camp has poor housing and only one pan latrine, with no ablution facilities and no native laundry. No one could keep clean under these conditions.
>
> Nicholson—The station conditions are poor. The house is of unlined corrugated iron with a rather sketchy bath and a pit latrine. The native housing is also poor with no latrines, ablution facilities or laundry. We were well received but life was rough.

I can assure members it is rough on those properties. Continuing—

> Gordon Downs—A new manager has recently come and great improvements are being carried out to the station house. The native camp is still extremely bad . . . No water; no latrines.
>
> Flora Valley—The station conditions are fair. The water is from a well. Latrines are pan and incinerator type but are not for natives. The native camp is similar to Gordon Downs. We got the impression of some malnutrition here and there were practically no children though there were many young full-blood men and

women. The diet seemed to consist entirely of meat, judging from the bones lying about.

Those are the things Dr. Ida Mann reported on. Her report continues as follows:—

Koongee Park—Conditions are sanitation fair. Treatment of natives excellent and they all appeared healthy and well-fed, and very clean.

They are reports on the conditions that exist on various stations, but the reports on Vestey's properties are the worst. Here again it is found that the stations do not pay the natives very high wages. For example, the Margaret River Station, which has since been sold, was reported on in the 1956 report as having 11 natives being paid at 5s. a week, nine at 2s. 6d. a week, and one at 1s. 3d., some of whom, of course, were children. The report on the Koongee Park Station showed that seven natives were employed at £2 a week, and four at 15s. a week.

That is the difference between a millionaire and a battler. The battler pays a reasonable wage whilst the millionaire pays a paltry sum to his employees. A clause should be written into the pastoral lease requiring employers who are lessees to provide suitable hut accommodation and to pay a reasonable wage to their native employees. I would point out that all costs relating to hut accommodation are a deduction for taxation purposes. Such a deduction is made in respect of all accommodation provided for employees, in the same way as wages are deducted. There are places, such as the Fossil Downs Station, which provide excellent accommodation for the native workers. We have heard, of course, that natives would not use shower baths, or water closets, but this is absolute rubbish. They will use them if given the opportunity, and they have used them.

It is not surprising to visit the Fossil Downs Station and see native women with their hair done up in bobby pins, and titivating themselves up a bit. The late Mr. McDonald opened a native store about 10 years ago, in addition to the normal store which is usually seen on every station. He built this special store for the benefit of natives. It proved to be quite difficult to convince a native that two different shirts should be sold at different prices. They had no idea of any difference in quality. To them, if one shirt was priced at 15s., they should all be 15s., and the same applied to other items of clothing.

However, circumstances such as that existed for only a short period and generally applied only to the older natives, because they had received no education whatsoever. Now everything is changed on those stations. The natives watch films about twice a week, and they are being uplifted very rapidly, which is a good thing. Whilst some tenants look after the welfare of the native employees —and a cattle station in the Kimberleys could not be run without the assistance of native labour—we have too many who, in my opinion, do not look after their welfare. Therefore a clause should be written into the pastoral lease agreement stipulating that lesssees should look after these natives.

I read an article in *The West Australian* not long ago written by a pastoralist in the Onslow area. He was criticising the efforts of the Commonwealth Government in trying to teach the natives how to vote in the forthcoming Commonwealth elections. I thought it was a disgrace that a man should write to the newspaper and say that in Onslow there are still natives who make their mark, who had their wongi sticks, and who retained their old superstitions. That is a dreadful thing to say about natives after they have been working on those stations for the past 80 years.

In fact, it was only in 1953 that the natives began to receive anything for their labour. One often hears stories of how much it costs to feed them, but all natives get rations which they pay for from their old age pensions, or with money received from social service benefits. Further, the money is all spent in the store on the property. So I do not know what pastoralists have to complain about. I know that if all the natives walked off the stations—as they did in the Pilbara district some years ago—the pastoral areas would go backwards.

Unfortunately, there was a half-baked Communist called McLeod in that area and he organised the natives to walk off the stations in the Pilbara district. His aim was to get them to walk off properties throughout the whole State, but he did not get that far, fortunately. However, it will be noticed that when natives walk off any property, it generally deteriorates, and vermin begin to take over, because there are no natives to hunt it. It is very difficult to get anyone, except natives, to work for no wage, and to sleep behind spinifex bushes with 44-gallon drums as shelters from the wind. That was what they were doing up until recent years. Such a state of affairs can, and did exist.

It was a good thing that McLeod did not succeed, although he tried hard, in extending his activities into the Kimberleys, because in that area the cattle stations cannot operate without native labour.

I think it is absolutely wrong for the Government to hand out a 50-year lease of a pastoral property to a bad tenant, and tenants of such properties should be brought up to the mark. Take the stations owned by Vesteys. They are by no means unprofitable, because the average price paid for cattle through the Wyndham Meat Works is somewhere around £25 per head. That is the average price paid to

the station. Invariably Vesteys sends in 10,000 to 12,000 head of cattle per year, the total value of which is at least £250,000.

The Hon. A. R. Jones: How many stations would be involved in that number of cattle?

The Hon. H. C. STRICKLAND: Three to four, or may be five. That is not the total number of the cattle which that company produces in Western Australia, because many of the cattle are sent to its stations in the Northern Territory and they ultimately find their way to Queensland.

In the last 10 years the price of beef has been very profitable. There does not appear to be any reason why that profitable price should not continue to be paid, although according to the Press and radio the beef interests in U.S.A. are making strenuous attempts to persuade their Government to place an embargo on the relatively small quantity of meat which enters that country from Australia. Such pressure might bring results and have an effect upon the profits which are being made by the beef industry in Australia.

It is to be hoped that the U.S.A. Government will not be so unkind as to place an embargo, or to impose a prohibitive tariff, on the Australian product. After all, it is not the top-grade of beef, which is sent to the U.S.A.; the lowest quality is sent there. The importers in the U.S.A. require the lean, bony beef, or what is classed by the export works in Australia as third-grade beef.

While it is hoped that large numbers of people will be settled in the north, perhaps through pastoral pursuits, I am sure the sheep men in the north cannot do any more than they are doing with their country. I have heard complaints in the Pilbara district about the De Grey Station. In the years between 1920 and 1923 I worked on that station and I was aware of the number of sheep that were shorn. Today just as many sheep are shorn as in those days. This was one of the stations which the McLeod organisation could not affect; and it was not successful in placing the natives on that station under its wing, because the natives were paid something and were treated fairly. As far as I can recollect, they were thus treated back in the 1920's.

In those days the natives on that station were paid. Although no school had been established on the station, the white workers took an interest in the natives and taught them. They were at that time an advanced community of natives compared with those employed in the other stations in that area; and they were far advanced compared with natives in the Kimberley stations.

While sheep properties in the Kimberleys are producing all that is possible for them to produce, I consider that much more could be done, particularly on the cattle stations in the east Kimberleys. In that area there are one or two resident owners who have spent a lifetime on their properties. In recent years they spent a great deal of money on improvements, but of course they will be recompensed through taxation deductions and concessions.

I cannot see how a large population could be introduced into the pastoral properties, in view of the manner in which they are being conducted today. If those properties were fenced and improved, they would have a larger turnover, and they would be able to employ more men. They would improve, but not to any great extent. The only avenues through which population can be attracted to, or placed in, those areas are the development of mining —but mining has a limited life—and irrigation. By damming the rivers and irrigating the country, which is possible in the Kimberleys, population could be attracted there.

I read with amusement some of the theories which have been advanced by those connected with the University on the economic development of the Kimberleys. If the lines of argument advanced by them had been followed, there would not have been any development at all; and Captain Cook would not have left England on his voyage of discovery if somebody had not provided the speculative capital that was required. So we find that development must cost the country something, if the country is to advance. There have been failures, such as those in connection with Peel Estate, the development of the wheat belt, and the development of land settlement schemes. Initially there were hard times to be faced, but in the long run such development has come good.

A great deal of the finance required for the development of projects in the southern areas came from the profits made in the northern areas. Ben Ord was developed out of the profits made by the Argyle and Ivanhoe Stations which belong to the Durack estate. Ben Ord was a large developmental project near Wagin. Many flats and buildings in this city were constructed out of the profits made out of wool and wheat in the north-west, even at the time when wool fetched 1s. 1d. per lb., and beef landed at Robb Jetty and sold through Copley's siding netted £2 to £2 10s. per head. Those were considered to be good prices. A lot of money spent on the development in the south came from the profits made in the north-west, and a lot more will continue to come from there.

I remember being on a deputation to the Prime Minister of Australia, Mr. Menzies (now Sir Robert Menzies), in connection with the exemption from taxation for the north of this State. The move originated from a motion moved in this House by Mr.

Jones. The Prime Minister was very interested, and obviously very keen to do something on a substantial basis for the north. He was keen to bring about development, but he could not see how any major development could come through exemption from taxation. The scheme put up was that 60 per cent. of income should be exempted from taxation, and the remaining 40 per cent. should be exempted if reinvested in the country.

The question posed by the Prime Minister was this: How are those people to reinvest their money? He said the people would not reinvest their money in leasehold land in the north, when they could acquire freehold land in the south, where there was a regular and assured rainfall. His answer was complete, and there is not the slightest doubt about that. Of course, exemption from taxation did not eventuate. In my opinion one of the greatest drawbacks of land settlement in the north is that all the land is leasehold land, and cannot be converted into freehold land.

