

(3) Mr. Wise declined to accept the figure of 50 per cent. on cost as being the gross profit on a 12 oz. handle, and said that he understood the figures had ranged from 20 per cent. to 25 per cent. He said the former figure could not be a weighted average (R. 6190). There is, however, a very big discrepancy.

(4) The Price Tribunal made no special survey of the financial position of hotels when it fixed the price of beer in May, 1942 (R. 6160).

(5) After this price was fixed, very large amounts were paid for the goodwills of hotels.

574. For these reasons, we are by no means satisfied that the view of the Price Tribunal that standard prices and measures would have resulted in an increase in the price of the 12 oz. handle beyond 7d. was correct.

We appreciate the fact, however, that the Price Tribunal was not charged during the war with the duty of altering existing business practices unless it was expedient to do so. The Tribunal acted with the knowledge of the Government, and it may be assumed, therefore, that the Government did not think that an alteration was advisable during the war with respect to beer. It is difficult to review decisions made by responsible authorities during a war, and we do not consider that we should express a view that standard measures and prices should have been introduced during the war. On the other hand, we think that the provision of a 12 oz. handle for 7d. *only if asked for* was not a satisfactory way of fixing the price. The price was first fixed on the basis that the trade would be responsible for introducing the 12 oz. handle in the four cities (para. 278, *supra*). If the 12 oz. handle was not available as the regular measure for 7d., the price should have been fixed in relation to a handle that was so available. There is, indeed, evidence which we accept to show that the 12 oz. handles disappeared very quickly from many hotels (R. 104 f and 1752).

575. We think that standard prices for standard measures of beer are practicable. We think the English practice of marking separate glasses for standard quantities of beer should be adopted, every glass to be officially stamped. We do not think the glasses need be all of the same type or design, so long as they are of standard measurement. We think that a separate maximum price should be fixed for each standard quantity and, if practicable, the same maximum price for each standard quantity throughout the Dominion.

576. We think, also, that standard prices for standard measures of spirits are practicable, as in the United States of America. Glasses for spirits should be officially stamped with the standard measures. In New South Wales under the Liquor Amendment Act, 1946, spirituous liquor must be contained in a glass or other container marked to indicate a full fluid 1 oz. measure.

577. It should be made illegal to sell any of the specified quantities except in the duly marked glasses.

## CHAPTER 29.—THE EMPLOYMENT OF BARMEN WHO DO NOT DISCHARGE THEIR RESPONSIBILITIES TO THE PUBLIC

578. A barman is an employee with special duties. He has not only the duty of any ordinary servant of supplying the order of a customer at the proper price and of accounting faithfully to his employer for the payments he receives, but he has also some duties which he must perform, on behalf of the licensee, in the interests of the public. He has the duty of determining the state of sobriety of a customer and also whether he or she is under age or is a prohibited person. He has the duty of refusing customers, if they ask for drinks after hours; the duty, too, of refusing to put dregs into beer and of refusing to sell the mixture, if they are put in; the duty also of preventing betting on the licensed premises. The capacity of the licensee to perform these duties would be taken into account when a license was granted to him. Yet, when the licensee takes