LEGISLATIVE COUNCIL

Wednesday, October 8, 1969.

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

QUESTIONS

DEEP SEA PORT

The Hon. R. A. GEDDES: I ask leave to make a short statement before asking a question of the Minister representing the Minister of Marine.

Leave granted.

The Hon. R. A. GEDDES: The Premier recently announced at Port Lincoln that that port would become the major deep sea port on Eyre Peninsula, but one point he did not make clear was whether this port would be the only deep sea port on Eyre Peninsula. Will the Minister ascertain whether the Government still has plans for further deep sea ports on the far West Coast at places such as Sceale Bay in the foreseeable future?

The Hon. C. R. STORY: The Government considered the matter very fully before the Premier made his announcement at Port Lincoln, but I will take up the matter with my colleague and bring down a report.

PETROL CANS

The Hon. H. K. KEMP: Has the Minister of Agriculture obtained from the Minister of Labour and Industry a reply to my question of September 23 about petrol cans?

The Hon. C. R. STORY: My colleague reports:

It is dangerous to store petrol in a plastic container; a check with various oil companies indicated that none of them advocates the use of plastic containers for storing or carrying petrol. A check made of some Adelaide stores shows that plastic gerrycans for sale had attached to them a stick-on label warning against using them for storage of petrol.

However, it is not possible to prohibit the sale of plastic gerrycans as there is no danger in using them for carrying water or some other fluids. The most effective way of preventing the practice of carrying or storing petrol in these cans is to draw attention to the dangers involved by publicity in the press and other media. It is a similar problem to that caused by parents keeping around the home kerosene and other dangerous liquids in lemonade bottles.

UNDERGROUND WATER SUPPLIES

The Hon. A. M. WHYTE: Has the Minister of Mines a reply to my recent question about Commonwealth assistance towards the search for underground water?

The Hon. R. C. DeGARIS: I undertook to obtain for the honourable member information in addition to that which I gave on the day he asked his question. Funds provided by the Commonwealth Government for water development for approved projects are in the form of a two-to-one subsidy up to a maximum figure, once the State meets a minimum base expenditure on its own account.

These amounts are fixed under the States Grants (Water Resources Measurement) Act, 1967, and the South Australian figures are listed hereunder. In the case of underground water, Commonwealth funds are provided for a regional project, not for individual landholders. There is no knowledge departmentally of proposals beyond June 30, 1970.

Underground Water

Year	Base Expenditure	Commonwealth Subsidy (Maximum)
	$	$
June 30, 1969 . . .	82,000	126,350
June 30, 1970 . . .	82,000	126,350

The Hon. A. M. WHYTE: Can the Minister say what proportion of the $126,350 will be allotted to reasonable projects in, first, the pastoral areas of the State, and, secondly, the marginal areas of the State?

The Hon. R. C. DeGARIS: I shall obtain a reply for the honourable member.

WALLAROO HARBOUR

The Hon. L. R. HART: Has the Minister of Agriculture an answer to my recent question about Wallaroo harbour?

The Hon. C. R. STORY: There has been no variation in the length and draught restriction on vessels entering Wallaroo, but certain tolerance is allowed on the limiting dimensions at the discretion of the harbourmaster. Weather conditions at the time were favourable and the vessel would not have been brought into the port otherwise.

INSECTICIDE

The Hon. H. K. KEMP: Has the Minister of Agriculture a reply to my question of September 25 about Benlate, a fungicide?

The Hon. C. R. STORY: An application for the registration of this chemical in South Australia was made in July, 1969. In accordance with the practice approved by the Standing Committee on Agriculture in regard to new chemicals, the application was referred to the Technical Committee on Agricultural Chemicals. A clearance has now been received from the committee for the use of this fungicide on non-edible plants, such as ornamentals

and turf. A certificate of registration in South Australia was issued on October 6, 1969.

I point out that the restriction imposed on the use of this chemical in South Australia is in accordance with similar action taken in Victoria, Western Australia and Tasmania. In point of fact, the application for registration was made by the manufacturing company in contemplation of its marketing for use only on non-edible crops, and the company has taken great care to warn users against its application at this juncture to edible crops. The reason for restricting the use of Benlate to inedible crops is that investigations are still being carried out in the United States of America on its residual effects, and I think this is a wise and, indeed, necessary precaution. If and when investigations establish the safety of the chemical, every effort will be made, in view of its apparent effectiveness, to release it immediately for general use.

CRYSTAL BROOK RAIL SERVICE

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

Leave granted.

The Hon. R. A. GEDDES: For about the past 66 years the South Australian Railways Department has been providing a passenger service between Port Pirie and Crystal Brook on the occasion of the Broken Hill Associated Smelters annual picnic. Rumour has it that this service may not be continued in the future. Will the Minister ascertain whether every step possible will be taken to see that the service that has been provided in the past at a minimum cost to the passengers, under a Government subsidy, will continue in the future?

The Hon. C. M. HILL: I have not heard this matter raised and I think it would be best, in the first instance, to ascertain whether we are dealing with rumour or fact. I shall do that and, if there is any other information that I think the honourable member should have, I will bring it down for him.

YORKE PENINSULA ROAD

The Hon. C. D. ROWE: Has the Minister of Roads and Transport a reply to the question I asked on September 30 regarding the main Yorke Peninsula road?

The Hon. C. M. HILL: It is agreed that the main Yorke Peninsula road does not conform with the engineering standards expected of modern road facilities. However, the same statement is true of many miles of road built both before and after the war, and the problem is one of assigning the limited sources of finance to reconstructing those roads, or constructing new roads, which provide the best investment for the State.

The road in question has been investigated and compared with other roads in the same category, and at present is not considered to have priority over other works. Accordingly, the high cost of reconstruction will be deferred until the work has higher relative priority.

WATTLE BLOSSOM

The Hon. H. K. KEMP: Has the Minister of Agriculture a reply to the question I asked on September 17 regarding wattle blossom?

The Hon. C. R. STORY: I have received from the Minister of Lands a report from the Director of the South Australian Tourist Bureau. It states that the Director has discussed the honourable member's statement regarding spectacular displays of wattle blossom between Beachport and Robe with the district clerks at Robe and Beachport and the tourist officer at Millicent. It is evident that the displays of wattle blossom this year were outstandingly good for a period of three weeks. When, on September 29, the Director travelled the coastal road referred to by Mr. Kemp, the displays were past their best.

It is very difficult to organize tours of necessity a long way ahead when a display of blossom is seasonal and for a very limited period. The Director discussed this problem with the tourist officer at Millicent, who conducts a radiata roundabout tour. The tourist officer told the Director that the coach bringing visitors to Millicent passes the best areas of wattle blossom and that, in future years, he will advise the tourist bureau about the quality of displays so that they can be publicized if they are of sufficient merit. The district clerks at Robe and Beachport informed the Director that their two councils are co-operating to seal the coastal road between their two towns. This work will require the realignment of the road in several places and will involve the destruction of but few of the wattle trees. They are most concerned that everything be done to preserve this area.

AUDIT REGULATIONS

Notice of Motion No. 1: The Hon. F. J. Potter to move:

That the regulations made on August 24, 1969, under the Audit Act, 1921-1966, in respect of accounts for land purchase, and laid on the table of this Council on August 26, 1969, be disallowed.

The Hon. F. J. POTTER (Central No. 2): The Joint Committee on Subordinate Legislation has recommended no further action on this matter, and I therefore move that the Order of the Day be now discharged.

