

1958

WESTERN AUSTRALIA

REPORT

of the

Parliamentary Committee Appointed to make Enquiries into the Licensing Act, 1911-1956

DATED THE 24th DAY OF JUNE, 1958

Presented to both Houses of Parliament

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24th June, 1958.

THE HONOURABLE THE PREMIER,
PARLIAMENT HOUSE,
PERTH.

DEAR SIR,

RE: PARLIAMENTARY COMMITTEE ON
LICENSING ACT.

YOUR COMMITTEE HAS CONCLUDED THE
ENQUIRY AND NOW HAS PLEASURE IN
ATTACHING HERETO ITS REPORT.

ON BEHALF OF THE COMMITTEE,

YOURS FAITHFULLY,

(Sgd.) E. M. HEENAN,

CHAIRMAN.

**PARLIAMENTARY COMMITTEE ON LICENSING
ACT.**

APPOINTED ON THE 10th SEPTEMBER, 1957.

MEMBERS OF COMMITTEE:

Hugh David ANDREW, Esq., M.L.A.

George Meredith CORNELL, Esq., M.L.A.

Eric Michael HEENAN, Esq., M.L.C. (Chairman).

William Allan MANNING, Esq., M.L.A.

Hugh Lewis ROCHE, Esq., M.L.C.

John Mervin TOMS, Esq., M.L.A.

SECRETARY:

*J. P. McEWAN, Esq.,
Clerk of the State Licensing Court, Perth.*

LICENSING ACT, 1911-1956.

*Licenses in Existence in Western Australia
as at the 1st March, 1958.*

[illegible]

*List of Witnesses and Organisations Represented
at Enquiry.*

1. Police Department—Inspector A. O. Fiebig.
2. Police Department—Sergeant L. Hull.
3. Marelle Restaurant—Mr. and Mrs. G. Corzino.
4. Wholesale Wine and Spirit Merchants' Association—President and Vice President.
5. Four licensees from hotels just within 20 miles radius from Perth.
6. Swan Brewery Co. Ltd.—G. Cohen, Managing Director.
7. Sir Charles Latham, M.L.C.
8. Government Tourist Bureau—R. H. Miller, Director.
9. Railways Department—C. Eivers (Secretary) and E. C. Miller.
10. Licensing Court—Messrs. Wauhop (Chairman), Hunt, Lloyd.
11. Hon. N. E. Baxter, M.L.C.
12. Gallon Licensees' Association—President, Vice President and Secretary.
13. W.A. Temperance League—W. H. Rose, Director.
14. Women's Christian Temperance Union—Mrs. Humphreys, President.
15. Town Planning Commissioner—J. A. Hepburn.
16. Tourist Omnibus Services—R. F. Carroll, Assistant Manager.
17. Association of Registered Clubs—President and Secretary.
18. W.A. Night Restaurant and Cabaret Owners' Association—H. Della Marta, President.
19. United Licensed Victuallers' Association—President, Secretary, three Committeemen.
20. State Hotels Department—R. J. Murray, Manager.
21. International Order of Good Templars—Secretary.
22. Retail Wine Vendors' Association—President and Treasurer.
23. Hotel Charles, North Perth—Licensee and Owner's Representative.
24. *Daily News* Newspaper—Gavin Casey, Reporter.
25. Hotel Adelphi, Perth—W. Brockwell, Licensee.
26. Methodist Church—Rev. Hull, Meyer and Mason.
27. Barmaids' and Barmen's Union—President and Secretary.
28. Hotel Australia, Perth—R. F. Cooper, Owner.
29. United Council for Social Reform—Rev. Limb and Wasley.
30. Receiver of Licensing Revenue, Crown Law Department—W. J. Robinson.
31. Australian Labour Party—Secretary.
32. C. M. Huggins, Tuart Hill.
33. C. R. Cornish, Licensee—Gascoyne Hotel, Carnarvon.
34. Municipality of Cottesloe.
35. Commissioner of Native Welfare—S. G. Middleton.
36. Country Women's Association—Secretary.
37. Liquor Trade Council of W.A.—A. C. Curlewis, Director.
38. Karrakatta Club, Perth—Secretary.
39. Methodist Church, Subiaco Branch.
40. United Licensed Victuallers' Association (Goldfields Sub-branch).
41. Goldfields Associated Clubs—President and Secretary.
42. Committee Controlling Community Hotel, Cunderdin.
43. Ministers' Fraternal of Goldfields—Rev. R. B. Boulter.

Parliamentary Committee Appointed to make Enquiries into the Licensing Act, 1911-1956

INTRODUCTORY.

1. No specific terms of reference were given to the Committee but it was indicated that a general survey of the Licensing Act, 1911-1956, and of conditions appertaining to the liquor trade as they exist in this State should be made with the overall object of making recommendations for an improvement thereto.

2. With the above object in view your Committee applied itself to the task of obtaining information, ideas and suggestions from all sections of the community. Various controversial issues were also considered and every facility was given for divergent points of view to be placed before the Committee.

3. In the course of its enquiry your Committee interviewed some 40 or more witnesses representing various organisations and points of view, a number of whom came with carefully prepared written submissions which were of great assistance. All witnesses showed an earnest desire to assist by being frank and informative and your Committee is most grateful to all who gave evidence throughout the enquiry.

4. A perusal of the list of witnesses appended hereto will show that a wide section of the community was represented. In addition your Committee visited numerous towns in the South-West, Great Southern, Eastern Wheatbelt and Eastern Goldfields for the purpose of inspecting licensed premises and acquainting itself with points of view held in these portions of the State. Furthermore, during the Christmas vacation the Chairman visited Brisbane, Sydney and Melbourne and in each city had the opportunity of meeting the various licensing authorities all of whom were most interested and helpful. Also whilst in Sydney he had the privilege of a lengthy conference with The Honourable Mr. Justice Maxwell who in 1954 as Royal Commissioner submitted a monumental report on the Liquor Laws of New South Wales.

5. The report of The Honourable Mr. Justice Maxwell has been of inestimable assistance to your Committee because it deals in a most enlightened and comprehensive manner with many of the problems which have been confronted throughout the enquiry and the implications of which have a great deal in common irrespective of the States in which they arise. We commend its study to all who are interested in matters concerning the liquor laws of any State. One definite conclusion arrived at by the Chairman as a result of his visit to the Eastern States was that the problems associated with our hotels and liquor laws are by no means unique and have a great deal in common with similar problems existing in other States of Australia.

6. It will be readily appreciated that the whole subject of liquor and its control is a controversial and complex one. There are so many conflicting interests and contradictory points of view involved. Also it is so easy to say what should be done and to ignore certain inescapable facts. Your Committee however has endeavoured throughout its deliberations to deal with conditions as they exist in Western Australia and as they seem likely to develop in the future, keeping in mind the welfare of the public generally rather than those of any sectional interests concerned.

7. From time to time your Committee found it necessary to point out that although it was incidental to the enquiry to consider certain controversial subjects, they were proceeding on the basis that the sale and consumption of liquor in its various forms was something which was permitted by the law of the land and the moderate consumption of which was undoubtedly regarded as a social amenity by a very large section of the community. This attitude was taken because there remains the conviction held by many worthy people that the only practical way of correcting the abuses and evils associated with liquor is to prohibit its use altogether. In this connection it may be worthwhile quoting from the "Report on Alcoholism" submitted to the United Nations World Health Organisation on the 30th August, 1957, by Dr. A. Cavaillon, Director General of Health Minister of Public Health, France. In dealing therein with the fight against alcoholism he states:

The grave economic disturbances that would be occasioned by prohibition together with the likelihood of social unrest such as it caused in the United States are sufficient reason, we think, not to dwell upon the consideration of this solution.

8. It is the considered opinion of your Committee that remedies to most of the problems associated with the liquor trade lie not so much in the realm of restrictions and prohibitions, but rather in the realm of wise laws which should be revised from time to time in the light of research and experience; improvements to premises and amenities and the cultivation by means of education of a healthy public outlook and attitude on the subject. We stress the latter because it is realised that the passing of laws will achieve very little in the way of reform unless they have the enlightened support and respect of the community. This will come about when there is a permanent body of citizens actively interested in educating the public and in the promotion and achievement of better standards all round. Evils of a serious nature are undoubtedly associated with liquor and it is somewhat surprising that in the past more has not been attempted in the field of education where such a tremendous responsibility lies.

HOURS OF TRADING.

1. This is a matter to which a great deal of consideration has been given because your Committee was aware from the outset that the question of hours of trading with its implications was of public interest and concern.

2. Before proceeding further it will be of interest to set out the hours of trading (week-days) as they apply in the various Australian States. They are as follows:—

W.A. (City and Country Areas)	9 a.m. to 9 p.m.
W.A. (Goldfields)	9 a.m. to 11 p.m.
N.S.W.	10 a.m. to 10 p.m.
Queensland	10 a.m. to 10 p.m.
Tasmania	10 a.m. to 10 p.m.
Victoria	9 a.m. to 6 p.m.
S.A.	5 a.m. to 6 p.m.

