

*Joint Committee on the
Australian Capital Territory*

**REPORT ON
SUNDAY OBSERVANCE IN
THE AUSTRALIAN CAPITAL TERRITORY**

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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THE AUSTRALIAN CAPITAL TERRITORY**

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RECOMMENDATIONS

A. PRINCIPAL RECOMMENDATIONS

The Committee recommends that:

1. The *Theatres and Public Halls Ordinance* 1928-1968 be amended to permit public entertainment and public meetings to take place on Sundays on the same conditions as any other day of the week. (Paragraph 51)
2. Whilst this amendment is being effected the Minister should approve such requests for the relaxation of the Ordinance as are consistent with the foregoing recommendation. (Paragraph 51)
3. Legislation be enacted to provide against compulsory employment of any person in the capacity of an employee on a Sunday and, further, providing that refusal to work on Sunday should not prejudice employment. (Paragraph 61)
4. The *Liquor Ordinance* 1929-1968 be amended to provide for Sunday trading in hotel lounges and bars between the hours of 11 a.m. to 1 p.m. and 4.30 p.m. to 6.30 p.m. and, further, that permission be granted to serve liquor with meals in hotel dining rooms on Sundays between the hours of 12 noon to 2 p.m. and 6.30 p.m. to 11 p.m. (Paragraph 95)
5. Consideration be given to the introduction of taverns or licensed non-residential hotels in the A.C.T. free to trade on the same basis as hotels. (Paragraph 95)
6. The sale and the consumption of liquor in restaurants in the A.C.T. terminate at 12 midnight on Saturdays and at 11 p.m. on Sundays. (Paragraph 100)
7. The *Liquor Ordinance* 1929-1968 be amended to permit the sale of liquor by licensed grocers on Sundays in the A.C.T. (Paragraph 104)
8. Whilst entertainment may continue on unlicensed premises, the sale and the consumption of liquor by special permit should terminate at 12 midnight on Saturday nights. (Paragraph 109)
9. The *A.C.T. Liquor Ordinance* 1929-1968 be amended to provide for liquor booth licences for Sundays for fairs, races, shows and sporting events, but to prohibit the sale and the consumption of liquor in other than clearly defined licensed areas. (Paragraph 110)

B. OTHER RECOMMENDATIONS

The Committee further recommends that:

1. The Imperial Statutes identified in Paragraph 37 be repealed. (Paragraph 37)
2. Those matters for which it is necessary to legislate for Sunday Observance in the A.C.T. should be contained in the ordinances related to the subject matter rather than to Sunday, with ready access to the law as it relates to Sunday ensured by means of complete and easy cross references within the relevant ordinances. (Paragraph 43)

3. The *Trading Hours Ordinance* 1962-1968 be amended to permit the sale of such goods as souvenirs, art work, postcards and stationery.

Further the Ordinance be amended to permit cafes, restaurants and shops (selling exempt goods) to display and trade in pedestrian and plaza areas immediately adjacent to their ordinary premises, without making permanent fixtures or fittings and without creating any hazard or offence to persons or authorised vehicular transport or jeopardising urban amenity. (Paragraph 56)

4. The Department of the Interior endeavour to allocate recreational ground facilities to groups or associations with special needs to ensure a fair availability to those desiring to use them on a Sunday. (Paragraph 71)
5. The *Racecourse Ordinance* 1935-1970 be amended to permit Sunday racing but specifically to preclude the Sunday operation of any form of off-course betting facilities. (Paragraph 74)
6. The prohibition against carrying of firearms on Sundays should be removed. (Paragraph 78)
7. Where the principles of faith of particular church groups require Sunday celebrations on unlicensed premises at which liquor is desired, special permits terminating the consumption of liquor at 11 p.m. may be issued to the particular church leader upon application. (Paragraph 107)

JOINT COMMITTEE ON THE AUSTRALIAN CAPITAL TERRITORY

1. The Committee was appointed for the life of the 27th Parliament by Resolutions of the House of Representatives and the Senate on 25 November 1969. It was first appointed by Resolutions of both Houses of Parliament on 8 November 1956 and re-appointed in succeeding Parliaments.

2. The duties of the Committee are to:

- (a) examine and report on all proposals for modifications or variations of the plan of lay-out of the City of Canberra and its environs published in the *Commonwealth of Australia Gazette* on the nineteenth day of November 1925, as previously modified or varied, which are referred to the Committee by the Minister for the Interior; and
- (b) examine and report on such other matters relating to the Australian Capital Territory as may be referred to the Committee by the Minister for the Interior.

3. PERSONNEL OF THE COMMITTEE

Chairman Senator John E. Marriott

Deputy Chairman .. Mr F. M. Daly, M.P.

Members Senator D. M. Devitt

Senator C. R. Maunsell

Senator R. G. Withers¹

Senator G. Hannan¹

Senator B. R. Milliner

Mr K. E. Enderby, M.P.²

Mr E. M. C. Fox, M.P.

Mr J. M. Hallett, M.P.

¹ Senator Withers withdrew from the Committee and Senator G. Hannan was appointed on 18 February 1971.

² Mr Enderby took his place on the Committee on 10 August 1970 vice Mr J. R. Fraser, deceased.

JOINT COMMITTEE ON THE AUSTRALIAN CAPITAL
TERRITORY

**REPORT ON SUNDAY OBSERVANCE
IN THE
AUSTRALIAN CAPITAL TERRITORY**

I. THE INQUIRY

1. On 7 May 1970 in a letter to the Committee, the then Minister for the Interior, the Hon. P. J. Nixon, M.P., requested that, 'in order that the administration of the Australian Capital Territory may comprehend and make provision for the needs of the community on Sundays and bearing in mind the traditional philosophy which has underlain legislative policy, the Committee inquire into and report upon Sunday observance in respect of the following:

- (1) Does the existing law and administrative practice relating to Sunday meet the wants and needs of the community? Is trading, employment, recreation or other social activity on Sunday being unduly or adequately restricted by the observance of present practices?
- (2) What changes, if any, are recommended in:
 - (i) administrative practice;
 - (ii) the law?
- (3) Are any special considerations required to meet the particular wants or needs of a group or groups within the community on a day other than Sunday?

2. The Committee agreed to undertake the Inquiry and notified the Minister of this intention on 19 May 1970.

3. When the Committee agreed to undertake the Inquiry criticisms were made that more important issues required attention and there was no evidence of any great concern or anxiety about Sunday observance in the Canberra community.

4. However, the Minister observed in his letter conveying the request for the Sunday Observance Inquiry to be undertaken, that 'there has been within the Territory since the end of World War II a gradual erosion of the traditional acceptance and observance of Sunday as a day of limited commercial and sporting activity. This has come about without the guidance of any objective statement of principle', with the exception of that identified by the Joint Committee in its 1958 Report on Trading Hours in Canberra. The Minister said he was 'concerned with this ad hoc development which may or may not reflect community views and needs'.

5. The Committee undertook the Inquiry, also, because of the absence of other formal means of assessing the opinions of Canberra residents and of gauging the needs of visitors.

6. Further, the matter is of consequence and affects all individuals in Canberra on Sundays in an era of social re-evaluation.

7. Finally, the Committee's findings in this matter may have some interest for other Australian communities as has been the case with other Inquiries it has undertaken.

8. In the course of the Inquiry all nine public hearings were held in Canberra, resulting in 972 pages of evidence from 52 witnesses (see Appendix A) and 64 written submissions. The latter fell into the following categories—religious (24), sporting (11), liquor trading (8), retail trading (2), sociological (6), cultural (3), political and industrial (4) and miscellaneous (6).

