LEGISLATIVE COUNCIL

Tuesday, August 29, 1967

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

WHYALLA HOSPITAL

The Hon. R. C. DeGARIS: I ask leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: On June 29 the Hon. Mr. Geddes asked a question concerning the Whyalla Hospital of the Chief Secretary who, in reply, stated:

I hope within a very short time—a matter of hours, not weeks—to be able to announce the person whom I propose to appoint as the independent arbitrator. I know that members will agree with this appointment; he is a very high Government official, and I hope and trust that everything will go on happily and peacefully at Whyalla.

I understand that the arbitrator was to make a report. Can the Chief Secretary say whether the report has been made, whether its contents will be made available, and whether honourable members can assume that the dispute at Whyalla has been settled?

The Hon. A. J. SHARD: The facts as stated by the Leader are correct. The Cabinet agreed to the suggestion I made, and appointed Mr. Jeffery, the Auditor-General, as the arbitrator to inquire into the problems at Whyalla. An interim report has been submitted and the hospital board has spent one meeting in considering it, and I understand that a second meeting will be held shortly. The report suggested that no publicity should be given to it at this stage. I might add that the Whyalla Hospital Board has complete local autonomy, so the question of whether the report should be publicized rests wholly and solely with the board. I should like to be able to say that the trouble has been settled, but I am unable to do so at this stage. However, I believe that, as a result of the report, the situation at the Whyalla Hospital may be better than it has been for some time past.

LOTTERY PROFITS

The Hon. G. J. GILFILLAN: Last week I asked a question of the Chief Secretary concerning the distribution of State lottery profits to community and subsidized hospitals. Has he anything further to add to the reply he gave then?

The Hon. A. J. SHARD: Yes. I think the reply will assist the honourable member and other honourable members of the Council who are concerned with country subsidized hospitals. The State Lotteries Act, 1966, provides that the balance remaining in the Lotteries Fund from time to time, to the extent that it represents any surplus of income over expenditure, and prize moneys that have not been claimed for over six months, shall be transferred by the Lotteries Commission, as required by the Treasurer, from the lotteries fund to an account in the Treasury known as the "Hospitals Fund".

The moneys in the hospitals fund shall be used for the provision, maintenance, development and improvement of public hospitals and equipment for public hospitals in such amounts as the Treasurer shall, upon the recommendation of the Chief Secretary (but subject to appropriations for the purpose which Parliament may, from time to time, determine) approve. In this section of the Act, the definition of "public hospital" includes any hospital to which Part IV of the Hospitals Act applies or is deemed to apply. Government subsidized hospitals in country areas come within this definition. The matter of Parliamentary appropriations will be dealt with fully in the Treasurer's forthcoming Budget speech.

SEISMIC TEAMS

The Hon. R. A. GEDDES: Has the Minister of Mines a reply to my question of August 23 regarding the number of seismic teams operating in the State?

The Hon. S. C. BEVAN: At present there are two seismic crews operating in South Australia. One is north-west of Gidgealpa on behalf of Delhi-Santos, and the other is in the Eastern Officer Basin, south-west of Everard Park Station, on behalf of Continental Oil Company of Australia Limited.

NURSES

The Hon. V. G. SPRINGETT: Can the Minister of Health give the total strength of the nursing profession active in recognized hospitals in this State, in terms of general-trained nurses and midwifery-trained nurses, and also nurses in training? Can he also indicate the relationship between these totals and the actual needs of the State?

The Hon. A. J. SHARD: I regret that I am unable to give the information at the moment, but I shall obtain it and give it to the honourable member as soon as possible.

RAILWAY CROSSINGS

The Hon. R. A. GEDDES: I have noticed that at some railway crossings new signs have been put up saying "Railway Crossing" in letters 18in. high. Can the Minister of Transport say whether it is the policy of the Railways Commissioner to put up these signs on principal railway crossings on main roads throughout the State?

The Hon. A. F. KNEEBONE: Quite a number of these signs have been put up by the Highways Department with the approval, of course, of the Railways Department. I think they are quite effective: they bring to the notice of people who have not been able to recognize the standard signs before that, in addition to the standard signs, there are these other signs to help bring them to their senses that there is a railway line in the vicinity.

GILES POINT

The Hon. C. D. ROWE: Recently I directed a question to the Minister of Labour and Industry, representing the Minister of Works, regarding the employment of day labour on the construction of the deep sea loading facilities at Giles Point. I asked then why this work was to be done by day labour rather than by contract. Has the Minister a reply?

The Hon. A. F. KNEEBONE: I am sorry that I do not have the reply today. I shall try to obtain it for the honourable member as soon as possible.

BREATHALYSERS

The Hon. Sir ARTHUR RYMILL: Although I do not expect the Minister of Roads to be able to answer this question today, will he ascertain for me the actual time it is expected will be involved in carrying out each breathalyser test and also the approximate cost to the Government of each test, including all overhead expenses?

The Hon. S. C. BEVAN: I do not have the information at present, but I shall obtain it for the honourable member as soon as possible.

OFFSHORE BOUNDARY

The Hon. C. D. ROWE: I seek leave to make a statement prior to asking a question of the Minister of Mines.

Leave granted.

The Hon. C. D. ROWE: Over the weekend I read Parliamentary Paper No. 19 which has been placed on our files and which relates to a survey of the problems concerning State and Commonwealth legislation with respect to offshore petroleum searches. The paper was prepared by Mr. Wells, Q.C., and, as one would expect from a document prepared by him, it is a very lucid and well thought-out document. However, I notice that at the point of time that the document was prepared all the outstanding matters had been agreed regarding who should get the royalties in the event of successful oil exploration offshore except the question of the boundary line to be fixed between South Australia and Victoria.

Apparently, there was some further discussion with regard to that matter, and the Premier announced on television recently that a decision had been made. With very great respect, I do not think we got as good a deal as we might have out of this matter, which could have serious consequences for South Australia in the future. Can the Minister say whether the final conference when the proposed boundary line was determined was a conference between Ministers or between heads of departments?

The Hon. S. C. BEVAN: May I perhaps trace the history, as the Hon. Mr. Rowe himself has done, in relation to this question of boundaries. This matter goes back for about two years or even longer. When I came actively into the question of offshore drilling as the responsible Minister, Cabinet and I adopted the principle that had been adopted over a considerable number of years between South Australia and Victoria, namely, that the boundary was a continuation of the shore boundary. We considered that this should be the boundary; this was our attitude on the matter. It has a bearing on the uniform legislation for offshore drilling that it was hoped would be introduced later this session in this Parliament, in every other State Parliament and in the Commonwealth Parliament. Our attitude was that the boundary should be the boundary that had been recognized—the continuation of the shore boundary out over the continental shelf. This is, of course, contrary to international law in relation to offshore boundaries. Victoria claimed it should follow the median line, but this was not agreed to by South Australia. Many conferences were held on the matter, Victoria refusing to move for some time and South Australia likewise refusing to concede that the boundary should be other than a continuation of the shore boundary line.

This state of affairs obtained for a long time until the boundary dispute between the two States was finalized. Uniform and Commonwealth legislation could not be finalized because the boundary between the States over the continental shelf and beyond still had to

be defined. There were many meetings and discussions between Victoria and South Australia both on a Ministerial and on a legal level. Finally, a compromise was arrived at, and Cabinet seriously considered it. The appointment of an arbitrator was suggested. Had an arbitrator been appointed, international law could have prevailed. It was no good appointing him unless both States agreed initially to abide by his decision. This suggestion was examined, and I said I did not think we should agree to have an arbitrator, that it was a matter that should be determined between the two States concerned, the Commonwealth having no power to step in and say that this or that should or should not be the boundary unless it was requested to do so by the two States. This argument continued and many compromises were suggested, but they were not acceptable to South Australia. Finally, it was agreed, as a compromise, to accept a boundary between the States that is certainly not the median or the meridian line but is nearer to South Australia than it is to Victoria. After all these negotiations had taken place and Cabinet had further seriously considered the whole matter, South Australia realized it had more to lose by refusing the compromise and more to gain by accepting it. If we had adopted the attitude that we would not be prepared to do anything in the matter, somebody else would have had to resolve the dispute between the two States. If both States had throughout adopted the policy of not yielding an inch, both uniform and Commonwealth legislation could not have been effected, which would have left South Australia and the other State wide open to disagreement. If the Commonwealth had enacted legislation and one State had not agreed to it, or the States had disagreed among themselves and the Commonwealth has disagreed with the States, we would then have had to argue about the respective jurisdictions of the States and the Commonwealth. After serious consideration, Cabinet agreed to the compromise boundary and authorized the Premier to introduce a White Paper on offshore boundaries. That is the full history of the matter; those are the circumstances.

The Hon. R. A. GEDDES: Can the Minister say whether any discussion has taken place with the Western Australian Government about the border between Western Australia and South Australia?

The Hon. S. C. BEVAN: Yes. Discussions took place very early in the piece and an amicable agreement between the two States was arrived at in about five minutes.

The Hon. C. D. ROWE: Can the Minister say whether the Government is holding any applications for licences to drill for offshore petroleum in the area at present in dispute?

The Hon. S. C. BEVAN: Yes. A licence has been issued to Haematite-B.H.P.-Esso to operate in South Australian waters up to the boundary.

The Hon. Sir Arthur Rymill: Whatever the boundary may be?

The Hon. S. C. BEVAN: The licence was issued for drilling up to the recognized boundary at that time. It is written into the licence that the provisions of the uniform legislation shall prevail when it becomes operative.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Returned from the House of Assembly without amendment.

STATE GOVERNMENT INSURANCE COMMISSION BILL

The Hon. A. J. SHARD (Chief Secretary) moved:

That this Bill be now read a third time.

The Council divided on the third reading:

Ayes (14)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, A. J. Shard (teller), V. G. Springett, and C. R. Story.

Noes (4)—The Hons. Jessie Cooper, M. B. Dawkins, H. K. Kemp, and C. D. Rowe (teller).

Majority of 10 for the Ayes.

Third reading thus carried.

The Hon. R. C. DeGARIS: I move:

That the title be amended by inserting after "on" "certain classes of" and by striking out "general".

I believe that it is necessary to alter the title because of the amendments made to the Bill.

The Council divided on the amendment:

Ayes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and C. R. Story.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Amendment thus carried.

Bill passed.

LICENSING BILL

Adjourned debate on second reading.

(Continued from August 22. Page 1441.)

The Hon. C. R. STORY (Midland): I support the Bill, which seems to be a compromise between the Royal Commissioner's recommendations on the one hand and outside pressures on and the beliefs of the Government and Parliament on the other hand. The Chief Secretary in his second reading explanation said something along these lines (I do not want to be wrong about what he said because he is touchy in this respect):

The object of the Bill is to give effect to most of the recommendations of the recent Royal Commission on the subject of licensing.

The Hon. A. J. Shard: The word "most" might have been "some".

The Hon. C. R. STORY: I think "some" is better because the main differences between the Bill and the Commissioner's recommendations seem to be roughly along these lines: the Commissioner's first major suggestion was that hotel lounges should be open for the sale, supply and consumption of liquor between the hours of 12 noon and 7 p.m. on Sundays, with certain provisos with regard to meals, etc., that I do not intend to go into. One of the main points of the Commissioner's report deals with Sunday drinking, which he recommended. He recommended the same thing for clubs, and he also had something to say about restaurants being open between noon and 9.30 p.m. on Sundays.

The second major difference is that the Commissioner recommended that there should be only one type of licence for clubs, and that all clubs should be licensed if they wished to provide liquor to their members. That is an important part of the Commissioner's recommendation. Sunday drinking and having the one type of licence for clubs go hand in hand. When the departure from the Commissioner's report came on these two items, I believe it threw his report completely out of balance. The Commissioner further recommended that no bottle sales off the premises should be permitted to clubs after a period of three years in the case of clubs presently known as registered clubs, and that any new clubs should have no off-premises sales whatsoever. This is provided for in the Bill in some cases.

The third important difference is the class of licences for selling bottled or minimum quantities of liquor. The Commissioner's recommendation was that there should be two classes of licence for the sale of bottled liquor (retail and wholesale licences) but in the Bill there are more classes of licence than there are in the existing Act—there is a multiplicity of them. This has been brought about a good deal by outside pressures on members and the Government to see that everybody is catered for in the way they want to be. The Commissioner's report is very clear: it states that there should be retail and wholesale licences for the selling of bottles and small quantities.

He was very strongly opposed to *bona fide* travellers obtaining liquor outside normal trading hours because of the changed conditions that would be brought about by the Bill that he hoped would follow his report. The non-acceptance of the Sunday trading recommendation has upset the *bona fide* traveller recommendation. This is one of the things about which the Commissioner had much to say. He thought that in these days of fast motor cars and better roads it should not be necessary for travellers to be given an opportunity, after travelling 60 miles from where they had slept the previous night, to obtain as much liquor as they required, at a time when it was not available to the general public; that is, after normal trading hours and, particularly, on Sundays.

The fifth point he made was regarding guests and resident lodgers in hotels and clubs. He was particularly opposed to this class of people having special privileges over and above those of the ordinary public, particularly with regard to the entertainment of friends on the premises.

The Hon. F. J. Potter: He was largely worried about large parties of friends.

The Hon. C. R. STORY: Yes, he was worried about large parties of friends, not about the odd visitor. I think what he was trying to obviate was subterfuge, and this is what he set out to do all the way through. He said that it would be better for people to do such things as drinking on Sundays legally under controlled conditions than to stoop to subterfuge, and that it would be better to cut out *bona fide* lodgers and travellers, so that one would know what the law provided and could act accordingly.

The Hon. F. J. Potter: Many of them are not *bona fide*.

The Hon. C. R. STORY: That is the point. Some things work at their best when they are restricted. Very many servicemen had this experience during the Second World War. One member of a party would book himself into a room at a hotel and invite a

number of his friends in to have a drink. He would probably never sleep there and, when the party had had its fill, they would leave.

The Hon. C. M. Hill: It would be disturbing to the other guests.

The Hon. C. R. STORY: Extremely disturbing, and quite unnecessary. This is a big outlook Bill—one in which a big section of the community has been looked after. The people who have applied the most pressure have been given the best deal, but the individual has not been looked after terribly well. The bigger interests have certainly been given a better deal than has the individual or the smaller interests. It is a big Bill in every meaning of the word. The people who have not been able to wield sufficient power to have their voices heard properly in Parliament on the matter of complete changes in liquor laws are the individual and the smaller interests. I hope that the Council may be able to take up the slack in some of these matters. The smaller shopkeepers, clubs and restaurants have been rather overlooked in the Bill, but the big interests have been well-protected by being able to have their wants written into it. The small people have been left to the discretionary powers of the court. I should like to see more safeguards written into the Bill for the smaller interests. Very great care will have to be taken in the granting of licences and permits to ensure that indiscriminate Sunday drinking does not get out of hand. It must be remembered, too, that many of the practices now proposed to be legalized by this Bill have existed for many years. However, they have been carried out with such discretion as to make them of a minor nature and not generally obvious to the public.

What is proposed in this measure regarding Sunday drinking (because I believe Parliament is not game to front up to the matter) means that we shall have to be particularly careful to see that, with the number of permits and the number of discretionary provisions prescribed, Sunday drinking does not get completely out of hand. The administration of liquor laws in this State will in future largely be in the hands of one person, namely, the Chairman of the Licensing Court. He will be assisted by the Deputy Chairman and a stipendiary magistrate in certain instances.

If the person selected as the Chairman has wide experience, sound judgment and a cautious approach, I do not think we shall have much to fear. I believe that this type of person is available, for there are persons who have had wide experience of handling licensing matters in the past. However, I think we shall have to be extremely careful in the matter of this appointment, which is in the hands not of Parliament but of the Government. That is why I particularly refer the matter to the Government. If the person appointed is one who tends to allow an open go, the social pattern of this State will change drastically within a very short time, particularly in the matter of Sunday drinking.

There is a tendency in these days for people to think that South Australia has been suppressed in the matter of social questions and that we should now, having first given the signal by the result of the referendum, throw the doors wide open and let the flood go through. I believe that this is a most difficult thing for any one person to face. However, as I have said, I believe that suitable people are available from whom to make the selection. I would say to the Government right at the outset of this debate that it must look long at the person it chooses for this appointment.

Sufficient discretionary powers are vested in the hands of the court to enable any South Australian who so desires to drink legally on licensed premises. By "licensed premises", I refer to either licensed premises or one for which a permit has been obtained. Any South Australian will thus be able to drink as much liquor as he likes on a Sunday.

The Hon. R. A. Geddes: Does it include people under 21 years of age?

The Hon. C. R. STORY: No, I am referring to those people who are allowed to drink under the terms of the Bill, namely, the people over 21 who do not have certain other restrictions placed upon them by some other law of the State. There is nothing to prohibit any South Australian who so desires drinking legally on permitted premises on a Sunday under the provisions of this Bill as at present drafted.

The Hon. F. J. Potter: At any hour on a Sunday.

The Hon. C. R. STORY: Yes, in certain circumstances.

The Hon. C. M. Hill: Especially Sunday morning.

The Hon. C. R. STORY: Yes, and this is not what the Commissioner visualized at all. He said that we should start at 12 noon and cut off at 7.30 p.m., except where meals were being provided. His thinking was that bowling and golf clubs and sporting clubs generally should be able to conduct their games and supply these facilities but still be within the law. At the same time, he said that hotel

lounges should be places where people were seated, and that there should be no bar trade or bottle selling taking place there.

