

LEGISLATIVE COUNCIL.

Wednesday, September 2, 1953.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

LICENSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 1. Page 568.)

The Hon. E. H. EDMONDS (Northern)—I preface my remarks by expressing pleasure at seeing Mr. Cudmore back in his seat after having been indisposed for a short period. It is pleasing to know that he has sufficiently recovered to enable him to listen to the debate on his Bill and to take part in it today. The Bill deals with one of our most important social questions and it involves varying divisions of public opinion, ranging from the advocates of complete prohibition to a small minority that favours hotel hours and trading in conformity with those that exist in some Continental countries where, I understand, business is carried on practically around the clock. In a matter of such controversial concern there is need for very full and careful consideration, and due attention to all the principles and comments that may be submitted, not only in this debate, but by interested individuals and organizations.

I join with other members in commendation of Mr. Cudmore for the fair and concise presentation of his Bill and I accept his attitude as being prompted by a sincere desire to correct and remove some of the undoubtedly objectionable features associated with the liquor trade. Whether the proposed amendments would be effective in promoting so desirable an objective is a matter for this Parliament to decide. Mr. Cudmore, with his usual thoroughness, has given considerable time and attention to his subject and as an aid to forming his conclusions he also enjoys the undoubted advantage gained by visits to overseas countries and his personal observations in the course of those visits, particularly in regard to practices obtaining in England. The extent to which those practices can be accepted as a guide of what might be desirable here is open to question and I will offer some comment on this point a little later. Having listened to Mr. Cudmore's second reading speech with interest and keen attention I readily accept his assurance that his object is to have hours of trading in our hotels that will be conducive to decent drinking and a more equitable system for determining the issue of licences.

As I see it, there are three main interests involved—the general public, the trade and the employees. The sponsor of the Bill was careful to explain that he was not influenced by any individual or organization, his sole concern being—if I may again borrow his own words—the health, comfort and happiness of the people. There appears to be almost complete apathy on the part of the general public towards the proposal for an alteration of the present hotel trading hours. I find no evidence of a popular demand or agitation for a change. There is, of course, a certain section of the community which, as a matter of principle and policy, strongly and persistently opposes any alteration which falls short of complete prohibition. Also, there is a section which is quite happy and satisfied to have conditions remain as they are. In common with other members I have received letters and other communications expressing opposition to the Bill and, in at least one instance, demanding my opposition to it. On the other hand, I have received not one communication expressing an opinion in its favour. I accept with the fullest respect opinions from organizations and individuals, even though they may run contrary to my own, and I do not discard lightly representations made by temperance or religious organizations despite the fact that, in most instances, they merely consist of statements of resolutions carried at meetings and have been completely devoid of any reliable data calculated to assist one in arriving at a just conclusion. I have failed to discover any weight of opinion in favour of the proposed alterations, whilst there is at least some opposition, even though it may be, to some extent, circumscribed in the manner I have indicated.

As regards the trade itself, up to the day Mr. Cudmore introduced the Bill the official body in this State—the Licensed Victuallers Association—had not as far as I am aware taken any official stand in the matter. I know there has been some evidence of a half-hearted attempt to gain some knowledge of the attitude of licensees by the issue of a questionnaire to hotelkeepers, but what the outcome has been I do not know and I have seen no information published which would give us a line in that connection. However, in an endeavour to form some opinion as to how country hotelkeepers felt about the matter I traversed portion of the district I have the honour to represent and mentioned the proposed legislation to them. Here again my impression was that they were not particularly interested and that there was no expression of

opinion either for or against the proposal. Indeed, there appeared to be an attitude of indifference, if not apathy, to the subject. We have been given a definite expression of opinion from employees, for, according to press reports, members of the Liquor Trades Employees' Union carried a resolution opposing the proposal. At times overseas visitors complain that our hotel trading hours are inconvenient, but I do not accept that as a good and valid reason for any change, for after all our laws have been framed for the well-being of our own people and by the supreme authority of Parliament, and—to again borrow Mr. Cudmore's phrase—they are framed as a means of attaining the "health, happiness and comfort of our people." Even if visitors find our hours to be at variance with those prevailing elsewhere, surely they can be expected to display sufficient good grace to accept them, possibly with some comment, but certainly without criticism.

We might well consider a later hour for the consumption of liquor with meals as a gesture of hospitality to visitors and help our own people who are frequently called upon to entertain at hotels and such public places, a practice that has arisen to a great extent because of the difficulty of obtaining domestic help in the home. In past years private people entertained in their own homes, but, as domestic help is not available today, those desiring to entertain their friends must, almost without exception, do so in a hotel.

It must be admitted that there are some objectionable features associated with our present hotel drinking habits, and I sometimes think that the present economic set-up has something to do with this. Today, people have more leisure hours and more money to spend than ever before, and an appreciable number have little or no home life or comforts; therefore, the hotel has become the popular meeting place for many. Unfortunately, one sometimes sees the unedifying spectacle of individuals or groups emerging from hotels at closing time displaying unmistakable evidence of having imbibed not wisely but too well; but has anything been presented to lead one to hope that the six o'clock swill would not become a 10 o'clock swill if the closing hour were later? Nothing has been presented to prove that the States having a later closing hour have a lower percentage of prosecutions for drunkenness or drunken driving, and the absence of such data leaves the matter one for conjecture and personal opinion.

The Hon. C. R. Cudmore—Has the honourable member been to Queensland and Western Australia?

The Hon. E. H. EDMONDS—My experience has been confined to Western Australia, and my observations there lead me to think that the later closing hour in no way diminishes drinking or means a lower degree of drunkenness than that obtaining here. I am speaking from my own experience, limited though it may be, and I suggest that anybody having contrary views would be well advised to produce some evidence that in States with later closing hours there are fewer prosecutions for drunkenness or drunken driving than in this State. Mr. Cudmore submitted six points in support of his Bill, one of which was the conditions prevailing in England. Conditions in English towns and villages have been put forward in support of a later closing hour, but from what I have been able to gather the drinking and social habits of the English people—and this applies especially to country towns and villages—follow a pattern that has prevailed for generations. There the local "pub" is the social centre for the community, where residents congregate to gossip and discuss matters of public interest over a pot of beer, indulge in the homely pastime of a game of darts or test their skill on the draught board. It is doubtful whether such humble pleasures would be accepted and appreciated by the average Australian. Mr. Cudmore also mentioned the Maxwell inquiry in New South Wales. My only information on this inquiry comes from the published newspaper reports of proceedings. I do not know whether Mr. Cudmore has access to more complete reports.

The Hon. C. R. Cudmore—No, I said that no report had been published.

The Hon. E. H. EDMONDS—I thought the honourable member may have had other sources of information. My impression from newspaper reports was that the main point established by the inquiry was that sly grog joints and black market rackets were part and parcel of the New South Wales liquor trade.

The Hon. C. R. Cudmore—Because of the six o'clock closing.

