HOUSE OF ASSEMBLY.

Wednesday, October 13, 1954.

The SPEAKER (Hon. Sir Robert Nicholls) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

ESTABLISHMENT OF ATOMIC REACTOR.

Mr. O'HALLORAN—Under the subheading "Canberra, October 12," an article in today's *Advertiser* states:—

Commonwealth policy on the construction of full-scale atomic reactors in the States to produce power for industry is expected to be that this should be the responsibility of the States themselves, according to Federal Government sources today.

I was perturbed on reading the article, because it indicated that the Commonwealth proposed to spend £5,500,000 on establishing an atomic reactor in New South Wales. Will the Commonwealth's proposal hamper South Australia's efforts in developing the use of atomic power for industrial purposes, particularly regarding the availability of technical staff, and is there any danger inherent in the proposal that our efforts to develop the natural resources of South Australia in this regard may be by-passed in the future?

The Hon. T. PLAYFORD—There are one or two things that must be accepted by everyone. In the first place, I do not think there can be any argument whatever that if nuclear power is to be successfully introduced into Australia there is one State that is crying out for this type of power. South Australia is the logical place for the introduction of nuclear power because it has no other natural sources of fuel supply for the large industries that have been started here. Indeed, the whole policy of the South Australian Parliament over a long period has been to spend heavily from our slender resources to establish conditions that would give us the raw material to enable nuclear power to be generated in this State. This new policy that has been announced recently is of the greatest importance to South Australia. There have been many conflicting statements, and the assurances that I have had on this matter seem to have been contradicted from time to time by public statements. When I saw the announcement of this policy yesterday I asked the Prime Minister whether he would personally discuss the matter with me. He said he would be pleased to do so, and I propose to discuss it with him tomorrow afternoon. I shall then be able to give the honourable member a clearer picture of the Commonwealth's policy and of its effect on the intention of South Australia to provide nuclear power from its own resources. I cannot go further today than to say that the Government appreciates the importance of this matter and is following it up.

BRIDGE ACROSS STURT CREEK.

Mr. FRANK WALSH—Has the Minister representing the Minister of Local Government an answer to the question I asked last week about the bridge across Sturt Creek?

The Hon. M. McINTOSH—The bridge was constructed in the first place by the Public Works Department under a drainage scheme. A report I have received from an engineer states:—

In 1936, Sturt Creek was enlarged by this department and the structure which was then in existence was replaced. The latter bridge is 12ft. 6in. wide and is designed to carry two tons only. When inspected in February this year, it was reported to be in reasonably good condition except for loose decking and hand rails. When constructed, it was adequate for the purpose for which it was then required. Since then the land to the east has been acquired by the Housing Trust and subdivided and built upon for the purpose of sale. A small reserve was left between the road and the irregular course of the creek. On the western side there is also a similar condition except that the houses are for rental and that the Education Department holds an area which abuts the creek. The bridge is now on Nilpena Avenue and apparently the subdivision was laid out to take advantage of the presence of the bridge. It is certain that this department is in no way responsible for the bridge. A water main crosses the Sturt Creek in Nilpena Avenue but is not supported by the bridge. The notice was not erected by this department. It is believed that this bridge is the responsibility of the District Council of Marion.

ADELAIDE-MORGAN RAIL SERVICE.

Mr. MICHAEL—The people using the rail service between Adelaide and Morgan greatly appreciate the improved service, but on several occasions since its inception there have been more people wanting to travel than there has been room for them. Will the Minister of Works ask the Minister of Railways to watch the position with a view to providing sufficient accommodation for the people desiring to travel on this service, with consequent benefit to the railways?

The Hon. M. McINTOSH—I shall be glad to do so.

Mr. MACGILLIVRAY—I congratulate the Minister of Railways and his predecessor on the provision of the excellent new rail service between Adelaide and Morgan. Now that such an excellent rail car is running, Upper Murray residents desire that the time taken for the journey should be shortened. Will the Minister

of Works ascertain from the Minister of Railways the department's intentions regarding shortening the time?

The Hon. M. McINTOSH—I appreciate the remarks of the honourable member and will get information on the matter.

RENTALS OF TEACHERS' RESIDENCES.

Mr. JOHN CLARK—My question deals with recent increases in the rents of departmentally owned teachers' residences. Previously these rents were fixed by regulation, but as from October 2 the Minister of Education has had authority to determine the rent after obtaining a report in each case from the Housing Trust. Some of these rents were previously very low, but usually this was taken to be because the teachers were the custodians of departmental property and secondly as an inducement to teachers to go to the country. Since the increases were made I have been told by a number of teachers that much dissatisfaction exists about the rents. It has been pointed out that in one or two cases the rents of houses that have generally been considered good have not been increased by as much as the rents of inferior houses. Can the Treasurer say whether teachers who are dissatisfied with their new rents have any right of appeal?

The Hon. T. PLAYFORD—The rentals were fixed by the trust after each house had been inspected by officers of the trust to determine its value. Provided there was some ground for it, there would be no objection to a request for a fresh examination of any house, and the Landlord and Tenant (Control of Rents) Act provides that a person may appeal against a rental fixed by the trust. The Government would not wish to continue a rent that had been wrongly fixed. If the honourable member knows of a case in which there appears to be an anomaly in the fixation of the rent, the tenant may write to the Minister of Education, who would undoubtedly refer the case to the trust.

SUBSIDY FOR DRIED FRUITS INDUSTRY.

Mr. MACGILLIVRAY—On September 21 I asked the Minister of Agriculture whether he would get a report from the Federal Minister for Commerce and Agriculture on a press report that no subsidy would be granted to the dried fruits industry. Since then newspapers in the River Murray districts have reported that the dried fruits industry did not ask for a subsidy. In view of the conflicting press statements and the importance of this matter to the dried fruits industry and the South Australian Government, which has invested much money in the industry, will the Minister amplify the question he has already asked the Federal Minister to see whether a request for a subsidy has been made on behalf of the dried fruits industry?

The Hon. A. W. CHRISTIAN—Following on the honourable member's recent question I wrote to the Federal Minister for Commerce and Agriculture to have the matter clarified. I am now awaiting a reply, but if the honourable member wishes me now to ascertain further facts in the matter I shall be pleased to do so.

AMBULANCE SERVICES.

Mr. FRANK WALSH—It has been brought to my notice that the service previously extended by the ambulance section of the Police Department in conveying certain paraplegic and poliomyelitis cases to hospital for treatment has been discontinued because the ambulances have now been placed under the control of the St. John Ambulance Brigade. Will the Treasurer take up with the Chief Secretary the matter of permitting the Police Department to continue that service so that such persons may be guaranteed transport to hospital in time to receive the necessary treatment?

