LEGISLATIVE COUNCIL

Tuesday, September 12, 1967

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

QUESTIONS

COMPANY LAW REFORM

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to the question I asked some time ago about a statement by the Premier on company law reform?

The Hon. A. J. SHARD: Yes. The Standing Committee of Attorneys-General at its meeting in Brisbane in July appointed a subcommittee of Ministers to consider means of obtaining independent reports to assist the standing committee in making policy decisions on proposals for major amendments to the uniform Companies Acts. The subcommittee comprised the Commonwealth Attorney-General, Mr. Nigel Bowen, Q.C., Mr. K. M. McCaw, the Attorney-General for New South Wales, and Mr. A. G. Rylah, Acting Premier and Chief Secretary of Victoria. At a meeting in Sydney on August 9, the subcommittee had recommended that the following persons be invited to constitute a committee to advise the standing committee:

The Hon. Mr. Justice Eggleston (Chairman), a Judge of the Commonwealth Industrial Court and of the Supreme Court of the Australian Capital Territory;

Mr. J. M. Rodd, solicitor, of Melbourne; and

Mr. P. C. E. Cox, chartered accountant, of Sydney.

The committee had been asked to inquire into and report on the extent of the protection afforded to the investing public by the existing provisions of the uniform Companies Acts and to recommend what additional provisions (if any) are reasonably necessary to increase that protection. It was not proposed that the committee should conduct any public hearings. The committee would invite interested persons and organizations to furnish written submissions, and these would be considered in conjunction with all submissions received by the standing committee since the commencement of the uniform Companies Acts. The committee would consider the recommendations for amendment to the United Kingdom's Companies Act made by the Jenkins Committee in the light of the comments thereon submitted to the standing committee by legal, professional and commercial organizations. The committee would also consider recommendations for amendments made by the committee of officers advising the standing committee and the provisional decisions made by the standing committee on some of the recommendations.

Prior to his appointment to the bench, Mr. Justice Eggleston, after establishing a substantial equity practice, later specialized in the field of industrial law. His Honour served as a Royal Commissioner in an inquiry into the law of landlord and tenant. For many years His Honour was an elected member and later Chairman of the Bar Council of Victoria. Mr. J. M. Rodd, a solicitor of the Supreme Court of Victoria, is a director of a number of companies. He was formerly the President and, for many years, a member of the Council of the Law Institute of Victoria and is a former Chairman of the Companies Auditors Board of that State. Mr. P. C. E. Cox, a partner in the chartered accountancy firm of Messrs. R. E. Cox, Wilson & Co., is a member of the General Council of the Institute of Chartered Accountants in Australia, a member of the State Council of the New South Wales Branch of the Institute and a member of its Parliamentary Laws Committee.

MOSQUITOES

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. L. R. HART: Over recent years the people in the north-western suburbs of Adelaide and the newly developed areas near Salisbury have been experiencing considerable nuisance from mosquitoes. In recent years the nuisance in the Salisbury area has extended from the St. Kilda township and the local rural areas, and it now seriously affects the growing residential areas of Parafield Gardens and Salisbury Downs. Within the Salisbury City Council area there are many mangrove swamps, and mosquitoes from this locality have been of considerable nuisance value not only in this area but also in adjoining municipalities.

This nuisance seems to have been acknowledged by the spraying of a large part of the Port River estuary over several years; these activities were co-ordinated by the Public Health Department. I believe the bodies associated with this co-ordinated programme were the municipalities of Salisbury, Enfield and Port Adelaide, and also the Electricity

Trust. This was no doubt done during the period of the erection of the Torrens Island power station.

Since the cessation of this co-ordinated scheme the Salisbury Local Board of Health has endeavoured to carry out a programme and has spent considerable time and money on it. I believe that research into this problem needs to be stepped up in order to discover the most suitable periods to carry out the spraying programme. Will the Minister of Health discuss with his department the possibility of the Government's lending assistance in the spraying of the Port River estuary to keep down this mosquito nuisance?

The Hon. A. J. SHARD: I think that the position as outlined by the honourable member is substantially correct. There has been some agreement with various bodies and councils in connection with spraying. However, some of them did not see fit to carry on, I think, last year. I do not know the present position but I shall discuss it with the Public Health Department and bring back a report as soon as practicable.

WATER SUPPLIES

The Hon. M. B. DAWKINS: I ask leave to make a short statement prior to asking a question of the Minister representing the Minister of Works.

Leave granted.

The Hon. M. B. DAWKINS: Undoubtedly all honourable members were glad to see an announcement recently made on behalf of the Government that construction of the Keith main would be resumed. However, in the course of the announcement it was stated that men now in camp at Sedan would be promptly transferred to work on this scheme. The men in camp at Sedan are at work on the new main from Swan Reach to Stockwell which, of course, is designed to supplement the Warren reservoir system. In view of the possibility of imminent restrictions on water supplies from this reservoir, will the Minister obtain from his colleague the following information: first, the number of men who are to be transferred from Sedan; secondly, whether this means that the construction of the Swan Reach to Stockwell main will cease; and thirdly, in view of the serious situation in respect of the Warren reservoir, what delay will occur in the construction of this main?

The Hon. A. F. KNEEBONE: I shall convey the honourable member's questions to my colleague and bring back replies as soon as possible.

LOTTERY PROFITS

The Hon. G. J. GILFILLAN: I ask leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. G. J. GILFILLAN: On August 22 and 29 I asked questions about the distribution of lottery profits to country subsidized hospitals. A list of the country hospitals that will receive grants this year from the "Hospitals Fund" has since been published in the press, and the Hawker hospital has been omitted. As the list is extensive, the omission of the Hawker hospital is significant. Can the Chief Secretary say whether these profits will be distributed to all country subsidized hospitals and, if they will, whether the omission of the Hawker hospital was an oversight?

The Hon. A. J. SHARD: The omission of the Hawker hospital was not an oversight. As honourable members know, a committee called the Maintenance Committee has been appointed to make recommendations on the maintenance needs of particular hospitals. I am not a member of that committee, which comprises representatives of various country subsidized hospitals. The committee makes recommendations each year on the maintenance of particular hospitals and, where an increase for maintenance is needed over the preceding year, it is recommended that it be paid out of the Hospitals Fund. In addition to the Hawker hospital, three other hospitals were omitted from the list. I can only assume that the committee, in making its recommendations, decided that the Hawker hospital did not need any more maintenance than it received last year.

TOW-TRUCKS

The Hon. Sir NORMAN JUDE: On August 31 I asked the Minister of Roads a question about the delay in proclaiming the Act and regulations regarding tow-trucks. I understand that this matter is to come under the authority of the Minister of Transport. Has the Minister of Transport a reply to my question?

The Hon. A. F. KNEEBONE: It is necessary to make regulations and have the prescribed forms printed before bringing the Act controlling the use of tow-trucks into operation by proclamation. This matter is in the hands of the Crown Solicitor and as soon as they are completed there should be no delay, as administrative arrangements have been decided upon.

GAUGE STANDARDIZATION

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

Leave granted.

The Hon. R. A. GEDDES: It has been reported in the press that the Premier has said, in relation to the problem of the railway line between Cockburn and Broken Hill, that the Commonwealth Government is demanding that South Australia agree to a proposition, the details of which were not covered in the agreement, that would deprive the State of its existing trade. Can the Minister say what trade the State would be deprived of by the Commonwealth Government if the standard gauge railway line between Broken Hill and Cockburn followed the route now owned by the Silverton Tramway Company's system or if it were to follow some other route?

The Hon. A. F. KNEEBONE: Negotiations have been going on for a considerable time regarding the Silverton Tramway Company's line between Cockburn and Broken Hill. In addition to the concentrates freighted between Port Pirie and Broken Hill, there are bulk oil and general cargo. These are the matters we are interested in protecting when coming to a final arrangement as to what may happen between Cockburn and Broken Hill. Up to the present, the Silverton Tramway Company has acted as our agent in this matter. In any final arrangements in regard to this area, this type of trade and freight has to be protected, and these are the matters that are causing concern. As I have always said, I am interested (the same as was the previous Minister) in seeing that the interests of South Australia and of the South Australian Railways are protected, and for this reason we are negotiating to get the best agreement we can in this matter.

CLEAN AIR COMMITTEE

The Hon. F. J. POTTER: Has the Minister of Health a reply to my recent question concerning regulations made by the Clean Air Committee?

The Hon. A. J. SHARD: The Clean Air Committee met on August 17 and again on September 7 this year and made progress in preparing draft regulations for the Government's consideration. There are still a number of complex matters to be considered, and it is not certain when the draft will be completed.

KIMBA WATER SUPPLY

The Hon. A. M. WHYTE: On August 31 the Minister of Labour and Industry indicated that he would get certain information about this State's approach to the Commonwealth Government regarding the Polda-Kimba water main. Has the Minister a reply to this question?

The Hon. A. F. KNEEBONE: The Minister of Works advises that the State Government has applied to the Commonwealth Government for finance to enable the Polda-Kimba scheme to proceed. A reply was received stating that the scheme came within the scope of the Commonwealth's provisions but that more information was desired. The extra details were accordingly forwarded to the Commonwealth, which still has the matter under consideration.

ORDNANCE FACTORY

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: Considerable interest has been generated by statements from the Premier that one of the reasons for the large number of unoccupied houses in the Elizabeth-Smithfield area was that the South Australian Housing Trust had built houses because the Commonwealth Government had stated that an ordnance depot would be built in that area. In reply to a recent question, the Commonwealth Minister for the Army said:

> I find it difficult to understand on what basis the Premier of South Australia made his statement . . . The facts in this situation are that some considerable time ago the Commonwealth acquired in the Elizabeth area about 270 acres for a future ordnance depot. This is a long term requirement because the existing ordnance facilities in the Adelaide area are most unsatisfactory. They are divided and split up into different locations. They are expensive to operate. This has always been a very long term requirement and never at any time has any firm indication been given about when the ordnance depot would be built.

Finally, he said:

> There is no basis or justification for the statement made by the South Australian Premier.

In view of the statement made by the Minister for the Army, will the Chief Secretary, representing the Premier, ascertain on what basis the claim was made by the Premier that the South Australian Housing Trust had built houses to cater for army personnel? Will he

also ascertain whether any agreement existed with the Department of the Army in respect of future rental or purchase houses in the area?

The Hon. A. J. SHARD: I shall be pleased to refer the question to the Premier.

WATER RESTRICTIONS

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question of the Minister of Labour and Industry representing the Minister of Works.

Leave granted.

The Hon. L. R. HART: In this morning's newspaper the Minister of Works indicated that water restrictions might be placed on market gardeners and others using water from the Warren reservoir. Many market gardeners use water from the Barossa reservoir and, in view of this morning's statement, I have no doubt that the people concerned will have doubts about the future in relation to water requirements. Will the Minister comment on the Barossa reservoir and indicate whether restrictions on the use of water from that reservoir are likely?

The Hon. A. F. KNEEBONE: I noticed that the Minister of Works said that, if we did not get good rainfalls in the catchment areas before the end of September, such restrictions would be necessary, but he did not say that they would definitely be necessary. I will convey the question about the Barossa reservoir to the Minister and obtain a reply for the honourable member.

DANGEROUS DRUGS

The Hon. R. A. GEDDES: Has the Minister of Health a reply to my question of August 30 concerning dangerous drugs?

The Hon. A. J. SHARD: The drug LSD is subject to strict import controls, and the only persons in South Australia authorized at present to import it are two prominent psychiatrists. No drug company may do so. The drug can be sold only on medical prescription, but there is no legitimate means for pharmacists to obtain supplies. The legislation covering this drug is the Food and Drugs Act, the purpose of which is to control and regulate the sale of food and drugs. The Act does not relate to possession or use of drugs.