The section of the Bill relating to the appointment of the Chairman of the Licensing Court is without doubt the most important of the whole Bill. The Bill sets out clearly what such a person should be. It gives power to the Governor to appoint a person who is eligible for appointment as a Local Court Judge to be the Chairman of the court with the rank of judge, and it provides that this person is to be appointed for a term of seven years. He is obliged to retire at 65 years of age. As I have said, this appointment is a critical one. I believe that the rank should be perhaps higher than that stipulated in the Bill. I believe that the person appointed should be a person with the same privileges and the same responsibilities as a Supreme Court Judge. The person appointed should have a sound knowledge of the problems that will be encountered in the specialized jurisdiction he is called on to administer. The discretionary powers that this Bill confers on him and the court are particularly wide in some of the clauses, particularly in clause 66 dealing with clubs. I turn now to some of the clauses that are of interest.

The Hon. A. J. Shard: Do you intend to deal with the clauses *seriatim?*

The Hon. C. R. STORY: Yes, but only the more important ones and the ones in which I am particularly interested. The first of such clauses is clause 3 (4). When the Commissioner dealt with this subject of club licences he did not visualize that we would have the various types of clubs and various classes of licence within the clubs. We find at the moment that the clubs that enjoy the privilege of a 24-hour licence will continue as at present, with one notable proviso that I shall come to a little later. We have the other group of registered clubs which in the past had restricted powers but which were registered clubs and licensed to serve the public. These latter clubs have lost something in the scramble: they have lost the right to sell a quantity greater than one half-gallon in one container; in other words, they have lost the right to sell kegs off their premises.

The next clause I wish to refer to is clause 3 (5), dealing with a storekeeper's licence. The clause states that after one month from the commencement of this Act the holder of a storekeeper's licence will have to apply to the court to have his licence declared to be a wholesale storekeeper's licence or a retail storekeeper's licence. In other words, he cannot have both: he has to be either a retailer or a wholesaler. The next point is very important. Clause 3 (6) states:

> Every permit granted under section 197a of the repealed Acts and in force at the commencement of this Act and every storekeeper's Australian wine licence in force at the commencement of this Act shall continue and remain in force and confer and impose the same rights privileges liabilities and effects as it conferred and imposed under the repealed Acts. During a period of three years after the commencement of this Act but not thereafter every such permit may be renewed, and any such licence may be granted in respect of previously licensed premises.

If we are trying to wrap up this thing and get it into good order, would it not be better to have this done early in the piece instead of having this three-year period at the commencement of this legislation? It would be better to clear it up as is done in the case of the storekeeper's licence. Subclause (7) states:

> No wine licence shall be renewed after the expiration of five years after the commencement of this Act except in accordance with the provisions of this Act.

This is for what we knew as the old wine shop. After a period of five years the licence will not be renewed in this form but, if the licensee can make sufficient improvements and do certain things to satisfy the court, he may be granted a further period. I have mentioned the Licensing Court. That will no doubt be canvassed by other honourable members so I will not deal with it now.

The Hon. A. J. Shard: Which clause is that?

The Hon. C. R. STORY: Part II, clause 5. I go now to clause 11, under Part III—"Licences, and the Grant, Renewal, Transfer, Transmission, Removal and Forfeiture thereof." The core of this whole matter is clause 11, which states:

> Except as allowed elsewhere in this Act, no person shall directly or indirectly sell or permit to be sold within the State, any liquor without being licensed so to do under this Act.

That appears at first sight to be fairly conclusive but the further we go through the Bill the more exceptions and ways and means around it we discover. Probably clause 11 will eventually be amended. Clause 13 causes me some concern. Subclause (2) states:

> During a period of 12 months after the commencement of this Act, no licence shall be required under this Act by any person who is the occupier of a cider factory, vineyard or orchard for the sale or delivery by himself or his servants, in quantities of not less than two gallons of mead, wine, cider or perry manufactured by such person from honey, or fruit

produced or grown in the Commonwealth of Australia:

Then there are some provisos. I take it that for the next 12 months after this Act comes into operation it will not be necessary for a vigneron who makes wine or an apple-grower who makes cider to obtain a licence but after that period it will be necessary for either of them so to do. I think I am right in assuming that. However, examining this Bill further, I find there is an exception under clause 146, which does not seem to tie up with the categories of person mentioned in clause 13 (2). They could be included under this provision but there is another group of people involved. The second proviso of clause 13 (2) states:

> . . . neither sold nor delivered to any person to whom it is by this Act made unlawful to sell or supply liquor.

I want that clarified. I want clause 13 (2) explained, and this proviso also. It appears that these "two gallons" will not operate after a period of 12 months unless the person concerned has a licence. I want this tidied up in relation to clause 146. Clause 14 sets out the various types of licence.

The Hon. Sir Norman Jude: Clause 146 raises the amount to over five gallons, so that the man in question can become a sly-grogger.

The Hon. C. R. STORY: I will deal with clause 146 when I get to it. I merely indicate now that clause 13 does not match up with clause 146. There are 17 licences in all, some of which are "specials": for example, there is special provision for Wilpena Chalet, and the Leigh Creek coalfield is licensed for the Aboriginal institutions, while there is a special licence for functions held in the Barossa Valley. I agree with those but I question clause 17, which states:

> Notwithstanding anything in the Aboriginal Affairs Act, 1962-1967, contained, but subject to the provisions of this Act, a full publican's licence may be granted to any organization or association in respect of premises in any Aboriginal institution subject to such conditions and restrictions as the court thinks fit. Section 166 shall not apply to the holder of a licence under this section.

Why are all the provisions of clause 166 exempted? Is this just a lazy piece of drafting? If it is, we had better stop that. The drafting should be done properly. Is there something else behind it that I do not fully understand?

The Hon. Sir Norman Jude: Would it not be more appropriate to describe it as a "publican's full licence" instead of a "full publican's licence"?

The Hon. C. R. STORY: I do not think it matters very much because, if he was not a publican, he would not have a licence. I am dealing with clause 166, which will not apply to holders of licences within Aboriginal reserves. There are some important provisos in clause 13, one of which is:

> . . . neither sold nor delivered to any person in a state of intoxication.

Secondly, if he has reasonable cause to believe that the person to be supplied would be unable to pay, or would not pay, for any meals, lodging, etc., then I think a number of matters in the Bill should be retained. Whether or not such matters will be dealt with elsewhere in the Bill or whether such decisions will be left to the discretion of the court, I do not know. If those portions of clause 166 do not apply with regard to meals then the provisions applying to clause 17 should apply to the holder of a full publican's licence.

Clause 18 (3) deals with fees, and a fee of $50 is imposed here. I believe that to be excessive because it will apply to licences that will be used on only one, two or three occasions in any one year, and in one case it applies to a licence for a function held once every two years.

The Hon. R. C. DeGaris: That is the lowest fee to be charged for any licence?

The Hon. C. R. STORY: Yes, except for a permit.

The Hon. C. D. Rowe: That $50 relates only to the functions mentioned?

The Hon. C. R. STORY: Yes, and the other two that I mentioned.

The Hon. Sir Arthur Rymill: Would you tell us which one is referred to in subclause (2)?

The Hon. C. R. STORY: Yes, the one described as the German Club.

The Hon. Sir Arthur Rymill: What is its name?

The Hon. C. R. STORY: It is actually the Hahndorf. Clause 19 deals with a full publican's licence; I think this is well covered and no doubt has been given plenty of attention. A limited publican's licence applies mainly to motels, and I consider this is self-explanatory. Clause 21 deals with a wholesale storekeeper's licence and under that clause a licensee is permitted to sell one gallon of spirits or two gallons of wine or other fermented liquor to be taken away between the hours of 5 a.m. and 6 p.m. A proviso applies to most clauses allowing the licensee to supply free of charge for consumption on any specified portion of the premises

liquor to be consumed by way of sample. I do not think anybody could object to that proviso.

Clause 22 deals with a retail storekeeper's licence authorizing the holder to sell any amount of liquor in any quantity from 9 a.m. to 6 p.m. on normal trading days. I intend moving an amendment to this clause at a later stage. It should be noted that clause 22 (2) reads:

A retail storekeeper's licence except in an area situated outside a radius of five miles from existing licensed premises shall not, during a period of three years after the commencement of this Act, be granted except to the holder of a Storekeeper's Australian wine licence in force by virtue of subsection (6) of section 3 of this Act, or to a person who has held a brewer's Australian ale licence within a period of six months prior to his application for a retail storekeeper's licence, and, after the expiration of such period, a retail storekeeper's licence shall not be granted to any applicant therefor unless the court is satisfied that the public demand for liquor cannot be met by other existing facilities for the supply of liquor in the locality in which the applicant proposes to carry on business in pursuance of the licence.

That subclause appears to be restrictive because many good grocery shops have taken a good deal of punishment in recent years by competition from larger buying groups. Now it appears that such shops will take further punishment because restrictive conditions must be met before a licence can be renewed. After the licensee has held such a licence for three years the court must be satisfied that a sufficient demand exists in the area before renewing the licence. In the meantime, holders of other licences under the Act could be progressing briskly and two motels, another hotel and perhaps two or three clubs could be granted licences, all clustering around this shopkeeper. It is difficult to say how close some of these shopkeepers have been to obtaining a licence under local option provisions in recent years. A man may have been within an ace of receiving approval through local option (it is rarely given at the first application) but he would not have the opportunity of having a second try, because the Act has been frozen. I would like to see subclause (2) struck out and subclause (3) redrafted in order to conform with the remainder of the clause.

Clause 23 deals with the wine licence and applies to the ordinary wine shop that stores any class of liquor on the premises and trades between 5 a.m. and 6 p.m., or the hours may be extended to 9 p.m. in certain circumstances. Subclause (2) reads:

No new wine licence shall be granted after the commencement of this Act.

Therefore, no new wine licences will be issued and licensees at present in possession of licences will have to satisfy the court at the end of five years that they are fit to hold a licence.

The brewer's Australian ale licence will be much the same as at present. In other words, the licensee may sell two gallons of spirits and two gallons of wine and other fermented liquor. The provisions apply also to licensees holding a licence prior to December 15. Subclause (2) reads:

No person while holding a brewer's Australian ale licence shall be capable of holding a wholesale or retail storekeeper's licence or a wine licence.

Therefore a person may be granted only one type of licence.

Clause 25 deals with a distiller's storekeeper's licence and it differs slightly from others mentioned in that the licensee may sell not less than one gallon of spirits or two gallons of wine or other fermented liquor. Such a licence will cover people such as distillers, including most of the larger distilleries in South Australia, and will give them the opportunity of selling to the public on payment of a fee (which I will mention later). Clause 26 deals with an entirely new category, a vigneron's licence.

It is similar to the previous cellar door licence and is important because it can help a winemaker retain his identity and give him the opportunity to sell to the public specialized products, such as that produced by the smaller winemaker who has a good red, white, or sweet wine. Such a licensee will be permitted to sell in quantities of not less than two gallons at one time between the hours of 5 a.m. and 6 p.m. to any person or organization. He is authorized to sell liquor to the public, provided that it is in quantities of two gallons. He can also sell to licensed persons, unrestricted as to the amount. The proviso reads:

Provided that a vigneron's licence may provide that the holder thereof may supply free of charge for consumption on any specified portion of the licensed premises any wine or other fermented liquor by way of sample.

This is an attraction in the Barossa Valley and other places where people on bus tours are given an opportunity to try the various wines. The same applies in the Southern Vales, the Clare district, and the Upper Murray. This is a very useful type of licence and it is reasonably cheap.

I now come to what is probably the most vexed clause of the Bill, clause 27, which deals with club licences. It provides:

Subject to subsection (1) of section 85, every club licence shall authorize the sale supply and delivery of liquor by or on behalf of the club in the club premises to a member of the club or to a visitor in the presence and at the expense of a member thereof.

The clause then sets out the various times that the clubs may operate and deals with the various types of supper permit that can be obtained by the clubs, and provision is made in another clause for some clubs to have permits *in lieu* of a complete licence. Clause 27 (3) is interesting: it deals with the sources of supply of the new clubs that will be set up, and provides:

The court may grant a club licence subject to such conditions as the court, on the application of the person applying for such licence, or of its own motion, thinks fit and, without limiting the generality of the foregoing, the court may impose either or both of the following conditions upon the licensee—

(*a*) restricting the sale of liquor by him to such periodic or other occasions as may be specified by the court;

or

(*b*) requiring the licensee to purchase all the liquor that he requires for the purposes of the club from a person holding a full publican's licence in respect of premises in the vicinity of the club premises.

The Hon. Sir Arthur Rymill: Do you think those words "may impose" will be interpreted to mean "shall impose"?

The Hon. C. R. STORY: I do not think there is much doubt that "may" will be interpreted to mean "shall". I should like to deal with some representations that have been made by several clubs. The Royal South Australian Bowling Association Inc. has written as follows:

In the country there are 150 bowling clubs with a membership of over 8,000 members and in the metropolitan area 63 clubs with over 7,000 members. These clubs are members of the Royal South Australian Bowling Association, Inc., which itself is a member of the Australian Bowls Council, and this council controls bowls throughout Australia. In addition to men bowlers there are more than 11,000 women bowlers in this State. In South Australia we have approximately 28,000 registered bowlers.

The majority of bowling clubs in the country have a small membership. For example, Alford 38, Angaston 36, Beachport 30, Brinkworth 40, Cadell 29, Moorook 36, Morgan 16, Mundoora 20, Meningie 32, Terowie 8, Two Wells 22, Milang 27, Cleve 60, Cowell 40, Port Neill 34, Streaky Bay 30, and so on. These are all established clubs, but in most cases lack the facilities of larger clubs, more so than those in the metropolitan area.

If the small clubs have to pay a licence fee of $50 plus a further fee to keep open after 10 p.m. during a week day, also $3 for each permit to enable these clubs to supply liquor during play on a Sunday, this would cause hardships. These difficulties may be overcome if small clubs were permitted to pay less fees for a licence and a permit, and be permitted to purchase their requirements from the wholesaler.

Small country clubs may apply for a conditional licence. This would restrict the sale of liquor to periodic or other occasions. This is provided for in clause 27 (*b*) (*g*). The licence fee would be $50. These clubs may obtain a permit as required (clause 66) for $3. Overall, such fees would cost more for a season than a full licence fee.

Clause 27 (1) (*a*) provides that a club licence shall authorize the sale and supply of liquor to a member of the club in club premises upon any day other than Sunday, Christmas Day and Good Friday between the hours of 9 a.m. on the morning and 10 o'clock at night.

Clause 27 (1) (*e*), subsection (2), provides for a club to sell and supply liquor between the hours of 10 o'clock in the evening and 11.30 o'clock at night other than Sunday, Christmas Day or Good Friday. Before a club could sell or supply after 10 o'clock it would have to apply to the court for a supper permit. In this section "supper" means substantial food. This should be clearly defined. As far as bowling clubs are concerned, cheese and biscuits with perhaps cake could be regarded as substantial food.

"Substantial food" should be defined.

The Hon. A. J. Shard: Hasn't the court the right to give these clubs special times under their permit or licence that would overcome this matter?

The Hon. C. R. STORY: I do not think so.

The Hon. A. J. Shard: The court can give permits under terms and conditions.

The Hon. Sir Arthur Rymill: Only on particular occasions.

The Hon. A. J. Shard: This is a particular occasion.

The Hon. C. R. STORY: For bowling clubs, cheese and biscuits or perhaps cake could be regarded as a substantial meal, but it would not be a very substantial meal in some cases. This is stooping to subterfuge again, and we do not want any more subterfuge. We have worked under subterfuge in liquor and gambling for 35 years. Now we have a chance to clean matters up and make them look right, but why is it necessary to require that substantial food be provided? It is only because it is easier for us to do it in this way, to cover up in another part of the Bill, and to please somebody else who is

pressing from another angle. Let us get one house in order before we try to organize all the others. I believe we could very well be a little more generous in this matter, and I think that before we get too far in Committee we should have a really good look at this aspect.

Clause 66 provides for permits for the supply of liquor for consumption in clubs by club members on such days, including Sundays, as the court may think proper. Clause 46 sets out the conditions relative to the application for a licence. Clause 40 (3) provides that the applicant shall submit a plan upon paper at least 24in. wide and certified correct by the applicant and by a registered architect or licensed surveyor. Most country clubs would not be able to obtain the services of an architect or a surveyor because they would not be available, and this would no doubt cause expense and unnecessary hardship.

Clause 87 (1) (*g*) provides for honorary and temporary members. I believe that this provision should be clearly defined. I think we have to do something better than we have done in relation to this period of one hour for bowling clubs between 10 p.m. and 11 p.m. If those clubs want to go on after 11 p.m. or 11.15 p.m., I think they have to face the music, because we would then be turning it into a cabaret or something else. Bowls normally finish at about 10.30 p.m., and the bowlers then have time for one or two drinks, which is all most of them want. They do not go there for an orgy: they go for a convivial evening of bowls, and they want to have a few convivial ales with their friends and then go peacefully on their way. I think we could make it so that the bowlers could do this. The same would apply to certain golf clubs and other existing clubs, because I think they can be covered.

There is a very great tie-up in this matter of clause 27, which goes on right through the Bill. Certain other clauses must be read in conjunction with one another, because if we miss one we probably miss one of the salient points. In dealing with clause 27, care must be taken to watch particularly clause 66, which deals with permits for the supply of liquor for consumption at a club. This has been altered substantially since the Bill was first introduced in another place. Any club, whether licensed under this Act or not, may apply to the court for a permit for the keeping, sale and supply of liquor for consumption on the premises of the club on such days, including Sundays, and during such periods as the court thinks proper, provided that a permit shall not be granted under this section to any club unless the court is satisfied that it was in existence at the date of the commencement of this Act, and is further satisfied that the liquor will, except in the case of a permit granted to a licensed club for the sale, supply and consumption of liquor on its licensed premises, be purchased from the holder of a full publican's licence or from the holder of a retail storekeeper's licence in the vicinity of that club.