The Hon. E. H. EDMONDS—If the honourable member will demonstrate that I will accept it, but it has not been demonstrated. Such conditions as those experienced in New South Wales are likely to persist whatever the hour of closing. Mr. Cudmore also mentioned a report by the Church of England social services committee, but on inquiring in the Parliamentary library I was told that the report was not available there and, as the honourable member did not indicate where a copy might be procured, I have been unable to check up

and therefore will have to take his statement for what it is worth. Mr. Cudmore has provided for trading hours to be varied to suit local conditions, but I question how this would work out in practice. There could conceivably be applications for different hours to operate throughout the State. There could be hours to suit shift workers in mining and industrial centres; for tramway and railway employees who work broken times; for market gardeners whose day's work begins in the early hours of the morning; for seasonal workers in agricultural districts who would probably want a drink in the afternoon and for slaughtermen and other employees at the Abattoirs whose daily darg cuts out in mid-afternoon and who would want hotels in that locality open at knock-off time. Then there is the question of a hotel with an afternoon permit. Would its evening hours be correspondingly curtailed?

The Hon. R. J. RUDALL—Under the Bill it could not open after six o'clock.

The Hon. E. H. EDMONDS—That is a matter on which I desire more information. At present the proposal does not appear practicable. There do appear to be anomalies in the Act relating to local option polls and I am prepared to defer my decision on them pending discussion in Committee. At this stage I am not prepared to support the abolition of local option polls in favour of a licensing board. Mr. Cudmore referred to the present distribution of licences and suggested a better distribution of hotel facilities. How is this to be achieved? To my mind this proposal presents some difficulties. One cannot pick up an established hotel holus-bolus and transfer it to some other locality overnight. What would happen to the deposed person? In many cases, I would imagine, he would be seeking compensation. Assuming there were a surplus of hotels in one town and it was decided that one or more should be transferred to some other district, a decision must be made as to which licences shall be transferred and that might affect a person who has established an hotel with a view to his future prosperity. His licence could be transferred to some other place.

The Hon. C. R. CUDMORE—It is simply a matter of buying and selling on the ordinary open market. Are you opposed to that?

The Hon. E. H. EDMONDS—No, but what would be the position if a licensee was not prepared to sell? After all, it does appear that we are assuming everybody will be happy with the proposal. To summarize my attitude

at the present stage I suggest, firstly, there is no popular demand for a change of hours as provided in the Bill except that there may be a case for providing for a later supply of liquor with meals; secondly, the trade appears to be indifferent to the proposals; thirdly, there is no evidence that the proposed alterations will eliminate what may be regarded as objectionable features of the liquor business; fourthly, I do not regard the proposal for staggered hours to suit local conditions as being practicable, and, fifthly, I am not prepared to support the proposal for setting up a licensing board in lieu of the local option poll although I am prepared to consider proposals for alteration of districts and a system for determining the issue. I support the second reading.

The Hon. N. L. JUDE (Southern)—I am pleased that the Hon. Lyell McEwin indicated that he would have preferred this controversial measure to have originated in another place. I agree with that entirely, but the practical politics of today, the organized pressure groups and the three-year term of those members as opposed to our six-year term inclines me to believe that more considered and dispassionate debate, leading to sounder decisions, might well obtain here. Moreover, I am not unmindful that here we have the Chief Secretary who administers these matters and the Attorney-General and several other members with years of practical experience in both Houses of Parliament. I feel that the standard of debate set by the Honourable Collier Cudmore, whom I congratulate for his courage in tackling these knotty problems, led the Chief Secretary to make a contribution to the debate worthy of his high position. I regret that we do not have more opportunities of hearing him speak as a private member.

The Hon. F. J. CONDON—That will come later.

The Hon. N. L. JUDE—The tendency of our people in modern times is to depend, as we unfortunately know, more and more for guidance and financial assistance upon the Government of the day, but it must not be forgotten that some considerable part of this urge is due to the fact that Governments have already extracted large sums earned solely by the toil and brains of the people and surely, therefore, it should be a cardinal principle that what time and money they have left they should be entitled to use and spend as they see fit. I submit that it is not the province of Parliament to do more than guide these activities by precept or example and to protect where abuse creeps in. Of course, in these social

questions, there is the rub. Should we order the comings and goings, the social doings and happenings of not only our own community but in many cases of our guests to a tune that is sometimes most irksome? We should not impose restrictions because of the troublesome few, or because reformers in some cause or other demand action against their fellow citizens and even less we should not permit the abuse of certain semi-monopolies granted to a small section of the community.

The Bill was framed on very broad lines and affords plenty of scope for amendment should members not feel entirely in agreement. The general factors of local option and hours of trading have already been well covered by previous speakers and I see no reason for traversing the same ground. Rather, I shall debate aspects of the two points and later indicate certain amendments I have in mind relating to what I consider to be minor anomalies and pin-pricking restrictions in the present Act. I am emboldened to do this because of the very broad attitude of all previous speakers who have obviously indicated that certain modifications are essential. I shall certainly endeavour to fall in with them where I am in agreement, and only trust that those who appear to be diametrically opposed to portions of the Bill will at least grant members the privilege of permitting consideration of them in Committee. Mr. McEwin referred to compromises, and all members know that much of the best legislation is produced by this method. I certainly believe that that is probably the effective way, having consideration for the pulse of the moment, to deal with the matter of local option.

The various groups of social workers rallying to their causes are inundating members with letters, mostly circulars. I suppose one cannot blame them with regard to their attitude on local option polls because the odds are so weighted in their favour that to surrender the system without a bitter fight might appear unworthy of them. I do not mind admitting that if I held their views I should watch this attack on my strongpoint with the greatest care, but how many of them, listening to or reading speeches in this debate, would not, if fairminded people—and I see no reason to believe that they are otherwise—see that the present system is a reflection on the Parliament that permits it to continue? What then is the answer? It has already been suggested that it lies in a compromise; in obtaining a verdict by a referendum which social workers are so keen upon, but vary

the areas of local option to those immediately concerned. Furthermore, no increase or decrease should be determined by an unvarying mathematical formula, but by the individual requirements of the case. I do not want to have any more determinations by boards and courts than are absolutely necessary, but I admit that there are certain administrative functions which must be dealt with by them. When one remembers that most members are invariably opposed to referendums may I ask why some are so keen to support this particular one which, above all others, is most undemocratic in its effect? I could cite various examples; we have referendums of wheatgrowers and barley growers—

The Hon. C. R. Cudmore—Why do you call the existing system a referendum? It is nothing of the sort.

The Hon. N. L. JUDE—The honourable member may put that interpretation on it if he wishes. We have referendums—or whatever the honourable member cares to describe them as—of wheatgrowers.

The Hon. C. R. Cudmore—Simply “yes” or “no.”

The Hon. N. L. JUDE—In those cases only the wheatgrowers make the determination and not, for instance, cherry growers. I wonder with what particular enthusiasm our recent correspondents would regard a referendum on a State lottery which, I have every reason to believe, would be carried. I would not support one personally, because I believe that Parliament should make the decision.

The Hon. F. J. Condon—Why do you suggest referring this to a referendum?

