LEGISLATIVE COUNCIL

Thursday, November 18, 1976

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

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

Brands Act Amendment,
Cattle Compensation Act Amendment,
Medical Practitioners Act Amendment,
Prices Act Amendment,
Rundle Street Mall Act Amendment,
Stock Diseases Act Amendment.

OMBUDSMAN'S REPORT

The PRESIDENT laid on the table the annual report of the Ombudsman for 1975-76.

QUESTIONS

SOLDIER SETTLER

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing a question to the Minister of Lands.

Leave granted.

The Hon. R. C. DeGARIS: I have a letter from a soldier settler, in the Tantanoola area, enclosing a letter that he has received recently from the Lands Department containing a threat of foreclosure over his lease, on the basis of a debt of $164·24 owing by him in relation to insurance. The point is that the account for insurance was not included in the annual account from the department to the settler. The settler has met all his commitments over the years, not having owed any money to the department, and the letter that he has received is as follows:

It is noted that you have not made payment or satisfactory arrangements for payment in response to earlier communications regarding your account for $164·24. I regret to advise that unless settlement or satisfactory arrangements are made within fourteen (14) days of this date, I have no other option than to initiate notice of intended forfeiture of the lease. I am reluctant to take such action but unless you attend to this matter with urgency, you leave me no other alternative than to proceed accordingly. Yours faithfully, K. C. Taeuber.

This settler has been on his block for 26 years and has very rarely had any outstanding debts to the department, yet he is threatened with the forfeiture of his lease. Will the Minister examine this matter, because it was a high-handed letter that was written to the settler? Further, will the Minister draw the matter to the attention of the Attorney-General, who may like to add the department to the group he is criticising for taking high-handed business attitudes?

The Hon. T. M. CASEY: I will take up the matter with the department and find out exactly why this action was taken. I will bring down a report for the Leader.

DRUGS

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking a question of the Minister of Health, representing the Minister of Education.

Leave granted.

The Hon. J. E. DUNFORD: When I spoke recently on the Narcotic and Psychotropic Drugs Act Amendment Bill I explained that I had a pamphlet, printed by A. B. James, Government Printer, South Australia. It was brought to my notice by my son, who attends Morialta High School. I naturally assumed that the pamphlet was distributed to school students, but I have since found out that my son found it in the school gymnasium. I have had brought to my notice a pamphlet prepared by the National Drug Information Service, P.O. Box 100, Woden, A.C.T. 2606. The pamphlet is published for the National Standing Control Committee on Drugs of Dependence by the Australian Health Department. The second page of the pamphlet sets out the drugs that we now know are used by some people. The pamphlet sets out questions and answers about all drugs mentioned on the second page. I do not want answers to all the questions in the pamphlet, but will the Minister of Health ask the Minister of Education whether he will make the pamphlet available to primary schools and secondary schools throughout South Australia? I seek leave to have the pamphlet incorporated in *Hansard.*

Leave granted.

National Drug Information Service

DRUGS AND THEIR EFFECTS

In discussing drug abuse and the problems associated with it, you should have a clear understanding of some of the terms which are used to describe the various effects of drugs on people.

A *drug* is any substance which, when taken into the body, alters one or more of its functions.

The medicine or tablet properly prescribed by a doctor is a drug, marihuana is a drug, alcohol is a drug, tobacco is a drug. Whether the use of a substance is socially accepted or not, it remains a drug.

A problem is created for the individual and society when any drug is *abused*—that is when any drug is over-used to such an extent that the changes it causes in the body produce harmful effects on the individual and often on his fellows in the community.

All drugs which are abused or liable to abuse have one thing in common: they all alter in some way the mood of the person taking them, and although many cause unpleasant feelings and moods at some time after taking them, at another time they may be capable of producing pleasant sensations.

Man is naturally curious and this curiosity prompts many people to experiment with drugs. Most people do not do more than experiment or try a drug once. But some people repeatedly use drugs as an escape from stressful situations, out of boredom because of feelings of rebellion or in search of pleasurable sensations. Unfortunately all of these mood altering drugs, if taken sufficiently often, will lead to a person becoming dependent on them. A person is regarded as being drug dependent when he takes a drug regularly. He can then be described as being *psychologically dependent* on the drug.

There is also a condition referred to as a *physical dependence.* In such cases the dependent person, when he stops taking the drug, may experience most unpleasant feelings. He may become sick and may even die if not given medical treatment.

It is certain that abuse of drugs rapidly leads to dependence and consequently to harmful effects on the mental and physical function of the individual. In turn there are often harmful effects on his family and society.

When some drugs are taken repeatedly, an increasing dose may be needed to produce the sensations the drug abuser is seeking. This property of the drug is known as "drug tolerance".

In the table of the actions of some of the drugs commonly abused you will see that the same drug can produce quite different effects in different people.

Drug	Medical Use	Possible effects when abused	How commonly taken
Opiates, e.g., *Heroin	No medical use in Australia	Drowsiness, unconsciousness, feelings of happiness and contentment, inability to concentrate, dizziness, nausea, vomiting, warm skin, small pupils.	By mouth or by injection
*Morphine	To relieve pain		
Cannabis, e.g., *Marihuana *Hashish	No medical use in Australia	Drowsiness, dry mouth, coughing, laughter, talkativeness, hallucinations, anxiety, feelings of unreality, reddening of the eyes, release of inhibitions.	Smoking
Amphetamines	Strictly limited medical use in Australia	Feelings of elation, alertness, improved concentration, rapid pulse, increased blood pressure, widening of the pupils, depression of appetite.	By mouth or by injection
Barbiturates	To produce sleep. To quieten nervousness.	Relaxation, drowsiness, sleep, depression, aggression, irritability.	By mouth or by injection
Alcohol	Sedation	Drowsiness, release of inhibitions, feelings of happiness and well-being, talkativeness, aggression, depression, unconsciousness.	By mouth
L.S.D.	No medical use in Australia	Hallucinations, feelings of unreality, nightmares, nausea, increased blood pressure and body temperature, panic reactions, flashbacks, precipitation of psychotic episodes.	By mouth

NARCOTICS

A narcotic is a drug that relieves pain and induces sleep. The narcotics, or opiates, include opium and its active components, such as morphine. They also include heroin, which is morphine chemically altered to make it about six times stronger. Narcotics also include a series of synthetic chemicals that have a morphine-like action, e.g., pethidine, methadone.

What is promised

Their appeal lies in their ability to produce a sense of well-being since they dull fear, tension and anxiety.

What actually happens

1. Generally, there is a feeling of relaxation and of being "high". This is accompanied by an "awayness", or deam-like state.

2. However, as tolerance develops, the "high" is diminished. The user then requires the drug to avoid withdrawal sickness. In other words, he is using the drug to feel normal. When the drug is withdrawn, symptoms usually appear within six to twelve hours, but for long-acting narcotics such as methadone, symptoms may not appear for three days. The addict yawns, shakes, sweats, his nose and eyes run, and he vomits. Muscle aches and jerks occur along with abdominal pain and diarrhoea. Hallucinations and delusions develop and these are usually terrifying.

Tolerance and dependence

Physical and psychological dependence can develop rapidly. The user craves the drug. The physical complications are many and are highly dangerous. An overdose, resulting in death, occurs when someone has lost or never developed tolerance because he was using a very diluted narcotic. If, by chance, he obtains the pure drug, he may die moments after the injection.

Unless he seeks assistance the life expectancy of the narcotic addict is short.

MARIHUANA

What is commonly called marihuana consists of a mixture of crushed leaves, flowers and often small twigs of the Indian hemp plant, *Cannabis sativa*. The plant grows easily in many parts of the world and it seems that the concentrations of the chemicals which are responsible for the pharmacological effects produced vary in plants according to the areas in which they have been grown.

For use as a drug, the leaves and flowers are dried and crushed or chopped into small pieces. These are rolled and smoked in cigarettes. The pieces are also sometimes smoked in a pipe or eaten with food.

The cigarettes are known as "reefers", "joints" or "sticks" and the slang term for marihuana generally is "pot". The smoke from marihuana is harsh and smells like burnt rope or dried grasses.

A resin is obtained from the flowering tops of the plant. This is known as "hashish". This resin is exuded by the female plant and is concentrated in the tips, leaves and flowering shoots. The potency of the marihuana depends on the climate and soil and the time and method of harvesting. Hashish is about 5-10 times more potent than marihuana leaves.

At least three different chemical substances have recently been extracted from the crude resin—*cannabinol, cannabidiol and tetrahyarocannabinol.* Scientific study so far carried out on these substances suggests that most of the effects achieved with marihuana and hashish are due to tetrahydrocannabinol.

What is promised

Relaxation, gaiety, gentleness, companionship, loosening of inhibitions and hallucinations which are pleasant.

What actually happens

1. Nothing at all. This may be due to:
   (*a*) the personality and/or the mood of the user,
   (*b*) inexperience in smoking,
   (*c*) the quality of the material being smoked.

2. Mild effects variously described as a feeling of contentment and inner satisfaction, free play of the imagination.

3. More pronounced effects including: spread of time—minutes seem like hours; change in space—near objects seeming distant; uncontrollable laughter and hilarity.

4. *Any of the reactions described in* (2) *and* (3) *may induce panic, especially if a smoker feels he is losing control or becomes depressed.*

5. A gross nervous reaction with giddiness, loss of control of muscle movement, vomiting.

6. In some individuals, especially if the setting is favourable, the depression may be followed by strong feelings of exuberance and gaiety—the "high" in the language of users. For most individuals who reach and experience this "high" the effects last from two to three hours.

Unknown factors

The possible long-term effects of smoking marihuana are still being debated. Early studies suggested that the work efficiency and productivity of students who have regularly smoked "pot" over a period of time are greatly reduced, but some more recent studies do not support this conclusion. Clearly much more study is required into the effects of long-term usage.

Toxic effects

Like most other drugs which have an effect upon the nervous system and which influence behaviour, hashish and marihuana may produce acute toxic reactions at both low and high doses, depending on the individual. Recently reported experiments, using tetrahydrocannabinol, suggest that it may interfere with short-term memory for a period of two to three hours after a measured dose.

Tolerance and dependence

There is now general agreement within the medical profession that the use of marihuana alone rarely leads to physical dependence. However, a tolerance, that is a need to increase the dose to gain the same effect, may develop in some users.

The hazards of smoking marihuana or hashish

There is still a good deal of uncertainty about the immediate and long-term effects produced by repeated usage of these drugs. The main risk seems to associate more with the reasons why the individual was initially drawn to usage of the drugs. The "oblivion seeker" and especially the "personality-change seeker" may find his or her needs only partially met by marihuana and may be encouraged to seek other drugs which produce more profound effects. Such people may progress to L.S.D. and other extremely potent and dangerous hallucinogens. Some are further attracted to narcotic drugs.

L.S.D.

D-lysergic acid diethylamide, to give it its full chemical name, is a colourless, odourless and tasteless compound. It has been suggested that some of the samples offered for sale are contaminated with impurities and that some of the effects produced by L.S.D. are due to these impurities.

Extremely minute amounts are capable of producing profound effects on the mind.

What is promised

"A trip" which can last for from a half to a full day or even longer. The taker is promised that during this "trip" he will have a clearer and more exciting view of "the world" and will obtain great insight into himself. It is also promised that there will be relaxation and gaiety and beautiful, coloured hallucinations. It is further claimed that after the "trip" the individual will have greater creative capacity in the area of his interests.

What actually happens

1. Varying degrees of hallucinations for a variable period of time, or perhaps nothing at all. After a "trip" the taker may be enthusiastic about the experience, claiming all manner of improved understanding of his environment and himself. These effects soon wear off and the desire to continue with L.S.D. "trips" diminishes in a high percentage of takers because of the sameness of the "trips". Studies have shown that in fact creative capacity is lessened, although the individual may think otherwise.

2. Vomiting, marked dizziness and nightmares so horrifying as to cause permanent mental damage. Such experiences are referred to by users as "bad trips". It is not insignificant that many suicides and accidental deaths have occurred among people who have taken L.S.D.

3. Development of persistent or even permanent mental changes leading to behaviour which may be a danger not only to the person himself but to others.

Physiological effects

Increased pulse rate, minor increase in blood pressure, dilation of the pupils (the explanation of the need to use dark glasses even at night), tremors of the muscles of the arms and legs, cold sweats and hot flushes, nausea, irregular breathing.

The way in which L.S.D. acts within the body is unknown. It is rapidly absorbed from the intestines and distributed widely through the whole body. There is fairly general agreement that L.S.D. exerts some influence on many cells in most tissues and organs of the body.

Evidence of the damage L.S.D. causes to chromosomes is conflicting and more medical research is being carried out in this area.

Tolerance and dependence

Tolerance develops rapidly, but unlike the tolerance developed to other drugs, it cannot be overcome by larger doses. Often a period of several days must separate "trips" if the full effects are to be obtained, regardless of dose. Dependence is phychological, not physical. Because there is no evident physical dependence and because tolerance develops and disappears rapidly, periodic rather than continuous use is the usual pattern.

Kinds of L.S.D. users

This drug has an attraction for adolescents and young people who are socially maladjusted or emotionally inhibited and who constantly seek new experiences.

BARBITURATES

The barbiturates are a large family of drugs derived from barbituric acid. They are widely and extensively prescribed by the medical profession as sleeping pills and to calm down anxious patients. Their ability to produce drowsiness and confusion gives rise to the slang term of "goof balls".

What is promised

Relief from the symptoms of insomnia, anxiety and nervousness.

What actually happens

1. A wide range of body functions are slowed down, including heart action and breathing. The symptoms of insomnia or anxiety are temporarily relieved but repeated dosage is necessary and, in order to remove the accompanying depression, the individual often seeks some form of stimulant and thus may be attracted to the amphetamines.

2. The purpose in taking the drug is to produce sleep but, in the person who has become used to taking them, this does not happen and the individual may take further amounts which may act as a stimulant and produce mental confusion. In this state the taker may lose count of the number taken and may take more. The extra number of tablets or capsules may produce prolonged coma and even death. It is possible that many of the deaths attributed to overdoses of barbiturates may not be intentional suicides but the outcome of misjudged doses.

Tolerance and dependence

Tolerance to barbiturates develops fairly quickly and this may happen even with small doses, requiring a progressive increase in the dose. Physical and psychological dependence on the drug develops. Severe physical dependence on barbiturates is most dangerous. Abrupt withdrawal can cause severe anxiety, mental confusion, convulsions, coma and death.

AMPHETAMINES

The amphetamines or "pep pills" are a group of drugs which have a stimulating effect on the cells of the brain and central nervous system. They have the ability to combat fatigue and sleepiness and are known by the slang term "speed".

What is promised

It will speed you up and keep you alert (especially attractive to students prior to and during exams), give a lift and stop you caring.

What actually happens

1. Amphetamines produce tolerance which affects the various systems of the body differently. Increased doses may be necessary to maintain the feeling of well-being and superior energy, but these doses may result in increased nervousness, irritability, jitteriness, insomnia and loss of appetite. People on large doses of amphetamine appear withdrawn, with their emotions dulled and they seem unable to organise their thinking.