9. The Committee made an inspection of the range of facilities and places in Canberra intended to cater for the needs of those in Canberra on a Sunday.

II. INTRODUCTORY

10. Despite an initial slow response to the invitation for submissions, the Committee has been pleased with the interest shown in the Inquiry, together with the number and quality of submissions and the diversity of interests represented. From the evidence tendered it has been possible to consider a range of attitudes which reflect the Canberra community's views on Sunday observance in the Australian Capital Territory.

III. GENERAL

11. The derivation and history of Sunday observance is as old as Christendom. The dual observance of Sunday in Australia, including the A.C.T., as a day of worship and as a day of rest finds its basis in inherited British Statutes and practices of the 17th and 18th centuries. The Committee has had the benefit of historical overviews in the U.K. Royal Commission 1964 on Sunday Observance, the Reports of The Tasmanian Board of Inquiry 1968, and the submission of the Department of the Interior. In addition, documents contained in the Committee's records have provided valuable background material for the preparation of this Report. (see Appendix C)

Religious and Secular Views

12. The Committee received evidence broadly divided into that representing those who view Sunday as essentially a day of worship and rest and that representing the secular view which considers Sunday as a day for the enjoyment of leisure. The need to preserve family group activities was common in all evidence presented.

13. Witnesses, representing both groups in the community, presented evidence demonstrating, for the Canberra community, freedom from conflict in the varying observance of Canberra Sundays. The Committee concluded, therefore, that there is no real incompatibility between behaviour which is said to typify the secular view and that which exemplifies the religious view of Sunday observance.

14. Indeed, as the Inquiry proceeded, it became manifest that observance of religious practices during one part of Sunday by individuals and groups does not preclude the use of different hours on the same day by those same persons and groups for secular pursuits.

15. Evidence indicated that 15 per cent of the A.C.T. community are regular churchgoers. But it would be wrong to conclude that some of this 15 per cent do not also use Sunday in other ways. Nor could the Committee conclude that the remaining 85 per cent never go to church and that they all spend Sundays in pursuits which necessarily excluded church attendance and worship.

16. It is obvious, therefore, that Sunday is observed in a variety of ways and the same individual can, without affront to his convictions, engage in a variety of activities reflecting differing viewpoints in the community.

17. Community attitudes change, priorities alter and surviving institutions adapt to these changes. Evidence indicated to the Committee that where in the past the law had given priority to the religious observance of Sunday, in 1970 the community's priority is more that of the enjoyment of leisure.

18. It was pointed out that declining attendance at churches do not necessarily mean that fewer people observe religious practices, or that the churches' role in the eyes of society is a diminishing one.

19. Evidence from representatives of the major churches demonstrated a minority view indicated by the Salvation Army on the one hand and a majority view represented by views of the other denominations.

20. The witness for the Salvation Army spoke strongly in favour of the retention of Sunday as the Lord's Day. He said—

' . . . there is still a very responsible group of people in the world who consider it to be a day of sanctity and it is the Lord's Day and not just a day of rest, relaxation and sport . . . the commercial world and sporting world have taken it over completely and any further relaxation of church services or pushing them back to accommodate the other thing that has been thrust into Sunday, to me, is obnoxious.'

21. Evidence from representatives of other denominations contrasts with this view. In varying words the representatives of the Church of England, Methodist, Presbyterian, Baptist and Roman Catholic churches led the Committee to conclude that the majority of churches accepted a change in the law so that it ceases to be protective in the sense of preserving privilege.

22. One of these witnesses said—

' . . . our point of view here is not a narrow religious one but is more a secular point of view in that we see Sunday for the benefit of the whole community. . . . Whether it be for family life, for leisure, for the opportunity for people to enjoy worship unhindered, Sunday should be kept as a special or different day.'

Another said—

' . . . if social conditions do change, the Church sees her role as adapting her service to people, providing for their religious development, and so forth, in the new situation.'

Another said—

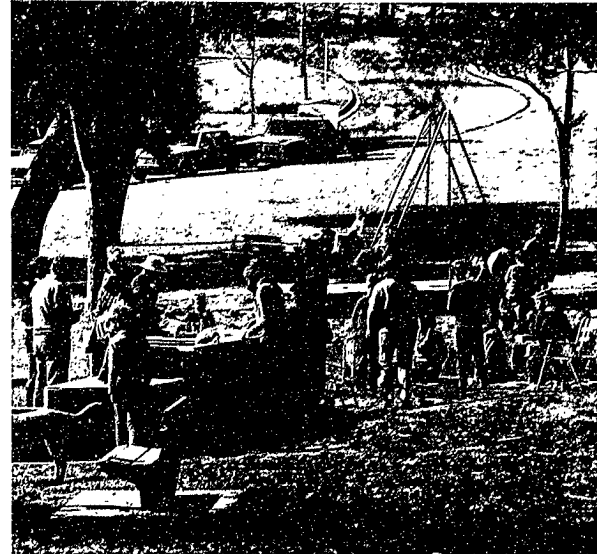
' . . . We see the Christian church today as a minority group within the community. We also see that the situation has changed from what it has been in previous generations when the church more or less looked to the community to impose its standards upon the community and expected the community to accept them.'



The Cotter River reserve about 20 miles from Canberra city.



Family recreation facilities, often centred on lake-side attractions, abound in the A.C.T. with a wide variety of sites.



Recreation reserve within two miles of the city centre.

23. The majority of groups saw Sunday as a day of relaxation with the individual free to relax as he wished within the limits of restrictions applying on other days of the week. This is particularly true of those who attend church services infrequently, those whose religion places no special significance on Sunday and those who do not adhere to any particular faith.

24. Evidence from secular groups in the community illustrated a desire for change in the law relating to various Sunday activities. The need for change was expressed by sporting, cultural, entertainment and other recreational interests in the community.

25. Groups interested in the relaxation of certain Sunday laws, were all of the opinion that the right to worship or to conduct any religious observance without interference, was unquestionable.

26. A typical secular view was that—

'much of the value and enjoyment of Sunday as a holiday for the community is destroyed by the denial to the community of the right to attend places of entertainment and to avail themselves of a wide range of community services.'

Special features of the A.C.T. community

27. Evidence emphasised distinctive features which differentiate the A.C.T. community from others, and the Committee concluded that these differences lead to particular social needs.

28. The Committee found the most relevant of these features to be:
- (a) a significantly higher proportion of Canberra residents is in the under 25 years age group, than is typical of other Australian cities;
 - (b) the majority of the population has come from outside the A.C.T. and has arrived since 1960;
 - (c) a relative lack of close community affinity and identity arising from the fact that few residents were born here and many leave their family to come here, thus causing a break in traditional family ties and familiar environment;
 - (d) residents of hostels comprise approximately 10 per cent of the Canberra population and young single persons predominate;
 - (e) the significant and increasing number of visitors to the National Capital already exceeding 1 million per annum.

29. The unusually large proportion of young, unmarried A.C.T. people residing in hostels is an aspect which the Committee feels requires special consideration. Such persons have no home activities or family responsibilities. The Committee has observed that the facilities of the National Capital provide excellent opportunities for outings, gatherings, picnicking and motor trips, more likely to satisfy the needs of families than young people.

30. Evidence was given of the 'weekend exodus' from Canberra of young people (see Appendix B). Whatever the reasons, the Committee whilst recognising the generous provision of recreational facilities for family groups, advocates the greater availability of facilities to cater for the needs of these young people.