It will be noted that in the Goldfields District of this State the closing hour is 11 p.m. However, in certain instances hotels on the Goldfields are permitted (per media of Section 121) to remain open for extended hours presumably in order to cater for the needs of miners changing shift late at night or in the early hours of the morning.

3. It will be apparent from the above list that there is a considerable variation in hours throughout Australia. This state of affairs only exemplifies what your Committee has found, namely, that particularly on the question of hours there are a number of conflicting interests and points of view, and custom and climate only tend to complicate the position further. At the outset it has to be realised that here in Australia the sale of liquor has always been regulated and limited to certain specific hours of trading. Some witnesses have referred to conditions in Europe and other parts of the world and have suggested that practically all restrictions regarding hours should be abolished. Your Committee is convinced that in this era, at any rate, such a proposition is merely fanciful.

4. Many arguments were placed before your Committee in favour of an alteration of the existing hours in W.A. of 9 a.m.-9 p.m. to 10 a.m.-10 p.m. Some witnesses contended that there was a strong public demand for a later closing hour, particularly during the summer months, and that, taking into consideration many aspects and trends of modern times, the overall result would be beneficial to the community. In support of these propositions it was pointed out that the hour of trading from 9 a.m. to 10 a.m. was of little benefit or convenience to anyone, that the West Australian summer is a long, dry period, that our climatic conditions lend themselves to out-door living, that the modern trend is towards social drinking by both sexes in lounges and gardens after the day's work is over, that rural workers and others in the country who live some distance out of town are now prejudiced, that experience in other Australian States which have adopted 10 p.m. closing has justified it, and, finally, that the

later closing hour would—partly at any rate—bridge the gap which now exists in the hours of closing as applied to clubs and hotels.

5. On the other hand, there was the opposing point of view submitted by those witnesses who argued that any extension of hours for hotels would conduce to more drinking and more abuses with consequent harm to the public. Reference was made to conditions existing in New South Wales since the introduction of 10 o'clock closing, where it was contended that there had been increased production of beer and an increase in motor accidents. In any event, they believed that if any alteration of hours were proposed, the question should be submitted to the people by means of a referendum.

Conclusions and Recommendations.

6. It is probably not surprising that on this issue your Committee finds itself divided: the Chairman, Messrs. H. L. Roche, M.L.C. and G. M. Cornell, M.L.A., favouring the suggested change from 10 a.m. to 10 p.m. for hotels, and Messrs. W. A. Manning, H. D. Andrew and J. M. Toms, M's.L.A., opposing any alteration and maintaining that if any change of hours is contemplated the question should be submitted to the public by means of a referendum.

7. The viewpoint of those members who favour the change may be summarised as follows:—

- They are satisfied that a majority of the public favours the suggested extension, having regard to the warm summer climate which prevails in this State.
- At the present time people who belong to clubs can drink till 11 p.m. whereas the general community who patronise hotels cannot obtain a drink after 9 p.m. This state of affairs has created a trading advantage in favour of clubs and calls for adjustment in some degree at least. The obvious solution would appear to be to make some effort in this direction by an extension of hotel hours to 10 p.m.
- Extended hours of trading would not necessarily mean more drinking any more than would a contraction of hours necessarily mean less drinking.
- With proper legal safeguards against abuses and excesses and with improved premises and amenities in the way of lounges and gardens, it is believed that 10 p.m. closing of hotels would make for better conditions and would convenience a large section of the community.
- The goal to be achieved is moderation and by this is meant sane sensible drinking in congenial surroundings by that section of the community who regard liquor as not being inherently evil but the abuse of which should be frowned on by all right-thinking people.

- (f) The additional hour especially on hot summer evenings should make for more leisurely drinking and avoid the rush or swill which unfortunately occurs at the present time.
- (g) Like any other proposed amendment to the Act the question is one which should be decided by Parliament and it is recommended that this be done.

8. The views of those who oppose any alteration to hours of trading may be summarised as follows:—

- (a) They are not convinced that there is any strong agitation by the general public for a change.
- (b) Though the U.L.V.A. officially favours extended trading hours for hotels there was evidence that quite a number of licensees including some members of the U.L.V.A. oppose it. The union of employees covering this trade also strongly opposes any extension of hours.
- (c) With household refrigeration so general to-day people can now make adequate provision in their own homes.
- (d) Extending the trading hours of hotels would not stop swilling. Many people would continue to do this irrespective of the closing hour.
- (e) An extension of closing time to 10 p.m. would induce many people who now go home at 9 p.m. to remain drinking for another hour. In the case of parents with young children this would no doubt mean that the children would be left unattended at home or outside the hotel in motor cars until a very late hour.
- (f) It is feared that any extension of hours would mean increased drinking with a resultant increase in abuses and excesses. It would therefore be detrimental to the public well-being and to road safety. In particular it would make future in-roads on family life with consequential youth problems.
- (g) They are convinced that experience in those States which have 10 p.m. closing is such that it should not be followed in W.A. A recent public opinion poll in N.S.W. taken since the change to 10 p.m. closing shows that public opinion has changed. Of those who voted for 10 p.m. closing a decrease of 2 per cent. was shown while there was an increase of 2 per cent. in those who voted for 6 p.m. closing.
- (h) Whilst agreeing that there should be more uniformity in hours as between clubs and hotels they are unwilling to achieve this by any extension of hotel hours.

- (i) They believe that a large majority of the people oppose any extension of hours of trading. If, however, any extension is proposed the issue should be submitted to the people by referendum in accordance with democratic principles. The people should be asked whether they prefer closing at 8 p.m., 9 p.m. or 10 p.m.

9. As regards hours on the Goldfields, evidence which was taken by the Committee when it visited this district, indicated that the practice whereby certain hotels are permitted to trade after 11 p.m. for the conveniences of miners coming off shift, is being flagrantly abused and it is recommended that the practice be discontinued. In order to cater for the needs of miners who require a drink at such an hour an amendment to this Act should be made providing for can-tees on those mines where a number of men are so employed.

SUNDAY TRADING.

1. In 1951 an amendment to the Licensing Act was made whereby it became lawful in that portion of the State outside a radius of 20 miles from the Town Hall, Perth, for liquor to be sold on Sundays between 12 noon and 1 p.m. and between 5 p.m. and 6 p.m. This legislation in effect made the provisions relating to *bona fide* travellers inoperative.

2. In the Goldfields District the morning and afternoon "sessions" are for longer periods—usually for two hours in the morning and three hours in the afternoon. Section 121 of the Licensing Act apparently gives the Governor, on the recommendation of the Licensing Court, a discretion to extend or reduce hours within the Goldfields District and presumably because of climatic and industrial conditions these extended hours have been granted. However, some doubt exists as to whether the provisions of section 121 extend to Sunday hours or are limited to hours on week-days. In any event, the Committee does not agree that a discretion should lie regarding hours on Sundays or week-days.

3. It is significant that Western Australia is the only State in the Commonwealth which has legislated for Sunday trading. From enquiries that your Committee have made, however, they are convinced that illegal Sunday trading is carried on in all other States to a greater or less degree.

4. A good deal no doubt can be said for and against Sunday trading. Without taking sides on the issue, your Committee is convinced that here in Western Australia in some country areas and on the Goldfields the amendment to the law made in 1951 was brought about because there was a substantial demand for it and because the existing law forbidding it was being ignored and brought into disrepute. Over many years a custom had developed for morning and afternoon "sessions" and these were more-or-less sanctioned and regulated by the authorities.

5. Enquiries have satisfied your Committee that the law as it now stands is rigidly enforced, the police know where they stand and practically all of the abuses formerly associated with Sunday trading have been abolished. Further, your Committee is satisfied that the opportunity of getting a drink legally on Sundays is appreciated by a section of the community.

6. As far as your Committee has been able to gauge public opinion, there is no very strong agitation for Sunday trading by hotels in the metropolitan area. It is true that the U.L.V.A. made a recommendation in this direction which is supported by Messrs. H. L. Roche, M.L.C. and G. M. Cornell, M.L.A. On the other hand there was evidence of a formidable nature indicating that some sections of the community are strongly opposed to any such move.

7. Some anomalies and problems have arisen because of the fact that no Sunday trading, as far as hotels are concerned, is allowed within a radius of 20 miles of the Town Hall, Perth. It is to be noted that this restriction does not apply to clubs which are allowed to sell liquor to their members for two hours in the morning and two hours in the afternoon, the same as they do elsewhere in the State.

8. One of the problems relates to the conditions which exist on Sundays at certain hotels just outside the 20 mile radius—where “east meets west.” In these places crowds of people—mostly motorists—converge for an hour in the morning and an hour in the afternoon with the result that some of the worst features of what has been termed “swill” periods prevail. It also seems probable that with the growth of the city and suburbs this state of affairs will tend to increase.