2. Amphetamines are likely to induce a high level of psychological dependence if used over a period of time. Young people are often first introduced to amphetamines close to exam time and find the overall effects stimulating and exhilarating. The temptation to continue with them is great.

3. They push the user to a greater expenditure of his own physical and mental resources, often to the point where the degree of his fatigue is not recognised. Amphetamines, therefore, are not a magic source of extra mental or physical energy. Truck and car drivers who have used amphetamines to ward off fatigue become a menace on the road.

The Hon. D. H. L. BANFIELD: This very good brochure is suitable for distribution in schools, as was the other brochure to which the honourable member referred some time ago. I can see the advantage of having it distributed in schools to a greater extent than is being done at present. I will draw my colleague's attention to the fact that these pamphlets are available and see whether they can be distributed in schools throughout South Australia.

MEDIBANK

The Hon. F. T. BLEVINS: I seek leave to make a brief explanation before asking a question of the Minister of Health.

Leave granted.

The Hon. F. T. BLEVINS: A report in this morning's *Advertiser*, headed "We're forced to take Medi., says doctors", by the *Advertiser*'s medical writer, Barry Hailstone, says:

Doctors in the rapidly expanding Hills district of Mount Barker have agreed "under pressure" to treat Medibank patients in the Mount Barker district hospital.

The hospital secretary (Mr. A. Gooch) said yesterday "unofficial threats" had been made to withdraw the Government's subsidies to the hospital.

This would have forced the hospital to become fully private.

Dr. R. Schaefer said yesterday: "We had a meeting and agreed reluctantly to treat Medibank patients and bill the hospital directly. We had no alternative."

"If the hospital turned private it would mean that fees of around $60 a day would have to be charged and many people would be denied treatment in the hospital as a result," he said.

The Australian Medical Association recently reaffirmed its opposition to Medibank provisions which require that doctors provide services for Medibank patients and submit their bill to the hospital not the patient.

Mr. Gooch, Secretary of the Mount Barker District Soldiers' Memorial Hospital, said the hospital had been told in July, 1975, to negotiate a contract with local doctors for an agreement to treat Medibank patients. "We were then told unofficially, or at least given the impression, that unless we had done this by January 1, 1977, we would have to go private," he said.

I will not read the rest of the report, as what I have already read is sufficient to give the Minister an idea of the contents of the report. It contains some rather alarming statements, such as that unofficial threats had been made and that they had no alternative. Will the Minister say whether he has applied any pressure or issued any threats to the Mount Barker Hospital? If he has not, will the Minister ascertain whether there is any substance in Mr. Gooch's contention that the hospital has been pressured or threatened by anyone?

The Hon. D. H. L. BANFIELD: Any similarity between what is contained in the press report and the actual truth is purely coincidental, as it contains a whole lot of lies. The Secretary of the Mount Barker Hospital is most upset about the report which appeared in this morning's press and to which the Hon. Mr. Blevins has referred. I have been told that the hospital's Secretary and Chairman will be writing to the *Advertiser* to give it the correct information and, if the *Advertiser* is a responsible paper, I assume that the hospital's letter will receive as much publicity as has this report, which contains a number of untruths. However, I am willing to bet that it will not come out on the same page of the *Advertiser* as did this morning's report and, indeed, that it will not appear under a heading in ½in. type. If the *Advertiser* publishes a correction, it will be welcomed by the hospital's Secretary and Chairman.

I point out that no pressure has been exerted on Mount Barker District Hospital to become a recognised hospital. Indeed, it has been a recognised hospital for some time. The Government has gone the other way in this respect, having taken no action although the hospital has not been complying with the conditions laid down in relation to recognised hospitals. It seems to me that the doctors who have remained outside of the Medibank agreement now want to try to save face and to come into the scheme. They are doing so by making a statement such as this. Of course, the report also goes on to state that, under the terms of Medibank, there was no provision for Medibank patients to receive specialist services at the hospital. Why were no such services provided there? They were not provided simply because the doctors involved would not treat patients under Medibank. It is not a matter of a specialist's not being available: the doctors and specialists involved refused to treat the patients at Mount Barker. The Government has exerted no pressure. Indeed, to the contrary, it has been lenient and given the hospital recognition, together with all the benefits that go therewith. The statement contained in the report is untrue, and the hospital's Secretary and Chairman are writing to inform the *Advertiser* accordingly.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL (No. 2)

Second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

In introducing a Bill to amend the Workmen's Compensation Act last February my colleague made a statement in relation to our legislation which bears repeating on this occasion. The statement was that the South Australian Workmen's Compensation Act, "has been seen as pioneering legislation which led Australia in providing economic security for those injured in the course of their employment, and as a consequence unable to earn their living, and those suffering permanent disablement. Other States have, in the intervening years, followed our lead in many respects. At the same time we have taken vigorous action to improve legislative standards of safety, health and welfare at work and strengthen the staff of the industrial safety inspectorate to see that those standards are observed. It is important to remember that, as provided in the Industrial Safety, Health and Welfare Act, 1972, it is the responsibility of each employer to take all reasonable precautions to ensure the safety and health of his employees while at work."

The statement contains the three interwoven threads of economic security for injured workers, safety on the job, and adequate rehabilitation, which I have been stressing for some time. The amending Bill of February, 1976, was intended to be the first step in the Government's consideration of the operation of the Act. After the introduction of that Bill, it became apparent from comments made, particularly by employer and trade union bodies, that further consultation on the legislation was desirable.

In view of this, the Government decided not to proceed with the Bill during the February session, but instead to circulate copies of it to interested organisations for comment. Previously, a number of complex proposals concerning the registration of approved insurers, the regulation of premium levels and acceptance of risks, the elimination of brokerage fees, apportionment of liability and proposals to give some protection to employers and their workmen because of failure of insurance companies, had been circulated to the same organisations for consideration.

Comments were received from nearly all who were approached, and it was extremely gratifying to see the care and thought that had gone into their submissions. The wide range of views meant that considerable work was needed to be done to collate and assess them. Although many of the recommendations did not finally prove to be acceptable, the exercise was extremely valuable and helped to clarify the Government's thinking on a number of points. I should like to put on public record in this Council the Government's appreciation of this response to our request for comments as part of the consultative process. I seek leave to have the rest of the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

REMAINDER OF EXPLANATION OF BILL

All comments received were considered in the light of the Government's policy on the object of workmen's compensation legislation, which I have referred to earlier, and have been taken into account in formulating this Bill. Over the past few years there has been considerable concern expressed at the rise in the costs of workmen's compensation and allegations have been made that there are "bludgers" on the system. The Government has never subscribed to the fact that this has been widespread for the last two years and some independent research indicates that it has not been mistaken. The total number of claims made under the Act has fallen from 87 000 in the financial year 1973-74 to 84 000 in 1974-75 and further, to a figure of about 78 000 in 1975-76. There has been a significant arresting and reduction in what was said by opponents of the legislation would be an irresistible upward trend in claims lodged. In fact, the number of claims related to the number of employees covered by the Workmen's Compensation Act has fallen from 207 per 1 000 employees in 1973-74 to an estimated 176 per 1 000 in 1975-76. This latter figure does not differ greatly from 171 per 1 000 employees in 1965-66.

Naturally, the cost to industry involves more than just the number of claims made. When the basis of weekly payment was changed from a maximum of $65 to average weekly earnings (a change approved by both houses in 1973 even though the Government was substantially outnumbered in the Upper House) it was naturally anticipated that amounts paid would increase substantially. However, in looking at the effect of the change two factors have to be considered: wage levels, as measured by average weekly earnings, have trebled over the last 10 years, while the number of employees subject to the Workmen's Compensation Act has increased by 29 per cent. Only by discounting by these two factors (wage levels and work force changes), in the dollar amount of claims paid, is it possible to derive a measure of real unit claims which identifies the increased cost in real terms. It is interesting to note that when this calculation is made the overall change between 1972-73 and 1975-76 was an increase of only 16 per cent whereas the maximum benefit increased by 144 per cent in the equivalent period. The significant thing about figures showing increases in amounts paid for workmen's compensation claims and premiums paid for workmen's compensation insurance is that our experience in South Australia has been shared with all the other States. In every State over the last few years there have been administrative and legislative problems, rising costs and calls for inquiries. Much of the impetus for a national compensation scheme has come from this Australia-wide experience.

Over the last two years premiums in New South Wales have risen alarmingly. Last June the New South Wales Government reduced recommended premiums by 20 per cent because it was found that there had been an overestimation by insurance companies of anticipated claims as a result of increased benefits under the New South Wales Act. In Queensland, the sole insurer in this field, the State Government Insurance Office, has made large losses and been forced to increase its premiums substantially. In Victoria there has been a sharp increase in premiums and a special inquiry has been set up. It must be remembered when comparing benefits that in New South Wales and Victoria most employees are also entitled to make-up pay in accordance with the appropriate award, the effect of which is to give an entitlement to full pay while on compensation. However, the cost of this "make-up" pay is not usually taken into account when making cost comparisons with South Australia where such provisions do not apply. In addition, recourse to lengthy and expensive common law actions in those States is said to be far more frequent than in South Australia, where our Act provides for quicker settlements, which make it less necessary to take common law proceedings.

The fact is that the disparities between South Australia and other States are nowhere near as great as is suggested and there is no evidence that our Act has placed us at a disadvantage. I would go further and say that a lot of talk about inflated benefits and "bludgers" is sheer nonsence and a smokescreen for the insufficient attention paid to safety and rehabilitation by many employers and the insufficient competition between insurers in quoting premiums and relating them to claims experience. In support of this, the views of the manager of C. E. Heath Underwriting Agencies Ltd., one of the largest single workmen's compensation insurers in South Australia, are interesting. He has told my colleague that quite often bad claims records are brought about by poor accident prevention principles and lack of interest in the problems of injured workmen. While he acknowledges that increasing premium rates are a serious problem, he considers the present legislation is effective, equitable, workable and not unduly expensive provided proper emphasis is placed on rehabilitation prompt settlement of claims and efficient administration. An important issue often overlooked, he contends, is rehabilitation of the injured employee and as a consequence his speedy return to the work force, and he has no doubt that rehabilitation and prompt settlement of claims are two important features in the controlling of the costs of compensation.

Quite rightly he puts his finger on the essential fact that has made his business so successful and to which increasing numbers of employers are waking up—that instead of passing a compensation case over to an insurance company, it is good business as well as socially responsible to look at the injury victim and his needs and try to get him back to the work force.

Honourable members may recall reading in the press last month of progress results of a two-year national survey into the social effects of major industrial accidents in Australia undertaken by the Rev. Alan Scott of the Inter-Church Trade and Industry Mission. Although data collected to date referred only to Victoria and a small sample from New South Wales (research is continuing in other States this year), his findings on the social implications of industrial accidents, which are being confirmed in his South Australian studies, deserve some attention by this Council.

Surveys were made of those victims of industrial accidents who have been off work for three months or more. It has been found that the effects of such accidents have wide ramifications on many areas of life in addition to their effect on working life. In the cases already studied, 83 per cent of those who had returned to their previous job experienced a deterioration in their work performance. However, the repercussions in human terms must also be assessed if we are to appreciate the full cost of industrial accidents. The survey has revealed that 73 per cent of those interviewed had undergone a change in their leisure activities, 68 per cent experienced a curtailment of their sporting activities, 68 per cent found that their participation in their home life had altered, and 51 per cent experienced a change in their sex life.

In terms of re-employment, it was found that 32 per cent had to find a new employer, 60 per cent had to learn a new type of work, and 45 per cent were kept

on by their old employer. The evidence suggested that employers take little interest in accident victims, and organised community assistance appeared to be largely non-existent. Very few persons had received retraining on re-entry to the work force. In the light of the psychological traumas that follow industrial accidents, the report stresses the need for rehabilitation to be more than an afterthought.. Mr. Scott in his survey report says that, without the aim of complete re-establishment for the accident victim as a full contributory member of society being realised, the victim remains an economic charge on the community, an emotional charge on his family, a social charge on his work mates and a psychological charge on himself. Although the payment of average weekly earnings to workmen temporarily incapacitated serves to cushion the blow of economic trauma, there is still much to be done to assess the full impact of industrial accidents.

Mr. Scott has told my colleague that the greatest need is for rehabilitation in the total sense rather than just in the medical. This has already been recognised by the Government. The regulations under our Industrial Safety, Health and Welfare Act require a medical officer to be employed, on a full-time or part-time basis, in all industrial premises in which more than 300 persons are working at any time. Further, the Public Health Department in consultation with the industrial safety division of the Labour and Industry Department has undertaken an important initiative in providing for this total service in its plans to establish a comprehensive occupational health centre in the Port Adelaide area. There is already at least one private industrial injury clinic at Mile End which is showing a considerable success rate in assisting injured workers to return to work.

Earlier this year both the Director of the Labour and Industry Department and the Minister made study tours overseas to assess, amongst other things, developments in the workmen's compensation field in Europe and Canada. From the observations they made, it seems clear that South Australia, and Australia as a whole, is behind many other Western countries in its attitude to workers who are injured in the course of their employment. Although Australian Workmen's Compensation Acts are, in general, more generous in the benefits payable to persons incapacitated for short periods, and in respect of a wider range of injuries, through compensation being paid also in respect of journey accidents and industrial diseases, we give far more attention to those who are absent for short periods than to workers who have some permanent incapacity.

We have not given any real consideration, as part of our workers compensation system, to the rehabilitation of injured workers, nor is there any relationship between the prevention of accidents at work and the compensation system. In several oversea countries, particularly Canada, West Germany, Austria and Switzerland, the rehabiliation of injured workers is regarded as being an integral part of the workmen's compensation arrangements.

In fact in many instances the Workmen's Compensation Authority has built and operates very efficient and comprehensive rehabilitation centres for the vocational rehabilitation of persons injured at work. These rehabilitation centres are completely financed by the Workmen's Compensation Authority, that is, by contributions from employers. Also, in some cases, the Workmen's Compensation Authority allocates part of its funds for accident prevention purposes and for safety education and training.

The Government considers that these are all matters which require detailed consideration before any change in emphasis from compensation to rehabilitation can be introduced into the South Australian legislation. As a first initiative in this area my colleague recently appointed a working party to inquire into the rehabilitation and employment of disabled persons in South Australia. Apart from obtaining information on the number of disabled workers, which will include those injured in industrial accidents, the cause and degree of disability, and the facilities available for and used by disabled persons in South Australia, the working party is to examine the degree to which industry in South Australia is employing handicapped persons.

The working party is to report to the Minister of Labour and Industry before the end of this year and it is intended that its findings will provide background information for future legislation in this area. In turning to the detailed provisions of the Bill there are two areas I wish to single out for special attention. First, clause 7 dealing with weekly payments envisages a substantial redrafting of the present section 51. It gives effect to the Government's policy that a workman should be in no better position nor worse position than if he had not been incapacitated for work.