Looking through my drawer I came across a very interesting map which Mr. Wise had caused to be drawn up in 1950 for a speech in another place. He handed that map to me when he went to the Northern Territory. This map shows the total area of the northern pastoral land as being nearly 500,000 square miles, or almost one-sixth of the area of Australia, and slightly more than one-half of the area of Western Australia. This map is shaded in various colours, and was prepared by the Surveyor-General. The settled land is coloured pink, and from this map which I am holding up members will be able to see there was—and there still is—more unoccupied land than occupied land in that area.

It shows there are 206,500 square miles of territory classed as desert; 127,500 square miles classed as unoccupied land within the pastoral areas and considered suitable for settlement; 178,200 square miles classed as occupied land; and 14,800 square miles classed as native reserves. The land—occupied, unoccupied, and native reserves in that area—which is considered to be in a reasonable rainfall area and suitable for pastoral pursuits comprises 142,300 square miles; while the rest—considered as useless land—comprises 206,500 square miles. I am assuming it is useless.

There were times not very long ago, when all the coastal land between Geraldton and Moora was considered almost useless; and this also applied to the Esperance plains. I am not sure, but I think I read in the Press recently where a party of Americans came here to look at that type of country. I hope it will be that type of country that is looked at and not the north Kimberley, which is good, well-watered, well-drained, and well-grassed land with an assured rainfall, but is still unoccupied because of the difficulty of access. I hope these Americans will look at the 207,000 square miles of land which now feeds very little excepting a few rats and bandicoots. There are also a few nomadic natives who roam in that desert.

While there is a lot that can be done in the north in various ways, it is difficult indeed to see where the pastoral industry can be extended to any great extent once one goes below the cattle stations in the Kimberley. I hope the Government will give a little more consideration to this Bill. I do not think that would affect anybody at all. If the Government waited until next year and gave some more consideration to the various views submitted in this House, no pastoralist would be at a disadvantage. His existing lease is good until 1982—another 19 years—and to postpone the extension for another year could not affect anybody. It is not as though we have any financial emergency threatening the industries.

They are buoyant. Wool is beginning to reach a price where financiers are wondering whether there is again a trend towards a boom. One never knows, but that is what happened in the 1950s. As I said before, the beef industry is very buoyant, and there seems very little danger of beef prices falling to the stage where that industry is likely to be threatened. For those reasons I think the Government should have another look at this Bill, and another look at the Kimberley area in a different light altogether compared with the other pastoral areas of the State, particularly the Murchison, the Gascoyne, the Pilbara, and the Ashburton areas. They are all just about on a par; and I cannot for the life of me see why those people should not be given a new lease.

I would not like to see the cattle stations in Kimberley blanketed and given new leases without a thorough inspection and thorough investigation. The terms of the leases should be different altogether. Something should be written into the contracts or leases to provide that lessees must improve the country and not simply run their leases on the open range fashion as they do now. This eats out the country and erodes it. As far as erosion is concerned, I mentioned what happened in regard to Vesteys leases. The same thing happened when the donkey teams were replaced with motor transport. The pastoralists simply let the donkeys go unharnessed and let them roam around on the range. What happened? The donkeys bred, and now they are vermin, and the Australian taxpayer is required to pay for their destruction. It is a very costly proposition.

I do not think that is right. People are entrusted with a lease of Crown land and they should not be allowed to do that. The previous lessee of Mardee Station in the Ashburton or Pilbara—it is

midway between them—planted the mesquite tree on his property for shade. Ultimately it spread over the whole property; and I do not know what it will finally cost Western Australian Governments to eradicate it. However, in reply to a question I asked in this House, the Government anticipated it would have to spend something like £60,000 to eradicate the pest from the property, despite the fact that the pastoralist imported the pest himself and planted it himself.

If the property had been put on the market in those days without any pests it would not have realised £60,000. However, it would now. That is the sort of thing that happens in the north. I do not think for one minute that when one has bad tenants in a house, they should be allowed to continue. After all, the pastoralists have a lease of Crown land, but the trouble is that nobody goes to the properties to see if the conditions of the leases or contracts are being complied with.

The Hon. A. R. Jones: How would you suggest we get rid of them?

The Hon. H. C. STRICKLAND: It is laid down in the leases that if they are not looking after their country their leases shall be forfeited.

The Hon. A. R. Jones: Not under the old leases. You could not shift them. The Government would not stand up to a court case.

The Hon. H. C. STRICKLAND: The honourable member said that the Government could not stand up to a court case. That question has never been tested. However, it is no reason why we should keep blinking our eyes at the position, because Parliament can always amend the contract. Parliament can always do that. Parliament did it in 1950; it reversed the tune completely for the pastoralists during the depression years in the 1930s. The pastoralists complained their rentals were too high at 10s. per 1,000 acres in some cases. I think the highest was 38s. per 1,000 acres and down to 5s. per 1,000 acres per annum. It is true that under the new Land Act there was a different formula to meet the pastoralists' wishes that the rental be based on the prosperity of the industry. If wool dropped to a certain price, the rental had to drop; and if the price of wool rose, so the rental accordingly had to rise.

What happened in 1950 when it was seen that the price of wool was going to rise steeply? The Act was altered and there was a reversion to the old rentals. Wool went up to £1 per pound; and instead of the State receiving the high rentals which it would have under the 1949 leases, the Commonwealth Government scooped the money in by way of taxation. That is where it went. Therefore, while the pastoralists were saved the necessity of paying the State a high rental, the Commonwealth Government scooped the money in in taxation and then turned around through the Grants Commission and penalised the State for not raising taxes in some other direction on some other section of the community.

The pastoral section of the Land Act has always been steeply in favour of the pastoralists. I do not say it should not be. The only pastoralists I am complaining about are the bad ones, and there are some of them. They are bad tenants and they cause trouble not only for Governments but for their neighbours. If one has a neighbour who does not worry very much about vermin, it is not a bit of use one worrying about vermin oneself. There is a similar position in the metropolitan area when someone with a backyard orchard tries to eradicate fruit fly from his fruit trees, while his neighbour does nothing about it. The result is that the man who is looking after his trees finds that they are badly infested again. That is what happens in the north in regard to some of the pastoral leases, because some of the country is not worked and has not been worked for years. There is nothing to makes pastoralists work the land, and it is not forfeited because it is not worked.

Under this Bill I notice that all the small leases that go to make up a station are to be leased as one holding. I do not agree with that at all. I know of some sheep stations which are not far from Perth—they are within 600 miles, which is not far in this country—that have had hundreds of thousands of acres unstocked for years. One station I can think of has had only half of its area stocked in the 12 years I have known it—and I do not know for how many years before that. That is only 50 per cent. of its area. What is happening to the other 50 per cent.? It is merely breeding vermin all the time.

I do not know which areas these Americans anticipate they might do something with, but there are lots of small pockets like that with which something can be done at not much cost. But, unfortunately, the new Bill proposes to absorb these pockets and let the pastoralists carry on the way they are, instead of saying, "You have one lease there of 40,000 acres on which there are no improvements, and we are going to forfeit that and give it to someone who will do something with it." The Under-Secretary for Lands or the Minister for Lands would not be able to say that under this measure, because the land will be looked upon as one holding. I feel that that is something that could be well looked into.

I hope the Minister for Lands will at least have a glance at my speech and that his attention will be drawn to some parts

of it so that he might be able to induce this American capital that has come upon us so suddenly to go into this other part of the north which remains unoccupied; and it is unoccupied principally because of difficulty of access and the lack of transport in the old days. Of course those conditions have gone by the board now. With modern transport, that country is accessible.

I think the geologists, in their search for oil, have examined practically every stony hill and ridge, or every stony outcrop in that couple of hundred thousand square miles of open country, because there are two companies that have had seismograph —is that the right word?—teams working out there for some years, and no doubt there will be a lot that is known of the possibilities of the country. I recall reading something to the effect that Mr. Grayden was looking for Lasseter's lost reef or for his trunk in that area. He came back very elated about the type of country there. He thought it would be good grazing country. But he has not gone out that way.

Despite the provisions in the Land Act which say that nobody shall be interested in more than 1,000,000 acres, there is provision in the Bill that the Government can lease any area or areas—which would mean, of course, any number of acres—to any company that would be prepared to spend capital in those areas.

If there is capital to be spent, then I trust it will be spent in those areas and not in the north Kimberley area. There is plenty of good Australian capital readily available to be spent in the north Kimberley area, if access is given and the country is opened up.

I am unable to support the Bill in its present form. There are sections of the Bill which require further consideration. I hope that the Government might profitably delay the Bill for one more year. Nobody would be hurt by that step. Financial institutions are quite secure in any interest they might have in pastoral properties. The owners of these pastoral properties have climbed out of the difficulties they got into during the depression years and these days they should be well and truly in the blue and not in the red.

Debate adjourned, on motion by The Hon. S. T. J. Thompson.