Certain provisos have been put in the Bill to enable a retail storekeeper who has been supplying a club in the past to continue to supply that club in the future. If a person is the holder of a full publican's licence he, too, will be able to supply new clubs in the future. These people who in the past have been supplying people outside the vicinity and, in fact, supplying people over a fairly large area, will be able to continue to do so. So as not to cause too much hardship to those people who have been doing that in the past, the amendment was put in the Bill in another place.

The other important aspect of this matter is that liquor will be sold and supplied only for consumption by members of the club for club purposes. There are restrictions upon the entry of persons to the club. It is thought desirable that permits should be granted. Clause 66 is most important, because it has to be interpreted by the court and it is the clause from which the court draws a tremendous amount of its discretionary power. Some people consider that this clause should be struck out of the Bill altogether. I merely raise the matter to give honourable members the opportunity to study it and to see that they get a full grasp of it.

The Hon. A. J. Shard: I am only a layman, but isn't it one of the fundamental clauses of the Bill?

The Hon. C. R. STORY: If it is not there, something else has to be put in its place, and what would have to be put in its place is permission for an open go on Sundays.

Clause 36 deals with fees, which is an important matter. Clause 85 deals with the licensing of clubs. I pointed out previously that some clubs had a 24-hour licence in the past and some presently registered clubs had retained most of the privileges by a clause being written into this Bill, but in the process a proviso has been inserted in clause 85 stating:

Provided that no liquor shall be carried away from any club registered at the time of the commencement of this Act in a container of a capacity of more than one-half gallon nor shall

any liquor be delivered by any such club otherwise than on the club premises.

This is an unwarranted restriction.

The Hon. A. J. Shard: There is a very sound reason why that is there. That is one I do know about.

The Hon. C. R. STORY: I shall expect the Chief Secretary to explain that when he replies later but he will have to produce extremely sound reasoning to convince me on this, because the clubs that are interested have enjoyed these privileges for a long time. In particular, some clubs that I know in country areas provide a good service. A provision that they shall not sell more than half a gallon seems to be unduly restrictive for their trade.

The Hon. C. D. Rowe: They would have to obtain their liquor from a nearby hotel.

The Hon. C. R. STORY: No. These clubs will still be able to obtain supplies from the previous source. When this provision was first introduced, there were to be no bottle sales off the premises after a period of three years. That was subsequently quashed and the one-half gallon container provision was introduced. I shall do my best to alter this, unless the Chief Secretary can convince me.

The Hon. L. R. Hart: The clubs will have the kegs delivered not to their premises but to the people to whom they intended selling them.

The Hon. C. R. STORY: That would be a breach of the Act. We do not want any subterfuge. I am fighting hard to overcome these things that will be obvious loopholes in the Act, as they have been in the past. If a man does that, he is acting against the law.

The Hon. A. J. Shard: Does this clause deal with clubs' bottle sales?

The Hon. C. R. STORY: No. Originally that was in but it is now out. I am referring to clause 85 (1).

The Hon. R. C. DeGaris: It does not allow any registered club to trade in kegs.

The Hon. C. R. STORY: Yes; it puts the whole lot back to hotel trade.

The Hon. S. C. Bevan: What do you mean by "trade"—to sell to someone else?

The Hon. C. R. STORY: If the Minister reads the Bill, he will see that the club cannot deal with anybody but members, and then only on the premises, except for bottles, which can be sold but not delivered. Kegs cannot be delivered either. Provided it goes to the club members, I cannot see anything wrong with it. This can be done legally under the present Act. Clause 85 (3) states:

The holder of a club licence in respect of a club which was not registered at the time of the commencement of this Act may apply to the court to be authorized to sell liquor to members of the club to be consumed otherwise than upon the licensed portion of the club premises, and the court, if it is satisfied that the members of the club are unable, without great inconvenience, to procure supplies of liquor from a source other than the club, may authorize the licensee accordingly.

Here, there is another group. This is in respect of isolated country areas, and is quite good. I know some of them. This was written in for a specific purpose and it will serve that purpose well. Clause 86 (1) (*e*) states:

The premises upon which the club is established and the accommodation must be suitable for the purposes of the club and the activities of the club on club premises and elsewhere must be consistent with the declared objects of the club. Without limiting the generality of the foregoing no club shall be licensed or continue to be licensed where its activities include catering for functions or any other form of trading for or with the public whether on or off the premises of the club.

This is fairly stringent. We may have some confrontation on this.

The Hon. A. J. Shard: The way you are going, you are making it all difficult. You are not doing a bad job!

The Hon. C. R. STORY: I am trying hard. This clause could be difficult, because many people have enjoyed these privileges by usage; they have indulged in these activities. At the moment we are legalizing many things that in the past have been open to question.

The Hon. F. J. Potter: Surely there is nothing illegal about catering?

The Hon. C. R. STORY: No, but some of the associated activities may not have been quite within the law.

The Hon. S. C. Bevan: But when the club was formed, it was to be for the benefit of its members; is that correct?

The Hon. C. R. STORY: If a member of a club wishes to entertain a fairly large group of people (say, at a wedding), I think he should be entitled to do so. The Mount Osmond Golf Club has been mentioned, but there are a number of other such clubs, too. This provision needs the close attention of honourable members. I shall say no more at present other than that I believe this is rather restrictive as drafted.

The Hon. R. C. DeGaris: Is it not conceivable that in a country town the club is the only place where such functions can be held?

The Hon. C. R. STORY: That is so. Some of the bigger clubs in Adelaide have awakened

with a great shock to the fact that they will not be able to do what they have been doing for a long while. They did not realize when provisions for special licences were put back into the legislation that this one was not included. So we must look closely at clause 86 (1) (*e*).

The Hon. C. D. Rowe: What is the evil that will be cured by stopping it?

The Hon. C. R. STORY: It is said that hotels, restaurants and night clubs deal specifically with this type of thing and are providing a service to the public. In farming areas the club premises may be the only facilities available.

The Hon. A. J. Shard: I may be able to help you there.

The Hon. C. R. STORY: Well, I will not labour it. Clause 87 (1) (*f*) reads:

> A visitor shall not be supplied with liquor in the club premises unless in the company and at the expense of a member who has entered the name of the visitor in a book kept for the purpose and signed his name opposite the name of the visitor. No member shall introduce or entertain more than five visitors on any one day:

One could have a debate with oneself for some time on that clause.

The Hon. Sir Arthur Rymill: I think a similar clause exists in the present Act.

The Hon. C. R. STORY: Yes. I have no objection to a person being able to entertain five guests, but clause 66 will allow many more clubs to be licensed; if every member of a club, which may have a membership of 300 or 400 people—

The Hon. A. J. Shard: A lot of clubs will have that many members.

The Hon. C. R. STORY: Yes, and if each member is permitted to bring five visitors to a Sunday morning entertainment it will be difficult for the inspectors. Probably eight or 10 such clubs will exist in the metropolitan area, and it will not be just the odd person who will be looking for a drink on a Sunday.

The Hon. C. M. Hill: What about the very low subscriptions to clubs?

The Hon. C. R. STORY: Yes, subscriptions will be low because clubs do not wish to make big profits. I will not pursue that subject, but I am trying to deal impartially with the Bill.

The Hon. A. J. Shard: The subscription at my club is $25.

The Hon. C. R. STORY: Then the Minister will practically pay the licence fee on his own. I do not object to a person introducing five visitors, but I am not clear whether it is five visitors on any day or five at the same time. The paragraph merely states:

> No member shall introduce or entertain more than five visitors on any one day.

There may be 1,000 people in a club at any one time; an inspector would find it difficult to ascertain how many were *bona fide* members or visitors. It would be similar to viewing a square of Alberts where the caller was not quite in time, and I do not know how an inspector could sort out such a situation.

The Hon. S. C. Bevan: The member must register the names of his guests when he brings them in.

The Hon. C. R. STORY: Yes, but it will be amazing how many Bill Smiths and Tom Joneses will be present. However, I do not intend arguing such matters at present.

The Hon. A. J. Shard: How would it be with five present in the afternoon as against five different visitors in the evening?

The Hon. C. R. STORY: My concern is with a Sunday morning, and if Sunday drinking were permitted the problem I mention would not arise. Clause 87 (1) (*g*) appears to be in order. Clause 91 deals with the personal attendance of an applicant at court, and reads:

> (1) Every applicant for a licence for a club not previously licensed shall—
> (*a*) attend the court on the hearing of his application;

It appears to me that, unless the suggestions made by bowling clubs are put into operation, applicants from all over the State will be appearing before the court on behalf of many small-type clubs in order to obtain a licence.

The Hon. S. C. Bevan: Does the clause allow them to apply in writing?

The Hon. C. R. STORY: No, it states that an applicant must attend at the court and it means that such clubs as I have mentioned must send in applications and then attend if they want a licence. Bowling clubs and other clubs will certainly want a licence; either a licence or a permit. I do not know whether circuit courts are proposed.

The Hon. F. J. Potter: The honourable member will find that a difference exists between a licence and a permit.

The Hon. C. R. STORY: Yes, but I wonder how many people will be given a permit and how many will be granted a licence?

The Hon. R. A. Geddes: I think you are saying that an agent for the club should be allowed to have a permit.

The Hon. F. J. Potter: A permit would be for a period of only 12 months.

The Hon. C. R. STORY: Yes. Turning to clause 102, relating to Returned Servicemen's League clubs, I have had representations made to me from R.S.L. clubs that in the past have been supplying about 12 sub-branches from headquarters. If they wish to continue to do so, this clause may well mean the end of that arrangement. Because of that, the clause needs attention. I understand amendments have been suggested, and I believe most honourable members have a copy of a letter that has been circulated.

The Hon. Sir Norman Jude: Do you mean that some R.S.L. sub-branches will have to be given separate licences?

The Hon. C. R. STORY: They will have to get a permit. Clause 103 deals with Renmark and is substantially the same as in the old Act.

The Hon. A. J. Shard: And that is all right?

The Hon. C. R. STORY: Yes. Turning to railway licences, I mentioned Alawoona in this Council recently. It has had a licence for many years. That centre is some distance from both Wanbi and Loxton; the closing of the refreshment room licence will mean that the people of Alawoona will have no way of obtaining a drink. I shall watch this very closely during the Committee stage. I draw honourable members' attention to clauses 156 and 162, because they will find much on these matters in the Royal Commissioner's report. Clause 176 is important because the Superintendent of Licensed Premises has a great responsibility. We have been extremely well served in the past by the gentleman who holds this office, and I sincerely hope that he will continue in it for some time to come, certainly long enough to get this legislation off the ground.

The Hon. A. J. Shard: He is not near the retiring age.

The Hon. Sir Arthur Rymill: This Bill restores the power we always thought he had until recent court decisions.

The Hon. C. R. STORY: Yes. I am glad to see that an old friend will administer these provisions. Clause 155 deals with barmaids.

The Hon. Sir Arthur Rymill: You had better be careful here, because the Ministers may get excited.

The Hon. C. R. STORY: Clause 155 (1) states:

> No holder of a full publican's licence, limited publican's licence, wine licence or club licence shall allow any female other than his wife, his daughter, his sister, his step-daughter or his mother to sell, supply or serve any liquor at or in any bar-room unless there is in force at the time an industrial award, determination or agreement under any Commonwealth or State Act binding on the licensee providing for the employment of such females on the same terms and conditions as males.

I do not object to equal pay, but the middle of a Bill on licensing seems a funny place to find an industrial court matter.

The Hon. A. J. Shard: No; the honourable member must be reasonable. It has never been permitted before in this State: this is why it is there.

The Hon. Sir Arthur Rymill: This means that barmaids are not allowed to be employed unless someone else does something.

The Hon. C. R. STORY: Yes; I want to see barmaids working in this industry, but under this clause they are not permitted to do so.

The Hon. A. J. Shard: Unless they receive equal pay.

The Hon. C. R. STORY: It does not say that. Unless somebody takes the necessary action to put this provision into operation, barmaids may be excluded from working in hotels for ever. This is one of the things that members of my Party thought might cause confrontation with members opposite; we thought we might be involved in a head-on collision in respect of this matter. However, the A.L.P. Conference was held and that Party fell into line with us. However, it did not "go all the way with L. B. J."; it got as far as this clause, and it then inserted a tag. The tag that has been hung on to this provision makes it impossible for a barmaid to be employed in the industry.

The Hon. A. J. Shard: Until a certain time.

The Hon. C. R. STORY: If we take out certain words barmaids can be employed in the industry, and they have their protection: they have their unions. The Liquor and Allied Trades Federation will not let any girl work in a hotel who has not a ticket and an award; Mr. Fred Walsh will look after them. Why not let the proper course of action go forward, instead of inserting a proviso to stop it?

The Hon. A. J. Shard: The honourable member has got his head-on collision; there is no need to say anything more.

The Hon. S. C. Bevan: But the barmaids will be in competition with a breadwinner.

The Hon. C. R. STORY: If we are going to take that attitude, I should like to find out what the Labor Party's policy is. We have had

the slogan "Equal pay for equal work" shoved down our throats for years. The breadwinner is not thought of.

The Hon. S. C. Bevan: Why?

The Hon. C. R. STORY: Consider Education Department employees. I do not see any difference. The breadwinner—

The Hon. A. F. Kneebone: The honourable member is advocating that they go in at a cheaper rate.

The Hon. C. R. STORY: I am not doing that; let me make that clear. I am objecting that the employment of barmaids will not come into operation if the necessary action is not taken under the clause.

The Hon. Sir Arthur Rymill: By someone completely outside Parliament.

The Hon. C. R. STORY: Yes, and probably someone who is not very well disposed towards this. The Minister will, I am sure, on reflection, withdraw his statement—but not publicly. It is quite untrue that we want barmaids to work for a lower wage than that of a man. This provision precludes barmaids from doing this work.

The Hon. S. C. Bevan: No; if a hotelkeeper wants to employ a barmaid, all he has to do is to make an application to the court.

The Hon. C. R. STORY: I do not want to delay the Council at the second reading stage because we shall hear much more of clause 155 before the Bill is passed.

The Hon. A. J. Shard: If we have a head-on collision, I hope we soon reach a decision one way or the other.

The Hon. C. R. STORY: It will only be temporary. Clause 146 is peculiar. I referred earlier to people who had a cider factory or who made mead. Clause 146 (1) is definite. It states:

> If any unlicensed person, except as allowed by this Act, directly or indirectly sells or supplies for profit, or permits to be sold or supplied for profit, any liquor, in any quantity, he shall be guilty of an offence, and liable for a first offence, to a penalty of not less than one hundred dollars and not more than two hundred dollars, or to be imprisoned for a term not exceeding six months, and for any subsequent offence shall be imprisoned for a term not exceeding one year: Provided that this section shall not apply to a sale, in a quantity not less than five gallons, of liquor to a person licensed to sell liquor of the kind which is the subject matter of such sale.

I do not think it has any use in the Bill, as it gives opportunity once again for malpractice and subterfuge. Everybody else who handles liquor has been brought under the terms of this legislation in some way with a licence fee or under control, but there is one class of people (and this could be a rapacious class) right outside the law that could sell in five-gallon lots to a licensed person. As far as the backyard winemaker is concerned, I imagine he will come under this clause, but I think it better that he is brought under the terms of the legislation so that people can inspect his premises to see whether they are hygienic and how they are conducted.

The Hon. A. J. Shard: Do you want him at all?

The Hon. C. R. STORY: I have no objection to people who want to make wine for sale. My friends in the winemaking industry will not like me for saying this but, after all, they all started off as "backyarders" in South Australia and built up to very big proportions. I can think of some small winemakers of 10 years ago who are now quite large producers. I have no objection to a man making some wine, but he ought to pay a fee the same as for the vigneron's licence. There are other angles to this.

The Hon. Sir Arthur Rymill: I think this clause is a bit wider than the present one.

The Hon. C. R. STORY: The whole position is that we are opening up new classes of licence and restaurants as licensees. There are specialized types of wine that no doubt certain restaurants in the west end of Adelaide would like to use. This is the type of wine that is made in small parcels by fellow countrymen in and around the metropolitan area. I believe that, in order to keep control of the whole industry, we should delete that clause completely. They could come under a vigneron's licence, or whatever the licence the court wants to bring them under. We are also getting into the country a good deal of Cypriot brandy, which is coming in fairly cheaply, as against our own brandy. Anybody who can obtain the necessary licence can import it. This brandy can be sold to a licensed person, and it might be very much easier in some cases for some licensed persons not to be handling this type of liquor at all, but it can be purchased in five-gallon lots. I am not a nasty, suspicious person but in the dim light, which we have in certain of the later night spots, it would be extremely easy in composite drinks, such as cocktails, for a cheaper type of spirit to be used as an ingredient.

The Hon. A. J. Shard: When you say "cheaper type", is it cheap in type and in quality, too?

The Hon. C. R. STORY: It is cheap in price and quality. Much of this brandy has not been

in wood at all; it is off the steel. Our industry has to conform to certain standards so as to be able to put "brandy" on its labels. I cannot see that we are benefiting anybody but the unscrupulous by leaving the provision, and I intend to seek its removal.

The Hon. Sir Arthur Rymill: What about genuine wholesale agents?

The Hon. C. R. STORY: They have no problems. As I see it, everybody who wants to trade legitimately can get in under the provisions of the Bill. It costs a little money, but the whole business would be better off if it were controlled by proper channels. I am open to conviction on this, and if I can be shown that the proviso is necessary I shall support it.

The Hon. Sir Arthur Rymill: I am not disagreeing with you in general, but I think there might be exceptions.

The Hon. C. R. STORY: Clause 187 is another rather difficult one. It states:

The Prices Act, 1948-1966, is amended by inserting therein after section 22e thereof the following section:—

22f. (1) The Minister by order may fix and declare maximum and minimum prices at which liquor within the meaning of the Licensing Act, 1967, may be sold under that Act.