Order of the Day discharged.

LOTTERY AND GAMING ACT AMENDMENT BILL

The Hon. Sir NORMAN JUDE (Southern) obtained leave and introduced a Bill for an Act to amend the Lottery and Gaming Act, 1936-1969. Read a first time.

The Hon. Sir NORMAN JUDE: I move:

That this Bill be now read a second time.

This short Bill, relating to the Totalizator Agency Board, amends section 31m (3), which reads:

No agent, officer or servant of the board shall pay out to any person who has made a bet at any office, branch or agency of the board any dividend in respect of that bet on the day on which the event on which the bet was made was determined. Penalty: Two hundred dollars.

Clause 1 is formal. Clause 2 is as follows:

Section 31m of the principal Act is amended by striking out subsection (3) and inserting the following subsection in lieu thereof:

(3) No agent, officer or servant of the board shall pay out to any person who has made a bet at any office, branch or agency of the board where off-course totalizator betting is conducted any dividend in respect of that bet before the conclusion of the race meeting or trotting meeting at which the event on which the bet was made was determined, nor shall he pay out such dividend except in accordance with the directions of the board. Penalty: Two hundred dollars.

Three years ago, when I addressed myself to the Bill introducing the Totalizator Agency Board system to South Australia I, together with several other members, expressed fears that the introduction of the system in this State would reintroduce the very unpopular and objectionable style of the old-fashioned betting shops. We well remember the oft-times foul and dirty premises associated with these, with a row of perambulators outside—a room with a floor covered with torn newspapers and discarded betting tickets—rooms filled to capacity with both people and smoke for the whole of the afternoon, while often glorious weather prevailed outside.

I say to honourable members: thank goodness those fears were not realized. The new rules of conduct, the absence of radio or television sets, music, information, and the general banking atmosphere, have resulted in a very dignified set-up, for which the administrators can well take full credit. Banking chambers, in fact, are glamour halls by contrast. However, the racing clubs and the punters are still having to pay far too much tribute to the Government, in my opinion. For some extraordinary reason the Government will not or does not wish to realize that it collects these imposts for practically nothing. The charges on the Government simply are not there to go up, but the clubs are paying twice the wages they paid a few years ago, together with vastly increased costs in machinery and facilities.

What of fractions, uncollected dividends, etc.? These should not become the property of the Government. The full tax has already been paid on them, and if honourable members query how this money could be reasonably returned I can assure them that the losers would be much happier if the clubs got it and spent it for their own and the punters' benefit.

Having made this protest, it becomes obvious that the clubs can improve racing here only by encouraging turnover on the T.A.B. from which the dividends filter back to the whole of the racing community. How do we encourage this? One obvious way is to pay out winnings at the completion of any meeting. I want to emphasize very strongly that I am not for one moment suggesting paying out after each race—

The Hon. A. J. Shard: This is the first step.

The Hon. Sir NORMAN JUDE: —neither will I admit that to pay out at the end of the day is the thin end of the wedge. I am sure that paying out after each race would tend towards a return of the old deplorable conditions of the betting shops.

I realize that some time ago T.A.B. representatives on racing club committees voted against my suggestion, but today opinions amongst racing committee men are divided. Those against paying out believe that it might (and I say "might") affect attendances on the course. I am in entire disagreement, because the regular racegoer attends in fair weather or in foul, but the irregular racegoer, finding something else to do, may stay at home or go to the football finals. He may even participate in syndicated betting, which is quite commonplace and which would be encouraged by the possibility of one of the syndicate being able

to collect after the afternoon's sport. Just as a passing thought to racing men on this matter, I wonder how much money would have been invested on the T.A.B. last Saturday if it had opened an office near the Adelaide Oval?

Let us now compare the situation in other States. Queensland T.A.B. found itself overloaded with having to process uncollected dividends, particularly at such places as Surfers Paradise, and although I admit opinion was also divided in Queensland, the T.A.B. decided to pay out after the conclusion of meetings. The resultant gain by saving overhead in office work more than off-set slight wage increases due to overtime. The T.A.B. pays out after each race in New South Wales, and although that is not contemplated in this State the fact remains that in a couple of years the New South Wales T.A.B. has already reached fantastic figures, with the turnover last year being in excess of $200,000,000.

Victoria, on the other hand, has still stuck to its next day and weekend payments, although many punters complain bitterly about it, particularly in country areas. In that State there is the unusual practice of discounting winning tickets at the local milk bar or delicatessen, but it is interesting to note in a case in point that, although a person was apprehended, the case was not proceeded with. Many members will be interested to know what has happened in Western Australia, where the T.A.B. pays out after every race. In that State it should not be forgotten that betting on interstate races starts soon after breakfact; yet in recent months, due to an upsurge in the quality of racing there, attendances have steadily increased. That is an interesting situation, and rather refutes the idea that our attendances might fall off. In fact, surely the position would be rather the reverse? At the moment our best horses are going to the Eastern States, and I suggest that that is one of the main reasons for poorer attendances in this State at race meetings. On the other hand, I imagine that South Australians would tend to seek the services of T.A.B. whatever they were doing in order to back our finest horses because of local knowledge of those horses.

My amendment does not provide that T.A.B. in South Australia shall pay out at the conclusion of each meeting; it would merely give it the right to do so, and it is important that the administrators would be able to use discretion whether payment should be made only on a Saturday or on public holidays. Those are matters that, judging by the record to date, can safely be left in the hands of the administration. Needless to say, I presume that this would be done on a businesslike basis. I believe my proposal will continue to foster good public relations. Let me now refer briefly to the position at Port Pirie, which I have frequently done in the past. Can anything be more fantastic than licensed bookmakers paying out immediately after each race in only one city in our State?

The Hon. Sir Arthur Rymill: Are you making out a case for pay-outs by the Totalizator Agency Board after each race?

The Hon. Sir NORMAN JUDE: No; I am making out a case for pay-outs by the T.A.B. at the end of each race day. Surely the honourable member will agree that the situation I have described is absurd. It must also be remembered that delayed pay-outs by the T.A.B. are a further incentive to unlicensed bookmakers, who still appear to have a place in our community. Another argument against same-day pay-outs that was raised by a few "galloper" administrators was that if pay-outs were made after the Saturday races the punter might spend it all on the trots. However, this argument will not hold water, because the trots are now held on Friday night. So, if a winner collects afterwards he will have something for Saturday's racing.

There should not be any disagreement between racing clubs and trotting clubs over the T.A.B. Unity is strength, and the correct outlook of both galloping and trotting committees should be to get increased turnover all round, with the inevitable decrease in the percentage of overhead costs of the T.A.B. and more money for the clubs. A minor point, but an important one, relates to feature race days, such as Melbourne Cup day and Adelaide Cup day. On these days the T.A.B. holds fantastic sums compared with what it holds on other days and, in the interests of security and having regard to the fact that "crooks" are aware of the large sums of money held, it is obviously better to get rid of the money before nightfall and thereby lessen the risk of depredation.

In conclusion, I point out that my amendment will bring about a progressive improvement to benefit the public, which now recognizes the T.A.B. as a well-conducted facility for those who desire to use it. I commend the Bill to honourable members and I invite their unanimous support.

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

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

Second reading.

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now read a second time.

