LEGISLATIVE COUNCIL

Wednesday, September 13, 1967

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

QUESTIONS

SUPREME COURT CHARGES

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

Leave granted.

The Hon. F. J. POTTER: Some time ago I asked a question about the Supreme Court charges for carbon copies of evidence supplied at a trial, and yesterday the Chief Secretary gave a reply. Unfortunately, the reply seems to have missed the whole point of my question and, in fact, it really amounts only to the fact that I had miscalculated or exaggerated the number of pages of evidence that might be taken in a certain time. Of course, what I was really getting at—and I thought it was clear in my question—was that carbon copies of evidence cost 50c a page. The reply given yesterday stated that it was thought that about 125 pages of evidence would be taken in two days, and that the charge for the copy of the evidence would be $62.50, that is, 50c a page. Because a copy is required by the plaintiff and another by the defendant in each case, $125 would be payable for two carbon copies of the evidence.

I think it is recognized that a copy of the evidence is absolutely essential in a court case because it is needed as a working document. I was really hoping for a reply relating to the actual charge of 50c a page. As I said before, I think it is felt by some members of the legal profession that this charge is excessive for a copy of a document that is made simultaneously with the original. Can the Chief Secretary say whether the Government will consider reducing this fee of 50c a page?

The Hon. A. J. SHARD: I shall refer the honourable member's question to the Treasurer and Attorney-General and bring back a reply as soon as possible.

PEKINA IRRIGATION AREA

The Hon. G. J. GILFILLAN: I ask leave to make a statement prior to asking a question of the Minister of Mines or the Minister representing the Minister of Agriculture.

Leave granted.

The Hon. G. J. GILFILLAN: My question refers to a question I asked on August 9 about the development of the Pekina irrigation area. In reply on that occasion the Minister indicated that any future development of this area depended very largely on an economic survey that the Agriculture Department was making into the project. Can the Minister indicate how far this survey has progressed?

The Hon. S. C. BEVAN: A survey is being conducted by the Agriculture Department but I do not know how far it has gone. I shall inquire from my colleague, the Minister of Agriculture, and obtain a reply as soon as possible.

PESTICIDES

The Hon. V. G. SPRINGETT: I ask leave to make a statement prior to asking a question of the Minister representing the Minister of Agriculture.

Leave granted.

The Hon. V. G. SPRINGETT: On an earlier occasion I asked a question regarding the use of pesticides and weedicides. In this morning's *Advertiser* I noticed that the Tasmanian Department of Agriculture had warned that pest-killing chemicals were getting into milk, and that the department had warned farmers to stop using D.D.T. and Lindane to kill pasture pests, because traces of these substances had been found in butter, cheese and other commodities. Apparently that is a fact, and it is also a fact that such contamination could possibly prohibit the commodities from being imported into the United States of America. Can the Minister say what is the present situation in South Australia, and whether any traces of these substances have been found in these commodities in this State and, if so, what steps is the Agriculture Department taking to deal with the matter?

The Hon. S. C. BEVAN: I shall refer the question to my colleague, the Minister of Agriculture, and obtain a report as soon as possible.

MATRICULATION COURSES

The Hon. M. B. DAWKINS: Has the Minister representing the Minister of Education a reply to my question of August 22 regarding the provision of matriculation classes in the Midland District in 1968?

The Hon. A. F. KNEEBONE: My colleague, the Minister of Education, reports as follows:

Very careful consideration has been given to the needs of eight additional country high schools for the establishment of a fifth year matriculation class in 1968. As in the past,

head masters were asked to estimate the number of students likely to enrol, the interpretation of students likely to enrol being:

(1) Stating their intention to enrol.

(2) Likely to qualify in the 1967 leaving for promotion in at least five subjects.

They were also asked to take into account students likely to enrol from outside their own school. These estimates have been reviewed, and note was also taken of the likely continuity of such a class. It is clearly not sound policy to establish one on the strength of a "boom" year.

Account has also been taken of new developments in secondary schools, among which is an increasing desire by the parents to keep their children at school for a fifth year with or without matriculation as an aim. Finally, it has been necessary to consider the availability of staff for matriculation and senior work generally in 1968. Apart from the requirement of teachers of appropriate qualifications to take such work, each new class would mean an addition of about one and one-half teachers to a school staff. Bearing in mind all these factors, I have approved of the establishment of fifth year matriculation classes at Clare, Naracoorte and Waikerie High Schools in 1968. These classes are strategically placed additions in the Mid-North, mid-South-East and Upper Murray to those already established in country areas. I regret that it is not possible to provide a matriculation class at the Balaklava High School next year.

TRUST FUNDS

The Hon. C. D. ROWE: It was stated in the Financial Statement filed by the Treasurer on August 31 this year that the total amount held in trust and deposit accounts at the Treasury as at June 30 was $28,170,000. Will the Chief Secretary, representing the Treasurer, make available to this Council a list indicating on whose behalf these amounts were held?

The Hon. A. J. SHARD: I do not know on whose behalf these moneys are held, and I wish to make it plain that I do not give undertakings for another Minister. The Opposition is adopting a practice of asking for information which was never given previously, and I consider that this is playing Party politics. However, I am willing to refer the question to the Treasurer for his reply.

CONCESSION TRAVEL

The Hon. JESSIE COOPER: I seek leave to make a short statement prior to asking a question of the Minister of Transport.

Leave granted.

The Hon. JESSIE COOPER: In Perth the Metropolitan Passenger Transport Trust has a scheme that operates in school vacation periods for family concession travel. Mothers with their children under 15 years may travel as a family group for a total fare of 50c. The ticket is purchased on the first bus boarded and is valid for unrestricted travel on all the trust's bus routes between 9 a.m. and 4 p.m. and again after 6 p.m. Will the Minister of Transport examine the possibility of introducing a similar scheme here?

The Hon. A. F. KNEEBONE: Yes.

GAUGE STANDARDIZATION

The Hon. G. J. GILFILLAN: I seek leave to make a short statement prior to asking a question of the Minister of Transport.

Leave granted.

The Hon. G. J. GILFILLAN: I remind the Council that over a period of time a great deal of interest has been shown in the standardization of the railways in the north of this State, and I know that the Minister has answered questions on various aspects from time to time. Has he any further information on the possibility of standardizing the line between Port Pirie and Adelaide, particularly regarding the possibility of a route for this line through Crystal Brook?

The Hon. A. F. KNEEBONE: I have reported previously that the standardization of a connection between Port Pirie and Adelaide has been examined. I believe that previously the Commonwealth Government made some money available for a survey of this project. A report on the possibility of standardizing this line has been forwarded by the Commonwealth Railways Commissioner to the Commonwealth Minister. However, the timing of that project has not yet been decided. Of course, it will be necessary for the Commonwealth Government and the State Government to come to an agreement regarding this part of the standardization project. Recently the Premier wrote to the Prime Minister regarding the urgency of an agreement on further standardization projects within the State following completion of the line between Cockburn and Port Pirie. Our idea is that this should be phased in with the completion of standardization of that line. The work should commence early enough to be phased in with the rest of the project involving the standardization of the line from Adelaide to Port Pirie and other sections of the Peterborough Division.

I have spoken to the Commonwealth Minister about this and impressed my views on him, in addition to the letter that went from the Premier to the Prime Minister. I think agreement can be reached on this. I note that the Commonwealth Minister, in replying to some questions asked about this

matter, said that further standardization projects could be bound up with the Commonwealth Government's financial position, just as any other Government might have to consider its financial position at the time. As a result of the Premier's and my own approaches to the Commonwealth for the early completion of the rest of the rail standardization programme in South Australia, I am confident that agreement can be reached. The exact route of the connection is a matter for agreement, too.

HOARDINGS

The Hon. H. K. KEMP: Has the Minister of Transport an answer to my question about hoardings on railway property?

The Hon. A. F. KNEEBONE: I have a reply. I think I can answer at the same time a similar question asked on the same day by the Hon. Sir Norman Jude. The hoardings at Brukunga and Nairne are not new, but were erected some months ago. The one at Brukunga is adjacent to the Nairne Pyrites siding. The site was selected carefully, with the aim of not offending on aesthetic grounds or creating a traffic hazard. It was not referred to the Road Traffic Board as the Railways Department does not consult the board regarding all advertising panels. The signs at Nairne were the subject of two investigations by the Road Traffic Board, and that body reported that they do not constitute a hazard to motorists, nor do they contravene the Highways Department's instructions regarding advertising and information signs. I point out that prior to the erection of any advertising hoarding on railway property the site is examined by railway engineers and other officers, who ensure that the panel will not impinge upon safety regulations or offend on aesthetic grounds. Provided these requirements are met, the revenue derived from this source is considered to be a good business proposition.

CHOWILLA DAM

The Hon. R. C. DeGARIS: I seek leave to make a brief statement prior to asking a question of the Minister representing the Minister of Works.

Leave granted.

The Hon. R. C. DeGARIS: I hope I am directing the question to the right quarter: it probably concerns other Ministers, too. An article appeared in the *Advertiser* about a fortnight ago about the importance of the Chowilla dam to the future of South Australia. Also, in that connection it drew attention to the importance of a continuing water supply to the metropolitan area. Reference was made to the possibility of pumping or some other means of getting water from the South-East to augment the metropolitan supply. Has this possibility been investigated? If so, can the Minister tell the Council the result of those investigations?

The Hon. A. F. KNEEBONE: I will convey the question to my colleague and bring back a reply as soon as possible.

COMPANIES ACT OFFENCES

The Hon. C. D. ROWE: On August 31 I asked the Chief Secretary a question in relation to 30 companies which the Premier has stated would be prosecuted for various offences under the Companies Act. Has the Chief Secretary any information on that subject?

The Hon. A. J. SHARD: I regret that I have no information at present but I will try and obtain it as soon as possible.

RAILWAY CROSSINGS

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

Leave granted.

The Hon. R. A. GEDDES: Whilst travelling along the Main North Road I noticed some new signs at some railway crossings which spelt out the words "Railway Crossing" in letters 18in. high. I am impressed with the way that the signs show up and so give added warning of the crossing to motorists. I understand that the signs were erected by the Highways Department in collaboration with the Railways Department. Will the Minister state whether it is intended to erect more of these signs on main roads of the State as soon as possible?

The Hon. S. C. BEVAN: I would not say it is the intention to erect these signs as soon as possible because the principal object in erecting them is to do so in places where it is thought necessary.

ELECTRICITY

The Hon. C. D. ROWE: On August 22 I addressed a question to the Minister of Labour and Industry representing the Minister of Works regarding the unfortunate accident that occurred at the Torrens Island power station. At that time I asked the Minister if he could give the Council a more detailed statement as to how the accident occurred. Has he that information now?

The Hon. A. F. KNEEBONE: I have a recollection that my colleague made some further comments on this matter, but I will convey the question to him and bring back an answer as soon as possible.

WATER RESTRICTIONS

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

Leave granted.

The Hon. A. M. WHYTE: In recent weeks the Minister of Works has made several statements regarding possible water restrictions to be imposed on the metropolitan area, perhaps beginning in October. I am sure that the Minister would not have made those statements without careful consideration of the situation and the collaboration of his department. Yesterday the Premier stated that restrictions might not be necessary if voluntary restrictions were satisfactory. I think the Minister of Works would have taken that aspect into consideration when he made his statements. Will the Chief Secretary state whether the latest statement made by the Premier is a re-consideration by the department or whether it is the Premier's own assessment of the position?

The Hon. A. J. SHARD: No, it is not the Premier's own assessment of the position, and I point out that water supply within the State does not only refer to the metropolitan area but is a matter of grave concern to all of South Australia. Nobody wishes to impose water restrictions unless forced to do so. Cabinet has discussed this subject and has received reports from the department, but as yet no decision has been made concerning an announcement of what is proposed. It is expected that Cabinet will make a firm decision in time for an announcement to be made by the end of next week.

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

Leave granted.

The Hon. C. D. ROWE: I was very pleased to know that the requests made of the public for voluntary action resulted in a reduction in water consumption; I think we are all gratified at this and I sincerely hope that it will continue. I shall support any action and any publicity that the Government decides upon to encourage people along these lines. If the desired result can be achieved in this way, I wholeheartedly support it. I have also noticed a statement that apparently there is difficulty in the Barossa district that may affect commercial growers. If the Government decides that restrictions are necessary, will it see that as far as possible they are imposed on private users before being imposed on commercial users?

The Hon. A. J. SHARD: I agree with the principle, but it is not in my department; I am not an authority on water supply. The matter is governed by the level of the reservoirs in particular areas. For instance, if the level of the reservoir supplying the Barossa district were very low it would be of no use imposing restrictions on metropolitan users just because they had to be imposed on users in the Barossa district. This matter is serious and is causing much thought. I think every member of Cabinet and every member of Parliament is pleased about the public's co-operation; very many people have told me that they will co-operate. I think the department has already seen, in the water consumption figures, the result of the appeal for care. If water can be saved through voluntary efforts rather than through compulsion we shall all be much better off. However, if the Government decides that restrictions are necessary in the public interest it will not run away from its responsibility.

RAILWAY REFRESHMENT ROOMS

The Hon. A. F. KNEEBONE: I ask leave to make a statement.

Leave granted.