The Act at present does not do this. It does not provide any means for varying the amount of compensation if levels of overtime change. For instance, where the general level of overtime has been reduced a workman on compensation can receive far more by way of weekly payments than his workmates still on the job. Such a situation is clearly inequitable and the new section corrects this anomaly. Secondly, clauses 18 to 20 deal with some major changes in insurance arrangements by which the Government intends to achieve a number of objects. The key to them is the appointment of an advisory committee on which there will be representatives of all interests in this field. This will be the means by which the level of premiums, the proper recognition of safe working, and the availability of proper insurance coverage can be properly examined.

Two major innovations are provided. The nominal insurer will give protection to workmen in the event of the insolvency of an insurer, an exempt employer or an uninsured employer. With respect to this last category it should be noted that the penalty for non-insurance has been substantially increased. The insurer of last resort will provide a means whereby hitherto uninsurable risks can be covered on a reasonable basis. It is hoped that these new arrangements will lower costs and promote efficiency. Coupled with the attention to saftey and rehabilitation I have referred to earlier there is no reason why the benefits and protection the Act provides to those injured at work should be a burden to industry.

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on a day to be fixed by proclamation. Clause 3 amends the interpretation section, section 4 of the principal Act, by inserting a number of new definitions. Attention is drawn to the definitions of "special benefit" and "special payment". The insertion of the definition of "special benefit" entails the repeal of section 30 and subsections (1) and (4) of section 68 of the principal Act. The definition brings together those payments, benefits and allowances which, if paid by an employer to an incapacitated workman in respect of his incapacity, may be deducted from the amount of the weekly payments.

The insertion of the definition of "special payment" entails the repeal of section 63 of the principal Act. This section provides that certain payments included in the

remuneration of a workman that are by their nature payable because he is at work or because of the particular nature of his work are excluded for the purpose of calculating the amount of any weekly payments of compensation that may be payable to the workman. Paragraph (*f*) of this clause makes an amendment to subsection (1*a*) of section 4 that is consequential on the alteration made under this Bill to the method of calculating the amount of weekly payments of compensation.

Clause 4 amends section 9 of the principal Act in relation to the right to compensation in respect of injuries occurring during journeys connected with employment. The clause amends paragraph (*b*) of subsection (2) to make it clear that it applies to any return journey from an institution which the workman has attended in connection with his employment or training for his employment. The clause also extends the journey provision to a journey to obtain a medical certificate in connection with an injury for which the workman is entitled to receive compensation and to a journey to collect a compensation payment.

Clause 5 repeals section 22 of the principal Act so that the court may be constituted of an industrial magistrate at the direction of the President of the court. Clause 6 repeals section 30 of the principal Act which deals with matters that are dealt with in the proposed new section 51a read together with the definition of "special benefit". Clause 7 repeals section 51 of the principal Act and substitutes new sections 51 and 51a dealing with the entitlement to an amount of weekly payments and the review thereof, respectively. New section 51 provides for the re-enactment in this section of those sections presently regulating the amount of weekly payments with one major change of substance.

This change is that the averaging of previous earnings for the purpose of ascertaining the weekly payments is, in the case of earnings by way of overtime, to relate to the period of four weeks only preceding the incapacity, in order to ensure that the elements of weekly payments based on overtime more closely reflects the overtime currently being worked at the commencement of the incapacity in each case. New section 51 also fixes the weekly payment payable to partially incapacitated workmen, improvers, apprentices, contractors and workmen who had more than one employer at the relevant time. Consequential upon the enactment of this provision is the repeal of sections 61, 62, 63, 64 and 67 and subsections (2) and (3) of section 68 of the principal Act. Under this provision, weekly payments payable at the commencement of the measure are to be adjusted to the next rates.

New section 51a substantially re-enacts section 71 of the principal Act by providing for a review of the weekly payments, but adding to those matters to which regard shall be had upon such review the payments by way of overtime which would have been payable to the workman but for the incapacity and any special benefits paid to the workman by the employer in respect of the incapacity. Clause 8 amends section 52 of the principal Act by providing that an employer may discontinue or diminish weekly payments to a workman if the workman fails to provide a continuity of medical certificates evidencing his incapacity. The employer is required by the provision to give the workman twenty-one days' notice that his weekly payments are to be discontinued or diminished, during which period the workman may apply to the court for an order that they may be continued. The opportunity provided by the amendment of this section has been taken to adjust the amount of the penalty for an offence against this section.

Clause 9 amends section 53 of the principal Act by adjusting the amount of the penalty for an offence against this section. Clause 10 amends section 54 of the principal Act so that workmen who are entitled to be paid for public holidays that occur during their incapacity will not, in addition, be paid compensation in respect of such public holidays. This is also expressly provided for in new section 51. Clause 11 repeals sections 61, 62, 63 and 64 of the principal Act. The repeal of these sections is consequential on the new section 51 and, in the case of section 63, the definition of "special payments".

Clauses 12 and 13 amend sections 65 and 66, respectively, to ensure that a workman who is incapacitated and receiving weekly payments should not, so long as he continues in his employment, lose the benefit of annual leave in respect of the period of his absence due to the incapacity. At present workmen obtain this benefit only if they return to their employment after the period of incapacity. Clause 14 repeals sections 67 and 68 of the principal Act for reasons which have been outlined above. Clause 15 repeals section 71 of the principal Act.

Clause 16 repeals section 73 of the principal Act. The repeal of this section will enable the method for determining percentage loss of hearing published towards the end of 1975 by the National Acoustic Laboratory to be adopted for assessing the amount of compensation for noise-induced loss of hearing. Clause 17 makes a drafting amendment only. Clause 18 inserts new sections 122a and 122b in the principal Act. New section 122a provides for approval by the Minister of insurers in relation to the provision of insurance coverage for workmen's compensation risks.

Applications for approval may be made by any insurer authorised under the Insurance Act, 1973, of the Commonwealth before the first day of April in any year and approval, if granted, is effective on and from the next first day of July. As the case of approval of insurers in relation to the provision of compulsory third party motor vehicle insurance coverage, the approval may be made subject to conditions. New section 122b empowers the Minister to require approved insurers to furnish information as to workmen's compensation insurance and claims.

Clause 19 amends section 123 of the principal Act by providing that the workmen's compensation insurance coverage that employers are required by that section to obtain shall, after the first day of July, 1977, be obtained only from insurers approved by the Minister under proposed new section 122a. The clause increases the amount of the penalty for failure by an employer to obtain such insurance coverage. The clause also empowers the Minister to attach conditions to the exemption from the provision in respect of self-insurers.

Clause 20 inserts new sections 123a to 123p in the principal Act. New sections 123a to 123d provide for the establishment of a scheme for the satisfaction by a "nominal insurer", to be appointed under the scheme, of any claims by an employer where his workmen's compensation insurer fails financially, or by a workman where his employer is uninsured or, in the case of an employer who is a self-insurer, fails financially. The scheme is substantially the same as the "nominal defendant scheme" under the Motor Vehicles Act, 1959-1976, in respect of compulsory third-party insurance under that Act.

New section 123e ensures that premiums for workmen's compensation insurance are paid by employers directly to their insurers and not to insurance brokers. New section 123f requires insurance brokers to disclose to employers any commission or rebate that they may receive for effecting workmen's compensation insurance coverage. New sections

123g and 123h provide for the establishment of a scheme under which employers who find it impossible or difficult to obtain workmen's compensation insurance coverage may obtain coverage from an insurer (referred to as the "insurer of last resort") to be appointed under the scheme. Any loss incurred by the insurer of last resort in providing insurance coverage for such undesirable risks is to be borne by all approved insurers in proportion to their premium income from workmen's compensation insurance.

Employers qualify to obtain coverage from the insurer of last resort if they satisfy the Workmen's Compensation Insurance Advisory Committee established under proposed new section 123i that they have not been able to obtain coverage at a premium that is reasonable in the circumstances. New sections 123i to 123p provide for the establishment, functions and powers of the Workmen's Compensation Insurance Advisory Committee. The advisory committee under new section 123i is to consist of six members and be representative of the Government, workmen, employers, approved insurers and the insurer of last resort. New sections 123j and 123k provide for the terms and conditions of office of members of the advisory committee and their remuneration.

New section 123l regulates the proceedings of the advisory committee. New section 123m provides that proceedings of the advisory committee shall not be invalid by reason of a defect in its constitution and protects its members from personal liability where they have acted in good faith. New section 123n provides for the functions of the advisory committee. Those functions are to be, in addition to those associated with the scheme for the coverage of undesirable risks by the insurer of last resort, to investigate and advise the Minister regarding allegations of excessive workmen's compensation insurance premiums, of refusal by approved insurers to provide workmen's compensation insurance coverage or of premiums failing to reflect the accident records of those insured and to perform such other functions as may be assigned to it by the Minister. New section 123o provides that the advisory committee shall have the powers of a Royal Commission. New section 123p provides for the appointment of a secretary to the advisory committee.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

LONG SERVICE LEAVE ACT AMENDMENT BILL

Second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

This Bill is not involved or complicated and I seek leave to have the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It proposes a quite significant change in the application of the "pro rata leave" provisions of the principal Act, the Long Service Leave Act, 1967-1972. These provisions provide, that subject to certain restrictions, where a worker has completed between seven and 10 years service with an employer and the services of the worker are terminated, the worker will be entitled to a payment of an amount of money in lieu of long service leave based on the amount of service he had with that employer.

However, at present, the Act provides that if the worker's services are terminated by his employer by reason of his serious and wilful misconduct or if the worker terminates his contract of service "unlawfully" the worker will not be entitled to the payment provided for by the relevant provision of the Act. While at first sight the philosophy that gave rise to this provision may seem attractive it is the Government's view that the provisions are misconceived.

Modern industrial thinking regards leave of all kinds as being an accumulating right based on service and accordingly it seems wrong in principle that a worker should lose his right by reason of some future conduct, particularly where other remedies against the worker may well be available to the employer. Accordingly, this measure amends section 4 of the principal Act by providing that once the worker has acquired the right to the payment of an amount in lieu of long service leave, the circumstances of his termination of service will in no way affect that right.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

LONG SERVICE LEAVE (BUILDING INDUSTRY) BILL

Second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It proposes a number of disparate amendments to the principal Act, the Long Service Leave (Building Industry) Act, 1975. Clauses 1 to 3 are formal. Clause 4 makes certain amendments to the definition provision of the principal Act consequential on amendments proposed in subsequent clauses. In addition, the amendment proposed at paragraph (*d*) makes it clear that carpenters are included within the definition of "worker" as are "sprinkler pipe fitters". However, "supervisors" have been excluded.

Clause 5 amends section 22 of the principal Act by making clear that returns relating to the commencement of and conclusion of a worker's period of service shall be given to the board rather than to the Commissioner of Stamps. Clause 6 repeals section 23 of the principal Act. This provision was intended to apply to the case of a worker, who had not less than ten years effective service, who was dismissed in circumstances involving serious and wilful misconduct on his part. In this case it was proposed that no accumulation of "long service leave payments" would be allowed. Consistent with the policy given effect in the Long Service Leave Act Amendment Bill, 1976, which has already been considered by this House, the repeal of this provision is now proposed.

Clause 7 is a drafting amendment. Clause 8 which proposes new sections 24a, 24b, 24c and 24d in the principal Act is intended to facilitate the collection of contributions to the fund and is proposed after consultation with the Commissioner of Stamps. These proposed new sections are, it is suggested, generally self-explanatory. Clause 9 is a consequential amendment. Clause 10 inserts a new section 29a in the principal Act. This provision is intended to ensure that a worker who ceased to be employed in the

"industry", as defined, after October 1, 1976, and who prior to that cessation had service that would entitle him to "an effective service credit" under the principal Act shall, if he becomes a worker under the Act before October 1, 1977, be entitled to that effective service credit.

Clause 11 is broadly consequential upon clause 10. Clause 12 inserts new sections 36a to 36d in the principal Act and is intended to provide an appropriate appeal mechanism. These provisions are generally self-explanatory and are a necessary consequence of discretion conferred on the Commissioner of Stamps under proposed section 24c. Clause 13 provides certain evidentiary provisions in proposed new section 42c.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from November 17. Page 2231.)

The Hon. C. M. HILL: I will only be brief in my remarks at this stage of the debate because, as other honourable members have said, this Bill is really a Committee Bill. It deals with many different changes which the Government hopes to introduce into our licensing legislation. The best way it can be handled in a debate of this kind is for those members interested in the various clauses to speak to them in some detail at the Committee stage. I support the second reading and, in general terms, the changes that the Government is proposing to introduce. There are one or two matters with which I disagree, and I will make my views known on those matters in Committee.

I am pleased to see, however, that the court is to be constituted as a single-member court at most times in the future. I support the proposal that there shall be no limitation on the hours of dining-room trade and that this extension shall also include meal hours in hotels and restaurants. I am not opposed to the optional extension of bar-room trading until 12 midnight.

I have listened to some of my collegues and have heard them state that they are opposed to this part of the Bill. I believe the extended optional hours will give many hotel keepers a flexibility they do not have at present, and it is not fair for such business men to be forced to keep their hotel bars open when there are no customers. The expenses involved in this kind of operation are considerable, and it is proper that the hotel keepers should—

The Hon. M. B. DAWKINS: Mr. President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. C. M. HILL: I was saying that I do not oppose that part of the Bill which extends optional hours of bar-room trading to 12 midnight. Also, I support the Government's proposal that the holders of vignerons', distillers' and storekeepers' licences be given the opportunity to sell liquor throughout any day. Particularly will this apply to Sunday trading. In South Australia, where we have a splendid opportunity further to develop our tourist trade, as it applies to the Barossa Valley area, the southern vales area, and other parts of the State where vines are grown and wineries are established, it is proper that the owners of those wineries should have the opportunity to sell, for example, bottles of wine during any hours at, say, the weekend.

In my view, it is foolish for a situation to exist where, for example, I can take visitors from overseas on a trip on a Saturday or a Sunday to the Barossa Valley, where I find that, although I can taste some of the wine and inspect the wineries with my guests, I cannot, under the law, buy one or two bottles of that wine that I can see on a shelf in the winery and take them home for the tourists from overseas.

The Hon. B. A. Chatterton: You still have to buy at least three bottles.

The Hon. C. M. HILL: I think, therefore, that this extension is something that the public will welcome. When we look at matters like these, I think as well as considering the viewpoints of the winery owners and management and the businessmen concerned, the public attitude and the benefit to the public must also be borne in mind.

The only other matter I wish to comment on is the possibility of extending the Bill further to provide for hotels to open their bars on Sunday if they wish. My view is that I consider that the deciding factor in a question of this kind is one's personal opinion of what is best for the community interest. In forming an opinion, a balance must be struck between two things. The first is the question of allowing people who wish to buy and consume liquor publicly in this way to do it at reasonable times, under reasonable standards, and with the least possible restriction. On the other hand, there is the question of acknowledging that being restrictive is sometimes necessary where danger, possible hardship, and possible serious social problems arise as a result of any change.