The Hon. N. L. JUDE—I do not think I have. I have simply said that that is the answer which has been suggested. There is another angle from which we might examine this question, and a most important one. In recent years our police force has built up a high degree of public respect, and I believe that that is an invaluable asset, and quite a contributory cause to the respect in which this State, its Government and its public service are held throughout the rest of Australia. There is nothing more embarrassing or annoying to the members of the police force than to spend their time seeking out the breaker or would-be breaker of some minor aspect of our liquor or gaming laws whilst a few blocks away possibly burglaries or car thefts are being perpetrated. High police officials have given evidence of the virtual impossibility of catching up with S.P. betting in certain towns, and the use of the flying squad, at

considerable expense, has to be invoked to tone down the volume of gambling in remote districts where no facilities exist for even the racehorse owner to wager legally. The S.P. bookmaker provides a service demanded by a section of the public, and in many cases he is quite prepared to pay a tax if legalized. The use of the flying squad could be turned to more profitable channels and the police reputation thereby enhanced. But to return to the Bill; where does this affect the hotelkeeper? Members with some experience of hotels know that gambling goes on in licensed premises. That is beyond doubt. It is reported in the evidence given by the police, and the reputable hotelkeeper spends half his time, and so do his customers, wondering whether they are consorting with people who may be picked up by the flying squad at any moment. I do not believe that that is desirable, and in order to deal with the problem I shall possibly suggest some amendments. From time to time both the Government of the day and members generally oppose the passing of hasty legislation. I also believe in taking my time—even when drinking—if I am permitted. An examination of the Licensing Act shows that in section 233 (1) (b) Parliament did in fact provide for smaller local option areas comprising:—

Any subdivision of an electoral district or any group of two or more adjoining subdivisions whether belonging to one electoral district or more than one electoral district to be a local option district.

That, of course, is subject to the governing proclamation. History shows that, with what I may describe as undue haste, the whole of the State was divided into local option areas consisting of the Assembly electoral districts. Let us examine subsection 2 which is quite obviously an overriding provision. This overrides the effect of the proclamation of total electoral districts as local option districts and says that a new proclamation may be made of any subdivision. It immediately appears to me therefore that the present law permits a local option poll in a subdivision only but of course that is subject to confirmation by both houses of Parliament and members realize that that is an irksome and cumbersome method.

The Hon. E. Anthony—Why?

The Hon. N. L. JUDE—Recalling various memorials presented recently I would remind the honourable member that the House was not even sitting before the election. When, therefore, could such a proclamation have been put in order by both Houses of Parliament?

It seems to me therefore that if we are not to accept Mr. Cudmore's amendments in their entirety—on which I am not committing myself yet—we should examine the provisions of subsection 3. If we wipe out local options I feel we will put too much power and responsibility on the shoulders of the court, which may often be quite out of touch with local requirements. It may be contended that evidence can be taken but I suggest that a perusal of the evidence taken by the Betting Control Board would convince most reputable judges that it was of no practical value.

The Hon. C. R. Cudmore—The honourable member is slightly confusing the Betting Control Board with the courts.

The Hon. N. L. JUDE—I said I did not like determinations of boards and courts.

The Hon. C. R. Cudmore—Do you think they are the same?

The Hon. N. L. JUDE—No.

The Hon. C. R. Cudmore—Then do not criticize the courts by saying what boards have done.

The Hon. N. L. JUDE—The Licensing Court deals with this matter now.

The Hon. C. R. Cudmore—Exactly, and not the Betting Control Board.

The Hon. N. L. JUDE—I have listened with keen interest and slight disappointment to this debate waiting for practical suggestions. I am certain that the present position with regard to local options is unjust and I am satisfied with the expression of the Chief Secretary when he used the term "ludicrous." That was his considered opinion and in accepting it I would say that I should have no hesitation whatever in supporting the deletion of the relevant clauses. Frankly I find myself in a slight quandary. It is quite apparent to me that since Mr. McEwin made his plea for the parties which feel most strongly on this matter to come together a somewhat different air seems to pervade the whole matter and I have every reason to feel that some of the major and minor differences could be ironed out to the satisfaction of both sides. I feel therefore, as a consequential argument, that at this stage someone should suggest a suitable compromise that may prove acceptable and I shall therefore duly endeavour to do so. I point out that as this Bill deals with two specific questions—hours and local options—in the event of its withdrawal on either issue satisfactory amendments with regard to the other question may well be sidetracked into legislative

oblivion. I know that some speakers—including the last—contend that because the L.V.A. has not stated its case it is not very keen for alterations and is not interested in the Bill. I suggest that theirs is purely a business angle. If, for example, staggered hours will mean increased costs and reduced turnover and lounge instead of bar drinking is to operate, naturally they will not push the matter, but, if legislated for, the hours will be accepted by them, and they will act in their own interests. Will a hotelkeeper with a monopoly in one town press for changes by means of local option? If left alone, the reputable hotelkeeper will render the service demanded by his customer. Supposing we permit him minor adjustments which will be less irksome to his customer and not improve his business, what should we expect in return? Parliament should insist that the licensing court give preferential treatment to those licensees providing the maximum facilities for eating and accommodation.

The vexed question of trading hours should surely be guided by the following factors: firstly, the requirements of the local people who wish to drink at an hotel; secondly, the ability and the wish of the publican to meet those requirements; and, thirdly, the facilities available to do so. Any limitations should be designed, firstly, against the creation of any public nuisance, and secondly, to provide safeguards against the abuse of drinking by those of tender age. Why should we restrict that portion of the community which wishes to drink at an hotel? Our local option system may preclude their doing so. If local requirements are unusual and demand unusual hours, who are we to decide what those hours should be, for such matters are surely administrative? The firmer policing of a casually conducted hotel business will force the publican to meet the public's requirements. With regard to facilities more hotels are desirable in certain places and fewer in others, and larger bars, better lounges, and beer gardens are other facilities which could be provided. Surely no honourable member suggests for a moment that larger bars necessarily mean an increased consumption of liquor? It may do so in those specific premises, but to the detriment of other premises which are not so satisfactory. Better and more reasonable facilities for comfortable recreation should be provided in hotels, and, in view of the semi-monopoly enjoyed by hotelkeepers, should be insisted upon by the Licensing Court.

I recall a very sound example in the conduct of an hotel in a southern country town near which I resided some years ago and

where the publican regularly served liquor after hours. A policeman who later became a prominent citizen and a high police official was transferred to the town and told the hotelkeeper that if he wanted to carry on he must behave differently. The policeman said, "You may serve drink to a rabbit, a fisherman, a farmer, or anyone else after six, if that person was not in the township before six, but if I catch you selling to a local person or anyone who was on these premises before six I will make it my business to turn you out of this town." He also added that he would not permit any drinking after hours on any evening on which entertainment was being held in the town hall of that town. Members may smile and ask who administers the law, but this policeman had the respect of the local community and, to my knowledge, the publican did not subsequently deviate from those directions.

I believe Mr. Cudmore desires to see better drinking. Much of the abuse of drinking is often due to a grasping licensee. In Britain the idea of supplying liquor outside of legal hours would be laughed at, and a publican there knows that anyone asking for a drink after closing hours is a total stranger and unaware of the law. I must concede the Chief Secretary a point in his statement that our living conditions are very much better and that therefore we do not need the "pub" for use as a club on a cold winter's night, but I would be lacking in the spirit of debate if I failed to point members' attention to some of the hotboxes of homes in which many of our poorer people must reside during the summer. Without the amenities of refrigeration their conditions are far more trying and genuinely conducive to the need for more refreshment. It is surprising that hotelkeepers do not try to cater more for the better class non-alcoholic drinks and that we do little to assist them in that direction. Here again we might clash with specific business interests, but this matter could certainly be dealt with by legislation and I would expect some considerable support for such a move from both reformers and reputable hotel proprietors. I do not mind a chain of privately-owned hotels, but, although breweries, generally, maintain a high standard of hotel, their interests must be paramount, and I doubt if this is an entirely good thing.