The Dangerous Drugs Act is at present limited to the control of narcotic drugs, such as morphia, cocaine, heroin and marijuana, which are the subject of a single International Convention on Narcotics. Australia is a signatory to this convention, and all States have agreed to mould their dangerous drugs legislation on that convention. LSD is not a narcotic, and it is, therefore, not appropriate to include it in legislation confined to drugs of that type. In summary, the importation and sale of LSD are fully controlled, but the best means of prohibiting the unauthorized manufacture or possession of LSD and related drugs are at present being examined.

The Hon. A. M. WHYTE: Is it necessary to import LSD or can it be manufactured quite simply by the average chemistry student, as some reports have indicated?

The Hon. A. J. SHARD: Never having indulged in it in any shape or form I cannot reply, but I will find out the answer and let the honourable member have it.

SUPREME COURT CHARGES

The Hon. F. J. POTTER: On August 15 I asked the Chief Secretary a question concerning fees payable for copies of evidence taken in the Supreme Court. Has he a reply?

The Hon. A. J. SHARD: The Master of the Supreme Court points out that the honourable member's figures are somewhat wide of the mark. If a trial lasts three days, evidence would be taken on two-and-a-half days at most. If this is taken on the typewriter, 75 to 90 pages of evidence would be taken and a copy would cost from $37.50 to $45. If a trial lasts three days with the evidence taken by a full team of shorthand reporters, about 125 pages of evidence would be taken at a cost of $62.50. If such a trial were taken on the typewriter it would, of course, last for at least another full day, with additional counsel fees and solicitors' charges.

SEISMIC TEAMS

The Hon. R. A. GEDDES: Has the Minister of Mines a reply to my recent question about seismic teams and where they are working?

The Hon. S. C. BEVAN: I have the following report:

> As at this present date, there is a seismic team operated by United Geophysical on behalf of Delhi-Santos to the north-west of Gidgealpa, adjacent to the Queensland boder, and another team operated by Namco International on behalf of the Continental Oil Company in the Eastern Officer basin. A seismic team also operated by Namco International has just completed a survey on behalf of Associated Australian Oilfields in the Murray basin. There are no Mines Department seismic teams in the field at present.

MAIN NORTH ROAD

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Roads.

Leave granted.

The Hon. L. R. HART: During last year a section of the Main North Road, from Gepps Cross nearly to Enfield, was reconstructed. A part of the reconstruction programme included the laying of a median strip along the reconstructed area. This median strip has been the subject of some protest meetings. In fact, a portion of that strip has still not been completed—I understand because of an injunction taken out against the Highways Department restraining it from completing the strip. Can the Minister tell the Council what the present situation is about the completion of the median strip on the Main North Road?

The Hon. S. C. BEVAN: The present position is that an agreement on the median strip has been reached between the company that took out the injunction against the Highways Department, and the Road Traffic Board. The injunction will be withdrawn and the median strip will be completed forthwith.

DROUGHT ASSISTANCE

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my question of August 31 about drought relief?

The Hon. A. J. SHARD: I have the following report:

The Commonwealth Government's powers to make payments to individuals are restricted to those purposes authorized under the Constitution. Where citizens of a State are faced with financial difficulties as a result of natural calamities, and the amount of finance necessary to assist in overcoming these difficulties is of a considerable order, to the extent that a State could not be expected to provide the desired financial support from its own resources, it has been the practice of the Commonwealth to make grants to the State for distribution to the people concerned on conditions stipulated by the Commonwealth or as agreed between the Commonwealth and the State concerned. There have been no hard and fast rules associated with such Commonwealth assistance. In some cases the Commonwealth has matched funds provided by the State: in others, as was the case in connection with the recent drought in New South Wales and Queensland, the Commonwealth has met the full cost within defined categories. The Government's approach to the Commonwealth has been for the same manner of assistance as was given to New South Wales and Queensland pursuant to the States Grants (Drought Assistance) Act, 1966.

CHOWILLA DAM

The Hon. C. R. STORY: Has the Chief Secretary, representing the Premier, a reply to a question I asked on August 31 about representations made by a deputation to him for expansion of the powers of control of the River Murray Commission as regards salinity in the Murray River?

The Hon. A. J. SHARD: My colleague, the Minister of Works, has supplied the following report from the Director and Engineer-in-Chief, who is the South Australian representative on the River Murray Commission:

The River Murray Commission, while it has no present authority to control salinity or regulate the river for salinity control, is very concerned in the matter. It has engaged a consultant group to investigate the problem and it selected for this purpose joint consultants, ensuring the best available world experience in the study of salt problems in rivers in comparable areas and also a reputable Australian partner to establish a field of local experience in the field. At the present time also there is frank discussion between the several State authorities, both in and out of the River Murray Commission, on the salinity problems of the Murray River. South Australia has its difficulties in handling saline intrusion and is taking every care to operate the river in the best possible yield. Victoria is now recognizing its own difficulties and is endeavouring to avoid contamination of the main stream by careful regulation of its tributaries and main river irrigation systems. Unfortunately, Victoria has not fully developed drainage works to achieve optimum control of drainage waters. It is now actively planning to cope with this, for it, new situation and every assurance of early action needs to be sought at every level. In the last 20 years in South Australia, some eight schemes costing $350,000 have been installed for the diversion of drainage water out of the regulated flow of the river.

The aim of the River Murray Commission in investigating the problem must be proposals by the commission for amendment of the River Murray Waters Act to provide for quality control. To give a practical approach with the necessary authority vested in the Commission requires the early definition of the problem and the powers needed with the primary studies by the consultant available to ensure adequate breadth to the regulations. There seems no short cut to this, and immediate action is best sought in the co-operation of the several State authorities concerned. The Chowilla Dam negotiations are such that the suspension of the project is being implemented and all active work closed down as quickly as practicable. All work achieved is being preserved and will be maintained, and investigations in progress are continuing where cessation would involve any loss of the partly completed work. The commission is pressing on with its studies into the benefits of Chowilla.

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

Leave granted.

The Hon. C. R. STORY: I have read in the press that certain personnel are being transferred from Chowilla and also from Sedan, and I understand that some of these men will be going to the South-East. Will the Minister obtain from his colleague the following information: first, how many people who were employed at the Chowilla dam site have been provided with alternative employment; secondly, how many members of the work force are remaining at the site as a caretaker force; thirdly, where have the men who will continue to be employed been transferred?

The Hon. A. F. KNEEBONE: I shall convey the honourable member's question to my colleague and bring back a report as soon as possible.

ALAWOONA RAILWAY STATION

The Hon. C. R. STORY: Has the Minister of Transport, in his capacity as Minister of Railways, a reply to my recent question about the closing of the refreshment rooms at Alawoona railway station?

The Hon. A. F. KNEEBONE: Yes. The Alawoona refreshment rooms have been closed because the patronage from the travelling public was too low to justify their retention. In terms of the Railways Commissioner's Act, the commissioner may sell or supply liquor at any refreshment room carried on by him at any railway station outside a radius of 10 miles from the General Post Office at Adelaide—

"(*a*) to any person from the time of arrival at that station of any passenger or mixed train or rail motor car which is in the course of making a journey, until the departure of that train or rail motor car, or any other train or rail motor car continuing the journey in place of that train or rail motor car, but not during any day or time when the sale of liquor is prohibited by law:

(*b*) to any *bona fide* passenger on any such train at any time."

However, the prime object of railway refreshment rooms is to supply the travelling public; consequently, the retention of the Alawoona refreshment rooms for other purposes is not warranted.

PEDESTRIAN CROSSING

The Hon. R. C. DeGARIS: Has the Minister of Roads a reply to the question I asked on August 16 regarding the pedestrian crossing on the Main North Road?

The Hon. S. C. BEVAN: The reply is as follows:

(1) There have been six accidents reported at or near the pedestrian crossing on the Main North Road opposite Nailsworth school during the last six months. None of these accidents involved pedestrians.

(2) There are 10 pedestrian-operated traffic lights in the metropolitan area.

(3) The responsibility for installing pedestrian facilities rests with the local government authorities. It is estimated, however, that another six pedestrian-operated traffic lights could be required within the next few years.

Furthermore, I point out that a new policy has been implemented and that 10 zebra crossings are now being established in various suburbs.

T.A.B.

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to the question I asked on August 30 concerning the T.A.B. agency at Tea Tree Gully?

The Hon. A. J. SHARD: The Totalizator Agency Board reports:

The details as quoted by Mr. DeGaris are correct. In the case in question, the investment on race four could not be placed on the totalizator because of insufficient time, whereas, with the race five investment the information was relayed to head office control centre while sufficient time to advise the on-course totalizator company of the adjustment was still available.

Because of the T.A.B. system of selling on several events at any one time, there is always the possibility of a seller unknowingly issuing a ticket after race closing time. Such tickets are normally sold and discovered within a few minutes of race closing time and the agency has time to relay the information to head office for action. Very few cases occur where it is not possible to include the investment with the on-course totalizator figures, and the board has been given the protection of not having to meet losses from this by board rule 4 g (i). Otherwise the board could be placed in the position of having to consider claims from unscrupulous people who may deliberately purchase, or attempt to purchase, tickets after the running of the race.

The intention of the board is to make every endeavour to have any such investment included on the totalizator and, in the case in question, this was done with the race five investment but obviously could not be done with the race four

investment. It is, of course, not possible for any person who purchases a "late sale" ticket to know if T.A.B. will be able to place this on the totalizator but, as almost all investments are included, the person who collects any resultant dividend has no cause for complaint. The board takes every possible precaution to alleviate late sales, but considers that persons who invest under the system and help in making these mistakes must abide by the rules laid down.

WATER CONSERVATION

The Hon. A. M. WHYTE: Has the Minister of Labour and Industry obtained from the Minister of Works a reply to the question I asked on August 31 regarding the investigation of an alternative water rating system?

The Hon. A. F. KNEEBONE: My colleague reports:

The Engineering and Water Supply Department is at present investigating alternative systems of water rating. To assist in the inquiries, two of the department's senior officers recently visited the United States of America to study systems in operation in the various States. The system in use here at present, based on property values, is the one used in most other Australian States, and is considered to be the fairest method. For instance many large establishments in the city of Adelaide which are highly rated use little water but, because they obtain sufficient for sprinkler protection against fire, they receive substantial rebates on their insurance policies. Because of their high property valuations they pay large sums in water rates and do not complain. If a "pay for the water used" system were in operation, these firms would pay far less and, to make up for their loss, householders and primary producers would be required to make higher payments for less water. It is considered, therefore, that a better system would need to be found before changing from the present method. However, the department is carefully studying all alternatives and the Minister expects to receive a report in the near future.

AUDITOR-GENERAL'S REPORT

The PRESIDENT laid on the table the Auditor-General's Report for the financial year ended June 30, 1967.

LICENSING BILL

In Committee.

(Continued from August 31. Page 1761.)

Clause 3 passed.

Clause 4—"Interpretation."

The Hon. Sir ARTHUR RYMILL: I move:

Before "In" to insert "(1)".

This amendment is preparatory to moving the next amendment I have on file and, consequently, it becomes necessary for me to explain the nature of that amendment. Under several clauses of the Bill the minimum quantity authorized to be sold by certain licensees is two gallons. This condition replaces a section in the existing Act referring to one dozen reputed quart bottles or two dozen reputed pint bottles. The terms "reputed quart" and "reputed pint" are not defined in the existing Act, thus they mean what people understand by those phrases. However, under the Bill the words "two gallons" are inserted in lieu of "reputed quarts" and "reputed pints".