Honourable members will recall that the Citrus Industry Organization Act Amendment Bill, 1967, was passed by this Council in late 1967 and it effected certain organizational changes in the Citrus Organization Committee of South Australia established under the principal Act. The 1967 amending Act enlarged the Citrus Organization Committee from seven members to eight members and also altered the mode of election of members to the committee. In addition a number of other necessary and desirable amendments were effected to the principal Act.

However, by an oversight the 1967 Act was not brought into force when it should have been. When this was brought to the attention of the present Government the Act was forthwith brought into force with effect from August 14, 1969. It seems, however, that a question may arise as to the legal effect of actions taken by the committee and others on the basis that the 1967 Act was in force during the period in which it was not, in law, in force. This short Bill validates such actions by deeming the 1967 Act to have come into force on the day that it was assented to (that is, November 16, 1967).

The reference in proposed new section 2a (2) (*c*) to January 25, 1968, is to give a valid and effectual starting point for the eight-member committee. That committee of that number was to have come into operation on a day to be declared by proclamation and in fact no such day was declared by proclamation. The day specified in the Bill was the day on which the new members were appointed by the Governor.

The Hon. S. C. BEVAN (Central No. 1): I have had an opportunity of considering the effect of this Bill, so I will not ask for an adjournment of the debate.

The Hon. C. R. Story: You are terribly solicitous about this Bill, but you were not so keen on getting certain measures through last week.

The Hon. S. C. BEVAN: When things are different they are not the same.

The Hon. C. R. Story: Agreed.

The Hon. S. C. BEVAN: To oblige the Minister, I will deal with this Bill forthwith. In 1967 amending legislation was passed by this Council to amend section 9 of the principal Act by increasing the number of committee members from seven to eight and by altering the method of electing committee members. Section 9(1a) of the principal Act provides:

On and after the prescribed day, the committee shall consist of eight members from time to time appointed under this Act by the Governor . . .

The section then provides for the method of appointment of the eight members. I stress that the section states "on and after the prescribed day". Somewhere along the line the proclamation of this section was overlooked for a while and it was not proclaimed until later. The committee has acted in good faith and undoubtedly made decisions prior to the proclamation that was necessary. This Bill validates the committee's actions in the interim period so that no argument can arise in the future as to whether the committee's actions were illegal. I support the second reading.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 7. Page 1962.)

The Hon. H. K. KEMP (Southern): I support this Bill, although I have not had much time to examine it. It deals with an immensely important matter, the points demerit system, which I can claim the privilege of having first mentioned in this Chamber some time ago. It is with some misgivings that I look at the provisions of the Bill, because some points have not been considered. However, in view of what is going on on the roads today (seven pedestrians having been killed already this week in South Australia) we appreciate that something must be done quickly to ameliorate the awful position that has arisen.

The points demerit system is not new. It is fairly new in Australia and is still meeting with teething difficulties in the States that have introduced it, but it is not new overseas. From experience obtained of its use over a reasonably long period, it seems to work fairly well. In the short period in which it has been operating in New South Wales and Queensland, difficulties in the implementation of the legislation appear to have arisen in those States.

In the press this morning it is reported from Sydney that the New South Wales points demerit system for driving offences is to be reviewed, and that State expects there will be a variation in the points allotted for the offences listed in its legislation. However, even in the short time (a bare 12 months, I believe) the scheme has been operating, the results have been as follows: 76 licences have been cancelled or suspended for periods ranging from three months upwards; 154 people have accumulated nine demerit points (the limit) or more; and 2,724 have accumulated between five and nine points.

This means that nearly 2,900 motorists in that State have, by their own actions (accidentally, by ill chance or otherwise) indicated that they are accident-prone and are on the way to being examined to see whether they are fit to continue to be in control of motor vehicles or whether they should be withdrawn from the motor vehicle driving community for safety reasons. I do not think that can be held to be an indication of failure when the Act in question, which has been operating for only 12 months, has been successful in segregating nearly 3,000 accident-prone drivers. I think that, even though the system may have defects, it is a success.

Another type of accident-prone driver, which I mentioned in an address the other day and which the Government should consider without delay, is the older driver who is, in the light of experience gained overseas, the cause of a much higher proportion of accidents than applies to other age groups. I was told a figure the other day. In the State of New York the practice has been that an elderly driver involved in an accident is automatically retested. When this has been done it has been found that two-thirds of the people retested have proved to be incapable of passing a test they should be able to pass. That is another thing the Government should look at in an effort to reduce the road toll.

I turn now to the Bill. I will not deal with the early clauses in detail. I do not share the Hon. Mr. Bevan's fears about the accidents that will occur with civil defence and farm vehicles, none of which can be used on the roads without insurance cover, as the honourable member would quickly learn if he became involved with the country police.

In clause 9 the Lyrup Village Association gets a special exemption. I assume this is because that association performs some of the functions of a council, but I should like the Minister, when he replies to this debate, to say whether this is why this exemption is extended to that body.

Clauses 13 and 14, which deal with hire-purchase transactions and limited trader's plates, are straightforward and I see no reason to comment on them. It is possibly because of my lack of specialist knowledge that I am not clear about clause 18, under which there is power to refuse a licence. The wording of the Act is not very clear: it is as follows:

A licence or a permit may be refused at the discretion of the Registrar.

Why this is necessary I do not think has been explained. The points demerit scheme is, for me, the important part of this Bill.

There are only two or three points I should like to raise and question. I agree wholeheartedly that it is necessary that the demerit points should be allocated differently from the method suggested in the Bill. As demerit points will be allotted only when a conviction is recorded, I see no reason why the magistrate should not determine the number of points that should be given, because inevitably there must be differences in culpability and in the circumstances of practically every incident that leads to an accident. Where, under our legislation, a man can lose three points, in New South Wales at least four points attach to more than half the offences listed.

The points allotted, no matter how severe or slight the case is or what degree of culpability is involved, will be the maximum of three. That is questionable. The Hon. Mr. Bevan has spoken on this at some length and I do not intend to repeat his arguments. However, I agree with his argument; there is a good case why these points should be fixed as maximum points and the allocation be made by the magistrate when he determines the crime.

Another point has been overlooked, and in this respect I refer to the inevitability of people who drive great distances on the roads having accidents. Today's traffic is so dense that, no matter how careful or well trained a driver is, he must inevitably have an accident and in some degree not be at fault. This is a chance a driver must take in the circumstances in which he drives today. It means that the professional driver, who drives many thousands of miles a year (and some of these people are driving more than 100,000 miles each year), has exactly the same chance of losing his licence, although he is exposed to traffic much more, as does the man who merely takes his car out on the roads at weekends and has little experience.

This fact must be recognized, and it should be recognized also that if such a person has an accident a lack of skill on his part might not necessarily be the cause of that accident. It may be argued that he should be able to avoid accidents. Although it is true that these drivers are skilful, the way in which they are exposed to hazards on our roads means that it is only a matter of time before they have accidents even though they might not be culpably negligent.

It should be written into the Act that the assessment of points should recognize the miles a driver has driven. I am uncertain just how this can be done, but it should merit consideration when the Bill is debated in Committee. I do not want to hold up the Bill, because this legislation is urgently needed, especially when one considers the number of accidents that have occurred in, say, this last week. The sooner the legislation can be put into operation, the better it will be, and the Bill has my full support.

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

UNDERGROUND WATERS PRESERVATION BILL

Adjourned debate on second reading.

(Continued from October 7. Page 1966.)