31. An aspect of the A.C.T. community which received the Committee's attention, was that of the large number of visitors and tourists. Visitors are attracted to Canberra as:

- the National Capital,
- the centre of administration and government,
- a national and international conference centre,
- a centre of tertiary education,
- a centre for research and promotion of the Arts,
- the home of important defence establishments,

all of which will ensure the continuing increase of the number of visitors.

32. The Committee finds the number of visitors and tourists to be large enough to warrant special consideration for the provision of suitable amenities and facilities on Sundays, and is confident the influx will continue to grow.

Conclusion

33. The Committee was influenced by the views of most churches that they do not wish to stand on privilege. It has noted the churches' recognition of a changing society and the general view of their role in that society. The majority view expressed in evidence by the churches suggests that change must be accepted provided the right to religious observance is maintained without undue interference, and that change is seen to be in the interest of the community.

34. The views on Sunday observance expressed by the secular groups are considered not as being opposed to religious observance but as indicating a need for fewer restrictions.

35. The principle upon which the Committee has based its conclusions and recommendations is that the law and its administration in the A.C.T. should recognise the rights and responsibilities of persons and organisations to pursue in a satisfying variety of ways, activities consistent with observation of the day as one of spiritual, social and physical recreation and the enjoyment of leisure.

IV. LEGISLATION

36. Section 125 of the Constitution provides for the establishment of the A.C.T. and states that the National Capital 'shall be in the State of New South Wales'. The Seat of Government Acceptance Act operating in the A.C.T. as from 1 January 1911, makes much of the New South Wales law in force prior to that date, applicable in the A.C.T. In addition some Commonwealth Statutes, together with ordinances and regulations, make up the legal framework of the Territory.

37. Imperial Statutes inherited in New South Wales and, consequently, by the A.C.T. include Sunday Observance Acts of 1625, 1627, 1677 and 1780. These Statutes could be said to have nominal application only and for all practical purposes have been ignored and, therefore, the Committee recommends that they be repealed.

38. For practical purposes the present law is based on three major A.C.T. ordinances and some lesser ones, viz:

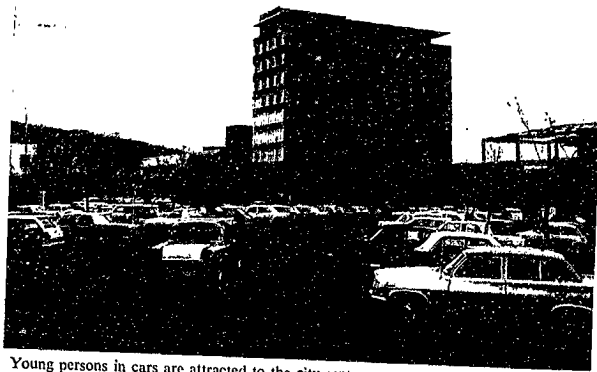
- *Theatres and Public Halls Ordinance 1928-1968*
- *Trading Hours Ordinance 1962-1968*
- *Liquor Ordinance 1929-1968.*

Other ordinances which contain provisions relating to Sunday and which came under investigation by the Committee, are the *Police Offences Ordinance 1930-1967* and the *Racecourses Ordinance 1935-1970.*

39. An examination of these ordinances and the areas of concern which were brought to the Committee's attention, are detailed later in this Report.



Canberra is a car-reliant community with young people taking advantage of provision for vehicles.



Young persons in cars are attracted to the city centre.



The 'weekend exodus' from Canberra may be explained partly by the large number of youthful car owners.

The States

40. The Committee found wide differences in the provisions of Sunday law throughout Australia and in the setting out of this law by the States. However, all appear to have dealt with the question of restriction of activities on Sunday in major areas such as entertainment, sport, employment and trading. The Tasmanian Act 1968 is probably the most comprehensive legal treatment on the observance of Sunday of all the States of Australia.

41. The principal Acts or Regulations which apply to Sunday activities in the States are:

New South Wales—*Sunday Entertainment Act 1966*

Victoria—*Sunday Entertainment Act 1967*

Tasmania—*Sunday Observance Act 1968*

Queensland—*Ordinances of the Brisbane City Council—Chapter 16*

South Australia—*Places of Public Entertainment Act 1967*

Western Australia—*Police Act 1967*

Conclusion

42. The Committee makes no comment as to relative merits of these various treatments of the law, except to say that some provisions in the legislation of the States contain features which could be adopted in the A.C.T. to the community's advantage.

43. The law in the A.C.T. is not vested in a single ordinance as is that of some States and the Committee finds no gain but perhaps disadvantage, in consolidating A.C.T. law relating to Sunday into one ordinance. A general community attitude to Sunday can be discerned but the issues which have been drawn out in evidence are separate and should be treated within the context of their respective ordinances. For these reasons the Committee recommends that those matters for which it is necessary to legislate for Sunday Observance in the A.C.T. should be contained in the ordinances related to the subject matter rather than to Sunday, with ready access to the law as it relates to Sunday ensured by means of complete and easy cross references within the relevant ordinances.

V. ENTERTAINMENT AND FACILITIES

44. The provisions relating to the conduct of entertainment or meetings on Sunday are to be found in the *Theatres and Public Halls Ordinance 1928-1968*. The ordinance makes certain definitions:

'Public entertainment' includes any exhibition, performance, lecture, amusement, game or sport admission to which may be procured by payment of money, or by any other means as the price or condition of admission.

'Public meeting' means assemblage of persons for any public purpose of a political, religious, charitable or intellectual nature, to which admission may be procured either upon or without the payment of money, or by ticket or by any other means, but does not include an assemblage of persons for religious worship only.

Public entertainments and meetings are not to be held on Sundays except as provided for in sub-section (2) of section 27 which states:

(2) The last preceding sub-section does not apply to—

- (a) a public entertainment consisting of the screening of motion films that commence to be held after half past twelve o'clock in the afternoon on a Sunday; or
- (b) a public entertainment or a public meeting—
 - (i) that is held for a charitable purpose or is of a religious, educational, cultural or sporting nature; and
 - (ii) that commences to be held after half past twelve o'clock in the afternoon on a Sunday; or
- (c) any other public entertainment or public meeting the holding of which is authorised in writing by the Minister.

45. The legislation in each of the States is broadly consistent with the A.C.T. definitions and provisions relating to public entertainment. A liberalisation of the law relating particularly to Sunday morning activity, can be noted in recent legislation enacted in some States.

46. The Committee finds that there is a need in the A.C.T. to provide more facilities and to permit the greater use of existing facilities without restriction as to time for cinemas, concerts, public speaking, musical, theatrical, drama, and other such cultural and entertainment activities.

47. The Committee finds that some Sunday activities are unduly restricted. Therefore, it considers that if an activity is of a religious, educational, cultural or entertainment nature within the meaning of the Ordinance, there is no reason why it should not be allowed prior to 12.30 p.m.

48. Similarly, the Committee sees no objection to the conduct of public meetings, whether they be of a religious, educational, cultural or sporting nature or for any other purpose, on Sunday provided there is no conflict with the general law applicable to any other day of the week.

49. In Chapter VIII of this Report the Committee has made an examination of problems peculiar to the conduct of sporting activities on Sunday prior to 12.30 p.m.

50. The Committee has noted the range of amenities available for Sunday activity and has received evidence relating to a need for such additional facilities as a music bowl and an indoor recreation centre. The Committee supports these and other proposals for extending the range of facilities available for the enjoyment of leisure.