The Hon. T. PLAYFORD—The police ambulance services have not been discontinued but have been co-ordinated with the other ambulance services to give a service to the public generally. I will, however, submit the question to the Chief Secretary and let the honourable member have a reply in due course.

HILLS RAILWAY DERAILMENTS.

Mr. O'HALLORAN—Has the Minister of Works a further reply to my question of last week concerning the cause of derailments on the hills line and the steps being taken by the Railways Department to prevent those derailments?

The Hon. M. McINTOSH—The Railways Commissioner reports:—

Following a series of derailments of new four-wheeled louvre vans on curves at slow speeds on the hills line, these vans were taken off this line and used for traffic north of Adelaide. They were not actually withdrawn from traffic. It was suspected that the springing of these vehicles was an important contributory factor in the derailments. Accordingly, the springs were tested in a number of ways, and a theory established to account for the observations made during the tests. As a result of this work, it was decided to replace the existing springs with softer springs having a characteristic deflection curve, which departmental officers are confident will overcome the trouble previously experienced.

NEW TOWN NEAR SALISBURY.

Mr. GOLDNEY (on notice)—

1. Has a detailed plan been drawn up on modern lines for the construction of the proposed new town between Salisbury and Smithfield?

2. If so, has provision been made in any such plan for recreation grounds, parks, and gardens, community centres, business and industrial undertakings, churches, etc.?

The Hon. T. PLAYFORD—The replies are:—

1. Yes.

2. The plan has been closely considered over a period of some years and every endeavour has been made to lay out the new town in accordance with the best town planning practice and having regard, among other things, to the problems created by modern traffic conditions. In general, it is proposed that the 4,285 acres owned by the South Australian Housing Trust will be devoted to the following uses:—

	Acres.
Residential	1,597.7
Industrial	512.8
Commercial	109.6
Schools, hospitals, cemetery, public public utilities, etc.	367.1
Open spaces such as reserves, parks, freeways, etc., and some unallotted areas	1,697.8

In accordance with the usual practice of the trust, when it subdivides a substantial area of land, an appropriate number of church sites has been set aside. The trust considers that it is highly desirable that tree planting upon some of the land set aside for parks and reserves should be started as soon as possible and the trust proposes to commence a tree planting programme in the near future. The trees will be watered from water obtained from local bores.

EGG PULP.

Mr. DUNKS (on notice)—

1. What quantities of last season's egg pulp were held on September 1, 1954, in the United Kingdom and in South Australia respectively?

2. What quantities of egg pulp were contracted for in the United Kingdom and in South Australia respectively for each of the seasons 1953 and 1954?

The Hon. T. Playford, for the Hon. A. W. CHRISTIAN—The replies are:—

1. The quantities of last season's egg pulp held in the United Kingdom on September 1, 1954 are unknown by the South Australian Egg Board for the reason that all the export pulp for last season was sold under a long term agreement between the Commonwealth Government and the United Kingdom on an f.o.b. basis Port Adelaide. The stocks of egg pulp held by The South Australian Egg Board in cold store on the week ending August 28, 1954, were:—40 lb. tins, 375; 28 lb. tins, 684.

2. There was no given quantity of egg pulp contracted for last season. The United Kingdom Government took the whole of the surplus pulp. Contracts for whole egg pulp by The South Australian Egg Board for seasons 1952-53 and 1953-54 were as follows:—40 lb. tins—1952-53, 33,537; 1953-54, 29,281. 28 lb. tins—1952-53, 6,730; 1953-54, 7,197.

PERSONAL EXPLANATION: MOTOR SPIRITS DISTRIBUTION BILL.

Mr. HAWKER—I ask leave to make a personal explanation.

Leave granted.

Mr. HAWKER—During the debate on the Motor Spirits Distribution Bill I referred to the Building Operations Act and said that it was still in operation. That was a mistake I made because I did not realize that Acts which are enacted for a limited period are not struck out of the volumes when the period expires, although they automatically cease to exist.

AUDITOR-GENERAL'S REPORT.

The SPEAKER laid on the table the report of the Auditor-General for the year ended June 30, 1954.

Ordered to be printed.

PUBLIC WORKS COMMITTEE REPORT.

The SPEAKER laid on the table a report by the Parliamentary Standing Committee on Public Works on Hundreds of Cowan and Tooligie water supply, together with minutes of evidence.

Ordered that report be printed.

INDUSTRIAL CODE AMENDMENT BILL.

Second reading.

Mr. O'HALLORAN (Leader of the Opposition)—I move—

That this Bill be now read a second time. Although a number of minor amendments have been made to the Industrial Code in recent years there has been no substantial attempt to bring it into line with practices which legislation of this kind should cover in order to promote industrial peace. This Bill proposes a number of important amendments to the Industrial Code. They have been suggested, after careful consideration and long experience in industry, by representatives of the trade unions,

with the full concurrence of the Labor Party, and I feel they should be incorporated in the Industrial Code in the interests of industry in general and as a means of improving relations between employers and employees. One provides for the establishment of boards of reference to solve problems arising from the interpretation of awards and determinations. There is at present no provision under the Industrial Code for the establishment of these boards; and I understand that from time to time responsible authorities, including the President of the Industrial Court, have expressed regret that they do not exist and that there is no power to create them.

Under the Federal Vehicle Industry Award, made by Conciliation Commissioner Galvin in April, 1953, provision is made for the appointment of boards of reference to interpret and otherwise smooth out any difficulties arising from the operation of that award. Clause 19 of the award provides for the appointment by the Industrial Registrar of a one-man board to settle matters especially committed to it under the award and to settle disputes as to any matters dealt with in it. It is also provided that any decision of a board of reference shall be binding but may be reviewed by the Commissioner on application by either party to the award. An example of the kind of matter that may be submitted to a board of reference under this award is contained in clause 5B, which states:—

In any case where an organization alleges that an employer or his representative is unreasonable or capricious in relation to such claims (for example, as to additional pay for dirty work) it shall have the right to bring such case before a board of reference.

The Hon. T. Playford—What matters do you think should be brought before a board of reference?

Mr. O'HALLORAN—Simple matters, as I have mentioned, such as where the employer takes the view, on a capricious interpretation of the award, that the employee is not entitled to a concession provided for certain types of work.

The Hon. T. Playford—The board of reference is to act entirely in the interests of the employees?

