LEGISLATIVE COUNCIL

Thursday, August 31, 1967

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Public Purposes Loan,
Succession Duties Act Amendment,
Supply (No. 2).

QUESTIONS

DROUGHT ASSISTANCE

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

Leave granted.

The Hon. R. C. DeGARIS: I direct this question to the Chief Secretary as the leader of the Government in this Council, although the question may have to be referred to the Premier and Treasurer. As we all know, considerable difficulty is being experienced in some parts of South Australia because of the drought or near-drought conditions. I believe that the Government has applied to the Commonwealth Government for assistance in this matter. I believe further that Commonwealth assistance cannot be given to individual people, and that it can be given to the State Government only on the basis of budgetary difficulties consequent on the State's efforts to relieve hardship due to drought conditions. I ask the Chief Secretary on what basis an application has been made to the Commonwealth Government. Are there any obligations that need to be fulfilled to qualify for Commonwealth assistance and, if so, has the State fulfilled those obligations?

The Hon. A. J. SHARD: Obviously, I cannot at the moment answer that question. I do know that an application has been made to the Commonwealth Government for some grant-in-aid but under what conditions the request was made I do not know; I have never seen the letter. However, I do know that a Bill has been introduced to assist those unfortunate people who are suffering difficulties because of the present drought conditions. I shall be happy to refer the Leader's question to the Treasury and get a reply for him. If it is ready for him before we return after the Royal Show, I will see that he gets it; otherwise, I will have a reply for him after the show.

SEISMIC TEAMS

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question of the Minister of Mines.

Leave granted.

The Hon. R. A. GEDDES: When I asked questions of the Minister recently about seismic teams, he replied that one seismic crew was operating north-west of Gidgealpa on behalf of Delhi-Santos, and the other in the Eastern Officer Basin, south-west of Everard Park Station, on behalf of Continental Oil Company of Australia Limited. In a supplementary question yesterday, I said, "I take it that no Mines Department seismic crews are operating in the field at present?" The Minister replied that the department had two crews and that they were operating in those areas. From information I have received, I understand that neither of the companies mentioned by the Minister has seismic teams operating anywhere at all in South Australia. My chief concern in asking this question of the Minister now is: at the moment where are the seismic teams and plant owned and operated by the South Australian Mines Department?

The Hon. S. C. BEVAN: When the honourable member asked his first question, I referred it to the Director of Mines and got the reply that I have already given. I will again refer the matter to the Director of Mines to get further information from him and let the honourable member have it as soon as possible.

TOW TRUCKS

The Hon. SIR NORMAN JUDE: I desire your approval, Mr. President, and the indulgence of the Council to make a short statement prior to asking a question of the Minister of Roads.

Leave granted.

The Hon. SIR NOMAN JUDE: Some months ago (in fact, last session) Parliament passed a Bill amending the Motor Vehicles Act (or the Road Traffic Act). It was passed more or less as a matter of urgency because of the public outcry at the time about tow trucks. The Bill became an Act subject to proclamation, and then regulations would have to be framed. I have seen no mention of this recently. As it was regarded at the time, and probably still is regarded, as a matter of urgency, has the Minister an explanation of the delay in proclaiming the Act and framing the regulations under it?

The Hon. S. C. BEVAN: At the moment I could not give Sir Norman a full explanation. I understand that the delay has been caused

through some difficulty in framing the regulations under the Act. However, I will obtain the required information and let Sir Norman have a reply as soon as possible.

COMPANIES ACT OFFENCES

The Hon. C. D. ROWE: Some weeks ago I asked a question regarding the possible prosecution of certain companies (I think there were about 30) which, according to the Attorney-General, were alleged to have committed offences under the Companies Act. At that stage a reply could not be given because certain investigations were being made. I understand that there is a time limit within which such prosecutions must be brought; consequently, will the Chief Secretary ascertain the present position from the Attorney-General?

The Hon. A. J. SHARD: I shall have the honourable member's question further investigated and bring back a report.

WATER CONSERVATION

The Hon. A. M. WHYTE: I ask leave to make a short statement prior to asking a question of the Minister of Labour and Industry, representing the Minister of Works.

Leave granted.

The Hon. A. M. WHYTE: Much has been said lately about the need to conserve water in this State, and it is a very real problem. It appears to me that it will be impossible to expect people to conserve water on their own land when they cannot use the water that they are now rated for. I know that this applies in pastoral and farming areas in the same way as it does in the metropolitan area. Often a main passes through country, which country could be self-sufficient in respect of water but, because the landholders are heavily rated, they make no use of the water available naturally on their own properties because it would not be economical to do so. I am aware of the argument that the man at the end of the main will not receive any water unless owners of land traversed by the main are required to pay rates, but the position now is that the man at the end of the main will not get any water because there is no water to supply. Will the Minister ascertain from the Minister of Works whether any consideration has been given to the reprogramming of water rates with a view to improving this situation?

The Hon. A. F. KNEEBONE: I have listened with interest to the honourable member's question. I do not know whether he is advocating that the Government should reduce the quantity of water that needs to be used before excess rates apply! It sounded a little like that to me. However, I have no doubt that the honourable member is serious in his desire to conserve water, and I give him credit for this. I am sure that the departmental officers are examining every means of conservation, but I shall convey the honourable member's remarks to my colleague and bring back a reply.

CHOWILLA DAM

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

Leave granted.

The Hon. C. R. STORY: On August 1 I asked a question of the Minister representing the Chief Secretary regarding a deputation that I introduced to the Premier about three weeks prior to my question; the deputation was concerned about taking up with the Commonwealth Government the question of the Chowilla dam and the River Murray Commission, with a view to amending the Act under which the commission operates so that the various tributaries of the Murray River can be brought under the commission's control. I always try to satisfy my creditors every month, and it is about a month since I asked my question. Consequently, can the Chief Secretary give a reply now, and can he say what is happening at present concerning the Chowilla dam negotiations?

The Hon. A. J. SHARD: I always thought that debtors had 28 days to pay after the due date. I do not have a reply. Much has been said about the Chowilla dam since the honourable member asked his question. As he is keen for a reply I shall see that one is available on the resumption of sittings after the show adjournment.

The Hon. C. R. STORY: Following on the Chief Secretary's reply, I ask leave to make a statement prior to asking him a further question.

Leave granted.

The Hon. C. R. STORY: I take it that discussions are going on in Cabinet from time to time regarding this most important public work, which at present is held up. I assumed that following on the statement of the Premier, he would take up this matter with the States of Victoria and New South Wales and the Commonwealth Government, and if I remember rightly the Prime Minister stated that he would be pleased to meet the other signatories to the Murray River agreement. Has the Chief Secretary anything to report as to what stage these negotiations have reached?

The Hon. A. J. SHARD: No, I have nothing further to add. I never knew that the Prime Minister stated that he would be pleased; I have never read that. I know that the Premier contacted the Prime Minister by telephone and that he said the request seemed fair enough, that he would be pleased to receive a request in writing and that he would then give consideration to the question and endeavour to arrange a conference between the three States. Other than that, I have not read anything, nor do I know of any other developments.

THEVENARD FACILITIES

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. R. A. GEDDES: I understand that the Premier has been reported as saying, "The proposed jetty works at Glenelg are a good investment and the Government wants to be able to help." The fishing community at Thevenard on the far West Coast has for many years been wanting a small landing stage built for the purpose of landing the catch for the Adelaide market. I ask the Chief Secretary whether the Premier will consider providing finance for this landing stage at Thevenard in the next financial year because this, too, would be a very good investment.

The Hon. A. J. SHARD: I shall be pleased to refer the question to the Premier and try to achieve what the honourable member wants.

ALAWOONA RAILWAY STATION

The Hon. C. R. STORY: I ask leave to make a statement prior to asking a question of the Minister of Transport.

Leave granted.