Conclusion

51. The Committee finds the A.C.T. Theatres and Public Halls Ordinance to be unnecessarily restrictive in providing the Minister with discretionary power to refuse permission for some public meetings and public entertainment to be held on Sundays. In recommending changes in the Ordinance, the Committee wishes to provide opportunities for the unhindered enjoyment of leisure on Sundays consistent with the principle identified in paragraph 35. **It recommends that the Theatres and Public Halls Ordinance 1928-1968 be amended to permit public entertainment and public meetings to take place on Sundays on the same conditions as on any other day of the week.**

It is further recommended that, whilst this amendment is being effected, the Minister should approve such requests for relaxation of the Ordinance as are consistent with the foregoing recommendation.

VI. TRADING

52. The Committee has examined the provisions relating to trading on Sunday and notes that the operative Ordinance, the *Trading Hours Ordinance 1962-1968* was largely based on the 1958 Report of the Joint Committee on the A.C.T. on Trading Hours in Canberra.

53. Sections 6 and 7 of the Ordinance permit the sale of certain goods on Sundays but the Committee finds that there is need for this permission to be extended to include a wider range of goods.

54. The evidence showed a desire for the relaxation of restrictions on trading on Sunday, particularly in respect of liquor, though there was no evidence to suggest that the restrictions on the sale of general merchandise, such as consumer durables, should be relaxed.

55. Throughout the Inquiry reference was made to the concept of a 'Continental Sunday', some witnesses urging recommendations giving effect to this concept in the A.C.T. as a contribution to brighter Sundays. Whilst the Committee is sympathetic to what it believes to be the implications of these views, it has been unable to derive from any source nor define to its own satisfaction the precise meaning of the term. Evidence suggests that facilities such as open air cafes, the use of attractively furnished plazas and pedestrian areas in the city and suburban shopping centres together with the sale of a wider range of goods than at present permitted, would contribute to an atmosphere consistent with the need for brighter Sundays and with the wants of residents and visitors.

Conclusion

56. In recommending changes in the Ordinance to give effect to the foregoing, the Committee sees as appropriate the sufficient relaxation of restrictions on Sunday trading as would permit entrepreneurs, restaurateurs and the like to create a colourful and attractive environment conducive to the enjoyment, relaxation and convenience of the A.C.T. community on Sundays.

It is recommended that the Trading Hours Ordinance 1962-1968 be amended to permit the sale of such goods as souvenirs, art work, postcards and stationery.

It is recommended that the Trading Hours Ordinance 1962-1968 be amended, restaurants and shops (selling exempt goods) to display and trade in pedestrian and plaza areas immediately adjacent to their ordinary premises, without making permanent fixtures or fittings and without creating any hazard or offence to persons or authorised vehicular transport or jeopardising urban amenity.

VII. EMPLOYMENT

57. Industrial legislation in the A.C.T. is provided in 39 awards derived from Commonwealth Conciliation and Arbitration Acts 1904-1969. These awards include the overtime rates, working conditions and the hours of employment for Sunday work. Most of the awards make provision for Sunday work subject to overtime payment conditions which vary slightly from award to award. In some cases, as in the Hairdressers' Award and the Bakers and Bread Sales Personnel Awards, Sunday work is prohibited.

58. The need for people to work on Sundays for the service of the community is a subject to which the Committee gave a good deal of consideration. There are essential services for which people are required to work on Sunday and for which they are compensated by way of extra wages or extra leisure time. Evidence convinced the Committee of the desire for a limitation on employment on Sunday ensuring the maximum possible use by the community of the day of rest. In recommending the extension of services and facilities on Sunday the Committee has been mindful of the implications this may have in the employment sector. In many cases Sunday work is performed by proprietors, part-time and/or casual employees.

59. The Committee has noted that penalty rates of pay for Sunday employment have a twofold effect. The payment of penalty rates was designed to deter employers from carrying out work on Sunday and to act as a compensation for those giving up the general day of rest. Paradoxically, penalty rates act as an inducement to work on Sunday and are often a major consideration in persons selecting jobs. The committee can see no objection to people electing to work on Sunday.

Conclusion

60. The Committee finds that in a community strongly motivated towards preserving Sunday principally as a day of worship, rest, recreation and the enjoyment of leisure, the employment of labour is generally undesirable. The provision of essential services which may include facilities designed for the entertainment and recreation of the community requires just compensation for those employed.

61. The Committee finds that it should be mandatory to avoid employment of persons on Sunday against their will and that refusal to work on that day should not prejudice their employment. The absence of statutory provision to this end in the A.C.T., such as exists in Tasmania and South Australia, leads the Committee to its recommendation to make legislative provision to give effect to its findings in respect of Sunday employment in the A.C.T.

It is recommended that legislation be enacted to provide against compulsory employment of any person in the capacity of an employee on a Sunday and, further, providing that refusal to work on Sunday should not prejudice employment.

VIII. SPORTING ACTIVITIES

General

62. The provisions relating to sporting activities on Sunday are set out in the *Theatres and Public Halls Ordinance 1928-1968*, Section 27, which permits public entertainment of a sporting nature to commence after half-past twelve o'clock in the afternoon on a Sunday. Section 27 provides also for sporting activities to be authorised to commence prior to 12.30 p.m. with the permission in writing of the Minister.

63. The Committee has noted the administrative practice of the Department, developed over recent years, in permitting sporting ovals to be used from 12 noon on Sundays. Senior sporting activities have tended to commence at 12 noon where there is an admission charge and well before this hour in the case where admittance is free.

64. Departmental policy on this matter is explained in the then Minister for the Interior's (Hon. P. Nixon) reply on 22 May 1970, to a resolution passed by the A.C.T. Advisory Council on 20 April 1970:

'Since June 1969 the department has taken quite a liberal attitude towards the use of sportsgrounds on Sunday mornings by juniors and all such applications have been approved. Such requests as have been refused relate to all-day senior competitive matches involving a substantial gate collection and expecting large numbers of spectators. As matters stand my department would wish at least to maintain this liberal policy and will approve applications for the use of sporting ovals on Sunday mornings where the use does not involve admittance charges to spectators or is not likely to create disturbances to religious services, or grossly impair the amenity of people living near the sportsgrounds concerned.'

65. The Committee received submissions from twelve sporting organisations which described the principal issues as being the restriction against sporting activities on Sunday mornings and the restriction placed on the carrying of firearms on Sunday.



Sunday sport on open fields near schools catering for church activities in the suburbs of O'Connor and Dickson.

66. The Committee recognises the factors leading to the need to conduct some sport on Sundays and of all the evidence received relating to these sporting activities on Sunday, no section in the community expressed any objection to sport as such. The few objections, raised by religious groups, were based on two major grounds; firstly, the availability of Sunday morning sport, being predominantly junior sport, creates a family conflict regarding participation by children in sporting or church activities; secondly, noise created by some sporting activities has a disturbing effect on the conduct of church services.

67. Resolution of the conflict of motives for children and adults arising, for example, from the opportunity to pursue alternative activities on Sunday mornings, such as church attendance and sport, has been carefully considered. The Committee notes the need to achieve a balance and the generally responsible attitude and action of religious groups and sporting bodies in conferring to achieve mutually acceptable programmes.

68. Insofar as noise nuisance is concerned it is the proximity of the event, and not the fact of the event, which creates difficulties for the churches and sporting groups in conducting their activities.

69. Resolving this difficulty is a matter of town planning and administrative responsibility involving the Department's ground allocation policy.

70. The National Capital Development Commission gave evidence of principles used in siting community facilities such as sportsgrounds, clubs, hotels, swimming pools, speedways, etc., so as to avoid conflict with activities requiring peace and quiet on any day of the week and especially on Sundays. A particular difficulty brought to the Committee's attention occurs when church activities are conducted in schools with adjacent ovals. The solution is a longer term one involving siting churches (including interdenominational centres) in locations which reflect community need and avoid noise nuisance.