I would like to experiment with Mr. Cudmore's scheme for some definite period, but, unfortunately, I am under no illusion as to

what will happen to these clauses, and therefore I must devote myself to obtaining some amendments to the present Act. At the outset I make it clear that, even if drinking were permitted between 4 and 10 p.m., I would move that all bars should be closed from 6 to 8, and that only lounge and dining room drinking should be permitted. I believe that a sound executive move was made when hotels were closed in the afternoon. I have always sought to get our people out on to the playing fields on Saturday afternoons, if not to play, then to watch sport, and this attitude is also closely associated with the attraction of betting in hotels on Saturday afternoons, especially in the country. I shall make certain suggestions in Committee on this point.

The law at present provides for drinking with dinner, and I intend to move that the hour for drinking with dinner shall be extended to 9 p.m. It seems to me—as I believe the Chief Secretary mentioned—an extraordinary thing that interstate friends whom a person takes to dinner at a hotel cannot drink in his company even though they are *bona fide* guests, and I intend to move amendments to cover drinking in lounges by *bona fide* guests after they have dined and until 9 p.m. I would have liked to move an amendment enabling them to drink in the lounge before dinner, but I realize that difficulty might be experienced in getting support for such a move and also that it would be difficult to police.

The PRESIDENT—I draw the honourable member's attention to the fact that he has given contingent notice of motion of certain amendments. He may only state what those amendments are and not argue them on the second reading. He may argue the amendments that can come into the Bill without contingent notice, but those requiring contingent notice will have to be dealt with in Committee.

The Hon. N. L. JUDE—I thank you, Mr. President, for your instruction and regret that I deviated from the correct path. I intend to submit further amendments closely associated with this question.

The Hon. C. R. Cudmore—If my Bill is carried none of those amendments will be necessary.

The Hon. N. L. JUDE—That is so, but they may be necessary and therefore honourable members should be made aware of the position. I am not so vain as to imagine that my amendments are the final and exact remedies of these problems, but they are offered in the same spirit for consideration

and compromise that has ordered the whole of this debate. The Show adjournment will give members a full opportunity to investigate them in detail, and I am confident that both proponents and opponents will see that they have been conceived in the bed of reason, may be nurtured in the councils of common-sense and brought to fulfilment through our faith in the future. In closing I remind members of the statement:—

“Enough!! If something in our hands
Give power
To live and act, and serve
The future hour.”

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading and, in so doing, am reminded of the words of that famous jurist, John Stuart Mill, that a person who won't listen to the other side of an argument does not know his own side well. The history of the “inn” is ancient and honourable. Inns were first established by priories and religious orders but through the development and progress of civilization they have become what we now know as “hotels.” In a foreword by Sir Edwin Lutyens, R.A., to “The Old Inns of England” by A. E. Richardson, the following passages appear:—

The invention of the railways and the growth of their great systems left the roadway inns to desultory neglect. Now, the giant growth of motors and of motorists has brought our old roads, and the inns adorning them, into a renewed existence. There is no doubt but that the brewers and the great industries catering for our need realize the importance of the service that is theirs to render, and it is amazing, in these days, that their work should be hindered and hampered.

Surely the responsible men of business and of affairs of this our England know how to run their houses for the comfort of their patrons, without outside interference. They know, too, that a good name in public service is one of too great a value to lose by ill-fame and by a lack of that cleanliness, moral and physical, that pertains to all that is good.

That eminent architect and member of the Royal Academy has expressed my views concerning the majority of those conducting South Australian hotels. It is true that whenever the question of the hours of hotels has been raised it has become a very live matter. There are some sections of the community which look upon hotelkeepers, to whom I owe no allegiance, as being apart not only from our ordinary economic make-up but from ordinary citizens. They run businesses which are recognized by the laws of the State. According to the 1953 Statesman's Pocket Year Book they control 202 hotels in the metropolitan area and 382 in the country and they pay annual fees

for the purpose of conducting their businesses. For the year ended June 30, 1952 they paid £46,529. We should not approach this matter from a prejudiced viewpoint but in the same manner as we approach any measure which is placed before us. The net revenue from spirits, beer and wine for the year ended June 30, 1952, was, for customs, £107,914 and for excise £6,445,115. These figures indicate that we are not dealing with something designed to enhance the prosperity of a small section of the community.

The Hon. R. J. Rudall—Would those amounts include export trade?

The Hon. K. E. J. BARDOLPH—I am referring to the industry generally. The figures indicate that this is an industry which does not favour merely a select few who are making enormous profits. We are not discussing a measure to provide enhanced profits or special privileges to a select few. This is a problem which is an integral part of our economy. I do not upbraid those well-meaning enthusiasts who have written me regarding what my attitude should be on this measure. We are living in a democracy and they are entitled to express their views to me as their Parliamentary representative. They have expressed them courteously but some of the correspondence seemed rather peculiar. In some of the letters it was suggested that this measure proposed the extension of an evil which has become a cancerous growth.

The Hon. S. C. Bevan—There are many other evils.

The Hon. K. E. J. BARDOLPH—Exactly. At December 31, 1952, the population of this State was 751,535. The natural increase during the year was 10,834 and there were 10,865 migrants. In 1947 the natural increase in population was 10,102, which was only 732 less than last year. To those well-meaning people I ask, why haven't they protested against another evil, that of race suicide?

The PRESIDENT—Order! I must draw the honourable member's attention to the fact that this Bill deals with two items; one altering the hours and the other relating to local options. I ask the honourable member to return to the subject.

The Hon. K. E. J. BARDOLPH—In view of the latitude which you, Sir, unconsciously extended to Mr. Jude I thought I could present some figures on this aspect. However, I shall await a more opportune time. I will not traverse all clauses of the Bill, but in every State, Victoria and Western Australia

in particular, measures dealing with the extension of hours and the removal from existing legislation of archaic regulations are being introduced by the Government and not private members. In Western Australia the Minister has submitted a proposal to Cabinet for the extension of hours from 9 a.m. to 9 p.m. to 10 a.m. to 10 p.m.

The Hon. E. H. Edmonds—That will subsequently require Parliamentary action.

The Hon. K. E. J. BARDOLPH—I do not deny that, but it indicates that such measures are not being left to private members to introduce. In Victoria the Cabinet is meeting this afternoon to consider these proposals:—

1. Licensing courts to be reconstituted with a Supreme Court judge as chairman.

2. Separate licensing districts to be abolished, and the whole State made one licensing district.

3. Licences to be transferred according to population needs, to get a better distribution of hotels.

4. Liquor to be sold by brewers and wholesalers to licensed retailers only, and no liquor to be sold by retailers for resale by unlicensed persons.

Our Licensing Act needs overhauling. Its provisions may have sufficed some years ago, but I think members will agree that in every State, in concert with other parts of the British-speaking world, there is an atmosphere of progress and change and it is useless for us to mark time and not deal with these problems when they are presented for solution. Under the present law a local option poll can be held and if the vote favours a reduction of licences the court must reduce the number of licences by 33½ per cent. Notwithstanding the figures I have quoted relating to the revenue derived from this industry the number of licences can be arbitrarily reduced without compensation being paid to those licensees who will suffer. The same applies to any increase in the number of licences. An application is made to the court and an automatic increase takes place.

The Hon. R. J. Rudall—No!

The Hon. K. E. J. BARDOLPH—The court decides the matter. I know of two instances when, as a result of a recent local option poll, applications were made to the court which granted licences. There is no need for the granting of new licences but there should be a more equitable distribution of our present licences.

The Hon. F. T. Perry—What if the licensees do not agree?