The Hon. C. R. STORY: In view of the fact that we have a very important function coming off in this State in the next week in the form of the Adelaide Royal Show, most honourable members could very well spend time at the show meeting their constituents. Has the Minister anything to report on the closing of the railway refreshment room at Alawoona?

The Hon. A. F. KNEEBONE: I have called for a report on this matter but I regret I am unable to give the honourable member a reply this afternoon.

ELECTRICAL ARTICLES AND MATERIALS ACT AMENDMENT BILL

Read a third time and passed.

REAL PROPERTY ACT AMENDMENT (STRATA TITLES) BILL

Adjourned debate on second reading.

(Continued from August 30. Page 1697.)

The Hon. F. J. POTTER (Central No. 2): This Bill is a very complex and detailed one. The Hon. Mr. Hill and I examined it thoroughly and I am happy to say that, following certain amendments made before the Bill reached this Council from another place, it does not appear to us to require any amendments in the Committee stage. However, I think one or two questions will need to be answered when it reaches that stage. The Bill is primarily of interest to people in the real estate business, such as land developers and land agents. It is also of interest to surveyors and solicitors. I think real estate advisers will be the main people who will either accept and approve the Bill or, in the course of time, condemn it. I think only time will tell whether the one attitude or the other will be adopted.

From the surveyor's point of view the Bill is of interest from certain aspects; I think it gives them a good source of work and possibly a good source of additional income. I believe solicitors will have a more academic interest in the Bill's provisions and they will be required from time to time to advise clients on problems that will arise. In addition, they will probably advise various financial organizations interested in lending money on the security of strata titles.

The general public wishing to invest in strata development will be interested in the Bill but, as I said earlier, their attitude will be shaped by the advice given them, principally by real estate advisers. I think the main concern of members of the public will be the expense involved in acquiring a strata title, and in due course that will tend to shape the public attitude.

I said earlier that the Bill was of prime importance and interest to persons in the real estate business and I think all honourable members are fortunate to have heard the Hon. Mr. Hill's speech yesterday. He covered practically all the important details of the Bill and emphasized the changes it will bring as well as pointing out the problems that will arise. He made such a thorough examination of the Bill that I do not think it falls to my lot to add anything further, because I do not want to repeat what has been said. However, I would like to mention some of the more interesting aspects of the Bill.

First, South Australia has reason to be proud that it was the first State in Australia and in the world to introduce the Torrens title system. We have taken a good deal of credit for that over the years, and sometimes it is mentioned on public occasions that this State led the world in this system. I think we are justifiably entitled to have some pride in that achievement.

Now something else has come along which in itself is a very novel thing. I refer to the development of strata titles. Unfortunately, we in South Australia cannot take the credit for this, because it was originally developed in New South Wales in 1961. Nevertheless, we ought not to put aside the fact that this is new legislation. As I read somewhere, it has "Made in Australia" stamped on it, and I think we ought to realize that again this is quite an achievement and undoubtedly something that will be examined by other countries in the world at some time in the future.

The stated aim of the Bill is for "The division of land by strata plan and titles to the units created thereby." That is the main heading in the Bill. If we translate that into popular terms, it means that it provides titles for home units. However, as the Hon. Mr. Hill has said, it is really not only applicable to home units: it is equally applicable for use in connection with office and industrial buildings. Also, plans may be issued in respect of suites and parts of those buildings.

It is interesting to note that several different schemes are already being used to assist in home unit development. I think these schemes that I am about to outline could be described as being of this kind. First, there is a simple lease for a long period, so that a person can acquire a unit on a tenancy of 999 years, or perhaps even as short a period as 99 years. These leases are very carefully drawn, for they must, of course, contain many conditions to try to guard against all possible contingencies. This system, although feasible, has not been very widely used. In fact, it is one of the earliest systems devised, and very quickly, as I understand it, it has been abandoned because it is not possible in a scheme of this kind, however ingenious the draftsman may be, to provide in a lease for all possible contingencies.

Then there grew up the idea of a home unit company. Under this scheme, a company is formed and shares are issued, and the ownership of the shares entitles a person to the right of occupancy of a particular unit that is designated. I think this was the second phase of the development and, although one can still find these home unit companies in existence, certain difficulties are connected with them. First, the owners of the shares do not get full legal rights. They get not proprietary rights as one gets under a land title but rights that are restricted purely to contractual rights. As a result, some legal disabilities are suffered. Such a person cannot exercise his legal rights against a trespasser or use the action of ejectment. The other factor (the most important economic factor) is that lending institutions are not interested in lending on that type of occupancy. There is even the smaller though unpopular disability that under this kind of set-up a person cannot get any deductions for income tax purposes for rates and taxes.

The other method used for the holding of these units is the tenancy in common method whereby titles are issued to the various unit holders as tenants in common. Again, this has certain difficulties, one of the principal ones being that in this case also financial institutions are not interested in lending money on those titles. There are also other technical legal difficulties concerning easements and the like which make that system alone not very workable.

I said earlier that we in South Australia could not actually take the credit for the introduction in the first place of this strata title concept as we could in respect of the Torrens titles system. However, I think we can take the credit for the fact that a well-known legal practitioner in Adelaide had devised the best possible scheme for unit holdings prior to the introduction of this legislation. He devised a combination of three of the systems that I have previously mentioned.

We have as a result in South Australia the concept of a company being formed and shares being issued in that company to people who, in addition to their share in the company owning the land, receive titles as tenants in common. There is a head lease to the company and an under lease to the particular tenant. Therefore, by an ingenious combination of the company set-up, a head lease and an underlease, combined with a tenancy in common title, we had the best system that could be devised outside the provisions of this Bill.

I think that system is even superior in some respects to a strata title. The system was so good that certain financial institutions, which perhaps knew the particular person concerned, were prepared to lend money on this system of owning a unit.

The Hon. C. M. Hill: Nearly all the finance companies and some trading banks.

The Hon. F. J. POTTER: The Hon. Mr. Hill speaks from experience in these matters; in fact, lending was possible under this ingenious scheme devised here. However, it was approached with caution and perhaps not as much would have been lent as would have been on a normal title; but I doubt whether high percentage mortgage loans will be available anyway, even under this strata title scheme. So that is the history of what has happened in the past.

Now we have this Bill, which provides for some significant things. First, a certificate of title is to be issued in respect of the particular unit. That title is to be freely assignable, and the right to assign cannot be called in question. I agree with the Hon. Mr. Hill that this poses some problems which, in the company set-up that I have described, can be dealt with. In addition to this certificate of title, the Bill provides for the creation of a statutory corporation, with its own internal management, which can make its own rules, within limits. It is interesting to look at the concept of this new statutory body referred to in new section 223nc, subsection (1) of which provides:

Subject to this Part, on and after the deposit of a strata plan in the Lands Titles Registration Office by the Registrar-General, the registered proprietor or registered proprietors for the time being of the units defined on the plan shall, by virtue of this section, be a body corporate incorporated under the name by which, as the corporation referred to in section 223mh of this Act, it is registered by the Registrar of Companies.

So there is no preliminary work required from the point of view of the Registrar of Companies. Here is a creature of Statute, which will come into being at a certain time and following a certain series of events. The next two subsections of this new section state:

(2) The members of the corporation shall be the person who is or persons who are at the relevant time the registered proprietor or registered proprietors for the time being of the units defined on the deposited strata plan, each member being a member in respect of the unit or units of which he is the registered proprietor or one of the registered proprietors.

(3) The corporation shall have perpetual succession, shall be capable of being a party to legal proceedings in its corporate name, and shall have a common seal, on which shall be inscribed its name in legible characters, but it shall be sufficient if the abbreviation "Inc." is used in place of the word "Incorporated" in the name of the corporation, whether inscribed on its common seal or in any description of or reference to the corporation.

So this is an interesting and unique statutory corporation, and we should realize that it is an ingenious idea.