Mr. O'HALLORAN—Not necessarily. I suggest that the Premier await my further explanation on the matter. Instead of having less important disputes taken to the court and settled at considerable cost to employer and employee they could be determined on practical grounds by a board of reference. Clause 20 of the same award provides for the appointment of a five-member special board of reference, two employers' representatives and two employees' representatives and an independent chairman, for matters relating to trainee apprentices, especially those matters committed to it under clauses 5 and 5A, and, among other things, generally to settle disputes as to all matters relating to the employment of trainee apprentices. As an example of the kind of matter committed to such board under clause 5A, the board may visit premises to satisfy itself that facilities are being provided in order that trainees may have the opportunity of learning their trade. There have been general complaints of recent years that young people—particularly men—are not prepared to be apprenticed to industry. One reason is probably that on leaving school they can obtain more remunerative employment than is possible under apprenticeship. Some of the dissatisfaction no doubt arises from the fact that in some industries apprentices have been treated more as a source of cheap labour than as enthusiastic young people anxious to learn a trade which will further the industrial development of the State.

Fred Walsh—South Australia is behind the other States in regard to apprentices.

Mr. O'HALLORAN—Yes, particularly in the protection afforded to apprentices in industry and the steps taken to ensure that they are in fact apprentices being taught a trade and not merely a source of cheap juvenile labour.

The Bill confers on the Industrial Court the power to establish such boards for matters coming under corresponding State awards and determinations. Actually, it may not be necessary for separate boards to be set up under this provision. If the powers of existing industrial boards were extended so that those boards could interpret determinations within the prescribed limits as occasion arises, such an arrangement would meet the case. Because of the absence of some such provision under the Industrial Code, there is no ready means of solving various matters which require adjustment under State awards although they may not be major issues. The Federal Arbitration Act provides for the establishment of boards of reference in connection with Federal awards because it is recognized that the expeditious solution of these minor, but sometimes irritating, disputes may be of utmost importance. At present in connection with awards under the Industrial Code we may have unnecessary and irksome processes to go through before such a question

is solved. For example, an award may provide that an employee may absent himself from work for any reasonable cause and still be regarded as being in continuous employment for the purpose of qualifying for annual leave, but if an employee stays away from work and the employer deems him to have been absent without reasonable cause and refuses to grant him leave for that reason, the employee must either prosecute the employer in the police court for breach of the award or sue him in the local court for the recovery of the amount represented by the annual leave withheld. A board of reference that could be set up to deal with that particular matter would determine whether the absence from work was from a reasonable cause without recourse to the costly and inconvenient processes mentioned. The establishment of boards of reference would thus lead to better relations between employers and employees because of the removal of the necessity of going to the extremity of prosecution on a mere matter of opinion as to the meaning of a provision in an award. Provision is made in the Bill by clause 4, paragraph (*d*), which adds a new matter under the definition "Industrial Matters" in Part II of the Code and also by clause 10, paragraph (*d*), which makes the corresponding amendment to Part III of the Code. My suggestion is that the Industrial Court should have the power to create these boards of reference in order to settle minor disputes.

The Hon. T. Playford—The matters to be considered might not be minor.

Mr. O'HALLORAN—Major matters are all provided for specifically in the Industrial Code. I am merely seeking to provide machinery to deal with minor matters not specifically mentioned in the Code.

The Hon. T. Playford—But a matter not mentioned in the Code might be of outstanding importance.

Mr. O'HALLORAN—I would not think so, in view of the magnitude of the Code and of the number of industrial matters provided for in it. I do not suggest—nor does this Bill—that major matters relating to wages and conditions and to relationships between employers and employees should be determined under this provision. I am suggesting that an authority similar to that provided for in the Federal law be constituted under the State law.

The Hon. T. Playford—What you want is an interpretation of awards?

Mr. O'HALLORAN—Yes, of certain parts.

The Hon. T. Playford—An interpretation of some decision already given?

Mr. O'HALLORAN—Yes. That is probably a proper explanation of the case. As an example, let us assume that a decision has been made by the court that certain conditions shall apply to particular employees in industry and that a dispute arises between the employer and employees whether that section of the award should apply to a particular employee or to a group of employees. The board of reference would determine that point. Once a court has made a decision and granted an award there is no provision in the Code for any board to interpret whether the employees and employers are honouring the specific terms of that award. The matter is not raised unless it becomes the subject of an industrial dispute. I am seeking to avoid the minor irritations in industry which sometimes promote such disputes, but which, with proper machinery, could be ironed out without an industrial dispute.

Another proposal of considerable importance is for the deletion of all reference in the Industrial Code to strikes and lock-outs. Although this involves striking out a large part of the Code—sections 99 to 119 inclusive—the principle expressed in the amendment may be stated briefly. It is unnecessary to stress the fact that a workman has only his labour to sell and that he should therefore be entitled not only to sell it in the highest market but also sell it or not as he chooses and thus use it as a means of bargaining with employers. Trade unions have always been opposed to the penal provisions associated with strikes. Some of these provisions are severe, and the definition of a strike, as set out in section 5 of the Code, is certainly comprehensive. Even if a few employees leave their employment to go to another employer, they may be regarded as taking part in a strike and become liable to penalties. It is quite natural, therefore, that the trade union movement should desire all reference to strikes to be deleted from the Code; but, of course, if that is done, the corresponding reference to lock-outs must also be deleted.

That is what the Bill proposes to do through clause 4, paragraphs (*f*) and (*h*), and through clause 8. The firstmentioned clause has the effect of deleting the definitions of lock-outs and strikes set out in section 5 of the Code and the second of removing from the Code Division VIII of Part II. In this connection I might add that the A.C.T.U., the Federal body of the trade union movement, is making a determined effort to have the corresponding provisions of the Federal Arbitration Act

deleted, on the grounds that arbitration is intended to settle disputes that may arise between employers and employees but that the right to create a dispute should not be taken away from either party. When the founders of the Federal Constitution framed the various placita nearly 60 years ago they decided that the placitum relating to the settlement of interstate industrial disputes should refer to conciliation and arbitration. They placed more importance on conciliation than on arbitration—and of course they were in the experimental days of settling industrial disputes—and I believe that our Industrial Code should be made an instrument of conciliation rather than of arbitration. Employers and employees could then settle their disputes by negotiation around the table instead of by application to the court.

The Hon. T. Playford—So the honourable member does not believe in policing awards?

Mr. O'HALLORAN—I shall be able to satisfy the Premier on that point later. Once an agreement is made between employers and employees it should be policed, and I propose substantial increases in penalties for breaking agreements.