The Hon. A. F. KNEEBONE: During the debate on the Licensing Bill yesterday I made a statement concerning railway refreshment services. I would not like to mislead this Council regarding the true position, and I have checked my figures and found that I was a little over-enthusiastic. When the Labor Government came into office in 1964-65 the losses on railway refreshment services amounted to $75,454 but this Government has been able to reduce them considerably to $22,367 in 1966-67. In my enthusiasm I thought the saving was so great that a point of balance had been reached. However, I am sure that these figures will improve in the future and that I was only a little premature in my statement.

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

Leave granted.

The Hon. C. R. STORY: I thank the Minister for his reply regarding the Alawoona refreshment room.

The Hon. A. F. Kneebone: I did not mention Alawoona.

The Hon. C. R. STORY: No. I noticed when the Minister replied yesterday that his figures were not in accordance with the Auditor-General's Report. In view of what he said today, will he consider closing down the Adelaide railway station refreshment room, which made a loss of $30,000? The improvement he referred to resulted from an increase in the rentals of shops in the railway station precincts; the cafeteria portion, as I have said, made a loss of $30,000. Alternatively, will the Minister reconsider the position of the Alawoona refreshment room in view of the great loss made at the Adelaide railway station refreshment room?

The Hon. A. F. KNEEBONE: The honourable member said that I quoted figures when I gave a reply, but I did not quote any figures yesterday when I gave my reply regarding Alawoona: I quoted the figures during the debate on the Licensing Bill. The honourable member has changed his attitude considerably since the debate on the State Government Insurance Commission Bill, during which he wanted the Government to run things at a loss. Now, he is asking it to cut out services that are running at a loss. The honourable member is not consistent in his attitude to such matters. I am not prepared to reconsider the question of the Alawoona refreshment room or to close down the Adelaide railway station refreshment services. I am confident that within the next few months the refreshment services will be operating at a profit.

KEITH MAIN

The Hon. H. K. KEMP: I ask leave to make a short statement prior to asking a question of the Minister of Labour and Industry.

Leave granted.

The Hon. H. K. KEMP: In connection with the resumption of work on the Keith main a very interesting position is now arising with the possibility of water being brought northward from underground sources in the South-East. The place where the main terminates is Biddy's Lookout, the high spot to which the design is for a rising main. From there on it will gravitate to Keith through decreasing pipe sizes. As it is likely that water will eventually be brought from the South-East, will the Government consider the possibility of continuing a main of similar specifications to Keith instead of the present designed gravity main? It would then be possible in future to use it to bring water from the southern end of the system back to Tailem Bend, and it will obviously be necessary to do this in the years to come.

The Hon. A. F. KNEEBONE: I shall ask my colleague to have this matter investigated.

VINE, FRUIT AND VEGETABLE PROTECTION ACT REGULATIONS

Order of the Day, Private Business, No. 1:

The Hon. F. J. Potter to move:

That an address be presented to the Governor praying His Excellency to revoke the proclamation of regulations for preventing the spread of infestation of San Jose scale, made under the Vine, Fruit and Vegetable Protection Act, 1885-1959, on April 20, 1967, and laid on the table of this Council on June 20, 1967.

The Hon. G. J. GILFILLAN: In the absence of the Hon. F. J. Potter, I move:

That Order of the Day No. 1 be discharged.

The PRESIDENT: An honourable member has no right under Standing Orders to move such a motion on behalf of another honourable member. An Order of the Day automatically lapses if no member speaks on it.

STATE BANK REPORT

The PRESIDENT laid on the table the annual report of the State Bank for the year ended June 30, 1967, together with balance sheets.

LICENSING BILL

In Commitee.

(Continued from September 12. Page 1806.)

Clause 136—"Consumption of liquor within 300 yards of dances"—which the Hon. A. J. Shard had moved to amend by striking out "premises in which a dance was being held" in subclause (3) and inserting "place where the consumption or supply of liquor took place".

The CHAIRMAN: I understand that the Chief Secretary wishes to move an amendment that occurs before the amendment he has already moved. It will be necessary for him to obtain leave to withdraw his previous amendment.

The Hon. A. J. SHARD (Chief Secretary): I ask leave to withdraw my amendment with a view to moving another.

Leave granted; amendment withdrawn.

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

In subclause (1) after "premises" second occurring to insert "unless the liquor is supplied or consumed upon licensed premises".

The intention is to try to overcome the difficulties mentioned in the debate last night.

The Hon. C. R. STORY: The amendment does not overcome the difficulties. It defines the position for a person on licensed premises, but there would be no problem regarding persons drinking on licensed premises in any case. The amendment merely spells out the situation more clearly, but it does not get over the problem of a man going into a hotel, buying a glass of beer and taking it to his wife, who is in a car parked outside.

The Hon. F. J. Potter: Wouldn't she go into the lounge?

The Hon. C. R. STORY: On a hot night, she probably couldn't think of anything less desirable than going into a stuffy hotel lounge; besides, she might not be properly dressed to go into a lounge. What I have said applies also to seaside areas. This practice is not contrary to the law unless a dance is being held within 300 yards of the licensed premises. This provision was originally a National Security Regulation, which has been written into the existing Act and which is now being carried into the new legislation. I do not see that clauses 136 and 137 are necessary. I know there is a proviso covering a person who did not know that a dance was in progress, but if a person passed the dance hall he would not be able to say he was not aware that a dance was being held.

The Hon. H. K. KEMP: Many youths chase around to dances in cars and take with them a supply of liquor, and I think it is essential to retain the effective provisions in clauses 136 and 137. These clauses provide a real protection that is needed in certain districts of the State, particularly the sub-metropolitan area, where this problem is most serious.

The Hon. F. J. POTTER: Clauses 136 and 137 were included in the existing Act because of the trouble that arose many years ago with drinking at dances. At that time it was not possible to get a permit for the sale or consumption of liquor at dance halls, and people were drinking in their cars within a reasonable distance of those halls. In some respects, one wonders why we should retain these clauses.

I think that permits will be obtained for the supply and consumption of liquor at most dance halls. However, such a permit does not extend to the consumption of liquor by people at that dance who are under 21 years of age; consequently those people will probably be anxious to drink in cars in a public place while the dance is in progress. I think we need to retain these clauses. I do not know how we can overcome the problem mentioned by the Hon. Mr. Story. The Chief Secretary's amendment would not make it an offence to supply liquor, as it can be lawfully handed over the bar in a licensed hotel. Once it is taken out into the street, probably an offence is committed. It is a difficult matter to try to cover. However, I think the other amendments will achieve what is required. I support the Chief Secretary's amendment.

The Hon. A. M. WHYTE: I, too, support the amendment. The women referred to could be suitably attired to enter a lounge; otherwise they could swallow their pride sufficiently to go in with whatever they were wearing. These are two very good clauses, and I think the Chief Secretary's amendment is a sufficient addition. I do not see that we could possibly institute special legislation for some person who wants to carry a glass of beer to a motor car outside a hotel.

The Hon. C. R. STORY: If we want to deal with people drinking within the precincts of a dance hall, we should legislate for that specifically. It does not seem to me to make very much difference whether people drinking in motor cars are 300 yards from a dance hall or only 285 yards: the fact is that they have liquor and they are going to do all the things just outside the 300 yards limit that they want to do and then rush back to the dance. I see this provision as an imposition on people who are not interested in dancing at all but who are interested in having a quiet drink.

One can become ensnared in a number of other ways as a result of clause 137. I maintain that we should remove this, and that anybody who is worried about a dance hall should move an amendment in the appropriate place to deal with his problem. This could be done without inconveniencing the rest of the public. I oppose the clause.

The Hon. C. M. HILL: I appreciate the sincerity of the Hon. Mr. Story. However, a large ballroom in the metropolitan area has gained an extremely high reputation because it has insisted that no liquor can be consumed there. Many organizations and people wishing to arrange large functions select this establishment for that reason. I think that by retaining these clauses and by following the amendment proposed by the Chief Secretary, the high reputation of that ballroom will be safeguarded.

I cannot support the view regarding the lady in the instance quoted. If the scene created there is an example of our enlightened times

and of standards at which we should be aiming, it is a pretty poor state of affairs. At some time or another something has to be done to the parlor or hotel lounge, and at some time or another a person will have to invite his wife in for a drink. The whole practice of handing glasses of beer through a hotel window to a woman waiting in a car on a dusty road will have to end, and the sooner it does the better.

The Hon. R. C. DeGARIS: I appreciate the view put forward by the Hon. Mr. Story in relation to a person who may happen unwittingly to be drinking within 300 yards of a dance hall and who is in no way associated with a dance in progress. Against that, we must balance the worth of having this type of legislation.

I agree with the Hon. Mr. Kemp that the law prohibiting drinking within 300 yards of a dance hall is worth preserving. With 10 p.m. closing this raises some other problems that have been illustrated by the Hon. Mr. Story, but it would be wrong to delete from our licensing legislation what I believe has been a worthwhile law, making it an offence for any person to consume liquor within 300 yards of a dance hall while a dance is in progress. Therefore, while I appreciate Mr. Story's views, I favour retaining the present power.

The Hon. R. A. GEDDES: People who run cabarets can get a permit to supply liquor at them. Boys and girls under the age of 21 are allowed to attend cabarets—in fact, in many instances, teenagers run them. Whether they drink fruit cup or alcohol is a moot point but, if a 19-year-old boy goes to a cabaret with his parents, they can consume liquor at a table but the boy goes 300 yards down the road to drink. We must face that problem, although I do not make any suggestions at this stage. Although I agree with the Hon. Mr. Kemp that children should be curbed in this respect, there is the point that, when they go 300 yards away, they often go in a powerful motor car and do not drink sensibly; they pour it down their throats and become a menace on the roads. This is an important point, which should be examined carefully.

The Hon. Sir NORMAN JUDE: This provision was inserted in the principal Act in 1945, and subclauses (1) and (2) are worded similarly to the principal Act; but the clause is an improvement, in that it contains subclause (3), which provides a let-out for those who do not know that a dance is in progress. It may be that there is merely a gathering of people outside a hall, which may be the aftermath of a political meeting. With the addition of the Chief Secretary's amendment, this clause is best left as it is. I support the amendment.

Amendment carried.

The Hon. A. J. SHARD moved:

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".

Amendment carried; clause as amended passed.

Clauses 137 to 142 passed.

Clause 143—"Penalty for drinking in the house or store of persons holding certain licences, or of vignerons."

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

After "wholesale" to insert "storekeeper's licence"; and after "retail" to insert "storekeeper's".

These are purely drafting amendments.

Amendments carried; clause as amended passed.

Clauses 144 and 145 passed.

Clause 146—"Retailing liquor without a licence."

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

In subclause (1) to strike out ": Provided that this section shall not apply to a sale, in a quantity not less than five gallons, of liquor to a person licensed to sell liquor of the kind which is the subject matter of such sale."

It is an offence for any unlicensed person to sell liquor to anybody, under clause 146, except under the proviso at the end of subclause (1). I want to strike out the whole proviso because that is now covered by the new clause 28a, which has been inserted. It will enable the court and the public to be reassured. It will assist in the supervision of the making of this liquor. Some practices in this State are not good. I am the last person to say that small winemakers should not be encouraged: they should be, because the big winemakers of today were the small winemakers of 100 years ago. Everybody has to get a start, but there are various ways and means of making wine. For instance, it is being made in the concrete pits of motor garages, and that wine is for sale. It is also made in reject casks from brewers, and in bathtubs. We need a licence for everybody selling liquor.

The Hon. A. J. SHARD: At this stage I raise no objection to the amendment but I think it should be examined by the architects of the Bill before being finally accepted.

The Hon. R. C. DeGARIS: It seems that the attitude of honourable members is that a person should not be allowed to sell liquor unless he is the holder of some form of licence, and I believe that is a wise attitude. The deletion of the proviso and the insertion of previous amendments will ensure that every person selling liquor in South Australia holds a licence. The Hon. Mr. Story has told us that certain types of wine are manufactured under unsatisfactory conditions and that such wine often finds its way into the trade. A further possibility is that such wine may be sold to a licensed person and no check could be made on such sales. Because the fee payable by such a licensed person is based on the quantity of liquor handled, that could be of some importance. I agree with the principle that every person selling liquor should hold a licence, and I support the amendment.

Amendment carried; clause as amended passed.

Clause 147—"Supply by unlicensed persons."

The Hon. R. C. DeGARIS: Without being certain of the position, I believe that this clause, which deals with two matters, may have to be amended because of amendments to clause 146. I hope the Chief Secretary will clarify the position.

The Hon. A. J. SHARD: I have not time to give an opinion at present but I will seek the advice of the Parliamentary Draftsman. I suggest that the clause be passed and, if necessary, it can be recommitted.

Clause passed.

Clauses 148 to 153 passed.

Clause 154—"Penalty for supplying liquor to be illegally disposed of."

The Hon. A. J. SHARD moved:

In subclause (2) (*b*) to strike out "145" and insert "146".

Amendment carried; clause as amended passed.

Clause 155—"Restriction of employment of women to serve liquor."

The Hon. L. R. HART: I move:

In subclause (1) to strike out "or" first occurring; and after "mother" to insert "or his mother-in-law".