After the creation of this corporation and after the certificate of title, the Bill deals with easement rights and common property to be owned by the corporation. Questions of insurance are adequately covered by the Bill. A corporation can insure the building for its replacement value, and the individual unit holders can insure in respect of their individual mortgages. This is obviously a good thing—especially from the point of view of the insurance companies. I do not know whether the State Government had any ideas of getting into this business: it might have saved the day. However, these points are all covered by the Bill. Under the strata titles system the old difficulty that arose in some cases about rates and taxes being deductible for income tax purposes will not arise.

The Hon. Mr. Hill raised some questions about whether or not the right to transfer one's property without hindrance might raise some problems as there would be no control over who was coming in to be one's next-door neighbour; but this statutory corporation can make some rules. It is interesting to note that the first rules of any such corporation, which are called the first articles, are all set out in the Twenty-sixth Schedule of the measure. It is interesting to see what kind of rules will be the initial contract, as it were, governing the owners of the home units; in some respects, the matters raised by the Hon. Mr. Hill have not been completely overlooked, because paragraph 7 of the Twenty-sixth Schedule states:

The registered proprietor of a unit and every occupier thereof shall not—

(*a*) use the unit or permit the unit to be used for any purpose which may be unlawful;

(*b*) except with and in accordance with the corporation's permission (which the corporation may withdraw at any time by written notice given pursuant to a special resolution), keep any animals in the unit or in the common property;

or

(*c*) make undue noise in or about any unit or the common property.

These rules are capable of expansion and refinement by the members of the corporation, provided they do not trespass on the inviolability of the title or the right of the person to transfer the title. So under this system there is, perhaps, a little more flexibility than the Hon. Mr. Hill may have thought there was. However, in spite of that, I share some of his doubts whether this system will really be accepted by the public in the way we hope it will be. With the perhaps inevitable introduction of the

Director of Planning into this Bill (which does not happen in New South Wales, at least in the same sense as it does in this Bill), there must be some delay. With the processes of the Bill and the need for surveyors, plans and contributions to the fund, there is no doubt it will all be fairly costly. Whether or not the members of the public are prepared to meet that cost for the security of title remains to be seen. I sometimes wonder whether this system will be used very much, but of course, as they say, the proof of the pudding is in the eating, and the proof of this Bill will be in the using.

If people, particularly those in the real estate business, recommend it, then obviously the public will use it and Parliament will have made a significant contribution in this field. I have every confidence in supporting the second reading, and I hope the legislation proves successful. As in all technical matters, it may be necessary for the legislation to be amended after we have had experience of its operation and of the problems that arise. However, until we actually get on with the job of using these provisions we cannot know what these problems will be. I do not intend to move any amendments in the Committee stage, and I hope the Bill will have a speedy passage.

The Hon. S. C. BEVAN (Minister of Local Government): I appreciate the attitude of honourable members in relation to this Bill, which is intricate and provides for an innovation. As the Hon. Mr. Potter and the Hon. Mr. Hill have said, some problems will undoubtedly arise when it is implemented and amendments may be necessary later to deal with them. The Hon. Mr. Hill asked me to clarify the position in respect of the dimensions of the strata title; he referred to the area between the ceiling and the floor and asked who would own the area between the ceiling and the underside of the roof. I believe that the Bill makes it plain that this becomes common property.

I refer the honourable member to subsection (2) of new section 223m, paragraphs (*a*) and (*b*); we find there the definition of the common boundary. The area referred to by the Hon. Mr. Hill is treated in the same way as outside areas, such as gardens: it is common property. The same applies to passage ways, which were referred to by the honourable member; they will be common property because they provide access and egress to the owners of the units. Such common property will be controlled by the company in the same way as it controls outside areas.

The Hon. Mr. Hill also said that he saw no reason why the Director of Planning or the Authority set up under the Planning and Development Act should come into this legislation; he said that councils could determine the questions raised, and, if for some reason a council refused to grant a permit, the applicant could appeal to the building referees. However, I point out why I believe that a reference to the appeals board is justified in this legislation; subsection (5) (*b*) of new section 223md provides:

> The council or the Director may grant such an application subject to compliance with such conditions as the council or the Director think fit or as may be prescribed.

A condition might be laid down that would be too remote for the building referees to deal with if an appeal was made to them, and in this case it would be desirable that the person aggrieved could appeal to an authority other than a building referee. Some condition might be prescribed that would be outside the jurisdiction of the building referees and in these circumstances the applicant would have nobody to whom to appeal, other than to have recourse to the law, which would be very expensive. This is the justification of the provision allowing an applicant to appeal to the appeals board as set up under the Planning and Development Act. The Hon. Mr. Hill said, in effect, "Let us give the legislation a try and, if it does not work, we will have to fix it up later." I hope I have explained the points concerning which honourable members requested clarification. I thank honourable members for their attitude to this Bill; it is complicated and might have taken much longer to pass the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Enactment of Part XIXB of principal Act."

The Hon. C. M. HILL: New section 223mb (2) (*d*) states:

> . . . contained sufficient particulars from which the boundaries of each unit are capable of being ascertained without necessarily specifying any bearings or dimensions of the unit or of any unit subsidiary appurtenant thereto;

The Institution of Surveyors (Australia) S.A. Division Inc. has asked me to mention its view in regard to this paragraph concerning the specifying of exact measurements of fences on strata plans. This new section states that measurements do not necessarily have to be specified, and the institution apparently agrees with that relative to the actual building, but there will be fences between unit subsidiaries or between private yards that are held by unit holders—fences that will not last—in practice,

for as long as the building lasts, and the institution considers that, in a few years' time, when perhaps some of the fences have to be replaced, having the exact measurements and positions on the plans will assist all concerned. I ask that this matter be borne in mind, because the institution considers that it will be a worthwhile feature if the measurements of fences on strata plans can be specified.

Clause passed.

Remaining clauses (12 to 17) and title passed.

Bill read a third time and passed.

LAND TAX ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The amendments to the Land Tax Act proposed by this Bill are consequential on the provisions of the Real Property Act Amendment (Strata Titles) Bill, which was introduced into this Council earlier in this session. These amendments have become necessary because of the definition of "unimproved value" in section 4 of that Act. Under that definition, "unimproved value" means the capital amount for which the fee simple of the land in question might be expected to sell if free from encumbrances, assuming the actual improvement, if any, thereon had not been made. It is impossible to assess the unimproved value of land in strata, as strata ownership depends on the existence of a building (or an improvement) on the land, and it is not possible to assess the unimproved value of a part of a building.

It therefore becomes necessary to make a special case of units defined on a deposited strata plan, and this Bill accordingly amends the definition of "unimproved value" in the Land Tax Act by providing that, where the land is a unit defined on a deposited strata plan, its unimproved value is that proportion of the unimproved value of the parcel, of which the unit is a part, which bears to the total unimproved value of the parcel the same proportion as the unit entitlement of the unit bears to the aggregate unit entitlement of all the units defined on the plan. This is the fairest and most equitable means of arriving at the unimproved value of a unit.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

LICENSING BILL

Adjourned debate on second reading.

(Continued from August 30. Page 1689.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): I think this Bill is, in general, a good one. It has had a somewhat chequered career up to date inasmuch as it started with the Government appointing a Royal Commission; it was then presented to another place, as I understand it, in an entirely different form from that recommended by the Royal Commissioner. Surprisingly enough, it was presented in the manner, if not in actuality, of a private member's Bill, having emerged from the findings of a Government-appointed Royal Commissioner. The Bill reached the Committee stage in a certain session, then lapsed, and was revived in a very different form. It has gradually come back, as I understand it, very much towards the form in which the Royal Commissioner suggested it should be presented in the first instance.

We are now told by the Chief Secretary that it is a free Bill on which every honourable member is entitled to vote according to his own wish. I have become so confused as to the sort of Bill it is that I really do not know whether it is a Government Bill, a private member's Bill or (I was going on to use the word "hybrid" but that has a technical meaning in this place) a Bill that is a fusion of the two. Anyway, I accept the Chief Secretary's ruling that it is a free Bill and therefore we are at liberty to do anything we want to with it, irrespective of tactics adopted by the Government or the little pressures that are occasionally exerted, or suggestions of mandates, whether on the hustings or in a little book that is occasionally flourished in this Chamber.