71. One aspect of ground allocation was brought to the Committee's attention by witnesses representing the Canberra Marching Girls Association. They said that because of the special nature of their activities, the playing of music and blowing of whistles, and their requirement for electric power, many grounds are unsuitable for their Sunday activity. The Committee suggests that the Department should make provision for special groups of this kind. Where a noise nuisance is likely to arise from the use of an oval by a particular activity, the Department should arrange the ground allocation so as to minimise this.

It is recommended that the Department of the Interior endeavour to allocate recreational ground facilities to groups or associations with special needs to ensure a fair availability to those desiring to use them on a Sunday.

Spectator Sport

72. Little objection was raised to sport being played on Sunday afternoon. The only complaint was against activities involving large numbers of spectators because of noise, traffic and a requirement for more people to work. However, the Committee considers that any increase in these areas would not necessarily make serious inroads into the general peace and quiet of Sunday. The present venues for these

spectator sports, with perhaps the exception of Manuka Oval, are sufficiently isolated not to cause undue interference. If broad planning principles and standards are maintained on the siting of sporting areas then little conflict is anticipated.

73. The National Capital Development Commission in evidence said:

'In the planning context the Commission does have it in mind that ultimately particular sporting fields would be made available to individual sporting authorities.'

This is a commendable proposal relieving the Department of daily administrative responsibility and providing regular income for the Department from the sporting body granted the lease of each particular ground or facility. The principle has a precedent in the case of the lease of 200 acres at Lyneham granted the A.C.T. Council of Race Clubs.

74. Galloping, trotting and dog race meetings are not held in the A.C.T. on Sundays although under Sections 7 and 7A of the *Racecourses Ordinance 1935-1970*, the Minister may issue a licence for the Sunday use of a racecourse. However, there has been no application for such a licence to date. Evidence from the A.C.T. Council of Race Clubs demonstrated the need of the executives of organisations controlling horse and dog racing to plan race meetings up to a year in advance for any day of the week unhindered by the possibility that whereas one Minister may be prepared to issue a Sunday licence, another may not. The witness for the A.C.T. Council of Race Clubs said that it is proposed to further develop a racing complex on land at Lyneham leased to the Council and that occasional Sunday racing was a desirable adjunct to these development plans, apart from providing a significant visitor attraction especially for picnic races and National Feature Meetings. It would also enable the holding of postponed meetings. Though it is most unlikely that every Sunday would be used for racing, general freedom to use the facilities when necessary is desirable.

The Committee's opposition to additional Sunday employment and its belief that off-course betting facilities should not be available on Sundays, leads it to recommend that the *Racecourses Ordinance 1935-1970* be amended to permit Sunday racing but specifically to preclude the Sunday operation of any form of off-course betting.

75. The Committee concurs with the view of the Advisory Council that:

'Spectator sports flourish because of the availability of mass audience (i.e. a community generally free of work) and participation in sport of some sort is widespread in an endless variety of codes and games.'

76. The Committee considers that spectator sports provide entertainment which is understandably appreciated by a vast majority of the community.

Participation Sport

77. Sunday participation in sporting activities is, in the Committee's view, a part of the enjoyment of leisure and when individuals or groups pursue recreation in this way on a non-organised and, usually, non-competitive basis, it may be said to be satisfying a genuine want. Such activities appear widespread in the A.C.T. and the Committee supports the circumstances which make such recreation possible.

78. One such activity to which the Committee's attention was particularly directed, was the law relating to carrying firearms on Sunday. Under the *Police Offences Ordinance* 1930-1967, Section 40A prohibits any person (other than those carrying firearms for legal purposes such as police, service personnel and security guards) from carrying firearms on Sunday in a public place. A submission from the Sporting Shooters' Association considered this provision to be an unreasonable restriction stating:

'that the law stops us carrying firearms generally on Sundays. Naturally this stamps out shooting and as many members are hunters they cannot take their equipment from their house to a property where they have permission to shoot.'

There is adequate protection in the law for the proper use of firearms and the Committee recommends that the prohibition against carrying them on Sundays should be removed.

Conclusion

79. The Committee finds that so long as groups continually confer when conflict appears likely and provided persons and organisations can observe their respective Sunday activities free of undue disturbance, then sporting activities, whether participatory, organised or spectator, are desirable forms of recreation and enjoyment of leisure and should not be restricted on Sundays. Consequently, the Committee sees no reason why sporting activities should be restricted before 12.30 p.m. on Sundays.

IX. LIQUOR TRADING

General

80. Evidence relating to liquor sale and consumption has been a major element of the Inquiry. A number of submissions was made seeking relaxation of some restrictions against the supply and consumption of liquor on Sundays. Expressing a contrary opinion some witnesses advocated maintenance of the status quo and others sought total prohibition.

81. Liquor outlets within the A.C.T. on Sunday are restricted to three sources; for club members at clubs, for patrons at restaurants with a meal, for travellers with a meal at hotels. The last two of these outlets are not required to open and the evidence is that they mostly remain closed.

82. In making its recommendations on liquor reform the Committee has recognised needs of the community, including tourists, for the removal of anomalous provisions of the law. Practices accepted by the majority as normal and socially desirable are, in some cases, illegal. (*see* Paragraph 99). The Committee has considered the possible effects of relaxation of some liquor laws on the observance of Sunday as a day of recreation, rest and worship, the disturbance of quiet and effects of any additional employment thereby generated.

83. A study of the Liquor Acts of the States reveals a complexity and variety of restrictions in respect of Sunday liquor trading. The Committee has noted a trend towards liberalisation in the States as far as the availability of liquor on Sunday is concerned, particularly in the case of Western Australia and Queensland where Sunday hotel trading has recently been widened to include the whole of the State.

84. This trend indicates that the consumption of alcohol is an acceptable social activity and a form of community relaxation characteristic of modern society. The Department of the Interior has put forward the view that the real basis of Australian liquor legislation:

'has not been one of logic but one of moral pressures and with all its emotional connotations mixed up with the question of Sunday, it becomes very difficult to explain how we have reached the stage we have with liquor on a Sunday, except to say that our present situation is completely illogical. Most of our present liquor law has been unchanged since 1929.'

85. The recommendations of the Committee in this matter have been influenced by the views of religious groups, some of which are quoted to indicate the change from traditional views.

86. The Roman Catholic Church expressed the following view:

'... liquor laws should be studied from the point of view of tourists, personal convenience of local citizens, effect on the Sunday environment of recreative rest and quiet, effects on family life and recreation, and effect on the holding of religious services. Any changes should not be made in the interests of commercialism.'

The view of the Church of England:

'... legal provisions that are anomalous or anachronistic such as those relating to the issuing of liquor licences, may be revised to bring them into line with the reasonable requirements of this society.'

87. A secular view put by the Advisory Council was that:

'Drink is not an evil of itself and the mere extension of its availability as a service to the public is not likely to lead to any dire consequence for the community.'

An opinion given by the Department of the Interior and supported by many sections of the community, was:

'For the last 40 years the community has been quite happy for someone to have a drink of liquor on Sundays so long as he has a meal but has thought there was something heinous about his having a drink without a meal.'

The Australian Hotels Association expressed a similar opinion that:

'Drinking is not intrinsically evil—it is simply a question of use or abuse.'

88. The Committee concluded that liquor does sometimes produce social problems, but these are not necessarily caused or increased by the availability of liquor on Sunday, nor are they cured by its non-availability.



Club life is a valued feature of A.C.T. recreation.



Clubs provide a variety of social amenities for A.C.T. residents and their guests.



