

number, surely we would be justified in suggesting it follow a similar procedure in relation to nominating three members, if it agrees to the motion and agrees to nominate on the same basis as is proposed for the Legislative Assembly.

I do not like this amendment at all really, because it proposes to give to the Government four members and to the Opposition two members. The proportion there, in my judgment, is most unreasonable; and, therefore, unfair. I should think if we had a committee of, say, seven and the Government had four and Opposition three, that would be much fairer and much better in proportion to the total number of members the Government has in the Parliament compared with the total number of members the Opposition has in the Parliament.

However, I think the honourable member for Subiaco might at least suggest in his amendment to the Legislative Council that it follow the same procedure in relation to the appointment of its three members, if it agrees to have anything to do with the motion, as we are asked to do by this amendment in this House. That would at least ensure that the Opposition in the Legislative Council would get one of the three members to be appointed from down there, if the Legislative Council finally agrees to appoint three. If we leave it as it is, it is open to them; and we are sort of suggesting the Legislative Council should conduct a secret ballot by requesting it to appoint three members to the committee and in not laying down any suggestion as to how it may appoint them. I think honourable members there would probably be much happier if we did suggest in this amendment they follow the same line as the Assembly will shortly approve, I presume, in relation to the appointment of the Assembly members.

**MR. BURT** (Murchison) [9.54 p.m.]: I thank the honourable member for Subiaco for bringing forward this amendment. When speaking to my original motion this afternoon I concluded with these words—

If this motion is carried I shall move a consequential motion that the proposed committee consist of six members, being one member from each party in both Houses.

I think what I meant is pretty clear there. Apparently my desire to move a consequential motion was not quite correct and the matter has been adequately covered by the amendment moved by the honourable member for Subiaco. I think members of the House realise that the idea is to have three members from each House, and each member to be representative of a separate party in each House.

**Amendment (to add words) put and passed.**

**Motion, as amended, put and passed.**

*House adjourned at 9.55 p.m.*

# Legislative Assembly

Thursday, the 24th September, 1964

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

## PRESBYTERIAN CHURCH ACTS AMENDMENT BILL

### Returned

Bill returned from the Council without amendment.

## QUESTIONS ON NOTICE

### VETERINARIANS IN COUNTRY AREAS

#### Number in Government Employment

1. Mr. RUNCIMAN asked the Minister for Agriculture:

- (1) How many veterinarians are employed by the Government?
- (2) How many of these are employed in the country and where?

#### Number in Private Practice

- (3) What is the number of veterinarians in private practice in Western Australia?
- (4) How many are practising in country districts?

Mr. LEWIS (for Mr. Nalder) replied:

- (1) 19.
- (2) Eight.  
Geraldton, Moora, Bunbury, Albany (2), Manjimup, Narrogin, Esperance.
- (3) 22.
- (4) 10.

## RETICULATION SCHEME AT ESPERANCE

### Connection with Private Homes

2. Mr. MOIR asked the Minister for Water Supplies:

- (1) Is he aware that applicants at Esperance who desire to be connected to the reticulation scheme are at present being advised by the department that no further connections to homes will be undertaken at present?
- (2) Will he take immediate action to ensure that applicants who have had to build new homes as a result of having their present homes resumed for the railway extensions are supplied with water to operate septic installations, etc., in order that they may occupy their new homes without delay?

Mr. WILD replied:

- (1) Yes; but all newly constructed houses are given a service as required.

Until the new service tank is complete, it is not possible to supply all consumers. Applications are considered on their merit.

- (2) Yes.

## LAND CONDITIONS IN NORTH- WEST

### Newspaper Article on Aridity

3. Mr. NORTON asked the Minister for Agriculture:

- (1) Has he now read the news item published in the *Northern Times* on the 23rd April, 1964, headed "North-West Becoming a Desert"?
- (2) If so, does he agree with the statement either in whole or in part?

### Government Action to Combat Erosion

- (3) What action is his department taking to see that the erosion particularly on the Gascoyne, is halted?

Mr. LEWIS (for Mr. Nalder) replied:

- (1) I have now read the article referred to. It is almost word for word with the news item which

appeared in *The West Australian* on the 16th April, "Study Shows Danger of Northwest Desert".

- (2) I agree with the substance of the article, which drew attention to the dangers if poor management of pastoral areas continued unchecked. The headline used by the *Northern Times* is, however, an overstatement.
- (3) The department is continuing to advise pastoralists on corrective measures, including improved management techniques.

## WATER RATES IN COUNTRY DISTRICTS

### *Concession to Pensioners*

4. Mr. KELLY asked the Minister for Water Supplies:

Will any allowance be made under the new water rating system in country areas in the case of pensioners?

Mr. WILD replied:

Under the proposed new water rating system in country areas pensioners will continue to be exempt from payment of rates under the provisions of the Pensioners (Rates Exemption) Act as at present.

The question as to whether there will be an allowance of water for pensioners will be determined prior to the implementation of the proposed new system.

## STATE HOUSING COMMISSION HOMES AT MERREDIN

### *Construction and Allocation*

5. Mr. KELLY asked the Minister representing the Minister for Housing:

- (1) How many State Housing Commission homes have been built in Merredin during the past 12 months?
- (2) How many are in the course of construction?
- (3) How many have been allocated but not yet commenced?
- (4) Of the above in each case, how many have been allocated to railway employees?
- (5) How many applicants are still on the waiting list?
- (6) Of these, what number are railway employees?

Mr. BOVELL (for Mr. Ross Hutchinson) replied:

- (1) Six.
- (2) Five.
- (3) Five.

- (4) Of six houses completed in (1) above, three have been allocated to railway employees. Allocations for (2) and (3) will be made to emergent or turn-reached applicants when houses are nearing completion.
- (5) 28 applicants. There is a vacancy turnover of 25 rental homes per annum.
- (6) Four.

## ELECTRICITY SUPPLIES: STEEL POLES

### *Substitution for Wooden Poles in Towns*

6. Mr. WILLIAMS asked the Minister for Electricity:

- (1) As all recent major projects such as the Narrows Bridge and its approaches have steel poles carrying the street lighting, is it accepted by the Government that where aesthetics are important, steel or metal poles are preferable?
- (2) If so, then would not the argument in favour of steel poles be of equal force in town localities?

### *Erection at Property Owners' Cost*

- (3) If financial considerations are the main reasons for erection of wooden poles in these positions, would the Government give consideration to allowing property owners to pay the cost of erecting steel poles, if the owners so desire?

Mr. LEWIS (for Mr. Nalder) replied:

- (1) Aesthetics must be balanced against economics. It was possible to get an economically-priced steel pole to support one street light for such places as the bridge approaches. The poles on the bridge were part of the structure and cost eight times those on the approaches.
- (2) No.
- (3) First cost is not the only consideration; e.g., steel poles are costly to maintain and require specially trained linemen.

## SWAN RIVER: POINT WAYLEN PROJECT

### *Details of Reclamation Work*

7. Mr. TONKIN asked the Minister for Works:

- (1) What quantity of spoil has been dredged from the Swan River and spread in the vicinity of Point Waylen, Attadale?
- (2) What area of the Swan River has been filled in in connection with this project?
- (3) Has the work been completed?

Mr. WILD replied:

- (1) From Haig Road upstream to Point Waylen, 38,275 cubic yards have been dredged and spread.
- (2) The area on which dredged sand has been spread is not considered to be part of the Swan River as it is a low lying land area covered with rushes, trees and scrub vegetation. Naturally at some states of a high tide, fringes of the spread fill extend a short distance into the water.
- (3) No.

#### MINERAL SANDS DEPOSITS

##### *Applications for Leases in Cheyne Bay Area*

8. Mr. HALL asked the Minister representing the Minister for Mines:

- (1) Have the mineral sand leases in the Cheyne Bay area, Albany, recently been applied for?
- (2) If so, how many applicants were there and what were their names, and who were the successful applicants?

##### *Number, Leaseholders, and Future Action*

- (3) How many mineral sand deposits are known to exist in the Albany area and what are the names of the persons or companies holding such leases?
- (4) Can he advise the intentions of persons or companies with regard to the working of these deposits, and when is it anticipated that mineral sand leases will be removed from their state of dormancy by industrial action?

Mr. BOVELL replied:

- (1) and (2) The only applications for mineral sands in the Cheyne Bay area not yet granted are:

Nine dredging claims applied for by Hancock Prospecting Pty. Ltd. at Doubtful Bay Island and Hassell Beach.

Two mineral claims applied for by Laporte Titanium (Australia) Ltd. at Hassell Beach.

- (3) Mineral sands of varying quality are known to occur in scattered quantities along the south coast. There are 16 claims already granted along the coast, east of Albany. They are held by F. A. Moore, Hancock Prospecting Pty. Ltd., N. F. Garnett, and F. A. de V. Pinchin.
- (4) Exploration is still taking place and holders are endeavouring to interest suitable companies in regard to exploitation of the deposits which on present knowledge are somewhat small in quantity of black sands.

#### FLOODING AT CANNINGTON

##### *Elimination at Nicholson Road Bridge Area*

9. Mr. D. G. MAY asked the Minister for Works:

- (1) Is he aware of the continual flooding being experienced each year in the Nicholson Road bridge area, Cannington?
- (2) Is he further aware that it was necessary for several families to be evacuated from this area with resultant loss of personal effects?
- (3) If the answer is "Yes," will he indicate what action is envisaged by his department to eliminate the flooding in this area, with a view to providing adequate security for the people concerned?

Mr. WILD replied:

- (1) Yes.
- (2) Yes.
- (3) The houses concerned have been built in the flood plain of the Canning River and have been flooded in abnormally wet years. They could only be protected by some miles of levee bank and the provision of costly pumping. In view of this no action is envisaged.

#### DRAINAGE IN JOONDANNA DISTRICT

##### *Increase in Rates: Properties Affected*

10. Mr. W. HEGNEY asked the Minister for Water Supplies:

- (1) What are the approximate boundaries within which residents of Joondanna district have been charged an additional 4d. in the pound on the annual value for main drainage purposes?
- (2) What is the approximate number of ratable properties which will require to bear the additional impost?

##### *Anticipated Revenue and Cost of Scheme*

- (3) What amount of extra revenue is expected from the increased charges in this proposed main drainage area?
- (4) What are the approximate boundaries of the proposed scheme?
- (5) What is the estimated total cost of the scheme?

Mr. WILD replied:

- (1) The approximate boundaries of this area are as follows:—

Hector Street from midway between Banksia Street and Wanneroo Road, easterly to

the intersection of Hector Street and Lockwood Street; thence southerly in Lockwood Street to McDonald Street; thence south-easterly to the intersection of Swanston and Collins Streets; thence generally in a southerly direction to the intersection of Beverley Street and Armadale Crescent; thence south-westerly to the intersection of Elma and Charles Streets; thence northerly in Charles Street to a mid point between Elsemere and Green Streets; thence generally westerly to the intersection of Matlock and Blackford Streets; thence north-westerly to Joondanna Drive; thence northerly generally on the line of Stoneham Street to Roberts Street; thence north-easterly to Hector Street midway between Banksia Street and Wanneroo Road.

A full technical description of this area known as the Powell Street Extension to Main Drainage District No. 1 was given in the *Government Gazette* on the 19th June, 1964, pages 2453-2454.

- (2) 1,320.
- (3) Main drainage rates amounting to £2,943 have been levied for 1964-65 on the area defined in (1).
- (4) The proposed ultimate catchment boundaries can be described very approximately as extending the area referred to in (1) above, as follows:—

Northerly from the intersection of Roberts and Stoneham Streets to the intersection of Milner and Huckle Streets; thence easterly to the intersection of Milner Street and Woodchester Place; thence north-easterly to the intersection of Cobham Avenue and Osborne Park Road; thence southerly to the intersection of Milner Street and Hayes Avenue; thence south-easterly to the intersection of Cleveland and Valerie Streets; thence south-westerly to the intersection of Beverley Street and Armadale Crescent.

- (5) Preliminary estimates for the total cost of the ultimate scheme are in the vicinity of £120,000.

11. *This question was postponed.*

## RABBIT-PROOF FENCE MAINTENANCE

### *Discontinuance from Burracoppin South*

12. Mr. KELLY asked the Minister for Agriculture:

- (1) Has consideration been given to the possible discontinuance of maintenance to the section of the rabbit-proof fence from Burracoppin south?
- (2) If so, with what result?

Mr. LEWIS (for Mr. Nalder) replied:

- (1) Yes. The section is to be retained for at least a few years until the effects of the new Yilgarn vermin fence are ascertained.
- (2) The new fence has only just been completed so it is too early to assess results.

## TERMINAL SHOPS AT MIDLAND

### *Letting Arrangements*

13. Mr. BRADY asked the Minister for Railways:

- (1) Has a decision been made with respect to nature of letting new terminal shops at Midland to clients interested—
  - (a) Will they be on weekly rental?
  - (b) Will they be leased?
  - (c) Will any be run by railways such as tearooms?
- (2) Will Midland firms or residents be given preference for new shops?

Mr. COURT replied:

- (1) No.
- (2) It is too soon to be specific about this.

## STANDARD GAUGE RAILWAY

### *Embankment at West Midland, and Dual Gauge Line*

14. Mr. BRADY asked the Minister for Railways:

- (1) Is the embankment carrying the standard gauge railway at West Midland to be raised above the existing height?
- (2) Will a dual gauge line be built to connect with Kewdale from Midland?
- (3) Will the base of the embankment be widened from the present width?

Mr. COURT replied:

- (1) No.
- (2) No. There will be separate narrow and standard gauge lines.
- (3) Yes.

## LAND RESUMPTIONS FOR RAILWAY PURPOSES

### *Payments to Swan View Property Owners*

15. Mr. BRADY asked the Minister for Railways:

- (1) Have residents at Balfour Road, Swan View, been paid for land resumed for railway purposes?
- (2) If not, how many people are disputing valuations in this area?

Mr. COURT replied:

- (1) Of the 10 properties involved, payment has been made for eight and one is in process of payment.
- (2) One.

## STANDARD GAUGE RAILWAY

### *Route at Bellevue and Land Resumptions*

16. Mr. BRADY asked the Minister for Railways:

- (1) Has there been an alteration in proposed route of the standard gauge line at Bellevue necessitating additional land resumptions?
- (2) Are residences Nos. 2 and 4, Bellevue Road, Bellevue, to be resumed for the new route of line?

Mr. COURT replied:

- (1) No.
- (2) No.

## POLICE STATION AT MIDLAND

### *New Building*

17. Mr. BRADY asked the Minister for Police:

- (1) Have tenders been called for the new police station at Midland?
- (2) When is it expected the police station will be opened?