(2) Without limiting the generality of subsection (1) of this section the Minister may by order made in the exercise of his powers under that subsection fix and declare—

It will be noted that right throughout there are different maximum and minimum prices for different parts of the State. I do not want to influence anybody unduly on this matter, but there are one or two aspects that need some thought. Last year Parliament brought under price control the purchase of wine grapes, and the Commissioner has since fixed the minimum prices of the grapes that winemakers purchase to use in winemaking.

The Hon. S. C. Bevan: To give protection to the growers.

The Hon. C. R. STORY: It has stabilized the industry considerably. I have here a letter from the Wine and Brandy Producers Association which I agree with to a certain degree, but I should remind the Council that there is not complete unanimity on the matter of price control, particularly since the price of grapes has been fixed. The feeling in some wine circles is that it would not be a bad idea to have some price fixation, because there has been in the past (and there will be in the future) a certain amount of price cutting and, whilst we have associations to deal with these things, the Wine and Brandy Producers Association, like most associations I have been connected with, is only as strong as its weakest link. In fact, some winemakers in South Australia are not even members of that body at present.

This makes it rather difficult to stop price cutting. Once we get price cutting in an industry we cannot stop it. Somebody will give 13 bottles instead of 12, and somebody else will give some little edge, and so it goes on, and in the final analysis the person who is hurt is the person who is uncontrolled. This used to be the grapegrower, because he was the one right at the end of the run. The grapegrower now has a controlled price, and the fellow sandwiched in the middle is the winemaker, whether he be a large winemaker or a small one. The grower has a controlled price and the hotel section is also controlled, so the winemaker can easily become the meat in the sandwich.

I believe that the winemaker is giving a 40 per cent margin to the publican, plus anything else that can be squeezed out of him. If he breaks and gives an extra bottle, it means a 42 per cent or 43 per cent margin, and the publican can then put on his margin over and above that. For many years I have been a keen student both of the production of wine and the pleasure derived from drinking it, and I know that much of the trouble that has been caused in the industry generally has resulted from price cutting at all levels. I also know that the corkage fee that has been charged by hotels has been excessive. It is no use saying one thing and meaning another: it is excessive.

The object of the exercise is to promote civilized drinking, and I believe that wine drinking is civilized if it is properly carried out. The prices being charged in not even the best hotels in Adelaide at present show far too much mark up for anybody to say that they are justified. If this clause was left in the Bill, I do not know where the Prices Commissioner would start in looking into this matter. The Wine and Brandy Producers Association has written asking whether I would support the deletion of the whole of clause 187. The association states:

If this clause is not deleted we consider that it should be amended to comply with recommendation No. 7 of the report dated January 28, 1966, of the Royal Commission into the Grapegrowing Industry on wine and brandy retail prices, which reads:

This review should include:

(*a*) The margins between wholesale and retail over the counter prices;

(*b*) The margins between wholesale and hotel dining room prices;

(c) In collaboration with the Licensing Court, the margin between wholesale and restaurant prices.

The Commissioner considered that the retail prices of wine and brandy should be reviewed by the Prices Commissioner, and the Wine and Brandy Producers Association is not objecting to that.

I offer the few suggestions that I have made without disclosing at this stage how I will vote. There are two definite sides to this matter. It is not as easy as merely deleting clause 187, because much thought has to go into this question of getting some stability for the liquor industry in this State. I believe that the House of Assembly has done its best to see that all sections are protected, although I think some sections have been protected much more than others. I do not think we can say that anyone will get hurt under the Bill as it stands.

The Hon. S. C. Bevan: Doesn't that clause protect the very thing you are illustrating?

The Hon. C. R. STORY: The Minister has now raised another aspect of it.

The Hon. Sir Arthur Rymill: Why should one industry be singled out? The things you have referred to go on in every industry.

The Hon. C. R. STORY: I want to be perfectly fair about this. I do not intend to say any more on the subject at this stage, because the matter will no doubt be dealt with in Committee. The other clauses of the Bill, although no doubt of great importance, are reasonably straightforward, in my view. I think I have dealt fully with the clauses that I do not like, and I hope I have been able to point out to the Government a few of their frailties.

The Hon. A. J. Shard: It is not a Government Bill.

The Hon. Sir Arthur Rymill: We are not certain what it is, are we?

The Hon. C. R. STORY: I am glad to have the Minister's assurance that it is not a Government Bill.

The Hon. A. J. Shard: You can vote any way you like on it, and you won't hurt a hair of my head.

The Hon. C. R. STORY: I hope the Chief Secretary will not get too steamed up about that, because there are some things on which I think Government policy will have to be observed.

The Hon. A. J. Shard: One.

The Hon. C. R. STORY: No, I can think of two things: clause 155 and, I think, clause 187.

The Hon. Sir Arthur Rymill: There is a little instruction to members of the Labor Party.

The Hon. C. R. STORY: And there are one or two other things. I think the Bill has already had a House of Review job done on it in another place, and I believe there will be an equally close scrutiny and combing out here. I do not know what the final result will be, but I am encouraged by the Chief Secretary's remarks that this is not a Government Bill. As long as we treat it as such I think it will come out very much better than it is at present, particularly if we can clean up the clause dealing with clubs. I support the second reading.

The Hon. C. M. HILL (Central No. 2): I, too, support the second reading. I commend the Hon. Mr. Story on the immense amount of work he obviously has carried out in his research on this measure. It is, as he has said, a long and complex Bill.

I have heard it said that it is principally a Committee Bill. However, I do not think it is only that, because involved in this legislation are important aspects and principles that I think require lengthy debate in this second reading stage. There is one aspect I intend to expand a little later.

I am not opposed to 10 p.m. closing; indeed, not much more liquor will be consumed than at present, because that is governed by the spending power of the people. Rather, the liquor will be consumed over a longer period of time; more will be consumed in lounges and by people sitting down instead of, as at present, by people standing at bars. Generally speaking, liquor will be consumed in a better atmosphere and under better conditions. It will be a more civilized and enlightened method than the present stand-up and rush method immediately before 6 p.m.

Some clauses that particularly concern me have been dealt with by the Hon. Mr. Story; I shall as much as possible avoid repetition. Clause 22 (2) deals with a retail storekeeper's licence. This was covered adequately by the Hon. Mr. Story, but I have been approached by a person who has been placed in the circumstances mentioned by the honourable member.

The point has been made that, whereas so far large interests have been able to make themselves heard, there may be smaller people who have not had as good a hearing. This is a case in point. A storekeeper in one of the southern suburbs applied for a licence under the local option system between three and

four years ago. He lost the poll by a narrow margin and at present is preparing his case to re-apply for a licence. He has adduced some evidence that in very few instances does anyone win a poll of this sort at the first attempt.

Now this man must wait (as this Bill reads at present) for a further three years before he can re-apply; in all, it will be seven years from when he first had his shop set up to market wines before he can re-apply. But that is not the worst of it. He observes that under subclause (2) the situation in three years' time will be closely examined and if, as the Hon. Mr. Story said can happen, other retailers (or a motel or a hotel) have been established near his shop, his chances of obtaining a licence then will be negligible. It seems unreasonable that the retailer in this category should have to wait for three years before his case is heard.

I take up the point made by Mr. Story about clause 27 (3). It appears that the judge must take into account this clause as a policy set down by the Legislature, certainly for his guidance and, I would think, for him to follow, and, even if it says he "may impose either or both of the following conditions", that policy will be followed in the future. This clause contains the point that clubs must buy their liquor "from a person holding a full publican's licence in respect of premises in the vicinity of the club premises". I oppose this principle.

I know that later, when the question of permits arises, it has been eased somewhat if people have been previously dealing with licensed premises not in the vicinity, but there are many proprietors of licensed premises who are closely associated with certain clubs but whose hotels are not in the vicinity of the respective clubs. For instance, a proprietor may be a vice-president of a club and give trophies for certain club competitions; naturally, the club, working on a basis of reciprocity, prefers to buy its liquor from him. That is a fair and reasonable arrangement.

The Hon. Sir Norman Jude: Is this provision not a restrictive trade practice?

The Hon. C. M. HILL: Yes, it is; that is the point I was going to make. When a club is to be forced as a condition of its licence, in effect, to go to the hotel in its vicinity to buy its liquor, grave dangers are involved. When we associate that principle with price control, which comes later in the Bill, there is a further danger. After all, I presume clubs will be permitted to make a reasonable profit on their liquor sales but, if the minimum price at which they must buy that liquor from the hotel is fixed by the Prices Commissioner, it may be fixed on the basis that the profit from the sales will be negligible.

The Hon. S. C. Bevan: That is not mandatory, is it? It provides that the court "may".

The Hon. C. M. HILL: Then why is it there at all?

The Hon. S. C. Bevan: It is left to the discretion of the court issuing the licence.

The Hon. C. M. HILL: That is true, but surely the court must consider the matter and ask itself: for what purpose is this section in the Act? I cannot help feeling that it will be respected and that there is every possibility of its being followed by the court.

I have had representations on this matter from the Returned Services League, which has metropolitan sub-branches that purchase their supplies of liquor from their headquarters in Angas Street. This practice has been followed for many years. There are 12 sub-branches in this category. The total value of such purchases during the league's financial year ended July 31, 1966, was $59,000.

The purchase of liquor from the headquarters club is a long-standing practice. It is a trade that has not been enjoyed by the licensed retailer, and it is an important source of revenue for the headquarters club. I can well appreciate the R.S.L. saying, "Why should a sub-branch now have to turn around and buy its liquor from a publican's premises in the vicinity of the sub-branch?" That is not fair.

I believe that clause 66, dealing with the granting of permits for the supply of liquor, is the most important clause in the Bill. It deals with 12-monthly permits to clubs, giving them power to trade in liquor on all days, including Sundays. I am concerned with Sunday trading, and in that connection the subscription charged by a club is important.

As I understand the position, subscriptions in other States are particularly low and do not constitute a burden on a member. We are all aware that existing clubs will probably seek permits under this section. Such clubs are spreading throughout the suburbs and it is easy for a person to join them. Under this clause a club will be granted a permit enabling it to trade on a Sunday morning and, probably, Sunday afternoon. Because of that, it will not be difficult for anybody wanting a drink to get one on a Sunday.

The Hon. R. C. DeGaris: Does the matter of visitors apply in this connection?

The Hon. C. M. HILL: I do not think so. When that subject was discussed earlier it was in connection with licences, but I am speaking of permits. In other States a person is granted a type of honorary membership and placed in a special category if visiting the city for perhaps one day. No doubt such conditions will apply here and anybody will be able to visit this type of club and, on the payment of a fee of perhaps 20c, become a member for the day. He may even be able to enter the club rooms and consume liquor on a Sunday morning.

The Hon. F. J. Potter: Those clubs do not have to be licensed.

The Hon. C. M. HILL: No, permits may be issued to either licensed or unlicensed clubs, but the club must be already in existence.

The Hon. S. C. Bevan: This is intended to legalize something that has gone on and is going on at present.

The Hon. C. M. HILL: I agree, and because of that the clause is important.

The Hon. R. C. DeGaris: The mere fact of making this legal will allow it to grow, will it not?

The Hon. C. M. HILL: Undoubtedly. The first stage is accomplished by this legislation. The improper and illegal practice of selling liquor on a Sunday morning has grown in our society to a stage where it cannot be controlled in any other way than by making it legal. When this Bill passes and this practice becomes legal, what will happen? A club will grow in membership, resources, power, and number of buildings; it will eventually reach a stage similar to that reached in other States, where clubs have become a grave social evil.

I was interested to hear the Hon. Mr. Story throughout his speech make the point that practices in existence that cannot be stopped must be given close attention. I do not think any prohibition should be placed on any clubs that want to supply liquor in limited quantities. A supply, perhaps on the same basis as that permitted registered clubs under clause 85, should be allowed to all clubs.

Many people who attend a sporting fixture on a Saturday afternoon enter the clubrooms at the oval after the game is ended and have a few drinks as members of the club. Such people will not go to a local hotel afterwards and purchase liquor to take home for the evening; they will get it one way or another, probably illegally. I cannot see how that can be policed, because tens of thousands of people will be concerned.

The Hon. Sir Norman Jude: You are referring to new clubs; the Bill does not refer to old clubs.

The Hon. C. M. HILL: It does not refer to registered clubs, which now have the privilege of selling liquor over the counter, but it refers to all clubs that will be newly licensed. Indeed, if it is permitted, all clubs would come under the same restriction concerning the sale of liquor in quantities not larger than half gallon lots, or bottles, to each person, or in accordance with the wording of the clause. I favour some liquor sales over the counter being permitted to members of clubs.

The Hon. A. J. Shard: There is good and logical reason for the provision.

The Hon. R. C. DeGaris: Is the honourable member referring now to licensed registered clubs?

The Hon. C. M. HILL: To licensed clubs. The old registered clubs can do this. Throughout the Bill I see evidence of an attempt having been made to heed the warning of the Royal Commisisoner that the growth of clubs might lead to the social evil I have referred to. Because of that, advantages to hotels are included in most clauses, and this is one of them: that members of clubs wanting to buy a bottle or two of liquor may not do so over the counter but must buy such liquor from a hotel.

Clause 87 deals with the bowling fraternity, whose case was so ably stated by the Hon. Mr. Story. Only today I was approached by a senior member of the Broadview Bowling Club, a club that I understand is well known by the Chief Secretary.

The Hon. A. J. Shard: It is one of the good clubs.

The Hon. C. M. HILL: It is one of the many good clubs. I hope that clause 87 (1) (*g*) permits a visiting team to drink at the club visited without the necessity for every member of that team to be checked in and signed for by a member of the home club. Clause 87 (1) (*g*) states:

> No person shall be allowed to become an honorary or temporary member of the club, or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the rules and subject to conditions and regulations described therein.

It would seem to me that, if the rules of a bowling club covered the situation, all members of a visiting club, whilst playing or on the premises, could be temporary members of that club, and the whole team could have a drink. Apparently, there are still some misgivings among the clubs and bowlers that this matter

is not sufficiently covered, and I ask the Chief Secretary whether, when replying, he could give the necessary assurance.

I now pass to catering, which is covered in clause 86 (1) (*e*), and the Hon. Mr. Story read the relevant part. I consider that clubs ought to be able to cater for people. There is the one quite significant example, the Mount Osmond Golf Club, which was very upset by the present legislation, and I think quite justifiably so.

That club has almost 1,000 members and has been catering for social functions for about 15 years. That activity pays for the maintenance of the clubhouse, the cost of the caretaker and other outgoings, and the income from catering represents nearly 38 per cent of the club's income. The club would like to become licensed, because it does not appreciate the conditions under which it exists at present.

The type of catering the club has provided in the past has invariably been the style where a private host or hostess holds a function, such as a debutante dance or wedding reception. The service at the club is quite unique, as the situation of the property, with its magnificent view of Adelaide, has been mentioned by many oversea visitors as being one of the finest sights of a city one can see in the world, and the whole setting of the premises warrants some consideration being given to the club to be able to carry on the activity it has been carrying on for the last 15 years. It has been used for State occasions, and the club is looking to find some way out so that it can become licensed under the legislation, and still carry on the work of catering.

The Hon. S. C. Bevan: Don't you think people outside a club should not be permitted on the premises for refreshment?

The Hon. C. M. HILL: I know a strong argument could be submitted along those lines. I appreciate that, but I wonder whether the club's competition adversely affects other people very greatly. It does not only concern large enterprises of that kind. For instance, I know of a football club that went to considerable expense to build premises in anticipation of some form of licence being granted. The club is very anxious to pay for the premises, which cost a considerable amount of money.

This club has been catering for small parties, such as twenty-first birthday parties and functions of that kind, in a section of the building, for its members, who prefer to hold functions on the club's premises, perhaps bearing the cost feature in mind, or perhaps the personal aspect. I wonder whether a club of that kind is doing very great harm in catering as it does for a function of that kind.

The Hon. A. J. Shard: Not if it is confined to club members, but some clubs cater for people who are not members.

The Hon. C. M. HILL: The people I have been speaking of are members of the club.

The Hon. A. J. Shard: I don't think there will be any bother with the genuine ones. The clause does not confine it like that.

The Hon. C. M. HILL: It does. Clause 86 (1) (*e*) states:

> . . . Without limiting the generality of the foregoing no club shall be licensed or continue to be licensed where its activities include catering for functions or any other form of trading for or with the public whether on or off the premises of the club:

When one talks of competition and how this kind of activity will adversely affect competitors, I suppose it is only the large reception houses, the hotels and some restaurants that might be adversely affected.

The Hon. C. D. Rowe: Would it be all right if these clubs have catered in the past?

The Hon. C. M. HILL: That is a good suggestion, and there is precedent for this in the Bill. Any newly-formed clubs will not be able to obtain permits. The Bill tends to take that into account. Clubs at present that have the facilities can carry on. That would be a satisfactory way out of that particular problem.

In clause 186 the question of hotelbrokers' licences is included, and I commend this to honourable members. Whether the hotels are leasehold, or freehold and leasehold combined, or in some instances freehold subject to existing leases, this kind of selling is highly specialized and those agents who act for vendors in this kind of work should be properly qualified and should hold special licences, which they do not at present. Nowadays in this field, licensed business agents and licensed land agents combine as best they can. I am pleased to see that that point has been covered.

The last clause I deal with briefly is clause 187, which deals with price control. Although I greatly respect the views expressed by the Hon. Mr. Story, I can only say that I am opposed to the clause, because in general terms I am opposed to price control. I return now to clause 66, which deals with the Sunday opening of hotels, and to club trading on Sundays. With this legislation, we must appreciate where we are going ultimately on the whole question of licensing. What is our ultimate aim? What do we hope the position will be in many years to come? If we have

some ultimate goal in mind, every step that we take should be directed towards that ultimate goal.