It appears that a clause has been plucked from the old Act and placed in this Bill without consideration being given to a more modern approach. I believe that the mother-in-law of a licensee should not have been excluded from these provisions because in many instances she might have provided the finance necessary to enable the son-in-law to take over a hotel. Other near relatives are permitted to serve in the bar and the same provision should apply to a mother-in-law. In many other respects this clause is unsatisfactory because it also deals with equal pay for the sexes. I believe that matter should not be in the Bill because it should be covered by the Industrial Code and not by licensing legislation. Indeed, such a provision could not operate without an industrial award or determination being made under a Commonwealth or State Act. In other words, barmaids could not be employed merely by a provision of the Licensing Act.

Equal pay is based on the principle of equal work, and the Premier has stated that the problem of introducting equal pay is associated with the difficulty of establishing when equal work is performed. That may not affect the larger hotels, but in a smaller hotel a barman is required to lift kegs or perform other heavy work. That work could not be carried out by a barmaid and equal pay for the sexes would not be warranted in such a case. I believe that subclause (1) has been placed in the Bill merely to appease members of the Australian Labor Party who are opposed to the employment of barmaids.

The Hon. F. J. POTTER: I do not oppose the Hon. Mr. Hart's amendment, but I do oppose this clause as it stands in the Bill. In saying this, I do not wish to be misunderstood. First, I do not oppose the employment of barmaids in South Australia and, secondly, I do not oppose equal pay for barmaids and barmen in this State. However, I do oppose this clause because it contains a provision that I believe is most undesirable in legislation of this nature. This clause, in itself, does not actually authorize the employment of barmaids; if it was not in the legislation at all it would be perfectly lawful when the legislation came into operation for barmaids to be employed in hotels. So we do not need the provision for that purpose at all.

If barmaids can be employed in South Australia it will be perfectly lawful for our Industrial Commission or the committee that has jurisdiction over this industry to make an award for barmaids and, if necessary—and I believe this will happen—to provide for equal pay. The award that covers this matter is the Hotels, Clubs and Coffee Palaces Award, and it is interesting to note that in it there is a heading, "Barmen, Barmaids and Cellar Men". However, one searches in vain for any wages for barmaids there, because none is prescribed. The only thing prescribed relates to a waiter or waitress who dispenses liquor from the bar.

The Hon. A. F. Kneebone: Could they be given equal pay under that award?

The Hon. F. J. POTTER: Not as it stands. My point is this: it is obvious that the award at present does not provide for equal pay; it mentions a waiter or waitress who dispenses liquor from a bar. I point out that this industrial committee can fix the rate for barmaids as soon as they are permitted to be employed, and they would be permitted if this clause was not in the Bill.

I investigated the situation in other States. In Victoria the determination provides for equal pay for barmaids and barmen, but less money is paid to drink waitresses. In Western Australia equal pay is also provided for barmaids and barmen. However, it is interesting to note that in New South Wales, which had a Labor Government for many years, barmaids do not receive equal pay: less is paid to females than to males. Also, in Queensland, which had a Labor Government for many years, a lower rate is paid to females than to males. However, nowhere have I been able to find any legislation in other States providing a direction concerning the payment of wages to barmaids. I believe there will be—and this is the correct way to go about it—an approach made to the Industrial Commission by the industry concerned providing for a consent award.

The CHAIRMAN: Order! The amendment deals with the insertion of "mother-in-law" and it has nothing to do with awards. The honourable member should address his remarks to the amendment. At present he is addressing his remarks to the whole clause.

Amendment carried.

The Hon. F. J. POTTER: I oppose the clause as a whole. Personally, I would have no hesitation in supporting equal pay for barmaids and barmen. However, the point is that in making an application for a consent award the parties can get together and agree between themselves as to who is actually a barmaid and what her duties are. In other words, a person who has to move 18-gallon kegs or to act as a cellarman is entitled to an agreed rate of pay when his duties are over and above those of an actual barman. If these categories cannot be fixed by agreement—and I believe they can be and will be—then, of course, they will have to be determined by the commission.

In other words, my real opposition to this clause is that it fetters the commission's jurisdiction; the commission should be allowed to consider the various categories of employment, and I do not want to see any distinction made between a barman and a barmaid. However, I think it is fair and right—and I am sure that both parties will think so—that some differentiation should be made regarding such people who may be required to move kegs in the cellars. The way to do this is to strike out clause 155 altogether, and then anybody can be employed as a barmaid. Then, the commission will not be prevented from acting immediately on an application by the parties, and it will be able to consider the problem unfettered in any way. In licensing legislation we should not include an industrial provision.

We might just as well include a provision that nobody was allowed to employ a shop assistant unless equal pay were provided. This is totally wrong. We should allow the court its full jurisdiction to inquire into all aspects of the categories of employees. I am not opposed to the provision, which I think will come, because I am sure the hotel keepers want it and will have to agree to it, as they will need barmaids as soon as this Bill comes into operation. If they cannot agree on the proper categories (and I am sure they can), the court can fix them. I suggest that clause 155 should be removed from the Bill.

The Hon. A. J. SHARD: I ask the Committee to retain this clause. It is all right to say that if we remove the clause barmaids can still be employed, but wages boards and industrial tribunals take great notice of past practices and procedures. Rightly or wrongly, since 1916 licensees have been prohibited from employing barmaids. That has been the procedure and practice, and if this clause is removed there will be nothing to prevent the courts from citing precedent and saying that it is not in the public interest that barmaids should be employed. Anyone who has had dealings with industrial tribunals will have heard that expression many times. This clause as a first stage says specifically that we are out of the bad days, and Parliament will be saying that from the date of operation of the Bill barmaids can be employed. The second stage is that barmaids shall not be employed unless they are paid equal rates.

If the clause is removed the court could say that barmaids could not be employed because this had not been past practice and custom. If the second part of the clause is removed and the first part is left in, the court would have the right to fix the rates of pay without taking into account the practices and customs of past years. I think both parts of the clause are necessary. I know that there are arguments for and

against Parliament's making suggestions to industrial tribunals, but this is nothing new: this Parliament has done it in the past on more than one occasion. Parliament is saying to the tribunal, "It is time that barmaids should be permitted to work behind bars." Because of their efficiency, certain hotels in other States prefer barmaids. Men have been employed in the industry for a number of years and they should have only the extra efficiency of barmaids to contend with; they should not have to contend with barmaids being employed at reduced rates. We are protecting the married man with a family. There are breadwinners among women, but to a lesser extent than among men. I see nothing wrong with saying that if barmaids are employed they should be paid equal rates. I ask the Committee to leave the clause as it stands.

The Hon. F. J. POTTER: The Chief Secretary is saying that we are saying that barmaids can be employed, but clause 155 says that barmaids cannot be employed unless they are paid the same rates as men. The only reason for having clause 155 in the Bill is to point the finger at our industrial tribunals and say, "When you introduce equal pay, barmaids will be permitted, but not until then." I did not understand the Chief Secretary when he said that the court might be in some difficulty and might not make an award because it had not been the practice in the past to employ barmaids. An award already exists in South Australia and its heading mentions barmaids. All that would be necessary would be for the union or the employers to apply for variation of the existing award to provide for equal pay.

The Hon. L. R. Hart: It would have to be the employers, as there is no barmaids' union.

The Hon. F. J. POTTER: They would become members of the same union the barmen belong to, presumably. The employers would negotiate this matter with the appropriate union, and I have no doubt that an agreement would be arrived at. Once the court is asked to make a consent award it will not inquire into the matter any further. If the parties could not come to a satisfactory agreement the court could deal with the items in dispute. It would appear that the Government, which set up the industrial commission, has no confidence in the commission's ability to achieve a consent award. The Government wants to make a direction concerning an industrial matter. I oppose that principle, but I do not oppose equal pay for barmaids, which is a foregone conclusion and which has my complete support.

The Committee divided on the clause as amended:

Ayes (11)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, A. F. Kneebone, C. D. Rowe, A. J. Shard (teller), and C. R. Story.

Noes (7)—The Hons. R. C. DeGaris, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter (teller), V. G. Springett, and A. M. Whyte.

Majority of 4 for the Ayes.

Clause as amended thus passed.

Clauses 156 to 158 passed.

Clause 159—"Register of lodgers."

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

In subclause (1) to strike out "regulations" and insert "rules of court".

I think this amendment is self-explanatory.

Amendment carried; clause as amended passed.

Clauses 160 to 165 passed.

Clause 166—"Duty to supply food and lodging."

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

In subclause (1) to strike out "means" twice occurring and insert "meals".

This amendment is necessary because of a typographical error.

Amendment carried; clause as amended passed.

Clauses 167 to 186 passed.

Clause 27—"Club licence"—reconsidered.

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

In subclause (1) to strike out "subsection (1) of" and after "85" to insert "of this Act".

This is purely a drafting amendment.

Amendment carried.

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

To strike out subclauses (1), (2) and (3) and insert the following new subclauses:

(1) Every club licence shall be granted as a licence of one of the following categories:

(*a*) a class A club licence;

(*b*) a class B club licence;

or

(*c*) a class C club licence.

(2) A class A club licence shall, subject to section 85 of this Act, authorize the sale, supply and delivery of liquor by or on behalf of the club in the club premises—

(*a*) to a member of the club or to a visitor in the presence and at the expense of a member thereof—
 (i) upon any day (other than Sunday, Christmas Day and Good Friday) between the hours of nine o'clock in the morning and ten o'clock in the evening;
 (ii) upon Christmas Day, not being a Sunday, between the hours of nine o'clock in the morning and eleven o'clock in the morning;
 (iii) upon any day (other than Sunday, Christmas Day and Good Friday) between the hours of ten o'clock in the evening and half past eleven o'clock in the evening for consumption in such areas of the premises of the club as are fixed by the court with or ancillary to a *bona fide* meal but not otherwise;
 (iv) upon Sunday, Christmas Day and Good Friday between the hours of twelve o'clock noon and a quarter to eleven o'clock in the evening for consumption in such areas of the licensed premises as are fixed by the court, with or ancillary to a *bona fide* meal but not otherwise;
 and
 (v) where a permit (in this Act called a "supper permit") under subsection (9) of this section is in force, subject to the terms and conditions of the permit, on any day in respect of which the permit was granted (other than Sunday, Christmas Day and Good Friday) between the hours of ten o'clock in the evening and half past eleven o'clock in the evening for consumption in such areas of the licensed premises as are fixed by the court, with or ancillary to substantial food;

and

(*b*) at any time to a *bone fide* lodger who is a member of the club.

(3) A class B club licence shall, subject to section 85 of this Act, authorize the sale, supply and delivery of liquor by or on behalf of the club in the club premises to a member of the club or to a visitor in the presence and at the expense of a member thereof—

(*a*) upon such periodic and other occasions and during such periods (not being occasions or periods on or during which the holder of a class A club licence may not sell, supply and deliver liquor in pursuance only of the licence) and in such areas of the licensed premises as the court may determine and specifies in the licence;
and

(*b*) where a permit (in this Act called a "supper permit") under subsection (9) of this section is in force, subject to the terms and conditions of the permit, on any day in respect of which the permit was granted (other than Sunday, Christmas Day and Good Friday) between the hours of ten o'clock in the evening and half past eleven o'clock in the evening for consumption with or ancillary to substantial food in such areas of the licensed premises as are specified in the permit.

(4) Subject to subsection (10) of this section, the court may grant a class B club licence upon such conditions as it deems proper and without limiting the generality of the foregoing may impose a condition upon the licensee requiring him to purchase all liquor that he requires for the purposes of the club from the holder of a full publican's licence or a retail storekeeper's licence or if it is impracticable to purchase that liquor from such a licensee, from a licensee to be nominated by the court.

(5) A class C club licence shall, subject to section 85 of this Act, authorize the sale, supply and delivery of liquor by or on behalf of a club in the club premises to a member of the club on such occasions and during such periods (not being occasions or periods on or during which the holder of a class A club licence may not sell, supply and deliver liquor in pursuance only of the licence).

(6) An applicant for a class C club licence shall be exempt from the provisions of sections 40 and 41 of this Act but in lieu thereof the applicant shall—

(*a*) give such public or other notice as is required by the rules of court;
and

(*b*) satisfy the court that the club premises are suitable for the grant of the licence in respect thereof.

(7) Subject to subsection (10) of this section, it shall be a condition of every class C club licence that the licensee shall purchase all the liquor that he requires for the purposes of a club from the holder of a full publican's licence or a retail storekeeper's licence or if it is impracticable to purchase that liquor from such a licensee, from a licensee to be nominated by the court.

(8) The court may grant a class C club licence upon such further or other conditions as it deems proper.

(9) No offence is committed by any person by reason only of the consumption of any liquor lawfully supplied to him pursuant to a licence under this section within a period of thirty minutes after the period during which the licence authorizes the sale, supply and delivery of liquor.

(10) The court may grant to the holder of a club licence (or to the applicant for a club licence) on payment of the fee prescribed by the rules of court a permit subject to such terms and conditions and in respect of such

areas of the licensed premises as it thinks fit and any such permit shall, unless sooner revoked by the court on the application of the Superintendent of Licensed Premises or an inspector, remain in force until a date specified therein being a date not later than one year from the grant thereof and may, on the application of the licensee and on payment of the fee prescribed by the rules of court, be renewed with the licence.

