LEGISLATIVE COUNCIL

Tuesday, September 19, 1967

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

DEATH OF SIR ROBERT GEORGE

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

That the Legislative Council express its deep regret at the death by accident of Air Vice-Marshal Sir Robert Allingham George, K.C.M.G, K.C.V.O., K.B.E., C.B., M.C., a former Governor of South Australia, and that as a mark of respect the sittings of the Council be suspended until the ringing of the bells.

Mr. President, I very much regret the circumstances that make it necessary for me to move this motion. As all honourable members know, the late Sir Robert George was Governor of this State from 1953 to 1960. Sir Robert shared with us his knowledge. He frequently toured the country areas of the State, and during his time here he endeared himself to all people who were privileged to meet him. I am sure that most South Australians were shocked to hear of the accident which caused his untimely death.

We all remember the statesmanlike courage of Sir Robert on that terrible day of January 2, 1955 (known as "Black Sunday"), when both he and Lady George could quite easily have lost their lives. Everyone admired them for the way they acted in that crisis, the like of which we all hope will never recur in our lifetime. I had the privilege of meeting Sir Robert and Lady George on a social level on numerous occasions, and I learned to respect and admire them for the way they carried out their duties.

I do not think I need say anything further. I express my sympathy and, I believe, the sympathy of every member of this Council to Lady George and the members of her family on the death of her husband and their father.

The Hon. R. C. DeGARIS (Leader of the Opposition): I rise to add support to the motion and to express on behalf of members of my Party their regret at the death of Air Vice-Marshal Sir Robert George. As the Chief Secretary has said, Sir Robert George was Governor of South Australia from 1953 until 1960. He filled that office with dignity and gained the respect of all sections of the public in South Australia. During his term of office, together with Lady George he travelled extensively throughout South Australia and took a particular interest in its rural activities. I well remember during my term of office as Chairman of the Millicent District Council the visit of Sir Robert and Lady George to our district, the impression he made there with his friendliness and the interest he took in our activities.

Sir Robert also served with distinction in various areas during the Second World War. We all appreciate the distinctions he received while serving in the armed forces during that war. After relinquishing his office here and returning to the United Kingdom, Sir Robert maintained his active interest in South Australia and became associated with commercial and cultural organizations that had an interest in this State.

The PRESIDENT: The sudden death through accident of Sir Robert George has shocked us all because so many of us were well known to him; he and Lady George were our personal friends, as indeed they were to the majority of South Australians. They travelled throughout the length and breadth of the State and, as has been said by the Chief Secretary and the Leader of the Opposition, they endeared themselves to each and every one of us. I endorse, too, what the Hon. Mr. DeGaris has said, that, on their return to England, Sir Robert and Lady George continued to be good ambassadors for South Australia. I ask honourable members to carry the motion by standing in silence.

Motion carried by honourable members standing in their places in silence.

[*Sitting suspended from* 2.24 *to* 2.37 *p.m.*]

QUESTIONS

WATER SUPPLIES

The Hon. R. C. DeGARIS: Has the Minister of Labour and Industry obtained from the Minister of Works a reply to the question I asked on September 13 about obtaining water from the South-East?

The Hon. A. F. KNEEBONE: The honourable member's question was supplemented by a question from the Hon. Mr. Kemp. In reply to both questions, my colleague reports:

(1) There is known to be a relatively large amount of water in the South-East that can be developed as a permanent water resource.

(2) There is no planning at present to bring South-Eastern water to the metropolitan area. Such a scheme would involve very large capital expenditure.

(3) The enlargement of the Tailem Bend to Keith main to provide for reverse flow is not justified. This main is of relatively low capacity, giving a basic supply to meet a particular rural need. The amount of water involved is

not greatly significant in relation to the resources of either the Murray River or the South-East. The additional cost would thus serve no real purpose.

(4) Investigation is going forward on proving the dimension of the resources of the South-East. This has to be viewed in the whole picture of the water resources of the State, particularly of the Murray River and the surface waters of the Mount Lofty and contiguous ranges.

NURSES

The Hon. V. G. SPRINGETT: Has the Chief Secretary a reply to my question of August 29 regarding the total strength of the nursing profession in this State?

The Hon. A. J. SHARD: It is not possible for the department completely to answer the question for the following reasons:

(1) The Hospitals Department actually controls only the Royal Adelaide Hospital, the Queen Elizabeth Hospital, Morris Hospital and the six country hospitals at Mount Gambier, Port Pirie, Port Augusta, Port Lincoln Wallaroo and Barmera.

(2) While the department receives annual returns from each of the 50 Government-subsidized hospitals in country districts, it has very little contact with the remainder of the hospitals in this State, made up mainly of community and private hospitals.

The Registrar of the Nurses Board of South Australia advises that the number of general-trained nurses registered in South Australia is about 8,000 while the total number of double-certificated nurses registered is about 3,250. However, in each case, a considerable number of those who have maintained their registration are not at present actively engaged in nursing. Details of the nursing staff employed in general hospitals operated by this department and in the 50 country Government-subsidized hospitals are as follows:

(1) Total number of trained nurses employed 870

(2) Total number of trainee nurses employed 1,900

(3) Existing vacancies—

(*a*) Trained Nurses 130

(*b*) Trainee Nurses 75

It should be noted that some of the existing vacancies have arisen because of the need to increase authorized nursing staff establishments because of the recent undertaking of the Government to endeavour to reduce nursing staff hours generally to a true 40 a week.

BEEF ROAD

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

Leave granted.

The Hon. G. J. GILFILLAN: My question is directed to the Minister of Roads and the Minister of Mines and deals with the proposed route of the gas pipeline from Gidgealpa. I understand that in the construction of such a pipeline it will be necessary to have an access road along the route for construction and maintenance and inspection purposes. This will go through an area where there is a need for a stock route for the conveyance of beef cattle from the inland areas. It is interesting that on August 31 a consignment of cattle was sold in Brisbane after having been conveyed a distance of 1,330 miles to that market. Can the Minister say whether the Government has given serious consideration to the building of a road of sufficient strength and quality to be used to convey stock?

The Hon. S. C. BEVAN: In short, the Government has not given consideration to building a road from Gidgealpa such as one indicated by the honourable member. There will certainly be a road or a track of some description in relation to the construction of the pipeline itself to be able to take the pipes into the particular sites for the pipeline to be established. Naturally, there will be a road of sorts, whichever way it goes, for the maintenance of the pipeline, but no serious consideration has been given to building a metal road. As I understand the purport of the question some consideration will have to be given to the provision of a road for the movement of stock and transports. Such a road would be built by the Highways Department out of its funds. Although the honourable member has stated that he considers there is a need at present for this road, I fail to see that. What happens to this road when we get to the other side of Gidgealpa?

The Hon. Sir Norman Jude: Isn't that the Strzelecki track?

The Hon. S. C. BEVAN: It is off the Strzelecki track. Gidgealpa is a few miles out of Innamincka, where the Strzelecki track passes through.

The Hon. Sir Norman Jude: Not that far off.

The Hon. Sir Arthur Rymill: Moomba is fairly close.

The Hon. S. C. BEVAN: I think consideration could rather be given to the upgrading of the Strzelecki track for use as a beef

road when there are movements of cattle in South Australia and over the border, instead of building a new road from Gidgealpa. At the moment I do not think this is warranted because the movement of stock is insufficient to justify an outlay of the amount of money necessary to build a road as suggested by the honourable member in preference to other roads in the State. However, I shall give the matter due consideration at some later stage.

MAITLAND HOSPITAL

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

Leave granted.

The Hon. C. D. ROWE: The Chief Secretary visited Yorke Peninsula on Friday last and opened extensions to the Ardrossan Hospital. He was thanked for his interest at that time and I wish to thank him now for performing that ceremony. My question relates to the midwifery block at the Maitland Hospital. For some years that building has been badly cracked because of the Bay of Biscay nature of the soil on which it is erected. The lack of adequate foundations, too, makes it impossible to repair the building properly. I think the time has arrived when the only remedy is to demolish that building and erect a new one.

I understand that Dr. Rollison inspected the building last week and that he concurs in my opinion. I also understand that some members of the Maitland Hospital Board spoke to the Chief Secretary last Friday, when he agreed to look into the matter; I think he agreed to visit Maitland and make a personal inspection of the building. Has he further considered this matter since his return from Yorke Peninsula?