I think the ultimate goal should be the casting off of all licences and licensing restrictions or, at least, having the very minimum of control. Although we probably will not see it in our time, ultimately we might come into line with the people in Europe, where there are only minimal controls. As many people put it, extremely civilized drinking takes place throughout most countries in Europe.

The first change that we implement now will have a very great bearing on this very protracted change that will take place. I think that if we do not take the right step now we might move down another path altogether that will lead us into a position that will be very unfortunate from the point of view of all South Australians. That ultimate is the position that exists at present in New South Wales where, I submit, a social evil does exist. In my opinion, this has come about through the power and the influence of clubs. This point has been brought out most forcibly in the report of the Royal Commission. As some background of this problem in New South Wales which we do not want to see occur here, I wish to read several paragraphs from this report of the Royal Commission. These paragraphs occur at page 14 of the report under the heading of "Clubs", and they are as follows:

I am firmly of the opinion that there does not exist in South Australia at the present time any substantial social evil arising out of the conduct of clubs or their members in relation to the sale, supply and consumption of liquor. On the other hand, there is no doubt in my mind that the position which has arisen in New South Wales ought not to be allowed to arise in South Australia, namely, that so much of the profitable liquor trade has moved across to the licensed clubs that the licensed hotels are providing a lower overall standard of service to the public than the overall quantity of liquor consumed in New South Wales would warrant.

At first sight, the prosperity of the licensed clubs in New South Wales would appear to stem from their use of the poker machine (in which they have a monopoly) and from the very large profits taken by the clubs from the exploitation of that particular form of human weakness. To say this would be not merely to over-simplify the New South Wales club position but to miss what, in my opinion, is clearly the main point, namely, that the New South Wales clubs flourish *viz-a-viz* the hotels by having greater privileges in respect of the provision of services or commodities which a large proportion of the community is ready and indeed anxious to utilize—in New South Wales at present the club provides services and commodities which cater for the desire of large numbers of people to drink and to indulge in a particular form of gambling. Were one to eliminate the poker machines from the New South Wales licensed clubs, one would undoubtedly remove the major source of their revenue, but their minor source of revenue is nevertheless far from insignificant, namely, the sale and supply of liquor 24 hours a day seven days a week (or such shorter time as the particular club sees fit and almost invariably in excess of hotel hours, particularly by trading on Sundays). That the same position would arise in South Australia, if permitted, is, in my opinion, unquestionable. The witness from one football club made this clear when he indicated that his committee had sent him as its manager to New South Wales to study the New South Wales position; in any event, there appears to be no significant difference in human nature between the residents of the two States.

That surely indicates the danger that the Commissioner saw in South Australia, based on his observations in New South Wales. As he points out, it was not only the poker machine that began this chain of events in New South Wales: he places great significance on the point that in New South Wales the clubs are able to open during hours other than the normal trading hours of hotels. Further on the Royal Commissioner says this:

If clubs are to be told that they must be satisfied with hours and conditions of trading the same as those of hotels, then it is an essential corollary that those hours and conditions must be both realistic and adequate. The extension of hours and the relaxation of conditions of trading in hotels, including the possibly controversial aspect of Sunday trading, is a most important ingredient of my view that no club should have any liquor rights more extensive than hotels.

The Commissioner says, in effect, that not only should the hours of the hotels and of the clubs be the same but that they must also be realistic; otherwise, he implies (and elsewhere says), the real trouble will commence.

This introduces the question of Sunday trading. The more one looks at this recommendation the more one sees it as a better alternative than the system that is proposed in the Bill before us. The present position in regard to hotel trading is covered in the present Bill, particularly in regard to this question of *bona fide* travellers who may, after travelling 60 miles, quite legally drink at a hotel.

This is happening in quite an extensive manner in South Australia today, and I submit that it will go on increasing in its volume if this legislation goes through as drafted. Motor cars are travelling faster and roads

are getting better, and it does not take people very long today to travel 60 miles on a Sunday. Under this legislation, a person can drive to a hotel and check in as a *bona fide* traveller. He can consume liquor and then drive 60 miles back to his home. Of course, we all know that this means that such a person is a source of real danger when he is on the road after having consumed liquor on his visit to a hotel 60 miles away.

As I said earlier, clause 66 will probably result in an expansion of club activity. I think we have to be realistic and accept the fact that this clause will result in a great expansion in club activity. We see the position of the consumption of liquor on Sunday mornings. We see the position of these so-called *bona fide* travellers driving 60 miles to drink at a hotel.

The Hon. S. C. Bevan: We may be approaching the European system of no restrictions at all that you said earlier you favoured, of being able to get a drink six or seven days a week and at two or three o'clock in the morning, if need be.

The Hon. C. M. HILL: That must be the ultimate goal, but it will be well after our time. My point is that every step we take (and this legislation is the first comprehensive review for 35 years) must be towards that goal rather than towards the position in New South Wales as we see it today. I have proceeded from there and pointed out that the poker machine is not the only problem today in New South Wales.

A significant problem there is the variation in trading hours between the clubs and the hotels. The more one views this present legislation, the more one must agree that, if it is accepted that some Sunday drinking will take place, it either should not or cannot be stopped—and it cannot be stopped here in Adelaide at present, as shown in the Commissioner's report. If we accept that fact, we must then consider two alternatives—the present legislation or the Commissioner's recommendation on this point. The legislation before us will permit the consumption of liquor on Sunday mornings: the Commissioner's recommendation does not, which I submit is a most important point.

Then we come to the position on Sunday afternoons. Under what conditions will people be able to consume liquor in their clubs under the permit system? At present on Sunday mornings many hundreds of people gather around the kegs, but the Commissioner recommends that in hotels the front bar shall not be open and people will be permitted to consume liquor only if they are sitting down in the lounge or sitting in the dining-room eating food. That, again, is an important point.

The Hon. F. J. Potter: There is a big difference between standing up and drinking in a lounge.

The Hon. C. M. HILL: There is a big difference; otherwise, we may as well not say there is anything wrong with 6 p.m. There is a great difference between drinking on Sunday afternoons in a hotel lounge and drinking on Sunday afternoons in a bar. The Commissioner recommends that Sunday trading in hotels should be from 12 o'clock to 7 o'clock, but it should not take place in the front bar. He also recommends that clubs be given the same privilege. Clubs can then open at mid-day. He points out further that much evidence was presented to him indicating that the clubs would not object to this.

Counsel for some of the football clubs gave him the impression that they would not object to it. That is important. It would simply mean that the clubs would not be permitted to consume liquor before mid-day, but after mid-day they could do that and that could be properly policed. If we adopted a principle of that kind, many of the problems associated would fall apart and there would be no need for the controversial clause 66. The problems arising in clauses 87, 85, 86 and 187 that have been mentioned today would be largely overcome if the clubs and hotels had the same trading arrangement for Sunday afternoons.

We can appreciate the Government's problem with these controversial clauses. Once it made its decision, it found all these problems arising. It decided something had to be done about the present Sunday morning trading in the clubs, so it included this provision in clause 66. The worst aspects of this legislation would not have to be included if this one question could be faced up to and resolved in accordance with the Commissioner's recommendation.

I know it is a question that outside this Chamber has raised much discussion and there are people strongly against what they call Sunday trading; but I wonder whether those people who at the moment say in the street "We are against Sunday trading" realize what is happening in this present legislation. Do they realize that under it anyone will be able to drink on a Sunday morning? That is a hard fact. The clubs will be wanting more members and membership of a club will be easy to achieve.

Anybody desiring a drink on a Sunday morning will get it. Anyone who wants to go

to a hotel will drive 60 miles and consume liquor there. If the people who have raised objections to Sunday trading fully appreciated what would happen under this present legislation, they would have to agree that, of the two alternatives, the Commissioner's recommendation was by far the better. I hope honourable members will debate this aspect of the matter.

The Hon. S. C. Bevan: This is a good reason why the Council should support an amendment to the Road Traffic Act.

The Hon. C. M. HILL: I again refer to my assertion that, if a wrong step is taken now and if all that some people fear about the growth of these clubs comes to pass, we are definitely moving along the wrong path. Already the clubs are so influential that legislation is being introduced to make legal their illegal practices. They are already showing what power they have.

Are we to fool ourselves and say that, if we let this go through, in a few years' time an amendment will not be made to this legislation—for example, allowing for the sale of bottles over the counter? Of course that will come to pass. It will be a practice impossible to police; it will be an example of the further influence and power that these clubs will get. Then, having gained that by making an illegal practice legal, another phase will follow; and it is not going too far to say that eventually the position may arise in South Australia where clubs will be able to go to the Government and say they want poker machines, as has happened elsewhere.

If we are to nip in the bud a series of problems and this insidious growth, which can become a social evil, the time to do it is now. The only way to do it is to agree to Sunday trading. Having given the matter much thought, I favour it as an alternative to this present legislation. I am totally opposed to the sale and consumption of liquor in clubs or hotels on Sunday mornings.

The Hon. S. C. Bevan: Drinking on Sunday morning is no different from drinking on Sunday afternoon, in my opinion.

The Hon. C. M. HILL: I think it would be admirable if such a practice were stopped, but people should be permitted to drink in a civilized manner on a Sunday in a hotel lounge or at a club. This is the biggest issue confronting me in the Bill, and I trust that further debate will ensue on the clause.

I hope that the information gleaned by the public on this aspect of the debate will result in more informed opinion. By that I mean that I hope people will fully understand the measure before us. I support the second reading.

The Hon. C. D. ROWE (Midland): As this is the type of Bill that normally causes much feeling when debated in Parliament, I congratulate the Hon. Mr. Hill and the Hon. Mr. Story on their contributions, because both spoke without heat and without emotion, and set before us not only their views but also what could be the consequences of certain clauses of the Bill. They spoke in a way in which I like this subject to be dealt with, and their contribution was a credit to this Council and of great assistance to honourable members. Also, it means that I can shorten considerably my remarks.

Usually, when dealing with matters under the Licensing Act, heat is introduced into the debate. In three areas of thought and belief one encounters controversy and sometimes bigoted opinion. The first area is religion: I am pleased that as the years go by there is less bigotry amongst people who hold different religious beliefs, and there seems to be an increasingly accepted view that there is room for more than one opinion. The second area is politics: when one hears politics discussed one can often buy into an argument. In this field we are not so bigoted now as we were, although I must confess that I now find myself correct more often. The other concerns the use or abuse of alcoholic liquor. People tend to hold a view that its use should be severely restricted or curtailed altogether, or they go to the other extreme and say that the best way to handle the problem is that it should be completely free and available at all times and that people should be educated in the proper method of using it.

We must examine all available facts and make a decision on the best way to handle this topic. I am glad to see, from the approach made by the Hon. Mr. Story and the Hon. Mr. Hill, that we shall be able to do so without incurring unnecessary heat or feeling and without giving offence to anybody with different views. The Royal Commission conducted an exhaustive inquiry and I congratulate the Royal Commissioner (Mr. Sangster) on the thoroughness of his work. Irrespective of whether we agree with all of his conclusions, I think there can be no doubt that he performed his task with a degree of thoroughness not always in evidence in all Royal Commissions. I am not a great believer in such Commissions; one gentleman who was once a member of this Council used to say that appointing a

Royal Commission was a good way of not finding out what everybody already knew, and there seems to be some truth in that statement.

However, in this case, I believe the conclusions of the Royal Commissioner were of value and will enable us to reach a decision. I again congratulate him on his work. I do not propose to canvass all of his submissions, but one of the principal points was his recommendation of the introduction of 10 p.m. closing—that it would be desirable in an effort to improve conditions of drinking in South Australia as well as avoiding some of the abuses occurring under the present system. I am not satisfied that 10 o'clock closing will achieve all that is hoped for, but I have discussed the matter with many people: some teetotallers; some not teetotallers; some interested in liquor and some not interested; some who are Ministers of the Gospel and some who do not take such a keen interest in religious matters; some with strong views on social questions and some with not such strong views. However, running through this diversity of people is an equal divergence of opinion as to what is desirable on this question.

I think in most instances people have come to a conscientious conclusion. Although I am not satisfied that 10 p.m. closing will achieve all that is hoped for (and I am not satisfied that if a referendum were held the people would vote for 10 p.m. closing), nevertheless, I do not propose to oppose the second reading of the Bill.

I have one or two other comments, and the first concerns the Licensing Court. In this Bill I think the court will be faced with a grave responsibility. The successful operation of the present Licensing Act is due in no small measure to the common sense and experience of the person responsible for granting licences and handling matters in the Licensing Court. In recent years some innovations have been made, one of them being the introduction of entertainment in hotels with meals. That became known as the "dinner dance" and the alteration was made when no entertainment of any kind was previously allowed in hotels. I think that has proved a success: I did not hear many complaints regarding it. The administration and the introduction of that innovation was left in the hands of the Superintendent of Licensed Premises and was achieved with a remarkable degree of success. More recently we provided for what is known as the "light meals room". That has also been successful as a result of the understanding and appreciation by the Licensing Court of the possibilities of abuse.

The Hon. Sir Norman Jude: Where are they to be found?

The Hon. C. D. ROWE: I understand there are only two or three of them. I could say where they are, but I would not be absolutely sure that I would be right.

The Hon. A. J. Shard: One functions very well.

The Hon. C. D. ROWE: Yes, I believe that is so.

The Hon. A. J. Shard: It is situated in the right quarter.

The Hon. C. D. ROWE: I rather gather that there are other members who can make a greater contribution on this point than I can. However, the places to which I have referred have operated satisfactorily. Therefore, it is tremendously important that, when the new Licensing Court is set up, we find a suitable person who has had experience of the Act and who has adequate qualifications.

The Bill states that the Chairman is to be a preson who has the qualifications required of a Local Court judge. I will go along with that. The Bill provides that the Chairman must be appointed for a term of seven years. Normally when a person is being appointed to a judicial office he is appointed for the term of his life's service (that is, until he is 65 or 70 years of age), the basis of the appointment being that he must be free from any outside interference whatever and able to make his decisions and judgments without fear of any effect on him when his term expires. The Secretary of the Law Society has written to me the following letter about this particular clause:

I am directed by the council to forward the following views as to section 5 of the Bill; that the Society:

1. Deplores on principle the proposal in the Bill to appoint a judge holding office for a limited period and considers that the appointment of a judge with a limited tenure of office is contrary to a well-established and vital principle of the administration of justice, namely, that there should be permanency of tenure of judicial office during good behaviour until the customary retiring age.
2. Recommends that the judge appointed as chairman of the Licensing Court should be appointed in the same manner as a judge of the Supreme Court with appropriate superannuation provisions although possessing status equal to that of the Local Court judge, and further recommends that if a member of the

> Public Service is appointed he should, upon such appointment, cease to be a member of the Public Service.

I submit that as the opinion of the Law Society, which has given much consideration to the matter. I notice that if a person who is in the employment of the Public Service is appointed as Chairman he does not lose any rights or privileges he enjoys at present as a member of the Public Service. Without referring to anybody in particular, I think I have sufficiently indicated my views regarding the appointment of the Chairman of this body. The success of this new body will depend on the ability, experience and quality of that Chairman and his deputy. I think very much of it will depend upon administration. Earlier today some honourable members spoke about the employment of barmaids. I think most honourable members have received representations on this matter, and I have received a letter from the National Council of Women of South Australia Incorporated that states:

> Members of the National Council of Women of South Australia, at their meeting on July 13, unanimously expressed the opinion that if women are to be employed in hotel bars it should be at the same rates of pay as for men. Members also considered that such women should be over 21 years of age. We trust that you will consider these two points when amendments to the liquor Bill are being debated.

I am sure the Chief Secretary will be pleased to hear my reply, which states:

> I acknowledge your letter of July 19, and in reply have to advise I agree that if women are to be employed in hotel bars it should be at the same rate of pay as men, and this will be my attitude when the Bill is before the Council.

The Hon. A. J. Shard: What about the suggestion that the barmaids must not be under 21?

The Hon. C. D. ROWE: I am quite agreeable to the inclusion of a clause about a minimum age limit of 21 years. I do not know whether I have made a correct decision on this matter.

The Hon. D. H. L. Banfield: We think that the honourable member has made a correct decision.

The Hon. C. D. ROWE: I have thought about this matter; I did not send out the reply without consideration. This does not mean that in all situations I go along with the idea that there should be equal pay for men and women. I made my decision for reasons that were satisfactory to myself. I have a file here containing numerous replies that I sent; I replied to all letters sent to me over a personal signature, and if I have omitted to reply to any such letters it is an oversight on my part and it is not because I wished to be discourteous to anybody.

The Hon. D. H. L. Banfield: Did you agree to all their requests?

The Hon. C. D. ROWE: No; I have made my own decisions on this matter and I am prepared to stand by them. I am not concerned whether any conferences may be held between now and the time this measure becomes law; this will not make any difference to my opinion. I believe that the Hon. Mr. Hill's speech concerning the provisions of clause 66 relating to clubs was excellent; he set out the dangers associated with the introduction of this provision. I shall read only the first part of the clause, which is as follows:

> Any club, whether licensed under this Act or not, may apply to the court for a permit for the keeping sale and supply of liquor for consumption on the premises of the club on such days (including Sundays) and during such periods as the court thinks proper . . .

This is an innovation that will lead to an extensive sale of liquor of all kinds on Sundays.

The Hon. F. J. Potter: And it costs only $3 for a permit.

The Hon. C. D. ROWE: I am indebted to the honourable member for that reminder. I have moved around a good deal and I can conscientiously say that I have not heard anybody say he is in favour of providing facilities for the sale of intoxicating liquor on Sundays.

The Hon. A. J. Shard: We haven't met the same people.