Mr. BOVELL (for Mr. Craig) replied:

- (1) No.
- (2) Funds have been provided in this year's Estimates and it is hoped the building will be completed before the end of the year.

## EAST CANNINGTON STATE SCHOOL EXTENSIONS

### *Approval for Bricks Used*

18. Mr. D. G. MAY asked the Minister for Works:

- (1) Has a building inspector from his department approved the use of the type of bricks being utilised in the construction of the classroom extensions at the East Cannington State School?
- (2) If not, will he arrange for an immediate inspection and advise the result of the inquiries?

- (3) If approval was given, will he arrange for a further inspection of both interior and exterior bricks being utilised and advise the result of the inspection?

Mr. WILD replied:

- (1) Yes.
- (2) Answered by (1).
- (3) A recent inspection of the bricks has been carried out by officers of the department who report that the "run of kiln" pressed bricks for external work and the wire cuts for interior work will, in the final job, be satisfactory both structurally and aesthetically.

## MOTOR VEHICLE LICENSES

### *Concessions for Pensioners*

19. Mr. DAVIES asked the Minister for Police:

- (1) Has consideration been given to allowing licensing concessions to pensioners owning motor vehicles?
- (2) If so, with what result?
- (3) If not, will he give consideration to introducing such concessions?

Mr. BOVELL (for Mr. Craig) replied:

- (1) Yes.
- (2) In accordance with existing policy, free licences are being approved for issue to totally and permanently incapacitated ex-servicemen and civilian invalid pensioners.
- (3) Answered by (2).

## ELECTRICITY AND GAS CHARGES

### *Concessions for Pensioners*

20. Mr. DAVIES asked the Minister for Electricity:

- (1) Has consideration been given to introducing concession charges for gas and electricity supplied to pensioners?
- (2) If so, with what result?
- (3) If not, will he give consideration to introducing such concessions?

Mr. LEWIS (for Mr. Nalder) replied:

- (1) Yes.
- (2) and (3) It was decided to charge standard rates which are fair to all.

## STATE ENGINEERING WORKS

### *Transfer of Machines to Private Enterprise*

21. Mr. TONKIN asked the Minister for Works:

- (1) How long have the machines which are to be taken away from the State Engineering Works and made available to a private firm been in use?

- (2) Is it not unusual and most remarkable that machines of such age should be sought by a private firm unless there was an ulterior motive?
- (3) Is the purpose of the Government's action to deprive the State Engineering Works of productive capacity thus giving Doncaster Hadfields a virtual monopoly of heavy forging?
- (4) Was not this or a similar proposal to take forging machines from the State Engineering Works mooted about four years ago?
- (5) Was the proposal then dropped by the Government because of strong opposition from Fremantle businesses?
- (6) What value has been placed upon the machines to be taken?
- (7) As the indirect effect on the works of the removal of forging capacity cannot be assessed, how is the Government able to determine the number of employees who will be retrenched?
- (8) What are the "satisfactory arrangements" which have been made in respect of the three tradesmen likely to be affected?

Mr. WILD replied:

- (1) The dates vary. As far as can be ascertained from the records, the dates of supply were 1901, 1911, and 1926 in respect of items of the main equipment. In view of these dates some of the plant was apparently in use elsewhere before being installed at the State Engineering Works. The Kieserling upsetting machine was supplied in 1953.
- (2) The action taken is neither unusual nor remarkable. There is no ulterior motive.
- (3) No. The State continues to participate in the forging industry and as part of a modern, diversified, and expanding forging works instead of in the present restricted way.
- (4) and (5) Not known to the Government.
- (6) £10,000.
- (7) The works manager is able to assess with reasonable accuracy the effects on the work force of the transfer of the equipment.  
There are only three tradesmen who it appears might be surplus to the State Engineering Works requirements. A final decision on whether some or all will be offered employment within the State Engineering Works or in the new company has yet to be made. It

is possible they may continue with the State Engineering Works because of some new work in prospect. In either case their employment is provided for under the arrangement with the new company.

(8) Answered by (7).

## RAILWAY CROSSING FUND

### *Receipts and Disbursements*

22. Mr. GRAHAM asked the Minister for Transport:

With reference to the metropolitan area railway crossing fund account:—

- (1) Will he supply particulars of receipts and disbursements respectively for each year since the inception of the fund?

### *Orders for Flashing Lights and Boom Gate Equipment*

- (2) On what date did the Government place orders for 50 sets of flashing lights and 12 sets of boom gate equipment for railway road crossings?

### *Widening of Nicholson Road and Hay Street Subways*

- (3) When will work commence on the widening of Nicholson Road and Hay Street subways respectively?
- (4) What is the anticipated cost in each case?
- (5) When was a final decision made that this work should be undertaken?

Mr. BOVELL (for Mr. Craig) replied:

	Receipts	Disbursements
	£	£
(1) 1957-58	21,650	—
1958-59	22,840	—
1959-60	30,758	28,135
1960-61	28,787	27,309
1961-62	28,274	12,424
1962-63	36,418	1,837
1963-64	47,570	295
	<u>216,297</u>	<u>70,000</u>

- (2) A decision to order 50 sets of flashing lights and 12 sets of boom gates was made on the 7th September. Tender formalities are now being processed.
- (3) No decision has been reached to widen the Nicholson Road and Hay Street subways.
- (4) and (5) Answered by (3).

## **FREMANTLE BUFFALO CLUB (PRIVATE) BILL SELECT COMMITTEE**

### *Report Presented*

Mr. Davies presented the report of the Select Committee.

Resolved, on motions by Mr. Davies, that the report be received, and—together with the evidence—printed, and its consideration made an order of the day for Tuesday, the 6th October.

## **CLEAN AIR BILL**

### *Third Reading*

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

## **EDUCATION ACT AMENDMENT BILL**

### *Second Reading*

**MR. LEWIS** (Moore—Minister for Education) [2.34 p.m.]: I move—

That the Bill be now read a second time.

This Bill consists of a miscellany of amendments to the Education Act, the most far-reaching of which is the proposal to raise the permissible school-leaving age to the end of the year in which a child turns 15. This would extend the present leaving age by 12 months. Since 1943 there has been provision on the Statute book for the raising of the leaving age to 15 years, but for various reasons it has not been possible to do so.

Amendments which were carried by Parliament in 1962 and which came into effect last year made it obligatory for children to remain at school until the end of the year in which they turn 14. This ensures that nearly all children have at least two years of secondary education. The present proposal then is an extension of the existing legislation which allows the Minister to proclaim a leaving age of 15 years. No more classrooms or teachers would be required than if a leaving age of 15 years were to be proclaimed.

I think it is generally accepted that today's ex-students need, not only a greater degree of knowledge of technologies in order to take their place in the modern world, but also a greater measure of understanding of the demands of these technologies in their every-day living. This preparedness should be obtained in the secondary school before the young adolescent leaves school. Secondary education in this State is divided into two stages, the first of which is of three years' duration. Secondary courses for this stage are planned as a complete three-year course, and children who leave before the full three-year term have received only part of the full course.

The move to a higher leaving age has been, or is being, made in the other States, the position obtaining there being—

Tasmania—16th birthday, but with liberal exemptions based on scholastic achievement after the 15th birthday.

N.S.W.—15th birthday.

Victoria—15th birthday.

South Australia—The end of the term in which the child turns 15.

Queensland—14th birthday or completion of grade 8, whichever is first, but Queensland has announced that the leaving age will be raised to the 15th birthday by 1966.

In the United Kingdom a child may leave school at the end of the half year in which he turns 15.

It is widely acknowledged that nine years' schooling is not adequate. Not only is it essential for Western Australia's economic future that its youth receive 10 full years at school, but it would be most undesirable for this State to come to be regarded as having an educationally backward population. For those students in their 15th year who show a strong practical ability as contrasted with academic ability, it is proposed to establish prevocational classes. These will be located in technical schools where possible and will comprise 50 per cent. workshop or pre-trade activities, and the other 50 per cent. will be a specially devised programme in such subjects as English, social studies, civics, and health education.

The 1962 amendments provided for the Minister to exempt a child from compulsory attendance at school after his 14th birthday if satisfied that suitable employment was available and it was in the best interests of the child to accept it. Last year only 2½ per cent. of the affected age group applied for exemption. Since a rigorous enforcement of the proposed legislation could cause hardship in certain areas, this principle has been retained, but amended to operate from the 15th birthday. These exemptions will be granted liberally, based on suitability of employment.

In order to give parents ample warning, and also to allow time for the erection of the additional classrooms which will be required, it is proposed that the legislation should not become effective until the beginning of 1966. As provision has been made to exempt children who turn 14 in 1965 from having to return to school in 1966, the full impact of this legislation will not be felt until 1967, when it is estimated an additional 3,500 will remain at school.

The purchase of projectors, library books, radios, and pianos by all schools, including independent schools, in this State is at present subsidised by the Government, and has been so for many years. It is now proposed to extend this



benefit so that all schools will receive the same degree of financial assistance and for the same items in their purchases of classroom equipment. The range of subsidised purchases will be extended to include physical education equipment, television sets, duplicators, record playing equipment, and brass or pipe band instruments.

Since subsidies to independent schools are provided for in the Education Act, it will be necessary to amend the relevant section. I would draw honourable members' attention to the amendment, which is couched in terms which ensure that independent schools will automatically share to the same degree in any further assistance granted to Government schools in respect of the purchase of classroom equipment.

The Act as it now stands confines the use of funds raised by parents and citizens' associations to the benefit of those children who are attending the Government school or the group of Government schools in relation to which the association is formed. This precludes any P.C.A. from giving direct financial assistance to another or to special schools for handicapped children.

There can be no real objection to an association using its surplus funds for such a purpose, and therefore it is sought to ease this restriction and permit funds raised by an association to be used to benefit children attending any Government school. This would, of course, include the special schools run by the department.

The Education Act provides for the appointment of teachers and other officers deemed necessary for the purposes of the Act. It is under this authority that ministerial appointments are made in certain specialist sections of the department, such as visual education and art. However, as it now stands the Act does not provide for the payment of these specialist officers. It is therefore proposed to add a new paragraph to the relevant section giving the Minister this authority.

The Act also gives the Minister power to fix salaries and allowances for teachers. The Minister is obliged to review these salaries and allowances at no greater interval than five years, and teachers have a right of appeal against his determination to the teachers' tribunal.

It has been established that students in training do not come within the Act's definition of "teacher," and consequently there is some doubt as to whether there is any authority to pay allowances to teachers' college students. A clause in the Bill will amend the Act to clarify this position.

In promotional appeal cases the teachers' tribunal has adversely commented on the position pertaining to certain aspects of seniority. The Act does not specify whether part-time, temporary, and on

supply service should count towards seniority. The position of a teacher who served with the Commonwealth reconstruction training scheme is also uncertain. It is considered that the problem could best be met by legislating for full-time temporary service to be counted as permanent service where it immediately precedes, and is continuous with, permanent service. For example, a teacher who has served in a temporary capacity as a supply teacher for, say, two years, and who is then appointed to the permanent staff would, under this proposal, have the two years during which he served "on supply" recorded as service towards his seniority.

It is also proposed to recognise service under the Director of Technical Education in his special capacity as Regional Director of Industrial Training as counting towards seniority. The Director of Technical Education held this office while the Commonwealth rehabilitation training scheme operated; and the new provision will apply only to those officers who were appointed under that scheme and continued with the Education Department when it ended. These amendments will make the definition of seniority clear. Parties appearing before the tribunal, and the tribunal members themselves, will be aware of the position, and the need for argument and interpretation will be eliminated. The proposals are acceptable to the Teachers Union.

There are, as well, some consequential amendments to various sections arising out of the change in title of "inspector" to that of "Superintendent of Education."

Mr. W. Hegney: Was the Teachers Union consulted on that?

Mr. LEWIS: On the change of title?

Mr. W. Hegney: Yes; and on the other matter you just mentioned.

Mr. LEWIS: Yes. I understand that these were overlooked when a similar amendment was made in 1952 to other sections that referred to inspectors.

Debate adjourned, on motion by Mr. W. Hegney.

## YOUTH SERVICE BILL

### *Second Reading*

MR. LEWIS (Moore—Minister for Education) [2.48 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to set up a youth council whose function it will be to formulate and implement a comprehensive youth service based on the recommendations contained in the report of the committee appointed in April, 1962, to investigate and recommend ways and means of further promoting youth work in Western Australia.

For the purpose of this exercise left-school youth has been defined as the age group between 15 and 19. The follies of modern youth are the subject of a great deal of criticism, and much publicity is given by the Press to the irresponsible behaviour of certain elements of this section of the community. It is unfortunate that the bad behaviour of the minority is featured, while the many splendid things being done by others are often overlooked.

Nevertheless, the activities of this minority are undoubtedly the cause of a great deal of concern in the community. Many of these young people appear to have nothing better to do in the evening than to drift aimlessly around the city or congregate in popular haunts. These conditions are an ideal breeding ground for mischief and give rise to much of the uncontrolled rowdiness, or worse, in which a small proportion of them is involved and which involves the State in so much expenditure on control and punishment.

It is not pretended that a complete answer to this state of affairs can be found in the extension of youth club work, but it is believed that in a well-planned and well-conducted environment such centres can contribute materially by encouraging a sense of loyalty, comradeship, and belonging, and by providing a contact with more mature and evenly-balanced members of the community.

As a first move in meeting the problem, the National Fitness Council requested the then Minister for Education to examine and report on youth work in England during an intended visit to that country in 1961, particularly with respect to any action arising out of the report known as the Albemarle Report.

The honourable gentleman's subsequent submission was carefully considered by the council, which later recommended that a committee be set up to examine and report on the existing youth agencies in this State and to recommend a practical overall policy for a youth service. The committee was appointed in April, 1962, under the chairmanship of The Hon. A. F. Watts, C.M.G., and it conducted a very full inquiry under its terms of reference. These were—

- (i) How far have the existing agencies in Western Australia progressed towards an adequate "youth service"?
- (ii) How can the existing work be improved—
  - (a) by the agencies themselves;
  - (b) by Government assistance?
- (iii) What is a practical overall policy for a "youth service" in Western Australia and how could it be implemented?

A final report was handed to me in June, 1963. I believe that all honourable members have since had an opportunity to examine this report, and they will appreciate the amount of work that has gone into it.

Probably the most unexpected discovery arising out of the committee's investigation was that so few of our youth belong to a voluntary youth organisation. The committee has estimated that at least 85 per cent. of our left-school youth are completely unattached. This is well above previous estimates which placed the figure at from 70 per cent. to 75 per cent.

While it is recognised that not all of these young people are in need of assistance and can and should remain profitably unattached, overall there is a vast scope for improvement.