When I weigh the two questions and try to make up my mind I come down on the side of opposing that extension. I have read the debates that took place nearly 10 years ago, when the previous legislation was before the Council. We must acknowledge that community attitudes and standards have changed since then, and I regret to say that I do not think they have changed for the better. More mobility exists today than existed 10 years ago and I have noticed a change in other attitudes in the community. It concerns me considerably when I think of what consequences may follow if optional Sunday trading is permitted.

I cannot help but consider the situations that may occur in some hotels within 20 or 50 kilometres of Adelaide on Sunday afternoon. If Sunday trading did occur I do not think the situation would be in the best interests of the community. I also do not think that we can overlook the question of road safety, and there would be much more peril on the road if the law was changed to give this extension in licensing control. Although I think that some alterations can improve the Bill and I intend to support some amendments on the file, I support the main principles to which I referred and, therefore, support the second reading.

The Hon. A. M. WHYTE: I support the second reading, because it makes necessary alterations to the present licensing provisions. The extension of drinking hours does not appeal to me, and I think it is fairly well understood throughout the world that an increase in consumption is usually brought about by an increase in availability. Although the second reading explanation suggests that the extension will be entirely optional, that would not apply in fact. In any business, when a competitor opens, a person down the road would be compelled, on the grounds of economics, also to open, and this would lead to a major extension of trading hours.

I do not agree with the Hon. Mr. Hill about the need to open wineries on Sundays. Opportunity to taste wine in a restaurant is provided for in the extension, and people can take their family and enjoy all the facilities and a good wine that can be shown to and enjoyed by visitors. I consider that the provision should end there. If some wineries opened, other wineries would find it necessary to keep open to compete.

I doubt that the extension of hotel trading hours until 12 midnight would be my choice. I think that 10 o'clock closing was an excellent idea, because we had a compromise that did away with what we termed the six o'clock swill, about which I knew something. To my mind, going on until midnight is over-stepping the need.

The Hon. R. C. DeGaris: They can open until midnight now.

The Hon. A. M. WHYTE: They can, but few elect to do that. Although the average hotelier was pleased to keep people in the hotel until 7 o'clock when we had 6 o'clock closing, he is pleased to see people go by 10 o'clock now. I believe that the average publican and the average patron are sufficiently provided for now. There are good provisions in the Bill, but I will oppose any extension of bar trading hours on Sundays. There should be a provision for those who wish to travel with their families and enjoy good food and whatever beverage they are inclined to take, but it is not necessary to open the front bar of any hotel or, for that matter, of any club for trade reasons on Sunday. If alcohol is too readily available on Sundays, there could be degrading effects on the community. I do not wish necessarily to associate this with church-going, but I believe that on at least one day each week when the husband is not working he should spend some time with his family, and the more we extend the hours the less chance there will be of this happening. The availability of alcohol certainly leads to an increase in its consumption. I do not intend to support Sunday trading either for wineries or in front bars. However, I will support anything to assist in the provision of good wines and beverages with meals. I support the second reading of the Bill, but I do not support the extension of trading hours, optional or otherwise.

Bill read a second time.

The Hon. D. H. LAIDLAW moved:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause to amend section 48 (1) of the principal Act.

Motion carried.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Appeal to Supreme Court."

The Hon. T. M. CASEY (Minister of Lands): I move:

Page 3, line 36—Leave out "The" and insert "Unless the Full Court grants leave to appeal on a question of fact, or a question involving elements both of law and of fact, the".

This amendment provides for parties to be able to seek the leave of the Full Court to appeal on questions of fact or questions involving elements both of law and of fact. The legislation already provides the right of appeal on questions of law.

Amendment carried; clause as amended passed.

Clause 8 passed.

Clause 9—"Publican's licence."

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

Page 4—

Line 7—Leave out "paragraph" and insert "paragraphs".

After line 10—Insert paragraph as follows:

(*ab*) where the licensee is authorised, under subsection (1c) of this section, to sell and supply liquor on Sundays—upon a Sunday between hours stipulated by the court;

Lines 16 to 18—Leave out paragraph (*c*).

Lines 21 to 23—Leave out paragraph (*e*).

After line 25—Insert paragraph as follows:

(*fl*) by inserting after subsection (1b) the following subsection:—

(1c) Where the court is satisfied, upon the application of the holder of a full publican's licence, that it is in the interests of the public to do so, it may authorise him to sell and supply liquor on Sundays during a period stipulated by the court (being a period that commences not earlier than twelve o'clock noon and ends not later than seven o'clock in the evening).

During the second reading debate I said that I would move to allow hotels the right to trade on Sundays between hours stipulated by the court. In 1967, following the Royal Commission headed by Mr. Justice Sangster, major changes were made to South Australia's licensing laws. Some people say that the changes in the law have overcome a real social evil that existed previously. One of the social evils that was supposed to be overcome was the so-called 6 o'clock swill. Some people still argue that 10 o'clock closing is wrong; some argue that 6 o'clock closing is wrong; and some argue the prohibition case. However, I believe there is no doubt that the evils of the 6 o'clock swill have largely been overcome. Nevertheless, it cannot be said that the present position is totally desirable. In fact, it may be said that the 6 o'clock swill has in many cases only been transferred to other times.

The Hon. T. M. Casey: You cannot compare the 6 o'clock swill with 10 o'clock closing.

The Hon. R. C. DeGARIS: I think they can be compared. Many justified complaints have come to honourable members, particularly in relation to hotels in certain residential areas associated with long drinking hours and discotheques. I think the point raised by the Hon. Mr. Laidlaw will be supported by all honourable members.

The Hon. T. M. Casey: That relates to noise.

The Hon. R. C. DeGARIS: Yes, but noise is associated with other factors. In addition, we have also created what I term the Sunday drinking problem. About 1 000 South Australian clubs can trade on Sundays, sometimes under conditions that are not conducive to sane social drinking. All honourable members know to what I am referring. In the changes we made many social evils were remedied, but we have created other social evils in their stead.

I appreciate the views expressed by those opposed to granting to hotels any rights regarding Sunday trading. I am not unaware of the problems facing society involving the abuse of alcohol, yet the existing conditions are only adding to the problems that those opposed to the amendments (and in some aspects I support them absolutely) are seeking to overcome.

The Hon. Mr. Dawkins in the second reading debate stated that he was opposed to granting hotels the right to apply to the court for Sunday trading, because two wrongs do not make a right. I appreciate the view of the honourable member. I agree that his view has much merit, but I do not believe that it is the best policy to adopt. I know the honourable member would take the same charitable and Christian attitude towards the view I am expressing. My view, too, is genuine.

The Licensing Court may be forced to take a stronger view about club activities in South Australia in certain areas in relation to Sunday operations. Although I cannot say that that will certainly be the case, I assume that this Bill deals with hours of trading in clubs, and with changes in the power of the court concerning club trading hours. I assume that with this problem the court may take a much stronger line. I believe, unlike some other honourable members, that the discretion of the court as a result of this amendment will involve a stronger line in the court's attitude to Sunday trading in permit and licensed clubs. True, I am making an assumption but, if it is correct, we will see in South Australia a rapid increase in the *bona fide* traveller trade.

If that occurs, and there is a distinct possibility that it will, the impact upon our society will be extremely damaging. The State's licensing laws will have contributed to that situation. South Australia is still trying to graft on to a nineteenth century concept, which was justified at the time, twentieth century requirements in relation to our drinking laws. In the nineteenth century we did not have high-speed transport, as we have it today. It is the combination of two factors, the motor car and alcohol, that is the greatest single social evil existing at present in our society.

Our licensing laws should recognise this situation. I do not believe that the question of Sunday trading will overcome it, but I suggest that, unless our licensing laws are able to recognise the existence of this social evil, so that we have more smaller outlets to encourage saner drinking, where people do not have to be forced to travel, to use massive car parks, to patronise massive bottle departments, and unless we can get back to a more sane approach generally to this question, the social evil will only multiply.

It might be difficult to reconcile my views on Sunday drinking with the problem that has emerged but, if honourable members examine this matter thoroughly, they will see the correlation. The amendment provides that a hotel can apply to a court for the right to trade on a Sunday. This will, I believe, reduce (and not increase) some of the social evils existing in relation to the operation of the existing Licensing Act. Finally, I wish to repeat the remarks of Acting Judge Grubb concerning Sunday trading, quoted previously, as follows:

There has been much said and written of late about what is described as "the social evil" of hotels being allowed optional trading hours on Sundays.

I suggest that my amendment does not give hotels optional trading hours, but provides that hotels can apply to the court for certain trading hours between 12 o'clock and 7 p.m. Acting Judge Grubb further stated:

It seems to me that before the loudest of these organised, oft quoted, and sensationally reported critics are permitted wholly to confuse and to cloud the issue they might be well advised, in the interests of truth if nothing else, to ascertain the facts. In the first place, "temperance" cannot be equated with "prohibition". To campaign against the evils of the excessive consumption of alcoholic liquors is a good thing. A vast majority of the public would support and take part in any such campaign. On the other hand, to campaign for prohibition is, in this day and age, to shut one's eyes to the powerful lessons of history. Would anyone seriously suggest we should return to those days of prohibition and the rackets of boot-legging as experienced in the United States of America? Would anyone seriously suggest we should revert to the horrors of the pre-1967 licensing laws in South Australia? There was then, and is now, universal condemnation against the "six o'clock swill" of evil memory.

It seems to me, therefore, that for spokesmen of goodwill to say "We are quite opposed to the whole concept of hotel trading on Sunday" is curious, to say the least. Why do these men of goodwill rail only against the trading by hotels on Sunday? In my experience, not one such voice has been raised protesting against the fact of the enormous growth in the selling and consuming of liquor by club members in clubs, all over the State, on Sundays. What then is the evil to which these men of goodwill are so totally opposed? Not buying and drinking alcoholic liquors on a Sunday, but only buying and drinking alcoholic liquors in a hotel on a Sunday. An examination of the facts makes this selective opposition curiouser and curiouser.

As at the time of writing there are 185 licensed clubs and 756 "permit" clubs in this State. As far as the licensed clubs are concerned, slightly more than 87 per cent trade on Sundays and just over 57 per cent have hours of trading in excess of eight every Sunday. Of the section 67 permit clubs, just over 74 per cent trade on Sundays and more than 32 per cent trade for hours in in excess of eight every Sunday.

That summarises my sentiments on this question. I had certain views on the question of Sunday club trading when the 1967 amendment was introduced. When the amendment was passed I moved for hotels to be given the right to trade on Sundays. That motion was defeated. I moved it again, notwithstanding that it represented anything but a pragmatic approach to this whole question. I have not lobbied the matter with any member of my Party, but I believe that this point of view necessarily must be expressed, and I ask the Committee to view it not in a political way but to apply pragmatic reasoning to this type of operation. The amendment will allow a hotel to apply to the court for trading hours on Sundays, and the court will be able to examine the matter in the light of the public interest. It has been suggested to me that the hours should be from 12 a.m. to 8 p.m., and I am open to any suggestion in this respect. However, I suggest that the hours should be from midday to 7 p.m.

The licensee of one hotel in a certain part of the State telephoned me to say that there was no demand in that area for Sunday trading. He said he was fearful that, if one hotel remained open, all hotels in the area would have to do so. For that reason, it will be the court's responsibility to determine whether it would be in the public interest for a hotel in that area to remain open. It is correct to leave it up to the court to make such a determination.

The Hon. M. B. DAWKINS: The fact that I oppose the Hon. Mr. DeGaris's amendment must make everyone realise that politics is not involved in this matter and that the Council is examining the matter on its merits. The Hon. Mr. DeGaris said that I had said in my second reading speech that two wrongs do not make a right. He also said that he respected my views. I also respect the Leader's views, although I do not agree with him on this occasion. I realise the Leader's concern regarding the club situation; it is a concern that I share with him. However, I do not believe that this amendment will help matters in any way.

Reference has been made to Sunday drivers and the fact that we probably have more less competent drivers on the roads on Sundays. The Leader, when referring to the accident situation on the roads, said that the motor car and alcohol (combined, I take it) made the greatest single contribution to danger on the road, or something to that effect.

I accept that there is certain danger on the roads on Sundays. I think all honourable members would do so, as there are more less competent drivers on the roads on that day who do not drive on other days of the week. I ask the Leader how much more dangerous Sunday driving could become if we provided yet another avenue for the consumption of alcohol. I also intend to quote Acting Judge Grubb, who said:

To campaign against the evils of the excessive consumption—

and I am speaking about excessive consumption only—

of alcoholic liquors is a good thing. A vast majority of the public would support and take part in such a campaign.

I think that that is true. If it is, it means that the vast majority of the public is still responsible. I submit that the Leader's amendment provides a further avenue for the excessive consumption of liquor, which would almost certainly result in greater danger on the roads on Sundays than exists at present. I had made available to me only a few minutes ago a report which states that in more than 40 per cent of all road accidents the drivers involved had previously been consuming alcohol. I have not had time to check that statement, although I think it may be correct. If any honourable member is able to make a more accurate estimate or to correct the one to which I have referred, I should be pleased to accept it.

The Hon. R. C. DeGaris: I think it could be higher than that.

The Hon. M. B. DAWKINS: That may well be so. I accept that the Hon. Mr. DeGaris has moved his amendment in good faith, although I do not think that it will be a solution to the problem. Indeed, as I think that the reverse may apply, I must oppose the amendment.

The Hon. J. R. CORNWALL: I, too, must oppose the amendment. I do so not on political grounds but from a purely pragmatic point of view. In recent years we have seen a spectacular growth in the number of licensed clubs, and we have reached the position where there is a delicate balance between the number of clubs and the number of hotels operating. Contrary to what the Hon. Mr. DeGaris seemed to suggest, club standards are, by and large, excellent, particularly on weekends, when they provide meals.

The Hon. R. C. DeGaris: Do you mean that all of the 784 permit clubs supply meals?

The Hon. J. R. CORNWALL: I am merely stating that, by and large, the facilities in these clubs, which have a family-type atmosphere, are excellent. We have come a long way since there were illegal kegs in the sheds of football clubs on Sundays. The facilities in most licensed clubs vary from good to excellent, although a delicate balance is involved. I want to see that balance preserved.

I have spoken to many people regarding this matter, and there does not seem to be any demand for hotels to open on Sundays. Honourable members will recall that during the novelty period of the new licensing laws previously many hotels served counter lunches and teas on Sundays. However, they found that this did not pay, the service being too expensive and the cost too great. As a result, many hotels do not now provide this service.

From the inquiries I have made in the industry, it seems that neither the publicans in small hotels nor hotel employees want a bar of Sunday trading. I have spent some time speaking to hotel patrons, and it is significant that none of them wants extended trading hours on Sundays. It is possible, anyway, for those people to get a drink in civilised conditions at their local clubs on Sundays.

To carry this amendment would simply be to open Pandora's box, because one does not know where it will finish. All sorts of amendments could be carried. However, there is no demand for extended trading hours on Sundays. Small publicans do not want it, although maybe some of the larger hotels do. The employees do not want it, and the patrons neither need nor want it. On those pragmatic grounds I would strongly oppose the amendment.