The Hon. C. R. Story: Vote according to your conscience, if you have one; that is the idea.

The Hon. Sir ARTHUR RYMILL: That is good advice, and I will certainly adopt the Hon. Mr. Story's suggestion in the hope that I have the latter part of what he suggests. Much of the Bill is the same as the substance of the present Licensing Act; much of it is entirely different, while some sections are omitted. When in legal practice I used to deal extensively with the provisions of the Licensing Act so I think I may be excused for saying that I know a little about it. I found it extremely difficult to understand.

The old Licensing Act has to be lived with in order to understand its workings completely because it could be read several times (as I read it when I first entered practice) and one would not be much the wiser. In parts, this applies to the technical aspect and that is what I am referring to in the current Bill: the question of granting, transferring, and removal of licences, and so on. I emphasize that the transfer of a licence means the transfer of a licence in established premises as between person and person in those premises, whereas the removal of a licence means the removal from the premises to some other place or the removal of the licence to some other premises. That can be confusing.

Much of the old Act was obsolete and those sections have properly died now. I would quote one or two of them merely as a matter of historical interest. Section 133 of the existing Act provides:

(1) Every person holding a publican's licence shall—

(*a*) have a lamp fixed in front of his licensed premises either opposite to or over the principal entrance door thereof and at a distance of not less than seven feet from the ground, and the said lamp shall, unless electricity, gas or mineral oil is used therein, contain at least two burners;

(*b*) keep the said lamp well cleaned and trimmed;

(*c*) if the said premises are situated within a corporate town keep the said lamp alight continuously from sunset during such time as he is authorized to keep the said premises open for the sale of liquor;

(*d*) if the said premises are not situated within any corporate town keep the said lamp alight from sunset to sunrise throughout the year.

The Hon. C. R. Story: The beacon on the hill!

The Hon. Sir ARTHUR RYMILL: Yes, and there was a penalty for not complying with that. Amusingly enough, there was a proviso that read:

No person holding a publican's licence shall be liable to a penalty by reason of his lamp having ceased to be alight after six o'clock in the evening unless he has been called upon by some person to re-light it and has neglected to do so;

It seems rather efficacious. Section 135 of the existing Act provides:

If any person holding a publican's licence in respect of licensed premises not within two miles of a police station refuses to receive any corpse which is brought to those premises for the purpose of a coroner's inquest being held thereon, he shall be liable to a penalty—

However, the proviso reads:

Provided that nothing herein contained shall make it compulsory upon any licensed person to receive a corpse in an offensive state of decomposition, or the corpse of a person reasonably supposed to have died of an infectious disease.

I think both of those sections have been omitted from the present Bill, and I also think that perhaps it is just as well because they are quite archaic. However, they illustrate the kind of matters weeded out by the Royal Commissioner. Many other more technical aspects have been altered and simplified; that is all to the good. Section 172 provided penalties for supplying liquor to Aborigines and, of course, that has gone by the wayside, but section 174 still makes it an offence to supply liquor to a person under 21 years of age on licensed premises. Times change, and I will quote portion of a speech made by the then Treasurer, the Hon. A. H. Peake, which can be found in the 1908 edition of *Hansard* and which dealt with a Licensing Bill then before Parliament. In part, it reads:

At present liquor was not to be supplied to children under 15. The Bill raised the age to 16, and if liquor was supplied for the purpose of being consumed on the premises it was raised to 18. Besides that a licensee must not allow a child under 16 to remain in his bar room. That followed English and New South Wales Acts.

Although we have removed the restriction on Aborigines we still restrict people from drinking in a hotel if they are under the age of 21 years. In other words, a person may be 20 years and 11 months and yet not be entitled to obtain liquor from a hotel, even under this new Bill. However, I think I am correct in saying that the Premier has said he believes in people being allowed a full vote at the age of 18 years, and we recently solemnly passed a Bill in both Houses of Parliament allowing people to make a will at the age of 18 years. Those things do not seem to me to be consistent, but I do not wish to labour such points at this stage. I pass on now to more detailed matters. I have some amendments which I will prepare by the time the Bill gets into Committee.

The Hon. A. J. Shard: Can you give me an idea of them?

The Hon. SIR ARTHUR RYMILL: The first one relates to clause 19. I do not intend to repeat many of the things that other honourable members have said. I

join in congratulating other members on the attention they have given the Bill, because obviously a good deal of midnight oil has been burned on the Bill, both here and in another place. As I said before, it is not easy legislation to follow, especially for one who is not accustomed to it. I will deal with one or two of the matters of very great importance, and I should like to outline for the consideration of the Council one or two amendments which might not be of such great importance, although I think they are of some importance. Clause 19 (3) relates to restricted publicans' licences. At present, as honourable members know, there is a full publican's licence, which entitles a person to do certain things and obliges him to do certain other things, and that is that: there are no variations to the licences between any form of public house. This is altered by subclause (3), which reads as follows:

The court may, upon application by the holder of a full publican's licence for a renewal of his licence—

I emphasize the words "a renewal of his licence"—

or of its own motion . . . renew a licence restricting the sale and supply of liquor by the licensee . . . as the court thinks fit.

Then it sets out the matters to which the licence may be restricted. I emphasize the word "renewal". Surely if a licence can be renewed on this basis it should be capable of being originally granted on this basis. However, this is not provided for in the Bill. As I understand it, if a person wants to get a restricted publican's licence he first has to go to the Licensing Court for a full publican's licence. He has to provide all the elaborate premises that apply or are necessary in relation to a full publican's licence, and then a year later he can go back and say, "I did not want a full publican's licence at all, but because the Act says I could only be given a restricted licence on a renewal I now ask the court to restrict it." He has gone a year at least with the licence he did not want, and no doubt he has also been obliged to put up expensive premises that are not needed for the type of licence he really sought. Therefore, my amendment will relate this clause to the original grant of the restricted publican's licence as well as to the renewal of a publican's licence in this form. I submit that that is only logical and sensible.

The Hon. F. J. Potter: You are really making two divisions under a publican's licence—full and restricted?

The Hon. Sir ARTHUR RYMILL: That is correct. That is what the Act does, but in effect this only relates it to existing premises. In fact, apparently this is all that was contemplated. If a keeper of an established hotel in the suburbs wants to reduce his publican's licence to a restricted licence, he can apply at the next meeting of the Licensing Court for that purpose; but if he wants to build a new hotel and have a restricted licence for it, or to obtain a new restricted licence, there is no power in the Bill to enable him to do so. To me, is just does not add up. I think whoever drew this up (or the Commissioner or someone else) had in mind existing hotels or did not consider this aspect at all, otherwise I cannot see how this provision can be sensible in relation to existing premises but not to new premises. I will not go into details of the amendment I propose to move. I will put the amendment on members' files in due course so they will have plenty of opportunity to read it.

In the *News* on Thursday, August 17, the Premier is reported to have made certain comments about the effect of late closing. The report, under the heading "Switch will be gradual", states:

Only some hotels in South Australia may be offering late drinking hours by the end of next month. The Premier (Mr. Dunstan) said today the introduction of 10 o'clock closing and the new liquor laws would probably be a gradual process. This is because hotel licensees will have to apply individually to the new licensing tribunal for their type of licence and spread of hours.

With the utmost respect to the Premier, I do not think that statement is correct, and I am rather surprised that this has not been corrected. At least, I have not seen it corrected. When I read it I could not conceive that this could be quite right. Whether or not the Premier said this, I do not know, but this is as it has been reported.

The Hon. A. J. Shard: I will get an explantion for you.