BILLS (2): RECEIPT AND FIRST READING

1. Traffic Act Amendment Bill (No. 2).
2. Stamp Act Amendment Bill (No. 2).

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

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 30th October, on the following motion by The Hon. F. R. H. Lavery:—

> That the Bill be now read a second time.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [8.49 p.m.]: This Bill seeks to amend the Painters' Registration Act, and it was introduced by The Hon. F. R. H. Lavery. The proposals contained in the measure appear to be quite reasonable and I propose to support the Bill in its present form. The Act, which was passed in 1961, permitted persons engaged in the occupation of a painter or supervisor of painting as a means of livelihood, to obtain registration without the necessity of completing a course of training and passing certain examinations. Those who were in this category have now had sufficient time it is considered, to become registered, and no time limit was set under the Act when it was passed in 1961.

As time goes by it must become very difficult to prove positively that an individual was or was not engaged in this occupation at the commencement of the Act; and to give all such persons an opportunity of registering, the amending Bill has been introduced subscribing a set time. The time set down in the Bill is to the 31st December next. That appears to be an acceptable period of time. There is no purpose in my saying anything further, except that I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. F. R. H. Lavery, and passed.

LICENSING ACT AMENDMENT BILL (No. 2)

In Committee, etc.

Resumed from the 31st October. The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

The DEPUTY CHAIRMAN: Progress was reported after clause 75 had been agreed to.

Postponed clause 27: Section 51A amended—

The DEPUTY CHAIRMAN: Consideration of clause 27 was postponed after The Hon. E. M. Heenan had moved the following amendment:—

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

The Hon. A. F. GRIFFITH: When this Bill was previously before the Committee I suggested that consideration of this clause should be postponed to give me an opportunity of having another look at the matter. I have an open mind on the question. If the Committee agrees to the retention of the subparagraph it will give the Tourist Development Authority a say in respect of information that may be made available before the court. Mr. Heenan indicated, when he was speaking to the Bill, that it was not a matter of the tourist authority interfering in licensing matters; but that from its knowledge of the tourist traffic it might be of the opinion that additional accommodation is required at some point.

It is regarded as reasonable that, because of the interest the tourist authority is taking in the development of tourism in the State, the authority should be given an opportunity of having its say. Having had a further opportunity of looking at this matter, I do not think that this particular provision is likely to do any harm. On the contrary, I think it will do some good. I suggest that the honourable member might have had an opportunity of having second thoughts on the matter, and he may not wish to pursue his amendment; at least, that is what I am hoping.

The Hon. E. M. HEENAN: The Act authorises four inspections per annum by the police, by whom an annual report is submitted. There are also periodical inspections by inspectors of the Licensing Court. The court holds considerable powers in this regard under the Act. Provision for additional objections seems, therefore, unnecessary. The Act authorises applications by an inspector of licensed premises or any resident of a licensing district. The Licensing Court has adequate powers to impose its wishes only when dealing with applications for the renewal of licenses. It is considered that this is sufficient guarantee in this regard. I am prepared to leave the matter to members.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): I am having some difficulty in hearing the honourable member.

The Hon. E. M. HEENAN: I am afraid I have contracted a cold. I will sum up my objections by repeating that there are sufficient authorities who already have powers of objection, and in my view it is unnecessary to clutter them up any further with the inclusion of the tourist authority. I think its members have a role to fulfil, but this does not fit in to that role.

Amendment put and negatived.

Postponed clause put and passed.

Postponed clause 34: Section 63 amended—

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): This clause was postponed after Mr. Heenan had moved an amendment as follows:—

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

The Hon. J. DOLAN: My objections to this paragraph are similar to those put forward by Mr. Heenan in regard to clause 27. The Act authorises objections by—

(a) the owner of the premises;

(b) any resident of the licensing district;

(c) any inspector of licensed premises;

(d) any police officer of the district; and

(e) any person acting with the authority and on behalf of the council of the municipal district or the board of the road district.

That covers almost every person who lives in the district in which the licensed premises are situated. To bring in some other authority to do a similar job seems to me to be absolutely superfluous. On those grounds, and coupled with those put forward by Mr. Heenan, I object to the provision in the Bill. We can overdo inspections of these premises. Hotelkeepers already have to undergo most rigid inspections by responsible authorities and I cannot see the slightest necessity to bring in an extra authority. It will reach the stage where we will have so many people coming in that there will be more authorities than customers. I oppose the clause.

The Hon. A. F. GRIFFITH: My view on this is the same as I expressed on the amendment to clause 27. The committee did not pursue the argument on that occasion and I do not see why it should in this instance. I have an open mind on the matter, but it is unlikely that the Tourist Development Authority would take any action without good cause. In any event, the decision is a matter for the court to make.

Amendment put and negatived.

Postponed clause put and passed.

Postponed clause 42: Section 118 amended—

The Hon. A. F. GRIFFITH: This clause drew quite a lot of comment from some members and I said that I would have another look at it. To some extent it changes the concept of section 118 of the Act and, as I said in Committee last week, it is specifically placed in the legislation to

strengthen to some limited degree the situation which now prevails in respect of section 118.

I know there are objections to a clause of this nature, and I do not propose to pursue it to the fullest extent. I have an open mind on this clause, too, but as I said when I introduced the Bill, my main idea is to bring the Licensing Act up to date. I hope to get the whole of the legislation reprinted when this Bill has passed through Parliament, and it will be an attempt to bring into line some of the archaic provisions of the Act as it now stands.

In a limited number of cases there has been trouble throughout the country with persons trying to get meals or accommodation, and both meals and accommodation. In some cases they have been refused. The court is anxious to deal with the situation, particularly where accommodation is refused, and that is one of the specific purposes behind the amendment.

Some members think that section 118 is sufficient as it stands, but with respect I suggest it is not. It merely says there shall be a penalty of £50 if reasonable cause cannot be shown. It is said that the amendment has a more far-reaching effect as it provides for a penalty of £50 if accommodation or refreshment is refused, and that it is an offence to so refuse. The amendment will make the legislation a little tighter in this regard. I do not think it is terribly important but it is the court's desire to try to overcome the present position, and it is for the benefit of the travelling public.

The Hon. E. M. HEENAN: I regard this as a rather important point, and I am pleased to note that the Minister is not determined to pursue it. I believe the amendment is an unnecessary reflection on the great majority of licensees. At the present time they are up for a penalty of £50 if they refuse accommodation, food, or refreshment without reasonable cause, and the onus of proving "reasonable cause" is on the licensee. It is proposed to alter that position by taking out the words "reasonable cause", and the amendment will make it incumbent on the licensee to provide accommodation and meals even though it is utterly impossible for him to do so, or he has the best objections in the world.

The Hon. A. F. Griffith: No it is not.

The Hon. E. M. HEENAN: That is what it amounts to.

The Hon. A. F. Griffith: No.

The Hon. E. M. HEENAN: The way I read the Act it means that if he refuses he *prima facie* commits an offence until he proves himself innocent—that is if anyone likes to have a go at him.

In the old days anyone could get a license to run a hotel, but nowadays prospective licensees are carefully vetted and their suitability has to be established. They have to provide good references from people who believe they are suitable, and they have their licenses for only 12 months. At the end of that period the licenses come up for renewal. The court has far-reaching powers and at the end of 12 months even the Tourist Development Authority could object.

I think every member will agree that in the great majority of cases the men and women who run hotels in this State are people of repute; they are anxious to please; and they are the first ones upon whom we call when we need some help.

I think the amendment in the Bill is an unnecessary affront to them. I travel around a lot and I have never been refused accommodation or meals. Sometimes when these items have not been readily available licensees have gone to no end of trouble to fix me up somehow. They have difficulties with staff and they have rushed occasions when they have inadequate staff to cope with the situation. Sometimes the staff get on the drink, and they have many difficult periods.

I hope the Committee will not change the existing order which, in my view, is ample protection for the public. No-one who has a legitimate complaint against a licensee for refusing accommodation or refreshment need worry that at the present time he cannot get a remedy.

The Hon. D. P. DELLAR: I definitely think the amendment in the Bill is far too harsh and is placing far too much responsibility on hotelkeepers. Let us have a good look at it.

The Hon. A. F. Griffith: Are you suggesting that we have not had a good look at it?

The Hon. D. P. DELLAR: I will endeavour to have another one. We must appreciate that a number of hotels in the north are run by a husband and wife. Under this measure the moment they refuse any person—and I object to the word "any"—food, accommodation, or liquor, they must enter the fact in a register. Let us consider the case of the hotel at Menzies, which is run by a husband and wife. People patronise that hotel particularly at week-ends during session hours, and it would be throwing a considerable burden on the publican if he had to run to the police station to fetch a constable to witness his objections, or had to enter them in a register. It would be valuable time lost.

The Hon. A. F. Griffith: It has nothing to do with this clause.

The Hon. D. P. DELLAR: I object to the word "any." The same thing applies in the metropolitan area. Far too much

responsibility is placed on a hotelkeeper. If a hotelkeeper loses a case in court it is held against him when he applies for a renewal of his license. He is penalised for not allowing someone who might not be clean or respectable to lie between his sheets. The majority of hotelkeepers pride themselves on keeping a clean house. If the man who is refused thinks he ought not to be refused, he has his remedy. I think section 18 is adequate as it stands, and I would draw the attention of members to that section. The other night the Minister said he could not get a meal because the cook was missing.

The Hon. A. F. Griffith: I did not give the reason.

The Hon. D. P. DELLAR: I think the onus should have been on the Minister to find out why he didn't get a meal. I think section 118 covers the situation, and I oppose the clause.