Enjoyment of leisure in club atmosphere.

Hotels

89. In respect to Sundays, Sections 19 and 26 of the *Liquor Ordinances* 1929-1968 a Residential Hotel (or Motel) Licence authorises the licensee to sell, supply and dispose of liquor on the licensed premises:

- (1) to persons having a bona fide meal for which a price (excluding the price of any liquor) of not less than Fifty cents is paid and as part of that meal—during the period commencing at noon and ending at ten o'clock in the evening on a Sunday other than the day before New Year's Day.

(2) at any time to lodgers and their guests or bona fide travellers for consumption by them on the licensed premises (or in their units in the case of a Motel).

90. The principal group suggesting that hotels be permitted to trade on Sunday was the Australian Hotels' Association. The essence of its argument was a right of choice for the individual; there being no law restricting the consumption of alcohol on Sunday there should be no law against buying it. The Association's recommendation for Sunday trading in hotels also pointed out the abuse made of the 'bona fide' traveller provision and the 'discrimination' between members of clubs and those who, for a variety of reasons, are unable to join clubs, particularly people between the ages of 18 and 21. Also, the convenience of the unusually large and increasing numbers of visitors to the A.C.T. was stressed in support of Sunday hotel trading.

91. The Committee has already referred (in Paragraph 83) to the recent amendments to the Sunday liquor laws in Queensland and Western Australia. In Queensland the hours of trading permit the sale of liquor between 11 a.m. and 1 p.m. and between 4 p.m. and 6 p.m. with the extension of hours permitted if liquor is supplied with a meal. The extension of hours in Western Australia resulted from a recommendation by a Committee of Inquiry in 1969. The hours of trading are between 11 a.m. and 1 p.m. and between 4.30 p.m. and 6.30 p.m. with a similar extension as Queensland, for the supply of meals.

92. Parliamentary debates on the legislation indicated that the extension of trading hours was designed to correct anomalous practices relating to the supply of liquor on Sunday as well as providing a service to the community.

93. The result of the November 1969 N.S.W. referendum on Sunday trading was given as a reason for maintaining restrictions on hotel trading. While appreciating this fact, the Committee believes that this referendum did not express the attitude of the people of the A.C.T. and that there are local circumstances which are greatly different from those existing in N.S.W.

94. From the Committee's observations the patronage of clubs in the A.C.T. and the manner in which facilities are utilised on Sunday, indicates a demand in the community for leisurely Sunday drinking. The Committee concluded that the wants and needs of the A.C.T. community warrant a relaxation of restrictions relating to Sunday trading in hotels. In addition it believes that taverns or non-residential hotels should be permitted in the A.C.T. free to trade on the same basis as hotels.

95. It is recommended that in its application to hotels the Liquor Ordinance 1929-1968 be amended to provide for Sunday trading in lounges and bars between the hours of 11 a.m. to 1 p.m. and 4.30 p.m. to 6.30 p.m. and, further, that permission be granted to serve liquor with meals in hotel dining rooms on Sunday between the hours of 12 noon to 2 p.m. and 6.30 p.m. to 11 p.m.

It is also recommended that consideration be given to the introduction of taverns or licensed non-residential hotels in the A.C.T. free to trade on the same basis as hotels.

Clubs

96. The issue of club licences is made under Section 25 of the *Liquor Ordinance 1929-1968* which states—without restriction as to Sunday:

'Subject to this Ordinance, a Club Licence shall authorise the supply and disposal on the club premises of liquor at any time to members of the club (whether subscribing or honorary) for consumption by those members or their guests.'

97. The nature of unrestricted club trading activities in the A.C.T. found little criticism in evidence. Most groups opposed to Sunday drinking were prepared to accept the situation, offering no objection to clubs and their activities on Sunday.

98. The availability of clubs to sections of the community, according to the Advisory Council, is a highly valued feature of the A.C.T. because of the comfort and convenience which accompanies the entertainment and recreation afforded members and their guests.

99. Differing Sunday regulations permitting unrestricted club trading, on the one hand, and restricted liquor trading by restaurants, hotels, motels, etc., have at least one adverse effect as noted by the Department of the Interior's submission:

'Members can freely carry away bottled liquor from their clubs and contravene the law by supplying liquor to non-members. The effect of the restrictions imposed by the Ordinance on public liquor outlets is to limit access to liquor on Sunday to tourists and a segment of the community.'

Restaurants

100. Under Section 21 of the Liquor Ordinance a Restaurant Licence authorises the licensee to sell and serve liquor during the period commencing at noon and, with special extension for New Year's Eve, ending at 10 o'clock in the evening on Sundays; provided the liquor is sold or supplied as part of a bona fide meal. Evidence satisfied the Committee that although few restaurants provide this service on Sundays, because of lack of patronage, no objection was raised in evidence to this facility.

It is recommended that the sale and the consumption of liquor in restaurants terminate at 12 midnight on Saturdays and 11 p.m. on Sundays.

Licensed Grocers

101. Provision is made for grocers holding a liquor licence to sell liquor on any day of the week other than Sunday. From the Committee's observations it appears that the bottle sale facility is appreciated by the community especially in view of the ready accessibility of residential areas to shopping centres. This contrasts with hotels which tend to be fewer in number and more distant from residences.

102. The submission made on behalf of licensed grocers requested that provision be made to sell liquor from their stores on Sundays. It was pointed out that liquor was the only commodity stocked by grocers prohibited from sale on Sunday.

103. The extension of this facility to licensed grocers was not generally opposed but, on the contrary, was regarded as a service to the community.

104. The witnesses on behalf of the grocers indicated that the extension of this facility would not involve the engagement of additional labour.
It is recommended that the Liquor Ordinance 1929-1968 be amended to permit the sale of liquor by licensed grocers on Sundays in the A.C.T.

Special Permits and Booth Licences

105. Section 30 of the *Liquor Ordinance 1929-1968* dealing with entertainments on licensed or unlicensed premises permits the granting of 'special permits' for the consumption of liquor at social gatherings, banquets, smoke concerts, dances and similar functions. This section does not allow the granting of special permits for such activities on Sunday.

106. The restrictive nature of the provision was made evident to the Committee by witnesses of the Council of Cultural Societies (social events), the Ukrainian Orthodox Church (for the purpose of holding wedding receptions), and the Advisory Council (the conduct of cabarets and balls). The Department of the Interior summed up the position:

'As there is no provision in the ordinance for the extension or granting of special permits for functions on licensed premises on Sundays, entertainments provided on Saturday nights on licensed premises, other than clubs, must cease at midnight on Saturday. Perhaps the most notable effect of this provision is that it limits the use of Saturday night for organised entertainments such as balls and cabarets and may be a contributing factor to the alleged unattractiveness of the Canberra weekend. This provision has another effect in that it is not possible to hold functions such as wedding receptions on unlicensed premises on Sundays. This provision may place some national groups in our community at a disadvantage if they wish to follow the traditional practices of their national group.'

107. **The Committee recommends that where the principles of faith of particular church groups require Sundays celebrations on unlicensed premises at which liquor is desired, special permits terminating the consumption of liquor at 11 p.m. may be issued to the particular church leader upon application.**

108. The Committee understands the difficulties confronting such groups as those represented by the Council of Cultural Societies, but cannot condone the generalised granting of special liquor permits allowing public use of unlicensed premises for social consumption of liquor.

109. Similarly the extension of special liquor permits to cover the time beyond 12 midnight on Saturday nights for entertainments of the type referred to in Paragraph 105 is considered undesirable. Accordingly the Committee recommends that whilst entertainment may continue, the sale and the consumption of liquor by special permit should terminate at 12 midnight on Saturday nights.