The committee found that many of the existing youth groups are of too juvenile a character to attract the group under consideration, and emphasised that more of the efforts of these organisations should be directed towards the 14-19 age group. It found that the programmes of activities and the administration were, with some exceptions, at a rather low level and that, in consequence, they had little appeal to more than a small percentage of youngsters who had left school.

The causes of this state of affairs were, in the opinion of the committee—and I quote—

The absence of adequate funds and sufficient trained personnel, the apathy of the community towards the work and the paucity of assistance at all levels of government.

Nevertheless the committee was satisfied that the existing voluntary youth organisations provide a sufficient structure to build on and that a nucleus of personnel is available.

The committee stressed—and again I quote—

That, after giving full recognition to the results achieved and achievable by the numerous voluntary organisations which have hitherto existed in Western Australia, and the activities of sporting groups and other bodies, the sum of these activities falls far short of a complete youth service sufficient to measure up to the needs of this day and generation—and of generations to come.

This Bill has been brought down in response to the urgent recommendation of the committee that a comprehensive co-ordinated youth service be set up by the Government. Considerable thought was given to whether the National Fitness Council should be charged with this responsibility. This organisation consists of a group of leading citizens who, over the years, have proved their ability in, and devotion to, the cause of youth. However, after careful consideration, it was

decided that the National Fitness Council was already fully engaged with its present duties and could not reasonably be expected to accept this added responsibility.

It is proposed, therefore, that initially an entirely separate organisation should be set up. It is conceivable that when the youth council is properly established there will be a tendency for the two councils to come together and ultimately to unite.

The council is to be established as a body corporate with a chairman to be appointed by the Minister and 11 other members. In deciding the composition of the youth council it was realised that the vast experience of the National Fitness Council must be availed of. Provision has therefore been made for two members of the National Fitness Council to be appointed to the new organisation. In addition, the associated youth committee and the associated sporting committee, both of which are affiliated with the National Fitness Council, will each be asked to submit five names, two of which, in respect of each organisation, will be appointed to the youth council.

These members, together with two to be appointed from the Education Department and one from the Child Welfare Department, will provide a very strong nucleus of committee members experienced in organised youth work. The remaining two members are to be selected by the Minister from two of the larger country centres. Their knowledge and experience will be particularly valuable to the council when the special problems of country youth organisations are under consideration. The chief functions of the proposed council will be—

- (1) To formulate a comprehensive plan for a youth service for subsequent approval by the Minister before putting it into effect.
- (2) To promote, assist and co-ordinate all activities relating to youth service.
- (3) To investigate ways and means of attracting young persons to participate in a youth service.
- (4) To provide, and encourage other organisations to provide, adequate facilities for leisure time occupations.
- (5) To provide and train officers to assist and guide clubs connected with youth service.
- (6) Promote in members of the public, local authorities, and other public bodies, an interest in the provision of an efficient youth service, and solicit their co-operation.

The council will be provided with sufficient clerical staff and accommodation to enable it to satisfactorily carry out the requirements of the Act; and after first

obtaining the consent of the administering Minister it will be free to co-opt the services of any Government department.

Debate adjourned, on motion by Mr. W. Hegney.

## BIBRA LAKE-ARMADALE RAILWAY DISCONTINUANCE AND LAND REVESTMENT BILL

*Second Reading*

**MR. COURT** (Nedlands—Minister for Railways) [2.58 p.m.]: I move—

That the Bill be now read a second time.

This Bill is intended, when an Act, to come into operation on a date to be fixed by proclamation.

The Armadale-Jandakot-Robb Jetty railway was constructed to provide a link between the south-west railway at Armadale and the port of Fremantle, and was opened for traffic on the 15th July, 1907.

The Jarrahdale-Kwinana railway, which began operating in July, 1963, provides a heavier track with suitable gradients for traffic between the south-west and the Kwinana-Fremantle areas; and there is no point in maintaining two sections of railway where one will suffice.

Records of traffic handled at intermediate sidings show that during the past two years only two tons of traffic were consigned from Forrestdale and 178 tons from Jandakot. Receipts at Jandakot totalled 1,530 tons and 4,797 tons respectively for the two years, consisting mainly of timber.

Because of standard gauge requirements it will be necessary to close Jandakot siding, and it is intended that the timber traffic now handled at that siding be diverted to Bibra Lake. This should cause little or no inconvenience to the timber firm concerned, because Bibra Lake is, in fact, closer to its premises than Jandakot.

Rail traffic between Armadale and Jandakot was suspended on the 6th January, 1964. The continuance of the railway between Armadale and Bibra Lake is therefore no longer necessary and is not likely to be required in the future.

Debate adjourned, on motion by Mr. W. Hegney.

## FREMANTLE HARBOUR TRUST ACT AMENDMENT BILL

*Second Reading*

**MR. WILD** (Dale—Minister for Works) [3 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this amending Bill is to give a more appropriate title to the body charged with the administration of the port, and to bring up to date certain provisions of the Act which, in some cases, have been unaltered since the Act was first passed in 1902.

It is considered that the title "Fremantle Port Authority" would more correctly define the authority controlling the port, and would also conform to present-day trends in titles for such authorities.

It had been originally considered that the Fremantle Harbour Trust had the immunity of the Crown, but during the hearing of the *Panamian* case it was determined otherwise. It is considered that as the trust is operating among the business and commercial world, it should not enjoy such immunity. It is therefore intended to amend section 3 of the Act to leave no doubt that the trust does not enjoy the immunity of the Crown.

At present the Act provides for commissioners to receive a fee fixed on the basis of attendance at meetings. It is considered that this section should be brought up to date and that the fees to be paid either on a yearly basis, or by attendance at meetings, should be determined by the Governor. The amendment proposed is in line with a similar provision in the Superannuation and Family Benefits Act.

The existing Act provides for all officers to be appointed by the Governor. It is considered that this entails unnecessary formalities and that the obtaining of Executive Council approval should apply only to the appointment of senior officers, such as the general manager, the assistant general manager, wharf manager, harbour master, and secretary. These officers could also only be dismissed with the approval of the Governor.

In the 1960 amendments to this Act a second schedule was added to the Act. However, under section 22 (1) the word "Schedule" is used to describe the boundaries of the trust. This should be amended to indicate that it is now the first schedule.

As the light used at Woodman Point has now been vested in the trust, the reference to Woodman Point being excluded from the boundaries should be deleted from the Act. The present Act only vests "wharfs" in the commissioners. It should also include the "wharf loading area". These three minor amendments are provided for in amendments to section 22.

The commissioners at present have authority to undertake harbour extensions to the extent of £2,000 only in respect of any one project. This is an obsolete provision and an amendment is required to clearly define the commissioner's authority to undertake harbour extensions and constructions without such a restriction. It is to be noted that this work cannot be undertaken until the approval of the Minister is obtained.

The Act at present does not empower the commissioners to provide navigational aids within the area of its control. This could be done only with the sanction of the Minister. It is considered reasonable that the commissioners should be given

this power within their own rights. If this is approved sections 33 and 34 then become redundant.

Section 42 of the existing Act is being deleted, it now being unnecessary as the regulations under the Act have already been made. Section 46 of the present Act requires the commissioners to keep displayed in the front of their principal office a list of all dues and charges payable. This is considered an obsolete provision and it is proposed to delete it. It is also proposed to raise the penalty for the evasion of port dues from £10 to £100 to bring it in line with other penalties. This will be achieved by an amendment to section 54.

The present Act allows the commissioners, with the approval of the Governor, to borrow by means of the issue of debentures or inscribed stock, or from the Treasurer. It is felt that the trust should be able to borrow by overdraft from any bank in this State, approved of by the Treasurer. It is proposed to do this by amending section 58 (2) and section 58 (b).

Section 68 enables municipal councils within the trust boundaries to make by-laws. However, the section mentions only the municipalities of Fremantle, East Fremantle, and North Fremantle. It is considered that the Act should be amended to allow this section to operate for all municipal councils whose boundaries adjoin the port area.

It will be now seen that the underlying reason for these amendments is to bring the Fremantle Harbour Trust Act in line with present-day conditions. This is most appropriate when we consider the great changes which have been made in the Fremantle port installations and facilities.

The passenger terminal and the administration building are far ahead of any similar installations in Australian ports, and in fact compare favourably with any port in the world. These amendments will assist the commissioners to continue with their progressive outlook.

Debate adjourned, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

## BILLS (3): MESSAGES

### *Appropriation*

Message from the Lieutenant-Governor received and read recommending appropriation for the purposes of the following Bill:—

1. Youth Service Bill.

Messages from the Governor received and read recommending appropriation for the purposes of the following Bills:—

2. Education Act Amendment Bill.
3. Fremantle Harbour Trust Act Amendment Bill.

## RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL

### *Second Reading*

**MR. WILD** (Dale—Minister for Water Supplies) [3.10 p.m.]: I move—

That the Bill be now read a second time.

The amending Bill is a measure intended to overcome a problem which has arisen in the Harvey, Collie, and Waroona irrigation districts, where irrigationists are entitled to waterings of their properties in return for rates paid. In many cases, however, what is known as "split waterings" take place. These are instances where an irrigationist owns property in two or more locations within a district, and because the rate book is compiled in accordance with the provisions of the Water Boards Act, which allows all of his land to be grouped under one assessment, he exercises the right of taking all of his water allowance on any one of his blocks.

This position loses the department some revenue, but the main concern is that the growth of the practice could result in taxing channels beyond the capacity for which they were designed. The proposed amendment to section 41 of the Act will, when read in conjunction with proposed amendments to the Water Boards Act, enable the department to overcome the problem.

Section 2 of this Bill introduces an amendment of wording which is necessary following the reconstitution of local authorities under the Local Government Act, 1960.

Debate adjourned, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

## WATER BOARDS ACT AMENDMENT BILL

### *Second Reading*

**MR. WILD** (Dale—Minister for Water Supplies) [3.13 p.m.]: I move—

That the Bill be now read a second time.

Section 2 of this Bill proposes an amendment to the provisions relating to the rating of land. At present, separate pieces of land under the same ownership within the Harvey, Collie, and Waroona irrigation districts must be group-rated under one assessment, and it follows that a grouping also occurs of the amounts of water allowed in return for rates paid.

Under this arrangement, an irrigationist may exercise the right of taking all of his water allowance on any one of his blocks. This results in some loss of revenue to the department, but the main concern is that growth of this practice could lead to the taxing of irrigation channels beyond their designed capacity.

The amendment contained in this Bill provides for land separately owned or occupied, carried on as a separate business, farm or residence, or situated in a different locality, to be rated as separate assessments. When combined with another proposed amendment to the Rights in Water and Irrigation Act, it will give the department the necessary power to adequately control watering of irrigation lands.

Debate adjourned, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

## PARKS AND RESERVES ACT AMENDMENT BILL

### *Second Reading*

Debate resumed, from the 17th September, on the following motion by Mr. Bovell (Minister for Lands):—

That the Bill be now read a second time.

**MR. H. MAY** (Collie) [3.15 p.m.]: When the Minister for Lands introduced this Bill I was wondering why he was trying to be so naive, especially when I read the last paragraph of his speech in which he said—

In conclusion, I would again emphasise that this measure is for the purpose of clearly defining the function of the premises; namely, that of a "restaurant".

That is one of the best pieces of subterfuge that was ever contained in a Bill brought to this Chamber. The Bill seeks to remove a name and replace it with another; yet, at the same time, the Government wants us to understand that it will not be responsible for the result of such alteration in name. As far as the Government is concerned, it is merely making an alteration, and it intends to place the responsibility for the result of such alteration on somebody else. In my opinion the Government is not carrying out its duty. If it wishes to introduce legislation it should bear the responsibility for the outcome of it.

As we all know, this measure is designed to amend the Parks and Reserves Act. I will just pause for a moment, Mr. Speaker, to enable those engaged in various meetings on the other side of the Chamber to cease and so enable me to continue my speech. This Bill proposes to rename the King's Park tearoom the King's Park restaurant. As I said earlier, the Minister for Lands does not intend to take any responsibility for this alteration; he is going to leave it for someone else to bear. This tearoom has been in operation for many years, and the Government now decides that the word "tearoom" is not suitable, and consequently it wishes to redesignate the place as a restaurant, because, apparently, the lessee of a restaurant is empowered to do certain acts which he cannot do as the lessee of a tearoom.

Some interesting facts were brought to light when the Minister made his speech. One of the most important—it came as a revelation to me, and no doubt it will be a revelation to many people—was when he said—

It will be of interest to honourable members that in June, 1958, the King's Park Board approved the application of lessees of the catering establishment to permit the consumption of liquor with meals.

I would like to know under what Act the King's Park Board has been granted authority to permit such a practice to continue without any reference to it being made in Parliament. I know of many establishments, not only in the metropolitan area, but also in other parts of the State, where liquor can be consumed in similar circumstances; but for a body such as the King's Park Board to allow this practice to continue without permission over the years is something of which cognisance should be taken.

I know the Perth City Council, under its jurisdiction, allows this practice to go on, but in my opinion this authority should be exercised only by Parliament and not by the Perth City Council or any other body. I was very surprised to learn when the Minister introduced the Bill that this method of drinking liquor had been going on for years. At least that is my understanding of it. If that is the case, it is time it was stopped.

If we change the name of the premises in King's Park from "tearoom" to "restaurant" it could have many repercussions on people from the country areas; and particularly those who have a great reverence for King's Park and for its original dedication as a place where people can come and go as they please, and where they are not interrupted in any way.

When we consider legislation of this nature we should consult the various sections of the community to whom all its ramifications should be explained. I do not know, but I can imagine what goes on in the park sometimes.

Mr. Brand: Oh yes you do!

Mr. H. MAY: Members of the Government evidently have one-track minds on this matter, judging from the sniggers from that side of the House.

Mr. Court: Not only from the Government side, either.

Mr. Brand: The honourable member for Gascoyne is laughing.

Mr. H. MAY: It was more pronounced from the Government side than it was from this side.

Mr. Brand: They are younger.

Mr. H. MAY: People have been allowed to take liquor to King's Park during the day or at night without statutory authority from Parliament. There is no doubt

that the lessees of the establishment, and to a greater extent the King's Park Board, should be severely castigated for allowing that situation to continue to exist.

Mr. Bovell: Your colleague the honourable member for Perth is a member of the board.

Mr. H. MAY: The Minister need not worry. I will not miss a trick so far as this is concerned; nor will I miss a trick so far as he is concerned.

Mr. Bovell: But I have the trump.

Mr. H. MAY: The Minister will probably have the hump before I am finished. It is now proposed, if Parliament agrees, to change the name of the establishment in King's Park from a tearoom to a restaurant. It is quite obvious why this change is sought. The lessees of the tearoom have already applied to the Licensing Court to sell liquor, and they were refused. The lessees now feel that they will approach the matter from a different angle and get the Government to introduce a Bill to make this a restaurant, which will enable them to again approach the Licensing Court to secure a license. That is the extent of the subterfuge contained in the Bill.