(11) In the case of a club that is a sub-branch of the Returned Soldiers' Sailors' and Airmen's Imperial League of Australia (South Australian Branch) Club, if the court is satisfied that the sub-branch has prior to the first day of August, 1967, obtained the liquor purchased by it for its purposes or a substantial part thereof from that club, the sub-branch may continue to purchase liquor from that club.

It is essential, if we are not to start something socially undesirable in this State, for all clubs supplying liquor to their members to be licensed. Let us leave on one side the question whether those clubs can also be granted a permit for certain hours of trading. One great weakness of this Bill is that not all clubs have to be licensed. I am providing in my proposed new subclauses that there shall be three categories of club and three categories of club licence—a class A club licence, a class B club licence and a class C club licence.

The licence that a class A club may apply for is for the same hours of trading as in the case of a full publican's licence. It will allow the granting of such things as a supper permit to that kind of club. Visitors will be allowed into the club provided they are introduced by a member of the club and that the liquor supplied to the visitor is supplied in the presence and at the expense of a member of the club. As clause 85 will apply to a class A licence, a visitors' book will have to be kept by the club and the member will sign in the visitor; not more than five visitors may be introduced or entertained on any one day. A class A club can, under these new provisions, sell any liquor to members only during its licensed hours. That means that the sale may take place on the club premises during licensed hours and liquor may be carried away, if necessary, by the club member only during those hours. This class A club will pay the full rate of duty prescribed under clause 36—the full 5 per cent tax on its liquor turnover. As it enjoys full privileges, this is necessary. Honourable members will see that the class A club licence is dealt with in my proposed new subclause (2).

The Hon. C. D. Rowe: That would include most of the clubs at present holding licences?

The Hon. F. J. POTTER: This will include clubs registered at present but it does not preclude other people in the future wanting a class A club licence from applying for one. They will have to comply with the rather stringent conditions of clauses 40 and 41 and will have to pay their full tax; they get virtually the same licence as a full publican's licence but the restriction is on the supply to members and to visitors introduced and signed in in the the way I have described. Also, I have provided in a class A licence that liquor can be supplied at any time to a *bona fide* lodger who is a member of that club.

A class B club licence (again subject to clause 85) is not the same as a class A licence, because the hours of sale, supply and delivery of liquor on the club premises are to be fixed by the court. The hours would not exceed those provided for a class A club.

A member of a class B club would be permitted to entertain a visitor in the club at his own expense, but I will have something further to say about who these visitors may be. The occasions on which liquor may be supplied or sold would be stated in the licence issued by the court. Provision is also made for the granting of a supper permit to a class B club. Such a club may have imposed upon it a condition requiring it to purchase its liquor supplies from the holder of a full publican's licence or a retail storekeeper's licence. If either course is impracticable, then supplies may be obtained from a licensee nominated by the court. I emphasize that that is something the court may decide. A class B club would be permitted to sell bottled liquor in half-gallon lots to members only during the hours for which it is licensed. The licence fee would be $50.

Honourable members will understand from an examination of my suggested amendments that it is impossible to follow the whole purport of the different categories without examining amendments to later clauses. On page 6 of my proposed amendments will be found various restrictions that would apply to holders of the three different classes of licence. However, before dealing with that I will mention the class C licence.

The Hon. C. D. Rowe: Would a class B licence normally be one held by one of the larger bowling clubs?

The Hon. F. J. POTTER: Yes, and because of the fee required it would be a fairly large club, and its premises would be inspected by the court. It would have to satisfy the court and be subject to clauses 40 and 41. A

class C club would be subject to the provisions of clause 85 and not to those of clauses 40 and 41, but in lieu of those clauses an applicant for such a licence would have to give public or other notice as required by the rules of the court and satisfy the court that its premises were suitable for the granting of a class C licence. With such a licence the court would stipulate the hours for supply, sale, and delivery of liquor; it should be noted that it would be mandatory for liquor to be purchased from the holder of a full publican's licence, a licensed storekeeper, or the holder of a publican's licence as determined by the court. The court may impose such conditions on the class C club licence as it deems proper, and the fee prescribed for this smaller type of club would be not less than $5 or more than $50, depending on the number of members. Further, sale of liquor in containers to members of the club for the purpose of taking it off the premises would not be permitted. I have also provided that there should be no public advertising for membership of such a club.

The only exception to the requirement that it shall be mandatory for such a club to purchase its liquor from the sources I have mentioned would be in the case of a sub-branch of the Returned Servicemen's League if that sub-branch had, prior to August 1, 1967, obtained its liquor from R.S.L. headquarters in Adelaide. Such a club would be permitted to continue that practice. As honourable members know, some of the points I have mentioned have been canvassed at other times and I am including them in my suggested amendments. I am indebted to Mr. Hackett-Jones for his assistance in drawing these amendments and I assure honourable members that most of the matters they will be concerned about are incorporated in the amendments in one place or another.

The Hon. C. D. Rowe: To make it quite clear, I take it we are not talking of Sunday trading at all now?

The Hon. F. J. POTTER: No, merely the hours of trading as they will apply to the three classes of club, which would vary according to the size of the club and the facilities available. A class A club would be the present registered club with its large premises already approved and such a club would virtually receive a full publican's licence.

The Hon. C. M. Hill: But it would be possible for some of the other big clubs to be given such a licence even though they are not registered at present?

The Hon. F. J. POTTER: Yes. It is recognized that a limited number of such clubs would come under this legislation but they will have a 24-hour licence. Secondly, we would have a class B club with hours fixed by the court, and the same would apply to a class C club, with both having a variation in fees and membership and with a restriction regarding carrying liquor from premises. The conditions would vary in particular cases.

Page 6 of my suggested amendments indicates the various restrictions that would apply to the different classes of licence. It will be seen that these comprise a series of regulations that would ultimately be incorporated in clause 85. I quote from the suggested regulations:

A club licence shall not authorize the sale or supply of liquor otherwise than to a member of the club or to a visitor in the presence and at the expense of a member of the club.

Liquor shall not be supplied or delivered to any person except upon the club premises.

Liquor shall not be carried away from the licensed portion of the club premises during any period within which the club may not lawfully sell and supply liquor by virtue only of the licence.

Liquor shall not be carried away from the licensed portion of the premises of the club that is the holder of a class B club licence except in a container or containers of a capacity of not more than one half gallon.

Except as provided in subsection (12) of this section, liquor shall not be carried away from the premises of a club that is the holder of a class C club licence.

Liquor shall not be supplied to a visitor in a club that is the holder of a class B club licence unless the visitor belongs to a class of person nominated by the rules of the club. This may not meet with the approval of all honourable members but it does deal with the problem of visitors, and I think we want to restrict the rights of holders of class B licences to entertain visitors.

Liquor shall not be supplied to a visitor in a club that is the holder of a class C club licence. In other words, liquor is to be supplied to members only. A club that is the holder of a class C club licence shall not publicly advertise for membership. The question may be asked: why are all these restrictions placed on class C club licences? It is clubs with such licences and with limited facilities—and we must remember the non-applicability of clauses 40 and 41—that we must watch very carefully. We do not want to stop these clubs in any way and we do not want to stop their supplying liquor to their members but we do want to see that they do not supply liquor to visitors.

I do not think members will be fully seized with the importance of these amendments unless they also consider the question of permits. I realize that this is not the appropriate time to embark on such a discussion; nevertheless I do crave your indulgence, Mr. Chairman, to this extent: I believe it is essential to look ahead to what may be done to clause 66 because, if my amendments to clause 27 are carried, we shall have to consider the question of a permit under clause 66. All I can say at present is that if honourable members look at the amendments they will see what is provided concerning Sunday permits.

The Hon. C. D. Rowe: Is the honourable member dealing with fees?

The Hon. F. J. POTTER: No, but I have mentioned what will be the fee for these classes of club. This is one method of tackling this difficult problem. If we set up these three categories of club licence we shall have a much easier task when we are considering permits for Sunday trading, and we will be able to provide for a permit that will not lead to something that could be a social evil. The permit will be policed and will not in any way enable activity in excess of what a club can do under the powers of its licence.

The Hon. C. R. STORY: I support the amendments of the Hon. Mr. Potter, and I hasten to add that I think the Committee should be very grateful to him for getting the provision into this order. Unless anybody is completely biased in this matter he cannot but go along with what the Hon. Mr. Potter has done, because he has cleaned up what was a very difficult position in clause 27. If this Bill was still being considered by this Council next Christmas people would still be coming along with problems; we cannot satisfy everybody under this legislation.

This is the best attempt that has been brought forward up to the present, and it has been brought forward as a result of two weeks of constant study; it represents the thoughts of a number of honourable members and of some people outside this Parliament, and I believe it overcomes most of the difficulties in respect of clubs of various types and in various locations. I cannot go along with the Hon. Mr. Potter on some matters but, as an overall policy, his approach represents a great improvement. I believe that, when the Chief Secretary has had time to consider these matters thoroughly and when he has taken counsel with the architect of the Bill, he will think as I do.

These amendments will get us over many of the difficulties we are facing. The A, B and C clubs virtually classify themselves, but as these people will have to make application to the court they will have to measure up to certain standards in order to qualify for one of the licences. In addition, much of this is spelled out for the guidance of the court in the wording of the clause. The amendments have my wholehearted support.

The Hon. A. J. SHARD: The amendments foreshadowed by the Hon. Mr. Potter are considerable, but I cannot accept them. Some people have worked on this Bill for 12 months, and it has been debated in another place, so the point that it has been considered by some people for two weeks does not carry any great weight with me. The first point I make about the amendments is that they accomplish nothing that is not already provided for in the Bill; indeed, they hamper the flexibility of its provisions. The proposed amendments, by altering clause 66, prevent an unlicenced club from applying for a permit; thus the club would be subject to the full effect of the licensing provisions. A club not able to comply with clause 86, under the proposed amendments, cannot sell liquor except by means of applying for a permit under clause 65 on each occasion on which it wishes to supply liquor to its members.

The Hon. F. J. Potter: Why can't it be a class C licence?

The Hon. A. J. SHARD: I have had advice on this matter from the architects of the Bill, and the points I shall make conflict with the honourable member's point of view. There are aspects of the amendments that are even more serious. The Government's policy has always been to protect the local hotel keeper or the local retailer from having inroads made into his business by clubs setting up in his vicinity. The proposed amendments do away with this necessary protection. Moreover, the Government is naturally concerned with the experience in other States that there should be some restraint upon empowering a club to sell liquor, not only for the protection of licensed persons who depend on the sale of liquor for their livelihood, but also because grave social consequences can flow from the unrestrained growth of licensed clubs. Thus, clause 66 provides that only a club in existence at the commencement of the Act should be entitled to a permit. The proposed amendments do away with this restraint.

Under the proposed amendments the class A club licence is an unconditional licence. The court is thus deprived of its right to control the licensee by improving conditions. The effect of the proposed amendments, considered as a whole, is to allow the uninhibited growth of licensed clubs in our society both to the detriment of other licensed persons and to the public. The first amendment moved by the Hon. Mr. Potter can be debated and, if it is passed, I am told that clauses 66 and 85 will have to be amended consequentially.

The Hon. F. J. Potter: Yes, they will have to be amended, too.

The Hon. A. J. SHARD: I oppose all the amendments.

The Hon. C. R. STORY: The Chief Secretary has made definite assertions regarding what these amendments do to the Bill as it stands. I think the Committee should have time to look thoroughly at the matters he has raised, because I could not absorb all that he has just said. It would be futile to take a test vote on the first line at this stage when, in fact, no honourable member has had an opportunity to consider what the Chief Secretary has said.

The Hon. R. C. DeGARIS: I have some difficulty in following exactly why the Chief Secretary cannot accept the amendments. The class A licence, which is already in clause 27 of the Bill, does not vary under the Hon. Mr. Potter's amendment except for one thing: the rights that the club had under local option are preserved completely in the amendment. The conditional licence already exists under subclause (3), and the class B licence is covered by the conditional licence. The A and B class licences are devised in the legislation before us. Subclauses (1) and (2) cover the class A licence, and subclause (3) covers the class B licence, exactly the same as in Mr. Potter's amendment. The only difference I can see is that, instead of there being permitted clubs that can trade on Sundays or on any other days, this matter is covered by a class C licence. The Chief Secretary mentioned the proliferation of clubs, but many more clubs will be operating under a permit than under a class C licence. Also, if a club has a class C licence it is something that is of value to it and something that it can lose, whereas a permit means very little. The principle we have followed is that every person or organization involved in the sale of liquor should have some form of licence.

I do not completely agree with all of Mr. Potter's amendments. However, I believe that those amendments offer a somewhat better basis on which to consider this matter than does clause 66 as it stands, under which "permitted" clubs will operate on Sundays or at other times. We also have to consider the question of formation of genuine new clubs. Until a couple of years ago we were a rapidly expanding State, and it is to be hoped that we will get back to that state of affairs.

The Hon. A. J. Shard: You can't resist the temptation to get that in, can you? The State is still expanding.