If one divides six bottles into one gallon the result is 26 and two-thirds fluid ounces and not 26 fluid ounces. If one divides 12 into one gallon the result is 13 and one-third. Of course, these same proportions relate to two gallons. If honourable members look at any bottle of wine they will see on it "net contents 26 fluid ounces". This applies not only to wines of this State but to wines of the other States of Australia, the bottling of which the local authority does not control. Thus it will be seen that the 12 normal 26-oz. bottles do not comply with the quantity of two gallons, because they comprise 12 times two-thirds less than that, namely, eight ounces less. This is a technical point.

There is an additional complication regarding beer. Under the Beer Excise Act the maximum quantity that a brewer can place in any reputed quart bottle is 26 and two-thirds ounces. Under the proposed new Weights and Measures Act the brewer will have to state the minimum quantity contained in the bottle. Beer is a foaming fluid, thus it is impossible to put a precise quantity in the bottle. Although the brewer's intention may be to place 26 and two-thirds ounces in the bottle, he cannot always get it up exactly to that amount.

I am reliably informed that local brewers will guarantee a minimum of 26 ounces instead of 26 and two-thirds ounces, although they will continue the existing practice and try to get each bottle up to 26 and two-thirds ounces. Therefore, in relation to wine and beer it would be almost impossible for any vendor under a two-gallon licence to give to the purchaser the quantity in a dozen bottles. It is this technical anomaly that my amendment sets out to correct.

The Hon. C. R. STORY: I take it we would naturally see a reduction in the price of liquor as a result of this, to the tune, I suggest, of 10c. I imagine that this amendment will make the law clear.

The Hon. Sir ARTHUR RYMILL: I assume the honourable member is referring to wine, because I understand that the brewers will still endeavour to put 26 and two-thirds ounces in the bottle.

Amendment carried.

The Hon. Sir ARTHUR RYMILL moved to insert the following new subclause:

(2) For the purposes of this Act one dozen containers each containing not less than twenty-six fluid ounces or two dozen containers each containing not less than thirteen fluid ounces shall in either case be deemed to contain a total quantity of two gallons.

Amendment carried; clause as amended passed.

Clause 5—"Constitution of Licensing Court."

The Hon. F. J. POTTER: I move to strike out subclause (4) and insert the following subclause:

(4) Subject to subsections (5) and (7) of this section, the chairman shall be appointed on such terms and conditions as are fixed by the Governor: Provided that he shall be appointed to hold office until he reaches sixty-five years of age and shall not be removed from office before reaching that age except upon an address of both Houses of Parliament.

I believe that the Bill provides for the correct status for the person to be appointed, namely, the same status as the Local Court Judge. The salary to be paid is $11,400, which is the same salary as that now being paid to the Local Court Judge. Subclause (7) provides for the person appointed to hold other Government appointments and to receive emoluments in addition to the $11,400.

I would hope that the Licensing Court judge, in the initial stages anyway, would be so fully occupied that he would not be able to hold too many additional appointments, although he could perhaps well deal with some small part-time appointments. This is by no means an inferior position in the Public Service, and it carries a substantial salary. With perhaps a few additional emoluments for part-time positions it can build up to a tidy sum, and it would be wrong for whoever may be appointed to be at any time looking towards the time when the period for which he is appointed expires.

A good deal was said earlier about the fact that the Government must look very carefully at the person who will be appointed to control this new legislation. It is a responsible position, and I trust that the Government will consider the matter carefully before making a choice. I consider that we should follow the traditional method of appointment for any member of the Judiciary; that a person is appointed for life or until a stipulated retiring age. The practice of appointing for life has gone, both for Supreme Court judges and for the minor Judiciary. The standard retiring age for judges in South Australia is 70 years and for other judicial persons 65 years. To bring this position into line with the position of the Local Court Judge, I propose a retiring age of 65 years. The person then appointed would not have any tendency to do anything that might favour the policy of the Government of the day or anything that might get him into disfavour with that Government, which would be the body to re-appoint him. If the right man is appointed he will do his job without fear or favour, affection or ill will to all manner of persons affected by the provisions of this Act. He should be free from any need to worry about whether or not there is any likelihood of his being re-appointed at the end of a specific term. The real core of my amendment is that the appointee should hold office until the age of 65 years and should not be removed before that age except upon an address by both Houses of Parliament.

The Hon. A. J. SHARD (Chief Secretary): The Government has considered this amendment. I think it is an improvement, and I raise no objection to it. I agree that the person chosen to do this job must have outstanding ability. Who that person will be, I have not the faintest idea, but I know that the person selected will be one who will do his job well. I also agree with the Hon. Mr. Potter that such a person should not be appointed for only a specific period. I think the amendment strengthens the Bill.

Amendment carried.

The Hon. F. J. POTTER: I move:

In subclause (6) to strike out "suspension" twice occurring.

This amendment is consequential, in a sense, although I do not really know why the word was included.

The Hon. A. J. SHARD: I do not know that the inclusion of this word would cause any harm. There have been instances of people being suspended. I ask the honourable member to reconsider this.

The Hon. F. J. POTTER: The word "suspension" is completely out of place here. I know the matter the Chief Secretary undoubtedly has in mind, but in that case the person concerned was a public servant. However, this person will be occupying a superior judicial office, and he can be removed only on an address of both Houses of Parliament. There will be no power to suspend him.

The Hon. A. J. SHARD: I will not press my point, but I hope the honourable member is right.

Amendment carried; clause as amended passed.

Clauses 6 to 10 passed.

Clause 11—"Duty to obtain licence."

The Hon. C. R. STORY: I have a later amendment on file that may make this clause redundant. I believe that everybody who handles liquor should be licensed and thus come under the jurisdiction of the Licensing Court. If I am successful in removing a proviso to clause 146 and other honourable members are successful in amending clause 27, this clause will be redundant.

The Hon. Sir ARTHUR RYMILL: I doubt the necessity to amend this clause even if amendments foreshadowed by the honourable member are carried, because permit holders will still be entitled to sell liquor under this Bill.

Clause passed.

Clause 12 passed.

Clause 13—"Exceptions to application of Act."

The Hon. C. R. STORY: The Licensing Court should have jurisdiction under subclause (2) and at the end of 12 months those who have been carrying on this practice in the past will have to be licensed. Some will apply for and be granted a vigneron's licence while others will be granted different types of licence. Some will continue to produce without a licence unless an amendment is made to clause 146 to bring them under licence.

Clause passed.

Clause 14—"Nature of licences."

The Hon. C. R. STORY: I have an amendment on honourable members' files to insert in subclause (1) a new class of licence, which would cater for people who are now permitted to sell five gallons of liquor but who are not now licensed and do not come under the court's jurisdiction. The fee will be nominal. Most of these people could not qualify for a vigneron's licence because they do not produce 70 per cent of the product.

The CHAIRMAN: I point out to the honourable member that if his amendment is carried it will affect the second line of this clause, as the word "fifteen" will have to be altered to "sixteen". Perhaps the honourable member will take a test vote on that?

The Hon. C. R. STORY: Thank you, Sir. I move:

In subclause (1) to strike out "fifteen" and insert "sixteen".

The Hon. A. J. SHARD: I raise no objection to the amendment, but a dispute may arise when we come to amend clause 36. I forewarn honourable members.

Amendment carried.

The Hon. C. R. STORY moved:

After "Special licence" to insert "(*p*) 'Five gallon licence'."

Amendment carried; clause as amended passed.

Clause 15—"Wilpena chalet provision."

The Hon. A. J. SHARD: I move:

After "1914-1960" to insert "or the provisions of any other Act"; after "licence" to insert "a limited publican's licence or a restaurant licence"; and after "Resort" to insert "or the proprietor of any other premises situated upon any lands that the Governor declares by proclamation (which he is hereby empowered to do) to be a national pleasure resort or a national park".

This amendment brings national parks into line with the chalet at the Wilpena National Pleasure Resort.

Amendments carried; clause as amended passed.

Clauses 16 and 17 passed.

Clause 18—"Special licence for Barossa Valley Vintage Festival."

The Hon. A. J. SHARD: I move:

To strike out "two calendar years" and insert "calendar year".

The Bill now provides for licences for the Barossa Valley Vintage Festival once every two years. It is thought that, if the Barossa Valley Vintage Festival Association should decide to have its festival once a year, it should be able to obtain a licence.

The Hon. C. R. STORY: I agree with this in principle but wonder whether $50 for this licence is not too much, for just the days mentioned. Will the Chief Secretary consider that?

The Hon. A. J. SHARD: The answer to that must obviously be "No". A licence for a booth at a racecourse would cost more than $50. If a licence is wanted for a day when there is a huge crowd of people and a booth and other things are needed, $50 is not too much.

Amendment carried; clause as amended passed.

Clause 19—"Publican's licence."

The Hon. A. J. SHARD: I move:

In subclause (1) to strike out "and" first occurring; and after "(3)" to insert "and (4)".

These are purely drafting amendments.

Amendments carried.

The Hon. R. C. DeGARIS: I move to insert the following new paragraph:

(*b*1) upon a Sunday between the hours of twelve o'clock noon and seven o'clock in the evening for consumption in a lounge and not otherwise;

I realize that, if this amendment is carried, many consequential amendments will have to be made. The amendment allows hotels to trade in their lounges between the hours of 12 noon and 7 p.m. on Sundays. In deciding to move this amendment I have taken a totally different course from my first reaction to the Royal Commissioner's report, which was that I opposed any suggestion of Sunday trading for hotels. However, after studying the report and taking into account other facts, I have come to the conclusion that the only logical way to deal with this matter is to allow hotels to trade within their lounges on Sunday afternoons. That is the correct course for the good of the community. We are faced here with two alternatives: we must either completely prohibit the sale or supply of liquor on Sundays by clubs or hotels or allow hotels the same hours of trading as those available to clubs. The Bill, as it now stands, allows a permit to be given to a club for Sunday trading whether it is licensed or not. Another place was not prepared to grasp this nettle and it came to a compromise between the two alternatives. I shall quote from the Royal Commissioner's report, as follows:

I have concluded that those objectives are, or should be, the regulation and control of the sale, supply and consumption of alcoholic liquor so far as (but no further than) needed in the public interest—

I emphasize the words "in the public interest". The Commissioner continues:

(*a*) in the availability of adequate and proper premises, goods and services to meet the reasonable needs and convenience of those who seek them, and

(*b*) in the prevention of excessive or other undesirable consumption of alcoholic liquor and of the adverse consequences thereof.

It seems to me a proper assumption that the laws of this State do not, and should not, forbid the consumption of alcoholic liquor.

The Commissioner then referred to practices that were being tolerated by the South Australian public. In his report he deals with the question of police tolerance; I point out that not only did the police tolerate these activities but the public itself tolerated them. In this connection, the Commissioner states:

Turning, then, to the topic in the narrow sense of a policy, from wherever it originated, of allowing a particular law to be habitually and openly broken by a particular class of people and in a particular manner, I can only say that I was appalled by the nature and extent of the illegal practices actively or tacitly allowed to grow up and thrive in our community. I summarize the evidence as follows:

(*a*) The law prohibits the sale and supply of liquor by a club to its members or at all unless the club is registered under the Licensing Act.

At the end of this statement, the Commissioner says:

In fact, many of the clubs and their members do not abide by the law.

He further says:

I should also say that I use the phrase "police tolerance" to indicate a practice of the Police Force as a whole (whether originating within the force or in consequence of a Ministerial direction) not to enforce a particular law.

These breaches of the Licensing Act of this State were being tolerated by the Police Force and by the community. The Commissioner further deals with the matter as follows:

As will appear from my report below, a number of the practices which are at present illegal, and which are at present the subject of police tolerance, are in themselves practices which do not appear to attract public opprobrium and which I do not think should be prohibited. However, if I am right in saying that they are not practices which should be prohibited that is a question for the Legislature and not for the executive or the police to determine.