The Government has said, "We will alter the name from tearoom to restaurant. We will not give permission for liquor to be sold, but you know where you can go to obtain the necessary authority to sell liquor." A Government of any standing would be prepared to take the responsibility for its legislation; the responsibility should not be palmed off on to somebody else. From inquiries I have made I understand that the lessees of the King's Park tearoom are "Doing very well, thank you." But they are not satisfied with that; they want to make more money from the sale of liquor. There is no thought at all of what is going to happen as a result of the sale of this liquor. That apparently does not matter so long as somebody by some means or other can make a bit more money than is being made at the moment. That is what it boils down to.

I can appreciate why the Minister said, when introducing the Bill, that the King's Park Board will take every precaution to ensure that the sale of liquor will be conducted without any detriment to the park. I like that part of it, particularly when the King's Park Board already allows liquor to be taken there, without any legal authority at all. It is true the tearoom does not sell it; and that to my mind is worse. At least if it were made a restaurant it would have permission to sell liquor. But here we have a Government and the King's Park Board condoning this malpractice.

How many people in this State would like to see the conditions in King's Park—their park—brought to the state to which they probably will be if people can go there

and buy as much liquor as they wish and drink it during the hours the restaurant is open? What about the impact on the people with families; those who go to King's Park for the quiet and the rest; for the joy of eating somewhere in the park?

Mr. Court: Can't they drink all they want to now if they take it with them?

Mr. H. MAY: I will make my own speech; the Minister can butt in later and apologise for the Government.

Mr. Brady: Hear, hear!

Mr. Brand: A wee small voice.

Mr. Court: There is no need to apologise on this one.

Mr. Brady: The Government is sitting on the fence.

The SPEAKER (Mr. Hearman): Order!

Mr. H. MAY: Thank you, Mr. Speaker. It is nice to have somebody in charge of this House. What about the impact that this will have on the people who see Perth probably only once a year when the breadwinner gets his annual holidays and comes down from the country; those people who know how to conduct themselves and go to King's Park during the day or in the evening?

Mr. Cornell: I have seen a lot worse in King's Park than drinking beer.

Mr. H. MAY: I will leave the honourable member to tell us all about it.

Mr. Cornell: I anticipated some of them, too.

Mr. H. MAY: My plea is being made on behalf of those who go to King's Park occasionally. I am not biased.

Mr. Crommelin: Much!

Mr. H. MAY: There are people who take their liquor and know when they have had enough. I will go into a hotel at any time with anybody. I have no objection to people having a glass of beer; and I do not think there is any disgrace in my ordering a ginger beer. I do not belittle a man who drinks beer; but I do not think it is right when we give a certain section of the public authority to do the sort of thing I have mentioned.

We had a Youth Service Bill introduced here this afternoon to provide for the better conduct of the youth of this State, and now we find it is followed by a Bill such as this, which encourages people to go to King's Park to drink as much as they like, and cause confusion and annoyance to those who visit the park for a quiet rest. Are we to put up with that sort of thing? I have no axe to grind with any person who wishes to go to the King's Park restaurant and have a glass of beer with his meal. My quarrel is that under this Bill not every endeavour is being made to protect King's Park from what will happen should everybody be allowed to drink whatever liquor they liked there.

I think I have said this before: Liquor and gambling will ruin this country finally. If we are not prepared to control these matters to some extent while we are here, then goodness knows what will happen to this country later on!

I was very interested in some of the remarks made by the Minister when he introduced this Bill. He stated—

This catering establishment in King's Park provides an essential community service, and it was not until a recent application to the Licensing Court for a restaurant liquor license that it was generally realised the establishment was not designated a "restaurant."

The last statement was the subterfuge to which I referred.

Mr. Bovell: There is no subterfuge.

Mr. H. MAY: The Minister was naive enough to expect us to believe that the only reason for the introduction of the Bill before us was the desire to alter the name of the establishment from a tearoom to a restaurant. Further on in his speech he said—

It is to be clearly understood, however, that this Bill does not in any way provide for a restaurant liquor license.

Mr. Bovell: And neither does it.

Mr. H. MAY: The Minister did not fail to emphasise throughout his speech that the Government had no responsibility for changing the establishment from a tearoom into a restaurant, because he said—

This matter is one entirely for the State Licensing Court to decide, and it is not the Government's desire or intention to influence that court in any consideration it will be required to give to this matter.

What a lovely statement that is! Why then was the Bill introduced at all?

I might be prepared to accept many statements, but I am not prepared to accept this one. Of course we all know what is the purpose of the Bill; we cannot mistake it. I would be interested to learn who made the application to a member of the Government for a change in name.

Mr. Bovell: The King's Park Board.

Mr. H. MAY: Will the Minister tell me who made the representations to the King's Park Board?

Mr. Brand: Presumably the licensee.

Mr. H. MAY: The Minister told us that representations were made to the Government, but who was it that made those representations?

Mr. Bovell: I have answered that.

Mr. H. MAY: Will the Minister tell the House who made the application to the Government for a change in name? I hope honourable members will not be taken in

by this Bill. I was staggered when I read that statement of the Minister: that the King's Park Board approved of the consumption of liquor during meals at the restaurant, provided it was taken there by the customers themselves. I hope this Chamber will not allow itself to be used as a subterfuge, as it is in this instance.

I am not biased in respect of liquor, although I am a non-drinker. I maintain that any man or woman is entitled to have a drink whenever he or she feels so inclined; but I am against people who are unable to contain themselves when consuming liquor. I am against the practice of some people who leave their babies in prams outside hotels until they have had enough to drink. That is what I am against.

I say it is the responsibility of every legislator in this State to take action, or to use his influence in regard to this matter. The consumption of liquor is increasing every year. That might be brought about by an increase in the population, or it might be brought about by people drinking more beer. I do know that people are given every encouragement to drink more liquor than is good for them; that is where drink and I part.

While I am a member of this Chamber, and at every opportunity I have, I shall oppose any move to give a free go to people for the consumption of liquor in King's Park. We should all look upon the park as something which has been left to posterity; a place to which all classes of people can go, and where they can enjoy leisure within reason, without annoying other sections of the public.

Whatever else might happen to this Bill, I hope it will not be passed, for the reason that if permission is given to change the name from a tearoom to a restaurant, then the licensee will be able to supply liquor. In that event, people who consume too much liquor will run mad in the park.

There is no other place in the State where the people of the metropolitan area, and the people from the country who visit the city, can see the whole of Perth in quiet contentment; but they will not be able to do that if the restaurant is allowed to sell unlimited quantities of liquor to people, particularly those who do not know how to control liquor.

If one visits King's Park on a Saturday or a Sunday, one has a terrific job to get through the crowds. Many cars are parked opposite the restaurant, particularly on a Sunday, and one has to be lucky to drive through without hindrance. At the present time no liquor is sold at the tearoom; but just imagine the position were liquor permitted to be sold! That would attract more people to the park—people of the type that we do not appreciate. As a consequence, I can see what King's Park will be turned into.

A big controversy took place when a move was made to build an Olympic swimming pool in King's Park. What is now going on at the swimming pool in Perry Lakes would have gone on in King's Park.

Mr. Guthrie: Where is the swimming pool at Perry Lakes?

Mr. H. MAY: The honourable member knows what I mean. I was referring to the swimming pool at Beatty Park. I know he is a lawyer and quick on the uptake, and he is a smart fellow. The honourable member reads the newspapers, the same as I do.

The SPEAKER (Mr. Hearman): Order! I think the honourable member had better address the Chair.

Mr. H. MAY: These clever lawyers and others will distract one's attention.

Mr. Graham: He is not a clever fellow, he is an honourable member.

Mr. H. MAY: I thought the two went together.

Mr. Graham: Not in this case.

Mr. H. MAY: One can just imagine what it will be like at King's Park when permission is given to that section of the community who are not able to control themselves so far as intoxicating liquor is concerned to obtain liquor there. They will also be driving cars, as they will not walk up there. It will be just bedlam and goodbye to the sanctuary of King's Park.

For the reasons I have given for the last half-hour, I intend to oppose the Bill.

MR. GUTHRIE (Subiaco) [3.41 p.m.]: I feel this Bill had better be brought back on to its railway track. First of all, with due respect for the honourable member for Collie, the question of whether or not a restaurant license will be granted, has little to do with the matter that is before us. Secondly, I would also point out to the honourable member for Collie that, during the time he has been a member of this House, Parliament has passed legislation—I was not a member at the time—prohibiting the consumption of liquor in any public reserve, which includes King's Park, unless authority was given by the controlling authority of that reserve, whether it be administered by a board of trustees, or a board of management.

In this instance, the controlling authority is the King's Park Board; so, in consequence, Parliament has already said quite clearly, so far as the mere consumption of liquor in King's Park is concerned, that the King's Park Board has the sole say. I would also point out for the benefit of the House that liquor is served at other places in King's Park and under licences granted by the Licensing Court. This has been the case for some time at



the bowling club and the tennis club. The number of persons who consume liquor in King's Park without the authority of the King's Park Board would be legion; and I presume that would not be the least of their sins.

Mr. Graham: You are using the wrong words but I get your meaning.

Mr. GUTHRIE: Perhaps I would get unparliamentary if I went further. As long as I can remember there has been a building in King's Park and I think it was initially known as the King's Park kiosk, to be later called the King's Park tearoom. For a long time the tearoom has sold meals. Long before the war, and long before the erection of the present building, I can recall when it was quite a feature for one to be able to get a chop or steak cooked on the coals at the King's Park tearoom.

At that time it was not illegal to have a tearoom in King's Park; and I would point out that premises in the city of Perth, which are normally known as restaurants, and in other parts of the world as cafes, have always been designated by the word "tearoom." Away back in my earliest days I can remember the Albany Bell tearooms.

Be that as it may, when Parliament did legislate on the power of the King's Park Board to lease any portion of King's Park, it made particular reference to this plot of ground with which we are now concerned and said it could be leased for a tearoom. At the time Parliament passed that legislation the premises were, in fact, being carried on as a restaurant. However, in the opinion of the Licensing Court, and supported by the Crown Law Department, the premises are not a restaurant. So we find ourselves in the dilemma that the King's Park Board has, in fact, granted a lease for a purpose which is not permitted under the legislation. If the King's Park Board is to keep within this legislation, it must cancel that lease or it must be declared void and the premises used purely as a tearoom and not a restaurant.

That is the particular dilemma in which honourable members of this House will find themselves if they vote the Bill out and so close the King's Park restaurant, as it is today; because it would be quite illegal for the King's Park Board to permit the premises to sell meals in King's Park—forgetting liquor—if the opinion of the Chairman of the Licensing Court and the Solicitor-General is correct.

Mr. Toms: How long has it been doing it?

Mr. GUTHRIE: A lot of things are done without the correct legal position being known; but that is the decision of the Licensing Court, rightly or wrongly.

*Sitting suspended from 3.45 to 4.6 p.m.*

Mr. GUTHRIE: I wish to elaborate on the point I made before the afternoon tea suspension. Let us examine the exact facts of this matter. The proprietor of the King's Park restaurant—or the lessee to be exact; a gentleman by the name of, I think, Love—applied to the Licensing Court for a restaurant license. When he appeared before the court his counsel was informed by the chairman of the court—as all honourable members know the chairman is himself a practising lawyer of many years' standing, and a former Attorney-General of this State—that it was not competent for the court to grant a restaurant license because it was not legally permissible for there to be a restaurant in King's Park.

Counsel was taken a bit by surprise and the case was adjourned. Subsequently counsel informed the court that he would not pursue the application any further because, on reflection, he had come to the conclusion that he could not submit any argument to the court at all that in fact it was legally permissible for a restaurant to be in King's Park on that particular piece of ground, and that a tearoom could not include a restaurant.

As I understand it, the Solicitor-General subsequently agreed with that opinion. I do not express my opinion on it at all, because I, myself, have not given any further thought to it. It is not necessary in the circumstances. But the situation, as I see it, is that, firstly, the Chairman of the Licensing Court, secondly, the Solicitor-General, and, thirdly, the solicitor for the applicant, are all in agreement that the word "tearoom" does not include a restaurant.

Therefore I am forced to the situation that Parliament only gave power to the King's Park Board to lease that piece of land for a tearoom. It did not give power to the board to lease it for a restaurant; and in consequence it would seem to me—I have not given this very great thought—that the lease is void, being illegal. It would also seem to me that any member of the public having an interest as a taxpayer, as an elector, or as a member of the community, will be entitled to institute proceedings in the Supreme Court at any time for a declaration by the court to the effect that the King's Park Board has exceeded its legal power in granting the lease, and for a declaration that the lease is void. Whether such person could also get an injunction, I do not know.

However, leaving that aside, and whether people will or can do that or not, it would be agreed that it is quite wrong for a public body such as the King's Park Board to be forced into that position. It would also prejudice the position of the lessee. Looking at the tremendous amount of money which has been spent on that restaurant, I presume he has probably obtained finance from somewhere. The

people who have lent the money to him on the strength of the lease are prejudiced because they now know—if that is the situation—that they have lent money on the security of a lease which is itself invalid.

That is the simple issue which is before Parliament. It is true that this came to a head and became known because an application was made to the Licensing Court. It is presupposed that if this measure is passed the lessee may make another application to the court. That is his concern and his business.

I want to make it quite clear that I express no opinion one way or the other as to whether or not I think it is desirable to have a restaurant license at King's Park. That is a matter entirely for the Licensing Court.

If honourable members care to refer to section 44G of the Licensing Act, they will see that the court has complete discretion in the matter, and it is specifically stated in that particular section that a license shall be granted if, in the opinion of the Licensing Court, the requirements of the neighbourhood justify it.

It is quite open to the Licensing Court, on the merits of the case, to refuse a license. Consequently I consider that the House should accept the fact that the Licensing Court is there to decide these things. This Parliament passed an amendment to the Licensing Act only a short while ago which enabled restaurant licenses to be granted; and Parliament was content then to leave it to the Licensing Court to determine who should or should not have restaurant licenses—and that is where the matter should rest.

Those people who are strongly opposed to a liquor license being granted to the King's Park restaurant, if this Bill is passed, will have the right to appear before the Licensing Court and to state their case. I have little doubt that any application will receive the justice it merits. The court might decide that a license is warranted or it might decide that it is not warranted.

However, that is not the issue before the House. I say, with all the force that I possess, that anybody who drags into the debate the matter of a liquor license is dragging a deliberate red herring across the path of the issue. The issue before us is whether we are going to rectify what we always intended in this Parliament, and whether we are going to decide that meals shall or shall not be served in King's Park.