The Hon. T. Playford—But the honourable member has already said that he believes an employee should be able to go out on strike. That breaks an award, doesn't it?

Mr. O'HALLORAN—The Premier fails to realize that if we remove sections 99 to 119 there will be no such thing as a strike or lockout in South Australia, but the court would still be able to make awards.

The Hon. T. Playford—If a group of employees decided they did not like an award, according to the honourable member they could go out on strike.

Mr. O'HALLORAN—If the Premier will restrain his impetuosity for a while I shall be able to satisfy him on that point. The board substantially increases penalties on both employers and employees for breaking awards or agreements. We made our arbitration laws too rigorous, particularly from the standpoint of the employee. After all, the worker has only his labour to sell and he ought to have the right to refuse to sell it under conditions that are objectionable to him. Another matter which we believe requires legislative action is the unsatisfactory position that has developed especially in recent years in certain industries in relation to piece work. Although piece work is mentioned in the Code, there is no definition of it in the definition section (section 5), and the Bill seeks not only to remedy this defect by inserting a definition but also to prevent abuses rendered possible by the uncertainty involved in the existing provisions of the Code. At present the Code makes it illegal for an employer to engage a person on piece work if the industry is working under an award fixing a day labour rate. This is provided for in section 203. But, as can be understood, it is extremely difficult, if not impossible, to say what is piece work and what is not, that is, within the meaning of the Code. Actually, piece work is fast becoming the fashion in the building industry and day labour is fast disappearing from that industry for the simple reason that employers can easily evade awards prescribing day labour rates.

An employee is defined in terms of jurisdiction exercised by the employer over him as to times of starting and finishing work, supervision over him during employment, etc., and it is relatively easy for an employer in certain industries to evade these conditions by resorting to piece-work under the guise of subcontracting. This particular type of evasion is, as I have said, especially in evidence in the building industry which, by its very nature, lends itself to it. I understand some Housing Trust contracts are being sub-let under arrangements which are in reality contracts for piece-work. A firm may contract for the whole job, including the supply of materials, and then sub-let portions of the job to others, to whom it supplies materials and even in some cases transports them from job to job. For example, paint manufacturers contract for the painting of houses but sub-let the work to persons who actually do the painting but who, because of the sub-contract basis of their activities, are not employees within the meaning of the Code. These sub-contractors can—theoretically, at any rate—start and stop work at any time. A most unsatisfactory feature of this kind of arrangement is that these subcontractors engage juvenile workers instead of apprentices and so evade awards requiring employers to have a certain proportion of apprentices. This evasion of the spirit of the Code is being practised in connection with the erection of Housing Trust homes built for sale; apparently in the case of rental homes, which the trust has to maintain after they are built, the trust is somewhat more careful. I am given to understand that electrical wiring is done under this system on the basis of so much per house. It is not difficult to understand, therefore, that inferior work

can be done, besides which the system is having the effect of breaking down award provisions as to hours of labour, wages and the employment of juvenile workers. It is necessary to encourage apprenticeship under proper conditions in all trades and callings.

As a means of combating this, it is proposed to define piecework by reference to the provision of materials—if the workman does not supply all the materials for the alleged sub-contract, he is to be regarded as being on piecework. It is believed that this will overcome the difficulty; for it would usually be impossible for a workman engaged in this type of sub-contract to finance the supply of materials himself. The necessary provision is made in clause 4, paragraph (*g*), which adds the definition of piecework to the definition section in Part II of the Code.

Another provision in the Bill is for the inclusion of certain classes of employees and employers who are at present excluded from the Code either because they are not specifically mentioned as being included or because there is some doubt as to the intention expressed in the Code. These employers are the Municipal Tramways Trust Board and boards of Government subsidized hospitals and community hospitals, and the employees concerned are the employees of those bodies. Provision for their inclusion is made in clause 4, paragraph (*b*), clause 5 and clause 10, paragraph (*b*). Clause 5 amends section 5A of the Code, in which a number of Government and semi-Government employers are named specifically for a reason which is not clear. Clause 10 (*b*) merely echoes clause 4 (*b*) for purposes of making similar provision in Part III of the Code.

Many years ago it was provided in the Code that registered associations should periodically submit lists of officers and members to the Industrial Court. This provision is contained in section 80. But neither the unions nor the authorities seem to have any use for this provision now. Originally, it may have been thought necessary as a means of proving that an association had sufficient members to entitle it to be registered and remained registered, or there may have been some other reason. In any case, it is extremely difficult to maintain a register of names of members and their addresses—and this has been demonstrated in the Federal sphere since the passing of the amendments of the Arbitration Act regarding ballots. It is considered that the present provision in the Industrial Code—that an association must supply a list of members every year and a list of resignations and admissions every six months is too burdensome, having regard to the practical value of this type of information; and it is therefore proposed that it should only be necessary to supply a list of officers annually, while still observing the rule, set out in schedule 2, that a complete list of members shall be submitted for the purpose of original registration. If the words "members and" are deleted from subsection (1) of section 80, this would be achieved. Subsections (2) and (3) of that section would then be superfluous. Clause 7 of the Bill makes these amendments.

Another provision which is perhaps more important, because it involves a principle, is contained in clause 6. The principle is that of preference to unionists. The trade union movement contends that if a union is open to a workman, he should become a member of it; and as the whole Industrial Code is based on the recognition of industrial associations, it should promote this principle by recognizing it rather than legislating against it. At present this proviso to paragraph (*e*) of section 21 precludes the court from directing that preference shall be given to a member of a union, and the deletion of this proviso would go a long way towards achieving the expressed wishes of the unions and towards observing the general spirit of the Code. On this matter, I would refer to the remarks of the Industrial Registrar recently in the matter of the proposed alteration of the rules of the Plasterers Society, on which that society had made application. The question involved was whether a member of a union could lawfully refuse to work with a person who was not a member of another union or was not a financial member of his own union. The proposed new rule sought to authorize the Plasterers Society to fine its members for not observing this principle.

This is what the Industrial Registrar said of the proposed new rule:—

> At first blush it might seem that a rule of an association which could be made effective only by registration under the Industrial Code and which would prohibit, under pain of a fine by the association, any member of the association from working on a job where a non-unionist was employed, was contrary to the spirit of the Code and that if a member of the association bound as to terms of employment by an award or determination refused to accept employment or to continue to be employed upon such terms, and the refusal were because of obedience to such a rule, such refusal would be "without reasonable cause or excuse" and the act of refusal therefore an offence against section 103. . . . I have

given a good deal of consideration to this rule and am unable to say with confidence that it is contrary to law. In the circumstances, it should be registered.