9. Your Committee has found it difficult to make a recommendation for the solution of this problem. One proposal submitted was to give all hotels in the metropolitan area an option of opening for the morning and afternoon “sessions.” This undoubtedly would achieve the purpose of distributing a lot of the trade which is now concentrated in the areas just mentioned but your Committee is afraid that in eliminating one problem others might be created. It should also be remembered, as stated above, that there appears to be no real demand from the public for hotels in the city and suburbs to open. Another proposal was to alter the term “20 mile radius” to “20 miles by the nearest road.” If this alteration were made to the Act it would have the effect of bringing in four or five other hotels now just inside the limit and alleviating the position to some extent. It would seem that this proposal has some merit and deserves serious consideration. Yet another proposal was to abolish Sunday trading altogether but such a step would, we fear, only mean reverting to the state of affairs which existed prior to 1951. Past experience of the unsatisfactory conditions prevailing prior to 1951 is sufficient reason we think for not dwelling further on such a proposal.

Recommendations.

10. Although, as mentioned above, your Committee is concerned over the crowds which converge on Sundays at certain hotels just outside the 20 mile limit they feel that as this state of affairs applies to a relatively small section of the community and has not assumed really serious proportions, there is no need to recommend any legislation at this stage. It also has to be borne in mind that with the possibility of the granting of new licenses in the areas affected, this problem may sort itself out. In the meantime the position can be watched, especially by the police and later on if necessary some remedial action taken.

11. With regard to Sunday trading as now carried on elsewhere in the State, your Committee does not deem it necessary to recommend any alteration of the law other than that the hours relating to hotels and clubs be made the same. Nowadays hotels and clubs have so many features in common that as far as it is possible to do so, their hours of trading should be made uniform. We are satisfied that on the Goldfields and in the country areas, the 1951 amendment to the Act is operating satisfactorily and is appreciated by the majority of people who would be opposed to reverting to the unsatisfactory conditions which existed prior thereto.

12. As regards the metropolitan area—meaning the area within the 20 mile radius—your Committee recommends that no alteration be made to the existing law. In making this recommendation it is realised that certain anomalies will continue to exist, but it is difficult to devise any satisfactory means of eliminating these and in any event it is felt that they are not of real consequence. The Committee is satisfied that the public generally are not greatly concerned about obtaining any alteration of the present law nor are they inconvenienced by having the metropolitan hotels closed on Sundays. Their attitude on this matter is radically different from that of the people on the Goldfields and to a lesser degree those in the country areas. The explanation of this attitude might be due in some degree at any rate to the fact that there is still a considerable difference in living conditions generally as between the city and country areas of the State. It also has to be remembered that certain sections of the community are irrevocably opposed to any such extension of Sunday trading.

HOTELS AND CLUBS.

1. It will be seen from the list of licenses on page 7 hereof that as at the 1st March, 1958, there were 391 Publican's General Licenses, 48 Wayside House Licenses and 170 Club Licenses in W.A. In 1948—10 years earlier—there were 388 Publican's General Licenses, 53 Wayside House Licenses and 82 Club Licenses.

2. The above figures speak for themselves, it being abundantly clear that in recent years there has been a great increase in the number of clubs—actually an increase of over

100 per cent. in the past 10 years. A similar trend has occurred in other parts of Australia, as well as New Zealand. The reasons for this rather remarkable development are not altogether clear, but a brief analysis of the position in W.A., at any rate, indicates certain conclusions. In former years, clubs were few in number and the average member of the community had little desire or was given little encouragement to join those that did exist. With the passing of years, however, a changed outlook has come about, in addition to which the State has grown considerably. Furthermore, such games as golf and bowls have greatly gained in popularity and a large section of the community now indulge in them, whereas in years gone by, for various reasons, they did not do so to the same extent. The inevitable result has been the establishment of many golf clubs and bowling clubs with membership open to the average person of good repute, irrespective of his social position. In addition to this trend, your Committee is also satisfied that in some centres, particularly in the country, the out-of-date, or poorly-conducted hotel has caused the local community to devise ways and means of procuring better treatment and facilities for itself, and the outcome has been the establishment of a club.

3. Your Committee is quite satisfied that many of the club premises erected in recent years are of a high standard and that the amenities provided by sporting clubs in the way of golf courses, bowling greens and tennis courts are of real benefit to the community. It can be said without exaggeration that the modern club has established a new way of life for many people.

4. The facts placed before your Committee indicate, however, that the growth of clubs has not been an unmixed blessing to the community as a whole. As stated above, the clubs have in many cases provided attractive premises and amenities for their members. Naturally these have to be paid for and maintained, and your Committee is satisfied that in the majority of cases today clubs are faced with the position that they have to encourage and exploit the sale of liquor as a means of obtaining the necessary revenue to meet their commitments. The alternative of making substantial increases in membership fees is apparently not considered the answer and the poker machines have been eliminated. It has therefore come about that clubs are forced into the role of being trading concerns and in many cases it is obvious that they trade in direct opposition to hotels. This state of affairs is very different from the original role or conception of a club and the outcome is that there has been a considerable diminution in the trade of hotels. We therefore have to examine the implications of the present position.

5. The fundamental purpose of an hotel is to serve all and sundry with accommodation, meals and liquor. An hotel is a public house and it has to comply with certain rigid requirements of the Licensing Act which

nowadays, especially, frequently involve the expenditure of large sums of money. Furthermore, it is under the strict supervision of the Licensing Court and the Police Department. All this is as it should be, because the function of an hotel is to cater for the general public whose interests should be safeguarded in every way. Its role in the community, therefore, is an essential one. In these days, also, when the tourist trade is assuming such significance, it is of vital interest to any State to give constant care and consideration to the provision of hotels of increasingly better standards, because apart from its other functions, the hotel of the future will play an important part in the economic sphere of the State.

6. Your Committee therefore views with concern the inroads which have been made by clubs into the trading-in-liquor which in former years was regarded as the more-or-less exclusive business of the hotel. Similar concern about the present-day position has been voiced by the Licensing Court of this State and by the licensing authorities in practically every other State of Australia, who fear that unless the trend is checked it will become increasingly difficult to raise hotels to the standard required today, or to encourage the building of new, modern-type hotels which are so necessary to replace many of the obsolete structures now in existence.

Recommendations.

7. Earlier in the report your Committee has expressed the view that, as far as it is possible to do so, the trading hours of hotels and clubs should be brought more into line. It is realised, of course, that there are many difficulties in the way of achieving total uniformity. However, your Committee is of the opinion that as the law stands at the present time, particularly with regard to hours of trading, there is a pronounced advantage on the side of the clubs with consequent detriment to hotels. Apart also from the aspect of trading as between hotels and clubs, it has to be remembered that the individual citizen who belongs to a club receives preferential treatment to the one who is not a member. This state of affairs is hard to justify.

8. Your Committee also recommends that with regard to future applications for club certificates, the Licensing Court should take into consideration the objects of the club and the reasonable requirements of the neighbourhood, having regard to the existing facilities in the area for social amenities, recreation and refreshment. The Act should be amended to provide a ground of objection along these lines. There would be nothing unfair in this—it will not prevent the granting of new certificates in deserving cases and it should be noted that similar grounds of objection are already included in the Act with regard to applications for new hotels.

9. Your Committee also recommends that a provision be inserted in the Act giving the Licensing Court power to limit the membership of all clubs to a number which, in

the opinion of the Court, is reasonable in the light of accommodation and amenities provided in each instance.

10. Another matter that has been considered by your Committee is the question of what is termed "off sales" by clubs. It is also another trend that has developed in other States and New Zealand and has been the subject of consideration by various licensing authorities. For instance, in its annual report to Parliament in 1954 the Licensing Control Commission of New Zealand expressed the following view:—

The Commission deprecates the tendency of some clubs to foster the sale of alcohol for consumption off the premises. The Commission believes that it is wrong in principle for members of any clubs to be encouraged to regard their club as their bottle store. While clubs have their proper place in the social life of the community, the Commission is strongly of the view that the legislation permitting the granting of charters never envisaged that they should operate in retailing liquor in the extensive way that some clubs do in competition with hotels, the licensees of which are bound by law to provide meals and accommodation for members of the travelling public. The consumption of alcohol in a club should be regarded purely as an added social amenity, and before granting or renewing a charter the Commission has to be satisfied that the club is being conducted in good faith as a club.

In its annual report dated the 30th April, 1957, the Licensing Court of Tasmania referred approvingly to the above-quoted view of the New Zealand Commission and went on to say that the view accurately expressed its own considered opinion.

11. Your Committee is agreed that "off sales" should be discountenanced, particularly in non-residential clubs.

HOTEL STANDARDS.

As stated earlier in this report, your Committee travelled over a fairly wide portion of the State inspecting hotels and other licensed premises. The general conclusions reached were as follows:—

- (a) There are some very good hotels both in the city and the country.
- (b) It is evident that in recent years some premises and also amenities such as bathrooms and lavatories have been considerably improved.
- (c) Many hotels which appear to have been built in the early days are now quite out of keeping with modern standards. They have served their purpose and should either be de-licensed or rebuilt.
- (d) The modern hotel which incorporates the latest trends in architectural design undoubtedly is making a contribution to the raising of standards. The better the environment the better is the behaviour of the people.