The Hon. Sir ARTHUR RYMILL: This has been reported in the press and it has not been denied, thus I imagine that some members of the public anyhow have got the idea that that statement is correct. Clause 3 (4) states:

Every publican's licence in force at the commencement of this Act shall be deemed to be a full publican's licence under this Act.

Clause 19 (1) sets out the new trading hours, and these trading hours become automatic in respect of the 10 p.m. closing. Thus, in my

interpretation (I feel confident it is correct), on the coming into force of this Act all the bars will be able to open until 10 p.m.

The Hon. A. J. Shard: That is the only sensible way to do it.

The Hon. Sir ARTHUR RYMILL: I agree with the Chief Secretary. He is kind enough to say that he normally agrees with me, and I reciprocate and say that I normally agree with him except possibly on matters of insurance and those other exciting things.

The Hon. A. J. Shard: We are as far apart as the two poles on insurance. You don't have to get on to other exciting things.

The Hon. Sir ARTHUR RYMILL: There is one refinement to this matter. Application will have to be made to the court to define the part of the premises in which liquor can be served with meals until 11.30 p.m. or in which supper permits will be available. These are the extended hours to 10 p.m. but when 10 p.m. closing comes into operation it will come in immediately; there will be no gradual process except in relation to extended hours in dining rooms, and for supper purposes.

The Hon. F. J. Potter: Of course, the publican can close earlier if he wishes to; he is not compelled to keep open until 10 p.m.

The Hon. Sir ARTHUR RYMILL: I am not quite certain that he has an absolute right to close earlier.

The Hon. S. C. Bevan: If he has nominated to close earlier, he must. He cannot jump from one thing to the other; he has to stop at the one thing.

The Hon. A. F. Kneebone: He cannot open at will.

The Hon. Sir ARTHUR RYMILL: This was a moot point under the old Act, and I can talk more authoritatively of the old Act than the new measure.

The Hon. A. J. Shard: Don't mislead us by talking about the old Act; we have to deal with the new Bill.

The Hon. Sir ARTHUR RYMILL: I would not like to mislead the Chief Secretary in any way.

The Hon. F. J. Potter: It does not seem to be clear under this measure whether or not a publican can exercise his discretion in the matter.

The Hon. Sir ARTHUR RYMILL: I think the Chief Secretary is incapable of being misled. I will certainly not try to mislead him. I was comparing the old Act, under which I practised for a long time, with what I understand the Bill to provide. Under that Act there was no language to stop a licensee closing his hotel when he wanted to but, if he did that, he took unto himself the risk of the Licensing Court not renewing his licence. It may have said, "You have been abusing your privileges", because the whole concept of the Licensing Act is that privileges are given in exchange for obligations.

The Hon. A. J. Shard: You tell me for my own information: the opening hours under the old Act were not always strictly adhered to? They could open at 8 a.m., 8.30 a.m., or 9 a.m.

The Hon. Sir ARTHUR RYMILL: That is correct; there are hours before which a public house cannot open—

The Hon. A. J. Shard: That is correct.

The Hon. Sir ARTHUR RYMILL: —and there are hours at which a public house has to close. There is a gap between those two hours, and there are special hours for hotels in the vicinity of a market place, where the market starts early in the morning. I think this has been written into the new legislation.

The Hon. A. J. Shard: Yes.

The Hon. Sir ARTHUR RYMILL: I repeat what I have just said, because it is the whole basis of this legislation—that privileges are given to licensed persons in exchange for their accepting obligations. That is the spirit in which we have all to read this Bill. I was dealing with when 10 p.m. closing should take effect. I should like to add that restaurants, again, are in a slightly different category and will have to be separately treated to bring them into line with the new trading hours relating to dining rooms. I was dealing in a little detail with some of the clauses. Having dealt with clause 19, I should like to mention that storekeeper's licences are radically changed because under clause 21 there is a wholesale storekeeper's licence, which is somewhat the same as the present licence called a storekeeper's licence. It is a little different but is somewhat the same. Clause 22 provides for what is known now as a retail storekeeper's licence, which is really, as I read it, in substitution for the present storekeeper's Australian wine licence, which latter licence at present authorizes the sale of minimum quantities. Under the old licence it was a dozen reputed quarts. The present storekeeper's Australian wine licence relates only to Australian wines: it does not authorize the sale of spirits, beer or imported wines. The new retail storekeeper's licence authorizes single-bottle sales of liquor of any kind in any quantity, so this is radically different and must be carefully considered in relation to the balance of the trade as a whole.

Clause 23 retains the existing licence known as a wine licence. That is known in the trade as a glass licence, as it enables one to sell wine in a glass, whereas a storekeeper's Australian wine licence allows one to sell only in bottles. This wine licence is to be sustained only for a period of five years, after which certain new obligations are to be attached to it if it is desired to be continued. Clause 26, relating to the vigneron's licence, is interesting. The Hon. Mr. Story had much information about this. As I understand the present position, a winemaker or a person making wine is entitled to sell liquor in minimum quantities of two gallons at his vineyard or premises without being in possession of a licence of any kind. He is permitted, I think, to do this for 12 months.

The Hon. C. R. Story: Yes, 12 months.

The Hon. Sir ARTHUR RYMILL: But, after that, either he has to get a vigneron's licence, in which case he has to pay the usual licence fees—

The Hon. C. R. Story: If he wants to sell to the public.

The Hon. Sir ARTHUR RYMILL: Yes—or, if he does not want to do that, he comes under the proviso to clause 146, which enables any person to sell liquor in not less than five-gallon lots to any licensee whose licence covers the retail sale by the second person of that kind of liquor. That is the difference. That franchise exists under the old Act. (I have forgotten the number of the section but it is about section 180). It seems that a vigneron will have to make his choice, if this Bill passes in its present form, between getting a licence and paying a licence fee and selling in not less than five-gallon lots without paying a licence fee; but he then cannot sell to the public, so he has not very much choice. I do not know much about the wine trade, but I wonder whether the provision that the holder of a vigneron's licence has to have made at least 70 per cent of the wine himself is not too restrictive. This is merely a query that I have in my mind. I believe that much blending goes on and a person who is *bona fide* in the trade should surely have some latitude to sell his own products to the public. If he does not, he will have to come under the provisions of clause 146 and sell in five-gallon lots, assuming this clause stays as it is.

If clause 26 is to remain as restrictive as it now is, then certainly clause 146 must remain. I am not quite clear about the purpose of the clause. I have in mind wholesale agents of big Scotch whisky franchises, or something of that nature. However, it has been suggested to me this morning that the provision is much wider than this and that it is intended to include the bigger wineries which do a great deal of blending but do not make 70 per cent of the product. If we cut out the proviso to clause 146, it would have a very big impact on people legitimately in the trade.

The Hon. C. R. Story: I think the honourable member may like to suggest that there should be another category, so that everybody is brought under this provision, even if he does not have to pay a fee.

The Hon. Sir ARTHUR RYMILL: I thank the honourable member for his assistance; I think this needs consideration, on the face of it. I am not being dogmatic about this because at this stage I do not know enough about it. However, I hope I will know much more about it as a result of the Committee debate, because this is the purpose of Committee debates; second reading debates are for the purpose of posing such questions.

Clauses 31 and 32 deal with cabaret and theatre licences. Theatre licences are common overseas, and I have always found them a pleasant type of licence when I have been abroad because they enable one to enjoy the second half of a programme considerably more than one enjoyed the first half, especially if one was not excited by the first half.

The Hon. A. J. Shard: Since the honourable member is experienced in this matter, I point out that it has been suggested that people should not be allowed to have a drink until 8.30 p.m. It has also been suggested that this time be changed to 7 p.m.

The Hon. Sir ARTHUR RYMILL: Is the Minister referring to cabaret licences?

The Hon. A. J. Shard: Or theatre licences.

The Hon. Sir ARTHUR RYMILL: I should like to give some thought to this, because unless I do so any suggestion I make may clash with other types of licence.

The Hon. A. J. Shard: I was referring specifically to theatres.