The Hon. C. D. ROWE: That is so: we have met different people. I think I would have the support of members in saying that the overwhelming public opinion is against the provision of facilities for the sale of liquor on Sundays. I think that if the public expressed their opinion on this matter they would be opposed to the sale of drink at any time on Sundays.

I see in the clause the possibility of there being a wholesale (I think I could use that word) sale of liquor at all hours on Sundays by the simple innovation of people doing what is necessary to make themselves members of a particular club, a club which admittedly must be in existence at the present time. Consequently, I am of the opinion that if this clause stands in its present form it will be going far beyond what the majority of people would wish and far beyond, I think, what the Royal Commissioner himself intended.

The Hon. Mr. Hill suggests that one answer to this problem may be that hotels should be permitted to open on Sunday afternoons as

well. However, I cannot see that that is a solution to the problem. Irrespective of whether or not the hotels are entitled to open their lounges on Sunday afternoons, I think that if this clause goes through there will still be an incentive to the clubs to set about an advertising campaign and to attract members for the purpose of building up their club and its funds.

I agree entirely with the expressions of the Hon. Mr. Hill that at this point of time we must have a look at the course we are treading. We should examine closely whether it is a course which will lead us to more civilized drinking (a term that everyone is using in connection with this Bill) and which will mean that the social consequences of what we do are better rather than worse, because that is the objective of us all. Irrespective of what our individual views are, I think everyone is of the opinion that when we are dealing with intoxicating liquor we are dealing with a substance that unfortunately all too frequently has adverse results for family life and for social conditions and amenities, and so on, and that therefore we must try to legislate to minimize the adverse effects of it as much as we possibly can.

I can see that if this business of clubs becomes a popular thing, if it is commercialized and is the subject of an advertising campaign, and if it becomes an economic force in the community, we will have done a disservice. We all know what has happened with clubs in the other States, and I think we are unanimous that the innovation made in New South Wales regarding the introduction of poker machines is something that we would not like to see in this State. The truth is that for better or worse New South Wales has made this decision; financial interests have become involved, clubs have been established, and money has been spent, and it is virtually impossible now for that State to set the clock back. I think everyone would agree that from a legislative point of view it is almost beyond the power or the will of a Government to legislate to abolish poker machines.

I think we shall find, with regard to a permit to clubs to operate on Sundays, that once we open the door and the thing is started the economic conditions and the investments that will be involved in this question will become so strong that we shall not be in a position to set the clock back and correct any error that we may have made. Therefore, I feel that I must look very seriously at this clause to see whether it can be modified in some way so as to avoid what I think will undoubtedly be the unfortunate consequence of opening the door in that particular way. I need not say more now, because this is essentially a Committee Bill. The ground work for it has been excellently laid by the Hon. Mr. Story and the Hon. Mr. Hill, who dealt with the major clauses and gave us a run-down of their effects.

In conclusion, let me say that I am disturbed about what will be the effects of clause 66, because I feel that in its present form it will do something that none of us here would wish to be done and that we shall regret. My own experience of this Council in particular and of Parliament in general is that, in spite of what is said about us by people outside, the truth is that most of us (indeed, I think I can say all of us) try to do the best we can on all subjects according to our consciences. I know of no member who treats his responsibilities lightly or is adversely affected by things other than those prompted by his own conscience. That is our approach to this Bill. I am satisfied we shall carefully examine clause 66 and be united in our action and that our decision will be something in respect of which we can say in years to come that what we did then was right in the interests of all sections of the community.

The Hon. F. J. POTTER secured the adjournment of the debate.

PUBLIC ACCOUNTS COMMITTEE BILL

Received from the House of Assembly and read a first time.

GOLD BUYERS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

Adjourned debate on second reading.

(Continued from August 24. Page 1578.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The purpose of the Bill is to increase salaries fixed by Statute. I think most honourable members appreciate that no adjustments have been made to these salaries since 1965, except for the salaries of judges. In his second reading explanation the Chief Secretary gave details of increases granted to senior public servants since that time, and the proposed increases will be similar on a percentage basis to the basic wage increases during the period,

although the actual increase will be much larger in these cases.

South Australia is indebted to these officers for the services they render. If we are to maintain a high standard in those positions, salaries should be commensurate with those available to men in equivalent positions in the private sector of the economy. I suggest to the Government that the status of the Commissioner of Police should be further examined. I am not suggesting that this has been overlooked, but the position is one of the utmost importance to the community. The Police Force today is a large organization and carries heavy responsibilities; therefore, I suggest that the Government reconsider the status of the Commissioner of Police. I support the second reading.

The Hon. C. D. ROWE (Midland): I support the second reading. I agree that these top public servants should be given adequate remuneration. I refer specifically to the Agent-General in London. It was my privilege and pleasure while in London to meet that officer and discuss with him certain matters connected with his office. I think this is the appropriate time to express publicly to the Agent-General my appreciation of his services and assistance so readily given during my stay in London. This was the first time in my life that I had the privilege of making an oversea tour (it may possibly be the last occasion) and it is strange to arrive in a city such as London not knowing directions or people. I greatly appreciated the assistance given me by Mr. Deane, too.

I think that we have not been as generous as we should have been in view of the responsibilities attached to the office of the Agent-General. I support the provisions of the Bill, particularly in the two ways that assistance is being given to him; first, by increasing the salary from £4,500 to £4,800 sterling and increasing what could be termed his expense allowance from £1,000 to £1,900 sterling. That is a large increase but, having observed his activities and his responsibilities, I do not think it is unreasonable. I support the Bill.

The Hon. M. B. DAWKINS (Midland): I support the Bill. Briefly, I endorse the comments made by my honourable colleagues. As the Hon. Mr. DeGaris has said, it is about two years since the last increase was granted. I support the view that top-ranking public servants should receive an adequate salary in keeping with their positions. I believe that the proposed increases are proportionately just. The Government is to be commended for introducing this Bill because it provides justice for our senior officers. Increases seem to be the order of the day, and one does not really know what will happen eventually. However, as everybody has received increases, I believe this Bill is justified.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

[*Sitting suspended from 5.44 to 7.45 p.m.*]

ELECTRICAL ARTICLES AND MATERIALS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 24. Page 1577.)

The Hon. C. D. ROWE (Midland): I rise to support this Bill because I think it improves the legislation that was put before us last year. It purports to amend the Act in three ways. First, I think it provides that where an article is approved in other States we will agree to that approval here. This seems to be a reasonable requirement from the point of view of administration. I think there is a certain degree of reciprocity between the Electricity Trust (the approving authority in this State) and the appropriate bodies in the other States, and it seems to me that if a stamp or mark is attached to an article to indicate that it is approved in another State it is reasonable that it should be approved here.

I consider that probably this is something in which South Australia can gain rather than lose, because I would think on balance that we export more electrical articles to other States for sale there than we import from those States. In the durable consumer goods industry, in such things as washing machines, radiograms and electrical appliances of many kinds, I think we sell outside the State considerably more than we actually consume in this State, and the fact that another State recognizes the mark that has been put on an article in this State is, I think, to our advantage.

I notice that there is provision for our not approving another State's mark in certain circumstances if we feel that is advisable in the interests of safety. I cannot see that this power would be exercised very often, but it is a power that I think we should have up our sleeves, if I may use that term, to meet the circumstances in particular instances. Another provision deals with the question of prohibiting the sale or hire or the use of unsafe or dangerous articles or materials. Apparently there is certain procedure set down at present that must be followed. Quite frequently it happens that an article is not approved. The

trade then gets to hear that approval is not to be granted or that it is to be cancelled, and some people immediately take advantage of this and either unload the unsafe articles or get such a quantity of them into their stores that they beat the gun, as it were.

It is proposed under this Bill to give the authority the power to prevent that kind of thing happening, and this to me is reasonable. This is a power which I think must be used reasonably by the people who are purporting to exercise it. I can imagine that a wholesaler or retailer here may come into possession of goods, not having any idea that there was any difficulty or problem about their unsafe nature, and such a person could find himself, without any guilt on his part and without any knowledge of the matter, in possession of these articles. I think the authority would see that this power was exercised in such a way as not to do harm to a person who *bona fide* found himself in rather an unfortunate position.

The Bill brings about certain other amendments really by virtue of Statute law revision. I think those matters are quite obvious in reading the Bill and that they need no further elucidation. I do not know whether the Minister is able to give us any information about the effect of the legislation that we passed last year. At that time I doubted whether it would achieve what it set out to achieve, namely, to make electrical wiring and so on safer. We had legislation last year to do that, and I do not know whether sufficient time has elapsed to enable an assessment to be made of what the effect of that has been. I am interested to see the results of controls of this kind in South Australia.

The Hon. JESSIE COOPER (Central No. 2): I rise to support the Bill, if only briefly. I do so mainly because what is called "the one certificate system of approvals" will, if the Bill is passed, become the rule in South Australia. This system, by which an approval by a State authority of an electrical article or material is accepted by other States, has been adopted by all States except Victoria (which is in the process of considering the matter) and South Australia.

Therefore, from the point of view of uniformity (although I do not necessarily say that uniformity for uniformity's sake is wonderful), I give this Bill my approval and commend the Government for introducing it. At present in South Australia, even if an electrical article has been approved by an interstate authority, application must still be made for it to be approved. This is a cumbersome way of doing things, and the Bill will get rid of that. Secondly, I support the Bill for reasons of safety. The Hon. Mr. Rowe has given that matter his full attention. To my way of thinking, these are the two main points in the Bill.

The Hon. H. K. KEMP secured the adjournment of the debate.

CATTLE COMPENSATION ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendment to the Legislative Council's suggested amendment:

> Leave out "the amount of interest referred to in subsection (2) of this section" and insert in lieu thereof "twenty-five thousand dollars in any financial year".

The Hon. S. C. BEVAN (Minister of Local Government): I move:

> That the amendment of the House of Assembly to the suggested amendment of the Legislative Council be agreed to.

I should like to bring further information before the Committee in support of the House of Assembly's proposed amendment. Some figures were given previously in relation to the fund itself, and I am now able to give a little more information regarding the fund.

The Hon. C. R. Story: It is a pity we couldn't have got the figures earlier.

The Hon. S. C. BEVAN: The fund as at July 1, 1966, stood at $275,000. Receipts during 1966-67 for stamp duty, etc., were $34,299, and $10,608 for interest, a total of $44,907. Payments during 1966-67, including $741 for administration charges, amounted to $14,842. This left a balance at June 30, 1967, of $305,000, which was a gain to the fund in the financial year 1966-67 of $30,000. The tuberculin testing proposals require provision of $9,500 from revenue, and the estimated cost of the expanded programme, with the inclusion of new areas (Yorke Peninsula) and adjustment to fees, amounts to $16,750. We can see by these figures that the fund is rather buoyant.

The Hon. H. K. Kemp: Of course it is: it is our fund.

The Hon. S. C. BEVAN: When we look at the reasons for expansion of testing we find that major meat importing countries (especially the United States of America) will in the very near future require a level of certification of freedom from tuberculosis that is not possible under the present programme. The present programme has achieved its maximum degree of eradication without extension of testing to marginal and selected pastoral areas. Fees

paid for testing have had only minor adjustments since its inception in 1952, and it will be difficult to continue the existing programme at the present fees. In addition to this, it is proposed to commence a survey of the incidence of tuberculosis in herds in the pastoral areas in 1967-68. This is designed to identify specific sources of reinfection so that testing may be directed at these points. (An approach has been made to the Commonwealth for funds for this purpose).

The proposed extension of the purposes for which the funds can be used to include testing is not incompatible with the original purposes of the fund—"to provide that compensation may be paid to owners who suffer loss by reason of the destruction of cattle or carcasses which are infected or suspected of being infected with a prescribed disease". The major aim of these proposals is to prevent loss to the industry through inability to meet the requirements of importing countries in respect of the certification of meat and dairy products with regard to these prescribed diseases.

The more complete the testing programme the the fewer will be the claims for compensation against the fund. Therefore increased testing provides increased protection to producers against losses from tuberculosis. The pastoral cattle industry subscribes the largest portion of the fund and at present does not benefit from any testing programme. The proposed amendments will enable pastoralists to share more directly in the benefits of the compensation fund. There are no prospects of any major outbreak of any of the diseases listed under the Act with the possible remote exception of pleuro-pneumonia (and this risk is receding annually). The principle of the fund was designed to protect against such a contingency.

As 1966-67 was a year of decreased sales of cattle (and therefore decreased intake of stamp duty) it is expected that the new decimal rates of stamp duty will, in a normal year, result in a sharp increase in the annual intake to the fund. There are no circumstances within sight which would indicate that a testing programme could be staged which would exceed a cost of $25,000 a year (including expanded programme already designed plus any testing in pastoral areas which might be necessary following the survey of incidence). With the progressive reduction in claims for compensation which will arise following an expansion of testing it is confidently estimated that the present rate of stamp duty can be reduced in the near future after providing for all the proposed testing programmes and normal compensation claims.

Last year the Act was amended to reduce the stamp duty payable by cattle owners into this fund, and the Minister of Agriculture intends to introduce a Bill again next year for a further reduction because of the fund's buoyancy. The extra precautions and expanding programme should have a lessening effect on payments, so this seems a logical step to take.

I understand that the Minister of Agriculture has had discussions with representatives of the Dairymen's Association, the United Farmers and Graziers Association and the Stockowners Association even since this Bill was last before this Committee, and I have been informed by the Minister that, after discussing the proposed amendment now before us from another place, the representatives of those organizations are in agreement with it.

The Hon. H. K. KEMP: We have heard many words from the Minister, but the issue here is simple. The money involved in the trust funds has been contributed by and belongs absolutely to the dairymen, etc., who for many years have raised cattle and sent them for slaughter or for sale in South Australia.

This money belongs completely, utterly and irrevocably to the breeders. It has been put into the fund for one simple purpose, to compensate them for the loss involved when the Government decides that cattle shall be slaughtered. This money is now to be used by the Government to pay for the inspections that lead to slaughter.

In the past, such inspection has been paid for by the Government, but now it wants to take the fund designed to compensate breeders for the slaughter of their cattle to pay for further inspections. The individual has not been consulted in this matter. The leaders of the various associations that the Minister has just detailed have given permission for this money to be used, but I do not think the individuals who have contributed understand what has been put over. They have been engulfed in a blaze of words—a position similar to one or two petunia plants growing amidst a mass of different plants.

I should hate to be a petunia in an onion patch! This onion patch at the moment is very large. We are completely divorcing ourselves from truth and justice. The farmer should not have to pay for these inspections.

I oppose this amendment to the utmost. It is wrong. This money has been contributed by us, by every person who has sold a bobby

calf or an old dairy cow. It should not be taken by the Government and used for the purpose of further inspection which will result in further slaughter.

The Hon. R. C. DeGARIS: I sympathize greatly with the views aired by the Hon. Mr. Kemp. During the previous debate in this Committee it became clear to us all that some money was to be taken from a fund set up for a specific purpose and used for another purpose. We clearly indicated that some limitation should be placed on the amount of money that the Government could use from this fund. The Treasurer at present is paying interest on this fund, a payment not made previously. When interest was payable, we felt it reasonable that the Government could use the interest money for a purpose different from the original one.

This was the correct approach, that in this regard the Government had the right to use the interest on this fund for the purpose indicated in the Bill. I am convinced that the attitude of this Chamber was correct. Since then primary-producing organizations have agreed to a limit of $25,000 being allocated to extend tuberculosis testing. The Minister showed that the fund is growing at the rate of $25,000 to $30,000 a year, but these figures do not relate to the present case. I understand that it is intended to increase the $9,500 a year to a total of $16,750, but the interest that should have been paid would cover the expenditure required to extend the services. As these organizations have agreed to a limit of $25,000, I support the motion.

The Hon. C. R. STORY: During the previous debate I read a letter, and I think it is so important that I repeat it, as follows:

Sir,

Cattle Compensation Fund

I desire to inform you that the question of the Cattle Compensation Fund was discussed at the State Conference of the United Farmers & Graziers of South Australia Incorporated last week in Adelaide. After a lengthy discussion on this matter the following resolution was carried:

> That the United Farmers & Graziers of South Australia Incorporated oppose any legislative action which proposes the appropriation of moneys from the special fund being allocated to any other fund than that for which the money was received.

I trust you will give this matter your favourable consideration.

Thanking you,
T. C. Stott, M.P.,
General Secretary.

This letter was the result of a resolution passed at the conference of the United Farmers & Graziers of South Australia Incorporated. Originally, funds provided were to be used for a certain purpose and not, as the Government intends, used for other purposes. Although we received the letter to which I referred, it seems that these organizations have now agreed to something with which they did not agree at an earlier time. The Government met a deputation which, apparently, was given additional information that was not available to this Chamber. These people were wooed, and have now agreed to a certain course. This fund was set up for a specific purpose and, if people who contribute to it agree to the present action, I do not oppose it, but if this Committee had received information that has now been made available, perhaps it would not have taken the attitude it did.

The Hon. R. A. GEDDES: Is the $9,500 to be taken from the Cattle Compensation Fund $25,000, or from revenue?

The Hon. S. C. Bevan: It comes from revenue, and will continue to do so.

The Hon. R. A. GEDDES: The $9,500 will be used to control tuberculosis in the Metropolitan Milk Board area?

The Hon. S. C. Bevan: Yes.

The Hon. R. A. GEDDES: The $16,750 will be used to eradicate tuberculosis in other areas?

The Hon. S. C. Bevan: Yes: it includes new areas such as Yorke Peninsula and for the 1967-68 financial year it will total $16,750.

The Hon. R. A. GEDDES: Apparently, grower organizations' representatives were coerced into agreeing to $25,000, and were promised that bank interest would be paid. Will the Commonwealth Government assist?