- (e) In the past, too many hotels have concentrated solely on the sale of liquor and have ignored or even flouted the provisions of the Act which apply to the supply of meals and accommodation. This type of hotel has made little or no contribution towards the public well-being and should have no place in the future scheme of things.
- (f) In a number of towns there are undoubtedly too many hotels and other licensed premises. In the "horse and buggy" days they were probably needed but with the passing of the years and the changes that have taken place, they are no longer justified. A bad feature resulting from this state of affairs is that there is economic waste, a lowering of standards and unhealthy competition to obtain trade in order to survive.
- (g) In other towns there are too few hotels for the population with the result that there is overcrowding, a "take it or leave it" attitude and other unsatisfactory conditions.
- (h) It of course has to be borne in mind that economic factors dictate to a large extent the size and type of hotel that any town or area can support. Here in Western Australia we have a comparatively small population with towns spread over a vast area. In addition, we are isolated from the larger centres of industry and population. Although our tourist trade is on the increase it is still more-or-less in its infancy. Notwithstanding the above considerations however your Committee is satisfied that a lot remains to be done before hotels standards in W.A. can be regarded as satisfactory. Some radical departures from the amenities provided and the outlook and customs of the past are badly needed. This does not imply that the aim is to be luxury hotels. All sections of the community however are entitled to a better standard of accommodation and to be served with liquor and meals in decent clean surroundings which incorporate the advantages of modern trends and designs.

Recommendations.

- (a) That a complete survey of hotels in the State be made by the Court with a view to grading them into categories, taking into consideration such factors as the type of building and the standard of residential accommodation and service available to the public.
- (b) Consideration should be given to the division of hotels into those which provide mainly bar service and pay a comparatively high license fee and others which offer good meals and accommodation at a lower license fee. A similar proposal has already been

made in Victoria by the Chairman of the Court, Judge Fraser. The Committee holds the view that hotels which provide good meals and residential accommodation should be encouraged and it should be possible to devise some scale whereby the license fee for such hotels could be assessed after taking into calculation the turnover in meals and accommodation, thus giving them some relief in this regard. It is realised that the acceptance of this proposal could involve an increase in the overall fees payable.

(c) That the Licensing Court be given discretion to determine the number of bedrooms to be provided by every hotel having regard to its location, seasonal nature of trade and other such factors. At the present time many anomalies exist. No new hotel license however should be granted with less than six rooms for the public.

(d) That higher qualifications be demanded from all applicants for licenses in the future. Too often in the past, people possessing good characters but with little capacity or experience in the proper conduct of an hotel have acquired licenses with consequent unsatisfactory results all round.

(e) That encouragement be given to the establishment at the Technical School of a course covering hotel management, cooking and other relevant aspects of hotel life. It should be acknowledged in passing that the State branch of the U.L.V.A. has already made a move in this direction and it is to be hoped that some official recognition will be given by the Court to the qualifications of those who complete the course.

(f) That encouragement be given to the construction of modern lounges and gardens, which are well lit and as open as possible. The term "beer garden" even could be dropped in favour of "lounge garden" or "garden lounge" which terms connote something better and more in keeping with new standards. Bars will continue to be necessary no doubt, but here again stress should be made on the necessity for making them roomy, open and accessible. Congested bar-rooms, dingy parlours and dark surroundings are conditions which should be discounted in the future.

(g) That in these times comfortable beds, bedside lights and bedrooms with hand basins supplied with running hot and cold water are essential in hotels. Furthermore, in all new hotels, particularly in the city and the larger country towns, there should be a number of bedrooms with bathroom and toilet attached.

(h) There are insufficient hotels in certain areas and encouragement should be given to the building of additional hotels. It is not in the best interests of the public to concentrate on one large hotel in a town which could support two or more hotels.

(i) In the light of what is revealed from the general survey of hotels in W.A., the Licensing Court should proceed to de-license those that are considered as substandard or no longer necessary. The question of compensation is a matter that calls for careful

consideration by the Court constituted as recommended in this report. In general terms, however, it is considered that in cases where compensation is justified a levy may be made on the remaining hotels and other licenses which will benefit as a consequence.

(j) Your Committee realises that the provision of better hotels and the insistence on better standards involves the question of finance. It is also obvious that building these days is a very expensive matter and that the necessary finance may not be available to the average owner or licensee. However, ways and means of carrying out progressive improvements must be devised and in this connection your Committee received a proposal from Mr. R. H. Miller, Director W.A. Tourist Bureau, for the establishment of what he termed an "hotel improvement account." Such account would be administered by the Licensing Court and one of its functions would be to make money available from time to time on loan for hotel improvement. This is only a brief outline of the proposal, but fuller details could be made available and your Committee considers that it is worthy of consideration.

LIQUOR WITH MEALS.

1. This subject has aroused considerable public interest and a good deal of evidence was submitted in connection with it. In addition, all members of the Committee inspected a number of hotels, restaurants and night clubs in and around the city and suburbs.

2. "Dining out" is a social custom which has become increasingly popular in recent years with the result that a new avenue of trade has opened up for certain hotels which are equipped to cater for late meals. The trend has also been responsible for the introduction of a new type of restaurant or night club (hereinafter termed "restaurant").

3. The usual practice adopted in these hotels and restaurants is to serve an *à la carte* meal which the patrons partake of in a leisurely manner. In most cases music is supplied and there is usually a dance floor.

4. With regard to hours, the Licensing Act stipulates that liquor cannot be served by hotels after 9 p.m. except, as previously pointed out, in the Goldfields District, where the hour is 11 p.m. This statement should perhaps be modified to the extent that on certain occasions such as weddings, conventions, etc., an Occasional License can be applied for and, if granted, the people concerned can be served with liquor till an hour stipulated in the license—usually up till 11 p.m. It should be noted that the license is restricted to a particular occasion and group—it does not apply to the other people who may be in the dining room at the time.

5. No such restrictions or limitations concerning hours are placed on restaurants for the simple reason that they do not come within the jurisdiction of the Licensing Act. Evidently it is quite lawful for patrons to take along their own liquor at any time and

to consume it on the premises until whatever hour the restaurant likes to keep open. It is a common enough sight in and around Perth to see groups of people arriving at these places of an evening carrying parcels of liquor. There is no legal restriction applying to people under the age of 21 years drinking in these circumstances and in fact as the law stands there appears to be little or no control whatsoever.

6. As previously stated, your Committee visited a number of these restaurants and it is undoubtedly a fact that a considerable number of people patronise them. Our inspection also confirmed the evidence tendered by a number of reputable witnesses to the effect that in the main they are orderly and well-conducted. As was to be expected, however their standards vary from good to bad. Some have attractive settings and surroundings and are obviously well-conducted, but in other cases the buildings and amenities provided would certainly not comply with standards set by the Licensing Court. Indeed it is surprising that in some instances they apparently satisfy the local health authorities.

Recommendations.

7. Your Committee is satisfied that there is a demand from a reputable section of the community for later hours of dining with the provision of liquor as ancillary to the meal. As regards hotels, therefore, we recommend that the Act be amended to give the Licensing Court authority to grant what might be termed a "Liquor-with-Meals License" to any hotel which satisfies the Court on application that it *bona fide* caters for the serving of late meals and has the necessary facilities to do so.

8. The Liquor-with-Meals License should allow hotels to serve liquor at tables in the dining room only, up till midnight to any person over the age of 21 years who is partaking of a *bona fide* meal.

9. With regard to restaurants it is recommended that a similar license or permit be instituted and that same be granted to any applicant who can satisfy the Court that he or she is in all respects a fit and proper person and qualified to conduct a restaurant and that the premises and amenities provided are suitable for the purpose.

10. Applications for such licenses should be heard in open Court with similar provisions as to formalities as apply in other instances and the granting of same should be entirely at the discretion of the Court. In the event of the refusal of any application the Court should not be compelled to give any reasons for its decision.

11. The license or permit respecting restaurants should be confined to the sale of Australian wines and malted liquors and should contain a proviso that the liquor be sold by the bottle for consumption at a table with a *bona fide* meal. It should also be stipulated that no person under the age of

21 years is allowed to consume liquor on the premises. As regards hours, the times recommended are 12 noon to 2.30 p.m. and 6 p.m. to midnight. No liquor should be served or consumed outside these hours.

12. With regard to restaurants and other places which do not hold such a license, legislation should be introduced making it unlawful for liquor to be supplied or consumed on their premises.

13. No person should hold directly or indirectly any interest in a licensed restaurant if interested in a hotel or any other liquor license.

14. Penalties for breaches of the law both by hotels and restaurants should be substantial. Particular emphasis should be laid on offences involving the consumption of liquor by anyone under the age of 21 years and by any intoxicated person. Your Committee would go to the extent of recommending that licensees be called on to enter into a bond of say £500 which would become forfeit at the discretion of the Court in the event of flagrant breaches.