The Hon. A. J. SHARD: Yes. I had a discussion this morning with Dr. Rollison, the Director-General of Medical Services, and he is most concerned about the state of the building at Maitland. Let me hasten to add that his concern is with the structural condition of the hospital and not with its hygiene. Dr. Rollison and I discussed the matter but I am not sure that he agrees entirely with what the Hon. Mr. Rowe has said: that is, that the building should be demolished and replaced by another building. However, Dr. Rollison is at least of the opinion that possibly a new building is needed for the maternity section of the hospital.

I am pleased to say that after discussions this morning it has been agreed that Dr. Rollison and I, in company with Dr. Shea, the Director-General of Medical Services elect, will visit Maitland and examine this structure. This will ensure that there will be no delay in dealing with this matter on the changeover in the office of the D.G.M.S. The visit has been fixed for Monday, October 2.

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

Leave granted.

The Hon. L. R. HART: I am prompted to ask this question as a result of the statement by the Chief Secretary that he recently visited the Maitland Hospital. During his discussions with members of the hospital board, he was no doubt informed of the huge debt owing to that hospital by the Aborigines at Point Pearce. Has he anything to report on how this debt to the hospital can be liquidated?

The Hon. A. J. SHARD: I should like to correct the honourable member on one point: I was not at the Maitland Hospital, nor have I met the members of the board of that hospital. Time was precious and I had to go to the Minlaton Hospital on the Friday morning and the Ardrossan Hospital in the afternoon. I thought that was a reasonable day's work. However, I know of the Aboriginal problem at the Maitland Hospital. It is a difficult question that has caused me much concern. I am toying with an idea that may help not only the Maitland Hospital but also the hospital at Tailem Bend and, I think, another that has the same problem. Although I can say nothing concrete at the moment, I can give the honourable member an assurance that the matter is being considered. I think that at some time in the near future, although not really soon, I may have a suggestion to put before Cabinet that would help the hospitals that are carrying what one might call an undue burden because of the hospitalization of Aborigines.

EFFLUENT

The Hon. M. B. DAWKINS: Has the Minister of Mines a reply to my question of August 23 relating to the use of effluent for irrigation purposes?

The Hon. S. C. BEVAN: My colleague, the Minister of Works, reports:

The precise terms of the agreement setting out conditions for the sale of effluent from the Bolivar effluent channel are still being determined. Basically, the Engineering and Water Supply Department proposes to provide sumps just off the main effluent channel and to allow these sumps to be used by those wishing to divert water. The conditions will probably require the payment of an annual

fee by the diverter for the use of the sump plus a charge for water taken. The charges proposed are being designed as compatible with those paid for irrigation licences on the Murray River. The department has no authority to specify a land use or to control the areas to be irrigated or where-on the water is used. Apart from this the department has no machinery to control such a situation.

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

Leave granted.

The Hon. L. R. HART: The effluent outfall channel from the Bolivar sewage treatment works enters the sea at Thompson's Creek, some seven miles away, and it traverses an area that is of a very salty nature. I have been informed that during its course along this channel the effluent collects a certain amount of salt through the joins in the concrete channel. In support of this view, it appears that the Engineering and Water Supply Department has put a weir in the channel to increase the height of the water and thus increase the pressure against the entrance of salt into the channel. Can the Minister say whether the salinity of the effluent during its course along the channel is being increased and, if it is, to what extent?

The Hon. A. F. KNEEBONE: I shall convey the honourable member's queries to my colleague and bring back a reply as soon as it is available.

DROUGHT ASSISTANCE

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

Leave granted.

The Hon. C. R. STORY: My question deals with drought relief in the Murray Mallee. As the Chief Secretary probably knows, the last two weeks have been particularly severe in that area, with no rain and very severe winds. Efforts have been made to interest the State and Commonwealth Governments in providing some form of drought relief. The area to which I refer is the area centred particularly on Wunkar, Waikerie, Moorook, Pata, Mercunda and Galga. Can the Chief Secretary say what stage the negotiations between the two Governments have reached and when some relief is likely for these people, who are fast becoming desperate?

The Hon. A. J. SHARD: I cannot say any more than I said when I answered a question on this matter either last week or the week before. However, I will take up the matter with the Premier, ask that it be treated as urgent and bring back a report as soon as possible.

WARREN WATER SUPPLY

The Hon. M. B. DAWKINS: Has the Minister of Labour and Industry, representing the Minister of Works, a reply to my question of last week relating to water supplies, particularly to the Swan Reach to Stockwell main?

The Hon. A. F. KNEEBONE: The Minister of Works reports:

1. The only men to be transferred from Sedan were personnel who were placed there temporarily following the deferment of some activities at Chowilla dam site.
2. Work on the Swan Reach to Stockwell main will continue at its planned rate.
3. There will be no delay in the construction of the main because of the transfers.

CHOWILLA DAM

The Hon. C. R. STORY: Has the Minister of Labour and Industry a reply from the Minister of Works to my recent question regarding the dispersement of the personnel from the Chowilla dam area?

The Hon. A. F. KNEEBONE: The Minister of Works reports:

1. As at September 14, 1967, 47 men from Chowilla dam have been transferred to other Engineering and Water Supply Department projects.
2. When work now in hand at Chowilla is completed, one man will be retained as a caretaker and the remainder will be transferred to other projects.
3. The men have been transferred to Robertstown, Sedan and Coonalpyn.

COMPANY PROSECUTIONS

The Hon. C. D. ROWE: I think on two previous occasions I have asked the Chief Secretary whether he has a reply from the Premier and Attorney-General regarding the prosecution of about 30 companies which the Attorney announced on television he intended to prosecute because of certain offences that they had committed. Has the Chief Secretary a reply?

The Hon. A. J. SHARD: No, but I will see whether I can locate the answer for the honourable member.

IRRIGATION

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

Leave granted.

The Hon. C. R. STORY: Over a period of some months I have asked several questions regarding irrigation licences for the diversion of water from the Murray River. So far, I have not been completely satisfied. I suggested to the Government that a committee be set up to investigate the various claims of irrigators that they had made a firm commitment by the fact that they had previously installed pumps and pipelines capable of servicing a very much greater area than they then had under irrigation. When I read the report brought down by the committee and tabled by the Government, I understood that this was one of the conditions under which an extended licence would be granted. At the moment, these people have no redress, as far as I can see, so I again ask, first, whether the Government will consider setting up the committee of inquiry as an appeal committee in the same way as it used that committee to investigate the larger applicants who went before it in Waikerie and Berri last month; and secondly, whether that committee has yet determined the areas that those applicants to whom I have just referred at Waikerie and Berri will receive.

The Hon. A. F. KNEEBONE: I will convey to my colleague the honourable member's questions and submissions and get a reply for him as soon as possible.

INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Read a third time and passed.

LICENSING BILL

Bill recommitted.

The CHAIRMAN: Honourable members will recall that, when the Bill was last in Committee, the Hon. the Chief Secretary moved to amend clause 85 by striking out subclause (1) and inserting in lieu six new subclauses. In respect of new subclause (4) (shown in the reprinted Bill as subclause (1c)) a division resulted in nine Ayes and nine Noes, and I was, therefore, called upon to exercise my casting vote, which I gave in favour of the Ayes. As it was generally known that this Bill was to be recommitted, I voted for the Ayes so that this subclause would be included in the first reprint of the Bill. Thus every honourable member would have the opportunity of considering the matter further and so be in a better position to decide whether the subclause should remain or be struck out before the Bill was finally passed by the Council. I give that report to correct any misunderstanding that may have arisen either in this Chamber or outside.

Clause 3—"Repeal and savings"—reconsidered.

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

In subclause (2) to strike out "shall" first occurring and insert "may"; and to strike out "or" second occurring and insert "in relation to".

These are purely drafting amendments.

Amendments carried.

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

In subclause (2) to strike out "alleged" second occurring.

"Alleged" appears twice in the one line. One of them appears to be superfluous.

The Hon. A. J. SHARD: I think the honourable member is under a misapprehension. The wording is correct as it stands. Both words are necessary. I ask the Committee to reject this amendment.