The Hon. R. C. DeGARIS: I know of a club in one small town that is in the throes of building its bowling green, and under the Bill before us it can never be permitted to have any facilities for liquor trading under permit or licence. I think this is a matter that this Committee should further consider. Why should a club, just because it has not been in existence up till now, be denied the right to have these facilities? Because I do not know that I can completely understand all of Mr. Potter's amendments at this stage, I suggest that the Chief Secretary report progress so that we can further discuss the matter after the dinner adjournment.

The Hon. A. J. Shard: That has already been decided.

The Hon. C. D. ROWE: I have still not made up my mind regarding the correct approach to this matter. However, as far as I can see the purpose of the Hon. Mr. Potter's amendment is not to alter the provisions of the Bill but merely to clarify them. I am a little at a loss to understand how those amendments seriously affect what we were trying to do with the Bill beforehand. My only concern is that the court may be placed in a position where it has to grant a class C licence to many small and perhaps not very well-run clubs to which it would be better not to grant a licence.

I should like to see something written into the legislation that would restrict in some way the class of club qualifying for a class C licence. I am not very worried about the class A and B licences because they will be granted to clubs of some standing which consist of members of mature age and experience and which in the interests of their own reputations will see that no objectionable practices occur. I foresee that clubs to which a class C licence may be granted may consist of younger members of the community who have not had much experience in running a club or in the proper handling of liquor.

The Hon. F. J. Potter: They will all have to be over 21.

The Hon. C. D. ROWE: I realize that. I think it is here that we will run into the greatest danger of proliferation of clubs. Whether we can add anything to tighten this provision or to make clear to the court the intention of the Legislature is something that I think should be further considered. I am under the impression that one honourable member proposed an amendment to provide that clubs wishing to qualify for a class C licence would have to be clubs that were *bona fide* associated with some sport.

The Hon. A. J. Shard: There is an amendment on the file to that effect.

The Hon. C. D. ROWE: That is the kind of restriction that would at least limit the whole sphere and ambit in which these clubs could operate. I do not think we are talking about two opposites when we are discussing the Bill as it stands or Mr. Potter's amendment: I think we are talking about the most satisfactory way to deal with this matter.

Anyone looking at clause 66 must come to the conclusion that it does not express in clear and unambiguous terms what is the view of the Legislature, and I think it needs some tightening up, irrespective of the proposed amendment. I am certainly not in a position now to make a decision on this matter, so I appreciate the Chief Secretary's indication that we are to be given some time to consider it.

The Hon. A. J. SHARD: In the light of the discussion, I am willing to report progress. For the benefit of all honourable members, I am having roneoed the statement I read to the Committee a short time ago.

Progress reported; Committee to sit again.

Later:

A division on the Hon. F. J. Potter's amendments was called for.

While the division bells were ringing:

The Hon. S. C. BEVAN: On a point of order, Mr. Chairman, should there be a division when there was no vote for the Ayes on the voices?

The CHAIRMAN: I have checked with the Acting Clerk, who says there was a vote for the Ayes; however, I shall put the question again in the form of a motion: "That the subclauses proposed to be struck out remain part of the clause."

The Committee divided on the motion:

Ayes (10)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, M. B. Dawkins, L. R. Hart, H. K. Kemp, A. F. Kneebone, C. D. Rowe, A. J. Shard (teller), and V. G. Springett.

Noes (7)—The Hons. R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Norman Jude, F. J. Potter (teller), C. R. Story, and A. M. Whyte.

Pair—Aye—Hon. Sir Arthur Rymill. No—Hon. R. C. DeGaris.

Majority of 3 for the Ayes.

Motion carried; amendments thus negatived.

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

In subclause (2) after "rules" second occurring to insert "of court".

This is purely a drafting amendment.

Amendment carried.

The Hon. C. M. HILL: I move:

In subclause (3) (*b*) after "licence" to strike out "in respect of premises in the vicinity of the club premises".

I oppose the principle in the Bill as expressed in the explanation that there is a need, in the view of the architect of this Bill, to protect the publican whose premises are in the vicinity of a club. This is entirely different from protecting publicans' interests as against clubs' interests; it is, in effect, protecting a certain publican whose premises happen to be in the vicinity of a club, and I think this is extremely unfair.

It can be said that this is not a necessity under subclause (3), but nevertheless it surely must be accepted by the judge as a guide and as a general policy that the Legislature has laid down, and I think that it can reasonably be said that it will be followed because it is written into this measure.

The West Adelaide football club has in the past been centred in the south-western end of Adelaide. Its members have patronized hotels there and played and practised in the south park lands. Some years ago the club moved to the Richmond area. Since then a publican has been granted a licence and a new hotel has been established in the vicinity of premises that will undoubtedly be a licensed football club. If the words that I wish to strike out remain in the subclause, the club will be forced to purchase its supplies from this newly-established hotel.

I am not criticizing this hotel but I am saying that the whole history of the club has been closely associated with publicans in the West Adelaide area, who for a long time have held office in the club, have given trophies, and have helped it in many other ways. If these words remain in the subclause, these publicans will probably be prohibited from supplying liquor to the club, and this is extremely unfair.

The club wants to continue to trade with the people with whom it has been associated for many years. It is not a case of price advantage but one of continuing a traditional association. This applies in many places, and the subclause gives a hotel a monopoly of trade. I am not now referring to the example I cited: what if a publican in the vicinity of a club gave poor service? The club is still forced to treat with him: this is not normal practice.

The Hon. A. J. SHARD: There is a very good reason for the inclusion of those words, and if anybody is responsible for this particular thinking it is I. For many years I have advocated that a club should get its supplies from a hotel in its district, and the club with which I am connected has practised that policy.

The Hon. Sir Norman Jude: That is a bit wider.

The Hon. A. J. SHARD: I believe in the greatest good for the greatest number. It would be unfair for a hotel to be able to attract custom from a club that was not in its district. Members must not kid themselves that undercutting would not take place.

The Hon. Sir Norman Jude: Clause 187 must be very interesting, then.

The Hon. A. J. SHARD: The honourable member has been in this world long enough to know that the retail price will not always be adhered to. I have been connected with an industry that has been fighting against this thing, and I know that it is practically impossible to stop it. We were offered a discount to transfer our custom to a hotel outside our district.

The Hon. R. C. DeGaris: Under clause 187, that cannot be done.

The Hon. A. J. SHARD: I have every sympathy with the West Adelaide football club's point of view. However, I can tell the Committee that these words were included to protect the hotelkeeper within the district.

The Hon. G. J. GILFILLAN: I support the Hon. Mr. Hill's amendment because I believe that a principle is involved here. Under this clause the hotels have very real protection because the clubs are forced to pay retail prices. Also, I believe that the words "in the vicinity" are not very satisfactory because they are vague in meaning. In many country towns there are perhaps four hotels, and the present custom is for clubs and other organizations to give their business to each hotel in rotation. Often a golf club in the country will be situated between two towns very much equidistant, and it is the custom of those clubs to share their patronage between those hotels.

The Hon. Mr. Hill said that a hotel may support a club with trophies and the like and that it may be the wish of members of the club to give that hotel a preference. I feel strongly that a great deal of protection is being given to the hotel trade by the very fact that clubs have to buy at retail prices; and I think that having received this protection it is for the hotels themselves to warrant the patronage of the clubs. Regarding the Chief Secretary's remarks about a discount being given in an attempt to lure patronage, surely this is a normal class of competitive business, and as the hotels have received protection surely they must compete for this custom in a proper manner.

The Hon. S. C. BEVAN: As has been pointed out, this is a measure on which any member is free to vote as he chooses. On this occasion I find myself supporting the Hon. Mr. Hill and going against my colleague, the Chief Secretary. Yesterday when I used the term "we" I was challenged by one honourable member who I think considered he had trapped me into some sort of an admission. However, that was not so. I point out to honourable members that if I use the word "we" again I will be referring to the Hon. Mr. Hill and me. What interpretation do we place on the words "in the vicinity"? Those words could perhaps mean that a club would be restricted to trading with the nearest hotel.

The Hon. A. F. Kneebone: Could it mean "in the same State"?

The Hon. S. C. BEVAN: I would not say that was "within the vicinity"; I would say it refers to the vicinity of the club itself. Mostly we find hotels in close proximity to football clubs; this applies to any of the ovals where league football is played today. The West Thebarton Hotel in my district is practically opposite the main gates of the Thebarton Oval. However, there are other hotels within the district, and surely the club should have a choice of hotels, otherwise it would mean that one licensee would have a monopoly of that club's trade.

The Hon. A. F. Kneebone: They might want to go to Lindsay Head's hotel.

The Hon. S. C. BEVAN: Yes, and as his hotel is nowhere near the club he would have no chance at all. However, under the Hon. Mr. Hill's amendment the club could give its

custom to Lindsay Head's hotel if it wished to do so. Apart from that, it would mean that any club could share its custom between several licensees in the vicinity of that club if it so desired. There may be half a dozen hotels within the district itself. The Minister has full discretion as to the minimum and maximum charges to be made. If any bargaining goes on (as we know it can) it is a breach of the law. It is soon known where liquor can be obtained a little more cheaply than elsewhere. However, the licensee would run the risk of losing his licence if he committed a breach of the Act. We should not stipulate that a club must deal with a particular hotel. If these words are deleted, a club will be allowed freedom of choice, within its district, with whom it desires to do business.

The Hon. C. D. ROWE: A matter that has been overlooked is that the court grants the licence and it need not say anything about where the liquor is to be purchased; but the provision does say that the court "may impose either or both of the following conditions upon the licensee". So it does not automatically follow that a club must buy from a hotel in the vicinity; it means it shall do so only if the court makes it a condition of granting the licence. How does the court grant a licence? Perhaps when a club is asking for a licence it asks for this condition to be written in, but whether a local hotel has power to come before the court and ask that a particular club should deal with it or not I do not know. However, the net result will not be much different whether we leave the words in or take them out. The court would not say where the liquor was to be purchased unless at the hearing of the application for a licence somebody made a specific request.

The Hon. F. J. POTTER: On that point, whether or not this provision includes the words "in the vicinity", the court, with this discretionary power written into the Act, will look at the application and say, "Under what conditions should we not apply this particular requirement?" I am sure that is how the judge will have to look at it. He will say, "Here is a statutory direction. I have to work out some formula for applications in general and for this one in particular, and under what conditions I should not apply this requirement." It seems a ridiculous comparison but, in interpreting whether certain prescribed penalties in other Statutes should apply or not, it is often asked, "Under what conditions should I not apply them?" That will happen here. I support the amendment. It is difficult to know exactly what "in the vicinity" means. The original meaning of "vicinity" comes from the old Latin word meaning a village, which was extended to mean a neighbourhood. What it means exactly in today's civilization I do not know. It would be better if these words were removed.

Amendment carried.

The Hon. C. R. STORY: I refer the Chief Secretary to subclause (1) (*e*) for an explanation of "substantial food". This was the subject of a long debate in another place. That phrase has not been clarified, and it is particularly confusing for bowling clubs, many of which will have to apply for supper permits to cover the time from 10 p.m. to 11 p.m. "Substantial food" ought to be defined, or at least some undertaking should be given by the "architect of the Bill" (as he is called) because some clubs can render themselves liable if they do not know the exact meaning of that phrase. For instance, the traditional fare for a bowling club at that time of night is biscuits and cheese, which is substantial enough to see the members over the period of the hour and to get them home.

On the other hand, "substantial food" in a hotel on a Sunday in the middle of the day would not be biscuits and cheese in that permit. Will the Chief Secretary give me a ruling on or an undertaking about this, or shall I have to recommit the clause at some stage to see whether I can get something definite?

The Hon. A. J. SHARD: This is a question for the court to decide. I agree that the usual supper for a bowling club is biscuits and cheese, or cheese sandwiches. The court will deal with the question of "substantial food" when it issues a permit. I do not know about golf clubs. The honourable member may be worrying unnecessarily about this.

Clause as amended passed.

Clause 36—"Licence fees."

The Hon. F. J. POTTER: I do not intend to move my next amendment on the file because it is tied up with my previous amendment, which was defeated.

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

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

I mentioned previously that it was not my desire to make this amendment a revenue-gathering matter, but the object was to bring these people under the supervision of the Act.

The sum of $10 seems fair, as there is some administration involved. It will not hurt anybody.

The Hon. A. J. SHARD: I raise no objection at this stage to the amendment, but should any objection be raised later the Bill will have to be recommitted.

Amendment carried.

The Hon. F. J. POTTER: There is one matter in clause 36 that concerns me and which, perhaps, arises out of some of the matters discussed earlier today, namely, the $50 fee for a club. There are many small clubs that may want to apply for a licence, and there is something to be said for a fee of less than $50 for clubs with memberships of, say, 25 people. I understand that at a later stage we shall have an opportunity to reconsider this clause along with other clauses in the Bill.

The Hon. C. R. STORY: I support what the Hon. Mr. Potter has said. We attempted to legislate for class A, B and C licences but we were not successful. I think the court should have a discretion in the matter of smaller clubs as to what the fee should be, instead of fixing an arbitrary amount of $50.