110. Although there is no restriction against the granting of booth licenses on Sunday for the purposes of a fair, races, show or sporting event, the Department informed the Committee that no application for such a licence has been received. The Committee supports the retention of booth licences but believes that the sale and consumption of liquor at all sportsgrounds, fairs, races and shows, etc., should

be limited to a clearly defined licensed area. No person or organisation should be permitted to take liquor to any ground or enclosure unless in possession of a liquor booth licence.

The Committee recommends that the A.C.T. Liquor Ordinance 1929-1968 should be amended to provide for liquor booth licences for Sundays for fairs, races, shows and sporting events, but to prohibit the sale and the consumption of liquor in other than clearly defined licensed areas.

Conclusion

111. Examination of the law clearly illustrates that many provisions of the Liquor Ordinance relating to Sunday are due for reform. An appreciation of practices of liquor consumption on Sunday reveals an ignorance of the law in some instances and a series of anomalies in others, and the Committee's recommendations are designed to effect a reappraisal of the Liquor Ordinance to correct these matters.

X. OTHER GROUPS IN THE COMMUNITY

112. The Seventh-Day Adventist Church, the Ukrainian Orthodox Church, members of the Jewish faith, and a number of individuals gave evidence relating to Paragraph 3 of the terms of reference, viz:

'Are any special considerations required to meet the particular wants or needs of a group or groups within the community on a day other than Sunday?'

They asked that the law be framed so as not to discriminate against groups who have their day of worship on a day other than Sunday. This principle would also apply to other orthodox churches and people of the Muslim and Buddhist faiths.

113. The submission of the Seventh-Day Adventist Church in the A.C.T. stated that:

'If it is felt that Sunday should have laws restricting certain activities on that day, then those who observe another day, generally Saturday, as do Jews and Seventh-Day Adventists, should be able to do on Sunday what they are unable to do on Saturday because of their religious beliefs. This is in harmony with the Constitution which says that no law should be made prohibiting the free exercise of any religion.'

114. The Committee is satisfied that religious faiths, whose day of worship is not Sunday, have no legal difficulty in conducting their religion and do not suffer any social infringements in the free exercise of that religion other than that noted in Paragraph 106.

Conclusion

115. The Committee has considered the legal background in relation to the objections raised to Sunday laws being in contravention of Section 116 of the Constitution, but finds that the objections were broad and generally unsubstantiated. The only provision of Section 116 to which objection might be found is the clause which prohibits any 'law for imposing any religious observance.' The Committee, however, believes that, although it is true they are derived from a traditional religious base, Sunday laws have been justified on secular grounds to ensure for the community a day of rest, recreation and the enjoyment of leisure.

XI. NOISE

116. The problem of noise was brought to the Committee's attention by the Department of the Interior which indicated that the most numerous complaints it had received with regard to Sunday were concerning this factor.

'These vary from complaints about the use of motor mowers and power saws, to complaints of disturbances caused by young people playing musical instruments or using noisy motor vehicles.'

117. The Department's witness informed the Committee that the most numerous complaints received relating to Sunday concerned noise. He indicated, however, that individually they do not contain great issues. In fact all of them related to equipment such as power saws, motor mowers, etc., and have come from individuals, not from groups. They were made on the basis that they disturbed one's right to the enjoyment of peace and quiet on Sunday.

118. Certain aspects of noise disturbance have already been mentioned in this Report, including the effects of noise generated by spectator sports and Sunday morning sport conducted in the proximity of churches. Many activities which do, or have the potential to, make a noise nuisance on Sunday have been brought to the Committee's notice. Bearing this factor in mind the Committee draws attention again to the importance of planning to minimise the nuisance resulting from noise.

119. The disturbance of religious worship by noise was not emphasised by the churches as being a problem, but suggestions were that such disturbance was a potential problem. The Church of England's witness made the comment that one of the clergy had indicated to him:

' . . . that the school hall he used on Sundays sometimes had hockey practice going on on the school oval next door, and he was very much aware of the fact. I do not know that the volume of noise was such as to trouble him. In any case, I think that semi-trailers passing corner churches are probably more of a disturbance than Sunday sport would be.'

120. The Committee returns to its major premise that Sunday should remain a day apart to be used for the purpose of worship, rest and recreation and enjoyment of leisure. It is, therefore, desirable that noise created by organised activity should not disturb those wishing peace and quiet. Indiscriminate construction activity should not be permitted and the problem of noise arising from sport should be met by means other than unnecessary restriction. To prevent children and adults, for instance, from enjoying swimming in a public pool on Sunday on the grounds of noise would be unnecessarily restrictive.

121. Although the noise factor was raised with the Committee, the evidence is that there is no justification for legislative action but merely a continuation of present Departmental practices in dealing with complaints as and when they are made.

XII. CONCLUSION

122. In basing its recommendations on the principle that the law and its administration in the A.C.T. should recognise the rights and responsibilities of persons and organisations to pursue in a satisfying variety of ways, activities consistent with observation of the day as one of spiritual, social and physical recreation and the enjoyment of leisure, the Committee believes that provision has been made for the future in the A.C.T.

Evidence before us during the Inquiry underlined both the subjective nature of the subject matter and the fact that social habits and values change. In the light of this knowledge the Committee has set down for the continuing guidance of those responsible for framing laws a principle designed to ensure the unquestionable recognition of the importance of church and family life according to Australian tradition. At the same time this principle defines the responsibility to permit the residents and the very large number of visitors to enjoy and benefit from their observance of Sunday in the National Capital.

ACKNOWLEDGMENTS

123. The Committee gratefully acknowledges the assistance given throughout the Inquiry by all witnesses and the Parliamentary Reporting Staff (Hansard).

124. The Committee also records its appreciation of its Clerk, Mr B. M. Chapman, and Research Officer, Mr J. K. Porter, of the Staff of the House of Representatives, for their unremitting attention to the work of the Committee throughout the Inquiry.


JOHN E. MARRIOTT

Chairman

April 1971

APPENDIX A

LIST OF WITNESSES

BENNETT, Mr F. S., Representative of Australian Capital Territory Council of Race Clubs.

BEZOS, Mr. L., Representative of Canberra Licensed Grocers.

BROWN, Mr B. A., Commercial Master, Dickson High School.

CARKAZIS, Mr N., Representative of Canberra Licensed Grocers.

CONNOR, Dr J. R., Director of Planning for the National Capital Development Commission.

COOK Mrs M. Y., Representative of St Alban's Churchwomen's Union.

COSTELLO, Mr J. A., Assistant Secretary (Projects and Legislation), Department of the Interior.

EMERY, Dr F. E., Representative of Community Indoor Recreation Complex Development Committee.

FITZGERALD, Mr A. J., Member of the Australian Capital Territory Advisory Council.

FROST, Mrs J., Representative of Canberra Girls Marching Association.

GESLING, Mr L. S., Student.

GIBB, Mr K. T., Representative of Canberra Rugby League.

GILLINGHAM, Mr F. J., Representative of Australian Capital Territory Employers Federation.

GODKIN, Brig. G., Divisional Commander, Salvation Army, Canberra and Goulburn Division.

HARPER, Mr A. J., Restaurateur.

HIRST, Mrs E. M., Representative of St Alban's Churchwomen's Union.

HOARE, Rev. Father J. M., Representative of Parish Priests of Catholic Church in Canberra.

HUGHES, Mr C. P., Secretary of the Australian Temperance Council.

HUTCHINSON, Mr L. W. M., General Secretary of the N.S.W. Temperance Alliance.