I think that this places the responsibility back on the Legislature of this State; it is up to us to decide this State's licensing laws, and not to allow, as the Hon. Mr. Story so very well pointed out in his second reading speech, a subterfuge tolerance which the community and the police have given over the years to certain activities. I pointed out in my second reading speech that I was concerned about the position of clubs in this regard. Under this Bill, Sunday trading is to be permitted, and this permission is to be given only to club activity. In my opinion this presents a problem that this Council must face. The Commissioner states:

Although there are different kinds of clubs, in my opinion there should be not merely a club registration but a club licence covering all clubs without any exception and that any tailoring of the conglomeration of rights covered by a general club licence to fit the lesser needs of any particular club—

The Commissioner then goes on to deal with the question of clubs in New South Wales; he states:

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 *vis a vis* 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 twenty-four 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).

I emphasize that comment of the Commissioner. In other words, the growth of club activity in New South Wales, as he saw it, was primarily due to the fact that the clubs have trading hours during times when the hotels are closed, particularly on Sundays. On page 24 of the report the Commissioner makes his recommendation in relation to Sunday trading as follows:

In my opinion, there should be on Sundays no trading in bars or bottle departments, drinking lounges should be available for the sale, supply and consumption of liquor whilst seated, the seating referring to consumption but not to prevent either self-service on an "honour-system" . . .

If we allow club activity to flourish in the State at the same time as there is no competition from the normal outlet of the hotels, then we will create a growing social evil in the State that the community will regret.

The Hon. M. B. DAWKINS: As I indicated in my second reading speech, I realize that almost completely free conditions for clubs on Sundays would be a bad thing for the State. I said then that if it were to be a choice between an "open go" for clubs and limited hotel lounge trading on Sunday afternoons, it might be that, in some respects, lounge trading would be better. After further consideration I now consider that it would be better, instead, to tighten up clause 66, which gives far too much of an "open go" to the clubs. If I were to follow my own inclinations I would remove the words "including Sundays" in clause 66, but I must take note of the wishes of my constituents as a whole. The answer to this matter is not to open a second door for Sunday trading; therefore, I oppose the amendment.

The Hon. JESSIE COOPER: I oppose the amendment on two grounds: first, I do not believe that the people of the State want Sunday trading. I have been approached by literally hundreds of people who actively oppose Sunday trading, particularly women, who have certain fears in this regard. Secondly, I do not believe that the hotel keepers want Sunday trading. At a time when in practically every occupation efforts are being made to give people more leisure, it seems strange that hotel keepers should not be considered as needing any leisure at all. They need their break as much as anybody else; therefore, they should not be forced into Sunday trading. The problem of Sunday trading has been considered in other States and no change from the former trading hours has been made in those States. Therefore, I see no real reason for having this provision in the Bill.

The Hon. C. M. HILL: I support the amendment. It deals with clubs and it is not to be taken as a criticism of the clubs or of the manner in which they will be trading with permits in the future under clause 66 of the Bill. It is interesting to read in the Commissioner's report that he thought the clubs would not mind if they were restricted, in that they could not open until 12 noon on Sundays or during the same hours as hotels. It appears to me from the report that the clubs are not strongly opposed to the idea that the Hon. Mr. DeGaris is now bringing forward.

When I mentioned this matter to an official of one club who is very interested in this legislation he also took the view that he did not think the club would greatly mind having written into this measure the principle that no liquor could be consumed before 12 noon on Sundays but that after that time liquor could be supplied and consumed up to 7 p.m. in both clubs and hotels.

The second point I make is the necessity of being realistic and practical and of overcoming the problem of illegal practices that are now tolerated. People are drinking on Sundays in these clubs illegally. They will go on drinking in the future in these clubs, but it will be legal. People will be able to join those clubs. Anyone who wishes to drink on a Sunday morning will be able to do that by merely joining a club. If they do not wish to join a club, they can drive 60 miles to a country hotel (as many people are now doing) and then drink as *bona fide* travellers.

The Hon. F. J. Potter: It would be easier to join a club.

The Hon. C. M. HILL: Yes. The people who say they are opposed to Sunday trading must be opposed also to the club practices which this measure will permit, because surely that is Sunday trading, too. I support the view that the realistic, practical and sensible way to approach the problem is to give the public the opportunity to choose between drinking at a club and drinking in the lounge (and the lounge only) of a hotel. If we give the people that opportunity, it will be in accordance with what the Commissioner has recommended.

The last point I wish to mention concerns the danger that might result if clubs with this monopoly of trading on Sundays grow in size and influence and reach such proportions that legislation will not be able to curb them. That is the position that has arisen in New South Wales, and I think everyone agrees that it is to the detriment of that State. If that growth is to be checked, now is the time to do it, for otherwise it will be too late. For those reasons, I support the amendment.

The Hon. C. D. ROWE: I must oppose the amendment. It has been stressed by several speakers that we should avoid any suggestion of subterfuge. In other words, the suggestion is that the law should ensure that it can be and will be obeyed, and that it will be enforced by the appropriate authorities. The Hon. Mr. DeGaris said that as there is a demand for the sale and supply of liquor on a Sunday it would be advisable that liquor be obtainable not only from clubs but also during specified hours from hotels.

Personally, I am opposed to the provision of facilities for the sale and consumption of liquor on Sundays, for I believe that is one day on which we could do without that commodity. The truth is that for many years, by means which have not always been lawful, clubs have been able to supply liquor to their members, and it seems that that course of action should be regularized and made legal instead of being carried on as a subterfuge. The question that arises, therefore, is whether we go to the extent of allowing clubs to carry on this activity legally and stop there or whether we also allow hotels to do the same thing legally. The further question that has been posed is whether, if we permit the club and not the hotel to do this, it will result in an unnecessary expansion (perhaps an undesirable expansion) of the growth and prestige of clubs in the community.

I am unable to see how the opening of hotels on a Sunday afternoon will stop the expansion of clubs. I think it is possible that undesirable practices will grow up around clubs irrespective of whether or not the hotels are open.

The Hon. F. J. Potter: That is a matter for the police.

The Hon. C. D. ROWE: Yes, but unfortunately where there is economic pressure, and where there are many people seeking a certain facility, it sometimes happens that the police do not enforce the law as much as we would perhaps desire. On the issue of whether the opening of hotels will stop the expansion of clubs, I am afraid I cannot agree with the mover of this amendment, because I do not think it will. I rather think we have to approach this matter by trying to hedge around the permits granted to clubs with so many restrictions that those clubs will carry out what I believe is their purpose, namely, providing a facility for their *bona fide* members.

It is for that reason that I have placed on the file certain amendments to clause 66. The object of those amendments is to ensure that the growth of these clubs into the octopuses that they have become, particularly in New South Wales, will be eliminated. I cannot agree with the Leader's amendment, but that does not alter the high opinion I have of his integrity and ability.

The Hon. Sir NORMAN JUDE: Unlicensed clubs will have to depend on the permit system. On page 24 of his report the Commissioner referred to the sale and supply of liquor under seating conditions in hotel lounges and clubs; he did not suggest that clubs should have free-for-all sales in every bar or that hotels should be permitted to open their bars. The Commissioner governed his recommendation by specifying "lounge drinking". The permit system will rely largely on the discretion of the court, but I am worried about this discretion. It will be necessary to proceed carefully for a few years until the Act has been straightened out and anomalies corrected. The Bill opens increased avenues for the sale of liquor on Sundays and apparently the Government is satisfied to support that situation. I believe the legislation should be tested before any additional avenues of sale are permitted. I do not doubt the integrity of the Hon. Mr. DeGaris, but I cannot support his amendment.

The Hon. A. J. SHARD: I oppose the amendment for somewhat the same reasons as those mentioned by the Hon. Mrs. Cooper. I do not think the public wants hotels open on Sundays or that hotelkeepers or their employees want them open.

The Hon. F. J. Potter: They may change their ideas later.

The Hon. A. J. SHARD: Yes, but they are not ready for it yet. I believe people should be permitted to do what they want to do provided that they do not unjustly interfere with others. We have been warned by some honourable members of some terrible things that could happen under the proposed trading hours; I agree that they could happen, but I do not think they will happen, because the court is there to give protection. I believe that golf clubs, cricket clubs, football clubs, and bowling clubs have reached their maximum expansion and I do not think there will be an influx in the number of members merely to drink on a Sunday. That has not happened in Western Australia, where I believe honorary members are not permitted. I believe the court will lay down conditions governing honorary members in clubs in South Australia.

The Hon. C. D. Rowe: Does the Minister know what hours clubs are open in Western Australia?

The Hon. A. J. SHARD: I think it is for two two-hourly periods; one in the middle of the day and another from 4 p.m. to 6 p.m. I know that the hours are strictly observed.

The Hon. M. B. Dawkins: Does the Minister believe that that is a good scheme?

The Hon. A. J. SHARD: The clubs will comply with whatever conditions are laid down and I assure honourable members that the police will impose strict supervision.

The Hon. F. J. Potter: The court cannot control those who become members of a club, though.

The Hon. A. J. SHARD: It happens in Western Australia, where so many active members constitute a club and a percentage of honorary members is permitted. The court could stipulate similar conditions here. Certain people tremble at the idea of clubs being granted trading facilities and constantly mention the extremes of abuses that could occur. I am certain that such abuses will not occur because people controlling the clubs will not allow any excesses. The majority of clubs are merely anxious to legalize what has been done for many years. I do not agree that there will be a vast extension of liquor outlets on Sunday; they are fairly large now.

If I thought the people wanted this, I would support the amendment, but I do not think the people want it. There may be agitation in later years, but I do not think the habits of the people will alter in 12 months. I oppose the amendment.

The Hon. R. C. DeGARIS: I do not like Sunday trading, but in this State we have seen a tolerance and a cloak of legality given to Sunday trading. No honourable member can deny that the Bill condones legalized Sunday trading. Admittedly, under other clauses, a permit must be obtained for an unlicensed club to operate on a Sunday, but I can see no reason why the court would not issue such a permit. If one football club or soccer club obtained a permit, all other similar clubs would obtain permits. There would be a proliferation not of clubs but of club activities on Sundays.

The Hon. S. C. Bevan: Would it not be in the discretion of the Licensing Court whether or not a permit was granted?

The Hon. R. C. DeGARIS: Yes, but, if a football club has a permit for Sunday trading, how can the court refuse any other football club a permit? Already, I have been told that one particular club has sent its manager to Sydney to see how clubs operate there and to gain information. The Bill contains provisions for legalized Sunday trading in its worst possible form, which is not in the best interests of the community. If there is a proliferation of club activities on Sundays, we shall be back to where we were two years ago: every possible subterfuge will be used. I agree with the Commissioner's report on this matter that, if we give the clubs this monopoly of Sunday trading, it will not be conducive to the best interests of the community.

Amendment negatived.

The Hon. A. J. SHARD: I move:

In subclause (1) (*f*) to strike out "the proviso to".

This is a drafting amendment.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

In subclause (3) to strike out "by the holder" and insert "for the grant or renewal"; to strike out "for a renewal of his licence"; after "public," to insert "grant or"; after "to" second occurring to insert "any one or more of the following:—(*a*)"; to strike out "and such of the following as the court thinks fit:—"; to strike out "(*a*)" and insert "(*b*)"; to strike out "(*b*)" and insert "(*c*)"; after existing paragraph (*b*) to insert the following new paragraph:

"(*d*) the sale and disposal of liquor pursuant to a supper permit between the hours of ten o'clock in the evening and half past eleven o'clock in the evening for consumption on the premises with or ancillary to substantial refreshments;";

to strike out "(*c*)" and insert "(*e*)"; and in subclause (4) after "is" to insert "granted or".