The Hon. Sir ARTHUR RYMILL: I understand that. The difficulty with an unconsidered answer is that one may trespass on other fields. Consequently, I should like to see how this superimposes itself on other classes of licence.

The Hon. C. R. Story: Has the honourable member dealt with clause 18 (2)?

The Hon. Sir ARTHUR RYMILL: The honourable member is referring to the body called Sud Australischer Allgemeiner Deutscher Verein Incorporated. He referred to this as the Hahndorf club—he was less courageous

than I am in his pronunciation. I thought I should make an attempt, but unfortunately I am not a German scholar. I think the honourable member pronounced "Hahndorf" very well.

Clause 41 introduces a new provision in relation to plans in respect of applications for new premises; the provision enables deposited plans to be altered, and in my experience this is a very good provision because, when one lodged plans, one was bound by them unless one was prepared to forgo that application altogether and to lodge a new one. In that case someone else might get in before the new application was lodged. We all know that we find defects in plans after they have been drawn up; we find that new things are happening and better things can be done. This virtuous section will facilitate alterations.

In the Committee stage I shall move an amendment to clause 41; the draftsmanship of this clause presupposes that all objections of any other nature will have been taken before the actual plans are considered, but this may not necessarily be so. I shall move in the second proviso to subclause (1) to insert before "but" the words "if any person does not object to the original application". These words mean that all other grounds of objection that were previously made, in addition to the objection to the alteration of the plans, will be preserved. This amendment, which I think is logical, overcomes an oversight.

Clause 46 contains new provisions regarding the matters on which applicants for a licence other than a packet licence or a vigneron's licence must satisfy the court; the first three matters are as follows:

(*a*) That the licensing of the premises is required for the needs of the public having regard to the licensed premises existing in the locality in which the premises are to be situated.

(*b*) That owners or occupiers of premises in the locality in which the premises are to be situated will not be unreasonably affected.

(*c*) That the premises will not be situated within an area set aside by any competent zoning authority for purposes which exclude premises of the kind desired to be licensed therefrom.

I believe that these are all valuable additions to the legislation and enable questions that ought to be considered to be properly considered. I emphasize that the Licensing Court will have a very wide latitude of judgment on these matters, and this clause permits the court to have a reasonably wide look at all the matters surrounding an application for a licence. Clause 47 (1) (*f*) is new; it provides:

In the case of an application for a renewal of a full publican's licence restricting the sale and supply of liquor to all or any of the occasions or purposes mentioned in subsection (3) of section 19 the restrictions sought would leave a substantial public need uncatered for.

This of course is consequent upon the new restricted publican's licence that is to come into existence, and it is therefore a very sensible and necessary consideration for the court. Some of the grounds of objection in clause 47 (2) are taken from the old legislation. Although I have not made a close examination of this clause, I believe that some of these grounds are new, particularly paragraphs (*d*) to (*i*) inclusive. Paragraph (*f*) is important, and I am certain that there is nothing like it in the existing legislation. That is an excellent ground in relation to the consideration that other people may be debarred for a long time from erecting licensed premises on a site where they are obviously needed. We have many newly-developing areas, and certainly if the licence is needed it should not be held up by someone making an application he cannot carry through. Paragraph (*g*) is the zoning provision; it provides:

In the case of an application for a new licence in a new or expanding community the licence would unreasonably restrict the grant of a full publican's licence in the locality;

This is a necessity in relation to the consideration the court must give, where there are existing licences under the new provision, of whether the public needs are reasonably catered for. I think that that is a valuable part of the Bill.

Clause 64 deals with special authorities to sell liquor and applies to certificates of approval authorizing sales in booths, etc. The marginal note reads "Five days' certificate". I think that that is a survival of some previous form of this clause, because I can find no mention of five days in the clause. I think there must have been something in another place about five days at some stage or another. I think the marginal note should be altered; perhaps the Chief Secretary might do something about it.

The Hon. F. J. Potter: There's no limit of time, is there?

The Hon. Sir ARTHUR RYMILL: No, I think you can get one for only a month at a time. I do not think five days has any application. Clause 65 relates to special permits at entertainments on licensed premises. I think this is a new clause. There was a clause in the old Act that prohibited theatrical performances in ballrooms without special

permits, and that remains in the Bill. I am surprised to find that, in view of all the other provisions for entertainment and the restrictions on entertainment. I suppose it is necessary, but I was surprised to think that it still existed; I thought that it would have been swallowed up by these provisions.

Clause 134 refers to drinking liquor on unlicensed premises. This clause could be very confusing if one did not realize that "unlicensed premises" was a defined term. It is not as comprehensive as it appears to be, because subclause (3) provides:

In this section "unlicensed premises" means any premises where meals or refreshments are ordinarily sold or disposed of to the public for consumption on the premises, and, without affecting the generality of this definition, includes any cafe, restaurant, oyster saloon, or other eating-house, not being licensed premises, and any premises which the occupier of such unlicensed premises is permitted to use or uses for the purposes of or in connection with his business.

I mention that because it is very important that that should be borne in mind. The clause is referred back to elsewhere.

The Hon. F. J. POTTER: Clause 65 refers back to it.

The Hon. Sir ARTHUR RYMILL: Where it is referred back to, it is referred back to in such a form that "unlicensed premises" is really carried through all the other clauses. Clause 155 relates to the employment of barmaids. A leading article in the *Advertiser* of August 18 states:

It is nice to know that South Australia is now certain to welcome barmaids to the impending ten-o'clock-closing scene.

Is this correct? I know that the Chief Secretary does not always agree with what he reads in the press, but I should like to know whether he agrees with that.

The Hon. A. J. Shard: I know that somebody got preferential treatment this morning.

The Hon. Sir ARTHUR RYMILL: I find this clause a curious one—and that is being rather kind to it—because it says, in effect, that there shall be no barmaids unless there is in force an industrial award providing for their employment on the same terms and conditions as for males. The Chief Secretary, with whom I often agree, will correct me if I am wrong in saying that I think that the Government is using the thin end of the wedge to start equal pay for women.

The Hon. A. J. Shard: The Government believes wholeheartedly that in a new industry where women have never been permitted they should be employed on equal terms with men where they are doing equal work. That is my opinion, too.

The Hon. Sir ARTHUR RYMILL: There you have it! The Chief Secretary has made that part of the speech for me, and I should like to thank him for making it clear. He said "in a new industry", although I think it is the Government's intention regarding old industries as well.

The Hon. A. J. Shard: It's the policy of the International Labor Organization, and it is supported by the Commonwealth Government.

The Hon. Sir ARTHUR RYMILL: This is the first shot. I notice the curious way in which clause 155 is drawn: it does not say that there shall be equal pay for barmaids; in other words, it does not support the *Advertiser's* leading article that says barmaids will come into force with 10 p.m. closing. The clause says that, if someone outside Parliament makes a certain decision, we will have barmaids; and if someone outside Parliament does not make that decision, we will not have barmaids. I do not think that anyone can challenge me and say that that interpretation is not correct. The straightforward way of doing this would be to put in the Bill that barmaids may be employed, but only at the same wage as is payable to males. If there had not been a Legislative Council, I have no doubt that that would have been the form of the Bill.

The Hon. A. J. Shard: No, I think that that might have been a Party decision.

The Hon. Sir ARTHUR RYMILL: I think that this was served up for our consumption and edification. Apparently the Government intends to have barmaids but only on the terms of its instruction from the Trades Hall.

The Hon. A. J. Shard: No, it was decided at the Party conference.

The Hon. Sir ARTHUR RYMILL: I thank the Chief Secretary for the information that the instruction was from the Party conference; of course, each member of the Labor Party is bound to it.

The Hon. A. J. Shard: We never deny that.