The Hon. M. B. DAWKINS (Midland): I support the Bill. My function yesterday was the not unusual one of moving the adjournment of the debate to enable members further to consider the matter. However, after hearing the Hon. Mr. Kemp give it an almost unconditional blessing and describe it as a very clean Bill, I was almost tempted to get up, give it my blessing and sit down. The honourable member is a very good bug hunter, both horticulturally (in which field he is an expert) and legislatively, and if he says it is a clean Bill there cannot be much wrong with it.

Bug hunting in the legislative sense is something at which Legislative Council members need to be well qualified. If there are any bugs (or, more properly, mistakes) in legislation, it is our job to find them. Too often, particularly when things get hectic, we get legislation shunted up to us that has not been sufficiently examined elsewhere. In other words, the other place puts greater reliance than it might care to admit on the Legislative Council.

The PRESIDENT: Order! The honourable member must not reflect on another place.

The Hon. M. B. DAWKINS: Thank you, Sir; I stand corrected. In any case, the Legislative Council is a House of Review, and in many cases it has to find mistakes in legislation. However, having read the Bill, I agree with the Hon. Mr. Kemp that it is, by and large, a good Bill. I do not think this is to be wondered at or that it should be a cause for surprise. After all, it is a complete reconstruction of a previous Act and it should have got rid of most of the difficulties that were experienced with the old legislation.

As has been stated by the Hon. Mr. Hart and the Hon. Mr. Kneebone in their thoughtful speeches, this Bill is of great importance, and I agree with much of what has been said by the three previous speakers. I do not wish to indulge in unnecessary repetition but I must dwell on the situation in relation to underground water supplies, or the lack of them, in the Adelaide Plains. The Hon. Mr. Kemp dealt with the Adelaide Hills and the South-East in particular, and the Hon. Mr. Hart has had something to say about the position in the Adelaide Plains.

I underline what has been said about the seriousness of the situation in this area. I have had for over 50 years on my property in the Adelaide Plains area a shallow bore of about 100ft. depth, and I have experienced no trouble during that time. For most of that time the supplies in the basin have been adequately replenished, until recent years. The explosion in the number of bores in the Angle Vale, Salisbury, Gawler River and Virginia areas (particularly in the latter) over the past 10 or 15 years has very seriously affected the state of the basin.

While the level of the water has remained reasonably constant in the Gawler River and eastern Angle Vale areas, the lowering of the level to danger point at Virginia has caused very great concern. The Hon. Mr. Bevan would be only too well aware of that, having been Minister of Mines in the Labor Government. I know, too, that the Hon. Mr. DeGaris, the present Minister, is also concerned about it.

The size of the investment in the Virginia area is relatively enormous. A large proportion of the vegetables for the city is grown in this area, and recently I was provided with some details in this respect by the Chairman of the Munno Para District Council, Mr. R. K. Baker. A recent survey has shown that the following areas now under irrigation for the production of vegetables for local and interstate markets are entirely dependent on water from the

underground basin: 2,000 acres of potatoes, 1,000 acres of onions, and over 1,500 acres of various other types of vegetable. So the total acreage which is, as I have said, entirely dependent on underground water, is over 4,500 acres, and there are well over 6,000 glasshouses in this area. This also is the place of employment for about 2,500 people, comprising about 800 families who are fully dependent on the income derived from this type of vegetable production.

I believe that this underlines the very great importance of the necessity to preserve the Adelaide Plains basin and therefore the necessity for this reconstructed Bill. The solution to this problem of the large number of people supplying the city of Adelaide with vegetables in the first instance, and being entirely dependent on the result of their labours in the second, is not an easy one. The Hon. Mr. Kemp spoke on this matter yesterday, and although I agree with many things he said I cannot agree with his following comment:

This is the tragedy of Virginia and Salisbury. There we are already drawing far too much water, and consequently much of the primary industry already established will have to move to other places.

I agree that we are drawing far too much water, but to say that consequently much of the primary industry already established there will have to move to other places is something that may be very much more easily said than done.

My friend and colleague, the Hon. Mr. Hart, suggested at some stage that we would have to move this industry to the Murray River area. If honourable members consider just for one moment that there are 4,500 acres at present highly improved with considerable facilities upon them, 6,000 glasshouses, and 2,500 people who presumably have to be moved out of this area to another area (which would probably be adjacent to the Murray River), they will get some idea of the complexity and the size of such an operation.

I believe that the high cost to producers (and no doubt to the Government) of such an operation, the unsettling effect of the movement, the reappraisal of the value of these lands, and the fact that it would take time to get new areas into production at the same level, all mean that the Government should look very carefully at the economics of bringing reticulated water to the existing well-improved properties as probably a better solution than just saying, "Well, these people will have to move to other places."

I am aware of the very large consumption of water in this particular area. This is estimated at 7,000,000,000 gallons a year, and I know that it would be necessary to reduce this consumption from the basin by at least one-third if saving it is to be effected. This would mean, probably, that a quantity of water of the order of 2,500,000,000 to 3,000,000,000 gallons would need to be pumped from the Murray River; in other words, about one-quarter of the capacity of the South Para Reservoir every year would be needed to supply these people, provided adequate pipelines could be laid and if the safe use of reclaimed and filtered effluent is not in sight. I am given to understand that, unfortunately, as much as we would like to be able to use the very large amounts of effluent which are going into the sea at present, owing to complications that have arisen it is not at present possible to say that this water may be safely used.

When one sees the extent and the size of the investment and the improvements at Virginia and in the neighbouring areas and then once again when one contemplates the cost of moving all this industry to some other place, dismantling and starting again with all that is involved in this way in compensation and sustenance while establishment is going on, plus the capital cost of transfer, one cannot but think that the provision of a water supply in the existing area would be the lesser of two regrettably large and costly alternatives. I suggest to the Government in all seriousness that something has to be done about this situation because of the large number of people who are there getting their living and also because of the very large proportion of the vegetable needs of the city of Adelaide coming from that particular area.

As the Hon. Mr. Kemp said yesterday, the Bill is well drawn, and there is not very much exception that one can take to it. The first Part is very largely formal and descriptive. It sets out the interpretation, and as far as I can see the definitions are clear and no objection can be taken to them. The second Part refers to wells and the permit for operations, and in this I will mention something which the Hon. Mr. Kemp mentioned yesterday (and which he has mentioned again this afternoon in relation to another matter), namely, the question of penalty, in this case, $200 or $500 as the case may be, as one reads through the Bill.

I believe this fails to distinguish between the honest mistake of some person who has quite inadvertently broken the law and the flagrant

disobedience and irresponsible action of some other person. I believe with the Hon. Mr. Kemp that this should be a maximum rate, and probably he had a point when he was talking about the other matter this afternoon as well. I think the Government should look at this, because a penalty of $500 for something which was an unintentional mistake is a very severe penalty indeed.

The clauses following in the second Part are unexceptionable. They deal with the terms and conditions of permits, and I can see no objection to them. I mention very briefly the necessity for clause 20. Probably the necessity is not as great, unfortunately, as it would have been in previous years, because it was not uncommon in years gone by to see artesian bores overflowing and running more or less to waste in an uncontrolled way. Unfortunately, that is not so common today, but if we do come across artesian bores it is most necessary indeed that the water should not be wasted, and these should be capped and equipped with valves so that the flow may be regulated or stopped, as set out in the Bill.