The Hon. A. M. WHYTE: I oppose the amendment for the reasons I stated a while ago. I believe the Hon. Mr. DeGaris has partly based his amendment on the need for some publicans to be able to compete with the provisions that already allow clubs to trade during ridiculous hours on Sundays. I am mindful that when the Licensing Act was rewritten, the hoteliers at that time agreed that the hours granted to the clubs were a problem to them. However, there was not a publican who was prepared to come out and fight the big clubs, nor was there a political Party or a politician game enough to oppose the trading hours of the big sporting clubs, which indeed take a great deal of trade from hotels. Politically, that would not have been wise, and the hoteliers backed off.

As far as the trade was concerned, the hotel situated close to a sporting club was satisfied to some degree that it was able to sell the liquor to the club, but it was not happy that the club should be allowed to trade to the extent that it did. If we want to do something about that situation, we will have to look at the hours that are presently allotted to the clubs for trading. Any extension of bar hours to Sunday trading does not appeal to me; I believe there is no necessity for it. I agree entirely with upgrading provisions where the family may go and enjoy a meal and whatever liquor they wish to consume. However, the concept of Sunday trading in front bars does not appeal to me and I oppose the amendment for this reason.

The Hon. F. T. BLEVINS: I oppose this amendment for the same reasons that I opposed the shopping hours extension. My philosophy on this is much the same as that on shopping hours. If a hotel is open until 3 a.m. seven days a week and someone wishes to buy a drink and the employees are willing to work, I have no objection to that situation.

The Hon. M. B. Cameron: You are dictated to by the unions.

The Hon. F. T. BLEVINS: I am not dictated to by the unions. The problem I see with the amendment is the same as with the shopping hours Bill: there is no agreement on this proposal.

The Hon. M. B. Cameron: There was no agreement on 10 o'clock closing.

The Hon. F. T. BLEVINS: I was not here at that time.

The Hon. M. B. Cameron: Is there an agreement on midnight?

The Hon. F. T. BLEVINS: Yes. This Bill was arrived at after extensive discussions throughout the industry with both employers and employees. In the industry there is no agreement on the question of Sunday opening, and I regret that very much. Without knowing what the Government thinks about this, because it is a matter for the individual, I am certain that the Government also regrets that there is no agreement within the industry. From the surveys that one reads about, there is certainly no agreement in the community, either, on Sunday trading, and I also regret that.

I sincerely hope that the position will soon change and that a measure such as this can be introduced again, with no fuss whatsoever. I will be happy to support the provision as soon as the unions, the employers and the public are happy to go along with it. The unions have made the position perfectly clear: they have said at union meetings in May and August that they oppose Sunday trading. Mr. Dillon said that his union's policy had not changed. In a report in the *News* on November 16, 1976, he said:

The original motion was that the union refused to man bars other than those already allowed to open under the present licensing laws. It would only be optional trading for the hotels, not for our members, who would be asked or compelled to work on Sundays.

I think that is a statement of fact. The report continues:

It was the only day barmen could have with their families.

That is a perfectly reasonable proposition, and it is what the union is saying. The union represents the whole of the employees in the industry. Mr. Dillon went on to say that his members would probably call for a special meeting if optional trading were introduced.

The Hon. R. C. DeGaris: The amendment does not provide for optional trading.

The Hon. F. T. BLEVINS: No, all right. This amendment gives the court the right to allow a hotel to open. However, if it gets into trouble with the liquor trade, the trade may say that it will black ban the hotel; the employers and Mrs. Cooper's organisation may say, "We are not going to supply that hotel at all." That is not the situation I am prepared to support. As soon as there is agreement in the industry—

Members interjecting:

The Hon. F. T. BLEVINS: Concluding what I was reading from the *News*, Mr. Dillon also said:

"We opposed 10 o'clock closing when it came in, but it still came and it is operating all right."

The last paragraph of that article gives me some hope for the future. The liquor trade union is saying that, although it disagreed to it initially, it eventually came round to agreeing with the proposition. I hope it will also agree eventually to total optional trading.

Having worked for 20 years in a service industry, I appreciate that, if we work in such an industry, we must realise that it is a service industry. I did not like the hours I worked, but that was the kind of industry I was in. I was perfectly free to leave if I wanted to, and that applies to all service industries. If we are to be consistent and say, "In a service industry we will work from 9 o'clock to 5 o'clock, Monday to Friday", that should apply also to industries such as power and water supply. That is my opinion, but obviously it is not the opinion of the union. I know that the union has power, if this provision goes through, to disrupt the industry in the interests, as it sees fit, of its members. So I shall be voting against that; I would not like to see the chaos that would ensue. The sooner we get some kind of consensus of opinion on this and get some civilised shopping and drinking hours, which people want, the happier I shall be. I would support that but I oppose this amendment.

The Hon. M. B. CAMERON: I shall not support this amendment. I am content to be regarded as having an attitude that is "curiouser and curiouser", because I would find myself in a most peculiar situation if Parliament passed what I regard as an inconsistency. We have the situation today, as appeared from the second reading explanation on this Bill, about which I will talk when clause 9 is dealt with in either its amended or non-amended form, where we can see with interest whether any members of the Government, with this newly found freedom—

The Hon. F. T. Blevins: It is not newly found; it has always been the policy of the Australian Labor Party to have a free vote on such matters.

The Hon. M. B. CAMERON: —this newly found freedom—

The Hon. F. T. Blevins: You are repeating a lie.

The Hon. M. B. CAMERON: —within their Party will support this matter of extended hours. If any members on the Government side support this amendment, I shall be interested to see whether there is an inconsistency. If they vote for this amendment, they will be inconsistent after their attitude on the shopping hours legislation. If they agree to an extension of hours now, they should have agreed to an extension of shopping hours for a period before Christmas. Does the Hon. Mr. Blevins understand that? Sunday is a day on which surely it is possible for families to get togther. I agree with the Hon. Mr. DeGaris that there is a problem now that there are outlets from which people can get alcohol, but there are some restrictions: one has to join a club or take some steps to become a member of a club or be invited by a member of a club.

The Hon. J. E. Dunford: You have to pay your dues, too.

The Hon. M. B. CAMERON: One has to be invited by a member of a club and signed in as a visitor. At the moment a member can invite two visitors.

The Hon. R. C. DeGaris: No—five visitors.

The Hon. M. B. CAMERON: Yes—each member of a club can invite five visitors. People can also go along to the local hotel and obtain liquor; that is a much more widespread situation. I can see honourable members saying there is some inconsistency there, in that some outlets can sell liquor while some cannot. Perhaps we should consider some restriction on clubs, but that is another matter. This amendment I will not support.

The Hon. J. A. CARNIE: After the stream of opposition to which we have just listened, it is time someone spoke in favour of this amendment, which I intend to do. I fully support it. It is obvious from the Bill that I introduced last month that I am in favour of freer trading hours in most fields. I find it difficult to accept the reasoning of the Hon. Mr. Blevins on this matter; he comes from a country where both shops and hotels enjoy much more liberal hours than they do here.

The Hon. F. T. Blevins: I agree with that.

The Hon. J. A. CARNIE: Surely it is for Parliament to lead and not to follow. If the Hon. Mr. Blevins believes in these things, he should give a lead to the unions.

The Hon. F. T. Blevins: It is all by agreement in the United Kingdom; if there is some agreement with the employers and the employees, I will go along with that.

The Hon. J. A. CARNIE: The honourable member quoted an article in which the Federated Liquor and Allied Trades Unions were opposed to Sunday trading, but he omitted to mention a vote taken in at least one group of that union in the Riverland, which was totally in favour of Sunday trading. They said they would open if Sunday trading came in. The Hon. Mr. Blevins and the Hon. Mr. Cameron also said that Sunday is the one day that barmen can have with their families.

The Hon. F. T. Blevins: I did not say that: it is in the article in the paper.

The Hon. J. A. CARNIE: I accept that, but what about shift workers? Is he saying that we should close everything on Sunday so that everyone can go off with his family? That is an impossible and fallacious argument. There was also the point made that, if one hotel in a district opened, all hotels would be forced to open, resulting in there not being any profit. If there is no profit, they will not open, because hotels are businesses.

My main reason for supporting the trading hours I have mentioned is that there is an anomaly now, because clubs can open, for long periods in some cases, and there are about 1 000 clubs in the State. Clubs are usually a male preserve, whereas hotels are not. Couples and families can go to a hotel much more easily than they can go to a club. We are compounding the anomaly by this Bill in allowing wineries to open on Sunday and not allowing hotels to open. Clubs provide a good service. I think the Hon. Mr. Cornwall said that most of them provide lunch.

The Hon. J. R. Cornwall: No, I said some did on particular days.

The Hon. J. A. CARNIE: Not everyone belongs to a club. A member can take five persons in, but the member must have joined the club and paid the dues in order to do so. That is a restriction. An extract from a decision by Acting Judge Grubb has been referred to, and part of it states:

In my experience, not one such voice has been raised protesting against the fact of the enormous growth in the selling and consuming of liquor by club members in clubs, all over the State, on Sunday. What then is the evil to which these men of goodwill are so totally opposed? Not buying and drinking alcoholic liquors on a Sunday, but only buying and drinking alcoholic liquors in a hotel on a Sunday.

The anomaly is ridiculous. I support the amendment.

The Hon. J. E. DUNFORD: I believe that the amendment has been organised by the larger publicans and, to some extent, by the church groups. Some church groups would tell the Hon. Mr. DeGaris that, if he was going to allow hotels to open on Sunday, he should not allow them to open earlier than 12 noon. In other States, hotels open on Sunday and they are well conducted, not having the problems of drunkenness, violence and noise. They open from about 10 a.m. until about 1 p.m. or 1.30 p.m., and they open again from about 5 p.m. to about 7 p.m.

I do not support the amendment, because many people would be affected if it were carried. There would certainly not be an option and I do not believe that, except for extremely serious reasons, a court would decide that a hotel could not open. I do not believe that the public, the small publican, or the managers of small hotels want Sunday trading. If there is an exploited group, that group comprises the managers of some hotels.

The Hon. R. C. DeGaris: Would you agree that in certain areas, from the tourist industry point of view, hotels should open on Sunday?

The Hon. J. E. DUNFORD: I agree that that is important in certain tourist areas, but that can be done easily. A publican at Victor Harbor or Port Lincoln can get a permit for that for about $5. The Hon. Mr. Carnie has said that the Hon. Mr. Blevins did not give the true picture regarding some parts of the State. Meetings of workers in the industry at Whyalla, Port Augusta, Port Lincoln, Berri, and Victor Harbor decided that Sunday trading ought to go on, so there is some support for it by those who attended the meetings.

However, that is a small part of all the people in South Australia. It is not difficult for the big hotel monopolies to get the Hon. Mr. DeGaris to support Sunday trading, because those controlling the monopolies do not work in the hotels. The monopolies lease the hotels, and in some cases on bad terms. The most important people affected by the legislation are those who work in hotels. Generally, they now have their Sundays free with their families. The most important unit in society is the worker. The Hon. Mr. DeGaris believes that the opening of hotels on Sundays would be optional, but it would certainly not be optional for some workers. I am concerned about the question of industrial disputes.

The Hon. Mr. Carnie said that business people should be able to open their shops whenever they want to. However, I believe that the Government took the correct attitude during the recent debate on amending shopping hours. Trade union officials never like to see a large dispute, particularly before the Christmas period. And we must remember that, if this amendment is carried, it will cause industrial disputes and dissension in the trade union movement. At present, the barmen work for five days over a six-day period. On Sundays, barmen go to their clubs from 10 a.m. to midday, when they begin watching the sporting programme on television. Of course, if this amendment is carried, barmen will have to work on Sundays. Employers would tell the court that they wanted the barmen's conditions to be the same as those for back-of-the-house staff; that is, working five days over a seven-day period. The Hon. Mr. DeGaris has not considered this aspect. Because of his puritanical background, he wants hotels to open at mid-day on Sundays, instead of 10 a.m.

The Hon. Mr. Laidlaw said it was unfortunate that hotels were open at late hours on Friday and Saturday evenings, but I have not seen the kinds of happening to which he referred. Further, he said that people under 18 years of age must be restricted in connection with entering hotels, but I point out that many people on low incomes cannot afford babysitters. Are children to be locked in their parents' cars? No people exploit the workers more than do the industries represented by the Hon. Mr. Laidlaw, including the big hotel proprietors. The Hon. Mr. Carnie asked about shift workers who worked on Sundays, but I point out that some shift workers choose to work on Sundays; that is their lifestyle. The Hon. Mr. DeGaris is completely out of touch with reality, but he is completely in touch with the big publicans. I hope honourable members will reject this amendment.

The Hon. N. K. FOSTER: I oppose the amendment. My attitude toward the Hon. Mr. DeGaris is such that I cannot believe his submission is sincere. He has knocked the clubs on the basis that they have an advantage over hotels, but honourable members should recall that clubs like the Adelaide Club and the R.S.L. clubs had a privilege for many years. My heart bleeds for the Hon. Mr. DeGaris! He now finds, after all these years, that he has a conscience! In the early 1960's, when there was a 6 o'clock swill, he did absolutely nothing about it.

There has been no demand from within the industry for this amendment to be moved. The industry comprises not only employers and employees but also other ancillary organisations, and I will be satisfied regarding this matter only on the basis that a council within the industry examines all aspects involved. I agree with what the Hon. Mr. Blevins said: if people belong to a service industry, they should accept some responsibility in this respect. If they do not like it, they can leave the industry.

The Hon. Mr. DeGaris has moved this amendment solely because of political motivations and because he hopes to receive some publicity from it. He is also afraid that the clubs will get too strong. He seems to have forgotten that in many areas publicans do not miss out on the sale of liquor because of the existence of clubs. I urge honourable members not to be fooled or conned by the arguments used by the Hon. Mr. DeGaris.

The CHAIRMAN: Before a vote is taken on this amendment, I should state that the Hon. Mr. Dawkins has told me that he wishes to move an amendment to strike out all words in lines 6 to 10. This means that he is opposed to 12 o'clock closing and wants to leave it at 10 o'clock closing. I ask the Hon. Mr. DeGaris temporarily to withdraw his amendment so that the Committee can vote on the substantive issue first.

The Hon. R. C. DeGARIS: Very well, Sir. I seek leave temporarily to withdraw my amendment.

Leave granted; amendment temporarily withdrawn.

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

To strike out paragraph (*a*).

I apologise for not having had this amendment placed on honourable members' files. My amendment will bring the

situation back to that which obtains at present; in other words, 10 p.m. closing and not an extension of trading hours until midnight. Earlier, I quoted Acting Judge Grubb, who said that to campaign against the evils of the excessive consumption of alcoholic liquor is a good thing. He also said (and I hope he is correct) that the vast majority of the public would support and take part in any such campaign. I believe that this provision in the Bill, like the amendment that the Committee has just been debating, provides yet another avenue for the excessive consumption of liquor.