It was pointed out during argument on the matter that the Industrial Code encourages the registration of unions and that they were really the basis of the whole system of industrial arbitration—and that, as unions are formed for the protection of employees and for the promotion of their interests, all employees should be members of a union if one was open to them. It was also contended that it could well be against the industrial principles of members of any given union to work with a non-unionist or with an unfinancial member of their own union, and that under those circumstances, refusal by those members to work under such conditions could be regarded as a refusal for a "reasonable cause or excuse."

Clause 9 adds the words "and persons employed in building construction" to subsection (1) of section 139. The section is in Part III of the Code, which deals with industrial boards, and subsection (1) of that section lays down that the Part applies to the metropolitan area except in the case of Public Service, railway and local government employees, in respect of whom it applies to the whole State. The object of this exception is apparently to accommodate those employees mentioned who could be employed either in the metropolitan area or beyond it or whose work was similar whether it was in the metropolitan area or not. We think this exception should also apply to workers in the building industry—in other words, that the powers of industrial boards should be extended to embrace those employees. About 80 per cent of building construction in the country is undertaken by employers whose normal operation is in the metropolitan area, and the work is done by employees whose normal employment is in the metropolitan area. In this respect the building industry is unlike other country industries which employers operate locally. The reason for this is that the scope and magnitude of building activities in the country do not warrant the establishment of permanent firms in the country. But, as industrial boards are now constituted, an employee in the building industry who is transferred from work in the metropolitan area which is governed by a determination loses certain entitlements by being transferred to the country for the same type of employment under an award. For example, it would be possible for such an employee to work in the metropolitan area for 39 hours under a determination, be transferred to the country to work for another 39 hours under an award, and then be transferred back to the metropolitan area to work another 39 hours. Under these circumstances, none of these periods of employment would qualify the employee for annual leave entitlement because he must work for 40 hours (unbroken time) under one or the other to become entitled to *pro rata* annual leave. In this admittedly extreme case the employee could work 117 hours at the same kind of work without qualifying. These conditions do not generally apply to other workers, and the insertion of the proposed amendment in section 139 would not prejudice them but it would remove a disability now being suffered by building construction workers.

Clause 10 makes amendments to section 140, in Part III of the Code, corresponding to those made by clause 4 to section 5 in Part II. I have already referred to some of them. However, one of them, contained in paragraph (*c*), refers more particularly to industrial boards. The object of this amendment is to make it clear that a board may decide that there shall be no improvers or juvenile workers employed in a particular industry. It does not, of course, prescribe that there shall not be any. It merely gives boards the power to come to that decision on argument in the ordinary way. The present provision in the Code (paragraph (*d*) under the definition of Industrial Matters, section 140) could be interpreted to mean that a board could rule that there must not be any improvers or juveniles employed in its industry, but the chairman of one of these boards has ruled that the words "number or proportionate number" of such workers cannot be construed to mean none at all. As it may be necessary or desirable to make such a decision, the section should be amended to make it clear that a board may do so.

Paragraph (*d*) of clause 10 proposes to add two new paragraphs under the definition "Industrial Matters" in section 140. The first enlarges the scope of industrial boards to enable them to consider issues affecting not only the interests of the immediate parties to any dispute but also the interests of the community as a whole. The second corresponds to the amendment proposed by clause 4 in respect of section 5, in the matter of boards of reference, and is complementary thereto. Paragraph (*a*) of clause 10 repeats a provision contained in paragraph (*a*) of clause 4. Both these provide for the deletion of the definition "Agriculture." Similar parallel amendments are

contained in clause 4, paragraph (*e*), and clause 10, paragraph (*e*), striking out the words "except Agriculture" in the relevant sections. As to these proposals, I have no need to amplify arguments adduced on previous occasions for the inclusion of rural workers in the Industrial Code. We are unable to see any valid reason why such workers should be excluded from the Code, whereas there are several reasons why they should enjoy the benefits derived therefrom.

Clause 11 provides for the appointment of a *bona fide* representative of a registered association as the "non-qualified" member of an industrial board. At present section 146 of the Code allows the President of the Industrial Court to appoint a person (not being an actual worker in the industry concerned) who is not in any way associated with a union registered with the court; but as the whole Industrial Code is based on the principle of registered unions it is considered that the "non-qualified" member of any board should be the duly accredited representative of a union.

Clause 12 proposes to raise the limit of earnings from £20 to £33. The present limit was fixed several years ago and is no longer appropriate. The corresponding limit for purposes of workmen's compensation was raised to £33 some time ago. Paragraph (*a*) of clause 12 accordingly amends the proviso in paragraph (*a*) of section 167, which deals with the jurisdiction and duties of boards. The other paragraph in clause 12 makes an amendment (consequential on a previously mentioned amendment) to paragraph (*d*) of the same section. Clauses 13 to 18 provide for increasing by 100 per cent all penalties now prescribed in the relevant sections of the Code. The amounts prescribed are not in keeping with present-day values and do not act as effective deterrents. I suggest that the Premier seriously consider that last point. We desire that both employer and employee should honour awards and agreements or be subject to greater penalties than are now provided.

The Hon. T. Playford—When you say "honour," do you include working under them? If the award is not acceptable to a union its members can strike against it.

Mr. O'HALLORAN—Exactly.

The Hon. T. Playford—How can you police an award under those conditions?

Mr. O'HALLORAN—On exactly the same basis as when an award does not suit an employer and he closes down his industry and brings about a lockout. I suggest that the primary settlement of an industrial dispute should not be achieved under the legal provisions, but by a conciliatory approach by employer and employee. After the agreement has been registered the punitive provisions can apply. I propose that the penalties be increased.

The Hon. T. Playford—If there were an agreement and in time it became unpopular, either side could repudiate it under your proposal and there could be either a lock-out or a strike.

Mr. O'HALLORAN—That is admitted.

Mr. Dunks—No-one has ever taken action against an employer.

Mr. O'HALLORAN—We have had a recent illustration of an employer taking action against a union. There is a grave doubt whether the members of the union were on strike—a doubt so great that despite the fact that what was complained of occurred some time ago the matter has not yet been finalized.

Mr. Dunks—There has been no action on a lock-out.

Mr. O'HALLORAN—I can understand the attitude of members opposite because my proposals are rather sweeping. As Parliament has always been dominated by vested interests the Industrial Code has already been loaded against the workers.