Clause 22 is consequential on clause 20 and provides for prohibition against waste. It further provides that any person offending under this clause shall be liable to a penalty of $200 and a further penalty of $10 for each succeeding day that the offence continues. There again, the same objection that I raised a moment ago is that it is a straightout flat penalty and there is no discretion allowed a court to impose a lesser penalty if it is thought that the offence was unintentional. Under Part III, the Underground Waters Advisory Committee is set up, and clause 24 provides:

The members of the advisory committee shall be appointed by the Minister and shall consist of—

(*a*) an officer of the Department of Health;
(*b*) an officer of the Department of Engineering and Water Supply;
(*c*) an officer of the Department of Mines;
(*d*) an officer of the Department of Agriculture;
(*e*) a private well drilling contractor;
(*f*) a person who, in the opinion of the Minister, is a proper person to represent the interests of any council or councils whose area or areas is or are affected by any question referred to the committee under this Part; and
(*g*) such other persons, of whom one shall be a landowner, as the Minister thinks necessary.

I refer in particular to paragraphs (*f*) and (*g*). I note that the former is a restrictive clause and I believe three gentlemen who represent particular district councils serve as members of this committee. They have the somewhat frustrating task of attending a meeting, sitting in committee, acting for a few moments as members of that committee, and then a few minutes later finding that they are not members of the committee. To busy and experienced men that is a frustrating experience.

I believe that when this legislation first became effective this may have been a good clause because a good deal of pressure was placed on the members of the Underground Waters Advisory Committee. At that time some of the members would have been inexperienced and attempting to find their feet, but now I believe the Minister should give consideration to deleting subclause (2) (*f*) and appointing other persons under the provisions of subclause (2) (*g*) who would be suitable and experienced men. They would possess local knowledge because of previous service on district councils. I understand that subclause (2) (*f*) is a restrictive clause whereby an appointee would take only a restricted part in proceedings of the advisory committee, even though that person had been a member of the committee for two or three years and may be a man of experience and good judgment, not biased towards his own council area. I believe satisfactory appointments could be made under subclause (2) (*g*), "such other persons . . ." thus being appointed to a full place on the committee.

I am considering suggesting an amendment that the following should be added to subclause (2) (*g*):

Such other persons, being not less than three in number, at least one of whom shall be a landowner, as the Minister thinks necessary.

Part IV refers to well drillers and to examinations that must be passed. Clause 28 provides a penalty of $500; again, that is a flat penalty, and I believe that some discretion should be allowed. The succeeding clauses refer to rules governing meetings of the committee and I do not think they are objectionable in any way. Part V refers to the appeal board, with its members being appointed by the Governor. Clause 40 sets out in detail the composition of the board, and succeeding clauses are somewhat similar to those in the previous part referring to terms of appointment, procedural matters of the Underground Waters Appeal Board, powers of the board and the method of dealing with appeals.

Part VI deals with general provisions relating to powers of entry. I am not completely happy about powers of entry; it is possible to become concerned about some abuse of such powers because of the temptation to think of an official using them unwisely. Nevertheless, all honourable members are aware that these powers are necessary, and I have no great objection to this clause.

The final clause refers to the regulations, setting out the power of the Governor to make regulations. The Bill will be dealt with in detail in the Committee stage. I believe that, by and large, it is a good Bill, although I am sorry that it is necessary. Perhaps we have been unwise in our use of underground waters in the past. Probably to use the word "unwise" is putting it lightly, and I think we should have made better provisions at an earlier stage to control underground waters. However, for the present, I support the second reading.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL

In committee.

(Continued from October 7. Page 1977.)

Clause 23—"Permits"—to which the Hon. H. K. Kemp had moved the following amendment:

To insert the following new subsection:

(19a) A permit shall not be granted in respect of Good Friday, Christmas Day, or any other prescribed day or part of a day except where a permit under section 66a of this Act is in force in respect of the premises in respect of which a permit under this section is sought;

and in subsection (20) to strike out "but does not include any function which is to be held on Good Friday, Christmas Day, or any other prescribed day or part of a day".

The Hon. H. K. KEMP: The Minister has indicated that he is willing to accept this amendment.

The Hon. Sir ARTHUR RYMILL: Am I correct in my understanding that this amendment means that permit premises could serve liquor on Sundays while licensed premises cannot do so? That is how it appears to me.

The Hon. H. K. KEMP: No. This merely extends to reception houses the privilege of holding wedding receptions and serving liquor on Good Friday and Christmas Day, which are the prestige days as far as the Greek Church is concerned. It does not extend any privilege as far as Sunday trading is concerned.

The Hon. A. J. Shard: Only to supply guests in attendance.

The Hon. Sir ARTHUR RYMILL: I am not satisfied that that is the position. Section 66 (2) of the principal Act provides:

Where an entertainment is to be held on unlicensed premises, the persons proposing to hold the entertainment may apply to the court for a special permit for the consumption of liquor at that entertainment during hours, or in circumstances, in which the consumption of the liquor would otherwise be unlawful.

I should like to know authoritatively whether this does not leave the way open for Sunday supply in certain circumstances.

The Hon. C. M. HILL (Minister of Local Government): That does not affect the question of Sundays. I checked whether any other days, apart from Good Friday and Christmas Day (which are specified in the provision), have been prescribed under section 66, but no other day has been so prescribed. In fact, the court has granted permits under section 66 in respect of Sundays. So, the honourable member's amendment relates only to the two days in question—Christmas Day and Good Friday—and he is endeavouring to grant the court the right to issue a permit to any applicant who seeks the right to supply liquor on either of those days.

Amendments carried; clause as amended passed.

Clause 24—"Reception house permits."

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

In new section 66a (2) (*a*) to strike out all words after "licences" second occurring.

I said earlier that I had planned to move to insert other words but, on further consideration, I do not think it is necessary to do so; it will be better if the provision ends at the word "licences". This will mean that a permit granted to a reception house will be subject to the condition that the liquor kept, sold or supplied in pursuance of the permit shall be purchased from holders of full publican's licences or retail storekeeper's licences. I understand that at one time this was the form of the legislation, but an amendment made in another place restricted permit-holders to purchasing from licensed premises in the vicinity of their premises. I think all honourable members will agree that the reception houses in this State do a good job, meet a public need, and attract custom from a widespread area. Indeed, many country people enjoy the facilities at these reception houses.

It has been claimed that people who wish to have a wedding reception or banquet prefer to go to these reception houses rather than to a hotel because the facilities at the reception houses are better. Furthermore, it has been suggested that some hotels are not really interested in this kind of function. The whole purpose of the new section is to enable proprietors of reception houses to store liquor on the premises; under the old system they had to purchase liquor on behalf of the host, with the surplus being taken away afterwards. Many of these reception houses have been operating for a longer period than have hotels in their vicinity. For example, Fernilee Lodge was established a considerable time before the Feathers Hotel was established. So, in that case I do not see why that hotel should be the one from which liquor must be purchased under this permit. The same applies to other reception houses, all of which have established patterns of buying. It is only reasonable that they, like all permit-holders, should be compelled to buy at retail or at such discount as may be obtained for quantity. It is reasonable, too, that these people should be allowed to buy from whichever holders of full publican's licences or retail storekeeper's licences they choose.