The Hon. A. J. SHARD: I have discussed this question with the architects of the Bill, who take the view that it would be most difficult to alter the fee. If the Hon. Mr. Potter wishes to examine this question, there will be no difficulty. I put forward the suggestion that an association could take a licence for a number of clubs and divide it up, but that suggestion was frowned on. I agree with the honourable member up to a point, but $50 fee is not a great amount of money for people to find to keep within the law. I know of clubs with a membership of 30, which would mean about $1.50 for each member. On the other hand, $50 for a club of 200 members is quite modest. The result of my discussions on this matter was that the fee should be fixed at $50, and that we should not have a range or bracket of fees.

The Hon. A. M. WHYTE: In supporting what the Hon. Mr. Potter has said I give the example of an R.S.L. club with 12 members which gathers perhaps once a month, not for the purpose of drinking beer, as I think its members have gone past that stage. Last year the club contributed $50 to the Legacy Club and a similar amount to a spastic children's home. If the club is to be charged $50 for a licence in order to drink one-half dozen bottles of beer once a month, it will mean an injustice to the members and it will deprive charity of one of its means of revenue. I consider that $50 is a heavy fee for such a club to have to pay.

The Hon. V. G. SPRINGETT: I support what the Hon. Mr. Potter has said. There are clubs in the district where I live which have age pensioners as members. In one or two of those clubs some people would find the extra dollar or so something of a burden, even once a year. I think a sliding scale would help people in this category.

Clause as amended passed.

Clause 65—"Permits"—reconsidered.

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

In subclause (3) to strike out "registered letter" and insert "post".

This is purely a drafting amendment.

Amendment carried; clause as amended passed.

Clause 66—"Permit for supply of liquor for consumption at club"—reconsidered.

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

To strike out subclause (1) and insert the following new subclauses:

(1) Any club that was in existence at the date of the commencement of this Act, whether licensed under this Act or not, may, upon application to the court, be granted a permit for the keeping, sale and supply of liquor for consumption only by the members of the club on such portion of the club premises as is specified by the court on such days (including Sundays) and during such periods as the court deems proper.

(2) A permit shall not be granted under subsection (1) of this section unless, in the opinion of the court—

(*a*) there are adequate restrictions upon admission to membership of the club; and

(*b*) there is adequate reason for the grant of the permit.

(3) It shall be a condition of a permit granted under subsection (1) of this section, except a permit granted to a club licensed under this Act, that the liquor kept, sold or supplied in pursuance of the permit, shall be purchased—

(*a*) from the holder of a full publican's licence or a retail storekeeper's licence, licensed in respect of premises in the vicinity of the club premises; or

(*b*) from the holder of a full publican's licence or a retail storekeeper's licence, if the club has purchased supplies of liquor from that person prior to the first day of August, 1967; or

(c) if it is impracticable for the provisions of paragraph (a) or (b) of this subsection to be complied with, from the holder of a licence under this Act nominated by the court;

or

(d) in the case of a club that is a sub-branch of the Returned Soldiers' Sailors' and Airmen's Imperial League of Australia (South Australian Branch) Club, from that club, if the court is satisfied that the sub-branch has, prior to the first day of August, 1967, obtained the liquor purchased by it for its purposes or a substantial part thereof from that club.

Clause 66 was substantially amended in another place, and my amendment substantially redrafts the clause as it was passed by the other place. The only significant change relates to the Returned Servicemen's League. Many sub-branches have in the past purchased their liquor from the club, whose headquarters are in Angas Street. If this practice was prevented there would be great consequences for the R.S.L. finances. My amendment therefore provides that, where a sub-branch on August 1, 1967, purchased liquor from the club, that practice may be continued.

The Hon. C. D. ROWE: I think I understand the Chief Secretary correctly when I say that what he is now submitting to the Council does what we intended to do in clause 66; it improves the verbiage. I have not looked at the amended clause as carefully as I ought to have done, and it may be necessary to recommit it.

The Hon. C. M. HILL: I move to amend the amendment as follows:

In proposed new subclause (3) (a) to strike out ", licensed in respect of premises in the vicinity of the club premises"; to strike out proposed new subclause (3) (b); and in new subclause (3) (c) to strike out "or (b)".

It appears to me that the R.S.L. is protected by paragraph (d).

The Hon. A. J. SHARD: Proposed paragraph (b) is to protect some storekeepers in the district of the honourable member who have been supplying clubs in a big way. It is not the intention of the architect of the Bill to take that right away from an existing storekeeper who has been supplying clubs under his licence for a number of years.

The Hon. G. J. GILFILLAN: As I read it, proposed new subclause (3) (b) merely changes the restriction from a hotel "in the vicinity" to one with which the particular club has done business in the past. The principle involved is very much the same. Hotels and storekeepers are protected against clubs buying wholesale, but they should have to compete with one another.

The Hon. A. M. WHYTE: I am sure the R.S.L. will be very grateful for the Chief Secretary's amendment. This club contributes a good deal of money to various charities. Therefore, the amendment is very worthwhile, and I thank the Chief Secretary for it.

The CHAIRMAN: There is some complication here. Apart from the amendment to the amendment, the striking out of the whole of subclause (1) is involved. Both the Hon. Mr. Kemp and the Hon. Mr. Dawkins have amendments on file, and to preserve their rights to move those amendments we can go only as far as the first three lines. If those words are deleted, the whole subclause will be deleted and there will be no point in those honourable members moving their amendments. However, should the words remain, it will be necessary to deal with the remainder of the subclause.

The Hon. C. R. STORY: Mr. Chairman, I have an amendment to the Chief Secretary's amendment.

The CHAIRMAN: That is, an amendment to the new subclause?

The Hon. C. R. STORY: Yes.

The CHAIRMAN: The Chief Secretary has moved to delete subclause (1). For the reasons I have given, I will put the question: "That the first three lines of subclause (1) proposed to be struck out remain part of the clause."

Question resolved in the negative.

The CHAIRMAN: In that case the whole of subclause (1) is struck out. We will now deal with proposed new subclauses (1), (2) and (3).

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

In proposed new subclause (1) after "court" to insert "accompanied by the fee prescribed by the rules of court being not less than five dollars and not more than fifty dollars".

At present under this clause the court is allowed to issue permits during such periods as it thinks proper. Although it is not yet clear, I hope that the new provision would mean that these periodic permits would cover a bowling club for perhaps five months of play or a golf club for perhaps six months of play, or even that there would be a yearly permit. A series of Sundays may be involved. At present no fee is shown in the clause. Under my amendment, a wide discretion would be given in fixing appropriate fees. I am not sure whether

the wording is clear enough to ensure that the court will be empowered to give a periodic permit.

The Hon. A. J. SHARD: I understand that it is. I raise no objection at this stage to the addition of those words.

The Hon. F. J. POTTER: I support the Hon. Mr. Story's amendment, but I cannot agree that no fee is at present prescribed. A fee of $3 is prescribed in proposed new subclause (2), which will not be affected.

The Hon. C. R. Story: But no fee is prescribed for a periodic permit. The fee is $3 for each permit.

The Hon. F. J. POTTER: This range of fees from $5 to $50 is appropriate; it is much better than the present fee of $3 prescribed in proposed new subclause (2). A permit can be obtained for a period of time. I do not think a permit for six or 12 months should be obtained for a fee of $3. I support the amendment.

The Hon. R. C. DeGARIS: This redraft clarifies the position for me, in that a permit can be sought for a period longer than one day. I think the Chief Secretary will agree that as the Bill stands at present it is not clear that a permit can be obtained for more than one particular day. If it is the intention of the Bill as originally drafted to cover more than one permit, we are probably lifting the fee from $3 to $50. Did the clause as originally drafted envisage a fee of $3 for a permit covering more than one day?

The Hon. A. J. Shard: No.

The Hon. R. C. DeGARIS: It is $3 a day?

The Hon. A. J. Shard: Yes.

The Hon. C. R. Story's amendment carried.

The Hon. M. B. DAWKINS: The Chief Secretary's amendment is an improvement, but I seek to move my amendment on the file with regard to the operative words "(including Sundays)".

The CHAIRMAN: The whole of that provision has been deleted.

The Hon. F. J. POTTER: On a point of order, I think, Sir, you have misunderstood the honourable member. He wants to move an amendment to the Chief Secretary's amendment that comes after the one we have just dealt with.

The Hon. M. B. DAWKINS: I was seeking your guidance, Sir, whether I could still move my amendment as the words "(including Sundays)" are still in the clause. I move:

In proposed new subclause (1) after "Sundays" to insert "after the hour of twelve o'clock noon".

I believe the availability of liquor on Sunday mornings should be restricted as much as possible. I am given to understand that in Western Australia the hours are 11.30 a.m. to 1.30 p.m., with another period later in the afternoon; but there is no drinking in clubs before 11.30 a.m. I believe that this is strictly enforced. The excessive Sunday morning drinking that could occur under this permit system is undesirable. I think I had some support during the second reading stage from those people interested in lounge trading on Sunday afternoons. They felt that, while lounge trading on Sunday afternoons might have been desirable, the availability of liquor on Sunday mornings should be restricted as much as possible.

The Hon. A. J. SHARD: The honourable member may be doing the people he is thinking of some harm. I think the court would take all aspects into consideration and, if we inserted "twelve o'clock noon", the court might say, "The wish of Parliament is that it shall be 12 noon". In other words, we would be indicating that Parliament agreed that it should happen after 12 noon. The court may well say "only between 4 p.m. and 6 p.m." but, if we insert "12 noon", it is an indication that Parliament has no objection to drinking from 12 noon. We may be making it wider for the court than the court may desire. This would apply to all clubs.

If 12 noon is put in that will be the accepted starting point, whereas if it is left to the court's discretion it might fix a considerably later hour. In Victoria it is 4 p.m. I am not advocating Sunday trading, but I think that in the inital stages it would be better left to the court's discretion in the light of what has taken place in other places. We should tread warily on this matter.

The Hon. S. C. BEVAN: I oppose the amendment. As pointed out by the Chief Secretary, this question should be left to the discretion of the court. This provision applies to any club in existence at the date of the commencement of this legislation. If the amendment is accepted it will be a direction to the court that when granting a licence it should only grant a licence for Sunday as from 12 noon to a time fixed by the court. There are clubs operating in the State now that have won their licences by local option polls and under the licence they are entitled to sell liquor on a Sunday morning, but now we are going to discriminate against those clubs.

The Hon. Sir Norman Jude: The exempted clubs did not get their licences by means of local option polls. You're talking about the new clubs.

The Hon. S. C. BEVAN: I have in mind a football club that obtained its licence by means of a local option poll. The clubs I have in mind have been selling liquor to their members on Sunday mornings. It has been said that some of these clubs could have been operating illegally and that the authorities have closed their eyes and allowed them to trade. This practice has been in operation for a considerable period, but if the amendment is accepted these clubs will not be able to supply their members until after 12 noon or such time as the court might fix, and this could victimize some of them. We should legalize this practice so that these clubs can extend this facility to their members on Sunday mornings. Apart from that, it is still left to the discretion of the court under the clause as it is. If the court considers that it would be wrong to allow these clubs to continue to operate in this way it has the discretion in this matter. I hope the amendment is not carried.

The Hon. C. M. HILL: I support what the Hon. Mr. Dawkins has said. I am opposed to drinking in clubs before 12 noon on Sundays, but I am not opposed to club members drinking during the afternoon or to hotels opening during the afternoon.

The Hon. JESSIE COOPER: I am opposed to the amendment because from time immemorial members of golf clubs have gone out early on winter mornings to play, and if this amendment is accepted, they would be denied their mid-morning drink of hot toddy. It would be silly to stop that practice as it could even lead to cases of pneumonia. This clause affects hundreds of people both in the city and in the country.

The Hon. L. R. HART: I cannot support the amendment. I am in sympathy with its motives but we would be taking a discretion away from the court if the amendment were passed. There are certain circumstances existing in some areas where it might be desirable that a permit be issued for a time prior to noon on Sunday. This measure could affect clubs other than sporting clubs. For instance, the Cadell Club might wish to obtain a permit to open at an hour earlier than noon during the fruit picking season to cater for people working overtime. This is something it should be able to do. The discretion should be left with the court, and I consider that the court will use it wisely. In Western Australia the times that the clubs can open on Sunday are written into the Act, which says that they shall open for a period of two hours between 11.30 a.m. and 1.30 p.m., then they shall be closed for three hours, and then open again from 4.30 to 6.30 p.m., but the court in its wisdom may grant other similar periods if a set of circumstances exists that would make such periods desirable. So, even in Western Australia, where the times are written into the Act, the court still has a discretion, and I believe that we should leave a discretion with the court here. I oppose the amendment.

The CHAIRMAN: I point out that the Hon. Mr. Dawkins has moved to amend the Chief Secretary's amendment. Does the Hon. Mr. Kemp wish to persevere with his amendment, which actually should come before that of the Hon. Mr. Dawkins?

The Hon. H. K. KEMP: Yes.

The CHAIRMAN: In that case the honourable member should proceed with his amendment.

The Hon M. B. DAWKINS: I ask leave to withdraw my amendment temporarily.

Leave granted; amendment withdrawn.

The Hon. H. K. KEMP: I move:

In proposed new subclause (1) to strike out "including" and insert "which may be subject to subsection (3) of this section including".