15. A licensed restaurant should not hold itself out as being a private club.

CONSTITUTION OF THE LICENSING COURT.

1. There is little need to stress the important functions which are carried out by the Licensing Court and it is obvious that with the rapid growth and development of the State these functions will become increasingly onerous and responsible. In the circumstances, consideration should be given to raising the jurisdiction and status of the Court, and in this connection your Committee has been impressed with the position operating in Victoria where the Chairman has the status of a County Court Judge and the Court itself appears to have very wide powers. It so happened that Judge Fraser, Chairman of the Court in Victoria, visited Western Australia during the Christmas vacation and was kind enough to meet some members of the Committee and to discuss various aspects of the enquiry with them.

2. It will be evident from our earlier remarks that your Committee places great emphasis on the need for an overall improvement in standards not only of hotels but of all other types of licenses. It is also the view of the Committee that this improvement must start on the threshold of the premises themselves where in the first place insistence should be made that future licensees are not only fit and proper persons but also possess the necessary ability and qualifications for the purpose. It is considered, therefore, that applications for transfer of a license should be heard by the Court whenever possible and that apart from the personal qualifications of the applicant all other matters which might have any relevance should be considered. Instances have been brought to the notice of the Committee where the terms of tenancy were inequitable, with the result that the incoming

licensee was left with little or no prospect of conducting the business on successful lines. Such matters should concern the Court because in the long run it is the public who are mainly concerned with the outcome.

3. Other States of Australia are placing great emphasis on the importance of the tourist industry and it would seem that in this connection Western Australia should not fall behind. In spite of our isolation, this State has wonderful potentialities which will undoubtedly make for a considerable increase in the tourist industry in years to come. It was pointed out by the Director of the State Tourist Bureau that good hotels are an essential part of the "plant" of the tourist industry. The Committee entirely agrees with this statement.

4. The Licensing Act (Section 219) provides for the establishment of a branch of the Police Department to deal with the inspection of licensed premises. It further provides that the branch shall be in charge of an experienced senior officer whose time shall be devoted exclusively to such duties and the inspection of liquor and reporting upon the management and condition of licensed premises.

5. It is to be noted that this branch is part of the Police Department and under the control and jurisdiction of the Commissioner of Police. There is undoubtedly close liaison between the Police and the Licensing Court, but no suggestion of control or direction by the latter.

Recommendations.

6. Your Committee is quite satisfied that the Liquor Branch of the Police Department has done and is doing a splendid service to the community in policing the provisions of the Act and recommends its retention in the present form. The Committee was most impressed with the personnel of this branch.

7. It is therefore not to be taken in any way as criticism of the Liquor Branch when your Committee recommends that the scope of the Licensing Court be widened by the appointment of inspectors who would be under the direct control of the Court. The functions of the inspectors would be to make frequent inspections of all licensed premises and to investigate complaints. They would not be in substitution of the police but would no doubt act in liaison with them.

8. As your Committee envisages the position, such inspectors would be in a better position to apply a common policy as determined by the Court and it is our view that in this way more uniform standards could be achieved. The success of the work of the Court depends upon the frequency and efficiency with which licensed premises are inspected.

9. Your Committee realises that the question of expense is involved. However, the whole matter is very important from the public point of view and we feel that some

such move is necessary. Perhaps for a commencement, one or two inspectors could be appointed and the position reviewed later in the light of events.

10. The Committee is of the opinion that the Licensing Court should continue to consist of three members who should be appointed to act in a full-time capacity. The term of appointments should be for not less than five years in each case.

11. The Chairman should at least possess qualifications equal to those of a Stipendiary Magistrate of not less than five years' standing. Of the remaining two members one should be a person with experience in accounting and finance and the other should have some knowledge or experience of the requirements of the tourist industry. The general status of the Court should be raised as much as possible because the Committee views its functions, especially in the years to come, as being of vast importance.

12. The Committee is disappointed to note that the Licensing Court as re-constituted has recently been appointed for a term of three years. It would appear therefore that the recommendations of the Committee as they apply to the qualification for future members of the Court, if adopted, cannot be implemented for a considerable time.

13. The Committee readily acknowledges the good work that has been achieved by the Court, but as already indicated it feels that the time has now arrived for a change in policy as regards appointments, particularly insofar as it applies to the qualifications of members. Furthermore the Committee places great emphasis on its view that the whole subject of licensing is one of such far-reaching importance to the community as a whole that a start should be made as soon as possible by raising the status of the Court and its members. Many of the recommendations herein have been made on the assumption that this will be done.

LOCAL OPTION.

1. During the enquiry certain witnesses strongly advocated the claims of local option and urged the Committee to recommend an amendment to the Act making provisions accordingly. They also asked for a further amendment stipulating that no alteration to the hours of trading be made unless such proposed alteration had first been approved by a majority vote at a referendum.

2. The term "local option" as used by the witnesses concerned, was understood by your Committee to convey the proposition that the people in any district should have the right to vote on practically all issues affecting the sale of liquor in their particular district. This would imply that in certain districts the sale of liquor could be prohibited altogether. It is as well to remember that at the present time there are 42 licensing districts in the State.

3. It should be mentioned before proceeding further that the Licensing Act, 1911, contained various provisions relating to local option, and the last local option poll in W.A. was held in April, 1921.

4. On the 11th February, 1922, a Royal Commission comprised of five members of the then State Parliament was appointed to enquire into the Licensing Act with a view to making recommendations, and their report was subsequently delivered on the 7th July, 1922. References to local option on pages 8-9 thereof include the following paragraphs:—

(a) A review of the results attained at the local option poll held in April, 1921, shows that its operation was illogical and ineffective.

And—

(b) It is considered that a more reliable and well-balanced reflex of public opinion would be obtained by a State-wide poll than by district polls. District polls are often more influenced by the manner in which hotels in the immediate locality are conducted, rather than by the merits of the general issue.

5. Following the report of the Royal Commission, the Licensing Act, 1911, was completely overhauled in 1922 and all provisions relating to local option were deleted therefrom. It would appear that in their stead was substituted a provision for a State-wide poll to be taken every five years on the question of prohibition. The last poll held in W.A. was in 1950.

6. In 1951 the Licensing Act was further amended by deleting the sections providing for a poll on prohibition. It will be seen, therefore, that since 1922 there has been no provision for local option and since 1951 no provision for a poll on prohibition.

7. During its consideration of this topic your Committee has also had recourse to the report of Mr. Justice Maxwell issued in 1954. On page 39 thereof is to be found the following paragraph:—

I am satisfied that there are substantial practical difficulties in the way of applying to removal applications the principle of local option. Not least in view of the sincerity of purpose in those advocating local option as applied to removals. I have devoted some care and attention to its advocacy as a "democratic principle." I find myself unable to share the faith of its supporters that in this way the public interest is best served, either generally or confined to the district likely to be affected. With respect, I find myself in accord with the members of the Royal Commission on Licensing (England and Wales), 1929-1931, who were unable to accept the contention that "questions relating to the sale of intoxicants are specially suited for local decision by popular vote." I would add to the reasons expressed in the report of that Commission, the opinion that on few subjects would it be easier to raise false issues to influence votes by vested interests able to devote unlimited resources to achieve a favourable

vote, and to make an appeal to self-interest which not infrequently is in conflict with public interest. I am satisfied that the decision of a competent and reliable tribunal based upon evidence—especially of local residents—tested in open court and arrived at by a judicial approach is more calculated to serve the public interest. In expressing this view, I am not unmindful of the need for close scrutiny of removal applications based ostensibly on the needs of the public but, in fact, invariably prompted by commercial considerations and as often opposed by vested interests.

Recommendations.

8. After giving the matter careful consideration, your Committee is not prepared to recommend the re-introduction into the Act of provisions for local option. We agree with the view expressed by Mr. Justice Maxwell that the decision of a competent and reliable tribunal based on evidence including that of local residents is more calculated to serve the public interests.

9. As regards the second proposal relating to a poll on any suggested change of hours of trading it has been indicated earlier in the report that your Committee is evenly divided. The Chairman and Messrs. H. L. Roche, M.L.C. and G. M. Cornell, M.L.A. subscribe to the view that this along with others akin to it, is a subject for Parliament to decide. Members of Parliament represent all parts of the State and all points of view and a referendum on such an issue seems quite unjustified especially in the light of past experience.

10. On the other hand Messrs. Andrew, Manning and Toms, M's.L.A. hold the view that any proposal to change the existing hours of trading involves an important principle and the views of all people in the State should be obtained by referendum.

EDUCATION.

1. The Committee has already indicated that the problem of alcoholism is one which affects the whole of the community and no longer allows of a *laissez faire* attitude as in the past. Again referring to W.A., Cavallion's "Report on Alcoholism" to the United Health Organisation, we find the following paragraph:—

We have just examined all the measures enabling us to fight alcoholism by reducing the consumption of alcoholic drink; but we must be prepared to meet the situation squarely without prejudice, and while admitting that, even if a definite restrictive or prohibitive legislation were enforced, there would still be alcoholics.