Mr. Dunks—Was that the position when Labor was in power in this House?

Mr. O'HALLORAN—For some time, because of a gerrymander, it has been impossible for Labor to get a majority in this House, and never has it had a majority in both Houses. The honourable member knows that without a majority in each House it is impossible to give effect to legislation that now does not suit another place. I ask members to progress with the times and get away from the horse and buggy days.

The Hon. T. Playford—And compel a man to join a union with which he has no sympathy?

Mr. O'HALLORAN—Usually I have to wait until my reply to answer the Premier's criticism of legislation I introduce, but I can correct a misconception he has now. There is nothing in the Bill to compel a man to join a union. It provides that the court shall have the right, if it feels so disposed, to order that the principle of preference to unionists be established in a certain industry. We on this side have some regard for the rule of law and some knowledge of the fundamental principles of British justice.

The Hon. T. Playford—No knowledge of the fundamental rights of the individual.

Mr. O'HALLORAN—I can understand the Premier's attitude, but we have a great fundamental conception of the rights of the individual, the weak individual who is compelled to join with other individuals in order to secure justice. We have no sympathy with the powerful individual who controls the wealth of the country and imposes unjust working conditions on his employees. We are fighting that position today and will continue to fight it. I hope that in this House sufficient cognizance will be taken of the fundamental principles of British justice. The Opposition looks forward to the time when workers will be genuine co-partners in industry and when this great dispossessed section of our community will have some say in the control of the industry they are working in.

Mr. Dunks—Why don't they go into industry themselves as an organization?

Mr. O'HALLORAN—If the honourable member reads the platform we espouse he will see that we have been fighting for that for years. The difficulty is that industry has become so monopolistic and powerful that it is impossible for any group of workers to obtain that footing which we desire and which is their moral right without the support of some Parliamentary action which we shall give them in the days to come.

The Hon. T. PLAYFORD secured the adjournment of the debate.

LONG SERVICE LEAVE BILL.

Adjourned debate on second reading.

(Continued from October 6. Page 917.)

Mr. HUTCHENS (Hindmarsh)—I support the Bill, which was introduced to enable persons employed in private enterprise to enjoy privileges now granted to those employed in Government undertakings. The Leader of the Opposition did not speak at length because he thought his proposal would appeal to all reasonable persons. It is interesting to note that only one member of the Government has spoken. The Premier replied to the Leader and was followed by Messrs. Lawn, Riches, and Davis, all members of the Labor Party. This Bill provides a better standard of living and a just reward to employees who serve one employer for a continuous period of 20 years. It is so reasonable and warranted that it is difficult for Government members to speak on it. They are not concerned with justice for the worker.

Mr. Riches—They show callous indifference.

Mr. HUTCHENS—Yes. Government members have remained silent. Apparently they are hoping they will have prepared speeches handed to them from some callous employers. I expect to hear from members opposite speeches prepared by employers, opposing this measure.

Mr. John Clark—Does that happen?

Mr. HUTCHEN—I am surprised that the member should ask that, because he has been here long enough to realize that that is not only possible but a common practice with certain members. This measure should require little explanation, but because of the Premier's attitude it is necessary for some members to address themselves to the Bill. The Leader said that many employers would favour the Bill. Before I entered this House I had a position in which, at times, I had to represent employers and from my experience I know that many understanding employers regret that it is not mandatory on employers in private enterprise to make provision for long service leave for their employees. The fair employer, who desires justice for his employees, is handicapped by the attitude of selfish and unreasonable employers. The Premier said that the Leader's statement was quite wrong, because, he said, he had a sheaf of letters from employers not favouring the measure.

Mr. Riches—He did not give us any of their arguments.

Mr. HUTCHENS—He did not say who the employers were and I ask the House to discount his remarks because I believe there are not sufficient unreasonable employers in South Australia to provide a sheaf of such letters. The Premier obviously was ashamed of the writers of the letters—if he had any letters—because he did not mention the name of any of the writers. I doubt whether he has even one letter from an employer, and I ask him to prove his statement by quoting any one letter he has received. He said that this was class legislation. If employees can be encouraged to remain in one job for 20 years this will provide for the more economic working of industry and for greater profits for employers. It becomes costly if an employer has to change the personnel of his staff frequently. A new employee finds it difficult to adapt himself to the ideas of the new company because he is so accustomed to the habits of his previous employer.

Mr. Riches—This Bill deals with an underprivileged class.

Mr. HUTCHENS—In referring to another matter this afternoon the Leader referred to the under-privileged class, but it would appear that the Premier has adopted a new role since 1952 because he makes it obvious that he is not concerned with the under-privileged classes of this country but favours the privileged class. Because this Bill provides some benefit to the workers and aims at creating some stability for the working class, the Premier suggests it is class legislation. On many occasions the Liberal Party has given lip service to the workers but that is all it does. On the eve of elections the Liberal Party claims to be the working class Party and says nice things about the workers, but when asked to do something practicable and give the worker his just deserts it fails to fulfil its elections promises.

Mr. Dunks—Does the honourable member suggest that nothing has been done for the workers during the last 20 or 30 years?

Mr. HUTCHENS—No. This country has enjoyed the privilege of a Labor Government in the Federal arena which has forced the Liberal Party of South Australia reluctantly to acknowledge that something must be done for the workers to keep them in this State. If nothing had been done they would have gone where conditions were more favourable.

The Hon. M. McIntosh—They are coming here from other States because of the lack of houses elsewhere.

Mr. HUTCHENS—They are coming here because the Liberal Government has been forced by pressure from the Federal Labor Government and trade union movements to give justice to the workers. The Premier speaking on the Address in Reply debate in 1952, said:—

I have on many occasions spoken to South Australian audiences on the question of the development of industries in South Australia and never have I placed second the fact that the big advance that has taken place arises from our good fortune in having here factory workers second to none in the Commonwealth.

The Hon. M. McIntosh—The good conditions here attract them.