I am not opposed to the community's having a proper and democratic right to the facilities that are available under the Act at present. I am, however, opposed to an extension of licensing hours from 10 p.m. to midnight, as I do not believe that this is in the best interests of the community. If certain people go home at 10 p.m. and ill-treat their partners now, this could happen to an even greater extent later at night when those involved could be in a more advanced state of intoxication.

I believe that the extension of trading hours from 10 p.m. to midnight is objectionable to a large section of the community. It is not a good thing for the people of South Australia that this extension should be made. If my amendment is carried, we will return to the present situation. I move the amendment because I believe that it is in the best interests of South Australia as a whole.

The Hon. F. T. BLEVINS: I oppose the Hon. Mr. Dawkins's amendment. In the interests of consistency, I should say that this extension of trading hours has arisen because of an agreement made within the industry. The employees and employers are happy with it. There is no compulsion for anyone to go to any hotel between 10 p.m. and midnight if he does not want to. If the Hon. Mr. Dawkins wants to leave a hotel at 10 o'clock to go home, he can do so. I object to his attempt to restrict what other people can do. The public is on the receiving end in this matter. However, the employers and employees must provide the service and, to me, they are the most important people to consider.

The Hon. D. H. Laidlaw: There is no compulsion.

The Hon. F. T. BLEVINS: There is compulsion for them to work.

The CHAIRMAN: What if the employers and employees would not go beyond 6 p.m.?

The Hon. F. T. BLEVINS: I am pleased that you have entered into the debate, Sir. That is something that all honourable members have missed during the last 18 months since your elevation to the Chair. If the employees and employers said, "We will revert to 6 p.m. closing", that is their prerogative.

The CHAIRMAN: And you would support that?

The Hon. F. T. BLEVINS: I would support their right to do that. If the public wants hotels to stay open 24 hours a day, and the employers and employees agree to that, I would defend their right to do so. The decision should be left to those concerned. There is agreement between the parties to make trading hours more civilised, but the Hon. Mr. Dawkins opposes any civilisation at all. I oppose the amendment.

The Hon. T. M. CASEY: The Hon. Mr. Dawkins ought to be severely reprimanded for moving an amendment at this late stage; it should have been on file. I think it is a second thought on his part at this stage; it is a sort of compromise. What he is attempting to do is destroy the purpose of the Bill. If this provision is taken out, one may as well throw the whole Bill out, and all the negotiations that have taken place in the industry and between the parties will have been to no avail whatsoever. It has been mentioned by many speakers on both sides of the Chamber that this Bill in its present form does meet the requirements of the industry and the public, and I think honourable members appreciate this fact. The Hon. Mr. DeGaris has gone further so as to include Sunday trading, which the public does not want, anyway. I am sure honourable members do not want the purpose of the Bill defeated, and I oppose the amendment.

The Hon. M. B. CAMERON: I do not intend to support the amendment. I find it strange that the Government has introduced this Bill, as I said in my second reading speech, after its attitude to the extension of shopping hours. After knocking a Bill out to introduce late night shopping on four nights in the period prior to Christmas, I find the Government totally inconsistent in now introducing this Bill, although I am not indicating my lack of support for the measure. It is important that a Government is seen to be consistent. The Minister has just said that this is what the public wants and that the Government is introducing the Bill because it is what the public wants. I remember the Hon. Mr. Carnie being abused because he had not established what the public wanted in relation to shopping hours. I can remember the Minister of Health in somewhat hysterical fashion asking the Hon. Mr. Carnie how he knew what the public wanted. I want to know from the Minister of Lands how he knows what the public wants in this case. How has he arrived at this? I can tell him that the public wanted Friday night shopping, so if he is going to introduce licensing provisions on this basis why did he not agree to introducing shopping hours provisions on a similar basis?

The Hon. T. M. Casey: If you sit down, I'll tell you.

The Hon. M. B. CAMERON: When I have finished. This is an industry not for everyone but for the drinking members of the community only, whereas the shopping hours question is for everyone.

The Hon. T. M. CASEY: In order to satisfy the honourable member who has asked me a question let me point out to him that I am not the Minister responsible for introducing this Bill in this Parliament; I am the Minister responsible for introducing it in this Chamber. The provision relating to the extension of trading hours until midnight is an optional one. The whole State has been canvassed, and many hotels have indicated that they would like to remain open until midnight.

The Hon. J. C. Burdett: How many?

The Hon. T. M. CASEY: I do not know; I do not have the figures. This has been conveyed to me. Other hotels do not wish to open until midnight, and it is completely optional.

The Hon. J. C. Burdett: Not in practice.

The Hon. T. M. CASEY: Yes it is. In this Chamber there are not many members who can speak from experience in the hotel industry, but I can. I think I know a little more about hotels than the honourable member who just resumed his seat. I never liked working late in hotels. I do not think many hotels will remain open until midnight (on Monday, Tuesday, Wednesday and Thursday,) but nevertheless the option is there if a particular area demands it. I do not see anything wrong with that at all.

The Hon. D. H. LAIDLAW: The Minister said—

Members interjecting:

The CHAIRMAN: I would ask honourable members to cease asking questions across the Chamber.

The Hon. D. H. LAIDLAW: The Minister said that the purpose of this clause is to cater for people outside. I would like to ask whether he has considered the owners of houses near licensed premises, especially those large licensed premises in the northern part of Adelaide, and whether he thinks he has catered for those people in extending drinking hours from 10 p.m. until midnight.

In my second reading speech I said I was very much against the extension of hours from 10 o'clock until midnight from Monday to Thursday, because I believe increasing drunkenness is most evident on Friday and Saturday nights when these hotels are open until midnight.

The Minister said that the Hon. Mr. Dawkins was out of place in moving his amendment so late, and for having just thought of it. I referred to this matter in the second reading debate and, indeed, I would have moved an amendment if I had realised that it was in order to do so.

The Hon. T. M. CASEY: I sympathise with the honourable member when he talks about the increasing noise, etc., that could be caused not only on Friday and Saturday nights, as at present, but also on other nights if hotels are allowed to open until midnight. He has an amendment on file which I am only too happy to accept.

The Hon. M. B. CAMERON: When I was speaking recently, the Minister rudely interrupted me and said, "Do you want me to answer your question?" He attempted to stop me speaking; he was damned rude.

The Hon. J. R. Cornwall: What did you reply?

The Hon. M. B. CAMERON: I said I would let him answer the question when I had finished, and then I sat down and got no answer to my question. The Minister said that the public wanted the change. I asked him how he had arrived at this conclusion, having already arrived at another conclusion on another Bill, and the only answer I got was that the whole State had been canvassed through the hotels. Is that the only way to establish public demand for a change? If so, that is an amazing change considering the attitude the Government took on another measure. I ask the Minister again: how did you arrive at this public demand?

The Hon. T. M. CASEY: In the first place, a Gallup poll was not taken, if that is what the honourable member is looking for.

The Hon. M. B. Cameron: Would that not be worthwhile?

The Hon. T. M. CASEY: I suppose it would be, but in this case it was not done, but the areas were canvassed by the hotels. We can get a broad picture of public feeling by this method; I am sure the honourable member finds it at election time when he goes on a pub crawl to buy beers for the boys to get votes.

Members interjecting:

The Hon. T. M. CASEY: The honourable member started to talk nonsense, so I am giving him a bit of nonsense back, because it comes within the same ambit. Hotels do not have to open until midnight: they can go back to 8 o'clock, if they so wish.

The Hon. J. C. Burdett: Was public opinion sampled?

The Hon. T. M. CASEY: I understand the people were asked—

The Hon. J. C. Burdett: Do you mean the patrons or the public?

The Hon. T. M. CASEY: The patrons.

The Hon. J. C. Burdett: The public were not asked?

The Hon. T. M. CASEY: We would need a public poll for that. The same could be said of Sunday trading. I understand that one of the television stations carried out a quick survey of about 800 people and discovered that close on 60 per cent would not have a bar of Sunday trading, and only 35 per cent were in favour of it. Is that a guide? It was not a Gallup poll but that survey was carried out. I am not suggesting for one moment that the canvassing of the hotels throughout the State covered even something similar to what was covered by the television station but, from the information gathered, in some areas there was a desire to extend the trading hours until midnight; but it is still optional, and hotels can revert to 8 o'clock, if they like; it is as simple as that.

The Hon. M. B. DAWKINS: The Minister and I have been friends for about 14 or 15 years. The honourable gentleman has spent nine years in another place and six years in this place, and he said I must be severely reprimanded for moving an amendment at this time without putting it on the file. I apologised for that, but the Minister knows as well as I do that it is competent for a person to move an amendment without its being on the file. Of course, it is courtesy, if an honourable member has the time, to put it on file, but this amendment does not need to be put on the file. It does not provide for words to be added—it is merely a matter of striking out four lines in the Bill. Also of course—

The Hon. J. C. Burdett: You mentioned this in your second reading speech.

The Hon. M. B. DAWKINS: Yes; the Minister could not have been paying attention at the time. He says that the public wants this change. I intended to ask him how he knew that, but he has since made it obvious that he does not really know that the public wants this change; no real effort has been made to find out whether or not it wants the change.

We know that many people will have to work from 10 p.m. to midnight as a result of this change because, as the Hon. Mr. Whyte said, if one hotel opens, others will have to follow suit, because of competition. Many hotels will have to do this. I have not had a single letter asking for this change. I presume that, if there had been a great demand for such a change, honourable members would probably have been inundated with letters asking for hotels to be open from 10 p.m. to midnight. My amendment puts things back to where they were at 10 o'clock closing. It is proper and democratic that the community should have facilities available to them as they stand at present under the licensing legislation, and my amendment provides for this.

The Hon. R. C. DeGaris: I ask the Hon. Mr. Dawkins whether he agrees that there should be optional trading hours up to 10 p.m. or whether hotels will be forced to remain open until 10 o'clock.

The Hon. M. B. DAWKINS: Striking out paragraph (*a*) does not interfere in any way with paragraph (*g*). I think that answers the Hon. Mr. DeGaris's question.

The Hon. M. B. CAMERON: Perhaps I should direct a question to the Hon. Mr. Dawkins on this; it relates to the answer given by the Minister. It would appear that as a result of a so-called pub crawl by either himself or someone else, the Government arrived at the conclusion that patrons of the hotels wanted them open from 10 p.m. to midnight. That is an extraordinary state of affairs. A properly conducted survey on shopping hours established that 72 per cent wanted an extension. However, that was not acceptable. I ask the Hon. Mr. Dawkins whether he thinks that this is not an inconsistent attitude, and probably one thing motivating him to move the amendment.

The Hon. M. B. DAWKINS: I think the Hon. Mr. Cameron is correct in saying that it is an inconsistent attitude. I support late shopping on one night a week, as I believe the public has a right to have that facility.

The Hon. M. B. Cameron: The people want that.

The Hon. M. B. DAWKINS: Yes, and that has been established properly, but the clamour in regard to the hotel hours has not been like that.

The Hon. J. R. CORNWALL: Does the mover of the amendment believe that restricted hours result in restricted drinking or, conversely, that opening for the 24 hours of the day on the seven days of the week would mean that people would drink until they fell? Further, does he believe that increasing the supply would increase the demand? Finally, does he think that the social drinkers in the State have a bottomless pocket? Workers have only a certain amount to spend on liquor. If the answer to the questions, particularly the first one, is "Yes", does the Hon. Mr. Dawkins think that prohibition may be the answer to the 300 000 alcoholics in this country?

The Hon. M. B. DAWKINS: I think the first question related to the extension of hours. The extension from 6 o'clock did lead to a more civilised form of drinking but it is not good to extend the hours from 10 o'clock until midnight.

The Hon. J. R. Cornwall: Do restricted hours result in restricted drinking?

The Hon. M. B. DAWKINS: The amount of drinking between 10 o'clock and midnight may not be much greater, but on balance it is not good to extend the hours. Regarding prohibition, I certainly do not think prohibition would be a good thing.

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

Ayes (5)—The Hons. J. C. Burdett, M. B. Dawkins (teller), R. C. DeGaris, D. H. Laidlaw, and A. M. Whyte.

Noes (15)—The Hons. D. H. L. Banfield, F. T. Blevins, M. B. Cameron, J. A. Carnie, T. M. Casey (teller), B. A. Chatterton, Jessie Cooper, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, R. A. Geddes, C. M. Hill, Anne Levy, and C. J. Sumner.

The CHAIRMAN: I am pleased to announce a majority of 10 for the Noes.

Amendment thus negatived.

The CHAIRMAN: The Hon. Mr. DeGaris can now conclude the debate on his amendment.

The Hon. R. C. DeGARIS: I am disappointed that the Minister has not expressed a view on my amendment. I understand that the Attorney-General has made public statements supporting that view. Most of the speeches opposing the amendment have had nothing to do with the principles that I have enunciated. Unlike the Hon. Mr. Dunford, I am not influenced by the church groups, the Australian Hotels Association, or any other group. Did the Hon. Mr. Foster say something?

The CHAIRMAN: I did not hear him.

The Hon. N. K. Foster: I ought to say it, though.

The Hon. R. C. DeGARIS: What has been said by many members has imputed to me motives that do not exist. I stated my case clearly and I repeated the point that had been made by the Licensing Court. What I proposed was a recommendation of the Royal Commission in 1967, and at that time I moved a motion in line with the recommendation. However, the only contribution that honourable members have made has been one imputing improper motives to me.

The Hon. M. B. Dawkins: You are referring to members opposite, are you?

The Hon. R. C. DeGARIS: Yes. I refer particularly to the contributions to the debate of the Hon. Mr. Dunford and the Hon. Mr. Foster. The Hon. Mr. Foster alleged that some honourable members sat in this Chamber for years and years but did nothing about 6 o'clock closing. I point out that, if it had not been for a Liberal Party resolution which was passed by Parliament, we probably would not have 10 o'clock closing today. In connection with the question of driving and alcohol, I disagree with the viewpoint of the Hon. Mr. Dawkins. About 1 000 clubs operate on Sundays, and everyone who goes to those clubs drives there. I stress that, under my amendment, a hotel keeper must apply to the court, which will then examine the application and make a decision in the public interest. With these safeguards, the amendment is reasonable. The Hon. Mr. Dunford admitted that, in areas with a tourist potential, Sunday trading is absolutely essential, yet he will vote against the amendment.

The Hon. N. K. Foster: Can you define the term "public interest"?

The Hon. R. C. DeGARIS: It is a common term that is understood by the court. Only after completing all the procedures to which I have referred will a hotel be able to trade on Sundays for some hours between mid-day and 7 p.m. We have heard much from the Government about the tourist industry in this State but, because of trade union pressure, some honourable members opposite will vote against this amendment. Will the Minister of Lands state the viewpoint of the Minister responsible for administering this legislation?

The Hon. J. A. CARNIE: The Minister stressed that opening until 12 midnight on Fridays and Saturdays was optional for hotels. Actually, opening on Sundays will be optional, too.

The Hon. R. C. DeGaris: It is stricter than that.