2. Your Committee has also emphasised its view that the Licensing Court, the licensees, and all directly connected with the production and sale of liquor have their part to play, but the real answer to this problem and others akin to it may lie in the field of education where a great opportunity presents itself and where a heavy responsibility lies. Courses in citizenship should

inculcate in young minds the virtues of moderation in all things and with regard to liquor in particular the evil effects of over-indulgence should be pointed out in an intelligent way that will leave a lasting impression. Experience elsewhere has shown that everything depends upon the training and willingness of the teaching profession—the most important feature being the training at Teachers' Colleges given to future teachers by those who approach the subject in a sensible broad-minded manner and with enthusiasm. In other countries, notably Belgium, Finland, Norway, Switzerland and the United States, great emphasis is being centred on education and research. Here in Australia it would appear that in the past this field has been left to private organisations, but your Committee recommends that a new approach be made, particularly in the field of education both in the primary and post-primary stages. This does not imply that education should be confined to children. For instance, the Swedish State concerns itself with special teaching for the training of drivers; it has published a large pamphlet of an entirely scientific character dealing with the traffic problem, which is distributed to all motorists, motor-cyclists and airmen. In the United States, research committees are encouraged, and large sums have been made available to Universities throughout the country for research into problems arising from alcoholism.

SUPPLYING LIQUOR TO PERSONS UNDER 21 YEARS OF AGE.

1. Your Committee is gravely concerned over the growing tendency whereby teenagers and others under the age of 21 years of age are able and even encouraged to consume intoxicating liquor, particularly at social occasions such as barbecues, etc. From evidence tendered at the enquiry and from their own observations, your Committee is convinced that some remedial action is urgently called for and recommends that legislation be introduced making it unlawful for any person or persons to supply or cause to be supplied liquor to any person under the age of 21 years, irrespective of whether it be on licensed premises or elsewhere. (Messrs. H. L. Roche, M.L.C., and G. M. Cornell, M.L.A., dissent from this recommendation on the grounds that it is too all-embracing.)

PLAYGROUNDS FOR CHILDREN.

1. Another matter which has caused your Committee concern is the recent development of playing areas for children adjacent particularly to beer gardens. It can be seen that this practice could develop in such a way as to constitute a serious social problem and the Committee considers that appropriate action be taken to discontinue same.

2. The Committee has not lost sight of the fact that the playing areas are intended to be a substitute for the practice of leaving children unattended in motor cars, etc., out-

side hotels and to this extent they may have some merit. However, children should not be permitted or encouraged to play or loiter in the vicinity of hotels and either the Licensing Act or the Child Welfare Act should contain some provision to this effect.

SERVING INTOXICATED PERSONS.

1. This is another matter to which your Committee has given considerable thought. Section 141 of the Licensing Act makes it an offence to supply liquor to intoxicated persons and section 142 makes it an offence for any licensee to allow an intoxicated person to remain on the premises.

2. During the year ending 30/6/1957 in the whole of the State there were seven convictions under section 141 and two convictions under section 142. Whilst making due allowance for the fact that it may be difficult to police these sections and perhaps more difficult to obtain convictions, the above figures seem to indicate that the sections should be more rigidly policed.

3. If the goal of moderation in drinking is to be achieved, all concerned—the police and the licensees in particular—must be vigilant and assiduous in their efforts to prevent excessive drinking. The licensee who encourages it or condones it is not fulfilling the obligations which he owes to the rest of the community. If as it would appear the police are unduly handicapped in dealing with the situation then some amendment to the Act should be made.

4. The person who drinks to excess and in the process causes hardship and unhappiness to others, is a burden on society. The Licensing Act already contains certain sections relating to this problem and it is the view of the Committee that these should be strictly enforced.

5. The problem of alcoholism is too far-reaching to receive adequate treatment in a report of this nature although its association with the subject under review is very marked. It should be mentioned however that the Committee is satisfied that the problem is assuming serious proportions here as elsewhere in Australia and needs careful attention. Generally the public seem unaware of the disastrous social effects of alcoholism. As an instance it was recently stated by the Chairman of the Victorian Mental Hygiene Authority, Dr. Cunningham Dix, that more than 40 per cent. of the men admitted to the Royal Park Mental Hospital, Melbourne, were there because of an association with alcohol.

6. It is freely admitted that this is a far-reaching difficult problem but the Committee again stresses the fact that all concerned in the conduct of licenses and the administration of the Licensing Act have a big responsibility to the rest of the community. The fight against alcoholism concerns all sections of the community and there is every reason why those people engaged in the production and sale of liquor should play their part.

EXCISE AND ALCOHOLIC CONTENT.

1. The Committee is concerned at what it considers the excessive amount charged by the Commonwealth as excise duty on beer. As an example we would quote the 8 oz. glass which is sold for 1s. 1d. or 13d. This amount is distributed as follows:—

	d.
Excise	5.90
Brewery	2.05
Licensing Tax175
Hotelkeeper	4.875
	<hr/>
	13.00
	<hr/>

2. As an inducement for brewers to offer to the public a lighter and cheaper beer it is recommended that the excise laws be amended so as to provide a scale of excise based on the alcoholic content as applicable in the United Kingdom. Such a scale would have the following advantages:—

- (a) It would provide a variety of beer to suit the various public tastes.
- (b) It would enable the consumer to obtain a cheaper beer if he favoured the lower alcoholic content.

It is realised that this is a matter which is outside the jurisdiction of the State but something may be accomplished if adequate representations are made.

STATE HOTELS.

In various ways State Hotels are outside the control or jurisdiction of the Licensing Court. The Committee was surprised to learn that such a state of affairs exists and can see no valid reasons why some alteration should not be made placing them on the same footing as other hotels as far as it is possible to do so.

GALLON LICENSE.

1. The Royal Commission of 1921 was of the opinion that the Gallon License supplied a reasonable public requirement and should therefore remain. Over the years nothing has transpired to cause your Committee to adopt a different viewpoint although there has been some criticism voiced by the police and also by members of the U.L.V.A.

2. The complaint of the police is to the effect that many licensees make a practice of breaking the law by selling liquor in quantities of less than a gallon as is stipulated by the Licensing Act. Under the section as it now stands such breaches are difficult to detect.

3. The U.L.V.A. repeat the allegations of unlawful trading drawn to our attention by the police and also complain that certain holders of these licenses make dealing in liquor the sole or main part of their business. Your Committee agrees that there is substance in the complaints of both the police and the U.L.V.A. that some licensees make a practice of selling less than the gallon and are thereby committing a breach of the Act. It has also been proved to our satisfaction

that certain licensees have departed from the role of conducting the Gallon License as subsidiary to the grocery business and are now making it the major part thereof. As a matter of fact there are one or two cases where licenses are being carried on without any grocery business at all.

4. On the other hand the licensees themselves ask for an amendment to the Act which would authorise them to sell single bottles. They argue that there is a public demand for such a service, that many people have no desire to purchase six bottles at a time and that as the liquor is invariably delivered with grocery orders no harm would result—rather would many people be inconvenienced.

Recommendations.

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

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

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

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

WAYSIDE HOUSE LICENSE.

1. The Wayside House License is identical with the Publican's General License except with regard to the number of bedrooms which are prescribed under the Act. In the case of the former a minimum of two bedrooms is prescribed and in the latter a minimum of six (elsewhere than in Perth and Fremantle where the minimum is 12).

2. Your Committee is unanimous in the view that sections 50 and 51 of the Act which, *inter alia*, prescribe the number of bedrooms in any particular license, be amended in such a way as to give the Licensing Court complete discretion in the matter. If this recommendation is adopted there will no longer remain any difference between the Wayside House License and the Publican's General License and the former type of license would then be redundant.

SALES OF WINE BY VINEYARDS.

1. This is a matter which, in the opinion of the Committee, calls for some careful investigation. In recent years there has been a considerable increase in the production and sale of wine by individuals, and

it would appear that at the present time on the outskirts of the metropolitan area there are probably no less than a hundred vineyards so engaged.

2. There are no provisions in the Licensing Act requiring these vineyards either to be registered or licensed, or to keep any records of production or sales.

3. The only restrictions applying to them appear to be as follows:—

- (a) The wine is not to be consumed on the premises where it is sold.
- (b) The wine is not to be sold or delivered to any person to whom it is unlawful to supply with liquor.
- (c) The wine is not to be sold outside normal hours for the sale of liquor.

Recommendations.

4. It is recommended that all persons producing and/or selling wine be licensed under this Act. The reason for this recommendation is to ensure proper supervision of the production and sale of wine. Furthermore, it should be provided that sales are restricted to the place where the wine is produced, and that complete records be kept of sales and production. (Mr. Andrew, M.L.A., dissents from part of this recommendation—his view being that it be confined to those who produce wine for sale.)

SUNDRY AMENDMENTS PROPOSED.

Section 28—Age of Licensee.