Mr. W. Hegney: Aren't meals served now?

Mr. GUTHRIE: Yes; and wrongly so, too. It was believed that the tearoom was entitled to serve meals. However, the Chairman of the Licensing Court pointed out—and it was accepted by the solicitors

for the applicant—that the word "tearoom" does not entitle the proprietor to serve meals, or rather does not authorise the serving of meals as they are served on those premises today. The word implies morning and afternoon teas and very light meals.

Mr. Tonkin: How long ago was that opinion given?

Mr. GUTHRIE: Only this year. The Chairman of the Licensing Court was the first person to raise the matter.

Mr. Tonkin: That means that ever since they have known about it, they have broken the law and they have continued to break it?

Mr. GUTHRIE: Yes; because, I presume, some indication had been given that it was intended that the matter should be brought before Parliament for its decision. It would be reasonable to await the decision of Parliament. It would be equally requisite, if Parliament defeats the Bill, for the board to take action. If members wish to see that magnificent building disappear, then they should oppose the Bill. If they wish to see meals served to tourists—

Mr. Hawke: You have convinced me to vote the other way.

Mr. GUTHRIE: I expect that from the Leader of the Opposition. I always expect irresponsibility from the Leader of the Opposition. He is running true to form.

Mr. Hawke: A real no-hoper you are!

Mr. GUTHRIE: The Leader of the Opposition does not realise that he is over the hill and is now a thing of the past.

Mr. Hawke: You have never been near the hill!

Mr. GUTHRIE: The Leader of the Opposition does not realise that he cannot take it; and the sooner the public of Western Australia realises that the better.

Mr. Hawke: You are always down in the gutter.

Mr. GUTHRIE: The Leader of the Opposition has always been in the gutter. I get into the gutter only when he drags me into it. I have no desire to say anything more, except that I support the Bill.

MR. OLDFIELD (Maylands) [4.15 p.m.]: It was interesting to listen to the member for Subiaco in his attempt to have the House believe that the issue is not whether liquor shall or shall not be sold or consumed in King's Park. He said that it was only a red herring. It is by no means a red herring. This Bill means that Parliament is going to decide whether a liquor license will be granted to King's Park.

I direct the attention of honourable members, and particularly that of the honourable member for Subiaco, to what was said in the Licensing Court by the chairman of the court

when an application was before it to have a license granted. He pointed out that only a tearoom was permitted in King's Park and the court was not permitted to grant a restaurant license for tearooms. He said that it would have to be a matter for Parliament to decide whether the Act should be amended to enable a restaurant license to be granted for King's Park. That is what the chairman said. He intimated that if Parliament agreed to an amendment to the Act to empower the King's Park Board to lease a section of land for a restaurant, the Licensing Court would have very little hesitation, if any hesitation at all, in granting a restaurant license under the Licensing Act as we know it.

Therefore, despite what the honourable member for Subiaco said, and despite what the proponents of this Bill may say, the fact of the matter is that we in this House—and honourable members in another place if this Bill is passed—are making a decision as to whether the tourists and the public will be permitted to purchase and consume liquor within the confines of King's Park.

If it had been the intention of the Government to amend the Act to put in order what is being wrongfully done—that is, the selling of meals such as restaurant meals other than light refreshments which are normally provided by tearooms—a Bill could have been drafted accordingly. A proviso could have been added to the existing Bill to say that no license shall be granted under the Licensing Act unless it has the approval of both Houses of Parliament.

There would be nothing wrong with that. If the Government wanted a liquor license granted it could have brought down a special Bill. We have had special licensing Bills before in respect of certain premises. My mind goes back only two years when a special Bill was passed to enable Rottnest to sell liquor on Sundays—one hotel! There is an Act on our Statute book which enabled the Anzac Club to be granted a liquor license. It was granted a license by Act of Parliament and not by the Licensing Court. At the time, the club was acting contrary to the law because its fee was not £1 per year. We could probably quote a dozen instances where special provision has been made by way of legislation in respect of individual licensed premises.

Therefore the same could have been done in this instance. We get back to the crux of the matter. There is not one sane or reasonably-thinking person in Western Australia who does not believe that if we, as a Parliament, agree to this measure they will be selling and permitting liquor to be consumed in the King's Park restaurant within one month from now. That will be the situation. There is no gain-saying that.

We heard the drivel—words couched, hidden, and veiled in certain legal phraseology—spoken by the member for Subiaco when he talked about red herrings. The greatest red herrings that are dragged through this Chamber on many occasions are those the honourable member drags through when he is on his feet.

The issue we have to make up our minds on is this: Are honourable members going to be the arbiters of whether a liquor license shall or shall not be granted? I agree we should not be responsible for deciding on licensing in general. However, the King's Park situation is a special case.

Over the last 12 years quite a lot of special legislation has been passed in respect of King's Park, and quite a lot of legislation introduced which has not been passed. King's Park is one of our national heritages, as is the Swan River, in respect of which rights and privileges have been created by Parliament. Successive Parliaments have been ultra-cautious in allowing violation of what has been traditionally regarded as a national heritage, and King's Park should be kept and used for the purpose for which it was originally established.

I do not think King's Park is the right place for a bistro. That is what the restaurant will eventually become—merely a bistro. I cannot blame the licensee for wishing to have this license; the license would give him an advantage over all other restaurants in Western Australia. It would have a beautiful setting and a beautiful outlook.

I would also point out that if this legislation is passed and the court—as we have reason to believe it will—grants a liquor license under the provisions for restaurant licenses, those premises may be kept open till 1 a.m. each day. It will be permitted to sell liquor until 12.30 a.m. Nobody will convince me that a person with premises such as those situated in King's Park would close at 10 or 11 p.m. The restaurant would become a night spot.

It would become a bistro; and I feel that if at any time the Government of the day is desirous of King's Park being turned into a night spot for tourists and others, it should bring forward a Bill to do exactly that. The Government should not say, "We are only putting things in order and if a liquor license is subsequently granted it will be the decision of the court." This matter has a lot to do with Parliament because it concerns King's Park, and I oppose the measure.

MR. W. A. MANNING (Narrogin) [4.23 p.m.]: I rise to speak to this Bill because I feel that the Minister, who introduced it, only told us half the story. He told us the Bill was only to correct an anomaly, but what he really means is that he is in favour of the granting of a liquor license to the

King's Park tearoom. I do not think the premises will be affected by not having a license; they have been there for years.

Earlier this afternoon, we heard the member for Subiaco floundering around for reasons. Perhaps I used the wrong word when I said "floundering"; I should have used "red herrings". He said that one could get liquor in King's Park, but I think he was referring to the King's Park Bowling Club. He also said that if we did not pass this legislation, the tearoom would be pulled down within a couple of months. That is a lot of hooey.

Mr. Brady: He was attempting to mislead you.

Mr. W. A. MANNING: It was a terrible speech trying to justify what is supposed to be a correction. If we knew the exact reason for this amendment to the legislation, the answer would be that it was simply to uphold vested interests which are seeking to expand. Such expansion could destroy what has been a feature of this State for many years.

Hundreds of thousands of people would agree that the situation of King's Park is unique—not only to Western Australia, but to Australia generally, and throughout the world. There is no other site equal to that of King's Park—overlooking the capital city. Does anyone think that we are going to destroy what has existed there, so happily, for many years? The site cannot be equalled.

Many people would like to set up a business in King's Park. What a beautiful hotel site it would make! No wonder there are envious eyes watching it. I think that if we intend to protect the interests of our citizens we should not pass this Bill. Honourable members on the other side of the House have, on many occasions, complained about vested interests; and vested interests have their eyes on this particular site.

Surely this area is a haven just outside the precincts of the city where people can go and get away from the hurly-burly of the city. Those people do not want to go to licensed premises. A feature of the park is that whole families can go there in peace and quietness. That is the beauty of the place.

If people like to go to a restaurant which is licensed there is the Pagoda in Hay Street. I believe it is to be shifted a little to the west, and no doubt it will be a bigger building. People will be able to go there for lunch, and it will not be far from King's Park. Let us have one restaurant free of liquor, and one licensed to sell liquor.

I would also point out that the people who go to the park usually travel by car. I have heard the National Safety Council tell us, "Do not drink and drive." I suggest that anybody in this House who is interested in the National Safety Council

cannot vote for this Bill. Patrons of the restaurant will drink, and usually they will drive, and they drive in an area where the speed limit is 25 miles per hour. I say that should not be the practice in the park.

I myself am ashamed that the Government has sought to bring about this license in the way it has. Over the years, under Governments of many types, King's Park has been preserved as a haven from the hurly-burly of the city, and surely this Government should not attempt to destroy what has been set up over the years. I hope that honourable members will not allow the passing of the Bill so that a liquor license will be granted to the King's Park restaurant.

MR. W. HEGNEY (Mt. Hawthorn) [4.28 p.m.]: Unlike the honourable member for Narrogin I am not a teetotaler, but I would like to assure him that I am in complete agreement with his sentiments when he said the liquor interests are behind this move. As a matter of fact, I have prepared only a few notes on this measure and the main item is that in my opinion this Bill emanates from the pressure of the liquor interests. So the honourable member for Narrogin and I are in complete accord on the subtle move of the Minister—on behalf of the Government—to bring about the effect that the liquor interests desire.

This afternoon, we heard the honourable member for Subiaco trying to convince this House—a body of mature men—that if this Bill did not pass, then not only would the establishment in King's Park have to close down, but also the building would be demolished.

Does the Minister for Lands believe that? Silence is consent. Of course he does not; and neither do other honourable members of this House, other than the honourable member for Subiaco—and I do not think he believes the statement he made, because it is too ridiculous for consideration.

It was said by one of the previous speakers to the Bill that the Minister for Education had just introduced a Bill for the purpose of safeguarding—or to help safeguard—the interests of youth in Western Australia. A special Act of Parliament has been introduced. At this stage, I am not going into the matter of temptations for youth. Suffice to say there are plenty now, without an additional one being set up in the community.

As far as traffic is concerned, I go through the park quite often. I do not go there only in a car, but do quite a bit of walking in the park. It can be said that if this Bill passes, and if before many months a liquor license is granted, there will be further congestion in the

park. As the member for Narrogin also said, the National Safety Council is involved in this aspect.

As far as I am concerned, this park is sacrosanct. I make no apologies for opposing a previous move, introduced by a Government of which I was a Minister, for the purpose of taking, for a start, 20 acres for a swimming pool. I make no apologies for opposing that move on two occasions; and Parliament, both times, decided by a majority that the park should remain as it is. To my way of thinking that would have been a retrograde step; but I think that if this Bill is passed, and a liquor license is granted, the beauty and natural attraction of the park for the public as a whole will be considerably reduced.

When the Minister introduced the Bill he made some reference to the fact that it had nothing to do with a license; that it was simply to change the name from "tearoom" to "restaurant", because it was found the proprietor was now serving meals illegally. Who in the community is likely to take legal action against the King's Park tearoom proprietor if the position remains as it is? That tearoom has been in operation for many years and meals are still being served. Just because an application was made to the Licensing Court for a liquor license it was suggested that the tearoom proprietor was illegally carrying on business as a restaurant when he had no power to do so.

Again I ask the responsible Minister who introduced the Bill: Who does he consider will take action against the King's Park tearoom proprietor if the *status quo* is maintained? As I said before, I have opposed certain moves here which, to my way of thinking, were initiated by the liquor interests; and on many occasions I have been in the minority. I opposed an extension of Sunday trading to certain defined areas, and I make no apology for that. I say this Parliament would be taking a retrograde step if it opened the way for the issue of a liquor license for the King's Park tearoom. This is one of the most beautiful parks one could see anywhere, not only in Australia but also in other parts of the world.

I hope the Minister, having regard for the trend of the debate, will give consideration to withdrawing the Bill, because I intend to oppose it with all the vigour at my command.

**MR. MITCHELL** (Stirling) [4.33 p.m.]: I would like to have a few words to say on this measure. First of all, I do not agree with the member for Narrogin that this is a matter of the liquor interests trying to push the Bill through Parliament. I think it is a mistaken attempt on the part of the Minister and the Government to do something which they believe is to the advantage of various sections of the community.

I would like to say straightaway, as I said once before, that I oppose the proposition to alter the definition of the building in King's Park from "tearoom" to "restaurant"; because it has been freely stated—and the lessee has made no bones about it—that if this Bill is passed the lessee intends to apply for a liquor license. I believe the more simple solution would be to alter the Act which the Minister quoted regarding what a tearoom can do. He said there was no definition in the English dictionary of the word "tearoom". However, if he wanted to make sure that the tearoom could supply meals, he could simply have altered the definition regarding what a tearoom can do.

I am totally opposed to any action this House may take in making it possible for a liquor license to be granted to the tearoom in King's Park. It has been said that the proprietor already has the right to serve liquor there; but to my mind two wrongs have never made a right, and I am sorry the proprietor ever got the right to serve liquor with meals in the first place.

It has been said also that this proposal would benefit tourism, and that the tourists want it. I think that if we look at the facts we will find the ever-increasing popularity of places like motels, and other establishments where liquor is not served, indicates that perhaps the tourists are more interested in places that do not serve liquor. Perhaps the fact that our tourists are not frequenting places that serve liquor is an indication that they want more establishments where liquor is not served.

Another point is that we are trying to do all we can to discourage people from consuming liquor and then driving motorcars. Also, we are trying to discourage young people from drinking liquor. If the King's Park tearoom has no license to serve liquor, and people have to take their own, they might not bother about it; but if they go there and liquor is readily available, who can blame them for buying it?

To my mind it is ridiculous to say it is an offence to drink liquor on an "A"-class reserve. If I were to go to King's Park and take out a bottle of beer at one of the parking areas, I could be prosecuted. Yet, on the same basis, this Bill proposes to make liquor freely available within that area to the people who go there. Thousands of people go to the park; and, as other members have said, it is probably one of the most beautiful spots in Australia. I appeal to the House not to defame and despoil it by making it another place where people can drink. I do not think it is necessary, and I do not think it will increase the tourist trade one bit.

If the gentleman who has the lease of the tearoom wants to improve the tourist facilities and the tourist trade, I

would say all he has to do in order to play his part is to continue to provide good meals in quick time. I do not like to criticise people, but I had one of the most distressing experiences I have ever had at that place. As Chairman of the National Rifle Association of Western Australia I endeavoured to entertain the Australian team on their way to England. We had with us many prominent guests from Perth and a luncheon was arranged for half-past 12. Many of the guests left at two o'clock, having had nothing to eat at all, and the majority of us left at three o'clock, not having had a complete meal.