Amendment negatived.

The Hon. A. J. SHARD moved:

In subclause (2) to strike out "shall" second occurring and insert "may".

Amendment carried.

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

In subclause (4) before "club" second occurring to insert "class A".

This brief amendment foreshadows an amendment that I propose to move to clause 27. If you, Mr. Chairman, are happy to regard this amendment as a test concerning my amendment to that clause, I shall be content with that. I propose to set up two classes of club licence. In my previous amendment I tried to set up three classes of licence. Upon reflection, I have concluded that the big difficulty that undoubtedly confronted the Committee earlier was the question of a class C licence. I propose in my foreshadowed amendment to clause 27 to set up only two classes of club licence—class A and class B.

The class A licence is a full licence in all respects; the only real difference between it and the full publican's licence is that the holder of a full club licence cannot supply any kegs to members. The hours and conditions are similar, and also the supper permits that they can apply for. I propose to set up, in addition, a class B licence, which will be a limited form of licence. The amendment provides that the court must be satisfied in all respects concerning an applicant for such a licence, just as it must be satisfied in all respects concerning an applicant for a class A licence.

The following are the differences between a class A licence and a class B licence: first, the hours in respect of a class B licence will be fixed by the court; secondly, a club with a class B licence will be compelled to buy its liquor from the holder of a full publican's licence; thirdly, a club with a class B licence will have only limited rights in respect of bottle sales—it will be limited to half-gallon containers. I realize that some honourable members may want to restrict this further, but we can deal with this matter as a separate issue.

Honourable members may ask, "Why should there be these two categories?" In order to justify these two categories, we must look at the reprinted Bill as it stands. First, we have been told that the court will regard a conditional licence as it exists under clause 27 (3) as a stepping stone to a full licence. I maintain that some existing clubs, and perhaps some clubs that will be formed in future, will want to be licensed, but not fully licensed. For this reason I have provided a separate category—the class B licence.

This amendment is also designed for those clubs for which it will not be practicable to operate under the permit system because of the restrictions under that system; unless there is a separate class B category, these clubs will have to operate under a permit system unless they wish to obtain a full club licence. Under clause 66 no permit is to be granted unless the club exists at present. I do not quarrel with this, but it means that any clubs created in the future will not be able to obtain a permit and may only be licensed under the terms of a full club licence. I think this is an unnecessary disability to impose on future clubs. Also, under the permit system provided in clause 66, permitted clubs cannot have visitors: they are open only to members. This is a particularly good provision, and I do not propose to move any amendment to clause 66. However, it has been suggested that clubs can have visitors under clause 66, and I submit that this is the one thing we do not want: we do not want existing clubs operating under the permit system, particularly on Sundays, to have to stoop to the subterfuge of having honorary, temporary or reciprocal members.

I do not mind visitors being allowed in licensed clubs; we have permitted it under clauses 86 and 87, and those clauses will apply to the class B category that I am proposing. My amendment will provide the flexibility that the Minister said my previous amendments would destroy. It will assist in the administration of the provisions and will set up the best possible system for existing clubs.

The Hon. S. C. Bevan: What about existing clubs that do not want a class A licence and would rather operate under the permit system?

The Hon. F. J. POTTER: They can take their choice. Under my proposed system there is a class A licence (a full licence in every respect) and a class B licence, in respect of which the hours are fixed by the court, the liquor must be bought from a publican, bottle sales are limited, and there is a fee of not less than $25 and not more than $50 according to the size of the club's membership. If a club does not want a class A or a class B licence, it can operate under the permit system and restrict its supplies during the permitted hours to members of the club only. I think this will answer all problems in connection with the licensing of clubs. My amendment provides that the court may grant or renew a club licence as either class A or class B as it thinks fit or of its own motion to suit the circumstances of the case. This flexibility will, I think, meet the objections that were raised. The amendment now before the Committee is the most satisfactory solution that can be devised.

The Hon. A. J. SHARD: If this is not the second bite at the cherry, then it is close to it. The architects of the Bill have gone into this matter thoroughly. I ask the Committee not to accept the amendment.

The Hon. R. C. DeGARIS: Something similar was before the Committee previously, but the amendment we are now considering is in a different context. The problem in this matter is the smaller clubs that will at no time become the holders of full club licences. These clubs include many smaller bowling clubs in the metropolitan area and many smaller golf clubs and R.S.L. clubs. I should like to know how these clubs will be treated in relation to visitors. I understand that under the rules of the club this problem may be able to be solved. Indeed, the rules of the club could be so flexible that anyone could become a visitor or a member of the club for a day; in other words, the rules could say that any member may invite five visitors to the club to be members for only that day. If this applies to the permitted clubs on ordinary days, it also applies to them on Sundays. The problem I want the Chief Secretary to understand is the question of the smaller clubs which, under the

Bill, will seek a permit. What is their position regarding visitors who may visit the club during the time it is open? Can a member of the club invite a person into it?

The Hon. A. J. SHARD: I have discussed this matter with the Attorney-General, who is one of the architects of the Bill. A club with a permit can have visitors, if not by the actual permit, then under its constitution. If the constitution of the club permits a member to bring one or more visitors into the club, the court will say whether it is to be permitted. I have been assured that that can be done. The court will not permit clubs to become beer houses. If the clubs misconduct themselves the court may delicense them. In other States, particularly in Western Australia, the club licences are operated on an efficient basis.

The Hon. F. J. Potter: Many of them will not be licensed under the Bill.

The Hon. A. J. SHARD: They will have to have a licence of some kind. If not, they will be sly grogging. When this legislation is passed, it will be policed. An applicant club must have a constitution, and so many members and so many honorary members, and a member may be entitled to bring a certain number of guests into it. We should take a reasonable attitude on this matter instead of exaggerating the position. The people in the industry do not want the Bill upset. I ask the Committee not to accept the amendment.

The Hon. C. R. STORY: I think the mover of the amendment is apprehensive of the effect of the measure on clubs that will operate under permit. I agree with the Chief Secretary and I believe that the court will have power to deal appropriately with all clubs that apply for a licence. If a club has buildings valued at, say, $50,000 and has met the conditions laid down by the court it will be given a licence equivalent to a registered club licence under the old Act. If a smaller club does not wish to apply for such a licence then the court may impose one or other, or both, of the restrictions set out in paragraph (*a*) or paragraph (*b*) of clause 27 (3). The club with a conditional licence would have to pay a $50 fee whereas a club with a full licence would have to pay 5 per centum on its gross profit. Such a club could buy from any source.

The Hon. A. J. Shard: That is if the club buys wholesale.

The Hon. C. R. STORY: It would be able to do so. However, the other club, holding a class B licence, would have to buy as the court directed.

The Hon. F. J. Potter: Under my amendment such a club would have to buy from a publican.

The Hon. C. R. STORY: Yes. Apparently provision is being made for a club obtaining an unconditional class A licence as well as for the type of club requiring a class B licence. However, a number of clubs will merely wish to apply for a permit in order to open on certain days or nights and perhaps on a Sunday. Without Mr. Potter's amendment, a class A licence would enable a club to sell to its members and those members may introduce visitors up to five in number on any one day. Under Mr. Potter's amendment those conditions would also apply to a club holding a class B licence, but the remaining clubs (that is, those subject to permit) would have no provision made to enable members to introduce visitors to the club on a Sunday or during the permitted periods. I would like an assurance from the Chief Secretary that, if a permit is issued to a club under clause 66 and that club is required to present its rules in the same way as the larger clubs, it shall be entitled to introduce visitors in the same way as a class A or a class B club. If those conditions apply, then I cannot see the necessity for struggling to include the three classes of club.

The Hon. F. J. Potter: I believe the only issue that could arise would be when the provision applies to clubs making application in the future.

The Hon. C. R. STORY: But that would depend on whether clause 66 is merely a holding clause and its main purpose is to cover the transitional period. Some clubs may be given a licence to cover a Sunday morning and that will continue until sufficient public demand warrants complete trading on a Sunday. As I have said, it is a transitional clause and is meant to control clubs in order to ensure that the formation of new clubs does not get completely out of hand during the transitional period. I believe that if a club complies with the conditions laid down by the court then it should be given the same benefits as the larger clubs.