The Hon. Sir ARTHUR RYMILL: Members of the Labor Party cannot get away from that. They must vote for barmaids to receive equal pay or they cannot vote for them at all. In its present terms, this clause will not permit barmaids to be employed in hotels. It does not say that barmaids may be employed on equal pay: it provides that barmaids may be employed if someone else says that they may have equal pay. This is a roundabout and

devious way of achieving that end. Therefore, I can conclude only that the reason for this provision is that the Government knew that this Council would not approve of the fixing of wages by Parliament when there were proper tribunals for that purpose. I suggest that the Government would not hesitate to provide for equal pay itself if this Council did not exist, because I think it has been proved that the provision of equal pay is part of the Labor Party policy in regard to other things as well. This clause should be defeated altogether.

However, in saying that I do not mean that we should not permit barmaids: I believe we should permit them. Barmaids should be employed in the same way as anyone else is employed, that is, on the minimum requirements for the industry as set out by the Arbitration Court or any other tribunal. As members opposite are always emphasizing, there is nothing to prevent an employer from paying more if that is what he wants to do. I have seen some statements by the Australian Hotels Association that it is perfectly prepared to pay barmaids the wages received by males. Is it for Parliament to usurp the position of the Industrial Court? Surely it is not; it is not for us to say what the conditions shall be. Irrespective of whether we are members of the Labor or the Liberal Party, surely we should uphold the arbitration system. Surely if we are to have barmaids we should say that we are going to have them and not that we may have them. We should delete this clause from the Bill.

Barmaids were only excluded under a specific provision of the old Act. Therefore, only an excluding provision stops barmaids from being employed. If there were nothing in the legislation excluding them, they could be employed in the same way as women in any other industry can be employed; that is how it should be. It is curious that barmaids were permitted in this State until 1908. I can remember that when I was young barmaids served in hotels (I hope I was 21 at the time). I remember that they were rather buxom.

The Hon. S. C. Bevan: You have a good memory.

The Hon. Sir ARTHUR RYMILL: They were good characters. I remember them at the Oriental Hotel, which has now been taken over for lottery transactions. I can remember them because, when barmaids were excluded, it was provided that people in the trade at the time should be allowed to continue. I recommend as excellent reading for anybody the debate on the Licensing Bill as reported in *Hansard*. One could say *O tempora! O mores!* How times have changed! People of 15 or 16 years of age were permitted to buy liquor then. However, we are not going to reduce the age (at which people can consume liquor in bars in hotels) below 21 years. In 1908, the Licensing Bill provided for the prohibition of barmaids. Now, although we say we are going to permit them to work, if the Bill is passed in its present form, heaven only knows when that will happen. Some of the independent members in this Chamber should rally around to see whether we can allow them to work.

The Hon. Sir Norman Jude: Rally around the barmaids?

The Hon. Sir ARTHUR RYMILL: Perhaps. I said *O tempora! O mores!* The 1908 *Hansard* contains an amusing quotation in the report of the speech of the Treasurer, as follows:

> He remembered that some years ago Disraeli carried proposals for shortening the hours of labour in England, and some poetry was composed in his honour.

I assume the Chief Secretary would wish to compose a verse or two to anyone who shortens hours.

The Hon. A. J. Shard: I am not disposed to writing.

The Hon. Sir ARTHUR RYMILL: The report of the then Treasurer's speech continues:

> He did not know whether Disraeli felt complimented with the lines or with the sentiment:
>
> For he's a jolly good fellow;
> Whatever the Radicals think—
> For he's shortened the hours of labour,
> And he's lengthened the hours for drink.

I can think of another chap who wants to be a jolly good fellow and whose sentiments would entirely coincide with those views.

The Hon. A. J. Shard: You might be surprised if you talked to me privately.

The Hon. Sir ARTHUR RYMILL: I am not referring to the Chief Secretary but to another person who is not in this Chamber.

The Hon. A. J. Shard: I have my own ideas on this matter.

The Hon. Sir ARTHUR RYMILL: I give the Chief Secretary credit for having his own ideas; unfortunately he is not always permitted to act on them. The debate in 1908 is worth reading because it shows how times change and yet do not change because we sometimes come back to the same thing. The debate on that occasion seemed to revolve around moralizing talk about whether or not alcohol should be

consumed. Then members got down to such questions as barmaids. Mr. Archibald is reported as follows:

He was disposed to agree with the proposals for dealing with barmaids. There might be black sheep among this class just as there were in every class, but taking them as a section they were decent living women, who were attracted by good wages, and many of them greatly helped their families because of the good money they earned. He questioned whether they were not as virtuous as a good many of those who had so much to say about them.

Another member related how he interviewed police inspectors. The interview is reported as follows:

One of the inspectors said to him: "There are some very respectable barmaids. I know some very fine young women among them." He replied, "I quite believe that, as I have seen and met some of them but would you care to put any of your own daughters behind the bar?" He would never forget the look the police inspector gave him, as he rep'ied: "I have seven daughters; but I would rather see every one of them in the grave than behind the bar."

Outlooks change. Personally, I am old enough to say that I do not know why barmaids were ever excluded and I cannot see any valid reason why they should have been. Times have completely changed. We accept the fact that women are entitled to work where they want to work in these days, and are entitled to all the privileges attached to such work. However, we must rely on our Arbitration Court, Industrial Court and other tribunals to fix wages. I believe it will be a sorry day indeed when this Parliament interferes in that arrangement, as clause 155 attempts to do in a roundabout way by saying, in effect, "You cannot have barmaids unless they get equal pay." I think that is wrong; it is an attempt to utilize the situation to bring in one of the doctrines of the Labor Party.

I want to mention now the question of the licensing of hotel brokers, which is dealt with in clause 186. This is quite new. I have had a good deal of contact with hotel brokers over the years through practising in this field, and I must say that I agree with the substance of this clause. The reputable hotel brokers, such as the ones who are normally in the trade, have always behaved excellently and done their job properly. The time that we had to be on the lookout, during the days I was practising, was when someone new who had no relationship with the trade came into it. There are various reasons for this. Possibly ignorance, rather than dishonesty, would be the cause of it. I think that to set out, in effect, hotel brokers as properly licensed people should be satisfactory. This is similar to the licensing of land agents. In fact, land agents could well be also hotel brokers.

The Hon. C. M. Hill: It comes closer to the realm of licensed business agents, actually; many of these have agents' licences as well to deal in freehold.

The Hon. Sir ARTHUR RYMILL: Yes. We have seen the value of this, and I see no reason why we should not have licensed hotel brokers. Indeed, I think this would be a good thing. The hotel broking trade has been a profession in itself. Many people over the years have used it as their sole means of livelihood, and I could mention some very well-known and honourable people who have carried out these duties to the great benefit of the community concerned.

The last thing in this Bill that I want to mention is the question of price fixation, which is dealt with in clause 187. Honourable members know that I have always been totally opposed to the Prices Act and to price fixing, because I see the evils of price fixation where many other people do not. I think it is totally undesirable. Until a year or two ago the Prices Act merely fixed maximum prices. We saw a departure from this principle soon after the present Government came into office whereby minimum prices were fixed for grapes. Although I do not like the fixation of either maximum or minimum prices, I did not oppose that Bill when it came before the Council because there was a problem on hand that had to be sorted out. Also, the Bill in which that matter is included is one that is being renewed from year to year, so it is not being written permanently into our Statute Book.

This present provision purports to be an amendment to the Prices Act, thus in a sense it seems to be not a permanent thing, although it has much more of an air of permanency about it than the other matter to which I referred. However, that is not what worries me most. I do not like the control of maximum prices, and I never have. I also think that any Parliament should think extremely seriously before it imposes minimum prices. I do not know what other honourable members think about this (no doubt I will find out when we get into Committee), but I think I know what the public thinks. If we can do so, most of us like to buy a commodity for the best price that is available to us. I know there are certain industries in which the manufacturers, for very good reasons, do fix, for instance, Australia-wide prices. This applies

particularly with electrical appliances. As I say, there are very good reasons for this. However, I do not know where, under any Act of Parliament, there is any penalty for selling at less than those prices. Although honourable members might be able to correct me, to my way of thinking this is rather novel legislation, and I think it is something that the Council ought to scrutinize extremely carefully before it passes it in this or in another form, for I consider it is far too wide and comprehensive. If it is to be passed at all, I think it certainly ought to be amended drastically. My own feeling is very much that I will vote against the clause as a totality, but failing that I shall certainly support any amendments that will whittle down its effect.