KEBLEY, Mr D. G., Representative of the Secretary of the Association of Baptist Churches in the Australian Capital Territory.

KEITH, Mr C., Student.

KELLY, Rev. Father J. P., Representative of Parish Priests of Catholic Church in Canberra.

LAWRENCE, Mr R. J., President of the A.C.T. Temperance Alliance Branch.

LEEDMAN, Mr J. W., Member of the Australian Capital Territory Advisory Council.

MCCAWLEY, Mr P. J., Representative of Canberra Branch of the Australian Labor Party.

MCGUIGAN, Mr R. W., Field Section Secretary of the Sporting Shooters' Association of Australia.

MCINERNEY, Mr J. B., National President of the Australian Hotels Association, also President in New South Wales of the Australian Hotels Association.

MACPHERSON, Rev. I. P., Representative of Canberra Commission of the Presbytery of Canberra, Presbyterian Church of Australia.

MOODY, Rev. J. D., Clerk of Presbytery and Representative of Canberra Commission of the Presbytery of Canberra, Presbyterian Church of Australia.

MURRAY, Mr B. L.

OSMOND, Mr H., Secretary, Seventh-Day Adventist Conference.

RADEL, Mr S. E., Hostel Manager of Gowrie Private Hotel.

ROY, Mr E. M., Church Elder, Seventh-Day Adventist Church.

SAVAS, Mr G., Executive Officer (Projects and Legislation), Department of the Interior.

SHEEDY, Mr B. P.

SLADE, Mr J. A.

SOLOMON, Mr D. H., President, Federal Parliamentary Press Gallery.

SPENCER, Miss G. M., Chairman, Music Bowl Committee and Secretary, A.C.T. Council of Cultural Societies Inc.

STOTT, Mr P. M., President of the Civil Liberties Council of the Australian Capital Territory.

STRUGNELL, Mr J. R., Minister of Religion and President of the Association of Baptist Churches in the Australian Capital Territory.

SYMINGTON, Mr W. J., Treasurer of the Association of Baptist Churches in the Australian Capital Territory.

TAYLOR, Pastor R. W., Vice-President of the N.S.W. Temperance Alliance.

TEODOROWYCH, Mr A., Representative of the Parish Council of the Ukrainian Orthodox Church in Canberra.

TRAVES-TAYLOR, Mr R., Vice-President, Community Indoor Recreational Complex Development Committee.

TREGONNING, Miss J. R., Student.

TRIM, Mr R. D., Pastor, Seventh-Day Adventist Church.

UDY, Rev. Dr J. S., Representative of Canberra Methodist Church.

WALSH, Mr G. J., Member of the Australian Capital Territory Advisory Council.

WARREN, His Lordship Bishop C. A.

WATSON, Mr L. R., Director of Tourism of the A.C.T. Services Division.

WHEELER, Mr M. E., President, Community Indoor Recreational Complex Development Committee.

WILSON, Mr H. L., Secretary of the Australian Capital Territory Trades and Labour Council.

APPENDIX B

Survey of A.C.T. cars and their occupants leaving and entering Canberra on an average summer Sunday.

On 6 December 1970 senior pupils of the Canberra secondary school, Dickson High School, with the guidance of their Commercial Master, Mr B. Brown, B.A., carried out a survey of A.C.T. registered cars and the number of car occupants departing from and returning to Canberra.

The survey was undertaken at the initiative of the school and the Committee wishes to record its appreciation of the work done by Mr Brown and the pupils and the fact of making the evidence available to this Inquiry.

The results are tabulated below and serve as an indication of the extent of a 'weekend exodus' from Canberra referred to in evidence. There are obvious limitations on the conclusions to be drawn from the survey insofar as no comparative data for other cities is available, nor does the survey cover a series of Sundays and hours on Sundays so as to present more comprehensive results. However, in the absence of any other attempt to provide similar evidence, or the Committee's knowledge of any other survey of a similar kind, the exercise has proved of interest.

Aims of Survey

- (1) To make an accurate count of A.C.T. cars leaving Canberra between 9 a.m. and 11 a.m., and A.C.T. cars returning to Canberra between 4 p.m. and 6 p.m. on the above date.
- (2) By using a simple classification of passengers travelling in these vehicles, i.e. driver only
couple
family group
others—mainly groups of young people,
to estimate the number of A.C.T. residents travelling in these vehicles. For this calculation family groups were averaged as 5 and others at 4 passengers per car.
- (3) To make a simple count of interstate cars entering and leaving the A.C.T. during this period.
- (4) To use the information to obtain a definite percentage of cars and people returning to and leaving the A.C.T. during this period.
- (5) To use the survey information to estimate the percentage of A.C.T. residents absent from the A.C.T. on an average summer Sunday.

Location of Survey Points

These were selected as points beyond major road junctions so all cars leaving the area would be counted. Survey points were (all map references relate to National Capital Development Commission Map of Canberra—T.P. 268/65):

- (1) Federal Highway E51000 N36000
- (2) Barton Highway E34000 N31000
- (3) Coast Highway E72000 S10000
- (4) Monaro Highway E47000 S27000

In the case of the Monaro Highway the survey point was selected beyond the junction of the Tralee Speedway Road and the return route from there to Canberra.

Weather conditions on the day of the survey

The particular Sunday was warm but with some cloudy periods it was an average day, i.e. one which would not greatly encourage or discourage residents to travel out of the A.C.T., therefore these figures should be 'average' figures.

TABLE OF CARS AND OCCUPANTS DEPARTING AND ARRIVING—
CANBERRA ON SUNDAY, 6 DECEMBER 1970

Survey point	Percentage of drivers only (a)	Percentage of couples (a)	Percentage family groups (a)	Percentage cars (a)	Total number of vehicles	Total estimated number of passengers (b)	Percentage of total passengers	
<i>(A) Leaving Canberra 9 to 11 a.m.</i>								
Federal Highway	31	27	29	13	cars 161	persons 455	19.5	
Barton Highway	21	22	34	23	209	678	28	
Coast Highway	11	42	28	19	243	760	33	
Monaro Highway	14	23	24	39	135	453	19.5	
					Totals	748	2,346	
<i>(B) Returning to Canberra 4 to 6 p.m.</i>								
Federal Highway	19.5	30.5	30.5	19.5	cars 331	persons 1,028	21	
Barton Highway	21	22	34	23	310	897	18.5	
Coast Highway	10	32	36	22	530	1,815	37.5	
Monaro Highway	12	40	23	25	369	1,130	23	
					Totals	1,540	4,870	

(a) The percentages relate to the total number of vehicles counted at each survey point.

(b) Passengers included driver.

In addition 495 interstate cars left Canberra from 9 to 11 a.m. and 547 interstate cars entered the area between 4 and 6 p.m.

Conclusions

From these figures it can be seen that 1,540 A.C.T. vehicles returned to Canberra in the period from 4 to 6 p.m. (about 2.4% of total A.C.T. registered vehicles*) and these vehicles carried an estimated 4,870 people, or about 4% of the A.C.T. population.*†

From the observations of traffic trends on the day of the survey and previously observed traffic conditions, it would seem a conservative estimate of traffic for the next two hours, i.e. from 6-8 p.m., would have been of the same number. Therefore, it would seem likely that at least 8% of the A.C.T. total population would be returning to Canberra from 4-8 p.m.

A further assumption that could be drawn from the above figures would be that as many as half of the A.C.T. residents absent on a Sunday would have been away for the whole weekend.

* This is of total registrations—66,000 as at the end of November, 1970.

† Using 120,000 as population total.

APPENDIX C

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