The two words in brackets in new subclause (1) as proposed by the Chief Secretary open up the whole subject of Sunday trading in liquor in this State. Very rarely have two such simple words had such great consequences for the community. I can find no serious demand for Sunday trading, even amongst people who are very much interested in the liquor trade. The Royal Commissioner pointed out in his report the dire consequences of the growth of clubs in New South Wales, which consequences occurred chiefly as a result of permitting trading in liquor on Sunday.

The Commissioner pointed out that, as a result of the permissive attitude that has ruled in the past, an equally dangerous and undesirable practice is already present in this State. One of the stated reasons for this Bill is to try to bring this practice under control before it is too late. There is no doubt in my mind that this must be curbed before it goes any further.

Bowling clubs have been trading in liquor on Sundays in a very seemly and conscientious manner, and I am sure that this also applies to the golf clubs. However, there is no doubt that some sporting clubs have become progressively more worrying to the community and they must accept a curb on unrestrained trading in liquor.

I should prefer at this stage to see a complete abolition of Sunday trading in liquor but I appreciate that people who have been conducting themselves in a seemly manner which has not offended the community should have the privilege of getting their practice legalized. What we must do is to tie Sunday drinking down to those actually playing sport, and to those only. We cannot have non-playing members coming in and making a welter of the facilities provided for the players.

The Hon. C. R. STORY: In this particular matter I cannot agree with the Hon. Mr. Kemp. I acknowledge that he is actuated by worthy motives. However, if his amendment were carried it would cause great chaos in the clubs. Some clubs, notably sailing clubs, for example, have members who for some reason or another are not physically able to engage fully in the sport conducted by their club.

The Hon. H. K. Kemp: Then they should not be there drinking on Sundays.

The Hon. C. R. STORY: There may not be anything wrong with a person's right arm, which is his drinking arm, but he may have his left arm in plaster and therefore cannot participate in sport. To restrict this matter to active participants is going further than even a conservative type like I could go. I oppose the amendment.

The Hon. L. R. HART: I am afraid that I, too, must oppose the Hon. Mr. Kemp's amendment. On this occasion I cannot even support his motives. I am not too sure what he means by "actively participating", although I have my own ideas about this. Under his amendment, the President, the patron, and the selectors of a football club could attend at the club but not be able to have a drink, and members of the cheer squad who are a very necessary part of any football club and whose voices probably would need a little lubricating would also be denied the opportunity to have a drink.

However, the players, who should be in strict training and who have been actively participating in the sport on that Sunday morning, could drink all they wanted. Therefore, the motives behind the amendments are not worthy ones at all. People who are not normally active participants in the sport would more or less take a sham part in the sport merely to be able to get a supply of liquor. As the Hon. Mr. Story said, the amendment would lead to chaos, and I definitely cannot support it.

The Hon. C. D. ROWE: In general terms, I will support anything that will reduce the consumption of liquor on Sundays or reduce the facilities for liquor being available on that day. My own view is that we should be able to manage without finding it necessary to have liquor available to us in a public way like this on a Sunday.

I think it is true that the people of South Australia generally are not in favour of Sunday drinking. This Parliament has expressed itself in like manner on this question, but we are deluding ourselves and we are not making it clear to the public what the position is if we allow a considerable amount of drinking to be done by many people in clubs of various kinds, which is what we are proceeding to do. Consequently, because of my own views, which I hope I have made quite clear (views which I believe are supported by a large majority of Australian people), I must support the Hon. Mr. Kemp's amendment.

The Hon. M. B. DAWKINS: For similar reasons to those just mentioned by the Hon. Mr. Rowe, I, too, must support this amendment. I think perhaps the Hon. Mr. Kemp may have become a little too inflexible in this amendment, but at the same time I believe on general principles that it is not desirable in any circumstances to extend facilities for drinking on Sundays.

The Hon. H. K. KEMP: I question the rather superficial remarks that were made by the Hon. Mr. Hart. I point out that in the original draft of my amendment there was provision for referees and timekeepers and anybody serving the players in an official capacity in the club. Apparently the opinion of the Parliamentary Draftsman is that any of these people who are seriously engaged in the club activities are included in that wording, and I think it could even be extended to the cheer leaders the Hon. Mr. Hart so facetiously mentioned.

It is not possible to be other than inflexible in this matter, because anyone who opposes the deletion of these words is taking on the responsibility of allowing an increase in Sunday trading in South Australia. The position that must be squarely faced is that, without this amendment, unrestricted Sunday trading

would come to South Australia immediately. That is an opinion that should be given very weighty consideration.

I think we were all very impressed with the courage with which the Hon. Mr. DeGaris put forward his proposal to safeguard hotels from the consequences of unrestricted Sunday trading by clubs. I am sure the importance of that action was not fully appreciated. But this will be the consequence if we allow unrestricted trading by clubs. This has occurred in New South Wales and is already beginning to happen here. The reason why this amendment will be opposed bitterly by the Government is that in some part of the metropolitan area there is political power that inevitably will oppose the amendment.

The Hon. S. C. BEVAN: It is not right to deal with clubs not already in existence. We are dealing with clubs already in existence at the coming into operation of this Act, not clubs that may appear at some time in the future.

The Hon. F. J. Potter: But their membership does not remain static.

The Hon. S. C. BEVAN: I am not suggesting that. The Hon. Mr. Kemp has said that, if this clause goes through without his amendment, it will lead to unrestricted drinking on Sundays. That is stretching our imagination to the extreme. The court has a discretion whether or not it will grant a licence, including a permit to drink on a Sunday. The court will set the hours and time if it decides, in its discretion, to grant a permit for drinking on Sundays. On the one hand, the Hon. Mr. Kemp complains about the court having a discretion and, on the other hand, he wants to take it away altogether and confine this to a few clubs. We should not deny the clubs a practice that has been followed for many years in South Australia, although it may have been illegal.

The Hon. H. K. Kemp: Granted!

The Hon. S. C. BEVAN: The Committee, apparently, agreed with that contention because the clause leaving the discretion to the court was passed. Surely the same thing applies here. I agree with the Hon. Mr. Hart that some clubs other than golf clubs have been supplying liquor to their members on Sunday mornings. I am sure every A grade football club in the metropolitan area has been doing this. Now it is said, "Although you have been doing this for years illegally, we shall not even give the court the opportunity of saying whether or not you will operate legally in the future." We can leave this to the court's discretion. I oppose the amendment.

The Committee divided on the Hon. Mr. Kemp's amendment:

Ayes (5)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, H. K. Kemp (teller), and C. D. Rowe.

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

Majority of 9 for the Noes.

Amendment thus negatived.

The Hon. M. B. DAWKINS: I now move:

In proposed new subclause (1) after "Sundays" to insert "after the hour of twelve o'clock noon".

I have already given my reasons for this amendment.

The Hon. C. D. ROWE: For the reasons I gave in detail when I spoke to the Hon. Mr. Kemp's amendment, I am not in favour of extending any facilities for the sale of liquor on Sundays, and because of that I support this amendment, which would restrict the sale of liquor to after 12 noon.

The Hon. M. B. DAWKINS: The Minister has suggested that I would be well advised not to move the amendment, because the hour provided might be 4 p.m. However, it could well be 9 a.m. or 10 a.m., and I am opposed to this type of activity on Sunday mornings.

The Hon. C. R. STORY: I do not support the Hon. Mr. Dawkins's amendment, as I am one of the hundreds of people in the State who actively participate in sport on Sunday mornings after going to church. I take my wife to a golf course, play for two hours, and then have a few sandwiches and a drink. That is my only form of relaxation, and I do not want to see people who do this sort of thing deprived of it, as I see no great social danger in it.

The Committee divided on the Hon. M. B. Dawkins's amendment:

Ayes (4)—The Hons. M. B. Dawkins (teller), C. M. Hill, H. K. Kemp, and C. D. Rowe.

Noes (15)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, A. F. Kneebone, F. J.

Potter, Sir Arthur Rymill, A. J. Shard (teller), V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 11 for the Noes.

Amendment thus negatived.

The CHAIRMAN: I will now put the amendments that have been moved by the Hon. Mr. Hill.

The Hon. C. M. Hill's amendments negatived.

The CHAIRMAN: I will now put the Chief Secretary's amendment, as amended.

The Hon. A. J. Shard's amendment as amended carried.

The Hon. C. D. ROWE: I move to insert the following new subclause:

(4) A permit under this section that authorizes the sale and supply of liquor on a Sunday shall not be granted unless the court is satisfied that the fee that a member of the club is required to pay upon his admission to membership is not less than five dollars.

One of the fears expressed has been that there will be undue growth in the influence and number of members of clubs. Whilst I think this Council accepts that there is a legitimate sphere for these clubs, we do not want them to become the octopus that such clubs have become in New South Wales. My amendment is to ensure that as far as possible the facilities provided by the clubs will be restricted to people who may be regarded as legitimate members and as having a real interest in their activities. My amendment will prevent people who are purely members of the public from gaining admission; I want to avoid the practice of people coming along and paying a nominal fee, of say, 50c.

The Hon. A. J. SHARD: I oppose the amendment. It sounds reasonable on the surface but, if it is carried, football clubs will be most upset. I think the average membership fee in respect of a football club is $1, but under this amendment people will be asked to pay five times this amount.

The Hon. F. J. Potter: This is an admission fee, not an annual fee.

The Hon. A. J. SHARD: Football clubs do not levy an admission fee. I am not worried about members of golf clubs because they can pay it easily but a large section of the community, comprising all classes of people, is desirous of gaining membership of a football club. If this amendment is carried some such people will be prohibited from doing so because they will not be able to afford it.

Amendment negatived.

The Hon. C. D. ROWE: I move to insert the following new subclause:

(4) In the case of a permit under this section that authorizes the sale and supply of liquor on a Sunday, entertainment shall not be provided at the club by paid entertainers at any time during the period on a Sunday within which liquor may be sold or supplied under the permit.

I want to avoid the possibility of these clubs trying to attract members and spreading their influence by providing professional entertainment.

The Hon. A. J. SHARD: I oppose this amendment because we should retain the *status quo* in respect of clubs. Many football clubs regularly pay for entertainers. One football club recently lost $200 on a Sunday morning concert because of the fees it paid to its artists. We should not impose this restriction. The court may decide that it will not permit Sunday entertainment.

Amendment negatived.

The Hon. C. D. ROWE moved to insert the following new subclause:

(4) In the case of a permit under this section that authorizes the sale and supply of liquor on a Sunday, the club shall not advertise in the press, by handbills or by radio or television, that it has a permit authorizing it to sell or supply liquor on a Sunday.

Amendment carried.

The Hon. C. D. ROWE: I move to insert the following new subclause:

(5) If a club or any of its members contravenes or contravene subsection (4) of this section, it or each of them shall be guilty of an offence and the court by which it or any of them is or are convicted, may, in addition to imposing any other penalty under this Act, by order cancel the permit in so far as it authorizes the sale and supply of liquor on a Sunday.

This is the subclause that imposes a sanction.

The Hon. A. J. SHARD: Although I agree with the amendment in principle, I am worried about the words "a club or any of its members". I do not mind the onus being placed on the club or on its officers, but I think it is going a bit too far to stipulate that any members would be guilty of an offence. Sometimes a member with a chip on his shoulder will do something to get his own back on the club. I have even known people who become informers on their club. I do not think the whole club should be penalized.

The Hon. C. D. ROWE: I think we are left now with only paragraph (*b*), which reads:

The club shall not advertise in the press, by handbills or by radio or television, that it has a permit authorizing it to sell or supply liquor on a Sunday.

In those circumstances, I do not think it would do any harm to leave in subclause (5) the words "a club or any of its members". In any event, it is in the discretion of the court as to whether action is taken regarding the cancellation of the permit. I think this is a discretion that could be left in the hands of the court.

The Hon. C. R. STORY: We are dealing here with offences. I take it that the court we are referring to now is a court of summary jurisdiction and not the Licensing Court. Would this not cut across the Licensing Court's discretion in this matter? Should it not be left to the Licensing Court to deal with this?

The Hon. C. D. ROWE: This is a point that I think I would have to consider. It may be that the Licensing Court should be the authority to cancel the permit.

The Hon. F. J. Potter: I think it is the only court referred to in the Act.

The Hon. C. D. ROWE: The subclause contains the words "the court by which it or any of them is or are convicted", so it may be that the conviction could be by a court of summary jurisdiction. I think if we allowed this clause to go through we could recommit it later to clear up this matter.

The Hon. A. J. SHARD: I am still not happy about the inclusion of the words "a club or any of its members". If the Hon. Mr. Rowe would confine it to a club or to that club's committee or its officers, I would be happy about it.

The Hon. C. D. ROWE: We have several queries on this matter, and I think the appropriate thing would be to let it go through at this stage and look at it again later. At this point of time I am not prepared to alter the wording of my amendment. A club could ask one of its members to put an advertisement in the press and thereby escape responsibility.

New subclause inserted.

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

In subclause (2) before "(18)" to insert "and"; and after "(18)" to strike out "and (19)".

This is purely a drafting amendment.

Amendment carried.

The Hon. F. J. POTTER: I think the amendment the Hon. Mr. Kemp has on the file at this stage has fallen because he has not succeeded in the initial part of his amendment. Therefore, may I now move my amendment?

The CHAIRMAN: Very well.