The Hon. K. E. J. BARDOLPH—If it is under one uniform control, as the Labor Party desires—

The Hon. F. T. Perry—His licence is cancelled?

The Hon. K. E. J. BARDOLPH—No, the licence is transferred to an area where it is required.

The Hon. F. T. Perry—Arbitrarily?

The Hon. K. E. J. BARDOLPH—No, on the application of the person concerned. During Committee stages members will have an opportunity of expressing their views on any amendments which may be suggested. When social questions are before the House members of the Labor Party are free to express their own opinions, and I have expressed mine. I support the second reading.

The Hon. C. D. ROWE (Midland)—I have listened with great interest to all the speeches on this Bill. Each speaker has been sincere and has spoken without heat, which we all appreciate on a subject of this kind. Mr. Cudmore, in the beginning of his second reading speech, said:—

I want to make it clear that I have not been influenced by any individuals or any body of persons to take this move to have our licensing laws reconsidered by Parliament. I am not particularly concerned with hotel-keepers, licensed victuallers or brewers although I would give them the same assistance and hearing as I would any other body in the community. I am concerned with the health comfort and happiness of the people.

I, too, am concerned about the health, comfort, convenience and happiness of the people and I also am prepared to give assistance where required to hotelkeepers and others, but it does appear that I take a different view of the facts presented. I do not propose to deal at such length as I originally intended with the six reasons Mr. Cudmore gave in support of his argument, particularly for later hours of closing, because those reasons have been adequately covered by previous speakers, but I should like to make one or two comments. First, he mentioned his own personal observations in England. It has not been my good fortune to make any personal observation in England, but in discussing the question with people who have had that opportunity I find that there is a divergence of opinion and that people's reactions are somewhat governed by their preconceived ideas. Some come back from England supporting the honourable member's contention, but others say that drinking conditions over there in the later hours of the evening are not any better

than here. I was recently shown a report presented by the Chief Constable of Coventry to the annual meeting of the licensing justices for that city for the year 1952. It showed that there were 706 convictions for drunkenness as opposed to 493 in the previous year, an increase of 43 per cent, and that number was the highest recorded in that city. There may be a misunderstanding of the relevant facts. I think that in small country towns, villages and hamlets in England the old tradition regarding the "local" still obtains and that people still drink there in a social atmosphere without any ill-effects, but in the big industrial centres like Coventry the later closing hour has not achieved the results which the honourable member would hope to be achieved if the later hour were applied here. It is also necessary to remember that the alcoholic content of English beer is much lower than that of the beer normally drunk in Australia, which may have something to do with the effects over there. All in all I do not feel that the arguments he raised, based on his observations of conditions in England, are conclusive. His second point was the success achieved by the altered hours in Queensland, Tasmania and Western Australia. That again appears to be a matter of opinion and no real evidence was produced to show that any success has resulted from the amended hours in those States.

The Hon. C. R. Cudmore—There is no evidence that they are any worse.

The Hon. C. D. ROWE—There is evidence that the position is worse, but none that it is better. However, I shall come to that under a different heading. His third point was the question of the disclosures of the Maxwell inquiry. Until we get the report of that inquiry it is rather too early to make any comment or draw any conclusions, but it does seem that conditions in this State are quite different from those in New South Wales. I do not think we have the same problem with regard to night clubs or illicit after-hours trading here, apparently so strongly evidenced in New South Wales. In any case, I am satisfied that the administration here is much more efficient than it is in that State, so I do not think that because certain conditions exist in New South Wales it is logical to argue that they exist in South Australia and that a similar remedy is required.

His fourth point was that consideration was being given to amending the Licensing Act in Victoria. At the time he made his second reading speech certain announcements were

made about fairly extensive alterations there, but as far I can gather it appears that there have been considerable modifications of the alterations contemplated, and if the statement by Mr. Bardolph regarding the matter which Cabinet is considering in Victoria is correct they are not considering an alteration of the hours, so it may be that the question of later trading hours will not be considered in Victoria. In any case I do not see that we need be guided by what is happening there.

His fifth point was in relation to drunken drivers. Here again it is rather difficult to get the exact facts, but those available do indicate that the position in South Australia is certainly better than in any other State. The figures were quoted by the Chief Secretary, but I repeat them because they are some tangible and practical evidence on which we can rely. It is interesting to note that these figures show that in the three States where there is a later closing hour the number of deaths from motor accidents is higher than in the other three States. In New South Wales there is one death for every 1,345 vehicles on the roads. In Victoria one in every 1,183; in Tasmania one in 1,133; in Queensland one in every 996 and in Western Australia one in every 737, whereas in South Australia there is only one in every 1,542, which is fairly conclusive evidence that the position regarding drunken driving is better here than in any State in the Commonwealth.

The Hon. W. W. Robinson—That does not refer to drunken driving.

The Hon. C. D. ROWE—It refers to the number of deaths per vehicle so it appears that the safety conditions on our roads are better.

The Hon. C. R. Cudmore—It has nothing to do with inebriety.

The Hon. C. D. ROWE—Only that the inebriated driver is likely to cause death, and if the overall position is better here it does appear that we will not be helping ourselves by increasing the hours of trading.

The other point to which the honourable member referred was the report of the Social Services Committee of the Church of England. The reasonable conclusion to be drawn from that statement was that it had been approved by the Church of England in Australia as a whole. From inquiries I have made that was a report of a small committee of the Sydney Diocese and I understand that it has never been discussed by the Synod of New South Wales or of any other State and that it does not therefore represent the views of the Church

of England here. The Church of England has never directed its mind to the question and has never made any pronouncements on the question of the later closing of hotels, so I do not think that we can assume that that report is in favour of the proposition as the honourable member suggested.

Having dealt with those reasons it appears to me that there are others which justify me in opposing later trading hours. The first is—and I do not regard it as the most important—that I have received no requests from any body to support the Bill. Secondly, in regard to the argument advanced relating to the six o'clock swill, it appears to me, from my personal observations, that it is not as serious as it was two years ago, and in any case the answer is not to the found in extending the hours of trading, but in seeing that hotel licensees provide the necessary facilities in the shape of bars or lounges of sufficient size and the requisite bar-men to serve liquor in the time available. This applies in industry where businessmen have to find the necessary plant and buildings and the requisite number of employees to meet the situation. Now, fortunately, we have reached the stage where the Building Materials Act has been abolished and it is open to people to make extensions and to improve facilities and therefore I can see no reason why it should not be done. Indeed, I think the Licensing Court ought to make it obligatory on licensees to provide reasonable facilities in bars and lounges to meet the requirements of people who quite legitimately require to be accommodated. The third point which prompts me to support retention of six o'clock closing is that the most recent local option pools held favour retention. The last poll in New South Wales was on February 15, 1947, when 62.05 per cent favoured the retention of six o'clock closing and only 35 per cent favoured 10 o'clock closing. A later poll was held in New Zealand, on March 7, 1949, and the vote there was 75.5 per cent for six o'clock and 25 per cent for 10 o'clock, and I have no doubt that if a referendum were held in this State six o'clock closing would be retained. However, I am not in favour of a referendum because it is our responsibility to vote as we see fit on this measure and not to pass the responsibility on to someone else. The last point I make in support of six o'clock closing is that it appears to me to be honoured quite satisfactorily throughout the State. Some years ago we heard many complaints about trading after 6 o'clock and inability of the police force to police the 6 o'clock closing

provision, but we do not hear so many complaints today and it appears to me that most people are quite happy with the present conditions. Therefore, I must oppose the proposed extension of hours.