The Hon. J. J. GARRIGAN: I support Mr. Heenan. As one who represents the remote areas, I can say sincerely that the publicans in those parts do their best to provide accommodation and meals. We cannot expect these people to do the impossible, particularly when they are short of staff. I know somebody whose mother has run a hotel for many years, and she has always tried to do the right thing by her clientele.

The Hon. R. F. HUTCHISON: My experience has been different from the Minister's. On two occasions in the last 18 months I have been in the remote areas of the State and I have always been treated with the utmost courtesy by the hotelkeepers. Under the clause in the Bill, the hotelkeeper could be the victim of many undesirable people. My daughter had a hotel in New South Wales and she had some very sad experiences. They were, of course, extreme cases. I do not say the Minister did not have an unfortunate experience, but he had his remedy, and the Licensing Court would have taken the necessary action. It would be difficult to find anybody more inconsiderate than members of the public. The public generally puts the hotelkeeper to all kinds of trouble. I have seen it and experienced it. I support Mr. Heenan in this matter.

The Hon. N. E. BAXTER: I objected to this clause in the second reading stage. because I think the provision in the Act is adequate. I have travelled the State from north to south and from east to west over a period of two and a half years, and during that time there was only one occasion on which I was unable to get accommodation at a hotel. I was never at any time refused accommodatoin or refreshment. The case in question was at Brunswick, where I first met Mr. Murray. The hotelkeeper said that his hotel was full, but that I would find somewhere to stay down the street, and that tomorrow he would be able to fix me up, because a couple of his patrons were leaving. The service given by hotelkeepers throughout the State is good.

The Act is working well, and has worked well for many years. Why should the publican have to go to court to prove that his hotel is completely occupied? It is an added burden on him, particularly when his register shows his hotel is completely occupied. He must prove to the satisfaction of the court hearing the charge. If he proves to the satisfaction of the court, then there is no offence. That is what puzzles me.

The Hon. A. F. Griffith: I cannot be responsible for what puzzles you.

The Hon. N. E. BAXTER: I am not prepared to support the clause.

The Hon. G. BENNETTS: Mr. Heenan mentioned that all publicans were men of high standing; yet there are two or three that I know of, who should never have been granted a license. For the most part publicans are, however, men on whom one would stake one's life. But they are not all of that calibre. I do not think the publican should be obliged to enter in his register the fact that he has no accommodation, because he could be better employed.

In one of the Eastern States I stayed at a hotel where one had to be recommended to get a room. It had accommodation for 50, but only took eight people. The dining room was converted into a drink saloon, in which a piano and a loud speaker were installed. We had breakfast, which consisted of weeties, or bacon and eggs, on a table the size of the top of an oil drum. If a person complained, he would get no further accommodation at the hotel. To indicate that there was not much accommodation at the hotel, a whole floor was set aside for family use, the family, incidentally, consisting of a man and his wife.

Then there is the experience which I related the other evening where, without authority, I would not have obtained a meal. Perhaps if we had complained to the police constable there we could have got this publican into trouble.

I am not going to agree to this clause as I think there is already plenty of provision in the Act, because those on the Licensing Court are intelligent people and they would look into a complaint of this sort.

If, for instance, a bus load of tourists arrived at a hotel to seek accommodation, but there was none available, would the publican have to enter all those names in his book?

The Hon. A. F. GRIFFITH: I recognise the expression that a wink is as good as a nod to a blind horse, but because some members do not recognise it, there is some opposition to this clause. I am not going

to pursue it, but I do believe that no-one can be regarded as offering an affront by making an amendment. Therefore, I do not think Mr. Heenan should pursue that remark. Furthermore, we are dealing with clause 42, and not clause 45.

The Hon. H. K. Watson: That is a very timely reminder.

The Hon. D. P. Dellar: They tie in.

The Hon. A. F. GRIFFITH: I hope the whole Licensing Act ties in.

The Hon. F. J. S. Wise: Unless you lose your thread of thought!

The Hon. A. F. GRIFFITH: That is so. However, to try to tell me that because a hotelkeeper refuses to give a meal or two, he has to put it in his register, is nonsense. That is provided in clause 45, and we will debate that on the further recommittal of the Bill. We must stick to the clause with which we are dealing.

The only other thing I would like to say to Mr. Dellar is, that when "any person," is mentioned, it means "a person." It is purely a legal method of expressing the obligation contained in the clause.

Finally, under the Act at present, a person commits an offence if he does not provide a meal or accommodation, and the burden of proof lies with him. The whole strength of the matter is that in the opinion of the court the words, "reasonable ground" are so loose that the hotelkeeper has not much obligation. This is borne out by the arguments of Mr. Dellar and Mr. Garrigan who stated that it would be very tough to make these people in the outback comply with the provisions in this clause. However, I am not going to pursue it.

Postponed clause put and negatived.

Title put and passed.

Bill again reported, with an amendment.

Recommittal

THE HON. H. R. ROBINSON (Suburban) [9.37 p.m.]: I move—

> That the Bill be recommitted for the further consideration of clauses 10 and 41.

Clause 45 was added to the motion, on motion by The Hon. J. Dolan.

Question put and passed.

In Committee, etc.

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

Clause 10: Section 28 amended—

The Hon. H. R. ROBINSON: The reasons for my proposed amendment are that this subsection intends to restrict the holder of a license under the Act to one license only. If this license were a publican's general license, it would apparently prevent such licensee from holding any other license under this Act which might be necessary to be held concurrently with the publican's general license, in order to adequately conduct his business as a hotelkeeper.

For instance, some hotels are granted a restaurant license, a billiard table license, at odd times during the year an occasional license, and for certain functions, a temporary license. Whilst it might be argued that the words at the beginning of subsection 3 (a); namely, "Except where this Act provides otherwise" should cover the situation, legal advice indicates that the drafting of the subsection could lead to conflicting decisions should the point ever be tested at law. It seems advisable, therefore, to make the position perfectly clear by exempting, as has been done with sections 57 and 58 of the parent Act, the sections dealing with restaurant, occasional, temporary, and billiard room licenses. If, as the Minister contends, this position is already taken care of by the words at the beginning of the subsection to which I have referred, he should have no objection whatsoever to making the position perfectly clear by the addition of the section numbers as contained in this amendment which I move—

> Page 6, line 14—Insert after the word "section" the words "forty-two, forty-three, forty-four,".

The Hon. A. F. GRIFFITH: I had no idea, until I heard the explanation of the honourable member, of the purpose of this amendment. I would counsel him, although he is under no obligation to do so, to let the Minister in charge of the Bill know the purpose of an amendment in order to afford an opportunity to check with the draftsman to see whether it is all right. However, I will accept the amendment and will subsequently take an opportunity to check on it. It sounds valid to me.

The Hon. H. R. ROBINSON: I would like to explain that I did on three or four occasions endeavour to contact the Minister, but was unable to do so. I thank the Minister for agreeing with the viewpoint expressed in the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 41: Section 117 amended—

The Hon. H. R. ROBINSON: I do not know whether the Minister will be as cooperative in respect of this amendment.

The Hon. A. F. Griffith: I won't be.

The Hon. H. R. ROBINSON: I mentioned this clause when we were dealing with the Bill in Committee last week and I referred particularly to the Esplanade Hotel. Notwithstanding anything that may be said to the contrary, this amendment to section 117 of the Licensing Act deals with structural alterations to licensed premises. This is borne out by the fact that the amendment to this section proposed in the Bill is designed to give the Licensing Court

additional authority to prosecute over the lengthy period of one year for any breach of non-notification to the court of alterations effected by an owner or licensee.

Although section 117 has been part of the Licensing Act over many long years, it would appear to be more than a coincidence that an amendment to give the court even more punitive power than before occurs soon after the court had cause to assert itself over the provisions, conferred upon another body by another important Act, in respect of buildings and structural alterations thereto.

The use of the phrase at the commencement of the proposed amendment; namely, "Notwithstanding anything contained in any other Act", is surely significant and is a direct indication of the desire on the part of those who sponsored the amendment that the Licensing Act should be paramount over all other Acts in relation to structural alterations in or about licensed premises.

So far as licensed premises are concerned, there are probably a number of Acts which have some relation thereto. Some of those within this category that come readily to mind are the Local Government Act, the Health Act, and the Fire Brigades Act.

If authority is granted as implied in the proposed amendment, it means that some unfortunate licensee could easily and unintentionally be the victim of a clash of opinion between two authorities, both of which under certain laws have authority over his premises in certain directions. For instance, a local governing body by reason of the authority conferred under the Health Act may order the licensee or owner of a hotel to demolish the existing lavatory and toilet block and to erect a new one in lieu thereof to a certain standard and capacity.

Upon receipt of the necessary plans, approved by the local authority, the Licensing Court could decide that the work was not necessary and refuse the licensee the necessary permission. If the licensee went on with the plans ordered under the Health Act, he would be liable, under the amendment as proposed, to be prosecuted within a period of 12 months by the Licensing Court, and if he did not proceed with the work, he would be liable to prosecution under the Health Act.

Similarly if under the Fire Brigades Act a licensee was ordered to provide additional safety or escape stairs, and after plans were approved by the local authority the Licensing Court refused approval, the licensee would be in a similar unfortunate and unenviable position.

It is of little point to say that the Licensing Court would not cross or disagree with a local authority in a matter of public safety or common application. A glaring example of this perversity is surely fresh in the minds of all of us, because members will recall the comparatively recent case of the Esplanade Hotel verandah, and the strange and sudden interest taken in this instance by the Licensing Court.