The Hon. F. J. POTTER: I move to insert the following new subclause:

(6) A permit under subsection (1) of this section authorizing the sale or supply of liquor on a Sunday shall not be granted if at any time it shall have become lawful for the holder of a full publican's licence to sell or supply liquor on a Sunday otherwise than to an accepted person or to a person with or ancillary to a *bona fide* meal.

I think this is a very important amendment to this clause. This subclause serves as a kind of a statutory notice to all permit holders that if at any time in the future publicans are allowed to trade on Sundays this permit provision will cease. I wish to guard against the situation that we will have under the permit section the probability of a great increase in club activity. I know that permits can be granted only to existing clubs but, as I said in an interjection a short while ago, that does not mean that the membership of the existing clubs will remain static. In fact, this will open the gate for existing clubs to increase their membership. Whether they are large or small, there is nothing in this legislation to prevent their membership increasing.

We should serve some sort of statutory notice on the clubs that under the permit system their days will be numbered if trading on Sundays is permitted to a publican. This is the nearest we can get to meeting the difficulty mentioned by so many honourable members. It has no operative effect at the moment but it is there in the Bill, so that clubs that deliberately set out to increase their membership will know that perhaps they are using borrowed time and if the publicans are allowed to open in the future there will be no more permits. This is a sensible way of dealing with some of the problems already touched upon.

The Hon. A. J. SHARD: I know there are different kinds of licence but, if a bowling club gets a permit and at some time in the future the publicans are allowed to sell full time, the clubs will lose their permits?

The Hon. F. J. Potter: Yes.

The Hon. A. J. SHARD: That is a dangerous proposition because we are, on the one hand, giving something and then, on the other hand, saying, "We may take this away from you later." That is wrong. It is no good saying, "You will lose your permit if something happens." It is not right or reasonable. I shall fight this tooth and nail; it is not good legislation. If those clubs want permits and want to grow

a little—and the average bowling club in the metropolitan area has between 200 and 300 members—

The Hon. F. J. Potter: What about the football clubs?

The Hon. A. J. SHARD: We cannot do it; it is not right. The amendment should be defeated.

The Hon. R. C. DeGARIS: Why has the Hon. Mr. Potter restricted it to a full publican's licence? At some time in the future a full publican's licence may be extended to cover Sunday trading, but a club licence need not, If other licences were included besides a full publican's licence, it might overcome the Chief Secretary's objections.

The Hon. F. J. POTTER: That may be a valid point. This amendment was originally drawn with the idea that all clubs would be licensed. I realize there is some difficulty in wanting to insert this amendment in this form. I had better bring this matter up again later. I shall certainly move for a recommittal of the clause, because I want something like this inserted.

The Hon. A. J. Shard: I shall fight it tooth and nail.

The Hon. C. R. STORY: I take the same point as the Hon. Mr. DeGaris. Perhaps the Hon. Mr. Potter should have included other classes of licence, such as the restaurant licence.

The Hon. F. J. POTTER: Yes. In view of that, I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. Sir NORMAN JUDE: I suggest that we strike out "full publican's" wherever it occurs and insert "publican's full". "Full publican's licence" is rotten English. As the Chief Secretary has intimated that he will be having the Bill reprinted, I suggest we get better verbiage than that. I should like "full publican's licence" wherever it occurs in the whole Bill to be changed to "publican's full licence" as it obviously is a publican's full licence or a publican's conditional licence. It is the word "licence", not the word "publican's", to which the adjective "full" applies. For instance, we would not have a "full ironmonger's licence".

The Hon. S. C. Bevan: But that would mean that about 210 of the 211 clauses in the Bill would have to be amended.

The Hon. A. J. SHARD: I will have a talk with the architect of the Bill to see whether the verbiage can be altered.

The Hon. Sir NORMAN JUDE: I thank the Chief Secretary for his consideration. I can assure him that, when the Bill is recommitted, I shall move similar amendments in the appropriate places.

Clause as amended passed.

New clause 66a—"Sunday permit."

The Hon. C. M. HILL: I move to insert the following new clause:

66a. The holder of a full publican's licence or a limited publican's licence may upon application to the court, be granted a permit authorizing him to sell and supply liquor on any Sunday (other than a Sunday specified in the permit by the court as a day upon which liquor may not be sold and supplied in pursuance of the permit) between the hours of twelve o'clock noon and seven o'clock in the evening to and for the consumption by persons in a lounge whilst seated therein.

This amendment provides for a permit to be issued to a publican who opens his hotel at certain hours between noon and 7 p.m. on a Sunday. I admit that I am still seeking some means to prevent the growth of clubs to a point where they may become a danger. This potential danger has been mentioned many times during this debate, and the fact that there is a potential danger has been accepted by the architect of the Bill, to whom reference has been made many times tonight. In the Chief Secretary's statement that has been circulated and which is represented as coming from the architect of the Bill there are three occasions when this danger is stressed.

It is evident that the Government acknowledges that this danger exists, and the Government accepted the Commissioner's report in regard to this aspect. The Commissioner stressed the danger, and the Chief Secretary's statement refers to the grave social consequences that could flow from the unrestrained growth of licensed clubs. The statement also mentions the uninhibited growth of licensed clubs in our society and the inroads made by clubs into the business of the local retailer.

The granting of a permit to a publican to trade on Sunday afternoon provides the alternative the Commissioner sought for people who wish to drink on Sunday instead of having to go to a club. It might well be that it would be in a family's best interest if the husband and wife went to a hotel that has sought a permit to open on Sunday afternoon. That may be better than for the husband to go off to his sporting club on Sunday morning. I draw attention to the fact that I have included lounge trade only and not bar trade. One would imagine that some hotels at

beaches and resorts just outside the city would seeks permits so that people might go and drink for a short time on Sunday afternoon.

This practice would be a counter to the problem of the growth of clubs. Many members of some small clubs might find the facilities within a permitted hotel far more acceptable to them than their club premises. There are some clubs which, because of their size, do not have what we might call the best of facilities.

The question of Sunday sport also arises. Honourable members have read in the press that this question is being looked into closely at present and that some announcements have been made on this question by members of church bodies. I submit that there is a growing acceptance of change and that before long there will be organized sport in the park lands around Adelaide and in other municipal park lands, reserves and playing areas. This will mean that by-laws will have to be altered. In one case, in particular, I know that investigations are in train at the moment, and this will involve the alteration of by-laws.

In the relatively near future many clubs in the park lands around Adelaide will be applying to the court for a permit to consume liquor on Sunday. If we consider that situation I think there is a very weighty argument in favour of hotels being given the right to apply for permits of this kind as an alternative for members of those clubs. It would be better for some small clubs to drink in hotels than in the park lands. It has been said that all hotels do not want to open on Sunday afternoon, but if they do not want to open they do not have to apply for a permit. It does not mean that every hotel will be open on Sunday. As a counter to the problem of the growing influence of clubs I think it is very wise to consider an alternative facility. It is in keeping with the recommendation of the Commissioner and I think it would be a tremendous curb on the potential danger that undoubtedly exists.

The Hon. A. J. SHARD: I ask the Committee to defeat this clause. I do not want to take a point of order, as I am a lover of freedom of speech, but I believe this amendment is practically the same as an amendment of the Hon. Mr. DeGaris.

The Hon. R. C. DeGaris: No, it is not.

The Hon. A. J. SHARD: It deals with Sunday trading, whether by permit or anything else. The same principle applies, and I think it is wrong. I do not think the people of this State are yet ready for any form of hotel trading on Sundays. I do not think hotel keepers want it yet. My thoughts about Sunday entertainment may be in advance of those of the Hon. Mr. Hill. I know that the Australian Hotels' Association now has trouble in trying to keep some of its members within the bounds of a reasonable thing in the field of entertainment. Because the proposed new clause would open the gate for everybody, I oppose it.

The Hon. D. H. L. BANFIELD: This new clause is practically the same as a provision moved by the Hon. Mr. DeGaris; it gives the opportunity for hotels to trade on Sundays, and I oppose it. The public is not yet ready for Sunday trading in hotels; all the correspondence I have received is along these lines.

New clause negatived.

The Hon. A. J. SHARD: In moving that progress be reported, I thank honourable members for their assistance. It will be appreciated if this Council can complete the Committee stage tomorrow so that a new Bill can be prepared. It is hoped that the Bill will be finalized next week.

Progress reported; Committee to sit again.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from September 12. Page 1810.)

The Hon. S. C. BEVAN (Minister of Roads): The amendments contained in this Bill become necessary largely as a result of the provisions of the Licensing Bill now before this Council. Although that Bill is still the subject of discussion in this place, I think all honourable members assume that it will be passed. Reference has been made in this debate to persons driving under the influence of liquor. Nowhere does this Bill determine that, if a person taking a breathalyser test reaches the prescribed figure of .08 gram, he is intoxicated; as a matter of fact, it tends to state the contrary. New section 47c (1) states:

> Where a person is convicted of an offence under subsection (1) of section 47b of this Act, he shall not by reason only of his conviction and any consequent penalty be deemed, for the purposes of any law, or of any contract or agreement, or of any policy of insurance or other document, to have been under the influence of or in any way affected by intoxicating liquor or incapable of driving or of exercising effective control of a motor vehicle, at the time of the commission of that offence.

So it is made clear that no person will be accused of being intoxicated if he reaches the defined limit of .08 gram. There have been many interpretations of a drunken person. One that I heard was that a person was not drunk until he lay down on the ground and got hold of the grass to stop himself falling. The purpose of the Bill is to determine the point at which a person ceases to be responsible whilst driving or in charge of a motor vehicle, at what point his judgment is impaired while driving after consuming liquor. That is all this Bill does. Other States have been mentioned. In Victoria the prescribed limit is .05 gram; other parts of the world, too, are not as liberal as we are here, where we are prescribing a limit of .08 gram.

I congratulate the Hon. Mr. Springett on his knowledgeable contribution to this debate and the wealth of information he gave us. Nobody will deny that a person's physical condition has some bearing on a breathalyser test. The Hon. Sir Norman Jude raised the point that a person could be questioned by the police, given a breathalyser test and register only .03 gram. In no circumstances could a person be charged if the reading in his case was only .03 gram. We are all confident that our Police Force will not act indiscriminately under these provisions, get hold of a motorist and say, "We suspect you have been drinking; come along and take a breathalyser test." The police would no doubt be influenced by the motorist's behaviour; but he might not have been drinking—he might have been suffering from some disability that impaired his driving ability. I do not think there would be any difficulty in proving that. If in such a case a person was apprehended and put through a test, he would have a claim against the police, as he has today under common law if he is wrongly apprehended. But I cannot see this sort of thing happening.

The Hon. Mr. Hart and the Hon. Mr. Whyte said that the penalties were a little severe. I think Mr. Hart said that the severity of the penalties suggested that this was a revenue-raising measure; but the penalties are purely to act as a deterrent. Because of the proposed extended drinking hours to 10 p.m., we must have stricter penalties for road offences, because already far too many accidents are occurring. We cannot do too much in an attempt to reduce the road toll. Of course, not all accidents are caused by drunken drivers: naturally, there are other causes, but why should we impose a mild penalty in this case? The penalties may appear to be excessive, but they are there for the specific purpose of being a deterrent, not for raising revenue for the State. The stiffer the penalty, the more the person prone to drinking and then driving will take care to make sure he will remain within the bounds of this legislation; he will safeguard himself so that he will not render himself liable to these penalties.

Then Mr. Hart spoke of drinking pedestrians causing accidents. It is true that perhaps a drinking pedestrian will be the cause of an accident if a motorist has to swerve to avoid him, but such a pedestrian can be apprehended and charged with being intoxicated. However, I could not agree to Mr. Hart's suggestion that he should be taken to a police station and given a breathalyser test to see whether or not he reached the .08 gram prescribed. If a pedestrian was walking across a road and caused an accident, he would not have to take a breathalyser test: his visible actions would indicate whether or not he was intoxicated. If he met with an accident and was taken to hospital, the first thing the hospital authorities would do would be to take a blood test to find out how much alcohol he had in his system and how much of his apparent state of intoxication was attributable to alcohol and how much to, perhaps, some injuries he had suffered.

The Hon. Sir Norman Jude: Not to mention his or her age, in many cases.

The Hon. S. C. BEVAN: Yes. However, these things are not really affected by the Bill. I thank honourable members for the attention they have given it. I hope I have been able to clarify most of the points raised by honourable members.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Enactment of ss. 47a-47h of principal Act."

The Hon. Sir NORMAN JUDE: Will the Minister enlarge on some of the matters contained in this clause? Are breathalysers to be centralized under expert control at headquarters rather than used as portable instruments similar to the practice in other countries? Is it intended that the whole of the State will be embraced by the proposed legislation? Obviously, there will be offenders in some

country towns and in the interests of safety a breathalyser should be made available in such towns.

The Hon. S. C. BEVAN (Minister of Roads): I appreciate the points raised by the Hon. Sir Norman Jude but I do not have sufficient information at present to answer all his questions. I would like an opportunity to make myself conversant with the matters raised, and I ask that the Committee report progress and have leave to sit again.

Progress reported; Committee to sit again.

ADJOURNMENT

At 10.36 p.m. the Council adjourned until Thursday, September 14, at 2.15 p.m.