The Hon. J. A. CARNIE: Yes, but it will still be optional. The court has to examine the application and, if the application is approved, the hotel does not have to open for the full time allowed. A hotel could decide to open between mid-day and 4 p.m. or between 2 p.m. and 6 p.m.; or it could choose not to open at all. So, the Minister is inconsistent. The Hon. Mr. Foster asked for a definition of the term "public interest". I ask him: is opening of hotels until midnight on Fridays and Saturdays in the public interest?

The Hon. N. K. Foster: I did not say that. I will give the true picture in a minute.

The Hon. J. A. CARNIE: I am sorry I have provoked the honourable member. The Minister referred to a survey of hotels and patrons. Will he also do a survey of shops, and will he ask customers what they want in connection with shopping hours?

The Hon. N. K. FOSTER: If anyone can define the term "public interest", I shall be grateful.

The Hon. R. A. GEDDES: I can state the intent of the term. At Victor Harbor during the Christmas season, when there are many tourists, a hotel could apply for Sunday trading because it would be in the public interest. In connection with a rowing event at Murray Bridge during a long weekend, the local hotels could apply for Sunday trading in the public interest. The same kind of situation could apply in the summer to hotels along the beach front. So, the court could not capriciously accept any application

from a hotel for Sunday trading. The hotel keeper would have to show that it was not only a matter of the passing trade: there would have to be a case based on the public interest.

The Hon. R. C. DeGARIS: I again invite the Minister to comment on my amendment.

The Hon. T. M. CASEY: It is not really necessary for me to reply, because it is open to each honourable member to decide which way he will vote; this Bill is not a matter of Government policy. In reply to the Leader's request that I say publicly what I think about Sunday trading, I have no hesitation in saying that I do not favour it.

The Hon. R. C. DeGaris: What about clubs?

The Hon. T. M. CASEY: If we took away club trading we would close down sporting activities throughout the State. I am in favour of Sunday club trading, as I see nothing wrong with that. It provides community spirit. Without the income obtained, clubs would not exist. Clubs have to buy their liquor from hotels or a wholesale licence depending on the circumstances and hotels obtain a cut, although it is not the same as they would normally get. Both areas are serviced and, if that satisfies the Leader, I am willing to go along with it.

The Committee divided on the Hon. R. C. DeGaris's amendment:

Ayes (5)—The Hons. J. A. Carnie, Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, and D. H. Laidlaw.

Noes (14)—The Hons. D. H. L. Banfield, F. T. Blevins, J. C. Burdett, M. B. Cameron, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, M. B. Dawkins, J. E. Dunford, N. K. Foster, C. M. Hill, C. J. Sumner, and A. M. Whyte.

Majority of 9 for the Noes.

Amendment thus negatived.

The Hon. T. M. CASEY: I move:

Page 4—after line 25 insert paragraph as follows:
(f1) by striking out subsection (2);

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clauses 10 to 12 passed.

Clause 13—"Vigneron's licence."

The Hon. M. B. DAWKINS: I oppose this clause. I am not in favour of wineries being able to sell wine on Sunday. It is not a good thing, and wineries are not in favour of this provision.

The Hon. F. T. Blevins: Yesterday you said you had friends in wineries.

The Hon. M. B. DAWKINS: And I went to the trouble to determine that they did not want this measure. I have only just received a letter, which I was asked to make available to honourable members, and this seems to be my only opportunity to refer to it. It deals with this clause and states:

We write to you on the assumption that the Bill for "Extended Licences" for hotels and wineries has not yet passed through the Legislative Council. As citizens of this State it is our belief that no good for us or any other member of the community can come from hotels and wineries being granted Sunday trading. Recent reports made available, of which you will also be aware, state that in more than 40 per cent of all road accidents the driver has been previously consuming alcohol. At the present moment, Sunday is still the safest time to be on the road, despite the "Sunday drivers". From a Christian point of view, it is objectionable that Sunday can become even less respected than it already has. From a citizen's point of view, it is terribly sad that Sunday, traditionally a family day, can in some families be destroyed in this way.

These facts and more are probably well known to you, but we urge you to convey our concern to fellow members of the Legislative Council so that all members will consider the proposed legislation, placing the overall well-being of the people of this State before all else.

Yours faithfully,
Mr. and Mrs. Brian D. Hern

Basically, I agree with that letter. It is unnecessary to provide for wineries to trade on Sundays. It is unfortunate that I cannot agree with the Hon. Mr. Hill—

The Hon. C. M. Hill: Have those people an interest in a winery?

The Hon. M. B. DAWKINS: I do not know, but I should think not. I oppose the clause.

The Hon. T. M. CASEY: The honourable member should have opposed clause 12. By opposing this clause he is covering only vignerons, and holders of distillers' and shopkeepers' licences can still trade. Because of his inconsistency the honourable member will split the capacity of these different groups in wine areas to trade on Sundays. Therefore, I oppose the honourable member's suggestion.

The Hon. R. C. DeGARIS: I am amazed at the Government's attitude. It absolutely opposed the idea of Sunday trading in hotels, which are licensed to serve the public, yet it asks the Committee to support this clause.

Clause passed.

Clauses 14 to 17 passed.

New clause 17a—"Objections to licences and renewals."

The Hon. D. H. LAIDLAW: I move to insert the following new clause:

17a. Section 48 of the principal Act is amended—
(*a*) by inserting after subparagraph (*c*) of paragraph (1) the following subparagraph:—
(*ca*) that—
(i) the quiet of the locality in which the premises are situated will be disturbed;
or
(ii) the owners or occupiers of premises in the locality will be adversely affected to an unreasonable extent,
if the application is granted;
and
(*b*) by striking out subparagraph (*b*) of paragraph (2)."

The wording of this amendment is almost identical to that of section 48 (2) (*b*) of the Act, which provides that the licensing authority, when considering the granting of a new licence, shall take into account whether a granting of that licence will affect the quiet of the locality, or whether the owners or occupiers of premises in the locality will be affected to an unreasonable extent. I want this provision to apply to all applications, be they applications for new licences or renewals of existing licences, that come before the court.

As I said in the second reading debate, the owners of nearby houses or home units are being adversely affected by the enormous amount of noise emanating from some hotels. Some people are frightened to go on the streets at night, and cars are being damaged near hotels. I stress that this probably happens at less than 10 per cent of licenced premises. I ask honourable members to support my amendment, which will act as a reasonable safeguard for people living near licensed premises.

The Hon. T. M. CASEY: As indicated, I am pleased to support the amendment.

New clause inserted.

Clauses 18 to 21 passed.

Clause 22—"Power of company to hold licence."

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

Page 9—

Lines 17 and 18—Leave out paragraph (*b*) and insert paragraph as follows:—

"(*b*) in the case of a company (being a proprietary company or an unlisted company) that holds, or is an applicant for, a licence of a prescribed class—he is a shareholder in the company."

Lines 19 to 22—Leave out subsection (8).

After line 33—Insert subsection as follows:—

"(11) In this section—

'licence of a prescribed class' means a licence of any of the following classes:—

(*a*) full publican's licence;
(*b*) limited publican's licence;
(*c*) retail storekeeper's licence;
(*d*) wine licence;
(*e*) club licence;
(*f*) restaurant licence;
(*g*) cabaret licence;
or
(*h*) theatre licence:

'unlisted company' means a public company whose shares are not offered for sale on any stock exchange in Australia."

As I said during the second reading debate, there is a serious flaw in this clause, which is all-embracing and which covers all forms of licence. Although some problem may need to be catered for regarding a full publican's licence or any other licence, I do not believe that there is a need to have this wide dragnet clause, which applies to all types of licence. The first amendment inserts new paragraph (*b*) in section 82 (7), whereas the third amendment inserts new subsection (11) in section 82. That new subsection lists the licences covered by the phrase "licence of a prescribed class". It also inserts a definition of "unlisted company". This will go a long way towards removing the imposition on certain proprietary companies. I do not think I need to name them but, as honourable members know, there are in South Australia many prominent wine companies which have world-wide reputations, and which will be affected by this justifiable amendment.

The Hon. T. M. CASEY: I am pleased to be able to accept the amendments.

Amendments carried; clause as amended passed.

Clauses 23 and 24 passed.

Clause 25—"Age limit for persons to be on licensed premises."

The Hon. D. H. LAIDLAW: I move:

Page 10, line 16—Leave out "bar-room of a prescribed class" and insert "prescribed bar-room in prescribed premises".

This amendment deals with the prohibition on youths under the age of 18 years from either entering a prescribed bar-room or obtaining and consuming liquor on licensed premises. As this subsection is presently worded it provides:

any person under the age of eighteen years—
(*a*) who enters any bar-room of a prescribed class;
(*b*) who obtains or attempts to obtain any liquor from a person on licensed premises;
or
(*c*) who consumes liquor on licensed premises,
shall be guilty of an offence.

I think this is too inflexible. As I interpret that it means if the licensing authorities decide to prescribe a room as a "bar-room" it would be a bar-room, public bar or saloon bar in all hotels throughout the State. The amendment provides for a prescribed bar-room in prescribed premises. We know of small country hotels where one room has been done up and there may be a screen dividing the activities in one room. Under the present clause as I interpret it, if one describes it as a bar-room it would stop one from taking his children to one end of it to have lunch while travelling in the country. The larger hotels in the city are completely different. I ask honourable members to support this amendment because I think it leads to greater flexibility and leads to a better control of section 153.

The Hon. T. M. CASEY: Whilst I can sympathise with the honourable member, and I know what he is trying to do, I think it is administratively impossible. If you are going to leave out "bar-room of a prescribed class" and insert "prescribed bar-room in prescribed premises" you could have prescribed premises, not necessarily a hotel, and you would have to prescribe a bar-room in those premises. I think you are asking for something which is going to be very difficult to do administratively. You are going to tie the hands of the Licensing Court and the officers of the court because they would have to canvass every room in every licensed premise.

The Hon. R. C. DeGaris: They do that now.

The Hon. T. M. CASEY: Not to that extent. You would have to go and classify every room that is in a licensed premise.

The CHAIRMAN: It says every bar-room.

The Hon. T. M. CASEY: They might have a bar in a room. You have to go into the room to see if a bar is in it. I think you are going to make a monster administratively out of this amendment if it is carried.

The CHAIRMAN: Would not there be some advantage in the Hon. Mr. Laidlaw's amendment, if it is carried, in that a notice could be put on the door of the prescribed bar-room saying that the bar-room is forbidden for people other than those over 18 years of age?

The Hon. T. M. CASEY: I think that is done now. In some places a notice goes up saying that if you are under 18 you cannot be served.

The Hon. R. A. GEDDES: I listened to the Minister's argument when he said it would be too hard from an administrative point of view. I want to advise the Minister that licenses for bowling clubs and golf clubs already have these prescribed conditions written into them. When you are at the Wirrabara Bowls Club, and I have seen a similar notice at the Jamestown, Booleroo, Port Pirie and Peterborough clubs, a notice spells out where people can drink. When they have big tournaments and the club room is not big enough to contain all the visitors the court grants permits to drink outside, again within prescribed areas. At the Wirrabara Bowls Club it says, "within the chained area on the western side of the club rooms".

In sporting clubs there are certain prescribed areas where people can drink. It does not, however, define the age limit. The applicants every year apply to the court for a renewal of their licence and the court always spells out where people can drink. It will say "on the verandah" and "not off the verandah" for bowls clubs, or within the walls of the bowls club, and the court is already doing what the Hon. Mr. Laidlaw is saying should be done. The Hon. Mr. Laidlaw also referred to country hotels where possibly the total drinking and entertaining areas are in one room.

There are instances, and the Minister would be familiar with them, where there is a lounge room and a bar-room, but nowadays because of the problem of labour there is only one room being serviced, and that is the bar-room. The case could arise where young children come in under the control of their parents to have a convivial drink but because the only area where the public are served is a

bar-room they would be guilty of an offence. This is particularly so on Friday and Saturday. There is much to commend this amendment. I could name at least eight instances in the North where the court has specified in sporting clubs where members can drink, and it is not always within the four walls of the club room.

The Hon. D. H. LAIDLAW: With respect to the Minister, I think he has misinterpreted the purpose of the amendment. The last thing I wanted to do was to create extra administrative problems. I do think though that, if the subsection as drafted goes through, it could cause much embarrassment and inconvenience to a number of genuine travellers. I do not think every licensed premise would have to be nominated. It could well be done under this amendment in groups. There could be special groups and you would be able to retain a certain flexibility. I ask the Minister to reconsider his attitude.

The Hon. T. M. CASEY: Under the circumstances we are prepared to give it a go and see whether it does work smoothly. We are prepared to accept the amendment.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 10, after line 23—Insert—

"(*aa*) any person in the company of another person of or over the age of eighteen years;"

Clause 25 amends section 153 of the Act and provides that anyone under the age of 18 years will be guilty of an offence if he enters a bar-room of a prescribed class. New subsection (4) provides:

Paragraph (*a*) of subsection (3) of this section does not apply to (*a*) any excepted person; or (*b*) any person of a class exempted by regulation from the provisions of that paragraph.

I understand from the Minister that these exemptions are to permit people like newsboys and newsgirls to enter hotel bars and similar places when selling newspapers.

The Hon. R. A. Geddes: I am sympathetic to the new provision but they would not be accompanied by someone over the age of 18.

The Hon. ANNE LEVY: They would be covered by the exempted persons currently mentioned under subsection (4) (*a*); that is the aim of that subsection. The amendment on file in my name is to insert a further exemption in subsection (4) as an exception to subsection (3) (*a*). It is to the effect that a person under the age of 18 will not commit an offence if he enters a bar-room in the company of another person of or over the age of 18.

At the moment, in South Australia, we have no provision in our laws to prevent minors entering any part of licensed premises, although they are prohibited from purchasing or consuming alcohol in public. Parents at the moment are free to take their children into a hotel as part of a family outing—the parents having a beer while their children have a soft drink. New subsection (3) (*a*), unless my amendment is carried, will change the situation and will make it much more like the position in New South Wales, where minors are not allowed to go into licensed premises. Having visited Sydney on many occasions, I do not want to emulate the experience of New South Wales in this matter. So often in Sydney I have seen cars near hotels, the children of the family being left alone in the car while the parents are drinking in hotels; or, alternatively, the mother and children are left in the car while father goes into an all-male atmosphere for a drink, occasionally emerging with a beer for mother, which he thrusts through the car window.

This seems to me to be totally uncivilised, the sort of behaviour we do not want here. If we do not remedy the situation, we shall be taking a backward step into the nineteenth century. It is not the modern approach to the drinking laws as embodied in all other sections of our South Australian licensing laws.

I have had pointed out to me the situation (probably not common but nevertheless it occurs) of someone finding a small toddler inside a tree guard outside a hotel, while the parents went inside. This person was looking around for the parents and, when they emerged from the hotel, they said, "What are you doing with our child? We put it there for safety." Leaving unattended children in tree guards while parents go into hotels is not behaviour that should be encouraged. If children are not allowed into hotels with their parents, this sort of thing will increase in frequency.

The CHAIRMAN: The amendment is to allow minors into bars, not into hotels.