Add new paragraph stipulating no license to be granted to anyone under 21 years of age.

Section 33—Australian Wine Licenses.

Delete subsections (3) and (6). Subsection (7) Delete all words after premises in line 4.

Sections 36 and 46—Railway Refreshment Room Licenses.

(a) To be amended in such a way as to provide that all Railway Refreshment Room Licenses be brought within the jurisdiction of the Licensing Court (at the present time some are within the control of the Court and others within the control of the Railways Commission).

(b) The hours of trading should be for a period of one hour before arrival to one hour after departure of a train or railway bus except on Anzac Day, Good Friday and Christmas Day. Furthermore no liquor should be sold on Sundays at Railway Refreshment Rooms within a radius of 20 miles from the Town Hall, Perth. Sales should be permitted to any person as at present permitted under section 46.

(c) No "off sales" should be permitted.

Section 37—Spirit Merchants.

(a) An amendment is suggested restricting sales to holders of licenses only—in other words retail sales should be excluded.

(b) A further amendment is required to enable liquor to be sold and delivered outside the hours of normal trading. The reason for this suggested amendment is to provide for deliveries to ships which often have to take place outside normal hours. Also with the prospect of restricted deliveries in the city it may become difficult to deliver to hotels in normal hours. (See also section 128 for amendment.)

Section 38—Gallon Licenses.

(a) It is already recommended elsewhere that the name of this license be changed to "Grocer's Gallon License."

(b) In line 2 of subsection (1) after the word "liquor" insert "on the licensed premises."

(c) In line 4 of subsection (2) substitute "or" for "and" at commencement of line.

(d) It has been recommended elsewhere that the addresses as well as the names of purchasers be recorded by the licensee.

Section 40—Brewer's License.

It is recommended that a similar amendment be made respecting deliveries to the one suggested concerning spirit merchants. (See also section 128 for amendment.)

Sections 47-48—Applications for New Licenses.

It is the view of the Committee that the granting of all new licenses be subject to the payment of a premium. Therefore the existing references to the number of licenses in existence as at the 31st December, 1922, should be deleted. These sections should be entirely re-drafted.

The time specified for the lodging of applications, advertising and other formalities should be extended from 14 days to 28 days.

Sections 50-51—Hotels.

(a) It is recommended that in all cases of applications for new hotels, evidence be placed before the Court from the Town Planning Board as to the suitability of the site and facilities for parking vehicles.

(b) Section 50, subsection (2): It is recommended that the Court be given authority to make its conditions applicable to the owner as well as to the licensee.

(c) Any reference in this section to stabling accommodation for horses could now be deleted.

(d) It has been recommended elsewhere that the Court be given power to designate the number of bedrooms and other accommodation to be provided in all hotels.

Section 54—Renewals.

It is recommended that the second proviso to subsection (1) be amended in such a way as to make it clear that the renewal of all licenses shall be in the absolute discretion of the Court. At present the proviso appears to place some limits on the Court's discretion.

Section 57—Transmission.

This section now covers nearly five pages and seems too complicated and involved. It is recommended that it be re-drafted with a view to simplification.

Section 61—Provisional Certificates.

It is recommended that subsection (7) be amended by extending the period of 12 months to 30 months. It is considered that this longer period is essential especially in instances where large hotels are proposed. The granting of Provisional Certificates should also be extended to persons desirous of obtaining an Australian Wine License.

Sections 72-73—Fees and Returns.

In view of the fact that fees are assessed on the returns of liquor purchased, it is considered that a departure should be made from the present system whereby fixed minimum amounts are payable on the issue of a license. This practice seems to have no special merit and only involves the Government in unnecessary work.

The present period of seven days allowed for the furnishing of returns should be extended to 28 days.

At the present time many licensees are neglectful or dilatory in lodging returns and it is recommended that an additional tax of say 10 per cent. by way of penalty would be a better method than the one now in existence of ensuring prompt lodgment of returns.

Section 73 (7).

Should be amended in such a way as to make the furnishing of these returns an obligation on the part of brewers and spirit merchants without any notice requiring same.

Under the present method of assessment the licensing fee of 8½ per cent. on liquor purchases involves paying tax on an amount on which sales tax has already been paid. This seems inequitable and the amount paid in sales tax should be an allowable deduction.

The present rate of tax is assessed on the net purchases of the licensee. This method involves a great amount of clerical work on all concerned and it would appear that careful consideration should be given to a more simple method of assessment.

Many of the fees payable on minor licenses such as occasional and temporary licenses and permits to admit extraordinary honorary members to clubs have not been increased since 1922 and are now inadequate. Furthermore, an application fee should be payable on the lodging of such applications.

Section 118—Entertainment.

The reference to stabling accommodation should be deleted.

Information regarding hours for meals should be displayed in the front of the premises for public information. Subsection (2) should be amended accordingly.

The hours during which liquor can be obtained should also be displayed in a similar manner.

Section 121—Guests of Lodgers.

Subsection (3) should be amended to make it lawful for a *bona fide* guest of any lodger to be supplied with liquor outside normal trading hours. Alteration in this regard should also be given to section 122 (subsection (2).)

Sections 125-127—Bona Fide Travellers.

Any reference to *bona fide* travellers now appears to be unnecessary.

Section 132—Forfeiture of Vessels.

The modern use of steel casks costing up to £25 each makes it necessary for some amendment to subsection (2) in order to protect the owners of these vessels who invariably are innocent parties.

Section 134 (a).

(a) (1) Add the words "township or" and the words "public place or."

(a) (2) Instead of specifying a town hall or agricultural hall use the word "hall" only.

(2) Add the word "township." In line 4 delete words "deemed to be."

Section 146—Children.

This section should be amended so as to exclude anyone under the age of 21 years from going into a bar or beer garden. At the present time anyone between the ages of 18 to 21 can go into these places and consume soft drinks. This practice should be discontinued.

Section 150-152—Aborigines.

These sections should be reviewed and brought more into line with similar sections in the Native Welfare Act.

Section 162—Employment of Females.

This section should be reviewed—there no longer appears to be any necessity for differentiating as between men and women.

Section 164—Betting Placards.

An amendment is required also prohibiting "the distribution" of such matter.

Section 175—Forfeiture of License.

An amendment to include a conviction under section 165 should be added.

Section 168—Unlawful Games.

After the word "sport" in line 2 of (2) add the words "or gaming."

Sections 180 and 203—Unregistered Club.

The definition of an unregistered club, section 180, should be made clearer and the implication of section 203 clarified.

Sections 181-187—Clubs.

It will be noted that various general comments and recommendations have already been made in relation to clubs. Section 183 (a): It is recommended that the minimum numbers be increased from 100 to 200 in the metropolitan district and from 50 to 100 elsewhere.

Section 183 (b): In lines 6 and 7 delete the words "period of not less than twelve months" and substitute "a reasonable period."

Section 183 (c): It is recommended that this subsection be deleted and re-drafted along the lines of subsection (134) (h) of the New South Wales Act.

Section 183 (e): The Committee is agreed that provision should be made in the Act for clubs to obtain conditional registration pending construction or alteration of buildings.

Section 183: The final paragraph which defines "Metropolitan District" should be amended so as to clarify the actual boundaries thereof. The same comments apply to the definition of "Goldfields District" in section 121 (5).

Section 184 (e): The minimum subscription should be increased to two pounds per annum.

Section 184 (i) and (j): It is agreed by the Committee that the intention of these subsections should remain unaltered. In the opinion of the Committee, however, they should be re-drafted and possibly amalgamated.

A practice has grown up mainly in what are termed "sporting clubs" whereby certain individuals are admitted as "associate" or "social" members. This practice is loose and has resulted in anomalies and abuses. It is appreciated that as applied to sporting clubs there is some justification for wives and others to be admitted on terms different from those applying to ordinary members, but some definition should be provided in the Act with a view to clarifying the position.

Section 186 (1), (2) and (3): This section should be amended to limit the granting of such permits by members of the Licensing Court. A fee should be payable on the lodging of any application and the permit itself should carry a fee of at least five pounds.

Section 187: An amendment should be inserted providing a penalty for any person or persons unlawfully on the club premises.

Section 194—Objections.

It is recommended that two further grounds for objection be added somewhat as follows:—

- (a) There are sufficient registered clubs of a similar type within a reasonable distance; and
- (b) the registration of the club would result in undue competition and economic waste.

Section 196—Removals.

The Committee recommends that any objections which apply with regard to new registrations should also apply to removals. Applications for removals should also be advertised and comply with other usual formalities.

Section 201—Fees.

In view of the fact that clubs do not pay taxation on profits it is considered that non-residential clubs at least should be in a position to pay a higher percentage on liquor purchases than the holders of other licenses.

The twelve months period should terminate on the 31st August instead of on the 30th September as at present.

Section 205—Sale on Christmas Day.

This section should be amended to prohibit the sale of liquor on Christmas Day. This restriction already applies to hotels.

Section 206—Premises Open to Inspection.

An amendment should be made bringing this section more into line with section 172.