The Hon. A. J. SHARD: One of the main architects of the Bill, the Attorney-General, has assured me that this point will be covered provided it is included in the constitution of the applicant clubs. The intention is that the permitted club should have the same facilities as a club receiving a class A or a class B licence.

The Hon. F. J. POTTER: I do not dispute the Minister's statement, but clause 66 states that a permit shall not be granted unless there are adequate restrictions upon the admission to membership of the club. I would have thought that the Hon. Mr. Rowe and the Hon. Mr. Dawkins would have been upset by the Minister's answer because they have declared themselves to be strongly against trading under permit and being able to have non-members in a club. The Minister has said that the Attorney-General stated that, provided it is included in the club rules, a club may have as many visitors as it wants. I would have thought that that is exactly what we do not want, particularly in relation to Sundays.

The Hon. C. R. Story: I don't think the Minister meant that.

The Hon. F. J. POTTER: The Chief Secretary meant visitors under the guise of members.

The Hon. A. J. Shard: No; don't twist my words.

The Hon. F. J. POTTER: I cannot imagine it any other way if it is possible to have an honorary or reciprocal member. I think this is of small importance if we are dealing with permits other than Sundays, but I do not like it in respect of Sunday permits. I do not say there would be abuse of it by all clubs, but I think there could be some abuse by some clubs.

True, the court has some powers, but it is only issuing a permit and once the permit is issued the entertainment or whatever it is goes on, and I cannot see how that entertainment (whether it be called a swill or not) could be in any way contrary to the terms of the permit. According to what the Chief Secretary now says, visitors will now be a category in the club constitution and they may also be supplied with liquor. I do not think this is desirable, and that is why I have provided for the two categories of licensed club.

My idea is that we should see that clubs that want to have visitors should apply for a class B licence, whereby we get away from this wretched permit system. I agree that clause 66 has been put in as a kind of holding section. If we have this system, I think we can have a proper conduct of licensed clubs, which according to clauses 86 and 87 must be *bona fide* associations of such numbers of members as the court considers appropriate. I do not like the idea of people becoming members of a club under some subterfuge. I think that if we are to have a permit system we ought to have the permit for members of a club only.

The Hon. C. R. STORY: I can see what the Hon. Mr. Potter is trying to do and it is very laudable, but I cannot read into his amendments (nor can I think in my own mind) that he is solving the problem that he sees. The only way he can get over his problem is to say that a club applying for a permit under clause 66 may sell liquor only to persons who are full members of that club. Provision is made for the rules of a club to provide for the various other categories of members. Many clubs have full members, but they may also allow a member's wife, mother, sister or widow to become an associate member on the payment of one-half of the normal subscription.

This system has been practised for more than half a century in many of the best community and country clubs in South Australia, and it has functioned very well. The Eudunda Club has been going since at least the turn of the century, and the women who are associate members have full voting rights. Recently those women were brought up to full membership, although before that they were associate members. All these clubs under their rules will have their categories of members, and we cannot stop them from doing so.

If we adopt what the Hon. Mr. Potter suggests, how would we get on regarding the reciprocal rights of a bowling club? Such a club may have a match on a permit day and yet not be able to serve a drink to members of the visiting team. However, it could write into its constitution that it shall be permissible for members of a visiting team to have a drink, not as visitors but as members. Surely this is what we have been discussing ever since the Bill first came into this Chamber. I cannot see that the honourable member is getting over any subterfuge at all. I think all he is doing is having one class of people who can do these things under some rules and other classes that will not be able to do so.

The Hon. C. M. HILL: I support the amendment but not for a reason concerning permits. I go to the other end of the scale where the large clubs are involved. As I see it, under clause 3 (4) the present registered club will automatically become licensed.

The Hon. F. J. Potter: It will get a full licence, no matter how small or how big its membership.

The Hon. C. M. HILL: That is true. Those clubs will not be applying for a licence under another clause. As these clubs have advantages and rights, I think they are best classified

as in a class A category. The next group down, which may include clubs that might well be as large in every way as the present registered clubs or those which automatically come under a class A classification, want to know where they stand.

It is not as satisfactory to have their representatives saying, "Now that is going to be left to the discretion of the court but we expect that such and such will be the case" as it would if we could say to them, "You will apply for a class B licence, the guide lines about which are laid down in the legislation." If this machinery is here in its proper form, surely that is better legislation than passing it through at the present time and saying that there has to be a great deal of flexibility; that there has to be much trial and error; that we genuinely believe the court will put people in the pigeon holes that the Hon. Mr. Story has just suggested, and it will work out all right. It must be better legislation if we stipulate both class A and class B.

Of the 10 league football clubs in the metropolitan area four are at present registered. They have won their privileges at the local option polls, but the other six want to know whether they can, either immediately or later, gain the same rights and privileges as the four presently registered clubs.

People would know much better where they were going if we had class A and class B licences. Some clubs might say, "We would fall into class B and be happy to remain there"; others might say, "We would fall into class B now, and could see, after a certain period of time, whether we should apply for class A." That would be much clearer and more definite than it is at present because these six league clubs might never be granted the same rights and privileges as the other four would automatically acquire; but, if this legislation contained class A and class B, they would then have that opportunity.

Surely that would be more satisfactory because, had this Bill not been introduced, any or all of the six clubs at present not registered could have applied through the machinery of the local option poll and have endeavoured to become registered and acquire the same rights as the other four clubs had. It is our responsibility to fashion this legislation so that it is clear that a holder of a class B licence can at some stage, provided all the relevant requirements are met, apply for and ultimately acquire a class A licence, which will mean eventually that all league clubs can be on the one footing.

The Hon. S. C. Bevan: Why couldn't they have class A licences straight away?

The Hon. C. M. HILL: This is at the discretion of the court. The Hon. Mr. Story said that they might get them, but we do not know.

The Hon. S. C. Bevan: You are assuming that under this legislation the league clubs would be classed as class B. Is not a club to have any voice in that? They may not want it.

The Hon. C. M. HILL: That is my point—they may not want it.

The Hon. F. J. Potter: They could apply for either class A or class B.

The Hon. C. M. HILL: Yes. They want to know where they stand. We are giving this wide discretionary power to the court, and it should not be as wide as this. We should be making two classifications and thus setting down far more satisfactory guide lines than are at present in the Bill.

The Committee divided on the amendment:

Ayes (10)—The Hons. M. B. Dawkins. R. C. DeGaris, R. A. Geddes, L. R. Hart, C. M. Hill, Sir Norman Jude, F. J. Potter (teller), V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, G. J. Gilfillan, H. K. Kemp, A. F. Kneebone, C. D. Rowe, Sir Arthur Rymill, and A. J. Shard (teller).

Majority of 1 for the Ayes.

Amendment thus carried.

The Committee divided on the clause, as amended:

Ayes (12)—The Hons. M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, F. J. Potter (teller), Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, H. K. Kemp, A. F. Kneebone, C. D. Rowe, and A. J. Shard (teller).

Majority of 5 for the Ayes.

Clause, as amended, thus passed.

Clause 19—"Publican's licence"—reconsidered.

The Hon. C. D. ROWE: I move:

To insert the following new subclause:

(1a) For the purposes only of paragraph (*d*) of subsection (1) of this section, a *bona fide* meal means a meal of not less than two courses and the area fixed by the court for consumption of liquor with or ancillary to any such meal on any of the days mentioned in that paragraph, shall be an enclosed portion of the licensed premises consisting of a dining room.

This clause permits publicans to serve liquor with meals on Sundays, Christmas Day and Good Friday between 12 noon and 10.45 p.m. My amendment provides that, if publicans want to serve liquor with meals, the meal must be a substantial meal of two courses and must be consumed in a dining room.

The Hon. Sir Arthur Rymill: What are "two courses"?

The Hon. C. D. ROWE: That must be decided by the party concerned.

The Hon. Sir Arthur Rymill: Would a floater constitute two courses?

The Hon. C. D. ROWE: I do not think so.

The Hon. L. R. Hart: Could barley broth be the first course?