These amendments are of a technical nature. The restricted licence obtainable under clause 19 (3) is a restriction on a full publican's

licence and is not to be confused with a limited publican's licence, dealt with in clause 20. This is virtually a separate kind of licence. There is a full publican's licence, and the court has power to restrict this licence to certain matters only, or to any one or more of them. The licence under clause 20 is more in the nature of a motel licence. Although subclause (3) applies to a renewal of a publican's licence, it does not apply to the original grant of a publican's licence. In other words, it is all right for premises already licensed but not for new licences. Under the clause as drawn, an applicant for a new licence cannot get it, but he can under my amendments because they make the provision apply to the original grant of a licence as well as its renewal. It is purely discretionary for the court: it does not have to do this, but it can under such conditions as it thinks fit. The proposed new paragraph (*d*) contains nothing new: it merely resolves an ambiguity about whether or not a particular permit may be granted by the court. I emphasize "may" because the court has a discretion.

The Hon. A. J. SHARD: I raise no objection to these amendments.

Amendments carried; clause as amended passed.

Clause 20—"Limited publican's licence."

The Hon. Sir ARTHUR RYMILL: I move:

In subclause (1) after "constructed" to insert "and primarily used".

This clause has been very difficult to draw. At present it refers purely to the original construction of the premises and not to their current use. My amendment makes the clause refer to premises specifically constructed and primarily used for the service of the itinerant public. I do not claim that my amendment makes the clause perfect, but it does improve it, because it makes the clause refer to the current use of the premises as well as to their original construction. This is particularly important in connection with renewals.

Amendment carried; clause as amended passed.

Clause 21 passed.

Clause 22—"Retail storekeeper's licence."

The Hon. F. J. POTTER: I move:

In subclause (2) to strike out "three years" and insert "one year".

I am trying to effect a change in the provisions of subclause (2) which deals with the right to apply for a retail storekeeper's licence. Under this subclause there will, in fact, be a freeze for three years on any person applying to the court for such a licence, and at the end of this period applications will have to be considered by the court in the light of the facilities that then exist for the supply of liquor in the area in which the applicant proposes to carry on business. In the interim certain events may occur that will make it impossible for an intending applicant to get a licence anyway at the end of the period. I know of people who sought an increase of one in the number of licences in 1964 (the last year in which local option polls were held) so that they might be able to apply later for a retail storekeeper's licence.

This is how the old system worked: if one wanted to get an Australian storekeeper's wine licence, he first had to get up a petition for a local option poll. This petition stated: "We, the undersigned petitioners, request that the number of licences in this district be increased by one." Various people signed the petition, and the promoter's signature was usually the first on the list. The petition was then submitted to the Electoral Department, which checked to see that the signatories lived within the district. The size of local option districts was about half the size of the House of Assembly electoral divisions in the metropolitan area.

The matter then went to the vote; if the voters agreed to an increase of one in the number of licences, it was then up to the sponsor of the petition to apply to the court for a licence. There are people who in 1964 very nearly got to the position of successfully promoting a local option poll, and they nearly succeeded in obtaining agreement to an extra licence. Since that time these people have been unable to present another petition. The system was for this to happen every three years —this right was taken away from them by a recent amendment, in anticipation of the introduction of this Bill. Now, under this provision they will have to wait for another three years and to face a more difficult position than ever before at the end of that period. I do not think this is fair, and I have been reliably informed that the court, although it will have considerable work to do when this legislation comes into operation, believes that it may be able to handle such applications in a much shorter period than three years. The amendment will do justice to those people who have been waiting over three years for another chance to obtain a retail storekeeper's licence, although there is no guarantee that they will get a licence even if they apply at the end of one year.

The Hon. C. R. STORY: I support the amendment, and I may go further and move

to have the whole of subclause (2) struck out at the appropriate time. As the Hon. Mr. Potter has pointed out, this provision is an undue restriction on a class of people. Certainly it is a generous licence, but a three-year period seems to be much too long to have to wait, as many changes could take place in a community in that time.

The Hon. A. J. SHARD: This seems to be a reasonable concession and I raise no objection to the amendment. If I accept the amendment, I do not want it to be taken for granted that it is all right. It may be necessary to have a second look at it.

Amendment carried; clause as amended passed.

Clauses 23 and 24 passed.

Clause 25—"Distiller's storekeeper's licence."

The Hon. C. R. STORY: It will be noted that the distiller's storekeeper's wine licence is slightly different from the others, in that lots of one gallon of spirits and two gallons of wine may be sold. I think this will adequately cover the position in most areas. In addition, there is the vigneron's licence, which will get over most of these problems, and I have another amendment that will take up any of the slack.

Clause passed.

Clause 26 passed.

Clause 27—"Club licence."

The Hon. A. J. SHARD: There is some drafting necessary before dealing with this clause, and I move:

That consideration of clause 27 be deferred and taken into consideration after clause 64.

Consideration of clause 27 deferred.

Clause 28—"Packet licence."

The Hon. A. J. SHARD: I move:

In paragraph (*b*) after "of" first occurring to insert "except between the hours of nine o'clock in the morning and ten o'clock in the evening upon a day other than a Sunday or Good Friday".

Various hours for the sale and consumption of liquor are provided under the Bill. I understand that this amendment fits in with the workings of the Bill.

Amendment carried.

The Hon. A. J. SHARD moved:

In paragraph (*b*) to strike out "during any day or time during which the sale of liquor is prohibited by law."

Amendment carried; clause as amended passed.

New clause 28a—"Five gallon licence."

The Hon. C. R. STORY: I move to insert the following new clause:

28a. Every five gallon licence shall authorize the person thereby licensed to sell and dispose of liquor on the premises therein specified, on any day (except Sunday, Good Friday and Christmas Day) in quantities of not less than five gallons to any person licensed under this Act.

I think I explained earlier the reasons for this amendment.

New clause inserted.

Clause 29 passed.

Clause 30—"Restaurant licence."

The Hon. A. J. SHARD moved:

In paragraph (*a*) of subclause (1) after "eleven" to insert "o'clock".

Amendment carried; clause as amended passed.

Clause 31—"Cabaret licence."

The Hon. A. J. SHARD: I move:

In subclause (1) to strike out "half past eight" and insert "seven".

I think this amendment will meet with the approval of the Committee. The purpose is to change the hours of cabaret licences. The present commencing hour of 8.30 p.m. is too late to accord with existing practices; consequently it is proposed that a cabaret licence should authorize the sale of liquor from 7 p.m.

The Hon. Sir NORMAN JUDE: Certain cabarets are cabarets-cum-restaurants. In the city of Adelaide there are one or two well-managed restaurants and I understand that another large one is to be developed. These restaurants cater essentially for people who are going on to the live theatre at 8 p.m. I cannot see any harm in altering the commencing time to 6.30 p.m. The proprietor of one of these cabarets-cum-restaurants told me that he would be quite happy not to open at all before 6 p.m. It seems to me desirable to allow people a reasonable time to consume their dinner, and I think we should make a proper job of it while we are about it. These establishments are providing a service in close proximity to the live theatre and picture shows, both of which start at 8 p.m., and surely it is desirable that people can drink with their dinner. I cannot see that my amendment would cut across any other person's business in any way.

The Hon. A. J. Shard: I think we have been generous to you by my amendment.

The Hon. Sir NORMAN JUDE: Considerate, but not generous. Under the Act, a person cannot have both a restaurant licence and a cabaret licence. However, I think all honourable members will agree that it is quite reasonable to provide a restaurant service with a cabaret. In Melbourne and Sydney we see

very large restaurant-cabaret shows which begin at 8 p.m. or even as late as 9 p.m. I think it is reasonable to allow people to start their meal at 6.30 p.m. when they intend to visit the live theatre afterwards. If proprietors wanted to concertina their services to shorter hours then they would do so. Because I believe the public should be given reasonable facilities I suggest that the Chief Secretary's amendment to 7 p.m. be changed to 6.30.

The Hon. S. C. BEVAN (Minister of Local Government): This clause deals with a cabaret licence and I believe a distinction should be made between that and a restaurant licence. I think the Chief Secretary's amendment is reasonable, even though I appreciate the Hon. Sir Norman Jude's view regarding a cabaret. Theatre-goers attend a cabaret not in order to have a pie and a plate of peas but to have a good meal.

The Hon. Sir Norman Jude: And they want to drink with it.

The Hon. S. C. BEVAN: I do not know where the cabarets are that people want to attend prior to going to the theatre. A cabaret would not begin until well after 7 p.m. and the Bill authorizes them to have a licence to serve liquor until 3 a.m., something that a hotel cannot do. I cannot see where service to the public enters into it because I believe that people referred to by Sir Norman Jude would go to a hotel or to a restaurant for dinner and then proceed to the theatre. People go to a cabaret to see a floor show or the go-go girls, and I believe they would not want to go any further. I do not think a further extension of the hours would be justified, and I believe the Chief Secretary is being over-generous with the cabaret-type licence by his amendment.

The Hon. A. J. SHARD: I would like the Committee to agree to the hour of 7 p.m. The cabarets want to take something from the restaurants; they want the best of two worlds. When the proposed amendment was discussed, my view was that the hour should be 7.30 p.m., but, being kind and generous, and rather than have an argument, I agreed to 7 p.m. To make it 6.30 could not be justified. People who want to go to a theatre after dinner do not want to go to a cabaret. I knew a certain number of selfish people existed, but I did not know how many vicious, selfish people existed until I became Chief Secretary. It seems that everybody wants the best of everything.

Amendment carried; clause as amended passed.

Clause 32—"Theatre licence."

The Hon. A. J. SHARD: I move:

In subclause (2) to strike out "on" first occurring and insert "during".

This is purely a drafting amendment.

Amendment carried; clause as amended passed.

Clause 33—"Payment of fees and date when licences take effect."

The Hon. A. J. SHARD: I move:

In subclause (2) (*b*) after "thereafter" to insert "or such lesser period as the court may determine and specify in the licence".

This amendment enables the court to grant a licence for a period of less than one year. This will make the Act much easier to administer, as it will give some control over the time when licences fall due for renewal. I understand that this amendment is desirable and necessary to assist the court.

Amendment carried; clause as amended passed.

Clauses 34 and 35 passed.

Clause 36—"Licence fees."

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

In subclause (1) to insert the following new paragraph:

"(*g*) for a five gallon licence—ten dollars."

I think we can progress this far but it may be necessary for the Chief Secretary once again to go past this clause if it is amended by this amendment, because this clause deals with fees which concern clubs, and the clause ties in with clause 27, which we have passed, which again ties in with clauses 66 and 85. The people with whom I am dealing by this amendment have been snared by the provisions of the Bill. Previously, they were not charged any licence fee. If an earlier amendment of mine had been carried, they would not have to pay any fee; they could sell to a licensed person without paying.

All persons dealing in liquor should be licensed in some way. It is not my object to extort from them a large sum of money; I merely want them brought under the provisions of this measure so that they can be protected, on the one hand, and supervised, on the other. As the Bill is drafted, they are exempt from paying anything. I realize there is some administrative obligation as regards documents and I am proposing a nominal fee of $10 for them to get a licence.

I ask the Chief Secretary to view kindly the sentiments I express when I say I do not want to get from them a large sum of money: I merely want to bring them under the provisions of the Bill for protection and supervision.

The CHAIRMAN: Does the honourable member desire a postponement of this clause?

The Hon. C. R. STORY: No; if my amendment is carried, I think it will be necessary for the Committee to postpone this clause for later consideration.

The CHAIRMAN: I point out that if the clause is amended it cannot be postponed.

The Hon. C. R. STORY: In that case I ask the Committee to defer further consideration of the clause until the appropriate time.

The Hon. A. J. SHARD: I am prepared to accept that because I want to obtain advice about it.

Consideration of clause 36 deferred.

Clause 37—"Court to fix percentage fee."

The Hon. A. J. SHARD: I move:

In subclause (3) to strike out "spirit merchant, brewer,".