The Hon. Sir NORMAN JUDE: If I support the Hon. Mr. Potter's amendment the amendment I have on file will be voided. As the Hon. Mr. Potter said, at one time the provision was virtually wide open, but with certain provisos. An amendment was moved in another place in connection with premises "in the vicinity". This cuts both ways. Many hotelkeepers have very lucrative business with people who are remote from them, and they do not wish to lose such business because a new hotel has been established nearby. It can cut both ways because although he loses that business he collects some business from someone who may have a reception house near him. For that reason, I thought it desirable that the court should have the option of taking an alternative course. If there is only one avenue in the vicinity, a reception house keeper may quarrel with that one avenue and say that he is not interested in trading with that person and giving the necessary discounts. While I realize that the Hon. Mr. Potter's amendment leaves the position open, I should have preferred to follow the lines of the principal Act, where section 67 (4) (*c*) states:

. . . if it is impracticable for the provisions of paragraph (*a*) or (*b*) of this subsection to be complied with or if the limitation of the permit pursuant to paragraphs (*a*) and (*b*) of this subsection would prevent a reasonable choice of licensee from whom to make purchases from the holder of a licence under this Act nominated by the court,

the court can then give approval for him to go to another avenue suggested by the Act, or possibly by the court. However, I realize that I am in a difficulty: if I support this amendment I lose my rights. I should like honourable members to consider this matter before voting on it. I am worried about the Government's not supporting its original amendment.

The Hon. H. K. KEMP: Having heard the Hon. Mr. Potter explain his amendment, I think this does not go far enough, in that it still ties people who have much money invested to go and purchase from a retailer; it removes any possibility of wholesale purchase. I do not think that is fair for a business of the size of businesses being established in Adelaide today. I hope this amendment will be rejected and that another amendment to this provision can be introduced. My reason for raising this point is that people who are running very big businesses are being precluded from wholesale purchases, which I do not think is right. When a man has a capital investment of hundreds of thousands of dollars and has to purchase from a retailer, being precluded from any other type of purchase, I do not think that is right. The amendment would be acceptable if it stopped at the words "publican's licences". That would open the way for the wholesaler, if the court considered it fit.

The Hon. C. M. HILL: I will deal first with the Hon. Mr. Potter's amendment. I appreciate the points he made and the motives behind his reasoning in introducing this amendment. The Government would prefer to maintain the principle that is written into the Bill in its present form and, therefore, it cannot support this amendment. The Hon. Mr. Kemp suggested a further amendment. With respect, I point out that we want to make some progress with this Bill. Honourable members have had reasonable time in which to consider amendments, and we would be bogged down unreasonably if we were to consider a third alternative.

The Hon. G. J. GILFILLAN: I support this amendment. The position of a reception house is entirely different from that of a club, as outlined in section 67 of the principal Act. A club usually caters for people within a reasonable distance of the club building and, if it is situated close to a hotel, it is feasible that some of the custom of that hotel will be lost to the club. In these circumstances the words

"in the vicinity" have some reason (I was almost tempted to say "merit") but in the case of a reception house which caters for special occasions like weddings, people could come from any distance. I believe there is no valid reason why the purchase of retail liquor should be restricted to any one hotel, and particularly a hotel "in the vicinity".

The Hon. Sir Norman Jude mentioned a proposed amendment of his that is affected by this one, where he is contemplating that the person from whom the liquor should be bought could be nominated by the court, in certain circumstances. That is an unfair limitation to be placed on a reception house, in that it should be bound to one hotel, because hotels do change hands and a particular hotel would have a big advantage, because it would virtually have the reception house "over a barrel". The Hon. Mr. Kemp's proposal of full rights to buy wholesale opens up entirely new fields. The Minister mentioned this. This would relate back to licence fees and other implications within this provision. I know that the people concerned would not mind paying a full licence fee, but that provision is not at present made in this section and, if anything of this nature is contemplated, it will take far more than just a small amendment to put it into the section.

The Hon. A. M. WHYTE: I support this amendment, which goes some way towards solving the problem of the reception houses, which are performing a special function of benefit to the public and are at some disadvantage themselves. We are trying to amend legislation to fit a special purpose. Although it will not happen this time while the Act is being opened up, I believe that sooner or later a special licence will be introduced to help these people; at least, I hope so.

The Hon. F. J. POTTER: I point out that my amendment will not really open this up as widely as perhaps the Hon. Sir Norman Jude suggested. After all, the permit is granted on condition that the purchases are made from the holder of a publican's licence or a retail storekeeper's licence. Those purchases can be checked by the licensing inspectors. There is no question of evasion. The only difference between my amendment and the one foreshadowed by Sir Norman is that mine leaves it to the people concerned to decide where they shall deal; pursuant to the other amendment, the hotel would be fixed, whether it be the one in the vicinity or one fixed by the court. For the reasons explained by the Hon. Mr. Gilfillan, I consider that something more than that is necessary in the case of people who are conducting fairly large businesses. They are not like clubs: they are a different class of business altogether, and they should be allowed to purchase their liquor where they wish.

Unfortunately, I cannot agree with the Hon. Mr. Kemp. I agree that to suggest that they should be able to buy wholesale is opening up an entirely new matter. If they are going to do that, they must be prepared to pay the normal rates, instead of working on an annual fee basis. Without their being granted a special type of licence, I do not think they could come into this category at present, although I know they would like to. Probably a good case could be made out in this respect, but I do not think we can tackle it now, as too many other problems would have to be solved. I ask honourable members to support my amendment, which is a fair one, and as a result of which one would not become involved in court decisions.

The Hon. H. K. KEMP: I might withdraw my opposition to the amendment provided the Minister will undertake to consider the position of these people who are running big businesses and who are being asked to purchase from retail traders. I appreciate that difficulties may be involved, but these people should be reassured that their difficulties are understood and that they will be considered at the earliest possible opportunity.

The Hon. C. M. HILL: The honourable member must think that the Government has given scant consideration to all the representations made to it. However, that is not correct: it has considered all the representations in much detail and it is cognizant of the points raised by the honourable member, who would realize that this is a highly complex subject and is one with which the Government is doing its best.

Of course, the Government cannot please everyone, and it has considerable sympathy for some interests which it is not able to please in this regard. The Government is doing its best to consider all matters and, when future amendments are introduced, it will fully consider all representations made to it before it decides what is best for the public and the industry as a whole.

The Hon. Sir NORMAN JUDE: I am beginning to feel more convinced that my amendment offers a compromise in supporting the amendment that the Government has accepted in another place and at the same time giving a discretion to prevent an

impossible situation occurring. I told the Hon. Mr. Potter that I thought I could support his altered amendment but, as it prevents me entirely from putting my amendment before the Committee, I must, regrettably, vote against it.

The Committee divided on the amendment:

Ayes (8)—The Hons. Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, F. J. Potter (teller), C. D. Rowe, and A. M. Whyte.

Noes (11)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, C. M. Hill, Sir Norman Jude, H. K. Kemp, A. F. Kneebone, Sir Arthur Rymill (teller), A. J. Shard, V. G. Springett, and C. R. Story.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. Sir NORMAN JUDE: I move:

In new section 66a (2) (*a*) after "force" to insert "or if that is impracticable, or would prevent a reasonable choice of licensee from whom to make purchases, from the holder of a licence nominated by the court".

As this matter has been referred to at length, I shall not weary honourable members with any lengthy explanation of the amendment. It gives the court power to direct that liquor may be supplied from an alternative source.

The Hon. R. A. GEDDES: If the person concerned indicated to the court that he wanted to get his supplies from a certain part of the trade, would the trade have the right to object to this? For instance, if one hotelier thought that he was going to lose this trade, would he have the right of appeal to the court?

The Hon. Sir NORMAN JUDE: Although my legal friends may have their own ideas about this, I believe that any decision of the court is subject to appeal. If I am not correct in saying that, no doubt we will hear about it.