I was not a member of Parliament in those days, and I did think of protesting to the Minister for Lands about the situation. However, the gentleman who was and still is the licensee was good enough to offer me a free meal for the team on their return from England, which I graciously declined, because I feel if I cannot get what I pay for I do not want to eat what he offers for nothing. If somebody in a place like that wants to do something for tourism in Western Australia—and he is granted a privilege perhaps unequalled anywhere else—he has his opportunity without wishing to provide liquor.

I hope the House will turn the Bill down on the ground that it will make it possible for the tearoom in King's Park to get a liquor license.

**MR. TOMS (Bayswater)** [4.39 p.m.] Had there been no application to the Licensing Court for a license to be granted to the tearoom in King's Park, the Bill before us today would never have been introduced. I think little argument can be put forward against that point. The fact that there are definitions for tearooms and restaurants would not have meant a thing if the application had not been made to the Licensing Court. Members know full well that the establishment would have continued to operate, as it has done for years, with no definition being made of what is a tearoom and what is a restaurant.

I have read the Minister's second reading speech with interest, as, I am sure, have other honourable members. It was of such great moment that, from the time the Minister rose to speak until the adjournment of the debate was obtained, a total of seven minutes elapsed. I take it that this is not a Bill with complete Government backing.

**Mr. Bovell:** No. Honourable members are allowed to express their own views.

**Mr. TOMS:** I am extremely pleased to hear that. However, when the Minister did make his second reading speech, he went to great pains to explain the relevant Perth City Council health by-law. In fact, almost a quarter of his speech was taken up by expounding the definition

of that by-law. I think it is fair to say that the King's Park Board is the authority that is in control of the tearoom in the park and all its appurtenances.

The honourable member for Subiaco certainly did not enhance this measure with the contribution he made to the debate. It seemed to me to be rather a speech of frustration than one of actual construction, because he tried to frighten not only the honourable members on this side of the House but also the honourable members on the other side by stating that this magnificent structure—the tearoom—now situated in King's Park would disappear almost overnight if its designation were not changed.

Had this Bill been introduced with sincerity to legalise what has been going on at the tearoom for many years I do not think one honourable member of this House would have opposed it. Instead, the Bill seeks, purely and simply, to make it possible for an application to be made to the Licensing Court to obtain a liquor license for this establishment.

I do not have to remind honourable members where this tearoom is situated. I have travelled fairly extensively all over Australia; and I do not think there is any more glorious spot than that on which the tearoom in King's Park is situated. It is so pleasant that many people often visit the park to sit on the lawns and enjoy the view of the city from that spot.

I do not intend my next remark to be disrespectful, but I believe the respectable and better type of people like to go there to enjoy the quietness of the park and its surroundings, and they would certainly not relish being swamped with people drinking and creating all sorts of noises. I feel certain that they would not continue to visit King's Park if ever a license were granted to the tearoom.

Children in their hundreds go to the park to romp and play; but what sort of a place would it be for them once a license was granted to the tearoom? The Minister said the Bill sought only to change the name from "tearoom" to "restaurant." There is no doubt that such a statement was merely a subterfuge to try to justify the Bill. Surely there is far more in the measure than just the changing of a name! I believe that if the Minister, or whoever was desirous of legalising the practice that has been going on there for some time, had brought forward a Bill to do just that, there would not be the opposition to it that there is to this measure now before the House.

The Minister for Police is now in his seat, and I would point out to him that if this Bill is passed it will certainly increase the duties of the officers of the Police Force. For the information of the Minister for Police, I was saying that the tearoom is under the control of the King's

Park Board. He is aware that wedding parties are held at the tearoom from time to time and liquor is delivered there from various establishments. People hold the wedding breakfast in the front of the premises, where the meal is served in pleasant surroundings, following which they enjoy a cup of tea or coffee, or whatever beverage they desire. That is how it should be, and I hope it will continue in that way.

The public and honourable members who do not drink intoxicating liquor are just as entitled to go to a place that is frequented by people who do want to consume intoxicating beverages. Every person has the right to do that which he is desirous of doing, and we are here to protect that right.

I do not know whether any honourable members are going to speak in favour of this measure. It seems to me that only speeches in opposition to it have been made to date from honourable members on this side of the House, particularly for the purpose of preserving this as a place which people can visit and enjoy themselves in peace, and to preserve the beauty of the spot.

At the present time thousands of pounds are being spent to establish a botanical garden in King's Park; and if a beer license is granted to the lessee of the tearoom, we are going to find beer bottles and beer cans strewn all over those gardens. That will be a pretty sight, will it not?

Mr. Heal: That is rot!

Mr. TOMS: It is all very well for the honourable member for Perth to say it is rot.

Mr. Brand: Why can't people get their beer in cans and bottles from somewhere else and leave the empty containers in King's Park?

Mr. TOMS: If a liquor license is granted to the tearoom, people will have a greater opportunity to obtain more bottles and cans of beer. If the Premier desires to bring a measure down that will legalise the present practice, let him do so and I will support it, because at the present time the practice is properly controlled. However, I am not going to say "Yea" to this small amending Bill on the excuse that its object is merely to alter the word "tearoom" to "restaurant" when I know what the actual result will be.

MR. DAVIES (Victoria Park) [4.48 p.m.]: Generally, I am in favour of liquor laws being amended to widen them and to make them more reasonable, but on occasions there are exceptions; and unless I can obtain assurance from the Minister on one or two points, I am afraid that this Bill will be one of the exceptions. I think we would be fooling ourselves were we to

suppose that, eventually, there would not be a liquor license granted to the tearoom in King's Park once the Bill is passed. This is clearly indicated by a report in *The West Australian* of the 21st August last which reads—

Mr. R. Chappell (for Love), asked the court for an adjournment sine die, pending the result of canvassing to have Parliamentary legislation amended to allow a licence to be granted for the restaurant.

The name "Love" is, of course, the name of the lessee of the restaurant.

Obviously canvassing has been done, and the Government has not said that it cannot or will not legislate to have a liquor license granted to the restaurant; and this Bill is about as far as it can go. So if we take cognisance of the remark made by Mr. Chappell and the intention of this Bill I think we are quite safe in presupposing that if the measure is passed it will not be long before the King's Park tearoom or restaurant has a liquor license.

I believe that liquor should be consumed under controlled conditions. I do not believe there is the same danger associated with granting a liquor license to a restaurant as there is in granting a liquor license to an hotel. I believe there is not a great danger when we consider the class of people who patronise this type of restaurant. Indeed, from my own experience I find that the prices charged would not permit one to get under the influence of liquor very quickly. So I do not think there would be any great danger of over-indulgence in liquor by the type of person who would use such a restaurant.

At the same time I do not think there is a real need for a liquor license in this restaurant. If one wishes to drink one can apparently take one's liquor there, and from the remarks of the Minister when introducing the Bill it is apparent that the tearoom is not suffering a hardship because it has no liquor license at the moment. The Minister pointed out that, depending on the season, the average attendance is between 300 and 400 patrons daily.

I agree with the remarks of most of the previous speakers to the effect that the park is a place for relaxation; for family gatherings. I do not think there would be any disagreement on that point. I wonder, however, whether the Minister could give the House a most definite assurance that tearoom facilities will continue to be made available. Many people who use the park do not wish to use the present restaurant facilities to have full meals. Facilities should be made available for light snacks to be provided. Generally speaking, when parents take their children out they cannot afford to have a large meal in a restaurant, and accordingly there should be ready facilities for cups of tea and sandwiches.

I think there is a bit of subterfuge involved when we consider how the Bill has been presented to us, particularly when we relate its provisions to the remarks of Mr. Chappell as contained in *The West Australian*. But there is another error in the Minister's speech. The Minister said that the word "tearoom" does not appear in either the *Shorter Oxford Dictionary* or *Webster's International Dictionary*. I checked this and I find that in the *Webster's New 20th Century Dictionary (Unabridged)*, a copy of which is lying in the office of the Clerk of the House, a tearoom is described as follows:—

A room in which tea or luncheon is served during stated hours; a refreshment room.

In *Webster's New International Dictionary*, Second Edition, a tearoom is described as—

A room, as in a public building, where tea is served; hence a small restaurant providing light meals, especially tea.

So it would appear there was not too much checking done before the Minister for Lands made the statement in the House that the word "tearoom" does not appear in *Webster's International Dictionary*. If we check the definition of tearoom as given in that dictionary—the definition I have just read to the House—I am sure we could make the word "tearoom" apply also to a restaurant.

Because I believe there should be facilities available for light snacks or teas, as we understand the expression, to be served to the public; and because I believe that if this Bill goes through there will eventually be a liquor license granted to the restaurant with the consequent upgrading in standing and a lessening of tearoom facilities which the people seek, unless the Minister can give a clear-cut assurance that tearoom facilities will still be readily available, I will be unable to support the measure.

**MR. GRAYDEN** (South Perth) [4.55 p.m.]: I intend to oppose the Bill; and, because I intend to oppose the Bill, I would like briefly to outline my reasons for doing so.

First of all, in passing, may I say that I disagree very much with the sentiments expressed by the honourable member for Mt. Hawthorn in respect of his implication that the Bill had been introduced at the instigation of the liquor interests. I have no particular brief for the liquor interests, whoever they may be, but I do think the honourable member's statement is well away from the truth, and most uncharitable; because I believe the liquor trade renders quite a service to the State, particularly as far as travellers are concerned.

No matter where one goes in the metropolitan area one generally stays at an hotel. This also applies to the country towns. In

other words, apart from selling liquor, the hotels provide accommodation which is available to the travelling public of this State. The same thing, of course, applies to toilet facilities. Practically the only toilet facilities available in the city and in the country towns are those provided by the so-called liquor interests.

So the hotels do render this service, notwithstanding the fact that they are subject to all sorts of unfair competition from clubs, restaurants, and places of that kind. Accordingly I do not think the honourable member for Mt. Hawthorn is very charitable when he says that the liquor interests are responsible for this Bill. Those very interests do serve a useful purpose in our society.

I want to oppose the Bill, however, because there is a large section of our community which is violently opposed to the selling of liquor in King's Park. If this Bill is approved by the House, without doubt liquor will ultimately be consumed there on a larger scale than it is at the present time. In deference to the section of our community to which I have referred, if for no other reason, we should refuse to support the Bill.

I have received a number of letters in connection with this matter. I intend to read one of them because it is representative of the others. I think it represents the views of the section of the community to which I have been referring. This letter is from the Rev. G. S. Freeman, pastor of the South Como Baptist Church, and reads as follows:—

As a member of your electorate I bring to your notice my concern at the proposal to change King's Park Tearooms into a restaurant, thus enabling it to qualify for a liquor license.

I am opposed to liquor sales in King's Park for the following reasons:—

- (1) It is a public reserve, patronised by many people who have no desire to be near a place where liquor is sold.
- (2) Ample provision exists for the purchase of alcoholic beverages within easy distance of the Park.
- (3) Once liquor sales are admitted the premises will have to be enlarged, with two results:—
  - (a) More parking space will be required, thus taking away from the natural beauty.
  - (b) This could soon cause the War Memorial to be overshadowed. At present its isolation from other features makes it unique, and as a returned soldier I am opposed to any interference.



I trust that you will use your influence and your voting power where possible to oppose any move to make liquor sales possible.

That letter is typical and representative of the others I have received. The Rev. G. S. Freeman represents a large section of the South Perth community. The other letters I have received are from equally responsible people speaking on behalf of many others.

In view of the fact that there is such a large section of this community violently opposed to the sale of liquor, and anxious to keep their children away from those places where it is sold, I think we should, in deference to that section of the community, refuse to make it possible for liquor to be consumed in King's Park on a wider scale than at the present time.

I agree there are many arguments in favour of the Bill which is before us, but the arguments against it far outweigh those in favour of it. For those reasons I have no option but to oppose the measure.

**MR. BRADY** (Swan) [5 p.m.]: Because I have received letters similar to those received by the honourable member for South Perth I do not intend to cast a silent vote on this measure. One should realise that King's Park is one of the greatest beauty spots in Australia, and visitors to Perth—whether they be from within the State, from the Eastern States, or overseas—should not come face to face with things in King's Park which they do not wish to see; that is, drinking at all hours of the day and night.

Anyone who has not closely examined the Bill could be excused for regarding it as a most innocent amendment to the Act; but in my view it is charged with the greatest amount of dynamite with which any amending Bill has been charged. As members of Parliament we have to look at seemingly innocent amendments to find out what they really mean.

This Bill, if passed, would create a great deal of difficulty for the community, because of the type of people who might be encouraged to frequent King's Park but who do not now frequent it. Temptations would be placed in the way of teenagers to indulge in drinking, when they do not normally drink; they would do that just because they were in the vicinity of the restaurant at King's Park.

As one who visits the park occasionally, I am aware that thousands of young children visit it during holidays and weekends. We should discourage any move that will bring young children into contact with people who frequent licensed premises.

**Mr. Bovell:** The Government of which you were a Minister gave permission for patrons of the tearoom to take liquor there.

**Mr. BRADY:** I am sorry the Minister made that interjection. Up to now he has been doing a really good job with King's Park, by establishing a botanical gardens section and by encouraging the King's Park Board to carry on with its good work, but now he has blotted his copybook by introducing the measure before us. By doing that he will undo tenfold all the good work that he has done in King's Park.

What the Minister said was correct; the Labor Government did introduce an amendment to the Act which enabled the Licensing Court to give permission for the patrons of the tearoom to take their own liquor there, but that only proves the point I made earlier. So-called inoffensive, meagre, and very minor amendments to legislation very often mean a great deal more than appears on the surface. That is why we should examine the Bill before us to see what it really purports to do. This Bill has been introduced to serve vested interests and the liquor interests right up to the hilt.

The next thing the liquor interests will do will be to shift the illuminated "Swan Brewery" ship up to the top of King's Park, to take the place of the returned soldiers' monument, and thus advocate "Swan Beer is Best"; and the "Swan" ship will be lit up at night, especially during weekends, to show how easily liquor can be obtained in King's Park. We should ensure that what was done to the proposed establishment of an Olympic pool in King's Park will be done on this occasion, by defeating the Bill. I think the Bill will be overwhelmingly defeated.

The honourable member for Collie is to be congratulated for opposing this type of legislation. The Minister has endeavoured to mislead the House in an innocent way through the introduction of the Bill. He said it was not done to allow liquor to be sold in King's Park, but that it was intended to alter the classification of the establishment there from a tearoom to a restaurant.

The luminaries in this House supporting the measure could not look up the meaning of "tearooms" in Webster's dictionary. On other occasions I should imagine the same honourable members would produce Webster's dictionary, and many other dictionaries, to prove that "tearooms" means an establishment which sells meals and refreshments other than tea. On this occasion, because it suits their purpose, they tell us that if the establishment in King's Park is not given a restaurant license to sell meals, then that magnificent building will have to be closed down. What tommyrot!