The Hon. S. C. Bevan: It has been requested to assist, but I do not know whether it will.

The Hon. C. R. Story: It was not asked.

The Hon. R. A. GEDDES: I am under the impression that, because of the health angle associated with bovine tuberculosis, there is some liaison between the authorities. Much has been said about the procrastination associated with the prostitution of trust funds by a back-door method. I disagree with this principle. However, I see the merit of defeating tuberculosis in the paddock, because farmers and gaziers will be acting before that disease reaches the abattoirs, and the fund will benefit. With the growth of dairy meat, cheese, or other dairy commodities, it is essential that a certificate be granted. I support the House of Assembly's amendment.

The Hon. L. R. HART: There seems to be considerable misunderstanding on the Bill brought about by the lack of information given to the Council in the first instance. I secured the adjournment of the debate after the Minister's explanation was given; and that explanation did not indicate that agreement had been reached with any of the producer organizations. I therefore contacted representatives of those organizations. The representative of the Stockowners Association of South Australia indicated that discussions had been held with the Minister although the organization had not seen the Bill; that applied also to the United Farmers and Graziers Association of South Australia. That comment is borne out by what has transpired since, as indicated in the letter read to honourable members by the Hon. Mr. Story.

The Minister of Agriculture stated that if a certain course had been followed further information would have been available; had that information been given to honourable members the present confusion would not have arisen. The Minister now says that agreement has been reached with the two main producer organizations, but that it had not been reached before the introduction of this measure. I have discussed the measure with the representatives of those organizations since they have had further discussions with the Minister, and they have indicated that they will accept the Minister's suggestion. I asked them whether the Minister had indicated that the Government would be prepared to continue to contribute $9,500 from general revenue, and they said he had. Will the Minister of Local Government now say whether the Government intends to continue to pay that sum from general revenue to the fund, and whether further finance is required only to extend the scheme? I understand that the Dairymen's Association has not indicated whether it agrees to the amendment, although the two main producer organizations have indicated that they will accept the Minister's assurance.

The Hon. R. C. DeGaris: I think the Minister said that the Dairymen's Association had agreed, too.

The Hon. L. R. HART: I am pleased to hear that. Because of unanimity amongst the organizations, I do not intend to oppose the measure, but I emphasize that adequate information should have been given to this Chamber in the first instance. I was surprised to hear the Minister say that the Minister of Agriculture intended to introduce a Bill next year reducing the amount of stamp duty. Will he say whether this has been discussed with the producer organizations and whether they agree at this stage, without knowing what the expanded programme is likely to cost the fund? I think an opportunity should be given to prove whether the expanded programme will result in further compensation before the Minister indicates that he intends to reduce stamp duty. I support the suggested amendment.

The Hon. M. B. DAWKINS: I, too, am unhappy that insufficient information was given to this Chamber in the early stages. I, also, received the letter quoted by the Hon. Mr. Story and I understand that since that time representatives of the organizations concerned have consulted with the Minister of Agriculture and agreed to the present proposal. Because of that, I do not oppose the present compromise. I understand that the Government will continue to contribute $9,500 to the fund. Will the Minister state the rate of interest paid on this fund and whether that should be mentioned in the Bill?

The Hon. S. C. Bevan: It was the ordinary State Bank rate, and that will continue.

The Hon. M. B. DAWKINS: In any case, I am not happy about the solution. I think there should have been more consultation with the rank and file members of the organizations concerned because of the contradictory information: we had a letter that opposed the proposal and now we are told that representatives of the organizations have agreed to the House of Assembly's amendment.

The Hon. R. C. DeGARIS: When the Bill was received in this Chamber, clause 7 (3) (*b*) read:

> The fund shall, subject to this Act, be applied to the payment of any sums agreed to be paid by or on behalf of the Minister under part IIIA of this Act not exceeding in the aggregate the amount of interest referred to in subsection (2) of this section.

As amended by the House of Assembly, this will provide that the expenditure shall not exceed $25,000 in any financial year. Does this mean that $25,000 will be paid in each year? Is the total sum to be paid or will only the sum required for the particular purpose be paid from the fund?

The Hon. S. C. BEVAN: I believe it means that a sum not exceeding $25,000 can be paid from the fund in any financial year. It will be an amount up to $25,000.

The Hon. R. C. DeGARIS: I believe the Minister said that the interest paid in the last financial year was $10,608.

The Hon. S. C. Bevan: Yes.

The Hon. R. C. DeGARIS: The relevant provision states that the Treasurer may pay interest at a rate he decides from time to time. No guarantee exists in the legislation that the bank rate of interest will be paid to the fund every year. I should like the Minister's assurance that the bank rate of interest will be paid. Perhaps it might be safer to include a provision in the Act to this effect, because the Government at present occupying the Treasury benches may not always do so.

The Hon. S. C. BEVAN: Perhaps the honourable member is casting a reflection on his own Party, because surely he is not afraid that his own Party, if in office, would repudiate this?

The Hon. R. C. DeGaris: We could find money in other ways to do this.

The Hon. S. C. BEVAN: Because circumstances may change, the Bill does not specify that a certain rate of interest shall be paid. However, the Government does not intend to alter the interest rate from the present position, which is that the ordinary State Bank interest rate applies. I can give an assurance that the Government does not intend to alter that rate.

The Hon. R. A. GEDDES: I accept the Minister's assurance, but it must be remembered that the Treasurer, the Under Treasurer and the Auditor-General are not bound by assurances given in this place: it is what is written in the Bill that counts. The Minister of Agriculture made a firm promise to the leaders of two organizations (the United Farmers and Graziers Association of South Australia Incorporated and the Stockowners Association of South Australia) that bank interest would be paid. It is not sufficient to accept the Minister's word when we remember that these organizations were wooed into accepting that $25,000 a year was a fair and just proposition by certain promises given by the Minister of Agriculture during the course of negotiations. Will the Minister agree to an amendment to include in clause 7 words to this effect: "that the current bank interest rate shall be paid to this fund"?

The Hon. S. C. BEVAN: The honourable member referred to the Under Treasurer and the Auditor-General. However, this is a matter for Cabinet; it has nothing to do with the Auditor-General and the Under Treasurer. The Bill refers to the Treasurer but these matters are not determined by one Minister: they are determined by Cabinet. The Government has decided that interest shall be paid and that it shall be at the current bank interest rate, and it has no intention of altering this. I see no necessity to attempt to write into the Bill something which could become impracticable later. I have already given an assurance to the Leader of the Opposition that the Government does not intend to alter the principle it has adopted of paying the normal State Bank interest rate to this fund. It is not up to me to say whether or not I accept an amendment as suggested: that is for the Government to say. However, I can see no necessity whatever for such an amendment. If the fears that have been expressed by honourable members were justified, then the Government would not have agreed to pay interest in the first place.

The CHAIRMAN: This Committee cannot introduce a further amendment: it must either accept or reject the amendment before it.

The Hon. C. R. STORY: The Hon. Mr. Geddes referred to two people who interviewed the Minister of Agriculture before this amendment was introduced, and those two people were not the Under Treasurer and Auditor-General, to whom the Minister referred. The Hon. Mr. Geddes said that an undertaking had been given to the leaders of two organizations, the Stockowners Association of S.A. and the United Farmers and Graziers Association of S.A. Inc. As I understand it, those gentlemen were part of a deputation led by the member for Ridley to the Minister of Agriculture. As a consequence of that interview, those gentlemen were convinced that the Minister was sincere in saying that bank interest would be paid. However, bank interest can mean several things; it can mean fixed deposit bank interest, current account bank interest, overdraft bank interest, or bank interest generally in the loose term. Previously the information was not available to the Committee as to what interest was actually being paid. I should like to know just what interest is being paid, and at what rate, in relation to this fund, because I believe the two gentlemen concerned came away from the meeting with the Minister believing that interest was to be paid at the current rate of the State Bank. This rate, if one wanted to borrow money from the State Bank, would be about 6¾ per cent at present; if we consider some other form of bank interest, it is a difficult matter. These people came away quite convinced, and I do not want them to be let down by anything they have misunderstood from a Minister of the Crown, because they would be hurt. However, they would not be hurt as much as the Cattle Compensation Fund would be hurt.

House of Assembly's amendment agreed to.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from August 24. Page 1560.)

The Hon. V. G. SPRINGETT (Southern): The main purpose and principle of this Bill is increased road safety for all road users, and anything directed to this end is worthwhile. There is a relationship between excessive alcohol consumption and dangerous driving, which relationship is just as real as the relationship between heavy cigarette smoking and lung cancer.

The alcoholic is a sick person, and society has only recently begun to recognize and accept him as such. However, a person does not have to be an alcoholic to be dangerous when driving a motor car. He does not have to be a habitual, hardened or compulsive drinker: he can be a menace if he has had only a few drinks. A survey has recently been published that was based on studies made in Detroit, United States of America, and the inference drawn is that alcohol is associated with more than half of the deaths that occur on the roads.

This Bill provides an arbitrary level of alcohol concentration in the blood beyond which it is an offence to drive; this level is to be determined by a breathalyser test, and this test is to be demanded by the police upon reasonable grounds of suspicion. The results of this test can then become *prima facie* evidence that the concentration was at this level for two hours prior to the taking of the test. The provisions in respect of this matter are extensive and affect a person's liberty in relation to society as a whole.

This Council was told last week that this legislation might be reviewed within 12 to 18 months to see whether the permissible level of blood alcohol concentration should be lowered and whether random roadside tests should be introduced; neither provision is part of this Bill at present, and both provisions (especially the latter) might be very contentious. Before any person is granted a driving licence he must state whether he has any known disability that would impair his capacity as a driver; if he has, he must submit to a special test or he is not allowed to have a licence.

This Bill deals with one of the commonest causes of temporary impairment of a person's ability to control with the minimal risk to the community what is virtually a lethal weapon upon the roads. As long ago as 1927 a British jury found a defendant "guilty of being incapable of driving a motor car, this incapability having been brought about by alcohol, but the verdict was that he was not drunk—not drunk to the extent that we have in mind when we use the term 'a drunken man'." He was found guilty, and the case went to the Court of Criminal Appeal where one learned judge remarked that the term "drunkenness" meant what an ordinary, reasonable person would consider such, and the conviction was quashed.

The term "incapable of having proper control of a vehicle because of the influence of drink or a drug" therefore came into being. "Incapable of having proper control" very soon became confused with "drunk or incapable", and the phrase "drink or a drug" has tended to suggest that alcohol is not a drug, which, of course, it is. Interested and concerned groups of persons attempted, therefore, to seek a definition of "the amount of alcohol commonly regarded as having a deleterious effect on the driving capacity of a person in charge of a motor vehicle".

A special investigating committee has published a report showing the relationship between alcohol consumption and road accidents. One of its conclusions is that relatively low concentrations of alcohol in the tissues cause a deterioration in driving ability and increase appreciably the likelihood of accidents. The report then goes on to say that a concentration of 50 milligrams of alcohol in 100 millilitres of a person's blood, or (as we would call it) 0.05 per cent, whilst he is driving a motor vehicle is the highest level that can be accepted as entirely consistent with the safety of other road users.

The report goes on to state that whilst there may be circumstances in which driving ability will not depreciate significantly when this level is reached the committee is impressed by the rapidity with which deterioration in driving ability occurs when the blood alcohol level is in excess of 100 milligrams in 100 millilitres of blood, or 0.1 per cent.

The basis of the legislation we are considering is that it is sufficient to prove the offence if the ability to drive properly is for the time being impaired by reason of alcohol. Studies in more than one country have confirmed that there are very few people in the world whose ability to drive properly without increased risk of accidents is not significantly affected at blood alcohol concentrations exceeding 80 milligrams for every 100 millilitres, or 0.08 per cent.

I draw the Council's attention to what is meant by blood alcohol concentration. Ethyl alcohol is the active pharmaceutical ingredient in the drinks that we label "alcoholic", to which is added various types of fusel oil. These vary with the type of drink and they affect the rate of absorption of alcohol into the bloodstream and the rate of excretion of it from the bloodstream.

Therefore, the test that we call a blood-alcohol concentration test is made to estimate the degree of ethyl alcohol in the blood. When it is absorbed into the body, ethyl alcohol goes very rapidly into the bloodstream and reaches its peak within anything from 15 to 90 minutes. This varies with many factors. It varies mostly, perhaps, with whether or not we are drinking socially, because in quiet social drinking taking place over a period of time the alcohol is being absorbed into the blood but at the same time it is being excreted from the blood, so there is no uniform level to estimate.

It also varies with the types of drink, and it varies with the concentration of ethyl alcohol in the individual drink. The presence or absence of aeration of the drink makes a difference, and the weight of the body and the degree of fatness makes a tremendous difference. It depends on whether or not we have eaten food with our drink, and it depends on whether or not there are fusel oils present. It depends on whether we are habituated to alcohol or not, and it depends on whether we are tired and on whether or not we are suffering from some hidden, unsuspected illness. All these things can affect the speed at which we absorb alcohol and the speed with which we excrete the alcohol.

The basic fundamental of all our laws is that any suspect is given the benefit of the doubt. May I remind honourable members that to produce a blood-alcohol level of 80 milligrams per 100 millilitres, in other words, .08 per cent, in social drinking taken slowly over a couple of hours with food, it requires nine and even possibly 12 single whiskies.

The Hon. R. A. Geddes: Half whiskies?

The Hon. V. G. SPRINGETT: Yes, half or single whiskies.

The Hon. S. C. Bevan: That is, the ordinary nip?

The Hon. V. G. SPRINGETT: Yes.

The Hon. Sir Arthur Rymill: Is that one ounce or half an ounce?

The Hon. V. G. SPRINGETT: A single whisky is five-sixths of a fluid ounce, so it is nearer an ounce. If a person likes beer instead, it means somewhere in excess of 4½ pints of beer, again taken with food over a period of time. I think most of us would feel a certain discomfort with that number of whiskies or that amount of beer, without having a good deal of food and a great deal of time at our disposal.

The Hon. D. H. L. Banfield: You might not recognize the discomfort until the next morning.

The Hon. V. G. SPRINGETT: I agree with the honourable member; it might be very pleasant at the time. In other words, it appears from these figures that there is incontrovertibly a relatively constant relationship between the blood-alcohol concentration and the ability to drive properly. What tests have been devised to define the blood-alcohol level? There are three main types of test. One is an actual blood test itself. Some people think that because the blood is taken directly from the circulation it should give a better reading, but there are certain factors which make this not entirely correct. The blood is usually taken from a vein in the arm. The alcohol is taken into the mouth; it is absorbed and goes into the liver, and there is a lag between the levels read as actually present in the liver and the levels read in the blood taken from the arm. There is a definite lag which makes that test not too certain.

Then there is the excretion or urine test. The snag with this test is that the maximum concentration is not reached in the specimen examined until at least 20 minutes after the peak has been reached in the blood level. The third test is an estimation of the alcohol content of the breath. The breath is exhaled. This test gives the most constant ratio with the blood-alcohol concentration, although it is definitely stated on authority that at least 20 minutes must elapse from the time the subject has taken his last drink to the time the test is done, if there is to be a reasonable chance of getting the peak blood-alcohol level registered.

Of these three methods, the breath analysis is the ideal one for everyday use. There are three main methods of taking this type of test. The first method is by using a breathalyser itself; the second test is using it in conjunction with plastic bags; and the third one is made by a more complicated type of machine which bears the name of Kitagawa-Wright apparatus. That is more complicated, and it is probably not the one we want. The breathalyser test itself consists of breathing a quantity of air from the body into the machine. In this machine there is a chemical solution which is

essentially potassium dichromate. If there is alcohol present, the colour changes from yellow to green, and the degree of change varies with the degree of alcohol present in the breath. Incidentally, before taking the test one must be very sure that there is no alcohol in the mouth or in the upper respiratory tract, otherwise it would give a slightly misleading reading. The degree of change in colour is measured photo-electrically. This is calibrated against a scale, and it indicates the blood-alcohol level present in the subject tested.

Used with plastic bags, it is a similar type of process, except that the patient breathes into a self-sealing bag and the test can be done at a later date. This is very useful in certain circumstances for medical reasons. The third one has a similar sort of colour change due to chemicals in a tube. The direct change of colour indicates just that alcohol is present; the distance to which the change occurs along the tube indicates the degree of alcohol present. All these three machines have been tested simultaneously on groups of people and have all given more or less exactly the same sort of reading. In other words, they are suitable. They are comparable and well correlated, and it does not matter which one of these machines is used. However, for practical purposes the first is the one that is usually used.

There is one further point to which I should like to draw the attention of honourable members, and that is the question of back calculation. Such calculation is based upon the fact that there is some delay between the time when the alleged offence is committed and the time when the test is made. It takes, according to world authorities, between 15 and 90 minutes for the peak concentration to occur in the blood following a drink of alcohol; in most cases little more than 30 minutes.

Therefore, if a motorist is detained by the police and a certain amount of time elapses before he is tested, the point that I referred to earlier, which was given to us last week and is in this legislation—that "when the test is taken, the level that is found can be back calculated for up to two hours"—arises, and it is getting a little dangerous and dicey; it is causing suspicion, sometimes unfairly, about a person's habits for the previous two hours, because the average maximum time for reaching the peak is 30 minutes. He may have been drinking 15, 30 or 90 minutes before, but this is rather stretching the limits, according to the calculations of people in many countries who have studied this problem. Scientists claim that back calculations should not be encouraged, because it is too uncertain a method and, in any case, there are too many variables. This is getting dangerously near to weighing the scales against the suspect.