Notwithstanding that over five years' notice, under the requisite by-law, was given that verandah posts within the city proper should, in the interests of public safety, be demolished by a stipulated date in 1962, no action, representation, offer of co-operation, or move of opposition was taken by the Licensing Court with the local authority involved, to amend the by-law, to interfere with the order served thereunder, or to save the many licensees involved in huge expense, until the sole remaining verandah, subject to this order, was before the Local Court. Then, and only then, did the Licensing Court intervene.

The Hon. H. K. Watson: It did not intervene; it was approached, was it not?

The Hon. L. A. Logan: No.

The Hon. H. R. ROBINSON: It intervened; and the honourable member can have his say in a minute. In the meantime, the licensee of the Esplanade Hotel had been prosecuted and fined for a breach of the law, and several other licensees or hotel owners had been involved in quite considerable expense under exactly similar orders without the Licensing Court raising even a whisper of protest or objection. This surely indicates that the Licensing Court can and will act, if it so desires, with some prejudice and some partiality!

Furthermore, if the amendment proposed in the Bill is agreed to, it would give the court the right to go back over the past 12 months and prosecute any licensee who, whilst carrying out an order issued under the authority of the Local Government, Health, or Fire Brigades Acts, may have overlooked notifying the court in respect of some minor detail. It would also have the effect of perpetuating the same power for the future, and this could be undesirable.

I do not believe that Parliament would desire such a state of affairs, and I therefore suggest that the amendment in my name which is before you, Sir, should be agreed to. This will have the effect of not only clarifying the position in future, but will assure that each Act which Parliament framed over the years will operate without interference from some other authority in the manner intended and in the sphere of its own particular field. Unless this is done, I foresee an increasing clash of interests as between one department and the other; an increasing demand from this or that authority to have overriding powers over one or the other authority.

It is interesting to see the effect this would have on the Local Government Act, because it would have effect on at least 17 sections of that Act. I refer first of all to section 210 of the Local Government Act. In view of the fact that the definition of licensed premises in the Licensing Act is

so all-embracing, the power conferred by section 210 of the Local Government Act for a council to pass by-laws dealing with fences and walls, and authorising the council to take certain action in connection with these, may be contrary to the powers of the Licensing Act under section 117 in relation to structural alterations.

Section 244 (f) purports to give the council certain powers over cellars which are under a street but give access to a building abutting on the street. In the case of licensed premises, it appears that the council could serve no orders concerning these cellars without the consent of the Licensing Court.

Section 244 (g) deals with encroachments on the street and authorises a councile to remove these. Again this would be an alteration to the building and would require the approval of the Licensing Court. Encroachments are also dealt with in section 332 (2) and (3) where the power of a council to compel the removal of an encroachment made contrary to law could not be enforced unless the Licensing Court approved of the building being altered to remove the encroachment.

Under section 278 a council is authorised to purchase land to carry out works. On a piece of land there may be a building, and the council, having obtained the land, could not alter the building without the consent of the Licensing Court, despite the fact that it is now owned by the council.

The Hon. R. Thompson: You said that the Licensing Court could go back 12 months to bring about prosecutions.

The Hon. H. R. ROBINSON: That is a legal opinion which is that this matter could be made retrospective if the provision in the Bill becomes law.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Order! Would the honourable member kindly address the Chair.

The Hon. H. R. ROBINSON: Very well, Sir. Sections 361 to 364 deal with the establishment of building lines and authorise a council to acquire land to widen streets, and, having acquired the land, to demolish or repair buildings or to construct new buildings on the land, or to generally alter the buildings on the land. If the buildings were licensed premises, the council could not carry out the alterations without the consent of the Licensing Court.

Section 364 prohibits the carrying out of building operations in front of a building line, but allows the council to approve of minor, but not substantial, repairs. It would appear that if the Licensing Court were to order substantial alterations in front of the building line, with the clash of authorities, the local authority may find itself unable to take action for any breach of the Act. The only way to overcome this would be to fix all building lines through town planning schemes.

Section 374 provides that a person must not commence a building or alter a building without the approval of the local authority, and if there is a refusal there is a right of appeal to the Minister. Should the Licensing Court refuse to approve of the alterations desired by the person concerned and have ideas of alterations which differ from his and also from those of the council and of the Minister, this could mean that only the Licensing Court would have jurisdiction.

Section 399 deals with buildings which are partly of wood, and gives a council authority to require the removal of materials which are deemed inflammable. The Licensing Court could refuse to approve of an order to amend the building to remove the danger of fire.

Section 400 again deals with encroachments but authorises the erection of a verandah on posts in certain circumstances. The jurisdiction of the Licensing Court may be considered sufficient to override the limitations on the extent to which a verandah may protrude into a road.

Section 401 gives a council power to order alterations of a building when it is found there is something in its construction which is unsafe or prejudicial to the public interest, or where the building has been erected without permission or in contravention of the plans. Again, if the Licensing Court refused to approve of the alterations required, the Council's efforts would be frustrated.

Section 403 gives the council certain powers over buildings which are certified by the building surveyor to be dangerous. The powers include the right to order the demolition of the dangerous portion.

Section 408 deals with neglected buildings and authorises the council to serve an order to put the building into proper repair, also authorising the council itself to carry out the work if it is not done. The approval of the Licensing Court would be required if any alteration at all is involved.

Section 409 authorises a council to require the renovation of a dilapidated building, and if there is the slightest alteration involved in the order which the council itself may carry out in default by the owner, the consent of the Licensing Court would be necessary.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): This is only designed to amend section 117 of the Act.

The Hon. H. R. ROBINSON: Yes. I am trying to point out that this has an effect on various sections of the Local Government Act; that this amendment is giving the Licensing Court some control over those different sections of the Local Government Act. There are 17 sections of the Local Government Act that it will affect, and that is not taking into consideration the Health Act or the Fire Brigades Act.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): I feel I have allowed the honourable member a lot of tolerance. Standing Order No. 381 states—

> Except when introducing a Bill or by leave of the President, no member shall read his speech.

I think I have been extremely tolerant up to date and I ask the honourable member to bear that in mind.

The Hon. H. R. ROBINSON: Very well; I will not pursue the matter further. I simply make the point that it would affect many sections in the Local Government Act, the Fire Brigades Act, and the Health Act. Already the Licensing Act contains a good deal of authority without clothing it with any more. Therefore, I move an amendment—

> Pages 20 and 21—Delete paragraphs (a) and (b) and substitute the following:—
>
> > by inserting before the word "No" in line one the passage "Unless required in order to comply with a lawful order, demand, requisition or notice issued, made, required or served by a local authority, pursuant to the powers conferred by the Local Governing Act, or the Health Act, 1911, or pursuant to any by-law made under either of these Acts."

The Hon. A. F. GRIFFITH: When dealing with clause 41 originally, I explained that section 117 provides for a penalty of £50 to be imposed on any owner of licensed premises who carries out structural alterations or renovations without first receiving the permission of the court in writing, such penalty being imposed as a result of a complaint under the Justices Act, and such complaint being taken out within six months of the date of unauthorised structural alterations. I understand that because the sittings of the court usually took place about November it was probable —and experience has proved it was possible—that unlawful alterations were not discovered by the Licensing Court inspector, or some other officer in authority, until after six months had expired.

The Hon. H. C. Strickland: On his annual inspection.

The Hon. A. F. GRIFFITH: Yes. Under the Justices Act, if the prosecution was not taken out within six months the prosecution ran out of time. All I am asking the Committee to agree to is to make it lawful for the complaint to be commenced within 12 months after the date of the commission of the offence. This is not the only occasion when Parliament has made an amendment such as this. I am surprised to hear Mr. Robinson express the view that the court is to be given more punitive power, because it is not. The punitive power that is used as a result of a breach of section 117 will remain the same, except that the time for taking action under the Justices Act will be extended from six months to 12 months.

I am not going to debate what took place at the Esplanade Hotel. I can only say that another hotelkeeper in the Fremantle area was saved a great deal of expense as a result of the intervention of the court.

The Hon. R. Thompson: If you saved anything for him you will be on my side.

The Hon. A. F. GRIFFITH: If I disclose the name of the hotel I might immediately get the honourable member on my side. The position is that plans for proposed alterations have to be lodged with the court—a similar provision is contained in every licensing measure throughout Australia—because it is most important for the Licensing Court to know what kind of structure is to be built. If it is not so advised it could subsequently order the structure to be changed, which would be of great inconvenience to the owner of the licensed premises.

The Hon. F. R. H. Lavery: Shire councils have done that to men who own private service stations.

The Hon. A. F. GRIFFITH: When plans are lodged with the court, one copy is immediately sent to the Public Health Department, and another to the liquor inspection branch of the Police Department. No approval is granted by the court until all requirements of the Public Health Department have been met. The approval is generally endorsed as follows:—

> Approved subject to compliance with all by-laws and regulations of the M.W.S.S. & D.D., Public Health Department, and local authority.

This is just not material to what Mr. Robinson said in regard to granting the court more punitive power. It is not to the point at all. It seems obvious that the owner must, under section 117, go to the court and advise that he wants to do such and such. The court, being a good judge of what type of amenities should be provided for not only the drinking public, but for those who desire to stay at hotels, approves of the alterations subject to the notation I have just read to the Committee. Therefore, the approval of the local authority must also be obtained, and the relevant by-laws of that local authority complied with.