Mr. HUTCHENS—It is a different story today. If members who are so readily interjecting feel that they would like to do something for the workers they have an opportunity now. Because we accepted the Premier's words then for what they seemed to be worth we are now called "meddling politicians," but at last we have seen who are the meddling politicians. The Premier has meddled with the workers and used flowery words to convince some that he is their champion, but surely they will be awakened after hearing his remarks on this Bill. If they are not they will deserve what they get. Why should South Australia lag behind other States in its industrial legislation? New South Wales and Queensland long ago passed provisions similar to those contained in the Bill to enable their workers to enjoy long service leave after a certain period of service. Government employees have had this privilege for many years, and rightly so, and why should employees of private enterprise be treated differently? I know a South Australian company with many overseas connections that obtained the services of an employee at the age of 10. He worked with it continuously for 60 years and was never absent for a day. On the day of his retirement the company engaged a press photographer to photograph him receiving a cheque from the company in appreciation of his loyal and continuous service. Later it became known that he was presented with the enormous sum of £4 10s.! Fancy, 1s. 6d. a year for 60 years of loyal and honest service! Was that any inducement for men to stay with one firm and give continuous service? If we desire harmony in industry we must provide conditions equal to those given to employees in other States. The member for Adelaide, in an excellent speech, described the benefits enjoyed by workers in the eastern States.

Mr. John Clark—And he did a real service to the House.

Mr. HUTCHENS—Yes, and to the people of South Australia. He showed that if men are granted reasonable working conditions their mental and bodily health is improved and they are able to give better service, resulting in greater production. This Bill will benefit all classes. I urge members to vote for it in order that we may promote harmony in industry and so that the workers may enjoy those conditions to which they are entitled.

Mr. PEARSON (Flinders)—I do not support the Bill, but I hope to treat it more dispassionately than the honourable member who has just resumed his seat. These questions are not best approached by being over-enthusiastic or theatrical. The theme of the honourable member's remarks was that the old, old story of employers *versus* employees is still regarded and observed in the same light as it was 50 years ago and that no advancement in employer-employee relationship has taken place since. That is quite wide of the mark.

Mr. Riches—I think he said that many employers were in favour of the Bill.

Mr. PEARSON—He may have made some fleeting, conciliatory statements, but by and large they were of the inflammatory type that one has come to regard as being part and parcel of his speeches in recent years. I regret that. Perhaps his statements were made with a purpose. I have said in the House before, and I know I will be taken to task for saying it again, that the preservation of bad relationships and antagonism between employers and employees is fostered by a certain section of politicians for the obvious purpose of perpetuating a situation in which they themselves may retain some job and some privileges among the workers.

Mr. Shannon—Fortunately, there are only a few of them.

Mr. PEARSON—I am glad that is so, but if it were not for the statements such as those made by Mr. Hutchens those employer-employee relationships would improve much more rapidly. The workers of Australia, particularly of South Australia, are sensible and reasonable and know which side of their bread is buttered. They know that, in the main, they are getting a good deal from their employers and they would be pleased to enter into closer co-operation with their employers if they were permitted to do so.

Mr. Davis—What do you mean by that?

Mr. PEARSON—Some employers have offered their employees partnerships in industry, but the policy of the ruling authority in the Labor movement has been for a long time, and I think still is, entirely opposed to participation of these benefits by employees.

Mr. Fred Walsh—You can't prove that.

Mr. PEARSON—I am referring to incentive payments.

Mr. Fred Walsh—But you spoke of partnerships.

Mr. PEARSON—If an incentive payment does not come out of the profits of industry where does it come from?

Mr. Fred Walsh—But that is not a partnership in industry.

Mr. PEARSON—Of course, the type of partnership that the honourable member proposes, and to which the Leader of the Opposition referred in his second reading speech, is a partnership of nationalization.

Mr. Fred Walsh—No.

Mr. PEARSON—I should have thought so, otherwise to what was the Leader referring? Employer-employee relationships have improved greatly, particularly since the war. Both parties realize that they are not in conflict one with the other, but that they progress or regress together. If the industry flourishes the employee benefits; if it does not he must sooner or later lose his job. I do not want anything to be said or done, inside or outside Parliament, that tends to prejudice the improvement of employer-employee relationships. Anyone making such statements must accept full responsibility. I do not want anyone to think that I oppose the granting of benefits to employees in industry because I oppose the Bill. The Leader of the Opposition referred to the high turnover of labour in industry in recent years and said he thought that it would be arrested somewhat by granting employees long service leave. Of course, that is purely conjectural. I suppose it could be argued on broad principle that any improvement in employment conditions would result in a lower turnover of labour. However, this would be only temporary because some further benefit conferred by another industry would result in taking away the pre-eminence of the conditions offered by the former industry. The Leader of the Opposition said:—

> Of course, the workers of South Australia should not be any worse off than workers in the contributing States, otherwise we should be putting some of the burden of financial stability on the shoulders of those employed in private industry in this State.

Is it fair to expect that the workers in private industry shall be entirely absolved from responsibility for the financial set-up of the country? Is it a new principle to expect that, if a worker is to be a partner in an industry, he shall have some share in the financial set-up of the country? I think he welcomes it; therefore I ask the Leader to reconsider his statement for I do not think it contains the measure of truth that usually characterizes his statements. The legislation is framed so that it will come into operation on a date to be declared; but another provision states that it shall commence on August 1, 1954. The Leader has not given the House any figures on the estimated cost of the legislation to industry, and I believe it would be difficult to arrive at any real estimate.

Mr. Jennings—He is more interested in the principle.

Mr. PEARSON—Yes, and so am I, because, by and large, the principle of long service leave is sound.

Mr. Jennings—Then you should support it.

Mr. PEARSON—I do not oppose the principle, but I oppose the Bill; that is a different matter. The cost of this legislation would come as a heavy commitment if the Bill were passed in its present form. In many of our

old established businesses there are a number of people who have been members of the one organization for many years, and such people would automatically become entitled immediately to the benefits of the Bill. I realize that the Leader appreciates the fact that it would be impossible for all qualified employees to take long service leave together, and he purposes ameliorating that difficulty by granting a period during which employees of one firm may take their leave progressively, but I object to the retrospectivity of the legislation. Members generally do not support retrospective legislation, and this legislation is retrospective for 20 years, for an employer would be compelled to accept commitments, some of which have been accumulating for the past 20 years and of which he has had no previous notice. He could not have provided for such unforeseen commitments. No business would have tied up assets and capital of the amount required for compliance with this legislation, for no firm would leave such capital idle against a potential commitment that might never arise.

Mr. Lawn—Would you suggest that the Bill commence to operate 20 years from now?

Mr. PEARSON—It is not my function to suggest what should be done under this legislation; that is the function of the Leader. At the moment I am in the glorious position in which members opposite usually find themselves: I merely have to criticize.

Mr. Lawn—Do you agree with the principle of long service leave?