The Hon. C. D. ROWE: I think it could. I think honourable members are opposed to hotel trading on Sundays. Suggestions have been made that beer gardens will be opened on Sunday afternoons and some sort of light refreshment, such as a barbecued chop, will be provided. If a person purchases a chop he will be able to obtain liquor on a Sunday. I do not know whether this will be the court's interpretation of a *"bona fide* meal", but I want to stop wholesale trading in beer gardens and other outside places on Sunday afternoons under the guise that meals are being provided. I am happy for liquor to be provided with a *bona fide* meal, provided the meal is consumed in a dining room. I think my amendment will achieve the desire of many honourable members to prevent uncontrolled consumption of liquor in hotels on Sundays.

The Hon. C. R. STORY: I am not unsympathetic towards the amendment, but it could have repercussions in respect of the legislation as a whole. The term "*bona fide* meal" is used in the case of supper permits, under which it has been suggested that most bowling clubs will work. Since the Bill came from another place we have not made it easier for bowling clubs to function; we have given them only two small benefits. If they wish to continue the past practice of remaining open until 11 p.m. they will have to obtain a supper permit, which contains the words "for consumption with or ancillary to substantial food".

If one clause provides that two-course meals constitute *bona fide* meals, how can it be explained that both in this Council and in another place it has been suggested that "substantial food" in respect of supper permits may be biscuits and cheese, for the purpose of bowlers? The amendment may upset the whole framework of the Bill. I do not want to see beer gardens thrown wide open on Sundays; if honourable members had wanted this they would have supported the amendment previously moved by the Hon. Mr. DeGaris. However, if a hotel has a nice paved courtyard, it should not be restricted to serving meals in the dining room.

The Committee divided on the amendment:

Ayes (3)—The Hons. M. B. Dawkins, H. K. Kemp, and C. D. Rowe (teller).

Noes (16)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, A. J. Shard (teller), V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 13 for the Noes.

Amendment thus negatived; clause passed.

Clause 27—"Club licence"—reconsidered.

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;

or

(*b*) a class B 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 *bona 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 (6) 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 (7) 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 shall 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) 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 fifteen minutes after the period during which the licence authorizes the sale, supply and delivery of liquor.

(6) 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.

(7) 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.

(8) Subject to section 3 of this Act the court may grant or renew a club licence subject to such conditions as the court, on the application of the person applying for such licence, or of its own motion, thinks fit and, without limiting the generality of the foregoing, the court may grant or renew any club licence as either a class A or class B club licence.

The class B licence will cover those clubs that want to trade on odd days and at odd hours. Existing class A clubs might even want to become class B clubs to provide for the variation in hours. The hours for the class B licence will be fixed by the court, which must impose a condition that the club purchase its liquor from the holder of a full publican's licence. My amendment makes provision for a maximum fee of $50 and a minimum of $25 for the holder of a class B licence, and the court would have power to fix an amount in between these figures according to membership of the club concerned. I think it is fair that in such circumstances the holder of a restricted licence should be directed to purchase liquor from the holder of a full publican's licence.

The Hon. S. C. Bevan: Thus giving one publican a monopoly.

The Hon. F. J. POTTER: No. I have not mentioned the words "in the vicinity".

The Hon. S. C. Bevan: But the clause states that "the court shall determine where he shall obtain his supplies".

The Hon. F. J. POTTER: My amendment contains nothing unusual because the condition mentioned is already in the existing Bill.

The Hon. S. C. Bevan: But your amendment contains the words "from the holder of a full publican's licence".

The Hon. F. J. POTTER: Yes, but that is in the existing Bill.

The Hon. S. C. Bevan: Why should a club not be able to go to another publican?

The Hon. F. J. POTTER: I thought that was dealt with previously. The difference between my amendment and the provisions in the Bill is that I say that clubs must have the condition imposed upon their licences whereas under the existing clause it states that the court "may" impose the condition. The only other difference is contained in my suggested amendment in subclause (8). Such a set-up provides for complete flexibility. All existing licences become class A club licences. The court may grant a new applicant a class B licence but at a later stage, when dealing with an application for renewal, the licence could be upgraded to class A. Alternatively, the court would have power to downgrade the holder of a class A licence. The Minister's main complaint when the Bill was before the Committee previously seemed to be a lack of flexibility in the powers to be exercised by the court, but I believe my amendments would give the court complete flexibility in issuing class A or class B licences.

I think some honourable members are beginning to see that my proposed system has considerable merit; it meets the existing as well as a possible future situation. I strongly urge that my amendments be given serious consideration because I think they will provide the answer to the problem of the licensing of clubs. I emphasize that a club would be at liberty under my amendments to apply for either a class A or a class B licence and the court would have power to alter the category, if necessary. In addition, the court would exercise powers over clubs not requiring class A or class B licences. The Chief Secretary has said that under the existing clauses visitors may be admitted to clubs operating under permit, but I do not think that would be a desirable system. However, I believe a permit system is necessary because clause 66 is a holding clause, and I do not oppose it.

The Hon. A. J. SHARD: I believe that the amendments suggested would destroy the whole effect of the Bill from the point of view of the clubs and therefore they are not acceptable. We think there should be three classes of licence: a full licence, a conditional licence and a permit. The Bill will cater for everybody and I hope it will not be amended. The proposed amendments constitute major interference with the Bill as received from another place. I have spoken to many people and all were in agreement on the suggested methods of licensing clubs. Now, however, the Hon. Mr. Potter, after examining the Bill for three weeks, wants to introduce these amendments. I do not know where he obtained his information, but I am certain he did not get it from people concerned with this measure because it is contrary to their views.

The amendments will ruin the Bill from the point of view of the clubs as well as upsetting the intentions of the architects of the Bill. I have said that visitors to clubs will be accommodated. This Committee has had no experience of the Licensing Court, yet it is suggested that we should say to the court, "This is what you can do, and you cannot do anything more." If the Committee is fairly evenly divided on this matter, I would appeal to it most sincerely not to accept the amendment, because it is not in the interests of the people we are trying to serve.

The Hon. R. C. DeGARIS: The Chief Secretary said that this amendment completely ruined the Bill from the clubs' point of view. I think that is quite an unwarranted statement. Although I am not saying whether or not I totally approve of the Hon. Mr. Potter's amendment, I do say that the Chief Secretary's statement is quite inaccurate.

The Hon. S. C. Bevan: You could not consult every club in the State in the time available.

The Hon. R. C. DeGARIS: The Hon. Mr. Potter's amendment provides for the same thing as the first two subclauses of clause 27.

The Hon. A. J. Shard: It leaves out the permit.

The Hon. R. C. DeGARIS: No, it does not. The amendment takes out subclause (3) and substitutes a class B licence. The problem I see in the honourable member's amendment is that under the Bill at present the court could look on subclause (3) as being merely a stepping stone to a full club licence. If that is so, we will have very few conditional licences. This is tied in with the other problem of visitors to a permitted club.

I think I understand what the Hon. Mr. Potter is trying to do. I do not think it would make very much difference to the Bill whether or not his amendment was passed. However, it would leave it more clearly in the court's mind that a class B licence could be applied for. I doubt whether a conditional licence will be given by the court unless it is certain that within a limited period a club will be able to move to a full unconditional club licence.

The point that has been worrying me is that we are going to force clubs to get permits and this will seriously affect their ability to conduct their affairs as they have done in the past. I should like the Hon. Mr. Potter to comment on the question I have raised so that I will know whether or not I have got the tenor of his amendment correctly.

The Hon. C. R. STORY: I, too, should like to ask the Hon. Mr. Potter to comment on one point. We are taking more than two pages of amendments to say very little more than what clause 27 (3) now says. In my opinion, the Chief Secretary is completely wrong in saying that this amendment damages the Bill, for I do not think it makes twopence worth of difference to it. Clause 27 (3) leaves it to the court to decide all these matters. I do not know why we are worrying with these two pages of amendments, because nine lines in the Bill will do the trick.

The Hon. S. C. Bevan: If there is no difference, why alter it?

The Hon. C. R. STORY: It is quite wrong to say that the Bill is being radically tampered with. We are not going to get visitors into clubs on Sundays under clause 66 in any event, so what are we worrying about? Provision exists for the rules of a club to handle this matter.

The Hon. F. J. POTTER: I must say that I agree with the Hon. Mr. DeGaris that the Chief Secretary's remarks were completely unwarranted. I maintain that this shows he has not really bothered to look at the actual amendments. There is nothing in my amendments that is not already in the Bill.