This is a drafting amendment.

The Hon. C. R. STORY: I understand that the words to be struck out are unnecessary. It does not let anybody out?

The Hon. A. J. SHARD: No.

Amendment carried; clause as amended passed.

Clause 38—"Applicants for licences, etc., to furnish declarations as to liquor purchases."

The Hon. A. J. SHARD: I move:

In subclause (4) after "licensed" to insert "under this Act"; and to strike out "exempted under section 13 of this Act" and insert "otherwise permitted by law to sell liquor".

These are drafting amendments.

Amendments carried; clause as amended passed.

Clause 39 passed.

Clause 40—"Conditions precedent to application for licence for previously unlicensed premises."

The Hon. G. J. GILFILLAN: I move:

At the end of subclause (2) (*c*) to insert "and the entrance and exit of the drive-in bottle department (if any) and the parking area or areas appurtenant thereto".

In moving this amendment I have in mind the traffic conditions that sometimes exist at licensed premises, particularly at drive-in bottle departments. The purpose of my amendment is to ensure greater safety on the roads adjacent to these premises. It was thought at first that this could be written into the rules of court but on a closer check of the Bill it appears that they may not cover this point.

Amendment carried; clause as amended passed.

Clause 41—"Mode of dealing with applications."

The Hon. R. C. DeGARIS: On behalf of the Hon. Sir Arthur Rymill I move:

In subclause (1) after "but" to insert "if any such person did not object to the original aplication".

If altered or substituted plans subsequently come in, any person who did not object to the original application should have the right to object to the altered or substituted plans.

The Hon. C. D. ROWE: This amendment seems reasonable; its object is to ensure that there shall be limitations. It will prevent much ground being covered a second time, and if a man did not take sufficient interest to lodge an objection in the first instance he is not able to go beyond certain matters when the question is considered on another occasion. I think this amendment is an improvement.

The Hon. D. H. L. Banfield: What are the disadvantages in not having it?

The Hon. C. D. ROWE: The court's time would be wasted in going over matters that should have been dealt with in the earlier application. As I understand the amendment, its object is to assist the administration.

The Hon. C. R. STORY: I support the amendment.

Amendment carried; clause as amended passed.

Clause 42—"Application by unlicensed person in respect of previously licensed premises."

The Hon. A. J. SHARD: I move:

In paragraph (*b*) before "deliver" to insert "at the same time".

I believe that this makes it clearer. It is purely a drafting amendment.

Amendment carried; clause as amended passed.

Clauses 43 to 46 passed.

Clause 47—"Objections to licences and renewals."

The Hon. G. J. GILFILLAN: I have an amendment on file that is self-explanatory. I move:

In subclause (2) (*a*) after "hospital" first occurring to insert "recognized youth centre".

Amendment carried.

The Hon. G. J. GILFILLAN: To complete the amendment, I move:

In subclause (2) (*a*) after "hospital" second occurring to insert "centre".

Amendment carried.

The Hon. C. R. STORY: There was an amendment on file that does not appear to have been taken up in the new draft which the Chief Secretary has put forward. The amendment was to leave out "is" in subclause (2) (*d*) and insert "were".

The Hon. A. J. SHARD: It is considered that the wording in the Bill is correct. The Parliamentary Draftsman advises that this is the best wording.

Clause as amended passed.

Clauses 48 and 49 passed.

Clause 50—"Application to transfer to person holding certificate or who has entered."

The Hon. A. J. SHARD moved:

In subclause (2) to strike out "A" and insert "From the date on which such notice is given, a".

Amendment carried; clause as amended passed.

Clauses 51 to 53 passed.

Clause 54—"Transmission of licences."

The Hon. A. J. SHARD moved:

In subclause (2) before "court" second occurring to strike out "a" and insert "the"; before "prescribed" to insert "form"; and after "prescribed" to strike out "form" and insert "by the rules of court".

Amendments carried; clause as amended passed.

Clause 55—"Removal of licence."

The Hon. A. J. SHARD moved:

In subclause (2) (*c*) (*i*) after "premises;" to insert "and".

Amendment carried; clause as amended passed.

Clause 56—"Objections to removal of licence."

The Hon. G. J. GILFILLAN: I move:

In subclause (1) (*b*) after "hospital" first occurring to insert "recognized youth centre"; and after "hospital" second occurring to insert "centre".

These amendments are similar to amendments to clause 47, and I do not think any further explanation is necessary.

Amendments carried; clause as amended passed.

Clauses 57 and 58 passed.

Clause 59—"Duties of clerk, magistrate, and treasurer at meetings."

The Hon. F. J. POTTER: I have no objection to the clause, but the marginal note seems to me to be odd. I think the clause refers to the duties of the clerk. I do not know who is the treasurer at these meetings, and I do not know about the magistrate, because a magistrate is not mentioned: only the court is mentioned. Perhaps this has been lifted from the old Act with a similar marginal note, which certainly seems inappropriate. I should think the words "Duties of clerk at meetings" would be more appropriate.

The CHAIRMAN: The marginal note does not form part of the Bill.

Clause passed.

Clause 60 passed.

Clause 61—"Summons for witnesses."

The Hon. A. J. SHARD moved:

In subclause (2) before "prescribed" to insert "form"; and after "prescribed" to strike out "form" and insert "by the rules of court".

Amendments carried; clause as amended passed.

Clauses 62 to 64 passed.

Clause 27—"Club licence"—reconsidered.

The Hon. F. J. POTTER: Clause 27 was postponed for consideration after clause 64, on the motion of the Chief Secretary. The same applies to clause 36. I am having prepared some amendments to clause 27 that will affect clause 66 and possibly also clauses 65 and 85. These amendments are complicated and the Parliamentary Draftsman has advised me that they will not be available until tomorrow. I do not know whether the Chief Secretary can postpone consideration of clauses 27, 36, 65 and 66 and proceed now to clause 67, because I think we can go as far as clause 84, anyway.

The Hon. A. J. SHARD: I appreciate the help I am getting from the Committee and am willing to accede to the honourable member's suggestion. Therefore, I move:

That clauses 27, 36, 65 and 66 be postponed until after consideration of clause 84.

Motion carried.

Clauses 67 to 71 passed.

New clauses 71a—"Breach of permit or certificate."

The Hon. A. J. SHARD: I move to insert the following new clause:

71a. (1) If the holder of a permit or certificate under this Division contravenes or fails to comply with any term or condition of the permit or certificate or any provision of this Act, he shall be guilty of an offence.

(2) The court by which the holder of a permit or certificate is convicted under subsection (1) of this section may, in addition to imposing any other penalty under this Act, by order cancel the permit or certificate.

There is at present in the Bill no effective provision enabling the court to cancel a permit if the holder is in breach of a condition. This proposed new clause remedies this deficiency. It is a desirable new clause.

The Hon. C. R. STORY: I agree it is desirable. When we deal with some clauses that have been temporarily passed over, the Committee will realize how important it is that this new provision be in the Bill, because the problems that honourable members have encountered about permits is covered by this wise and necessary provision. It remedies a deficiency.

New clause inserted.

Clause 72 passed.

Clause 73—"Forfeiture of licence for convictions."

The Hon. A. J. SHARD: I move:

In subclause (4) after "notice" to insert "of the time and place"; and to strike out "and of the time and place of the meeting of the court".

They are both drafting amendments.

Amendments carried; clause as amended passed.

Clauses 74 to 83 passed.

Clause 84—"Provision for issuing duplicate of lost licence."

The Hon. A. J. SHARD: I move:

In subclause (2) after "destroyed," to insert "it".

This is purely a drafting amendment.

Amendment carried; clause as amended passed.

Clause 27—"Club licence"—reconsidered.

The Hon. F. J. POTTER: The Chief Secretary was kind enough to move that clauses 27, 36, 65 and 66 be postponed for consideration at this stage. Will he move now that clauses 27, 36, 65, 66, 85, 86 and 87 be postponed until after consideration of clause 186? If this is agreed to we can make further progress now.

The Hon. A. J. SHARD moved:

That consideration of clauses 27, 36, 65, 66, 85, 86 and 87 be postponed until after consideration of clause 186.

Motion carried.

Clause 88 passed.

Clause 89—"Notice of application to Commissioner of Police and Inspector."

The Hon. A. J. SHARD moved:

To strike out "Commissioner of Police and the".

The Hon. C. R. STORY: I should like to know the purpose of this amendment and to be assured that the Commissioner of Police will still be notified about these matters.

The Hon. A. J. SHARD: I assume that this will be done, but I cannot give an assurance at present.

The Hon. S. C. Bevan: The Superintendent of Licensed Premises makes an inspection and prepares a report before a licence is issued.

The Hon. A. J. SHARD: It saves duplication if the notification is sent to only one officer.

The Hon. C. R. STORY: Under the old legislation the notification went to both officers.

The Hon. A. J. SHARD: Rather than hold up the clause I undertake to obtain a full explanation and let the honourable member have it before the Bill is passed. If he is then not happy I promise to agree to have the clause recommitted.

Amendment carried; clause as amended passed.

Clause 90 passed.

Clause 91—"Personal attendance of applicant."

The Hon. C. R. STORY: This clause will have to be recommitted at some stage if the amendments of the Hon. Mr. Potter to clause 27 are carried.

The Hon. A. J. SHARD: We are trying to expedite consideration of this legislation. If, as a result of a subsequent amendment, it is necessary to recommit any clause, I give an undertaking that it will be recommitted without any quarrel.

The CHAIRMAN: I point out that any honourable member can move for a recommittal of a clause.

Clause passed.

Clauses 92 to 94 passed.

Clause 95—"Powers of court to grant licence."

The Hon. A. J. SHARD: I move:

In subclause (3) to strike out "95" and insert "96".

This is a drafting amendment.

Amendment carried; clause as amended passed.

Clauses 96 to 103 passed.

Clause 104—"Power to lease refreshment rooms."

The Hon. C. R. STORY: I have raised this matter several times recently, and the Minister of Transport, acting in his capacity as the Minister of Railways, gave me a reply today with regard to the refreshment room at Alawoona, which has been closed. This seems strange to me for a line that has been in existence since about 1916 and for which a liquor licence was gained for the refreshment room for people in a remote area who worked in the railways, as well as for the travelling public. This was a very nice compromise, because there was no hotel anywhere in the vicinity, and there is still no hotel in the vicinity.

The Hon. A. F. Kneebone: There are plenty of other railway stations in the same predicament.

The Hon. C. R. STORY: This is a Bill that sets out in every way to take up the slack in illegal practices that have been operating in the past, and everybody who had a precedent in any form, whether it be a full publican's licence or whether it be a club that operated

without a licence and which had been doing things that were quite illegal, has been protected completely. We have done our best to legalize old past-times. It seems strange, therefore, that the Railways Commissioner should have closed the Alawoona refreshment room on the eve of 10 p.m. closing. It had probably run at a loss, in company with the majority of refreshment rooms, including the one at the Adelaide station. The condition of the licence at Alawoona was that the refreshment room should remain open during the time a train was at the station and for a period afterwards, provided it was within licensed hours. The licensed hours previously were between 5 a.m. and 6 p.m., so that it could not be open at night.

If the Bill is passed the time will become 10 p.m., and the night trains that go through would allow the refreshment room to open to provide a liquor facility not only to the workmen who belong to the department but also for the people who, in the past, have been able to have a drink there. I understand that an undertaking was given at the time of granting the licence to the refreshment room that it would remain open and that these people would have no worries in the future. I am not doing any more than asking the Minister to have another look at the matter of the Alawoona refreshment room.