I have spoken longer than I intended to speak. This is a habit not only of mine but of other honourable members of this Council. This is a Bill on which one could speak almost for several days if one cared to go into every nook and cranny and examine it exhaustively. I have tried to raise a few points that have not previously been raised in the debate, and I have tried to give some general indication of my approach to the Bill, which is very much favourable to it. There is not very much of it to which I take exception. I have a few amendments, some important and some less important, to move myself, although I might add that none of them is of equivalent importance to the two matters I have mentioned, namely, the barmaids clause and the price control clause.

The Hon. A. J. Shard: Why pick out those two? I like to agree with you.

The Hon. Sir ARTHUR RYMILL: It is very sad that the Chief Secretary and I should find our ways parting. I certainly will support unconditionally the employment of barmaids. I have seen them in other States, and I have no hesitation in endorsing the statements that have been made that they are a very good influence in a hotel. They have an influence whereby things are much better controlled than without them, in my experience, and I am all for their re-introduction. I emphasize the word "re-introduction". With price control, as I have said, I shall do my utmost to get rid of the clause or, failing that, I hope that we can whittle away its effect. I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I shall reply only briefly in this debate. I do not intend to reply to all the points that have been raised because, as has been suggested, this Bill is essentially a Committee Bill. I do not claim to be an authority on licensing matters. However, I assure honourable members that I will do my best to find out from the architects of this Bill the meaning of the various clauses as they come along. I have my own personal ideas on the various clauses; I agree with some of them and disagree with others, while there are yet others about which I have doubts. I, as Chief Secretary and the senior Minister in the Council, have been deputed to take charge of the Bill. However, it is not a Government Bill and my colleagues may vote as they see fit, although there is no doubt about some clauses.

The Hon. C. D. Rowe: Your colleagues will stick with you: I don't think you need to get nervous.

The Hon. A. J. SHARD: No, my colleagues and I have been members of the Australian Labor Party and the trade union movement for a long time and have never run away from our policy. So far I have never disagreed 100 per cent about a policy matter. If I ever am in such disagreement, although I think that is unlikely, I shall not remain a member of the Party. Too many people (and they are not all attached to one Party) towards the end of their lives turn their backs on their best friends.

I am pleased about the way the debate has been conducted on this social measure and I am sure, if the remaining stages are dealt with in the same way, that the legislation will be in the best interests of the community and the people concerned in the industry. All I am doing is sponsoring in this Chamber a Bill that is the majority decision of another place. It is virtually a private member's Bill and every honourable member can please himself how he votes. The general impression of people outside that I have gained from discussions with members of bowling and race clubs and with hotelkeepers and other persons is that this is not such a bad measure. I am not saying that it is perfect but I suggest that, instead of amending it too drastically, we ensure that whatever we do is done in the best interests of all.

The Hon. C. R. Story: You are not suggesting that other honourable members live in a monastery, are you? We all move around a bit.

The Hon. A. J. SHARD: I am just saying what I think is the general opinion. People who are not members of our Party have told me that this is not a bad Bill.

The Hon. F. J. Potter: I have said that.

The Hon. A. J. SHARD: If the measure has come to us as such, we ought not to mutilate it and have people then saying that it is a bad Bill. Mention has been made of Sunday trading, and so on, but some of the remarks about what could happen were made by people who went to the extreme: I do not think those things will ever happen. Although I do not go to the clubs in Sydney because I do not like the one-armed bandits, I have in the last three or four years been to clubs in Western Australia and have formed friendships with people there. The bowling clubs, particularly those in Perth, are of an extremely high standard. That is because the managements value their licences and have too much money involved to disobey the law. I think the same conditions will apply here. I am old-fashioned and like to stay at home on Sunday. Perth has two two-hourly periods on Sundays. The first is from either 11 a.m. to 1 p.m. or 12 noon to 2 p.m. (I think it is from 11 a.m. to 1 p.m.) and the afternoon period is from 4 p.m. to 6 p.m.

The Hon. C. D. Rowe: Is that for hotels?

The Hon. A. J. SHARD: No, for clubs. Hotels in the metropolitan area do not open on Sundays. The times set are strictly adhered to by managers, because they know that to do otherwise will mean the withdrawal of licences. I think that clubs in this State will have a similar approach.

The Hon. R. C. DeGaris: You will have permits for clubs in this State, so the position is slightly different.

The Hon. A. J. SHARD: I think a similar principle will apply here and that there will not be the great swill that we hear about. I agree with the honourable members who have said that the success or otherwise of the legislation depends on the person appointed as Chairman of the Licensing Court. I do not know who will be appointed, although there has been discussion about that, but if we are as successful in regard to this appointment as we have been in regard to other top appointments we shall not have much to worry about. In the appointment of senior officers Cabinet has not been concerned about the politics of the appointees or what their life has been: Cabinet selects persons who have the ability to do the particular work, and that principle will apply in regard to this appointment. For example, if I were approached about accepting the appointment, I would not take it, because I have not had the experience. We must select a person with ability, and we shall be able to do that.

The Hon. C. R. Story: We didn't know you were available for the job.

The Hon. A. J. SHARD: I should not like that job at this stage of my life. This Bill has some disadvantages, one of which I cannot help coming back to. I refer to football clubs. This Bill provides that some clubs which already have bottle licences shall continue to have them. I cannot see the justification for four football clubs having bottle licences while the others do not. I suppose the reason behind it is that the clubs with these bottle licences won them at a local option poll. Whether or not that is a sufficient reason I do not know.

The Hon. C. D. Rowe: There are four, are there?

The Hon. A. J. SHARD: Four or five. There will be 10 clubs in the same field of sport dealing with the same type of person, each paying about the same fee for membership; yet there will be two different types of licence. That does not seem right.

The Hon. S. C. Bevan: That is discrimination, isn't it?

The Hon. A. J. SHARD: I do not know, and I do not want to get into a debate on that. Clause 146 has been mentioned, and I have been asked to ascertain the whys and wherefores of various clauses. I will try to find out from the architects of the Bill the answers to the various questions asked by honourable members during the course of the debate. Taking this Bill through Committee will not be easy, particularly from my point of view, but, when we return after the adjournment for the Royal Show if, with the co-operation and help of honourable members, we can dispose of the Committee stage before the Budget reaches this Chamber we shall be doing well. I hope that those people who have told me this is not a bad Bill will still acknowledge how good it is when eventually it passes through this Council.

I appreciate the difficulties of the small bowling clubs with their entrance fees, especially the country clubs, but I cannot bring myself to approve the idea of a sliding scale of fees. I do not know whether somebody should be responsible for them. I appreciate the hardships of those clubs but I think they are minor because most clubs have a membership of at least 25 people. Perhaps they can increase their fees by a few dollars. I sympathise with them but cannot see the answer to the problem. I thank honourable members for the way in which they have helped to get the Bill to this stage. I hope

that the Hon. Sir Arthur Rymill and I are still friends at the end of the debate and that we disagree on very few points.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Repeal and savings."

The Hon. C. R. STORY: I should like some clarification of subclause (4). If the Chief Secretary would like time to consider it, I would be willing for him now to report progress.

The Hon. A. J. SHARD: In view of that, I ask leave to report progress and for the Committee to sit again. I should like to announce now that it will be necessary for this Council to sit in the evenings on the Tuesday and Wednesday of the week after next.

Progress reported; Committee to sit again.

ADJOURNMENT

At 4.48 p.m. the Council adjourned until Tuesday, September 12, at 2.15 p.m.