The Hon. C. M. HILL: The amendment moved by the honourable member includes the principle to which I referred earlier. It would seem to me that there may be occasions when the additional condition the honourable member is adding to the existing wording might be used to advantage. The Government wants to help the people running reception houses if it possibly can, and it seems to me that we would be going part of the way by supporting the Hon. Sir Norman Jude's amendment. Therefore, I am prepared to do that.

Amendment carried; clause as amended passed.

Clause 25—"Club permit."

The Hon. R. A. GEDDES: This clause provides that a person who has, at least seven days before the day on which an application for a permit under this section is to be heard, given written notice in a manner and form prescribed by rules of court of his intention to object to the grant of a permit, shall be entitled to be heard on the objection at the hearing of the application.

The method of proceeding with the appeal is then set out. It is provided also that in the event of a frivolous appeal the court may award costs as it sees fit. Section 67 has not previously provided a right of appeal to the court against the granting of club permits. This section deals with small clubs such as bowling clubs, golf clubs and small country Returned Services League clubs, those which have a limited type of licence for their particular season of sport or for their particular times of meetings; it does not in any way assist the larger type of club that is creating certain problems to the licensing trade.

The court may grant permits to these small clubs, subject to the observance of certain conditions in respect of health and hygiene. It employs an inspector to investigate these things, and the inspector, if he considers that there are too many club permits in a particular area, may report that fact to the court, which can then decide whether or not a permit will be issued.

Earlier amendmens to the Act were made with the express purpose of making it easier for the smaller clubs to get permits, and this provision has been working quite satisfactorily. The very pertinent fear I have is that the power and financial strength of the Australian Hotels Association could be brought to bear against the financial poverty, should I say, of a small bowls or golf club. If the local hotelier were to object to the granting of a permit to a bowls club, he could appeal to his association for support, and thereupon this section of the trade could fight the case. That problem could arise.

The Hon. S. C. Bevan: Are you suggesting that the court would be influenced because of the fact that the hotels had more money?

The Hon. R. A. GEDDES: I am not suggesting anything of the sort. However, I do suggest that it may be very difficult for the small bowls club, looking for a permit for a limited period of time, to muster up assistance.

The Hon. Sir Norman Jude: Are you moving an amendment?

The Hon. R. A. GEDDES: No, I am speaking against the clause, to which I object. Therefore, I will vote against it.

The Hon. Sir ARTHUR RYMILL: I cannot allow the Hon. Mr. Geddes's remarks to pass without making some comment, because I think the honourable member is talking against the fundamental rights of anyone under the laws of the land. All this clause does is ensure that a person affected has the right to be heard. If the honourable member was affected and was refused the right to be heard in his own defence, he would be the first to cry to high heaven about it.

The Hon. G. J. GILFILLAN: We are not dealing here with a full licence or a publican's licence or a restaurant licence: we are dealing with the permit system. Up until the present time the permit system has been left to the discretion of the court, and a standard line of procedure has been adopted when dealing with permits. If this was turned into an open court, where applications were heard as well as objections, it could easily reach a position where there would be a myriad of club annual licences before the court, which would be placed in a completely hopeless position in attempting to deal with the many applications.

The present permit system has worked satisfactorily, and the court has learned from its experience since 1967. I believe it would be a completely backward move to attempt to alter an established and satisfactory procedure. Even under the present system the court was not able to handle the volume of business that arose and additional appointments to the court had to be made. I can see real dangers arising from this clause, and I agree with the remarks of the Hon. Mr. Geddes. I oppose the clause.

The Committee divided on the clause:

Ayes (13)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, R. C. DeGaris, C. M. Hill (teller), Sir Norman Jude, H. K. Kemp, A. F. Kneebone, C. D. Rowe, Sir Arthur Rymill, A. J. Shard, V. G. Springett, and C. R. Story.

Noes (6)—The Hons. M. B. Dawkins, R. A. Geddes (teller), G. J. Gilfillan, L. R. Hart, F. J. Potter, and A. M. Whyte.

Majority of 7 for the Ayes.

Clause thus passed.

Clauses 26 to 31 passed.

New clause 31a—"Rules of club."

The Hon. Sir ARTHUR RYMILL: I move to insert the following new clause:

31a. Section 89 of the principal Act is amended by striking out from paragraph (*f*) of subsection (1) the passage "on any one day" and inserting in lieu thereof the passage "at any one time".

Section 89 (1) (*f*) provides, in part:

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

It has been pointed out that this would prevent, for instance, a member entertaining three visitors for lunch, followed by three visitors for dinner on the same day, and I do not think that that was the intention of the Act. Indeed, the intention was that no-one should be able to entertain more than five people at any one time, and that would be the effect of my amendment.

The Hon. C. M. HILL: I support the amendment.

New clause inserted.

Clauses 32 to 34 passed.

Clause 35—"Persons to be employed in bar-rooms."

The Hon. Sir NORMAN JUDE: I have some doubts regarding this clause. I realize the desirability of permitting certain persons to work in a bar, and I think the original arguments on this matter involved apprentice barmen working in bar-rooms as opposed to working in hotel lounges, as well as youngsters as opposed to members of a licensee's household. While I do not oppose the age of 18 years on a general basis in connection with serving in a bar, I believe that a few suitable words should be added to ensure that young people should be permitted to do so only when working under the supervision of an adult. I do not think that under the conditions of the Licensing Act a person of 18 years should be left in charge of a bar. If the intention of clause 35 is to permit youngsters to train in bars, then I would not disagree, but I do not think they should be left in total charge.

It is a matter of some responsibility. For instance, youngsters under the permitted age may come into a bar to drink and under the Act it is the licensee's responsibility to ensure that liquor is not served to them. For that reason, I believe consideration should be given to providing that no person of the age of 18 years shall be in charge of a bar unless in the presence of an adult authority.

The Hon. S. C. Bevan: What if the publican was in another room? Would the young man then be regarded as being in charge of the bar?

The Hon. Sir NORMAN JUDE: I think so. I believe he should not be left in charge of the bar alone.

The Hon. Sir ARTHUR RYMILL: As I understand it, this clause merely puts back a section of the Licensing Act that was repealed by the 1967 Act.

The Hon. C. M. Hill: That is so.

The Hon. Sir ARTHUR RYMILL: Section 176 (2) of the old Licensing Act provided:

No licensee shall employ any person under the age of 18 years to sell, supply or serve liquor in any bar-room, excepting a child of the licensee.

I am not quite certain whether this provision applies to barmaids. I think it probably authorizes girls of 18 years of age or more to serve liquor. Under the old Act the wife or close relative of the licensee could serve in the bar in any event. I do not know why the age of 20 was provided for in the principal Act; perhaps the Minister can tell us. Men of 18 years or more were certainly entitled to serve in a bar without restriction, and I can see no reason why that provision should not be put back.

The Hon. C. M. HILL: Girls of 18 are not authorized to serve in bars; the age for girls remains at 21 years. The employment of men of 18 was permissible under the old Act, and the amendment restores the situation that previously existed. In reply to the Hon. Sir Norman Jude, I point out that licensees are responsible people. I am sure that, in their own interests, they would supervise men of 18 or 19 years of age, and I do not think the honourable member's fears have foundation. Nowadays men of 18 and 19 years of age are responsible people. I think the provision will work satisfactorily.