**Mr. Hawke:** That is Stewart's rot!

**Mr. Bovell:** I did not say that.

**Mr. BRADY:** There is no possibility of that magnificent building being pulled down. If there is a desire to permit the

licensee to continue with the activities in which he has been engaged for some years, all that is required is the introduction of a Bill indicating that special treatment or preferential treatment should be given. That is the way to overcome this particular problem.

I did not intend to speak at length, but I could well speak for another half-hour on this subject. If I did not speak I might be chided for making interjections but not getting on my feet to say what I thought. As was the case with the honourable member for South Perth, I have also been requested by church organisations to oppose this amendment. Whether or not those organisations had approached me to oppose the measure, I would still have opposed it, for the same reasons that I opposed the construction of an Olympic pool in King's Park.

King's Park is unique in the history of Western Australia. It was intended by the original architects of the park that it should provide beautiful scenery and a unique atmosphere. We should keep it that way for posterity, and for the sake of the thousands of visitors who come to Western Australia from time to time. We would ruin this magnificent and wonderful park if we were to permit people to drink there at all hours of the day and night. What is more, this Bill could be the thin end of the wedge. We know that the liquor interests have been pressing for Sunday trading in liquor in the metropolitan area for some years. Once such a precedent was established in King's Park, the thin end of the wedge would be applied right throughout the metropolitan area.

Let me remind honourable members that today some people are paying hotel license fees and restaurant license fees for the privilege of selling liquor, but this Bill would trespass on their preserves. This would ruin their businesses; and I feel that is another reason why we should oppose this amendment.

I hope the amendment will be lost, and I also hope that in this House we will not again see the sight of it, either in my time, or in anybody else's. I oppose the amendment.

**MR. HEAL** (Perth) [5.10 p.m.]: As one kicking into the breeze, I support this measure. I would like to say that when the Minister has the opportunity of introducing something similar again, he should introduce it in a much better manner than he did on this occasion; and if he wants the House to support him he should give the honourable member for Subiaco a pound, send him up to King's Park to place it in the wishing well, and get him to follow in after it.

As a member of the King's Park Board, I am obliged to say that a lot of what has been said this afternoon could not possibly

happen. I can assure you, Mr. Speaker, that if and when the King's Park tearoom or restaurant does get a license and any complaints are made to the King's Park Board—and no complaints have been made about it—it will take some action.

The honourable member for Bayswater made a statement that if this measure is passed there will be bottles and cans around the botanical garden. I think the honourable member is off-line, because if the restaurant is given a license I am sure it will not be permitted to sell bottled beer or canned beer.

**Mr. Graham:** It must be consumed on the premises.

**Mr. HEAL:** It will be a liquor license; and patrons will be served with a glass of wine or beer, which must be consumed on the premises. This afternoon a lot of honourable members have made some very wild statements in relation to what is going to happen. To the best of my knowledge, no complaints have ever been made to me in relation to the running of the King's Park tearoom.

The honourable member for Stirling said he took an organisation up there for a meal, and because they would have had to wait a few hours, they missed out. I am sure there must have been some reason. It was bad luck for the rifle boys. The honourable member for South Perth said he received a few letters from electors asking him to vote against this measure. I hope that, in the future, if he gets any letters in relation to measures which the Government has introduced, he will follow the same pattern and vote against them.

It looks as though this is a lost cause, but that does not worry me. I have the courage and conviction to state my views and support this measure. It does not matter what the Minister or the honourable member for Subiaco have to say; but I think honourable members of this House have taken an erratic view in relation to the effects of this measure. They think it will develop like Melbourne after a football match, and that there will be a lot of bottles and cans around and much abuse. I can assure honourable members that will not happen while the present King's Park Board is in operation.

**MR. BRAND** (Greenough—Premier) [5.12 p.m.]: The honourable member for Perth rightly said that some of the statements here today were made without knowledge of the Licensing Act. A perusal of the Act would show—if the issue is one of obtaining liquor and going outside under the trees to drink it and throwing tins into a section of King's Park—that liquor must be consumed on the premises. In regard to Sunday trading,

people would not be allowed to bring liquor to the restaurant as they are now. I think the fact that one can now take liquor to the restaurant and consume it at meal-time introduces the principle of liquor being consumed in the restaurant or eating place that exists in King's Park.

The Government discussed this question when it was raised in Cabinet, and it was decided to at least give Parliament the opportunity of making its decision. In addition, it has been decided that the vote will be a free one, as has been the case with all legislation which could include the subject of liquor trading. Whilst the Minister explained that the Bill itself was introduced to clarify the situation—it appears to me it will have to be clarified anyhow—it was, of course, brought to the House, as the honourable member for Bayswater said, as the result of an application for a liquor license to the Licensing Court; and in the event of this Bill being successful, the way would be open for the Licensing Court, which has the responsibility of deciding these issues, to grant a license if so decided.

As far as tourism is concerned, I think a lot of nonsense has been talked about liquor attracting tourists. I do not think tourists have any difficulty obtaining the liquor they require at whatever hour they want it, because the laws are such that they more or less provide for *bona fide* travellers, people living on the premises, and so on. As Minister for Tourists I have never felt this has been an issue at any of the Minister's councils. I think we misjudge people when we are of the opinion that they must have liquor when they travel around the world or go on holidays.

I support this measure because I believe that if the liquor is available on the premises it must be a tidier situation than the one at the present time. Whilst the view has been expressed here today that a large number of people would desire to eat under conditions where no liquor was being consumed, I point out that they cannot do this at King's Park at the present time; and I do not think we should be intolerant of the views of many hundreds of people who are very temperate in their habits, but who like to have a drink, be it beer or wine. Therefore the free vote given to this House is a fair and reasonable approach; and the legal issue raised by several honourable members, including the honourable member for Subiaco, will remain unresolved if the Bill is defeated. I was interested in what the honourable member for Stirling had to say.

Mr. H. May: A nice speech.

Mr. BRAND: He always does make a nice speech; but the fact that there is insufficient room at the restaurant in King's Park raises a point which is of interest to us all. One of the questions we might have to resolve in this House is whether the

board, or whoever is responsible, should be permitted to arrange for the lease of another restaurant, tearoom, or eating place, because the present accommodation is filled to capacity at most times. I do not know whether we are going to always limit the eating accommodation in King's Park to the only restaurant that exists there at the present time.

As our tourist trade grows, as has been mentioned here time and time again today, hundreds of people from overseas will be going to see the park, and it would be very convenient for them to have a cup of tea or a meal. However, it is very difficult at times for them to get into the existing premises because they are so popular. I just raise that question to give members something to think about. I am suggesting the time might come when this matter will have to be given some consideration and that there will have to be further accommodation for eating in King's Park, with or without a license.

I voted against permission or approval for certain hotels outside the metropolitan area to trade on Sunday at midday and during the evening hour; and I certainly would continue to take that attitude. I might be slightly biased in my attitude, too; but here in this case it seems to me, in view of the availability of liquor—a decision that was made in the past—it is sensible and reasonable, in the event of this amendment being made to the Act clarifying whether the premises are a tearoom or a restaurant, that the lessee or licensee, with the support of the King's Park Board, should go forward and have his application considered. This, of course, as the Minister said, is a matter for the Licensing Court.

I acknowledge the attitude of those in this House who are very anti-liquor, but I think we must have regard in matters such as this, where the decision is yet to be made, for the general attitude of many other people who enjoy a drink with meals alongside those who have been spoken for today. Whilst, quite frankly, I do not care very much whether the Bill passes or is defeated, it seems that the effort to bring the Bill here was to clarify a situation and clear the way, as the Minister suggested, for the action that might be taken by the lessee. I support the measure.

MR. I. W. MANNING (Wellington) [5.21 p.m.]: I believe this Bill, while it has been introduced to clarify a certain situation, also provides an opportunity to achieve a certain end and I would be very disappointed if this were to come about.

Some unfortunate remarks have been made here this afternoon, and some honourable members have been wide of the mark. I am sorry that one or two have imputed improper motives to the Minister who introduced the Bill, and the

honourable member for Subiaco who offered support for it. I have not seen the tossing of bottles and tins around King's Park, but I base my objection on the ground that it is a step towards granting licensed drinking in the park.

Some restriction is placed upon the patrons of this establishment at present because of the inconvenience of having to take liquor in bottles in order to consume it with a meal. I am a fairly frequent patron of the tearoom in King's Park, and it would seem to me it is a most lucrative establishment and it must, as it is at present, provide a pretty reasonable income for the lessee.

I think this is quite a curly one from many angles. The honourable member for Subiaco suggests we might be usurping the authority of the Licensing Court by making a decision on what should be the province of the Licensing Court; but I have a great deal of sympathy for honourable members who take this opportunity to express a view which has a good deal of public support, that view being that a restaurant as exclusive as that in King's Park ought not to be permitted to serve liquor to any great extent. I feel that we have this opportunity of expressing an opinion on the matter for the guidance of the Licensing Court. Great care ought to be taken in deciding whether or not a license should be granted to such an exclusive restaurant.

So, whilst I appreciate that there are reasons for the introduction of this measure, I feel it will achieve a certain end, and for that reason I must take the opportunity of opposing it.

**MR. BICKERTON** (Pilbara) [5.25 p.m.]: I wish to support this measure, and I do so with the full realisation that the Bill really means that the restaurant in King's Park will be able to apply for a liquor license.

**Mr. Bovell**: Only with the permission of the King's Park Board.

**Mr. BICKERTON**: That is right—with the permission of the board. I am not fooled in any way by the fact that it is not a liquor Bill; but I do support the measure, and I support it not just because the restaurant is in King's Park, but because I believe any respectable restaurant should be able to serve liquor to its patrons. If it is a respectable restaurant, I assume it is run by a respectable proprietor, and that the premises are well conducted. Therefore I do not think we can take any notice of the stories about bottles and cans lying round the place; because there are plenty of measures available in our present laws to ensure that that type of thing does not take place.

I am not a regular patron of the King's Park restaurant, so it is not going to make much difference to me whether it obtains

a license or not. I am also aware of the fact that if I do take someone there it is possible for me to take liquor with me, if I require it. However, like a lot of other people, I am not very fussy about carting bottles into a restaurant. I think it should be possible to purchase them in the establishment. It seems to me to be a much more civilised way of going about it than carting them through King's Park in one's hands for the purpose of entertaining one's friends.

Most of my visits to King's Park, fortunately, have been on someone else, so I assumed the premises had a license because there always seemed to be liquor there. It was only three or four months ago that I discovered it was not a licensed restaurant; and then of course I think everybody knew afterwards, because the Licensing Court had knocked back the application on what appeared to me to be very technical grounds.

I do not think giving the restaurant a license will take anything away from King's Park. In the case of this Bill we have a combination of two forces which no doubt will bring about its defeat. We have those who normally vote against liquor measures or any extension of the sale of liquor, and I respect their opinion. We also have those who are very much against people laying a finger in any shape or form on King's Park. With both those groups coming together, I would say there is a pretty good chance of this measure going out the window.

However, I certainly would not be capable of influencing anybody else, and I would not want to. But it would be a pity if, in a restaurant such as we have at King's Park, someone going there for a meal could not order liquor on the premises. As to the reference made by some speakers to those who make a nuisance of themselves, I am not concerned about them. I do not believe any legislation is submitted for the benefit of those who are going to abuse it or make a nuisance of themselves. We cannot take into consideration that type of person. In any case, if any trouble did arise as a result of that, I agree with the honourable member for Perth, who said that the King's Park Board would very soon take steps to ensure that there was no repetition. I support the measure.

**MR. NALDER** (Katanning—Deputy Premier) [5.30 p.m.]: I rise to make some comments on this measure. I support almost every point made by the Premier except one, which I shall mention later. I think the Government is quite right to allow Parliament to make a decision on this matter, as quite some publicity was given to it. The Licensing Court felt that it was not within its power to make a decision, and I think the matter should be cleared up once and for all.

Whether or not a license is granted to King's Park, I do not think it will improve the situation so far as tourism is concerned. One has only to go there almost any time of the day during the week and one will find the place crowded. It is supported by those people who live in Perth and the country, and also by visitors who come from the Eastern States and overseas. I do not think it will make one bit of difference whether or not a license is granted to King's Park. The public will still go there. No doubt they receive relaxation from going there. They enjoy the conditions which exist, and the views, which are apparent to anyone who likes to spend some time there. I would say the views are equal to, if not better than, any others I have had the opportunity and privilege of seeing. The support given to the establishment indicates that consideration might have to be given to extending the present premises or to the erection of a similar building.

Mr. H. May: That has nothing to do with this Bill.

Mr. NALDER: That is so; but I was pointing out that I support quite a number of the points made by the Premier. It is not my intention to force my own personal views on people. I have my own feelings on the matter, as most honourable members know, and I do not wish to quibble with the feelings and expressions of others on this particular point.

However, I believe it would be undesirable to permit the situation to develop and to allow a license to be granted to King's Park; so I express my opinion against it, and I propose to vote against the Bill.

MR. FLETCHER (Fremantle) [5.34 p.m.]: I am desirous of seeing overseas visitors, particularly European visitors, being able to enjoy an aperitif or alcoholic drink of their choice in properly supervised surroundings, similar to those existing in Europe, to make them feel at home.

However, I feel that if liquor were available at the King's Park tearoom, the honourable member for Stirling, local people, and visitors would wait days instead of hours for a meal to be served. In effect, the liquor trade would supersede the tearoom trade.

To my personal knowledge, seating room is limited; and that being so, I visualise a situation where patrons will be occupying tables, carrying bottles and glasses and perhaps a plate of stale sandwiches, to the exclusion of other patrons anxious to obtain a meal.

Mr. I. W. Manning: They don't sell stale sandwiches.

Mr. FLETCHER: I am not suggesting they do; but if patrons occupy the tables with a plate of sandwiches, they can drink on indefinitely until such time as the

sandwiches become unpalatable or inedible. Thus a majority of waiting patrons will be disadvantaged by a minority.

A three-course meal can now be enjoyed at the King's Park tearooms by individuals and parties. I have been a member of parties that have enjoyed very good meals at that address. I have been more fortunate than the honourable member for Stirling, because I have enjoyed a meal in the evening when there were not so many patrons present. But if liquor were available we would have that type of patron who would be there looking for liquor rather than for a meal, to the exclusion of others who, like myself, were looking for a meal.

If a restaurant liquor license were granted, there would be fewer three-course meals; there would be more liquor and less food. Our overseas visitors and our more sophisticated visitors can obtain the service to which they are accustomed in areas other than King's Park. As a consequence, I oppose the measure.

#### *As to Continuation of Debate*

The SPEAKER (Mr. Hearman): The Minister for Lands.