The Hon. A. J. Shard: Then why move them?

The Hon. F. J. POTTER: I will tell the Minister presently. I have spelt out the amendments over two pages rather than try to fit odd words into the existing Bill. I did that in order to make it perfectly clear to honourable members what is there. The three categories the Minister mentioned are provided for in my amendments; the position is exactly the same, and I am not interfering with clause 66 in any way. My amendment, which does not alter the first two subclauses of clause 27, provides for a class A licence. Then I have taken subclause (3), the conditional licence part, and not altered that very much either. That is my class B category. I am just putting a tag on it. For the Minister to say that this is wrecking the Bill shows that he has not looked at these amendments at all. I have done it in this way because I believe that there will be clubs that will want a permanently conditional licence.

The Hon. A. F. Kneebone: Does the present clause stop them from getting a provisional licence for any length of time?

The Hon. F. J. POTTER: I am not saying that it could not turn out like that. However, there is nothing in the Statute that requires it. We are going to say, "Well, this is up to the court, which can fix the conditions for any particular club licence." This applies only to the original grant, not to the renewal of a licence, which is another matter that I will raise later if this amendment is defeated. Class B can apply not only to the granting but also to the renewal of a club licence. The only difference I make is that it requires the purchase of liquor from a hotel instead of "may require", and I have provided for flexibility of movement between the two classes. Nothing else in my amendment justifies the Chief Secretary's statement. Like the Hon. Mr. DeGaris, I fear that these conditional licences may be regarded as only preliminary to full licences. We can all think of examples of clubs that will want conditional licences on more or less a renewable basis, under subclause (3), and that is the class of licence which, for purposes of particularity and clarity, I have called class B. Surely that is not such a dreadful thing?

The Hon. C. R. STORY: The fear seems to be that somebody will be upgraded against his will.

The Hon. F. J. Potter: No.

The Hon. C. R. STORY: I understood the honourable member to say a moment ago that this was a stepping stone upwards. I wonder under what power the court could lift a class B to a class A licence against the applicant's will.

The Hon. F. J. Potter: By applying the provisions of clauses 40 and 41.

The Hon. C. R. STORY: But that does not apply unless the club wants to do this. The court will not impose this upon the club that does not wish it. It may downgrade a club if it feels it should. A club at the moment may be registered with an unconditional licence but, when the new Licensing Court is constituted and it goes out and inspects at renewal time, it may say, "This club licence must have some conditions attached to it."

The Hon. F. J. Potter: There is no provision for that in the Bill.

The Hon. C. R. STORY: Yes, in clause 86, which states:

No club shall be or continue to be licensed under this Part of this Act unless all the following conditions exist with respect to it . . .

If the conditions are not there, surely a club can take something conditional under clause 86; but I cannot see where a club with a conditional licence can be forced to have an unconditional licence.

Amendments negatived.

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

In subclause (3) to strike out "The" and insert "Subject to subsection (3a) of this section, the".

This completely ties up the position of the Returned Servicemen's League.

Amendment carried.

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

In subclause (3) after "grant" to insert "or renew".

The subclause would then read:

Subject to subsection (3a) of this section, the court may grant or renew a club licence . . .

This is the conditional licence clause. As it reads at present, it can apply only to the original granting of a licence, but there are certain clubs that, for various reasons, will want to renew a conditional licence from year to year. For instance, they may be required to purchase liquor from the holder of a full publican's licence. These rights should be either in the original licence or in the renewed licence. This has the effect that the court can work in reverse—that a full publican's licence may have certain conditions attached to it, for special reasons.

Amendment carried.

The Hon. A. J. SHARD moved to insert the following new subclause:

(3a) In the case of a club that is a sub-branch of the Returned Sailors' Soldiers' 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.

New subclause inserted; clause as amended passed.

Clause 28a—"Five gallon licence"—reconsidered.

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

After "Christmas Day)" to insert "between the hours of five o'clock in the morning and six o'clock in the evening".

The words were omitted when the Bill was previously before the Committee.

The Hon. R. C. DeGARIS: People operating under a five-gallon licence may wish to load a tanker or other bulk carrier other than during the hours specified. Has the honourable member considered this type of thing?

The Hon. C. R. STORY: It should not be difficult for the person to get the liquor off the premises, as only part of the premises would be licensed. I want to ensure that these transactions are carried out legitimately.

Amendment carried.

The Hon. C. R. STORY moved:

After "licensed" to insert "to sell liquor".

The Hon. Sir ARTHUR RYMILL: At least one kind of licence authorizes the sale of only a certain kind of liquor; a vigneron's licence authorizes the vigneron to sell only wine. Should not the words "that kind of liquor" be inserted?

The Hon. C. R. STORY: This is a mopping up clause; it mops up all the matters in the proviso to clause 146 as it stood when the Bill reached this Chamber. That proviso did mention "of that kind of liquor". However, I shall rest on the same good premises that the Chief Secretary has rested on throughout this debate; the architects of the Bill advise me that this is the correct way to put this in. I have also taken counsel from other eminent people involved in the liquor industry. The aim is to cover everybody, not only those selling wine or mead or perry.

The Hon. Sir ARTHUR RYMILL: I arrived at my idea independently of a re-scrutiny of clause 146. However, the remarks of the Hon. Mr. Story have convinced me that I am right.

The Hon. C. R. STORY moved to amend his amendment as follows:

After "liquor" to insert "of that kind".

Amendment to amendment carried; amendment as amended carried; clause as amended passed.

Clause 34—"Special licence"—reconsidered.

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

In subclause (1) after "for" first occurring to insert "the renewal of"; to strike out "other than a packet licence"; to strike out "any person applying for a renewal of his licence whose application has not been disposed of" and insert "the applicant".

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 am informed that there are one or two amendments not on file in connection with this clause. I suggest

that, if it suits the Committee, this clause be deferred and taken into consideration after clause 85.

Consideration of clause 66 deferred.

Clause 67—"Packet certificates"—reconsidered.

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

In subclause (3) (*c*) to strike out "during any day or time during which the sale of liquor on licensed premises is prohibited by law" and insert "except between the hours of nine o'clock in the morning and ten o'clock in the evening on a day other than a Sunday or Good Friday".

This is a drafting amendment to bring the clause into line with the previous amendment.

Amendment carried; clause as amended passed.

Clause 71a—"Breach of permit or certificate"—reconsidered.

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

To strike out subclause (2) and insert the following new subclause:

(2) If the holder of a permit or certificate is convicted of an offence under subsection (1) of this section, the court may, upon the application of the Superintendent of Licensed Premises, cancel the permit or certificate.

The idea originally behind this clause was that the court by which the holder of a permit is convicted (that is, a court of summary jurisdiction) should be able to cancel the permit. This is a convenient manner of dealing with the cancellation of a permit. However, on further consideration it has been decided that a more consistent judicial attitude towards the cancellation of permits would be obtained if this discretion were vested solely in the Licensing Court. Thus, this new subclause provides that the Licensing Court is to be the authority by which a permit is cancelled. While a certain amount of convenience is sacrificed by this amendment, it is considered that the desirable results that flow from it outweigh the inconvenience.

Amendment carried; clause as amended passed.

Clause 85—"Licensing of clubs"—reconsidered.

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

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

(1b) Except as provided by subsection (3) of this section, liquor shall not be carried away from the premises of any club that was not registered under the repealed Acts immediately before the commencement of this Act in a container or containers together of a capacity not exceeding one-half gallon and no more than two such containers shall be sold or supplied to any one member on any one day.

This subclause deals with those clubs which have not been previously registered and which will become licensed. The amendment will give them the opportunity to sell to their members a small quantity of liquor on any one day. It means up to two bottles of beer, or other bottles of that size. My purpose is to overcome an undoubted problem that will occur, especially on Saturdays, when sporting club members will be partaking of refreshments in clubrooms after sporting activities. As the Bill now reads, members will have to leave the club premises and purchase their bottled liquor requirements from a hotel or other licensed premises. This amendment will give such members the right to take home a small quantity of bottled liquor from the club. The restriction is necessary so that clubs will not compete greatly with bottle departments of hotels, but it will still provide a service that will overcome some of the subterfuge that would otherwise occur. I cannot see how the activities of club members could be policed late on a Saturday afternoon, for example, when obtaining supplies of liquor. I think my amendment is reasonable and practicable.