As I said previously, the utmost co-operation exists between the Public Health Department and the Licensing Court on these matters. Speaking of the area represented by the north-west members I had occasion to receive some correspondence from a licensee in a northern town. He was very upset because the court supported the town council on certain objections it had to the structural alterations that were

being made to his premises. I can see that my message is being well received by one of the north-west members opposite. On this occasion, the court and the local authority, working side by side, displeased the licensee.

I do not know whether Mr. Robinson realises the true position, but the object of the amendment is only to extend the period from six months to 12 months.

The Hon. H. R. Robinson: Accordingly, that must give the court more power.

The Hon. A. F. GRIFFITH: It gives the court more time in which to prosecute. It does not give it more punitive power. Surely there is good reason for this amendment to operate in the outback areas of Western Australia, because it may not be possible for a breach of the Act to be discovered within six months. If the breach is not discovered within six months no action can be taken, because it is out of time. I repeat, that all the Bill seeks to do is to increase the time for prosecution and nothing else.

The Hon. E. M. HEENAN: The Minister, I think, has correctly stated the position. The only point at issue is whether we are going to agree to depart from the limitation of six months prescribed in the Justices Act for lodging a prosecution.

The Hon. A. F. Griffith: If you debate it on that line I will be quite happy.

The Hon. E. M. HEENAN: If the licensee or owner of licensed premises desires to build another bathroom, subdivide a bedroom, extend a bar, or put in a passage way, he has to submit the plans of the work to the court and obtain its approval. Sometimes hotelkeepers do not submit plans and they are liable to a penalty. Under the Justices Act, all prosecutions have to be commenced within six months of the offence being committed.

If, say, Jones lodges a complaint that, say, Brown has assaulted Jones, or he has used abusive words towards Jones, under the provisions of the Justices Act a prosecution has to be lodged within six months. After that period no prosecution can be lodged. This amendment proposes to make the period for lodging a prosecution twelve months instead of six months, and frankly I am not too keen on the extension. I suppose it is possible for someone to make structural alterations in the city which may not come to the notice of the court until after six months have elapsed, and therefore the court wants to be in a position to prosecute up to a period of 12 months.

I do not like the period being extended, because the longer it is extended the more difficult it is for one to prove his innocence. A person should be entitled to be charged within a reasonable period of an offence he has committed, and the existing provision in the Justices Act has stood the test of time.

The Hon. A. F. Griffith: It has not in this case.

The Hon. E. M. HEENAN: Offences committed under the Licensing Act are not radically different from those committed under the Health Act or other Acts. In the latter Acts prosecution has to be launched within a period of six months. The Licensing Court has the necessary personnel to police the Act, and offences should be detected within a reasonable period. If structural offences are committed I submit a prosecution should be launched within six months. No distinction should be made in the case of the Licensing Act. If the period were extended to twelve months difficulty would be experienced in obtaining witnesses. The reasons given by the Minister do not convince me.

The Hon. A. F. GRIFFITH: Prosecutions under the Traffic Act, for instance, are dissimilar to those under the Licensing Act. Offences under the Traffic Act have to be launched within six months of the date of the offences, but in those cases the offences are discovered on the day they are committed. Under the Licensing Act offences may not be discovered for six to eleven months. The Licensing Court has asked for this provision. Regarding the point raised by Mr. Robinson, I hope the Committee will not agree to it.

The Hon. H. K. WATSON: We are dealing with an amendment which destroys the purpose of clause 41 entirely; it seeks to insert a provision of an entirely different nature. Speaking for myself, the catalogue of possibilities with which Mr. Robinson regaled us was completely demolished by the Minister's explanation. The frightening list which the honourable member referred to contains possibilities which have been in existence since 1911. I have not heard of any occurrences which could cause friction between the various authorities he mentioned. There is a lot to be said in favour of retaining section 117 as it stands, because at least authority will be centred in one court.

Another objection to the amendment is this: Mr. Robinson referred to a recent court case in which litigation took place because the Perth City Council, purporting to act in pursuance of one of its by-laws, instructed a hotelkeeper to demolish the verandah of the building. I understand the Licensing Court did not intervene. The hotelkeeper made application to the Licensing Court for permission under this section we are dealing with to demolish the verandah, but the Licensing Court declined to grant the application. It did not intervene although an application had been made.

The Hon. H. R. Robinson: It had an effect when the appeal went before the High Court.

The Hon. H. K. WATSON: When the case was heard, the court held that section 117 of the Licensing Act overrode the particular by-law.

The Hon. H. R. Robinson: That is what I am trying to tidy up.

The Hon. H. K. WATSON: It is traditional, when a person obtains a court judgment in his favour, that any legislation brought down to override the principle of that judgment expressly excludes the person in whose favour the judgment has been given. Even if this amendment were agreed to, I would insist on the insertion of a proviso that nothing done in respect of this amendment should apply to, or should affect, any person who had received a judgment of the court in his favour. To that extent I submit the amendment is not even complete.

Amendment put and negatived.

Clause put and passed.

Clause 45: Section 123 amended—

The Hon. J. DOLAN: I move an amendment—

Page 23, lines 1 to 9—Delete proposed new subsection (3b).

This clause is unreasonable; and my reason for saying that is that under this provision, it will be obligatory on the licensee to enter particulars of names. Imagine the position of the hotelkeeper during Show week when accommodation is fully booked, and when large numbers of people make application by telegram, by telephone or in person, for accommodation. It will be obligatory on the licensee to enter the name of such applicant, the date, and the hour on which application is made. If the licensee has a reason for refusing accommodation he must enter the reason in writing. This is an unnecessary and unreasonable provision. There would be instances in which the licensee would run the risk of being prosecuted for libel in giving reasons for refusing to make accommodation available.

The Hon. A. F. GRIFFITH: It became apparent to me that the Committee did not want the provision in clause 42 which dealt with the same sort of thing. I do not oppose the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Bill again reported, with further amendments.

Further Recommittal

Bill again recommitted, on motion by The Hon. A. F. Griffith (Minister for Justice), for the purpose of considering the insertion of a new clause.

In Committee

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

New clause 42—

The Hon. A. F. GRIFFITH: I move—

Page 21—Insert after clause 41, in lines 1 to 7, the following new clause to stand as clause 42:—

42. Section one hundred and eighteen of the principal Act is amended by substituting for the words "and beer" in line three of subsection (1) the passage ", beer and spirits".

The purpose of the amendment is occasioned by the fact that the Committee has deleted clause 42 which was intended to amend section 118. We are left with the words in the provision which refer to Australian wine and beer licenses. In another clause we have amended the term to include Australian wine, beer, and spirits licenses. The insertion of the new clause will correct the situation.

New clause put and passed.

Further Report

Bill again reported, with a further amendment, and the report adopted.

LICENSING ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed, from the 31st October, on the following motion by The Hon. E. M. Heenan:—

That the Bill be now read a second time.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [10.32 p.m.]: In size and wording this is an extremely small Bill. It contains only two clauses, and the operative clause is clause 2, which seeks to amend section 39 of the Act. Section 39 deals with some of the responsibilities of gallon licensees under the Act; and in explaining the second reading of the Bill, Mr. Heenan dealt with the three relative subparagraphs of section 39 which are paragraphs (a), (b) and (c). I understood him to say in dealing with (a), which provides that a licensee shall keep a book and shall enter therein, forthwith, after every purchase by him of liquor, for sale under his license, the date of purchase, the quantity and kind of liquor purchased, and the name of the seller, that that would be a normal business practice which a gallon licensee would carry out in any event.

He then went on to tell us of the justification for taking out of that section of the Act the words, "gallon license or" because he said paragraph (b) says, "shall

keep a book and shall enter therein forthwith, after every sale under such license, the date of sale, the quantity of liquor sold, and the name of the purchaser, and "(c) shall produce to any police officer, inspector of licensed premises, or inspector of liquor, on demand, such books and the invoices of all liquor purchased, and copies of the sale notes or invoices of all liquor sold. Penalty: Fifty Pounds.

There is no doubt whatsoever that if the words "gallon license or" were taken out of section 39 of the Act, neither paragraph (a), (b), or (c) would have any application to gallon licensees. Last year, when I introduced to Parliament a Bill to amend the Licensing Act—unfortunately that Bill suffered a fate and did not become law—the gallon licensees made their representations to me on two different bases: first of all, that they be entitled to split the gallon—that is to sell a gallon other than by six bottles—and also that they be entitled to do what this measure now seeks —not register their sales of liquor.

In the first place, I think we have to get the question of the gallon license in its correct perspective. It was granted not as a main source of business, but as an ancillary to a grocer's business. As a matter of fact, Mr. President, you will remember that in 1958 Parliament appointed a Select Committee to look at the Licensing Act, and that Select Committee came forward with a good many suggestions, many of which, from memory, were put into effect in subsequent years. Some of the provisions in the Bill introduced last year and in the Bill I introduced this year were as a result of recommendations contained in the findings of that committee.

The Hon. F. R. H. Lavery: It was about five years ago.

The Hon. A. F. GRIFFITH: It was in 1958. Not only did this committee recommend that the gallon should not be split and that a gallon licensee should have to put the name of the purchaser in his book when he sold liquor, but it recommended that the address of the person to whom the liquor was sold should also be entered in the book. Now we see this measure tonight.