The other main point in the Bill deals with the local option, and I agree with those who say that there is room for some alteration and tightening up of the provisions regarding local option polls; but it appears to me that one section of the Act has been overlooked by people who in the past have requested that local option polls should be conducted. Section 223 of the Act states:—

- (1) The Governor may by proclamation:—
 - (a) declare the whole of any electoral district to be a local option district;
 - (b) declare any subdivision of an electoral district or any group of two or more adjoining subdivisions, whether belonging to one electoral district or more than one electoral district, to be a local option district;
 - (c) alter any local option district, but so always that the district as altered shall consist of an electoral district, or a subdivision of an electoral district or two or more adjoining subdivisions of one or more electoral districts.

Subsection (3) of that section states:—

No proclamation shall be made pursuant to the powers conferred by this section unless a resolution of both Houses of Parliament has previously been carried approving of the terms of the proposed proclamation and of the making thereof.

Some members referred to the position at Tailem Bend where a local option poll failed to secure an additional licence for the district. The electorate of Murray contains three subdivisions, Tailem Bend, Mannum and Murray Bridge, therefore, subject to submitting of a resolution to both Houses, they could have a local option poll in the subdivision of Tailem Bend to determine whether or not there should be another licence in the Tailem Bend district. Although apparently the people of Tailem Bend have not seen fit to ask either House to pass such a resolution I see no reason why at present it would not receive favourable consideration, therefore it appears to me that subparagraph (c), of subsection (1), together with subsection (3) is the answer to much of Mr. Cudmore's criticism of local option. I have tried to think of areas covered by subdivisions in the various electorates, and they seem to me to provide a ready-made and accurate definition of areas for local option polls. Resolutions which come to this House are carried without much trouble, and

I would like to see more consideration given to this angle so that many of the difficulties mentioned might be solved.

The Hon. C. R. Cudmore—Can you see subdivisions being made completely dry under that?

The Hon. C. D. ROWE—No, nor do I advocate it.

The Hon. C. R. Cudmore—Have you considered that angle?

The Hon. C. D. ROWE—No, but I stand by the principle of local option. I have always agreed that local people should be allowed to decide their own affairs. I agree with other members that local option should be made to work satisfactorily, and it seems to me that the provisions of this Act enable it to be worked satisfactorily and provide an answer equally satisfactory to that, suggested by the honourable member, of having the matter considered by a magistrate.

The Hon. N. L. Jude—Have you considered a poll of ratepayers as opposed to electors?

The Hon. C. D. ROWE—No, and I would not express an opinion on that at present. Local option is a principle in which there is a good deal of merit. It is observed in other Acts such as the Early Closing Act, and I would like to see it brought into a position where it would work satisfactorily under this Act. The Bill also deals with the question of varying trading hours in different districts. The point arises whether the Bill should be allowed to go into Committee so that its various provisions may be dealt with there or whether the proper course would be to vote against the second reading. Unless I can see some definite amendments on the file which I feel will be an advantage, then I cannot see that I would be doing any good in supporting the second reading. It is no good letting the Bill go into Committee unless we know where we want to go when we get it there. Unless I am given such indication I do not feel justified in supporting the second reading and therefore I will vote against it.

The Hon. R. R. WILSON (Northern)—I do not propose to speak at length on this Bill, but this is an opportunity for every member to declare his views, not only before other members, but also to his constituents. I congratulate Mr. Cudmore on the efficient and fair manner in which he presented the Bill. He has been extremely fair on this purely non-Party issue. In 1915 when the last referendum was taken South Australia's population was 453,000 and in 1952 it was 751,000, an

increase of 298,000. South Australia has 584 hotels, and licences have also been given to 161 clubs, wine saloons and storekeepers—a total of 745. Mr. Cudmore said that on a population basis there was one hotel to every 1,200 people, but, as all people have not access to hotels, that figure could be considerably reduced. In 1919-20 South Australians spent £2,265,000 on beer, and drank an average of 13.58 gallons a head. In 1951-52 they spent £13,100,000, and drank an average of 21.26 gallons a head. In 1919-20 .34 gallons of spirit was consumed on the average by each person, and in 1951-52 .21 gallons was consumed, therefore over that period there has been a considerable reduction in the consumption of spirits.

The Licensing Act contains anomalies, and, since the Bill has been introduced, I have approached as many people as possible in order to ascertain their opinions. I do not support the extension of trading hours for several reasons. As a member for the Northern district I have not received one request in support of the Bill, but have received many opposing it. It is difficult to legislate in the face of such an instruction from my constituents. I have received letters, not from organizations, but practically all from people who have no interest in organizations and regard this Bill as contentious. There is an old saying "We cannot live the future on the past," but we should take lessons from the past and I remember very well when we had 11 o'clock closing. As a young man visiting Adelaide from Ardrossan I was entertained by my friends, whose idea of entertainment was to do the round of city hotels. Barmaids were employed in hotels in those days, and the hotel with the most attractive barmaid was the best patronized. The referendum in 1915 proved that an overwhelming majority favoured six o'clock closing. No-one can convince me that there is a greater swill in South Australia today than there was between 10 and 11 p.m. in 1915, for drinkers will drink right up to whatever hour a hotel closes. If the proposed hours were introduced, we would be up against the same problem between 9 and 10 p.m. as we are today between 5 and 6 p.m.

The Hon. K. E. J. Bardolph—That is not borne out in other States where there is late closing.

The Hon. R. R. WILSON—Last year when I was in Western Australia I took particular note of conditions there because I expected the introduction of this Bill. Yesterday afternoon friends of mine from Western Australia

were in the President's gallery and subsequently I asked them their views on the hours in Western Australia. They said they had become accustomed to them but the people, apparently, were not satisfied with them. Hotels are now opening for certain hours on Sunday afternoons and my friends' opinion of that was, "It is disgusting and degrading." I disagree with Mr. Cudmore's claim that this Bill will add to the health, happiness and comfort of the people. I think it will be detrimental to home life in practically every way. I am positive that young girls will not enjoy the safety that exists today if hotels remain open until 10 p.m.

The Hon. K. E. J. Bardolph—That is a sweeping statement.

The Hon. R. R. WILSON—I do not think so. I have daughters and do not think they would have the same safety which they enjoy with six o'clock closing.

The Hon. F. J. Condon—Would you support any move to close the R.S.L. Club at 6 p.m.?

The Hon. R. R. WILSON—In view of the position I hold in that organization I do not think that interjection is quite fair. I had not expected any interjection on those lines. Every effort has been made to encourage members not to abuse the privileges extended to them. A licence operates every night of the week at Angas Street and it is respected in the manner Parliament intended. Why cannot members refer to other organizations instead of singling out one in particular? Sub-branches have the same right as other people to apply for permits and they usually obtain them for their re-unions.

The Hon. E. Anthoney—There is no abuse of those permits?

The Hon. R. R. WILSON—No.

The Hon. F. J. Condon—I did not suggest that there was. I supported the Bill dealing with the R.S.L. licence.

The Hon. R. R. WILSON—The honourable member interjected and I surely have a right to defend the organization. Had I not held an official position with that organization I assume there would have been no interjection.

The Hon. F. J. Condon—That is entirely wrong.