The Hon. M. B. DAWKINS: I take it that when the Minister says "the old Act" he means the Act that was in force prior to the passing of the 1967 legislation?

The Hon. C. M. Hill: Yes.

The Hon. M. B. DAWKINS: The 1967 legislation set the age at 21 years. Last year an amending Bill brought the age back from 21 to 20. I oppose the clause.

Clause passed.

Remaining clauses (36 to 42) and title passed.

Bill reported with amendments.

Bill recommitted.

New clause 8a—"Retail storekeeper's licence."

The Hon. R. A. GEDDES: I move to insert the following new clause:

8a. Section 22 of the principal Act is amended by inserting after subsection (3) the following subsection:

(4) Upon application by the holder of a retail storekeeper's licence whose licence was declared to be a retail storekeeper's licence under subsection (5) of section 3 of this Act, or whose licence was granted to the holder of a storekeeper's Australian wine licence (whether he was the holder of that licence, or the licence was transferred to him from that person) the court shall, if it is satisfied that the licensed premises of the applicant are adequate and properly equipped for the sale and disposal of spirits, so vary any conditions of the licence that restrict the types or kinds of liquor that may be sold or disposed of in pursuance of the licence as to permit the sale and disposal of spirits in pursuance of the licence.

As a result of the remarks of the Minister and the Hon. Sir Arthur Rymill I realize that the amendment I moved yesterday was far too broad for the purposes of a retail storekeeper's licence. The amendment I have just moved will grant to a retail storekeeper, on successful application for a renewal of his licence, the right to sell wine and brandy, but not beer, to the public. If the retail storekeeper wishes to sell beer he must still make a separate application to the court, so that the facts of the case can be adjudicated according to the needs of the area. My amendment allows the retail storekeeper to request the court to allow him to sell brandy and spirits; this should overcome the following point that the Minister made yesterday:

Many holders of Australian storekeeper's wine licences are being induced to obtain the retail storekeeper's licence and were willing to accept that type of licence limited to what they could establish a need for, namely, wine.

Under this amendment, if an Australian storekeeper's wine licensee does not wish to enlarge his type of trade, he does not apply to the court to sell brandy. A hotel has many inducements, from counter luncheons to drive-in bottle departments, that tempt the customer. A hotel keeper is able to promote his trade in many ways to make it profitable, whereas the retail storekeeper is restricted solely to the sale of bottled wine and is unable to extend the range of his business, despite a complete change in economic circumstances since the passing of the 1967 legislation. The retail storekeeper is not the menace to hotel keepers that the large clubs are. He is there to make a living and provide an alternative liquor supply. Should everything be decided in favour of hotels? Should we support a

monopoly of the liquor trade for hotels? Do we believe in freedom of trade or enterprise? This amendment appears to be a case of David and Goliath, of looking to the needs of the minorities in the liquor trade.

The Hon. C. M. HILL: I am prepared to look again at this matter; it ought to be re-examined, but that will take a little time. I understand that, if I ask leave to report progress, that will not preclude the Hon. Mr. Kemp from proceeding with his amendment tomorrow after we have dealt with this amendment. On that understanding, I ask that progress be reported.

Progress reported; Committee to sit again.

OPTICIANS ACT AMENDMENT BILL

(Second reading debate adjourned on September 25. Page 1776.)

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Appointment of members."

The Hon. V. G. SPRINGETT: I move to insert the following new subsection:

(3) A legally qualified medical practitioner nominated by certified opticians pursuant to subsection (1) of this section must be a duly qualified ophthalmologist.

This amendment arises from the fact that the Board of Optical Registration consists of two certified opticians and one legally qualified medical practitioner to be nominated by the Minister, and one certified optician and one legally qualified medical practitioner to be nominated by certified opticians. This legislation goes back to 1920, when it was reasonable that a doctor should be a legally qualified medical practitioner and nothing more, but with the passing of time we now have practitioners specializing in the treatment of diseases of the eye—ophthalmologists. It is right, therefore, that this legislation should be brought up to date in every way and that we should state that one of these members of the board must be a legally qualified medical practitioner who is an ophthalmologist specializing in diseases of the eye.

I suggest he be the nominee of the certified opticians; then the Minister can appoint his own nominee as the other legally qualified medical practitioner. The present board has as three of its members a certified optician and an ophthalmologist appointed by the opticians board.

There is nothing new about this amendment. It is merely putting on the Statute Book what already exists and making sure that the diseases of the eye are cared for by opticians and ophthalmologists and not by obstetricians and gynaecologists.

The Hon. A. M. WHYTE: I question the need of the word "must" in this amendment. As the Hon. Mr. Springett has pointed out, at present there is on the board an ophthalmologist appointed as a medical practitioner, so there are on the board two medical men. To include the word "must" makes it necessary that an ophthalmologist shall be one of those two men of the medical profession appointed to the board; it does not leave it to the discretion of those concerned to make nominations. It narrows the field of appointees when it is said that one "must be a duly qualified ophthalmologist".

The Hon. S. C. Bevan: It is up to the man concerned whether or not he accepts nomination.

The Hon. A. M. WHYTE: Nevertheless, I do not like the word "must". For that reason, I cannot vote for the amendment in its present form.

The Hon. V. G. SPRINGETT: The word "must" is used because it emphasizes that we are concerned with diseases of the eye. Unless we can be assured that we have an ophthalmologist on the board, there may not be any medical practitioner on the board who specializes in diseases of the eye. There is a specialists' board and a special division of that covering ophthalmology. As we recognize that diseases occur in eyes, we should guarantee that one doctor who is a specialist in treating diseases of the eye is on the board, because there is no-one else apart from him who treats diseases of the eye.

The Hon. L. R. HART: I question the motives behind the amendment. I wonder whether there is some professional conflict involved in it. Looking back over past history, I believe the opticians board has always functioned satisfactorily. There has never been any criticism of it, even by the medical profession, because the people who have been appointed have been acceptable to that profession. The opticians themselves in their wisdom have always appointed an ophthalmologist to the board. Why they should be compelled now to do this is open to question. In a board of this nature that deals with people's eyes, an important part of their body, there is always the fear that people's opinions may be swayed by emotional issues that may be

introduced. The composition of the board has never been questioned by the medical profession so I fail to see the reason for this amendment.

The amendments that have been introduced by the Government cover a wide range and, if passed, will bring the Act fairly well up-to-date. Although there has been no conflict to this time, we are getting into the position where, not only with this amendment but with the other amendments proposed by the Hon. Mr. Springett, a demarcation line is being drawn regarding where ophthalmologists, optometrists, orthoptists and opticians can operate. This issue should be dealt with by specialists rather than by laymen. However, as laymen we in this Committee try to obtain a balanced view of the issues before us. I am not prepared to support the honourable member's amendment.

The Hon. S. C. BEVAN: Like the Hon. Mr. Whyte, I do not like the phraseology of the amendment, which directs that a member of the board must be an opthalmologist. It may be that, because of pressure of business, such a person might not be able to render proper service on the board, and if this happened the whole purpose of the Act could fail because the Act provided that such a person must be on the board. In my opinion this phraseology should be further examined, and I ask the Minister at this stage to report progress to enable honourable members to examine it.

The Hon. R. C. DeGARIS (Minister of Health): As I am delighted to assist the honourable member, I ask that progress be reported.

Progress reported; Committee to sit again.

ADJOURNMENT

At 4.44 p.m. the Council adjourned until Thursday, October 9, at 2.15 p.m.