The Hon. A. R. Jones: We see the folly of our ways.

The Hon. A. F. GRIFFITH: That is questionable; but from the point where this Parliamentary Select Committee recommended in this way—no doubt after giving due consideration to the matter—we now find there is a move to take away this requirement. I do not support it and not only because of the views expressed by the committee. The police do not like the idea, because it would restrict their opportunity to keep a better control. They fear that illicit sales will be likely to go on if this Bill becomes law. The court also is not favourably disposed to the idea.

There is not very much more that anyone can say about this particular measure. The recommendations of the Parliamentary Select Committee were these—

(i) That the name of this particular license be changed to "Grocer's Gallon License" thus denoting its affiliation with the trade of a grocer.

(ii) With regard to the suggestions of the Licensees themselves, your Committee is not prepared to recommend the sale of single bottles or to recommend any departure from the present quantity of one gallon. It is believed that any such alteration would undoubtedly be exploited and lead to abuses.

(iii) It is recommended that an amendment be made requiring Licensees to record the addresses as well as the names of all purchasers of liquor. The purpose of such an amendment would be to achieve greater efficiency in the policing of the Act.

(iv) It is also recommended that a further amendment be made stipulating that the License shall not be granted to or carried on by any person except in conjunction with and as part of a genuine grocery business.

We have heard a great deal tonight about hotels and the part they play in the community; the difficulties people have in being supplied with meals; and the problems of the outback hotels. All of this, which may not have been so relevant to the argument at the time, is relevant to this measure, because it is simply a situation where we have to keep our licensing laws and the privileges extended to people under those laws in the right perspective. That is a difficult problem. We have had the inroad of clubs into the business of a licensed hotel. There is no doubt that the coming into being of clubs—

The Hon. F. R. H. Lavery: They have closed hundreds of hotels.

The Hon. A. F. GRIFFITH: —has done the hotel trade quite a considerable amount of damage; but we cannot fly in the face of Providence. People want clubs; and they are entitled to have them, because the law provides that they shall have them. But, of course, the clubs do not have to provide any accommodation. The gallon licensees do not have to provide any accommodation. It is no use complaining that they are not prepared to serve a meal, or provide a bed, because there is no requirement or obligation on them to do that. It is purely a question of their being granted a license within the meaning of the Licensing Act as an ancillary to a grocery business to sell liquor in certain quantities.

Under this section the police are required to police the sales of liquor, and they are not enamoured of the amendment. The Select Committee on licensing, as I said, came down quite strongly with the point of view that not only should the name be recorded, but also the address, in order that a better check could be kept. I have heard it said in this House that anybody who goes in to buy a gallon of liquor is embarrassed by the fact that he has to put his name down, and that people write names that are not their own.

The Hon. F. R H. Lavery: He does not have to do that when he goes into a hotel.

The Hon. A. F. GRIFFITH: Of course not, because it is entirely a different type of premises. The person going into a hotel can buy liquor in a bottle, in a glass, and in a number of different ways; but the conception of a gallon license was that it be attached to a grocery business as an ancillary. It was never intended that it be the main part of the business. Naturally enough, hoteliers are not happy with this amendment, because they feel it may do their trade more damage—that is the view that has been expressed to me—than has already been done.

The Hon. D. P. Dellar: What does it cost a grocer per year to have a gallon license?

The Hon. A. F. GRIFFITH: I could not say off-hand. I do not know what the fee is, but it is commensurable with the function performed. I now have the Act and find that the fee is £15. That is all he pays in respect of the right to sell this liquor.

The Hon. J. G. Hislop: Is there a great harm in splitting the gallon?

Hon. A. F. GRIFFITH: I think so; and that is something which the gallon licensees have not pursued on this occasion. They wanted to sell liquor at one time by the single bottle; but, frankly, I would not agree to placing a Bill before Parliament giving them that permission. I thought it would not be the right step to take.

In regard to the question of giving a person's name, what shame is there in going into a gallon licensee's premises, asking for a gallon of liquor, and saying, "My name is Arthur Griffith" or "Bill Jones" or whatever it is? Why must I give a false name?

The Hon. R. Thompson: You might be ashamed if they recognised you.

The Hon. A. F. GRIFFITH: I would not be ashamed, because I have nothing to be ashamed of—at least not in this respect. It is purely a question of purchasing a gallon of liquor and giving one's name; and why should one give a false name?

The Hon. L. A. Logan: If you had it put on the slate you would have to give a false name.

The Hon. A. F. GRIFFITH: I never use the slate. Originally it was provided in the Act that one's name should be given to enable the police to keep a check on the activities of licensees who hold gallon licenses. Bearing in mind that we have dealt extensively tonight with the restrictions and conditions that apply in connection with the issue of many other types of licenses, I think it would be a retrograde step to take out of the Act something which has been there for so long. It simply requires one's name to be given and not, as the committee suggested, one's address; and no great harm will come from retaining this requirement. Therefore I hope the House will not agree to passing this Bill.

THE HON. H. C. STRICKLAND (North) [10.47 p.m.]: As the Minister said, the provision has been in the Act for a long time; and in my opinion it is time it was pensioned off. I cannot see that it serves any useful purpose. The Select Committee submitted its recommendations five years ago and there have been many amendments to our licensing laws since that time. I can recall when not many years ago it was an offence for a licensee to allow singing to take place in his hotel. We now see vaudeville shows in many hotels around the city and the suburbs. A licensee was at one time prosecuted if he allowed any form of singing on his licensed premises. There has been a complete change in that direction, and it has fitted in with public opinion and popularity.

This is a bookkeeping function. That is all it is. It is the registering of the names of all those who purchase a gallon of beer from a gallon licensee. Records have also to be kept by two-gallon licensees and spirit licensees. A gallon license used to be an adjunct to a grocery business, but that has changed. I could name two firms in Carnarvon—Elder Smith & Co. and Dalgety & Co.—both of which hold gallon licenses and no longer sell groceries. It was a recommendation of the Select Committee that they should no longer hold gallon licenses. If the Minister followed the recommendation of the Select Committee, both companies that I have mentioned should lose their gallon licenses. Those companies no longer sell groceries of any kind.

The Act requires modernising from time to time. To ask a gallon licensee to record the purchaser's name in connection with each sale seems to be outdated. Originally gallon licenses were introduced to enable people to order liquid refreshment when they placed their grocery orders. If a person wanted to buy a gallon of beer and he did not wish to give his name, then he could go to a hotel for his supply. The gallon licensee might lose some trade to the hotel.

There are gallon licensees within a short distance of Parliament House. Their main sales consist of liquor, not groceries. They keep a few lines of refrigerated foodstuffs and tinned foodstuffs, but the tins are merely on the shelves. They are always

more expensive than at other stores, such as Freecorns, Toms, and so on; also, their turnover is very small.

There is a gallon licensee in Hay Street. I have noticed that the premises are open until 10 o'clock at night for the sale of liquor. There is another one further down Hay Street, towards Coghlan Road. Those premises were taken over some 20 years ago and it was turned into a large gallon license delivery business. The business sells nothing less than a gallon. It can sell cases of beer, but nothing less than a gallon. I cannot see the necessity for a gallon licensee to register a sale. This seems to be something that has been imposed upon him.

I cannot see how the police can trace illicit sales through a gallon licensee, and there are no records kept of sales through the numerous hotels and clubs. Why would anybody who is engaged in the illicit traffic of liquor go to a place where he is required to leave his name? He could obtain his liquor from a hotel. I cannot agree with the Commissioner of Police on that aspect. Mr. Heenan's suggestion will mean the removal of something which appears to be a burden on gallon licensees. The provision is out of date in my opinion.

THE HON. R. THOMPSON (West) [10.55 p.m.]: I support the motion moved by Mr. Heenan. I do so for a very good reason. The provision in the Act is a pious one. It is not policed at all. I have checked the position with five persons who hold gallon licenses. One told me that he was asked whether he kept a book, but the book was not even looked at. If the majority of the holders of gallon licenses in the metropolitan area did anything wrong, someone would soon let the police know; and if people in country districts or in remote areas did anything wrong, they would not harm any hotels because they would be too far away from any hotel or from any policeman, and they are not likely to be caught.

When we enter a gallon licensee's store and ask for a gallon of beer, as we leave the store the proprietor asks, "What is your name?" Is that not ridiculous? I have had experience of this, and I know what I am talking about.

The Hon. A F. Griffith: What name did you give?

The Hon. R. THOMPSON: I have always been proud to use my own name. I could go to a vineyard or to any winery and purchase any number of bottles of wine; and my name would not be asked for.

The Hon. F. J. S. Wise: Or purchase cases.

The Hon. R. THOMPSON: Yes. I cannot see any legitimate reason why one's name should be recorded. Let us consider the question of cut prices. Some of the larger grocery stores sometimes advertise beer at a lower price. What would one's name mean to those stores? What would it mean to an inspector who went into those stores? I commend Mr. Heenan for his Bill, and I hope it will be passed.

THE HON. N. E. BAXTER (Central) [10.58 p.m.]: I propose to be brief. I consider this to be one of those very old provisions put into the Act many years ago. In those days Perth was a sparsely populated city, and storekeepers knew their customers by their Christian names. They knew their customers as "Tom Brown", "Bill Jones", and so on. Today it is an entirely different matter, and there is no useful purpose in retaining the provision in the Act.