The Hon. R. R. WILSON—It may be, but that is how I accepted it. Much has been said about English drinking hours. That is not a fair comparison because conditions there are not similar to here.

The Hon. Sir Wallace Sandford—Why is it not a fair comparison?

The Hon. R. R. WILSON—Because conditions here are different and I believe the alcoholic content of our beer is far greater than English beer. Most New Australians claim that they are not able to consume the amount of beer in Australia to which they had been accustomed in their own countries where the beer is not so alcoholic. Shortly after the introduction of this Bill an article by Sir Stanton Hicks appeared in the press. He said that certainly not more than 15 per cent of the accidents were caused by drunken drivers. He claims that the greater number of them are due to a higher standard of living which enables more people to own motor cars. Mr. Cudmore and other members referred to Leigh Creek and Radium Hill, which are both in my district. I have visited Leigh Creek since the hours of trading were extended there until 9 p.m. At Leigh Creek men are working in black dust practically all day and it is difficult to distinguish them from natives. Because of the isolation of that area and the conditions under which men work in a hot climate they are entitled to what has been afforded them. The men respect that privilege.

The Hon. K. E. J. Bardolph—Would not they represent a fair cross section of South Australian citizens?

The Hon. R. R. WILSON—Yes, but the conditions under which they work and live are entirely different.

The Hon. K. E. J. Bardolph—Wouldn't it rest with the individual whether he abused those privileges?

The Hon. R. R. WILSON—Yes, but those privileges are not abused. The position is somewhat similar at Radium Hill. Reference has been made to the imposition on customers who purchase a drink a half minute before 6 p.m. The Act provides that all alcohol must be consumed by 6 p.m. but some extension, perhaps five minutes, should be provided to enable persons to enjoy the drink they have procured without gulping it down at the last moment. Bar-men must finish selling immediately at 6 p.m. A period of 10 minutes' grace should be allowed.

The Hon. C. R. Cudmore—Ten minutes is permitted under the Act.

The Hon. R. R. WILSON—That is different from what Mr. Flannagan said in the press recently.

The Hon. C. R. Cudmore—I pointed out that if there were to be two closings the period of 10 minutes should only operate at the second closing.

The Hon. R. R. WILSON—One of the real anomalies in the Act is the provision relating to drinking with meals until 8 p.m. Dinner parties do not start until 7 or 7.30 p.m. but at 8 p.m. all liquor must be removed from the table. It would be acceptable to all people if the time was extended until 9 p.m. When the bars close at 6 p.m. provision should be made to enable persons to have a drink in the lounge if they so desire and I can see no objection to such a proposal. Some plan could be introduced to enable the entertainment of guests not only from interstate but from local parts. The position could be controlled by the provision of a guest register book in which all guests enter their names, addresses and occupations. The register would be available for inspection by the police at any time and the onus would be upon any person found in the hotel whose name was not entered in the register or who was not qualified. When a hotelkeeper is absent through illness a temporary licence should be granted to the person managing the hotel. A hotelkeeper who resides on the premises is unable to serve his friends with a drink at certain times and an amendment to meet that circumstance would be to his benefit. There should be a better distribution of hotels. At Cockburn, near the New South Wales border, there are two hotels. One on one side of the street is in South Australia and the other on the other side is in New South Wales. One is bound by our laws and the other by the New South Wales laws. The nearest policeman is at Broken Hill and members can draw their own conclusions of what is happening there. In a case like that exception should be made to overcome the penalty on hotels which happen to be on the wrong side of the road. I am not in favour of granting powers to courts as provided in the Bill, for I consider it far better to alter the local option provisions so as to enable the people of a district to have a say as to whether a hotel is to be erected or a licence transferred. I suggest that if another Bill were introduced on different lines it would get more support. The temperance people are not adamant about the question, for they realize that the population is increasing and they are prepared to meet the situation in respect of the few existing anomalies. If the Bill reaches the Committee stage we will have further opportunity of commenting on the various clauses, but I wish to indicate quite clearly that I intend to vote against the second

reading believing that if another Bill were brought down it would have a far better chance of success.

The Hon. E. ANTHONY (Central No. 2) —I pay my tribute to the sponsor of the Bill on his very temperate introduction of a somewhat intemperate subject. I also congratulate all members who have spoken on the high level of the debate. Like others I have received much correspondence since this Bill came before the Council but not one letter in support of the measure. That, of course, may prove nothing. I respect the views of all those who have written to me—far too many for me to reply to—but I quote the words of a very distinguished Parliamentarian when faced with a similar proposition:—

Certainly it ought to be the happiness and the glory of a representative to live in the strictest union, the closest correspondence and the most unreserved communication with his constituents. Their wishes ought to have great weight with him and their opinion high respect; their business unremitted attention. It is his duty to sacrifice his repose to theirs, his satisfaction to theirs and above all and in all cases to prefer their interests to his own, but his unbiassed opinion, his mature judgment and enlightened conscience he ought not to sacrifice to you, to any man nor to any set of living men. These he does not derive from your pleasure nor from the law and the Constitution. They are a trust from Providence for the abuse of which he is deeply answerable. Your representative owes you not his industry only but his judgment and he betrays instead of serving you if he sacrifices it to your opinion.

That is the attitude a member should take towards his constituents and that is how I feel this afternoon. While respecting the opinions expressed in the numerous letters to me I reserve the right to my own opinion. Much has been said about the English practice in regard to hotel keeping and I must confess that I quite agree with statements made this afternoon about the English inn. It is a delightful institution and one that has served and is serving a very great convenience for the comfort of thousands of people; it is part of their traditions. The village inn is as much a part of the community life of England as the village church; part of a very quiet and well behaved community. I visited quite a number of these lovely little village inns and no one could take exception to them. They are virtually the people's clubs, to which they bring their wives in many cases, and sit and talk and do a little drinking. When I was there a few years ago I think it was too expensive to indulge in much drinking. The people had their talk

or their game of darts and spent a very pleasant evening. Whether we could transplant that atmosphere to Australia I very much question. England has hundreds of years of tradition, whereas we are still pioneering, this country and our habits, I say with all respect, are very much different from those which have grown up in England.

I am certain Mr. Cudmore had the best intentions, believing that there was great necessity for reform of our licensing laws, but I refreshed my memory on the many provisions of the Act and was surprised to see how the publican himself is hedged around. There are all kinds of prohibitions and all kinds of mandatory things that the licensee has to carry out, and I feel sure that many of them today are not observing the strict provisions of the Act. I feel, too, that the worst customer of the hotelkeeper is the drunken man and, as somebody has said, it comes back to the individual. I have maintained over and over again that if reforms are to be lasting they must be brought about through education. That is the way to create a community that will not over-indulge in anything, and I should like to see the schools take up this question. It used to be done; at least once a week classes were taught the evil effects of over-indulgence in alcohol and I would like to see the schools take up this subject again in order to teach our growing youth the danger to the body politic of over-indulgence in what is, after all, a poison, though a very pleasant poison if taken in moderation. A previous speaker referred to the number of people apprehended for driving whilst under the influence of liquor. In his report last year the Commissioner of Police stated that in 1951-52 there was an increase of 32 per cent in the number of accidents due to intoxication over the previous year. The number of persons killed increased by 60 per cent and the number of injured decreased by 24.4 per cent. During the year 185 accidents occurred, resulting in eight deaths and 69 injured, compared with 140 accidents with five deaths and 90 injuries in 1950-51. That is clear evidence that over-indulgence in alcohol has had a very striking effect and is increasing the danger on our roads.