The Hon. A. J. SHARD: I oppose the amendment. The clause prohibits clubs from selling bottled liquor to members to take off the premises because the people drafting the Bill contend that clubs holding a full licence won that licence by local option, possibly against opposition from hotels and other people, and should be entitled to retain their bottle sales, but clubs who may obtain a licence under this Bill should not have the same privileges. I know of one club that was defeated at a local option poll, and I do not believe it should be given a licence that would entitle it to sell bottled liquor to its members to take off the premises. Such clubs should not have the full rights and privileges of clubs or hotels that won such rights at a local option poll. Club authorities will set great value on the licence granted, and I do not believe any executive would permit infringements. I know of a club from which nobody is permitted to take bottled liquor.

The Hon. Sir Norman Jude: That is commonplace.

The Hon. A. J. SHARD: Yes. Many clubs hold such a view because they think that allowing members to take bottles from club premises would be a bad advertisement. Clubs merely want the privilege of supplying liquor to

their members, and they will insist that liquor be consumed on club premises.

The Hon. G. J. GILFILLAN: As I understand it, the Hon. Mr. Hill intends that club members shall be permitted to take a limited quantity of bottled liquor with them when they leave the club. Such clubs must buy their supplies at retail prices from the hotels in any case, and therefore they would not be cutting into the hotel trade.

The Hon. S. C. Bevan: Some clubs will get discounts.

The Hon. G. J. GILFILLAN: Yes, but only a small amount would be involved. This provision will enable a service to be given to club members. I cannot see that any substantial abuse would be made of this privilege. A member may wish to take bottles home to entertain a visitor, and I do not think that such service would cause any harm or affect the trade of hotels.

The Hon. C. M. HILL: I am not seeking full hotel rights; clubs would not be in full competition with hotels because of the two bottle limit. The Chief Secretary's reference to the local option polls would be more relevant to subclause (1c), because these clubs have not the legal right to sell any liquor under licence. The purpose of the Bill is to give them that right and I believe they should have this further privilege also. Some large sporting clubs merely want to do this as a service to members and not for the purpose of making large profits. Previously I mentioned the West Adelaide Football Club as one club wishing to have this right, and I have no doubt that other football clubs, namely, Norwood and Sturt, would have the same intention.

The Committee divided on the amendment:

Ayes (9)—The Hons. Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), F. J. Potter, V. G. Springett, and C. R. Story.

Noes (10)—The Hons. D. H. L. Banfield, S. C. Bevan, M. B. Dawkins, Sir Norman Jude, H. K. Kemp, A. F. Kneebone, C. D. Rowe, Sir Arthur Rymill, A. J. Shard (teller), and A. M. Whyte.

Majority of 1 for the Noes.

Amendment thus negatived.

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

To strike out subclause (1c).

I think my reason for moving this amendment was made clear in the earlier debate. Not all members of this Chamber were present when the vote was taken, and there was some confusion about exactly what my amendment proposed.

The Hon. A. J. SHARD: I do not intend to debate this matter at length. The architects of the Bill consider that this subclause is very important. In any event, if it was taken out I do not know how the other provisions would work, for we have just agreed that subclause (1b) should remain.

The Committee divided on the amendment:

Ayes (11)—The Hons. M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, V. G. Springett, and C. R. Story.

Noes (8)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, A. F. Kneebone, C. D. Rowe, Sir Arthur Rymill, A. J. Shard (teller), and A. M. Whyte.

Majority of 3 for the Ayes.

Amendment thus carried.

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

In subclause (1e) (*b*) after "under" to insert "subsection (3a) of section 27 or".

This amendment is consequential upon the amendment to clause 27 relating to R.S.L. clubs.

Amendment carried; clause as amended passed.

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

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

In subclause (1) after "club" second occurring to insert "or by a visitor in the presence and at the expense of a member".

This amendment is self-explanatory. We had an opinion from the Chief Secretary today on the standing of people who may visit a club. He said that the Attorney-General was of the opinion that this provision for entertaining visitors could be made in the rules of clubs by the definition of the various types of member that could belong to a club, no doubt including honorary members, reciprocal members, associate members, and suchlike, covering a wide field. There are, however, many other circumstances in which some people wishing to visit a club would not be covered. I am concerned about this because the clubs, which will be known as permit clubs, are largely those small clubs operating throughout the country—in particular, bowling and golf clubs. Although they are only small clubs, in the aggregate they probably far outnumber the larger clubs which have been fully considered in this Bill and which in many instances will receive full licences.

Therefore, I want to make it clear in the Bill beyond doubt that a legitimate visitor can

be entertained legally by a member in a permit club. There should be no doubt in the Bill about the legality of entertaining visitors in a permit club; there should be no necessity to resort to subterfuge, as has happened in the past. If what the Chief Secretary has said is clearly the intention of the architects of the Bill, that permit clubs should be open to entertain visitors legitimately and modestly, there should be no objection to this small amendment.

Amendment carried.

The Hon. C. D. ROWE: I move:

In subclause (1c) after "Sunday" second occurring to insert "or that entertainment is provided on the premises of the club on a Sunday".

When this clause was last before the Committee, I had this subclause amended so as to prevent a club from advertising in the press, by handbills or by radio or television, that it had a permit authorizing it to sell or supply liquor on a Sunday. I want now to prohibit a club advertising entertainment on a Sunday. In other words, I want to add a prohibition on advertising entertainment to the prohibition on advertising liquor. This ties in with the view I have often expressed that I want to do everything I can to stop club entertainment on Sundays.

The Hon. A. J. SHARD: Bowling clubs advertise tournaments on Sundays; they cannot be run unless they are advertised. I know that the Hon. Mr. Rowe is not aiming to stop that, but the verbiage of his amendment includes that.

The Hon. C. D. ROWE: I propose to move another amendment, which will prohibit these clubs from employing paid entertainers on a Sunday. Also, clause 65 (20) provides that "entertainment" means "a social gathering, a dinner or banquet, a concert, a dance, or a function of a like character". That is not binding on this clause but, in answer to the Chief Secretary's point, if we agree to this amendment and also to the next subclause I propose to insert, there will be no danger of prohibiting bowling clubs from advertising tournaments on Sundays.

The Hon. Sir ARTHUR RYMILL: This clause of itself does not say that entertainment shall not be provided. The honourable member's amendment provides that, if entertainment is provided, it shall not be advertised. I am prepared to support it to that extent. In reply to the Chief Secretary's comment that a club cannot advertise a bowling tournament on a Sunday, I point out that the clause as amended by the Hon. Mr. Rowe states that the club shall not advertise in the press that it has a permit authorizing it to sell or supply liquor. The advertising of tournaments does not come within this clause: it is merely the advertising that it has a permit to sell or supply liquor on a Sunday that is prohibited, so I cannot see anything in the clause to stop any club advertising a tournament on a Sunday, even if it has a permit to sell liquor. It cannot, however, advertise the fact that it has a permit to sell.

Amendment carried.

The Hon. C. D. ROWE: I now move:

To strike out subclause (1d).

I am seeking uniformity. If my amendment is carried we shall not have cancellation by the Licensing Court on one occasion and cancellation by a magistrate on another occasion. I am moving my amendment so that the matter is in the hands of the Licensing Court.

The Hon. Sir NORMAN JUDE: I was under the impression that when we discussed this matter last week the Chief Secretary, or somebody else, objected to the words "or any of its members". I point out that members may contravene without the knowledge of the club authorities.

Amendment carried.

The Hon. C. D. ROWE: I move:

To insert the following new subclause:

(1d) In the case of a permit that authorizes the sale and supply of liquor on a Sunday, no entertainment shall be provided upon the premises of 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 and if entertainment is so provided the club shall be guilty of an offence.

My purpose is to prevent professional entertainment in a club on a Sunday during the hours when liquor can be sold. This is in line with my general policy that these clubs should not go beyond providing reasonable service to their members on a Sunday.