The Minister referred to a recommendation of a Select Committee held in, I think, 1958. I should like to point out that there was no Select Committee on licensing held in that year. There was an all-party committee comprising only the Country Party and the Labor Party as the Liberal Party declined to participate. The recommendation to include one's address—which the Minister now tries to uphold—was not carried out by the present Government. It refused to take the archaic provision out of the Act. I would like to say that any policeman or inspector who went into a gallon licensee's premises and looked at the proprietor's book would not know where the persons, whose names would be in the book, could be located. Those persons might come from another suburb and it might take weeks to locate them. The provision is an old one and should be taken out of the Act. I support the Bill.

THE HON. G. C. MacKINNON (South-West) [10.59 p.m.]: I agree that this provision is an old one. It is interesting to read the debates which took place when the measure was before Parliament in 1917. Members were speaking about liquor, and everyone was complaining bitterly about talking about liquor during the hot weather. It is obvious that the measure was introduced to prevent slygrogging, which was rampant—and in some areas it might exist at the present time. At that time people were purchasing beer and booking it up as axe handles. The Attorney-General commented on the fact that liquor was issued out as axe handles.

The other day I asked a question by way of interjection about the age at which children could purchase liquor when this amendment was brought in, and I was told that it is now 21 years of age in Western Australia. When this provision was introduced children of 16 years of age could purchase liquor.

The Hon. R. Thompson: We have gone backwards since then!

The Hon. G. C. MacKINNON: Things have changed. Apparently in those days they had the same problems as we have, because Mr. Taylor said that holders of gallon licenses were not supposed to sell less than a gallon, but they did and they put it down under sales of groceries, etc., and these licensees were making their profits by selling single bottles.

If that practice has been stamped out by the requirement to keep names, then it would be a very good argument for the retention of the provision. I notice that The Hon. Philip Collier complimented the Attorney-General on his efforts to secure greater restrictions in respect of the sale of liquor under gallon licenses. I gained the impression from reading the debate that this provision was in the nature of an experiment, and it was introduced for that purpose, and to see if the provision would help to control the position.

It must have done something in that direction because it has remained in the Act and was not withdrawn by the gentlemen I have mentioned. Apparently the experiment met with some success. When the provision was introduced, no-one expected it to solve all the problems of gallon licenses; but the grave dissatisfaction that existed then led them to make some firm efforts to do something about it. Members then referred to bumboats which, I am told, were a type of wagon that used to travel from mine to mine throughout the mining areas. Apparently the drivers used to take cases of assorted meats which were purchased from gallon licensees, but in fact they were cases of whisky and they were sold under a sly grogging business.

So these various restrictions have been brought in to meet the problems which arose throughout the years, and, so far as I am concerned, I have not heard any valid arguments put forward to prove that these problems will not arise again if the requirement in the Act is deleted. Perhaps it should be more rigidly enforced. The police were anxious for it to be introduced in the first place, and apparently they are anxious that it should remain as it has been in force since 1917.

The various arguments put forward do not allay my fears that the same problems as were apparent in the days when the provision was inserted in the Act by some very worthy members of Parliament will not recur. Therefore I oppose the measure.

THE HON. F. R. H. LAVERY (West) [11.4 p.m.]: The provision that this Bill proposes to delete reminds me of the bung and the barrel, and the bung-hole in the barrel, because the bung-hole is nothing without the barrel. In the same way I believe that the provision which is now in the Act is nothing, or is worth nothing, unless it provides for the address of the purchaser as well as the name.

It cannot be denied that in this matter a great number of people are avoiding their responsibilities, first of all by purchasers not giving their correct names—or that is what we are suggesting in this House tonight, although we do not know whether it is right or wrong because there is no way of proving it—and, secondly, because some gallon licensees, where more than normal quantities of liquor are sold, are filling in their books several days later, and after their stock has disappeared from their shelves. If a situation such as that is occurring in actul fact, is it not becoming Gilbertian?

Therefore, I believe it would be a very good idea to remove the provision from the Act. If that is done I am sure this time next year an amendment to the Act will be introduced which will tighten up the section in the parent Act and it will mean a greater control of the gallon license system.

I think it must be admitted that hotel proprietors throughout Australia have had a belting because of the issuance of licenses to clubs. One sees advertisements in the Press inviting people to purchase more than a gallon of liquor from these licensed premises and if that is done the liquor will be provided at a cheaper rate. If we ask hotel proprietors to provide a service, surely we must exercise some control over gallon licensees. We glibly ask hotel proprietors to improve their accommodation, etc., to encourage tourists to this county, and we must give them something in return.

There are so many gallon licenses in the city at the moment that I am quite satisfied it is impossible, or almost impossible, for the staff of the Liquor Branch to provide sufficient inspectors to inspect the books to see whether or not they are properly kept. Why be facetious about it and say that we are doing the right thing by leaving this provision in the Act when it means nothing at all?

As far as I am concerned, personally, I do not care whether it stays in or whether we take it out, but I really believe that we are not doing the right thing if we leave the provision as it now stands in the Act. By removing it I am sure we will have a more sensible type of legislation brought before us next year. As everybody knows, I am a teetotaller but I would like to have in my pocket the money I spent in hotels over the years on liquor. I am not a prohibitionist, but I believe some sort of control should be exercised over the dispensing of liquor, whether it is through hotels, through clubs, or through gallon licenses.

I am concerned with the amount of liquor that youths under the age of 21 are able to take away in cars; because before the end of the night many of them

are dead persons. How often do we read where the coroner says that the young people, and even the older people—but it is really the young people with whom I am concerned because they have not lived a full life—have been under the influence of liquor? It happens with accident after accident. I might say, too, that I do not always agree with the decisions of the coroner; and even though he may be the coroner I sometimes think he speaks out of turn. Someone has to say these things, and someone has to speak plainly about the matter.

However, to get back to the Bill, so far as hotel proprietors are concerned, I think they have had a reasonable sort of bashing from the clubs, and if there is to be a complete freedom, and gallon license holders are to be able to build up their trade, with the resultant high profits, I think we should have more control over them. In the hope that some better type of legislation controlling the sale of liquor by gallon licensees will be introduced next year, I think I should support the measure; but I have an open mind about it at the moment.

THE HON. E. M. HEENAN (North-East) [11.10 p.m.]: I will be very brief because this Bill has been well debated and some good points have been made. It is not a world-shaking proposal and I think Mr. Lavery, Mr. Baxter, and Mr. Ron Thompson hit the nail on the head when they said that at the present time the provision is a pious one.

The Hon. F. R. H. Lavery: It is not worth anything.

The Hon. E. M. HEENAN: I have an idea Mr. Lavery used the word "useless". However, that is borne out by members of the public who patronise these gallon licenses, and by the gallon licensees themselves. As a matter of fact one does not have to give one's name. The obligation is on the gallon licensee to enter the name after one has bought the liquor.

I want to make it perfectly clear again that this small measure is not in any way designed to enable the holders of gallon licenses to break the law by selling single bottles. I said earlier that if I honestly believed the Bill in any way enabled them to do that I would not proceed with it. But the provision in its present form is silly and vexatious to the holders of the licenses, and it is annoying to the public.

If a person wants to buy a half-dozen bottles of wine he can go to a hotel and no questions are asked; he can go to a club and no questions are asked; he can go to a wine saloon, or an Australian wine and beer license, such as the Alhambra Bars, and no questions are asked. Mr. Ron Thompson said that one can go to some of these vineyards which are licensed and buy one's requirements. Therefore, why is the holder of a gallon license singled out for this treatment?

Obviously away back in 1917 it was inserted in the Act, probably at the suggestion of the police who thought it would be a useful way of controlling these licensees; but from what I am told, and I have done some research into the matter, it is of no use in the control of policing of gallon licenses because the names are fictitious—

The Hon. F. R. H. Lavery: That is a true statement.

The Hon. E. M. HEENAN: —in a lot of instances. So what is the use of putting down the name Jones, Brown, or Thompson?

The Hon. J. Dolan: You would not know which Thompson it was.

The Hon. E. M. HEENAN: It would make some sense if one had to give one's address, but that is not so. It would make some sense if one had to make a statutory declaration, but there is nothing like that. If gallon licensees make a practice of selling single bottles, that I think is the only objection hotelkeepers could have. If they sell single bottles they break the law and they are up for a pretty heavy penalty. Then, at the end of the year, the Licensing Court can take away their licenses if they start selling single bottles.

The word quickly gets around that one can get single bottles from a certain gallon licensee. That soon gets to the ears of the police and it is not long before a policeman in plain clothes asks for a single bottle. That is how it is done.

This is not an earth-shaking proposal. There have been a few old provisions in the Licensing Act, such as having to maintain stables, and provisions about inquests, which have been wiped out. I think this should be tidied up in a manner which will do overdue justice to the holders of the licenses concerned.

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

Ayes—17

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

Noes—12

Hon. C. R. Abbey	Hon. A. L. Loton
Hon. A. F. Griffith	Hon. G. C. MacKinnon
Hon. J. Heitman	Hon. R. C. Mattiske
Hon. J. G. Hislop	Hon. H. R. Robinson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
	(Teller)

Majority for—5.

Question thus passed.

Bill read a second time.

House adjourned at 11.20 p.m.