Mr. GRAHAM: Mr. Speaker—

The SPEAKER (Mr. Hearman): I think the Minister had the call; but I will let it go this time.

Mr. GRAHAM: But the Minister would close the debate.

The SPEAKER (Mr. Hearman): I know that; but he was on his feet before the honourable member.

Mr. Tonkin: Does that mean that if a Minister wants to stop anybody from speaking, all he has to do is to jump up and get the call?

The SPEAKER (Mr. Hearman): The honourable member for Balcatta may continue.

#### *Debate (on motion) Resumed*

MR. GRAHAM (Balcatta) [5.38 p.m.]: If I might be permitted to address myself shortly to the Bill, let me say, in the first instance, that my feelings are somewhat similar to those expressed by the Premier: that it is a matter of no grave concern to me whether the Bill is passed or lost. I hasten to add that I am in support of the measure.

One would imagine, from some of the extreme utterances which have been made this afternoon, that this is a question of whether there shall be liquor consumed on the premises in King's Park, or whether there shall not. Liquor is being consumed at the present moment, as every honourable member knows or should be aware. It is a question of whether we shall continue with the process of people taking either armfuls of liquor or lesser

quantities—in any event, taking their own liquor—to the tearoom; or whether, having gone to the tearoom or restaurant, as it is proposed, they will purchase their requirements there—purchase liquor which can be consumed only in the restaurant, and none of the liquor can be removed from the restaurant.

Mr. O'Neill: There is a restriction on the hours.

Mr. GRAHAM: That is so; but I prefer to make my own speech in my own way. At the present moment it is possible to enter the premises with half a dozen bottles, consume five of them, take the other one away, and move into the shadows and drink the liquor. But no liquor is permitted to be taken by customers on to the premises of any licensed restaurant; neither is it possible for any liquor to be taken away. So in my view there would be an improvement from the point of view of those who have doubts about this matter of liquor.

Those who live around the metropolitan area will surely agree with this: that the general standard and conduct of the people who patronise licensed restaurants is immeasurably superior to the general standard and behaviour of people in unlicensed restaurants—at least, the majority of those restaurants—where the proprietors allow liquor to be consumed. The holders of the licenses have those licenses issued to them from the court, and the Licensing Court ensures that certain standards are complied with. There is a requirement in respect of hours, but so far as the law is concerned there is nothing to stop the restaurant in King's Park becoming an all-night club, and the proprietor allowing liquor to be sold until dawn, or indeed beyond that hour. There is nothing in the law of this land to prevent that.

However, if these premises become the subject of a restaurant license then, of course, they will be controlled in the terms of the Licensing Act as it is, and as amended from time to time. Accordingly I feel that all these exaggerated versions of what could transpire in King's Park are exaggerations and nothing else. There is no substance in them. No doubt as at present, so in the future, license or no license, people will be proceeding to King's Park, taking liquor in their cars and consuming it contrary to the law. But at least it will not be possible for them to get it from the restaurant and take it to drink elsewhere in the park.

Obtaining liquor on the premises and drinking it with meals is a more civilised method of proceeding. I remember—and I trust I am permitted to say this, Mr. Speaker—having a conversation with a Commissioner of Police, and it had to do with the matter of drinking on Anzac Day. You will appreciate, Sir, the similarity of the illustration I am about to give with

what might occur, and indeed does occur, in King's Park. The opinion of that highly-placed public servant was that it is inevitable on Anzac Day that a group of persons will assemble for the purpose of celebrating old associations and the rest of it. Because at that time liquor was unpurchasable on the day, one of the number would previously purchase and make arrangements for the chilling of, say, a five-gallon keg. Because the keg had been paid for, those people would then set about and continue drinking, even to excess, because the liquor was there.

Let me compare that with the position in King's Park. Several of us might have the intention of going to King's Park for a meal and, as is the habit of many people, having some liquor at the same time. Because of the circumstances I suppose it would be normal that steps would be taken to ensure there would not be any shortage, and so perhaps a little more than is required would be taken. The liquor being there, on the premises, the tendency would be for it to be consumed. If half a dozen bottles were purchased I venture to suggest there would not be two bottles left over; the six of them would be consumed.

But if those same people were in a licensed restaurant they would order their liquor bottle by bottle, whether it be wine or beer, and I suggest that if after the fourth bottle had been purchased they felt they had had enough that would be that. So the licensing of a restaurant would result in the consumption of four bottles instead of six.

We must remember, too, that the holder of the license is interested in customers, and so long as you, or I, Sir, and our friends are occupying a table, it means it is to the exclusion of some other patrons, if people are waiting and it is a busy time. The licensee, not only because he is conducting a business, but also because he is subject to the control of the Licensing Court, would be most anxious to ensure that there was no unseemly conduct.

Mr. Bovell: He is also subject to the control of the King's Park Board.

Mr. GRAHAM: That is so. But the King's Park Board happens to be the landlord; and I dare say those who conduct licensed restaurants in and about the metropolitan area—or at least most of them—would have landlords. I repeat: In respect of certain restaurants or night clubs to which clients can take their liquor the conduct, in many cases, is outrageous and, in many cases, too, bordering on the immoral. However, I venture to suggest nobody could point the finger at a licensed restaurant.

I have not patronised them all, but I have been to a number of them, and I can say quite honestly I have not seen anything untoward whatever. So if we learn from

experience—and the general summary seems to be that a licensed restaurant is, generally speaking, superior to one where the owner or proprietor allows liquor to be brought there and consumed—then in fact we would be doing something to improve the situation by allowing the consumption of liquor at the King's Park tearoom, as it is now called; or restaurant, as the Bill proposes.

For that reason I support the measure. Here let me say that I have been to the King's Park tearoom on two occasions, I think, when liquor was consumed, not in the building itself but in the annexe or tarpaulined area on the southern side. One occasion happened to be a party in honour of an old Western Australian who is now living in another part of the Commonwealth. He was visiting here for perhaps the last time, and he had an assembly of friends. I was not over-taken with it, I am afraid. It gave me a bad impression because there we were with warm beer, and I suppose nobody had more than two or three glasses during the whole party.

But if the place had been licensed, then the bottles would have been served, as required, from proper refrigeration arrangements which would have been installed by the licensee. I do not know that anything was achieved except that those of us who had a glass of ale were drinking beer for the toasts, etc., and it was far less palatable than otherwise would have been the case.

I have not—and I say this quite honestly—any evidence from my own experience, or from the remarks of those speakers I have heard this afternoon, that would in any way suggest there could be a deterioration of conditions in King's Park, or in the tearoom, if this measure were passed, and because of it the Licensing Court granted a restaurant license in respect of the premises concerned.

Like the honourable member for Pilbara I am aware of the fact that a number of honourable members in this Chamber have an abhorrence of liquor. Perhaps when one encounters the plight of some people and their families one can excuse honourable members for drawing the conclusions which they have, and, accordingly, this animosity towards anything that is connected with liquor.

But surely, if we are realists, we acknowledge the fact that the great majority of people consume liquor at one time or another; that the great majority of people are able to comport themselves with reasonableness and dignity and do not commit any antisocial acts. If there is the odd person who drinks to excess—which unfortunately there is—there are the proper processes of law to control and deal with him.

I must confess that, to some extent, I become a little resentful towards my colleagues on both sides of the House who speak quite vehemently on this matter, because anything that smacks of liquor apparently is something of disrepute; and because I and some of my friends partake of liquor from time to time it means there is something wrong with us or we are dissipating ourselves and our abilities, and so on. I do not think that is a proper approach and it does not have much substance. Accordingly one would expect those who are irrevocably opposed to the consumption of liquor anywhere, in any circumstances, at any time, to be opposed to this Bill. But even to them I put the proposition: What is the alternative?

My feeling is that the standards would be higher, the control more rigid, and the abuses, committed by people consuming liquor and having a surplus either on the premises or in the park itself, would be less likely to occur if this place were licensed, subject to certain hours as prescribed by law, and subject to the policing, restrictions, and requirements imposed by the Licensing Court.

Broadly, those are my feelings on the Bill. I hope it will be passed; and my only reason for so hoping is that I feel that if the Licensing Court, in this instance, grants a license, the arrangements will be better than they are at the moment. When I say "better" I mean not necessarily only for those who have a drink with their meals from time to time, but also for those people who prefer to abstain.

**MR. BOVELL** (Vasse—Minister for Lands) [5.53 p.m.]: I have listened with interest to the comments made by honourable members; and I am one who respects the individual opinions expressed by honourable members of this House and all members of the community on the liquor question. I am not a teetotaler, but my presence in public places where liquor is consumed is extremely limited. I believe, as the honourable member for Balcatta has said, that a great majority of people enjoy the consumption of liquor in moderation and are really temperate in their drinking habits. There were several members—the honourable member for Collie being one, I think—who said that this move had been initiated by the liquor interests. I can say quite truthfully and openly that no representative of the liquor interests has made any representation to me at any time as the Minister responsible, or to other members of the Government as far as I am aware.

**Mr. H. May**: I did not make that accusation.

**Mr. BOVELL**: In that event I withdraw any comments I made with reference to the member for Collie.

**Mr. H. May**: I did not say it.

Mr. BOVELL: Some honourable members did say that this Bill was initiated by liquor interests. Perhaps one of them was the honourable member for Swan.

Mr. Brady: No; I did not say that.

Mr. BOVELL: We will see who did say it when the *Hansard* report is made available to us. There is no doubt that some honourable member said it, and it was repeated more than once; so the honourable member who did say it might as well be a George Washington and admit here and now that he said it. I repeat that the liquor interests have made no representation to me or to any member of the Government so far as I am aware. It has been the desire of the lessee of the tearoom to be granted a liquor license. If there is a section under the Licensing Act permitting the Licensing Court to grant a liquor license to an establishment that functions as a restaurant, the proprietor or the lessee of that establishment should be entitled to lodge an application for such a license with the Licensing Court.

In this instance the lessee of the King's Park tearoom could not make a direct application to the Licensing Court without first obtaining the approval of the King's Park Board. The current licensee would first have to receive that approval from the board and then make his application to the Licensing Court. I will not mention who they were, but several honourable members made some reference to the word "subterfuge." They used it on a number of occasions.

Mr. H. May: I used it.

Mr. BOVELL: I am pleased to know that the honourable member for Collie is admitting that he used that word. It was repeated over and over again. It was made in reference to my second reading speech when I introduced this measure. That speech was carefully worded for the simple reason that if this measure is passed and the Licensing Court is called upon to decide this issue, I did not want quoted in that court anything that would influence it in any way when making a decision.

Mr. Tonkin: A wink is as good as a nod to a blind horse.

Mr. BOVELL: We pride ourselves on the fact that what is said in Parliament is carefully noted in various places, and my comments made it quite clear that this Bill does not in any way provide for a liquor license. That is a fact; there is no question about that. The matter is entirely one for the State Licensing Court to decide; and it is not the Government's desire or its intention to influence the court in any consideration it may be required to give to this matter.

Mr. Tonkin: I wish you had adopted the same attitude towards the Arbitration Court.

Mr. BOVELL: I then went on to say—

It will be of interest to honourable members that in June, 1958—

that was the year before I became Minister for Lands, and before this Government came into office. Continuing—

—the King's Park Board approved the application of lessees of the catering establishment to permit the consumption of liquor with meals. Conditions were that the liquor to be consumed must be brought there by the patrons and must be consumed on the premises, and only during meal hours. This practice has continued without untoward incident.

Further, the official records say—

In June, 1958, under this section of the Act, the Board "approved the application of the lessees of the new restaurant—

Honourable members will note that the word "restaurant" was used in this phraseology. Continuing—

—to permit the consumption of liquor with meals at the restaurant,"—

It will be noted again that the word "restaurant" is repeated. Continuing—

—and notified the Minister for Lands accordingly,—

At that time I was not the Minister for Lands; the Minister was, I think, the honourable member for Merredin-Yilgarn. This continues—

—stating conditions imposed on the lessee.

Honourable members will note that in that official notification the board allowed the consumption of liquor on the premises.

I would particularly like to thank the honourable member for Balcatta for his comments, because I think they do clearly state it would be in the general interest to have a better system of liquor service in the tearoom at King's Park. As I have said, I respect the individual opinions of honourable members in this matter, and I again say that the Bill gives no authority for the issue of a restaurant liquor license though a license might be issued if the Bill were passed. I hope members will support the Bill.

Question put and a division called for.

The SPEAKER (Mr. Hearman): Before proceeding further, I would ask the honourable member for Cockburn to indicate how he proposes to vote.

Mr. CURRAN: I wish to stay on this side of the House.

The SPEAKER (Mr. Hearman): Does the honourable member wish to vote with the Noes?

Mr. CURRAN: Yes.



Division taken with the following result:—

Ayes—20	
Mr. Bickerton	Mr. Guthrie
Mr. Bovell	Mr. Hall
Mr. Brand	Mr. Heal
Mr. Cornell	Dr. Henn
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. Rhatigan
Mr. Dunn	Mr. Wild
Mr. Gayfer	Mr. Williams
Mr. Graham	Mr. O'Neill

(Teller)

Noes—21	
Mr. Brady	Mr. W. A. Manning
Mr. Curran	Mr. D. G. May
Mr. Davies	Mr. Mitchell
Mr. Fletcher	Mr. Nalder
Mr. Grayden	Mr. Norton
Mr. Hart	Mr. Oldfield
Mr. Hawke	Mr. Sewell
Mr. W. Hegney	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lewis	Mr. H. May
Mr. I. W. Manning	

(Teller)

Majority against—1.

Question thus negatived.

Bill defeated.

## ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier)  
[6.5 p.m.]: I move—

That the House at its rising adjourn  
until Tuesday, the 6th October.

Question put and passed.

*House adjourned at 6.6 p.m.*

## Legislative Council

Tuesday, the 6th October, 1964

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

## BILLS (14): ASSENT

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

1. Vermin Act Amendment Bill.
2. Fire Brigades Act Amendment Bill.
3. University of Western Australia Act Amendment Bill.
4. Radioactive Substances Act Amendment Bill.
5. Forests Act Amendment Bill.
6. Brands Act Amendment Bill.
7. Sale of Liquor and Tobacco Act Amendment Bill.
8. Local Courts Act Amendment Bill.
9. Justices Act Amendment Bill.
10. Evidence Act Amendment Bill.
11. Agricultural Products Act Amendment Bill.
12. Alsatian Dog Act Amendment Bill.
13. Anzac Day Act Amendment Bill.
14. Milk Act Amendment Bill.

## QUESTIONS ON NOTICE

### PRICE OF GOLD

*Report from Federal Treasurer*

1. The Hon. R. H. C. STUBBS asked the Minister for Mines:
  - (1) Has the Government received any advice or report from the Federal Treasurer, Mr. Holt, on his endeavours to have an increase in