The Hon. A. F. KNEEBONE (Minister of Transport): I thought I had answered this matter satisfactorily this afternoon. I do not know of any undertaking that a refreshment room providing liquor would remain open, irrespective of what would happen or how it would be patronized. Anybody who gave such an undertaking was foolish to have done so. I think the honourable member is wrong in saying that nearly every railway refreshment service runs at a loss. This may have been the case some time ago, but under new management the refreshment services now operate at a profit. I am prepared to have another look at the matter of Alawoona which, because of poor patronage, had to be discontinued. If this is so, what is the good of keeping a refreshment room open for one or two people?

Clause passed.

Clauses 105 to 128 passed.

Clause 129—"Restriction on use of licensed premises for theatrical performances, etc."

The Hon. R. C. DeGARIS: During the second reading debate I raised the question of the aplication of the Places of Public Entertainment Act to entertainment on licensed premises. Subclause (1) contains the words "upon such terms and conditions as are imposed by the court including conditions relating to health, safety and morals having regard to the provisions of the Places of Public Entertainment Act". There has been an increase in the amount of entertainment on licensed premises, and therefore I consider that the wording of this clause should be stronger. I think that before a permit is given under this clause the court should see that the conditions relating to health, safety and morals are the same as those that obtain under the Places of Public Entertainment Act.

I have already pointed out that there are strict provisions under the latter Act in relation to a fireman being on duty when a certain number of people are attending an entertainment. Also, all exits have to be lit with safety lighting, and all curtains and stages have to be fireproofed. I query whether it is not wise to strengthen the wording of this provision. Can the Chief Secretary explain why the words "having regard to" are used?

The Hon. A. J. SHARD: I do not know why those three words have been used. However, I agree entirely with the Leader's comments. The developments in hotels in the last two or three years have caused me some worry and anxiety for the safety of the people attending those places. This applies not only to hotels but to many other places. I was very unpopular when I delicensed one establishment (not a hotel) quite recently, but subsequent happenings proved that what I did was the right course of action. In my opinion, some hotels could provide even worse examples. One place I visited recently had 1,250 people watching a form of entertainment, and I wonder what would happen in the event of a fire occurring at a place such as that. As the person in charge of these Acts, I can say that hardly a week goes by that some action does not have to be taken in this connection.

Cabinet has had a good look at the Places of Public Entertainment Act, and I think I can tell the Leader that before this session is completed we will be introducing a Bill that will strengthen the court's hands more than any possible amendment to this Bill could do. Some people today are conducting forms of entertainment in clubs which are not protected by the law in any way. We have ideas of bringing down a comprehensive Bill to provide that people conducting public entertainment anywhere will have to comply with the conditions of the Places of Public Entertainment Act, and I hope that that legislation will cover hotels as well as all other places.

One of these days something will happen that will bring this matter right home to our doorstep, and I hope I am not the Chief Secretary when it happens. I consider that it is our duty to protect people from themselves. I can tell the Leader that Cabinet has made a certain decision that I think will cover everybody. I hope that is the case.

The Hon. C. D. ROWE: I listened with interest to what the Leader and the Chief Secretary said on this matter. The net result of the increased entertainment in hotels in the last few years is that there are now more people on these premises than was expected when the premises were designed and the licence was granted, and I can see that if an unfortunate event occurred there could be injury and loss of life. However, it seems to me that we cannot do anything substantial very quickly, because this would involve hotel owners in considerable expense. On the other hand, if we are thinking along the lines that something should be done, it is probably advisable that we give notice of this to the people concerned so that when they are designing future premises they can have in mind that something along these lines is likely to be done.

The question arises as to what kinds of entertainment should be brought under the provisions of the Places of Public Entertainment Act. I suppose on occasions there are large numbers of people in certain churches, and to what extent that matter should be looked at I do not know. These people do not come within the provisions of the Act at all.

The Hon. A. J. Shard: They would come under the proposed new legislation.

The Hon. C. D. ROWE: They do not have licences. I have not been asked to make any representations on their behalf. I have had occasion to look carefully at the Places of Public Entertainment Act to see whether its provisions could be extended and what could reasonably be exempted. This is a difficult problem. The Chief Secretary will not find an easy answer to it. Probably that Act needs to be examined by Parliament. Nowadays, large crowds of people go up to the seventh or eighth floor of a hotel; there is limited staircase capacity and anything can happen. Last year I arrived at a hotel in Canada. There was a fire on the fourteenth or fifteenth storey, and they were still booking in guests on the ground floor! Nobody seemed to be concerned about the fire. I hope the Government is successful in trying to solve this problem. If it introduces legislation to cover it, it will have my careful consideration.

The Hon. C. M. HILL: It looks as though we are going to be content with merely expressing concern about this matter and not doing anything about it. A serious tragedy could occur. Previously, a person has had to obtain approval of his premises before getting final approval for a licence. It is no good our merely expressing pious concern about this and saying that before the end of the year the matter can be put in hand.

The danger exists now and will be worse in the future because the modern trend is to design hotels with a restaurant, dining-room or ballroom on the top floor. We should deal with this problem now. Existing hotels would have to put their houses in order, in the interests of the public. In dance halls and hotels, often lighted candles are on the tables and people are smoking, which makes the fire risk high.

The Hon. H. K. KEMP: I support the Hon. Mr. Hill but suggest deleting "having regard to" and inserting "shall conform to". It would not alter the spirit of the clause and, if we amend the Places of Public Entertainment Act in the future, this provision can operate without further amendment of this measure. It is an easy amendment to make now.

The Hon. S. C. BEVAN: The Hon. Mr. Hill should note the words at the beginning of the clause, "Notwithstanding the provisions of the Places of Public Entertainment Act" the court may grant a permit on its own conditions. Honourable members are talking about hotels built in the future, but what about present premises? How many hotels do not cater for this type of entertainment? Is the honourable member saying that some hotels would be taboo because they did not comply with the Places of Public Entertainment Act? Honourable members have said, "If we remove some words it will solve our troubles." I believe that it will not do so. The aims of some honourable members would require that the clause be withdrawn and reframed. Notwithstanding any of the provisions of the Places of Public Entertainment Act, the court can lay down other conditions.

The Hon. H. K. Kemp: What is suggested will bring about much higher standards than now exist.

The Hon. S. C. BEVAN: That is not my opinion. This clause goes much further than the Places of Public Entertainment Act goes at

present. The clause states that, notwithstanding what the Places of Public Entertainment Act states, the court is at liberty—

The Hon. H. K. Kemp: And equally not at liberty.

The Hon. S. C. BEVAN: The honourable member wants to restrict it to the other Act. The amendment would not work out.

The Hon. R. C. DeGARIS: I cannot agree with the Minister's last contention. This clause deals with four matters; first, it deals with the provisions of the Places of Public Entertainment Act, and it is preceded by the word "notwithstanding". Then it deals with licensed premises being used as a theatre, concertroom or ballroom or otherwise for public entertainment. Then the clause provides that a court, in granting this permit, shall impose conditions, including conditions relating to health, safety and morals, and then it comes back again to the Places of Public Entertainment Act. All I am questioning is the use of the words "having regard to". There should be no watering down of these conditions in relation to public entertainment.

The Hon. S. C. Bevan: That is only including the three words you have mentioned.

The Hon. R. C. DeGARIS: But the court has only to have regard to these things. I question whether those words are strong enough in relation to entertainment in hotels. I am pleased that the Chief Secretary has said that the Government is investigating this matter. I know that it concerns him and I understand that this matter will probably be dealt with in another Bill in the future.

The Hon. A. J. SHARD: I ask the Committee not to disturb this clause; if hotels are to be used as places of public entertainment, matters of public safety must be provided for. If any person in Cabinet has pushed this particularly, it has been I. I am sure that this clause will lead to a great tightening up in relation to public entertainment in hotels; the conditions of the Places of Public Entertainment Act will apply if public entertainment is presented in premises, whether they be premises of football clubs, or bowling clubs, or hotels. Irrespective of the nature of a place, if it is used for public entertainment the safety of the patrons is of paramount importance. I think this clause will warn the court that this is what Parliament desires. Something happened in Pirie Street recently that could have occurred whilst people were present. Fortunately, everyone had left. If people are permitted to entice young people to their premises and nobody has control over the building, it is a sad state of affairs. This clause represents a determined step in saying to these people, "If you want to provide some form of public entertainment in your building, whether or not it is a hotel, you must provide safety for the patrons." This is an important step forward.

Clause passed.

Clauses 130 to 135 passed.

Clause 136—"Consumption of liquor within 300 yards of dances."

The Hon. A. J. SHARD: I move:

In subclause (3) to strike out "premises in which a dance was being held" and insert "place where the consumption or supply of liquor took place".

This is a drafting amendment.

The Hon. F. J. POTTER: I support the amendment, but I wonder whether clauses 136 and 137 are really needed. I am not opposed to the principle that a person shall not consume or supply liquor in a public place within 300 yards of a dance hall or premises where a dance is taking place. This provision has been in the Act for many years. However, it seems strange when we are considering 10 p.m. closing, because liquor will be supplied on public premises. "Public place" is defined in clause 137 as being a place where free access is permitted to the public, notwithstanding that it may be on private property, and a hotel could be within 300 yards of a dance hall. I think some further consideration should be given to clauses 136 and 137. I should like to see continued the prohibition of drinking liquor in parked motor vehicles within 300 yards of a dance hall. If the clause could be amended to cover that, it would be all right.

The Hon. C. R. STORY: I agree with the Hon. Mr. Potter. This provision has been taken out of the old Act without consideration. If a man in the country called at a hotel in the evening, bought a glass of beer for his wife, and took it to their car in which she was sitting and which was parked within 300 yards of a dance, an offence would be committed.

The Hon. Sir Norman Jude: This is tantamount to saying that licensed premises must be shut if there is a dance within 300 yards of such premises.

The Hon. C. R. STORY: Yes. I should like the Chief Secretary to consider having this clause recommitted, as the bulk of it has been taken from the old Act and no longer applies.

The Hon. A. J. SHARD: I ask that progress be reported.

Progress reported; Committee to sit again.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from August 30. Page 1701.)

The Hon. L. R. HART (Midland): I wish to speak briefly to the Bill. Previous speakers have made many good speeches and have discussed the Bill in great detail. The Bill is a result of recommendations contained in the report of the Royal Commission into the Licensing Act. I trust that the powers contained in this measure will be used for the protection of the public rather than for bolstering the State's revenue. Penalties provided are steep and could be used as a means of tax collection. A similar situation exists in the use of radar, and when that system is set up in a certain area it is apparently no trouble to catch 50 or 60 unwary motorists. However, by employing such methods, the police are being brought into a good deal of disfavour with the general public and I trust this will not occur with the use of the breathalyser.

Drunken driving must be regarded in its proper perspective. I am fully aware of the hazards created by the drunken driver, but we must appreciate that it is not always he who is to blame. When I say "drunken driver" I mean the driver who would register at least .08 grams in a breathalyser test. It is accepted that there are some people who would register at least that amount in such a test but who, at the same time, exercise due care when driving.

In most accidents there are people other than the driver to blame. For instance, many drinking pedestrians are involved in accidents, so one wonders whether the pedestrian who is suspected of being under the influence of liquor should not also be subject to a breathalyser test. The June, 1967, issue of the *Australian Road Safety Report* contains the following interesting passage:

A great deal has been written about drinking drivers becoming an increasing menace on our roads, but in recent years various surveys in Australia and overseas indicate that drinking pedestrians are also an increasing hazard. A survey by the Victorian Traffic Commission shows that of the 145 pedestrians involved in fatal accidents in 1965, 30 per cent were reported as "had been drinking," while of the 2,159 injured pedestrians 11 per cent had taken liquor. Sometimes drinking drivers and drinking pedestrians meet, with fatal results. In a Melbourne metropolitan survey in 1963, 7 per cent of fatal collisions occurred between drinking drivers and drinking pedestrians. The severity ratio for non-drinking pedestrians is 0.053, but for the drinking pedestrian it is 0.178—being three times the non-drinkers' ratio. Drinking pedestrians are therefore a higher than expected risk group.