The Hon. A. J. SHARD: I oppose the amendment because I think it is too severe. I appreciate the viewpoint of the Hon. Mr. Rowe. However, people are going to have concerts and they cannot provide entertainment unless they pay for it.

The Committee divided on the amendment:

Ayes (9)—The Hons. Jessie Cooper, M. B. Dawkins, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter, C. D. Rowe (teller), C. R. Story, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, R. A. Geddes,

G. J. Gilfillan, Sir Norman Jude, A. F. Kneebone, Sir Arthur Rymill, A. J. Shard (teller), and V. G. Springett.

Majority of 1 for the Noes.

Amendment thus negatived; clause as amended passed.

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

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

(7a) This section shall come into operation on the fifteenth day of January, 1968.

It will take some time for applications for permits under this section to be dealt with. Representations have been made by the hotel industry and by proprietors of other licensed premises to the effect that if this section comes into operation immediately it will have the effect of frustrating many existing entertainment contracts. The amendment will allow a reasonable period during which licensed persons may make their applications and arrange entertainment contracts to fit in with the commencement of this new provision. The amendment is self-explanatory.

The Hon. R. C. DeGARIS: I have no objection to the amendment.

New subclause inserted; clause as amended passed.

Clause 147—"Supply by unlicensed persons"—reconsidered.

The Hon. R. C. DeGARIS moved:

After paragraph (*a*) to strike out "or"; and to strike out paragraph (*b*).

The Hon. A. J. SHARD: I offer no objection to this amendment.

Amendment carried; clause as amended passed.

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

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

In subclause (1) after "providing" to strike out "for the employment of such females on the same terms and conditions as males" and insert "that a female engaged in selling, supplying or serving liquor in or at a bar-room shall receive the same remuneration therefor as a male engaged in the same employment".

I objected to the clause earlier not because of any question regarding conditions of barmaids but because it fettered the jurisdiction of the court to discriminate between persons doing work in the bar-room and those doing work elsewhere ancillary to that employment. This amendment makes it clear that an equal pay determination is to apply only to females who are actually selling, serving or supplying liquor in or at a bar-room.

The Hon. A. J. SHARD: The Parliamentary Draftsman states that although this adds more words it really means the same thing. I consider that the more words we add to this the more complicated it is likely to get. However, rather than delay the matter now, I will raise no objection to the amendment. If necessary, the matter can be looked at in another place.

Amendment carried; clause as amended passed.

Clause 3—"Repeal and savings"—reconsidered.

The Hon. A. J. SHARD moved:

In subclause (4) to strike out "class A".

Amendment carried; clause as amended passed.

Clause 85—"Licensing of clubs"—reconsidered.

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

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

(1b) Except as provided by subsection (3) of this section, liquor shall not be carried away from the premises of any club that was not registered under the repealed Acts immediately before the commencement of this Act in a container or containers together of a capacity not exceeding one-half gallon and no more than two such containers shall be sold or supplied to any one member on any one day.

I do this because the Committee agreed earlier to delete subclause (1c) and I think further consideration of my amendment is warranted, because we are stepping up our consideration of these clubs and the Committee has favourably considered the clubs that were previously registered. Now I ask it to consider again the clubs to be registered.

There was some misundertanding, in that some honourable members believed that two flagons of liquor could be carried away by the one member from a club, but that is not the case. If people want to buy wine by flagon, by my amendment only one flagon is to be taken away on any one day by any one member. Also, I think there is some misunderstanding about the general practice in clubs the members of which I am trying to assist.

I heard it said by interjection that the practice in many clubs was that liquor was not supplied over the counter but, to allay any concern that members buy their liquor in bulk and have it delivered to their homes, I say that the only way the people I am trying to help buy liquor is one or two bottles at a time from either a hotel or a club. There seems to be no reason why they should have to call at a hotel for these

two bottles of liquor after they leave their club. I ask this Committee further to consider the matter.

The Hon. A. J. SHARD: I shall not repeat all I said this afternoon. People who have a licence to sell liquor of any kind in bottles now have won that licence at a local option poll against opposition from the hotels in the district. The clubs can now get a licence much more easily. The drafters of the Bill considered that the clubs should not come out in open competition with the bottle departments of hotels. I ask the Committee to reject this amendment. A club is not a proper place for the buying of bottled liquor.

The Committee divided on the amendment:

Ayes (9)—The Hons. Jessie Cooper, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), Sir Norman Jude, F. J. Potter, V. G. Springett, and C. R. Story.

Noes (9)—The Hons. D. H. L. Banfield, S. C. Bevan, M. B. Dawkins, R. A. Geddes, H. K. Kemp, A. F. Kneebone, C. D. Rowe, A. J. Shard (teller), and A. M. Whyte.

The CHAIRMAN: There are nine Ayes and nine Noes. I give my casting vote for the Noes.

Amendment thus negatived; clause passed.

Clause 87—"Rules of club"—reconsidered.

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

In subclause (1) (*h*) to strike out "a member" and insert "to full membership".

This is a simple amendment. As subclause (1) (*h*) stands at present, no club except an athletic club can have members under the age of 21. It has been put to me very forcibly that the German Club of South Australia has a very large membership, a large proportion of which are minors. This club conducts language classes at weekends and it also provides folk dancing instruction and many other activities of this nature. Under the provision as it stands the section of the club's membership that consists of minors is eliminated, because only clubs with an athletic purpose can have minors as members and this club cannot be said to exist primarily for an athletic purpose.

It is not desired that these minors be full members of the club: their present associate membership is sufficient. Many of these youngsters have been associate members for years and there seems to be no good reason why they should be excluded from this kind of membership. The objection has been raised that this amendment would open club membership to a much wider field of young people than is desirable. However, I point out that this situation is covered under the rules of the individual clubs and in the provisos at the end of this clause, which strictly lay down that minors cannot be supplied with alcoholic liquor.

The Hon. S. C. Bevan: No liquor shall be supplied to a minor under the clause, whichever way it goes.

The Hon. H. K. KEMP: No liquor can be supplied to any minor: there is no qualification to this rule. However, under this clause as it stands no minor can be a member of a club unless it is a sporting club. My amendment provides that a minor can be an associate member, but not a full member; it does not alter the safeguard that no minor is allowed to consume alcoholic liquor.

The Hon. Sir Norman Jude: It will allow juniors who are football supporters to get in.

The Hon. H. K. KEMP: It is the clubs that are not necessarily associated with sport that will be affected by my amendment.

The Hon. A. J. SHARD: I shall not raise any objection to the amendment at this stage. I would not like to see anyone debarred from such membership simply because he was under 21.

Amendment carried; clause as amended passed.

Bill reported with amendments. Committee's report adopted.

CONTROL OF WATERS ACT

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

South Australia, *to wit* } *Proclamation by His Excellency the Governor of the State of South Australia.*

By virtue of the provisions of the Control of Waters Act, 1919-1925, and all other enabling powers, I, the said Governor, after the passing of a resolution of both Houses of Parliament of the said State approving of the making of this proclamation, and with the advice and consent of the Executive Council, do hereby declare that the provisions of the said Act shall apply to the watercourses specified in the schedule hereto.

THE SCHEDULE

(*a*) That portion of the River Murray which is situate between Mannum and the barrages at Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitchere, including the waters of Lake Alexandrina and Lake Albert.

(*b*) That portion of Currency Creek extending upstream from the Goolwa or Lower Murray to the railway bridge adjacent to allotment 596 in the town of Currency Creek, hundred of Goolwa, county of Hindmarsh.

(*c*) That portion of the River Finniss extending upstream from the River Murray to the railway bridge adjacent to the south-eastern corner of section 2445, hundred of Nangkita, county of Hindmarsh.

(*d*) That portion of the River Angas extending upstream from Lake Alexandrina to Bagley bridge situate adjacent to section 8, hundred of Bremer, county of Hindmarsh.

(*e*) That portion of the River Bremer extending upstream from Lake Alexandrina to the north-eastern corner of section 2818, hundred of Bremer, county of Hindmarsh.

Given under my hand and the public seal of South Australia, at Adelaide, this day of , 1967.

By command,

Chief Secretary.

GOD SAVE THE QUEEN!

ADJOURNMENT

At 8.18 p.m. the Council adjourned until Wednesday, September 20, at 2.15 p.m.