Section 212—Other Enactments.

The following sections should be added: Sections 135, 147, 149 and 168.

New Section—Structural Alterations.

A new section should be added similar to the one which applies to hotels.

Section 225—Samples for Analysis.

It is considered that the provisions of this section should be extended to registered clubs and vineyards.

Section 239—Proof of License.

It is recommended that the provisions of (1) be extended to include any person—at present they are limited to "a licensed person."

CONCLUSION.

The Committee desires to acknowledge its gratitude to Mr. J. P. McEwan, Clerk of the State Licensing Court who has acted in the position of Secretary. His expert knowledge of the Licensing Act and his considerable experience have been of great assistance throughout the enquiry. In addition his enthusiasm and keen interest in the laborious task of analysing the evidence and compiling facts and figures have been greatly appreciated.

The Committee has already acknowledged its gratitude to the various witnesses who gave evidence in the course of the enquiry and it is also desired to place on record our appreciation of assistance given by the State Licensing Court, the Liquor Branch of the Police Department and other Licensing Authorities throughout Australia.

Dated this 24th day of June, 1958.

(Sgd.) E. M. HEENAN,
Chairman.

(Sgd.) H. D. ANDREW,
Member.

(Sgd.) J. M. TOMS,
Member.

(Sgd.) W. A. MANNING,
Member.

(Sgd.) H. L. ROCHE,
Member.

(Sgd.) G. M. CORNELL,
Member.

N.B.—The report is signed by Messrs. G. M. Cornell, M.L.A., and H. L. Roche, M.L.C., subject to certain reservations as are set forth in the appended report.

(Sgd.) J. P. McEWAN,
Secretary.

RESERVATIONS BY MESSRS.

H. L. ROCHE, M.L.C.

AND

G. M. CORNELL, M.L.A.

HOURS OF TRADING.

1. As already indicated, we favour 10 a.m. to 10 p.m. hours of trading for hotels, club hours to remain as at present. We are of the opinion that neither the hotelkeepers nor the union should be the primary concern. It is a matter of providing a facility for the public.

2. It is our impression that the existing Arbitration Award hardly does justice to the employees, and that it should be possible to overcome the union's objection to 10 p.m. closing by direct negotiation between that body and the U.L.V.A.

SUNDAY TRADING.

We entirely disagree with that section of the report dealing with Sunday trading and submit our conclusions as follows:—

1. Whilst there is no strong agitation from the general public (and we should state that very little evidence in regard to the opinion of the general public on any matters enquired into by the Committee was tendered) for Sunday trading by hotels in the city area, the U.L.V.A. submitted a strong plea that suburban hotels be given "sessions on a Sunday."

2. We consider Sunday trading should be on a State-wide basis, with uniformity of hours. At present, the Goldfields has longer hours of Sunday trading than the remainder of the State. Admittedly, this is as a result of action by the Licensing Court in exercise of the discretion given it by the Act. We have yet to be convinced that climatic conditions are worse on the Goldfields than they are in, say, Northam, York or Merredin. In the matter of amenities, Kalgoorlie possesses several not present in many country towns.

3. At present, where operating, Sunday trading is conducted in two sessions—morning and afternoon. In our opinion the morning session serves little useful purpose and could be dispensed with. The afternoon session, if one is to be given, should be from 4.30 p.m. to 6 p.m. throughout the State.

4. It is incongruous that the Rockingham Hotel may trade on Sunday and Rottnest and Naval Base (or for that matter, North Beach and Scarborough) cannot. Sawyers Valley is permitted to open on a Sunday whereas Mundaring Weir (which, it must be admitted, has some tourist attraction) cannot do so.

5. The conditions under which people are drinking at hotels just outside the 20-mile limit convinces us that this facility should be given State-wide application or withdrawn altogether. We believe that the overcrowding which takes place now, and the

methods of drinking, would not be apparent if the one session was available on a Sunday at all hotels irrespective of location.

6. That crowds of people do converge on hotels just outside the 20-mile limit cannot be denied. We feel that this aspect has assumed serious proportions and calls for definite action to correct what promises to develop into a most unsavoury feature of our community life.

HOTELS AND CLUBS.

1. In the past ten years the number of licensed clubs has more than doubled.

2. We would emphasise that the growth of clubs, in the rural areas, has been stimulated by the abuse of the monopoly held by the local hotel. It has to be borne in mind that the existing legislation and the attitude of the Licensing Court have done much to maintain this monopoly.

3. It cannot be denied that efforts by communities to have improvements effected at the local hotel have been importunately brushed aside. The hotel lessee has been unwilling to expend money on capital improvements, the use of which he may only have for a short period whilst the owner (nearly always of the non-resident variety) has refused to improve facilities.

4. Whilst the requirements of the Licensing Act may be rigid, and whilst hotels may be under the strict supervision of the Court and the Police, it is an incontestable fact that many hotels have failed to comply.

5. The person who elects to join a club and pay the prescribed fees obviously is entitled to the privilege and facilities that go with club membership. No evidence was adduced (except by a few who do not wish anyone to drink at all at any time) that the present closing hour should be curtailed. Consequently we feel that 11 p.m. closing for clubs is not difficult to justify.

6. We are of the opinion that the discountenancing of "off sales" by clubs should be limited to sales of bulk liquor by the keg.

7. Sporting clubs appear to have departed from the original concept of a club when granted a license. We think the trading hours of a sporting club should have some relation to the hours during which the sport concerned is being played, and in this connection recommend a study of the relevant provisions of the Queensland Act.

8. We further agree that clubs should also pay a fixed annual fee based on their financial membership.

9. There should be no differentiation in subscription to a sporting club as between a playing and non-playing member. The admission of females to non-sporting clubs at less than the normal rate of subscription should not be permitted.

HOTEL STANDARDS.

1. In the main we agree with the recommendations in this portion of the report.

2. Whilst grading of hotels may be theoretically desirable it would prove difficult in practice and in those towns where the existing hotel or hotels are not prepared to improve their standards, grading would achieve very little. We are of the opinion that the best way to achieve improvement in standards of accommodation and service is to give the licensee a direct financial incentive for so doing, and for this reason consider much more satisfactory the principles contained in recommendation (b) of the report.

3. In some areas additional hotels are long overdue. We consider that in addition to the right of the individual to apply for a new license, the Court should have the power to investigate the requirements of any area as regards additional hotel accommodation, and, that if the need therefor is established, then tenders be called for a license for that particular area.

4. In regard to recommendation j (page 15) we do not consider the proposal referred to therein is realistic if it means involving the Government of the day in any substantial loss of revenue.

5. No reference has been made in the majority report to the multiple ownership of hotels. It is our firm belief that several hotels in the same ownership, but conducted on a managerial basis, has resulted in a lowering of standards. Brewery-owned hotels in this State generally are well-maintained and it is interesting to see that, up to date, these are lessee conducted. If there must be multiple ownership, then let the hotels be conducted by lessees for their own benefit and not by managers for the owners.

CONSTITUTION OF LICENSING COURT.

1. We would like to register a protest on the action of the Government in re-appointing the Licensing Court for a further term of three years. It must have been fairly obvious that the functions and personnel of the Court was a matter to which the Committee would devote some time. To appoint the Court for the maximum term on the eve of the Committee submitting a report is not a compliment, and one could be forgiven for concluding that the Government is not very concerned with the findings. The very real efforts of the Committee to assist the Govern-

ment in the difficult matter of liquor reform at least should have entitled it to the courtesy of some intimation of the Government's intention in this regard.

2. In any case the action of the Government nullifies most of the recommendations connected with the reconstitution (and other relevant matters) of the Licensing Court. The new Court will contain two members of the old Bench, and there is no evidence to suggest that anything better than the *status quo* will prevail. Sometimes when a change is made, a new Messiah with the old gospel emerges. Even this is not likely to happen.

3. For years the Licensing Court has been a grazing paddock for political hacks of all parties, who have stepped up on the Bench uninhibited by any knowledge of the liquor trade. It would seem that this set-up will continue for three years at least.

SUPPLYING LIQUOR TO PERSONS UNDER 21 YEARS OF AGE.

1. We cannot accept the implications inherent in this recommendation.

2. Giving the Police Force the right to invade private homes for the purpose mentioned is a negation of the right of the individual and cannot be justified.

3. In many homes the serving of liquor to the family is an accepted thing, particularly in the case of Europeans, and we do not believe that the solution of this problem lies in the institution of police state methods in W.A.

GALLON LICENSES.

The majority report recommends that "off sales" of liquor by clubs be discountenanced.

In our opinion "off sales" of bulk beer through any channel is open to question, whether it be by club, gallon license or publican.

The keg party idea on its present scale is quite a recent development, and in view of the abuses to which it is subject, calls for some restriction on the availability of bulk beer. For organised sporting or social events bulk supplies could be obtained by means of permits.

Dated this 24th day of June, 1958.

(Sgd.) H. L. ROCHE,
Member.

(Sgd.) G. M. CORNELL,
Member.