The Hon. ANNE LEVY: But, under the Bill, if parents choose to go into bars, they cannot take their children with them. I am not suggesting that parents, as opposed to people without children, have to go in; we leave the parents with the choice as to what part of the hotel they will consume their drink in. If they are to leave their children in a tree guard, it seems to me, regretful though it is, that we should not be preventing them from taking their children wherever they wish to take them.

Particularly, it will lead to neglect of children, which will be one of the effects of the new subsection, unless amended. I appreciate that one of the reasons for the introduction of subsection (3) (*a*) was the problem of drinking in hotels by minors. In some places, this may indeed be a problem, but we are surely taking the wrong approach towards solving this problem.

There are plenty of avenues currently available under the Licensing Act to prevent minors drinking alcohol on licensed premises: the publican or the barman may not serve alcohol to minors; he may ask any person, regardless of age, to leave the premises, and he can call in the police to enforce this expulsion. If minors drinking alcohol in bars is a problem, it can well be corrected by applying the current provisions of the Act. We do not need a new provision. Particularly as subsection (3) (*a*) stands, if my amendment is not carried, minors will still be able to go to other areas of the hotel and, if they are able to obtain alcohol illegally in the bar, they will be, presumably, able to obtain liquor illegally in other areas. Cutting off one part of the hotel from them will not solve the problem of minors drinking in bars.

If we are really concerned about this problem, the existing provisions should be enforced strictly; we do not need this new provision which, I think, is really like throwing the baby out with the bathwater. It will not do much towards solving the problem; it will create many new undesirable problems. My amendment will mean that, under the law, minors will be able to enter bar-rooms, provided that they are accompanied by an adult, but minors unaccompanied by an adult will legally not be able to enter a bar.

I should like to give a few examples of what I regard as perfectly civilised and responsible behaviour, which will overnight become criminal acts if my amendment is not accepted. When this new subsection (3) (*a*) was first mooted, I was telephoned by a gentleman who told me that he is in the habit of taking his nephew to the football every Saturday. On the way home, they always stop briefly at a

hotel, where the uncle has a beer with his friends and the nephew has a coke.

The Hon. J. C. Burdett: In the bar?

The Hon. ANNE LEVY: Yes, in the bar of the hotel. What is wrong with this practice? It seems to me absurd to suggest that this happy and convivial practice should, by a stroke of the pen, suddenly become illegal. It is no answer to say that the uncle can take his nephew into the lounge, because his friends are in the bar. The uncle would be more likely to leave the nephew outside, or deny himself a drink with his friends. This pleasant activity should not become criminal. Another example that has been cited to me concerns parents with children aged about 17 years to 19 years. Not only are the parents accustomed to taking their children on family outings when they go to any part of the hotel: many boys of 19 years have girlfriends who are 17 years of age. Why should it suddenly become illegal for such a couple to go into a bar so that the girl can have a soft drink and the boy can have whatever he chooses? Why should these young people not congregate with their friends?

We should not create offences out of the pleasant and civilised use of alcoholic beverages. I considered moving an amendment to delete new subsection (3) (*a*), but, if there is a problem of minors drinking in hotels, as I accept that there is in some respects, perhaps it is desirable to have the provision and make provision for exception for minors accompanied by an adult, so that people such as those to whom I have referred can continue behaviour that is far from anti-social. We should encourage family use of hotels, not discourage it as we will be doing if the amendment is not carried.

The Hon. J. A. CARNIE: The amendment seems to me to nullify the whole Bill. The matter of families wanting to take children to hotels has occurred to me, but we must weigh that against the problem of minors drinking in hotel bars. Probably, the provision in the Bill has been inserted at the request of the police, who have said that the only way they can adequately police the matter of minors drinking in bars is to not allow them in there. If two under-age persons are drinking in a bar with a group of others and the police arrive, one of the group will say "police" and those who are under age will put their drinks away before the police get into the bar.

The Hon. Anne Levy: Why push them from one room to the other? That will not solve the problem.

The Hon. J. A. CARNIE: On balance, I must oppose the amendment.

The Hon. JESSIE COOPER: I oppose the amendment. Children, from the moment of birth, are learning from those about them. It has been said that, in their early consciousness, they look upon these large figures, who are usually fawning over them, as their slaves, but gradually they learn that these figures provide more than the food and comfort in plenty to help them progress in crawling, walking and speaking. Gradually the children begin to copy actions, habits of speech, and so on, and this process continues for many years. As the parent, so the child.

When the children become teenagers, they are always in a hurry to be regarded as independent, mature, and, in a term, completely grown-up. Their habits are formed largely in the first place by observation of their elders. When we come to this very worrying new social development of teenage drinking, surely we must face a moment of truth. Example is the greatest of all seducers. To allow children into hotel bars, to my mind, is completely stupid and culpable. The problem of drinking among the young is receiving much attention in other States, and I believe that the South Australian Government is becoming aware of this problem.

At the end of September, the New South Wales Minister of Justice, when speaking at the opening of the Liquor Retailing Exhibition, foreshadowed Government action to control under-age drinking. He said that there had been much adverse publicity about teenage drinking. If public disquiet continued to increase, he said, Governments would have to do something. A survey conducted among 2 741 New South Wales schoolchildren by the Child Health Committee of the New South Wales Education Advisory Council revealed that 41 per cent had had alcohol before the age of 11 years, and 72 per cent had had it by the age of 14 years.

The Hon. Anne Levy: But that is at home.

The Hon. JESSIE COOPER: I will develop that. About 13·4 per cent of those aged between 12 and 14 years claimed to drink in hotels at least once a month.

The Hon. J. E. Dunford: Without the guardian?

The Hon. JESSIE COOPER: Yes. Nearly 19 per cent of boys aged between 16 years and 17 years and 7·5 per cent of girls drank in hotels more than once a week. Almost one-third of those surveyed claimed to be regular hotel drinkers, but only eight out of the 2 741 studied were of the legal drinking age of 18 years. In October, the Headmaster of Xavier College, Melbourne, asked all parents to observe strict control over the use of alcohol in their homes, because of the drink problem among teenagers. He said, "Surprisingly, it is more prevalent in the 14-year to 15-year age group than in the senior years."

In Queensland, a major study made in 1974 aimed at checking the effectiveness of drug and alcohol education programmes given to high school students and at investigating the relationship of personal and social backgrounds with the use of alcohol and drugs. The first report from that study came out in July, 1975; the second was being prepared; and a third report was in the final stages of preparation. I refer to a statement made to the Queensland Parliament in October. The Queensland Minister of Education said that there was evidence of the widespread use of alcohol in school-age children. Further, he said that the use of alcohol by school-age children ranged from a declared use by 31·2 per cent of grade 6 children to 83·3 per cent of grade 12 children. I therefore feel that we are now faced with making a decision that will affect countless children in this State. I feel that I, for one, cannot support the concept of children being allowed into hotel bars accompanied or unaccompanied.

The Hon. N. K. FOSTER: I wish to refer to the principal bars in Sydney, particularly those near Wynyard station. The Menzies Hotel has many bars. On Thursday afternoons and Friday afternoons and during the lunch hours on those days it is impossible to get standing room when under-age kids come from offices to these bars; they ask seniors to get drinks for them. Of course, the barmen say that they are satisfied that the people they are actually serving are of the required age. In these circumstances it is difficult or impossible to police the situation. It is not simply a question of what the law provides; rather, the size of the bars and the type of service provided are conducive to 12-year-old and 13-year-old kids getting liquor in these circumstances.

The Hon. JESSIE COOPER: That is just what I have been saying; that is my point. The Minister of Justice in

New South Wales said that something would have to be done. I complimented this Government on trying to do something, but the Hon. Mr. Foster did not listen.

The Hon. J. E. DUNFORD: I support the amendment. On this occasion I am in agreement, in one respect, with the Hon. Jessie Cooper. As responsible people we do not like to see children drinking in bars. Unless the amendment is carried, many people will be affected. I refer to the parents of children, especially unmarried mothers, working wives, deserted and estranged wives, unmarried fathers, fathers without partners, widows, widowers, and women without partners. In Australia the hotel is a historical meeting place, especially in small country towns. In suburban hotels it is noticeable that parents in the groups to which I have referred take their children with them.

The Hon. Anne Levy made a telling point, saying "What do we do about the children?" Usually, the children are taken to the hotel, especially if a meeting with the other parent is arranged at that venue. These children are unlike those referred to by the Minister of Justice, because they are with their parent, guardian, or some responsible person. The Hon. Mr. Laidlaw referred to some sort of division for people under the age of 18 years. During my travels I have often been asked by a publican to bring my wife and children into a bar—it is a widespread practice.

The Hon. A. M. Whyte: The Hon. Mr. Laidlaw's amendment fixed that.

The Hon. J. E. DUNFORD: The Hon. Mr. Laidlaw is usually astute but, from the way he talked about hotels, I wonder whether he has even been in one. The amendment affords children between 12 years of age and 14 years of age protection from drinking. Children in 1976 still take notice of their parents and any warning to be careful of drinking, but they will not take notice of parents who are not present. The argument advanced by the Hon. Jessie Cooper supports the acceptance of the amendment.

The Hon. J. C. BURDETT: I am afraid that I cannot support the amendment. The Hon. Miss Levy did not pay sufficient attention to the fact that proposed new section 153 (3) applies only to prescribed bar areas. The matter has been made even more flexible by the Hon. Mr. Laidlaw's amendment, which has been carried. In country and other hotels where there is only one bar-room, the whole premises need not be prescribed. I cannot see how the Bill as it stands and proposed new section 153 (3) will create any problems in relation to parents taking children into hotels. Parents could take their children into the saloon or lounge, where they would be much better off than they would be in the bar.

The Hon. Anne Levy: That is a paternalistic attitude: that is telling parents what they have to do.

The Hon. J. C. BURDETT: My attitude is paternalistic because I am a father. I should like to give an example of the kind of behaviour that the Bill is trying to prevent. It is really aimed at teenage drinking. Although this may seem to be an extreme example, it does occur. At present, a 16-year-old or 17-year-old person can go into a bar-room and stand up at the bar. That bar might be crowded, and the youth could buy a drink and, therefore, be drinking illegally in the bar-room. If a policeman enters the bar-room, the word goes around and, if the youth steps a metre back from the bar, there is no way of proving that he has been drinking. This is the practice that is being aimed at and, if this amendment is carried, that kind of behaviour will still be almost impossible to prove and stop.

The Hon. ANNE LEVY: I cannot accept what the Hon. Mr. Burdett is saying. The Hon. Mrs. Cooper has given the lie to this. In New South Wales, minors are not allowed in bars, yet we have heard the Hon. Mrs. Cooper, the Hon. Mr. Foster and many other honourable members saying there is much teenage drinking in New South Wales. I am not condoning teenage drinking in any way: I am merely pointing out that this clause will not solve the problem. We will have to find other means of doing that. However, it will create a whole lot of new problems.

I do not accept the view that we here should prescribe into which rooms in hotels parents should take their children. They should have the freedom to decide that for themselves. We should be encouraging the sensible use of alcohol in the community and that, to me, means a sensible family use of alcohol. This is the most civilised way of coping with any alcohol problem. It is the trend throughout the world. We must not throw the baby out with the bath water. We should be encouraging families to conduct their social activities as a unit.

The Hon. J. C. Burdett: They could go into the lounge.

The Hon. ANNE LEVY: I object to that, because, in the first place, it costs more. Not everyone has the kind of income that members of Parliament have.

The CHAIRMAN: It costs more all along the line to be a parent.

The Hon. ANNE LEVY: I agree, but we need not make parents pay more by making them go into the lounge. If a family group goes to the hotel and sees friends in the bar, a choice must be made between going into the bar with their friends, leaving the children in the car, or going with the children into the lounge and not enjoying the social and convivial atmosphere with their friends. Many parents would choose the lounge and many would not. I do not think we should make it necessary for people to have to make a choice.

The Hon. C. M. Hill: What about the licensees? Shouldn't their wishes be considered? They would be happier with the children in the lounge rather than in the bar.

The Hon. ANNE LEVY: I do not think the licensee is concerned about babes in arms or children from five years to 10 years. He may be concerned with the 16-year-old who is going into a bar and drinking, but he could do more about it himself if he wished.

The Hon. C. M. Hill: No.

The Hon. ANNE LEVY: Whether he wishes to or not, the existing provision will not solve the problems. It will not achieve what people opposite and on this side would like it to achieve. It is creating many completely unnecessary problems in the process.

The Hon. M. B. CAMERON: I support the amendment. I think a somewhat irrelevant issue has been introduced into the whole idea associated with this amendment, and perhaps for proper reasons, but I do not think that, by my support of the amendment, I am increasing teenage drinking. I reject that thought entirely. Closing down perhaps one bar-room in a hotel and shifting teenagers to another is not going to stop them drinking, if that is what is hoped. There are bars in other parts of hotels. There are saloon bars and bars in lounges. I do not see that we are achieving much by the amendment put in by the Government in this Bill.

The Hon. J. E. Dunford: Move for lower prices in lounges.

The Hon. M. B. CAMERON: That is a good point, and one of importance to families. Alcohol is an expensive commodity nowadays, and I know that cuts in costs would be appreciated.

The Hon. D. H. Laidlaw: What about the Prices Commissioner?

The Hon. J. E. Dunford: It will cost three times as much in some of the lounges in Victoria. You believe in price control deep down.

The Hon. M. B. CAMERON: The inconsistency of the argument was highlighted by the admission of the Hon. Mr. Carnie that he was being inconsistent.

The Hon. J. A. Carnie: You have put words into my mouth.

The Hon. M. B. CAMERON: People should get away from the emotional issue of teenage drinking and consider this matter on its merits. All we are doing is shifting people from one bar to another, which will achieve nothing. I ask honourable members to consider that point when they come to vote.

The Hon. A. M. WHYTE: The Hon. Anne Levy is concerned that the family should be allowed the privilege of going into a hotel bar. If that is the case, why did she not stipulate that the person accompanying minors should be a relative or guardian, if she wanted to bring the family issue into it?

The Hon. ANNE LEVY: I agree, but I considered my own case. I often go out on a Saturday afternoon with my children and we stop and have a drink. They are often accompanied by one of their school mates. In no way can I be regarded as the parent or guardian of friends of my children. That would be covered by my amendment. The only way was to provide that minors should be in the company of an adult. I am mainly concerned with parents and guardians, but there are other instances.

The Committee divided on the amendment:

Ayes (8)—The Hons. F. T. Blevins, M. B. Cameron, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy (teller), and C. J. Sumner.

Noes (11)—The Hons. D. H. L. Banfield, J. C. Burdett, J. A. Carnie, T. M. Casey, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes (teller), C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Majority of 3 for the Noes.

Amendment thus negatived; clause as amended passed.

Clause 26 and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN HEALTH COMMISSION BILL

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference to be held in the Legislative Council Conference Room at 9.15 a.m. on Monday, November 22, at which it would be represented by the Hons. D. H. L. Banfield, J. C. Burdett, J. R. Cornwall, R. C. DeGaris, and C. M. Hill.

ADJOURNMENT

At 6.8 p.m. the Council adjourned until Tuesday, November 23, at 2.15 p.m.