Although we accept that drivers who drink must be regarded as road hazards, we must also recognize that drinking pedestrians contribute to many accidents. There are many causes of accidents but this Bill sets out to deal with only one of them, and in a most punitive manner: the penalty involved is steep. Probably not the seasoned or habitual drinkers will be caught under this legislation, because they will be aware of their shortcomings and possibly will not drive after they have been drinking: in many cases it will be the unsuspecting person who has had only one drink more than he should have and does not realize that he will register a high blood alcohol content when tested.

Tables have been mentioned of the amount of drink that can be consumed by the average man before he is affected, but these limits are reached more quickly if a person weighs less than 11 stone. So in this Chamber some honourable members would be more liable than others to be caught by a breathalyser test. We know that the person who has had a substantial meal is not so liable to register .08 grams of alcohol in a test. In fact, if the drinking has been done over a long period, a person can consume more liquor and still not register the .08 grams. New section 47a states that a person shall not drive a motor vehicle or attempt to put a motor vehicle in motion if there is a concentration of .08 grams or more of alcohol in 100 millilitres of blood.

When is a person attempting to put a motor vehicle in motion? I assume that a person must have the engine of his car started before he can be regarded as having put the motor vehicle in motion. I believe that, if a person is even sitting in the driver's seat, he can be regarded as having put the motor vehicle in motion. I should like the Minister to clarify that, because a person may go to his car, realize that he is not in a fit state to drive it and may merely be sitting in the driver's seat; then a policeman comes along and possibly requires him to take a blood alcohol test and, if he registers a concentration of at least .08 grams, he can be arrested.

New section 47e (2) provides that a test can be made within two hours after the time at which it was alleged that the driving of the motor vehicle or the attempting to put it into motion occurred. In this case a person could drive his motor vehicle home, safely put it away in his garage and still be required to take

a breathalyser test. Having taken his motor vehicle home and put it into his garage, he may have a friend call on him and he may have two or three more drinks, after which the police may call on him and suspect that he has been drinking. They would know that he had driven the motor vehicle home and they might require him to take a breathalyser test. At that stage he could register a concentration of .08 grams.

The Hon. S. C. Bevan: What about the words "unless the contrary is proved"?

The Hon. L. R. HART: But how does he prove the contrary? That is my point.

The Hon. S. C. Bevan: You said he might be drinking with his friends.

The Hon. L. R. HART: He may then register .08 grams, but how does he prove that he did not register .08 grams at the time he drove the motor vehicle home?

The Hon. S. C. Bevan: Look at new section 47b (2).

The Hon. L. R. HART: How can he prove it? The onus would be on him to prove that he did not register .08 grams at the time of driving the motor vehicle; but two hours later when required to take a test he registers .08 or over and he may well be arrested. Of course, provision is made for a person to have a blood test at his expense, which is a good thing. This could be conclusive evidence whether a person was under the influence of alcohol or not. I should like to raise the question whether the tests should be uniform in all States. At present the level in South Australia is to be .08 and in Victoria it is .05

The Hon. S. C. Bevan: They are much worse off over there.

The Hon. L. R. HART: There should be uniformity. I support the Bill.

The Hon. A. M. WHYTE (Northern): If I said that I was pleased that this legislation had been introduced I would be a hypocrite. However, in view of the explanations given by the Minister and previous speakers and the publicity given to this legislation, it is fairly obvious that such a measure should be introduced. I believe that the instrument used for testing has been thoroughly tried over several years. I understand that it was developed in Great Britain with the collaboration of scientists from the United States of America and also, perhaps, from other countries. The instrument is proving to be a very satisfactory means of testing one's blood alcohol concentration.

I do not agree with the Hon. Mr. Hart that this Bill is intended, perhaps, to be used to drag a driver from his home and to prosecute him because he might have a blood alcohol concentration greater than 0.08 per cent. Let us sincerely hope that this is not the purpose of this Bill and that such methods will never be employed. I understand that the purpose is to test a person's impairment rather than his drinking. In Western Australia there is a sliding scale of prosecutions in respect of concentrations ranging from 0.05 per cent to concentrations of 0.15 per cent; if a driver has the latter concentration he is considered a drunken driver and charged as such.

The South Australian level of 0.08 per cent, according to the tests that have been publicized, seems fairly reasonable. I do not think a stage could be reached where an accurate assessment could be made of the breathalyser reading that would be produced by consumption of a given amount of alcohol. A person could reach the prescribed level more quickly on some occasions than on other occasions. However, it does seem that about 10 butchers of beer (60oz.) will lead to a reading of about 0.08 per cent. Perhaps six or seven whiskies would cause a similar reading, but there is no real guarantee as to how much and on which occasions a person could drink before his blood alcohol concentration reached 0.08 per cent.

I was concerned about new section 47e, as a driver could be apprehended perhaps 100 miles from the nearest breathalyser unit; he could be taken to it and, if found guilty, would have to pay the cost of that journey. I do not know what the police would charge for the use of their vehicle on such an occasion, but the charge would be considerable. I spoke to a representative of the Commissioner of Police on this point and he assured me that no charge would be made, regardless of whether a person proved to have a level of 0.08 per cent or not. This put my mind at rest on this point.

I believe that the penalties are perhaps stiffer than necessary. The legislation is supposed to have a deterrent effect, but I wonder whether anyone has figures to prove that this kind of legislation has acted as a deterrent up to the present. In the first eight months of this year in Victoria 1,590 motorists were tested and 1,034 were prosecuted. There is no indication whether this kind of legislation, which has operated in Victoria for six years, has decreased the incidence of the offence of driving whilst

impaired. Such information would be valuable; if the incidence does not decrease as a result of this kind of legislation, its purpose is defeated. I think the penalties are stiff.

The Hon. S. C. Bevan: They are not there for the purpose of revenue.

The Hon. A. M. WHYTE: They are not there for that purpose but they could easily be achieving that purpose all the same. I hope this legislation acts as a deterrent and that it will be administered in a manner that will not bring disrepute on the Police Force, which has to administer it. I support the Bill.

The Hon. Sir NORMAN JUDE (Southern): I support the Bill; it is the logical outcome of continued efforts to achieve increased road safety. In saying that I support the idea of the breathalyser test, I do not mean that I support entirely the various clauses of the Bill; they have given me cause for considerable thought. During the last 10 years I have twice been a privileged Minister in that I have heard evidence of this matter during meetings on the Transport Advisory Council from an eminent professor, knighted by his country. I believe the Hon. Mr. Kneebone has attended such a meeting. On the second occasion I think I was the only remaining member who was also present on the first occasion. The first of the meetings I am referring to was held in Perth and the second in Melbourne. At the second meeting, the Victorian Commissioner of Police gave evidence. On both occasions the members of the council, who are men of considerable experience in public life, were totally unconvinced that the breathalyser testing should be the final factor. The basis of this reasoning was that the expert witnesses had to admit that the tolerance of different people under different conditions varied tremendously. The Council was privileged a week or two ago to hear the Hon. Mr. Springett, who is an expert on these matters, give a learned discourse on the problem of the alcohol content in the blood. He supported the Bill, but he pointed out the various signposts of danger in such a provision.

I think that breathalyser tests are essential, but I wish to point out one or two weaknesses. It is generally agreed that the blood alcohol content reaches its maximum somewhere between 40 minutes and two hours after consumption, again depending on the variables I have mentioned. If that is the case, and one-and-a-quarter hours later he shows .08 per cent (which is a generous allowance), we should consider how he would have tested at the time of his apprehension and where he was going. He might have been getting into his car at Parliament House to go to North Adelaide. If he had been tested then, he might have given a lower reading. If he had not been stopped, he might have reached his home before reaching a reading of .08 per cent. There may be an injustice here. I have no doubt that the Hon. Mr. Springett will enlarge on this matter later, but it is my duty to bring this point before the Council. I have heard these points raised on two occasions previously. That point was not stressed, but we did not know as much about it then as we do now, as it was then in its comparatively early stages.

Again regarding tolerance, there is the "chump" who has a couple of shandies or port and lemon and a couple of glasses of champagne at a wedding. He probably would not test at .01 per cent but whether he could drive a motor car is another matter. Of course, he could be apprehended for dangerous driving, but if another man were arrested when his alcohol level was below .08 he might not be tested until it reached .08, and that would be virtually convicting him without a trial. I think the Minister must admit that. What is good for one person should be good for another, and what is justice for one person should be justice for another.

It is unreasonable that, if the police are involved in big costs, a convicted person should be expected to pay. However, what about the driver who discovers a door is open and weaves a little, arousing the suspicion of the police? On being apprehended he may say, "I have had a few drinks." He is asked to take the test and, being amenable and not wanting to argue or get into more trouble, he says to his wife, "You get in the back, or drive the car." He is taken away, and tests .05 per cent, not .08 per cent. Does he have any claim for damages or embarrassment for arrest? These are the things that worry me. I think the Minister would admit that there are one or two phases in the Bill that could give people considerable worry. The Bill is a desirable approach to safety problems on the roads, but there are one or two points, such as I have mentioned, that the Minister should look further into.

I remind the Minister that disqualification of licences lies in the court's discretion. There is a tendency today for the courts in this State, and I presume in other States, too, (although I do not mean this as any vicious attack on the magistrates) to treat the man in the city the same as the man in the country. If

a person lives 20 miles out of a township in the country, it is a much greater handicap for him to have his licence suspended than it is for a man who lives on a bus route in the city. Therefore, I support the Hon. Mr. Whyte's suggestion that disqualification should be looked at in this respect. I have the utmost faith in our Police Force, but there have been times when I have not had the utmost faith in other Police Forces or magistrates. I recall the exhibition of Bumbledom that went on at Horsham in the persecution of people who came from other States. Eventually, the person was removed. With the reservations I have mentioned, I support the Bill.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

PUBLIC ACCOUNTS COMMITTEE BILL

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It sets up a Public Accounts Committee to consist of five members of the House of Assembly, two of whom shall belong to the group led by the Leader of the Opposition in that House. It is provided that a Minister of the Crown shall not be a member of the committee. These provisions are contained in clause 3 of the Bill.

Clause 4 provides that every member of the committee shall, on the dissolution of the House of Assembly or the expiration of its term, continue to hold office until the next appointment of the committee. Clause 5 provides for the filling of casual vacancies. Clause 6 provides for the appointment of a chairman and temporary chairman. Clause 7 provides that the quorum of the committee shall be three members, questions being decided by the majority of members present. Clause 8 provides for the appointment of a secretary and officers of the committee.

Clause 9 provides that the committee shall examine the accounts of receipts and expenditure of the State and reports transmitted by the Auditor-General; shall inquire into and report upon any items which it thinks fit; shall inquire into and report upon any alteration in the form or method of keeping the public accounts as it thinks fit; and inquire into any question on any accounts laid before Parliament referred to the committee by resolution of the House or by the Governor. Clauses 10 and 11 are machinery provisions. Clause 10 provides for the application of certain provisions of the Royal Commissions Act relating to witnesses, while clause 11 gives the committee power to sit while the House of Assembly is not sitting and, when the House is sitting, with the leave of the House.

Clause 12 provides that any necessary regulations may be made. Clauses 13 and 14 provide for the payment of salaries, expenses and allowances to the chairman and members of the committee, in addition to any payment received by them in the exercise of Parliamentary duties. Clause 15 provides that the office of the chairman or a member of the committee shall not be an office of profit under the Crown for the purposes of any Act. Clause 16 makes the necessary financial provision. I commend the Bill to honourable members.

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

ADJOURNMENT

At 9.37 p.m. the Council adjourned until Wednesday, September 13, at 2.15 p.m.