Other factors have to be taken into account. For instance, testing a man on a cold winter's night after he has had some drinks and back-dating that to 7 o'clock would give an entirely different reading from testing the same man on a summer's night at the same time and back-dating that to 7 o'clock. There are so many variables and this is getting to be one of the more dicey ones. A person suffering from diabetes has acetone in his blood, which might make a difference in this kind of test. A diabetic would give a different reading in so far as he had much sugar in his blood. Another factor is the presence of co-existent injuries: in other words, the use of a breathalyser analysis in tests does not remove the need of a careful clinical examination of any person suspected of being under the influence of alcohol. No man is qualified medically without being taught the importance of looking for co-existent injuries.

There are tragic cases where a man has been taken to a police station instead of being sent to a hospital. Because a person smells of alcohol it does not mean that the alcohol content of his blood is too high. A man may have been knocked down or had a heart attack or suffered a brain injury. The breathalyser test and other forms of investigation can say what degree of alcoholic concentration there is in the blood, but other things can co-exist. All suspects require a full and careful medical examination. Another thing that the Bill lays down is that the patient shall be tested at, amongst other places, a police station. I presume that the tests will be done by the police.

The Hon. A. J. Shard: That is the usual practice.

The Hon. V. G. SPRINGETT: I hope so, and not by a doctor. A person lying in the road may be taken by ambulance to a hospital, where it is found he has certain injuries. The doctor brings to that patient the relationship of a practitioner to a sick person, and for that practitioner then to have to go to court and be used as an official giving evidence against that patient is unfortunate. This has been emphasized in an article in the *Australian Medical Journal* dated August 19, 1967, based upon investigations of cases in Melbourne. The writer considered that breathalyser tests have a place in hospital for deciding how much a person's condition is due to alcohol and how much is due to injury. However,

he emphasizes what I should like to emphasize here tonight, that we do not consider, should such tests come into being (and they ought to be available in any large hospital for obvious reasons), that it should be made mandatory for the results of investigations to be introduced as police evidence—medical evidence may be, but not police evidence. So far, therefore, I am in sympathy with those who support this Bill although I have certain reservations that may be mentioned later.

The Hon. G. J. GILFILLAN (Northern): I compliment the Hon. Mr. Springett on the learned and comprehensive analysis that he has just made of the use of the breathalyser machine. I agree with the principles contained in this Bill. It was foreshadowed some time ago by the Government when reporting on the Royal Commission on Licensing that, in making this recommendation, the Royal Commission took into account the effect that the use of the breathalyser test had on road accidents in Victoria when 10 p.m. closing was introduced in that State. Is is interesting to read in the Minister's second reading explanation that that is the only part of the Commissioner's recommendations about the use of the breathalyser machine included in this Bill.

The Hon. S. C. Bevan: The Commissioner wanted to make it much tougher.

The Hon. G. J. GILFILLAN: I agree with the Minister in his interjection, but to include all those recommendations would have made the introduction of that machine into South Australia repugnant to the community and to the road users. Random roadside tests, a matter raised in the report, is not included in the Bill, and I consider that this would be unduly interfering with the rights of road users. The Bill goes far enough as it stands. New section 47e allows considerable discretion to a police officer, and difficulties could arise. However, if the force shows the same degree of discretion when administering this Act as it does when administering others, safety on our highways will be improved. Concerning new section 47g, it would be difficult for a defendant to prove in rebuttal that he did not have the specified amount of alcohol in his blood two hours previously. The breathalyser may prove a certain concentration of blood at a particular time.

The Hon. F. J. Potter: It is not to say that he had the same concentration two hours previously.

The Hon. G. J. GILFILLAN: If new section 47e is coupled with 47g many difficulties arise. I strongly question the words:

> . . . evidence of the concentration of alcohol present in the blood of that person at the time the breath of that person is analysed by the instrument and during the period of two hours before the analysis.

How can a person prove that he did not have a concentration of alcohol in the blood at a certain time?

The Hon. F. J. Potter: It is the same trouble a man gets into when trying to prove an alibi.

The Hon. G. J. GILFILLAN: I do not think a person can prove that he did not have a certain concentration at a certain time. The average time to reach maximum concentration is 30 minutes, and a period of two hours puts an unfair onus of proof on a defendant. Generally, I agree that some check on drivers would preserve reasonable safety on the highways, but I believe that it should not go beyond a certain point. I hope that this provision will be administered with common sense and with consideration for the public when testing suspected drivers. Clauses 7, 8, and 9 refer to lighting-up times: they alter sections 111, 119 and 122 of the principal Act by striking out the words, "half an hour after sunset" and "half an hour before sunrise" and inserting the words "sunset" and "sunrise". I believe this to be a more practical approach in the interests of road safety. With the reservations I have mentioned, I support the Bill.

The Hon. H. K. KEMP (Southern): I believe that the blood alcohol limit of .08 per cent mentioned in the Bill is a sensible one, but it must be appreciated that a diabetic is likely to have a fairly large concentration of acetone in his breath and that this will considerably contaminate a breathalyser reading. Quite a large proportion of the population has such a condition and often does not suspect its presence. I do not think that this has been properly appreciated and it has not been recognized in the Bill. Under the Bill, any breathalyser reading of .08 per cent, whether due to alcohol or other material, would be grounds for a conviction. The condition I have mentioned is common, but apparently the Government considers the breathalyser the be-all and end-all of the matter. People will be placed in a defensive position in which their social worth is questioned.

I believe that the most dangerous man on the road is one who is easily affected by a small concentration of alcohol and who becomes aggressive. We had a term for such a person during the Second World War: a two-pot screamer. I believe a man of that type

to be more dangerous than a person who was well aware that he had stepped over the line but who would drive home taking all necessary precautions. In fact, the former is a far more dangerous man, but he is rarely convicted because when stopped he can put up a good tale. There is no recognition of this. A person in such a psychological state as this is much more dangerous than the man who has been indulging but recognizes that he must take care.

Anybody exceeding the intakes mentioned by the Hon. Mr. Springett is likely to be convicted. That is right; but consideration should be given to the other dangerous drivers I have mentioned. I can see nothing in the Bill that takes cognizance of a concentration above .08 per cent. An assumption made a few minutes ago was that, if a reading of .05 per cent were calculated back for two hours, it would result in a concentration of .08 per cent and that could result in a conviction. This is not mentioned in the Bill, but it should be recognized that a reading of .08 per cent taken two hours after the detection of a person could mean that a much higher concentration of blood alcohol occurred earlier. That is a scientific possibility, but I do not think it can be taken into account in legislation of this nature. As long as .08 per cent is laid down as being the standard necessary before a complaint is lodged we cannot go any further. If a standard of .08 per cent from a reading taken two hours after detection is arrived at by calculation, that is a different matter.

The Hon. C. R. Story: Would the Supreme Court obtain a conviction under the old system if the blood alcohol content was .08 per cent?

The Hon. H. K. KEMP: No. That was a professional decision by a medical practitioner. No concentration of alcohol was mentioned. I believe that common sense should be used when considering the Bill. First, because of contamination that could be caused by other materials, the breathalyser test cannot be regarded as infallible. I have mentioned the presence of acetone in the breath of any diabetic, but two or three other materials could be expected to cause contamination if present on the breath of the person involved. The breathalyser is merely a simple reaction test: the breath merely changes the colour of potassium dichromate, used also in determining a number of chemical reactions. The fact that alcohol in the presence of CO_2 brings about such a change does not mean that that is the only means of changing the potassium dichromate. Perhaps the Hon. Mr. Springett will elucidate that point.

The Hon. V. G. Springett: A very slightly affected diabetic could give a reaction out of proportion to that of an alcoholic, I believe. A similar result after imbibing alcohol would suggest not an alcoholic but a paralytic.

The Hon. H. K. KEMP: Thank you; that is my understanding also. The best test that could be invoked is a hangover test, but no means seem to be available for doing this. The time that elapses between driving and testing should be given more careful consideration than has been given in the preparation of this Bill. No definite statement is made about the relevance of the time factor as it affects the blood alcohol content, and this matter needs clearing up. Everyone is sympathetic towards the need for legislation of this kind, particularly in view of the relaxation regarding the supply of alcohol that will occur shortly in this State. We cannot let the new licensing legislation pass without tightening up the means of detection, and the breathalyser test will make available a scientific means that will facilitate detection and avoid some of the arguments that have taken place about whether a person is capable of exercising effective control over a motor vehicle.

The Hon. C. R. Story: Does the Bill get over the problem that the Victorian court had in one case?

The Hon. F. J. Potter: That was quashed.

The Hon. C. R. Story: Does this legislation make that practice legal?

The Hon. H. K. KEMP: I am afraid I do not know about that. I think a protest should be made against changing the lighting up times. I remember that as a lad I appreciated having half an hour's grace in which to get home on my bike, which did not have lights. We all know that the previous times for lighting up, of half an hour before sunrise and half an hour after sunset, allowed people to drive without lights with perfect visibility during the greater part of the year. The new provision will mean that the Government can set a time statutorily at sunrise or sunset, which will not depend on the conditions of the day.

Therefore, a police officer will have only to refer to an almanac to prove a case against a person if that person has driven a vehicle without lights one or two minutes after the relevant times. I do not think there is any need to change the present standards. No practical protection will be afforded to anybody, no extra road safety, by altering the

standards. Although it may facilitate the wording of the Statute Books, this provision will not be of much practical use to the community. I support the Bill.

The Hon. F. J. POTTER (Central No. 2): I support the second reading. I am sure all members are indebted to the Hon. Mr. Springett and the Hon. Mr. Kemp for the fine contribution they made to the debate. They supplied certain technical and scientific facts to the Chamber that would not be within the province of many members. I do not pretend to be in any way scientifically minded, and I think the points raised by these honourable members are important. I believe that the concentration of .08 per cent blood alcohol content that has been fixed as a limit under the Bill errs on the generous side. To this extent it is interesting to see the report of the Royal Commissioner at page 117 where a statement, which was tendered as evidence before the Victorian Royal Commissioner, sets out fairly clearly the position regarding the blood alcohol content. This statement was signed by seven eminent medical men in Australia, and the four conclusions are as follows:

(*a*) For blood alcohol levels of .05 per cent and below, some individuals are impaired by alcohol but most drivers, even if affected, are affected only slightly. While deterioration in performance of tasks related to driving can be demonstrated below .05 per cent, increased liability to accident appears first somewhat above .05 per cent. It is, therefore, reasonable to say that at blood alcohol level of .05 per cent or less the person concerned is unaffected, in a practical sense, as regards road safety.

(*b*) Blood alcohol levels in the range .05 per cent to .10 per cent. All individuals are affected at or before .10 per cent is reached. In some people this may be largely compensated by slower or more careful driving—but even in these cases the person concerned is less able to cope with the demands made on his driving ability in emergency situations which often precede accidents and to this extent alcohol in this range is a contributing factor towards accidents. It is in this range that measurable increased liability to accident appears, taking drivers as a group.

(*c*) Drivers with blood alcohol levels above .10 per cent are affected to the extent that their driving becomes distinctly impaired. The impairment increases progressively as the blood alcohol level rises until at levels of .15 per cent there is substantially increased liability to accident.

(*d*) At levels of .20 per cent and above most people are obviously intoxicated. The increased risk of accident is now severe.

On the next page the report states that the Victorian Royal Commissioner quoted from Dr. Lane's paper in the following terms:

That the objectives of both the law and of community education should be to drive a wedge betwee the non-drinker and the moderate drinker on the one hand, and the heavy drinker on the other, so that the latter should be regarded as "out"—and that the wedge should be driven "somewhere between .05 and .08 per cent.

Of course, in Victoria it was decided to accept the lower level of .05 per cent. Paragraph (*a*) of the statement to which I have referred shows that in most cases in a practical sense the driver is unaffected at that level regarding road safety. This Bill adopts an upper limit of .08 per cent, and we can safely regard this as a fair deal for South Australian motorists.

This Bill's provisions are satisfactory in most respects concerning the protection of the community against any unwarranted interference by the police. After all, the Bill has been based solely on the recommendations of the South Australian Royal Commissioner, with the one exception that the Commissioner recommended that perhaps something could be done along the lines of introducing a random roadside breathalyser test. However, if one reads his report, one can see that he did not recommend that this be introduced forthwith but said that the operation of the legislation should be watched for 12 months from the date it comes into operation and that the Government of the day might then review its progress and consider whether a mobile unit should be used for random tests.

So, I think the Commissioner was eminently fair in suggesting that the legislation should be tried out and that, once the public had accepted the idea of these tests, the Government could consider whether random tests should be introduced. This provision creates a separate statutory offence, which will not do away with the present offence of driving whilst under the influence of alcohol or a drug.

The Hon. G. J. Gilfillan: Except that the same thing can lead to a more serious charge, can't it?

The Hon. F. J. POTTER: No; this is a separate statutory offence. The constable or prosecutor must elect whether he will charge the person under this provision.

The Hon. G. J. Gilfillan: But the evidence is admissible for the more serious offence.

The Hon. F. J. POTTER: That may be so; I have not looked at that aspect. The evidence that may be admitted for a more serious offence may be either the actual evidence of a medical examiner, who would give the evidence in the court as he does now, or the evidence of a blood test, which is often given now in support of a more serious charge. Regarding the question whether this evidence of a breath analysis can also be given, I presume that this would be so, because new section 47g provides that, if a test is taken, it may be used in support of a conviction under this new section or under section 47.

The Hon. Sir Norman Jude: If only .07 per cent were found by the officer, would he then charge the motorist with the higher offence? It seems a little Irish to me if he can.

The Hon. F. J. POTTER: If he found .07 per cent in this or in any other test, that might be one of the facts that could be introduced in evidence in proof of the more serious charge, but it would be the more serious charge that would be before the court in this case. In this separate statutory offence the recording of the .08 per cent analysis must be given by the instrument. The Hon. Mr. Gilfillan mentioned the question of evidence under new section 47g. The honourable member thought the fact that the machine had recorded a particular reading and that it was deemed to have been the accused's condition during the period of two hours prior to the analysis was difficult to overcome.

As I said earlier, it is often difficult for a defendant to prove an alibi. A person in some way or other under this particular section must have attracted the attention of the police to his condition in order to be required to submit to the test. The police officer who is requiring a person to submit to the test must be satisfied that during the last two preceding hours that person had been driving a motor vehicle or attempting to put a motor vehicle in motion. The driving of a motor vehicle, of course, is something that the police officer can himself observe. It may be that the man had had an accident, as a result of which the vehicle had been seen in a certain position or condition by the police officer at some time and he had, within a period of two hours after observing the accident or the vehicle, been able to catch up with the accused and require him to submit to the test, having felt on physical observation of the person that alcohol had been involved in the accident.

It seems to me that it is clear under section 47g that the evidence of the breathalyser test, which is *prima facie* evidence, does not affect the admissibility of any other evidence which can be given by the accused or the prosecution. Therefore, if the accused, even though he had had an accident 1½ hours previously, can produce witnesses to say that he commenced drinking only after the accident (perhaps to soothe his shattered nerves, for instance), this is clearly admissible evidence within this section to indicate that at the time he was driving the vehicle he could not have had that particular concentration of alcohol in the blood. In other words, he would be able to prove an alibi in some other way.

It may be difficult to do this, but I think it is clearly open to him to bring forward this evidence, if such evidence exists. If, in fact, this section completely shut out the admissibility of all other evidence (which it does not), I would agree that he would be in difficulty. The point raised by the Hon. Mr. Gilfillan would be adequate were it not for the fact that proposed new section 47 provides for the admissibility of other evidence.

The Hon. G. J. Gilfillan: You do not consider two hours too long?

The Hon. F. J. POTTER: As the Hon. Mr. Kemp has said, the difficulty is that with a reading of .08 per cent in the breathalyser test, the assumption may be that within a period of two hours prior to that the concentration was higher than it was then. I think that is what was said and that the Hon. Mr. Springett will agree with that.

The Hon. V. G. Springett: It could be higher or lower. There are too many variables.

The Hon. F. J. POTTER: Yes; or within, say, a period of one hour prior to the commission of the offence (which is, after all, driving or attempting to drive a motor vehicle while in this condition) that no liquor had been consumed. Once the opportunity is given to the defendant to bring other evidence to the court which will combat *prima facie* evidence of the breathalyser reading, that is probably as far as we can go to give him all the protection he normally enjoys in matters of this kind when he has to appear before a court. He is not precluded from bringing other evidence to say that during the relevant time of the two hours prior to the reading he did not or could not have had that concentration of alcohol in his blood when he was driving a motor vehicle. We must realize that there must be some relating back to that period. It may well be that in

most cases the actual detection or observation of the condition of any person is the prime cause of the police asking him to have a breathalyser test. In other words, the police officer observes certain conduct of the defendant at or near the time when he was actually driving or attempting to drive a vehicle, and it is that observation that leads the officer to require the test to be taken.

Of course, it can go further than that; a man can be required to take a test even though at the actual time of driving he may not have been observed by the police officer. He may be observed at some time within the two-hour period after the motor vehicle has been driven. This was the reason for the period of time laid down in the legislation. This was strongly recommended by the Royal Commission and is in line with what has been introduced in other States, particularly Victoria. It has also been established overseas. In fact, I have been told that in Sweden a man is invited to submit to a breathalyser test before he attempts to drive his motor vehicle, and that those instruments are available in certain public places in that country for tests to be taken before a man attempts to drive home. I do not suppose we have come to that yet, although I have heard that one or two instruments are located in strategic places in hotels in Victoria where one can take a sly test before deciding whether or not to drive a car.

In some respects, we have to be logical and say that, if that could be done in a practical way in our society, it would be most desirable. Because our society is what it is, there is no easy way to make people submit to a test at all hours and in all places before driving a motor vehicle. I support the second reading.

The Hon. R. A. GEDDES secured the adjournment of the debate.

ADJOURNMENT

At 10.17 p.m. the Council adjourned until Wednesday, August 30, at 2.15 p.m.