I do not want to traverse the arguments adduced by other members regarding local option. My first intention was to support the abolition of local option polls, but when I saw how clearly the position was defined in the Act and that it was possible for a poll to be taken over portion of a district I felt that

an amendment on the lines suggested by a previous speaker would satisfy me in that regard and would be better than entirely abolishing the local option provisions.

The Hon. C. R. Cudmore—Would they be ratepayers?

The Hon. E. ANTHONY—Electors in Assembly divisions, as is the case today. I think that would satisfy most people's objections. Regarding the alteration of the hours for the sale of liquor I cannot see that the honourable member will achieve his objective to reduce the 6 o'clock swill by opening the hotels from 4.30 p.m. to 10 p.m., for I am inclined to think that the tendency will be towards larger scale drinking than at present. A number of people will probably go into hotels at 4.30 p.m. and stay there until a late hour. His other suggestion to increase the hours during which liquor may be served with meals meets with my approval. I do not think that anyone, especially people who are entertaining guests in hotels—as many have to do—wishes to see the liquor taken from their friends at 8 o'clock. That is a bad advertisement for the State. It does not leave a good impression on visitors. I support the second reading in the hope that some desirable amendments may be incorporated.

The Hon. F. T. PERRY (Central No. 2)—Any Bill dealing with the licensing laws excites the interest of the public and, consequently, of the press. Press reports and communications received by members indicate interest in the Bill. Members know the interest taken by churches and temperance bodies in this matter, and I respect their views, which are entirely without self-interest. On the other hand, the people who sell alcoholic beverages are an estimable body of people who cater for public requirements and, from their experience, know the best way to supply the public with its needs. Their views, too, should be respected. Between those two extremes lies the general public. I have been interested during this debate to observe the way in which members have made up their minds on their attitude towards the measure. On the one hand we see the strong personal views held and expressed by members, and on the other the endeavours of members to express the wishes of their constituents. Those are two opposite viewpoints which must be reconciled if members are to express a worthwhile opinion in the best interests of the public. We have been told that drinking is carried out in a natural way in England and other countries, and that here the sale of alcoholic beverages is unduly

restricted. I would not be presumptuous enough to say how the public should take its refreshment, nor is it easy to judge the ideas of electors on this matter, but we should not lightly discard their views.

Members should be guided by the fact that the result of the poll taken in New South Wales in 1947 on hotel trading hours was a reflection of the opinion held in 1916. During that time the population had increased tremendously, yet a majority voted against an extension of hotel closing hours. This Bill provides for an extension of drinking hours.

The Hon. C. R. Cudmore—It does not extend them; it alters them.

The Hon. F. T. PERRY—It may reduce the number, but it extends the spread of hours. I was in England two years ago and have no complaint to make about the way in which British hotels are conducted. In fact I consider they are well conducted, but to say that certain conditions obtain there is not a reasonable argument for their introduction here. In London hotels in different districts are closed at different times. The majority open at 11 a.m., close at 3 p.m., re-open at 5.30 or 6 p.m., and remain open until 10 p.m. I have always been opposed to the six o'clock swill in this State, for I consider it a deplorable manner of drinking. Indeed, one of Mr. Cudmore's strongest points was his disapproval of existing drinking habits in this State, but I do not think his reference to the English law carried any weight.

The Hon. C. R. Cudmore—What hours do you suggest for S.A. where many people knock off at 4.30 p.m.?

The Hon. F. T. PERRY—Today retail shops close at 5.30 p.m. and most factories at 4.15 or 4.30 p.m., and these earlier knocking off times may be more conducive to the six o'clock swill, the only answer to which appears to be larger bars, more comfortable drinking facilities, or more hotels. Probably hotel proprietors would have provided better facilities had it not been for the shortage of building materials during the past few years. In England a man may knock off work, go home to tea, and later visit an inn for his evening's amusement and refreshment, but I doubt whether the South Australian worker would do that. There are more hotels in England, and most of those in industrial areas are within walking distance of workers' homes. Furthermore, the surroundings in English hotels are more homely than in South Australian hotels. Mr. Cudmore said that he did not visualize an increase in the number of South Australian hotels.

More hotels may be needed in certain localities and fewer in others, but Mr. Cudmore conveyed the impression that this measure would not enable the granting of more licences. I do not know how his suggestion to transfer licences will operate satisfactorily.

The Hon. C. R. Cudmore—Supply and demand still has something to do with it.

The Hon. F. T. PERRY—Yes, but the method of transferring licences is through six licensing courts.

The Hon. C. R. Cudmore—I have expressly provided that the receiving court will have jurisdiction.

The Hon. F. T. PERRY—The honourable member has apparently carefully considered the matter and believes that what he suggests is proper. I attack the principle whereby one court decides a question such as this. I remember when members were discussing betting. Under a proposal they supported they did not visualize a rapid growth in the number of betting shops. One man controlled the establishment of betting shops and they were licensed by the dozen. That was contrary to what Parliament suggested. Mr. Cudmore suggests that one man will have authority in this matter.

The Hon. C. R. Cudmore—Anyone can express his opinion to the Licensing Court.

The Hon. F. T. PERRY—Yes, but one man has the final say. I am not prepared to accept one man's opinion on such a wide social question on which there are so many divergent views.

The Hon. C. R. Cudmore—Who would you leave it to?

The Hon. F. T. PERRY—At present a local option poll decides these matters.

The Hon. C. R. Cudmore—It does not decide them. It decides whether there shall be a reduction but if an increase is suggested the court must make the final decision.

The Hon. F. T. PERRY—If people want more hotels they should have the right to say so.

The Hon. C. R. Cudmore—Then who is to decide it?

The Hon. F. T. PERRY—I would prefer a provision enabling people to have the first opportunity of saying whether they want a hotel or not. A poll should be limited to a reasonable area.

The Hon. A. L. McEwin—Localized?

The Hon. F. T. PERRY—Yes. At present there is provision for the transfer of licences from one district to another. An approach can be made to the Minister who then arranges for a poll and fixes the boundaries.

The Hon. A. L. McEwin—Has that ever been done?

The Hon. F. T. PERRY—I believe it was done at Prospect during the thirties, although it was not successful. Prospect may have needed an hotel but the people decided that they did not want one. I am prepared to agree to the present system of local options being localized. I do not think the majority should necessarily entirely control the minority. Minorities have their rights—and they have them in this Chamber—and they should be considered. I will support the second reading but unless amendments are made, or Mr. Cudmore's proposals drastically altered, I will not support the third reading. I hope amendments will be proposed which will enable people to enjoy improved facilities without breaking the law.

The Hon. W. W. ROBINSON secured the adjournment of the debate.

FOOD AND DRUGS ACT AMENDMENT BILL.

Read a third time and passed.

HEALTH ACT AMENDMENT BILL.

Read a third time and passed.

PASTORAL ACT AMENDMENT BILL.

Read a third time and passed.

PRISONS ACT AMENDMENT BILL.

In Committee.

(Continued from September 1. Page 564.)

Clause 3—"Prisoners to be removed to the State."

The Hon. F. J. CONDON—I have further examined this clause and for reasons I have previously stated oppose it.

Clause passed.

Title passed.

Bill reported without amendment and Committee's report adopted.

ADJOURNMENT.

At 4.48 p.m. the Council adjourned until Tuesday, September 22, at 2 p.m.