Mr. PEARSON—I do not disagree with it, but I will not have the honourable member putting suggestions into my mouth or my mind. It is the Opposition's job in this case to introduce a workable Bill and mine to criticize it. The Leader has said on several occasions that the worker has only his labour to sell and that he should have the right to refuse to sell it under conditions that are objectionable to him. I believe that is a fair statement as far as it goes, but under this legislation the employer has only his employment to sell and he should therefore be given the right to refuse to sell it under conditions not acceptable to him. Surely that is fair enough.

Mr. John Clark—He does that.

Mr. PEARSON—No, and members opposite do not purpose giving the employer that right under this Bill. The Bill compels him to go back 20 years, saying that if he has had an employee in his service for that time he must grant him long service leave. Is that giving the employer the right to sell or refuse to sell his employment if the conditions are unsuitable to him? We must play the game in this regard, and conditions attachable to one side should be attachable to the other. The Leader says that an employee shall take out his long service leave in a specific way. The employee is not to be allowed to accept any other employment during his leave or to take a cash payment in lieu thereof and continue working for his employer. I have no serious quarrel with that principle for the object of the leave is to enable a man to recuperate.

Mr. Fred Walsh—Has it no other objects?

Mr. Dunks—Some workers seem to think they are given Saturday morning off merely to work for another employer.

Mr. PEARSON—Yes. It is not generally specified how an employee shall take his annual leave, and in recent years workers on annual leave have sometimes picked fruit, worked on a farm or done some other job congenial to them. Unless we are willing to adopt the principle that we tell the employee how he is to spend all types of leave, we have no right to adopt the principle only in this case. I visualize occasions when the payment of a lump sum to an employee may be more acceptable than three months' enforced leave, but the Bill is mandatory in enforcing an employee to be idle for three months. In many cases a change is as good as a rest. For instance, an office worker may get as much benefit from taking a job on a farm or a fruit block for three months as from being forced to stay home or to travel somewhere merely to fill in his time. I do not object to the principle that leave is for recuperation, but the Bill is mandatory in the respect I have mentioned. We might express a desire—

Mr. Lawn—What is the good of desire without fulfilment?

Mr. PEARSON—I believe that long service leave is the property of the employee and that he should be allowed to spend it as he wishes.

Mr. Lawn—You will not allow him any to spend.

Mr. PEARSON—The honourable member knows differently. I have already said that I am not opposed to the principle of long service leave, but I believe that the employee, having earned his long service leave, should be entitled to do what he likes with it. This mandatory legislation, however, is typically socialistic in that it seeks to regiment workers even during their leave periods. It would give the workers something with one hand and take it away with the other. Clause 3 provides that

an "employer" means any person employing any worker and includes the Crown, and that "worker" means any person employed by any employer to do any work for hire or reward. It has not been stated—but I assume it is intended—that this Bill shall apply to all workers whether in secondary industry or in any other occupation; therefore, I assume it applies to rural workers. Although I do not object to the principle of long service leave, I do not know how it would apply to rural workers and to workers in small industries where employer-employee relationships are much closer than in larger industries. In some of the Bill's provisions I see a real danger to the welfare of both parties in small industries and rural occupations. Although some members opposite may not agree with me in this regard, I know of many rural workers who enjoy complete freedom on how they manage their days and weeks of leave. If they want a day off to come to town or to go to some function they take it and go; if they want to arrange a holiday they may do so at any time outside the busy season. There is a great degree of flexibility and harmony in the small industries and occupations which makes for the smooth working of industry and amicable relations between all concerned. The moment mandatory provisions, such as those in this Bill, are introduced into the conditions of employment in those industries, both parties are prejudiced; therefore I object to the Bill. If the second reading is passed I will move to amend these mandatory provisions.

Speaking recently on another Bill the Leader of the Opposition used this phrase: "We propose to leave it to the court to decide." This Bill, however, is entirely at variance with that principle. If long service leave is to be provided in our industrial relationships it is not a matter that should be decided by Parliament: it should be decided by the industrial tribunal that generally handles such matters. If the Leader was sincere in his statement that the court should decide these things, why has not that principle been incorporated in this Bill? Those are my objections to the Bill, which is typical of the approach to some of these questions by our friends opposite. We are getting far too meticulous and mandatory in our industrial legislation in these days.

Mr. Frank Walsh—What do you know about it?

Mr. PEARSON—I would not know very much. I would be only the observer with an ordinary degree of commonsense, but perhaps the observer sees more of the game than some of those in the arena. The more complicated and meticulous we make these matters, and the more we dot the I's and cross the T's, the more we tend to prevent the real relationship between employer and employee which most desire and under which it is possible for both parties to prosper. I wish people would get out of habit of having a third party in the negotiations between employer and employee, and deal with matters themselves. I am sure that if this were done things would progress much more quickly. For the reasons I have stated I oppose the Bill.

Mr. FRED WALSH (Thebarton)—I support the Bill. The Leader of the Opposition is to be complimented on his foresight and care in the drafting of the measure, and particularly on the competent way in which he presented it. I agree with Mr. Pearson that this type of legislation should be discussed practically. If that is not done Government members are likely to lose sight of important points made by Opposition members. This applies also to other Bills introduced by us. Long service leave is not something that has not been heard of before; it is fast becoming universally adopted. It is something which will be accepted by the whole of Australia in the not too distant future. That is indicated by the way in which private industries in this State have accepted it, despite the usual slow tempo on the part of South Australian industries in adopting anything of a worth-while character to improve working conditions. Mr. O'Halloran said that Victoria, Queensland, and New South Wales had already adopted long service leave for all employees. They are the most populous States, but it will be conceded that not one of them has had, in relation to population, the same secondary industry development as South Australia since the war. This State has made great strides in that matter. There appears to be no logical argument why the workers in South Australia should not enjoy the benefits of this fast-becoming universally accepted reform. One of the issues that may be raised by members in opposition to the Bill is the age-long argument that the time is not opportune. People who say this are obstructionists because they oppose the implementation of any reform. They have said at different times that they are happy to support a measure but then point out that the time for it is not yet ripe. That is how they excuse themselves for not granting well-deserved rights.

It was said that the industry with which I have been associated could not afford to

give the employees long service leave, mainly because of the shortage of labour. One can appreciate that argument, but when the agreement was made between employer and employee on long service leave there was a definite shortage of labour. The position was overcome to some extent in two sections by making retirement at 65 years of age optional on the part of the employer. If he were satisfied that the employee due to retire could continue at his work he was allowed to do so for as long as it suited the employer. It was said by Mr. Pearson that there is nothing in agreements or awards about long service leave, but there is a reference to it in the agreement I mentioned. It says:—

All persons who from time to time shall complete 25 years of continuous service with the company shall be given long service leave. Such long service leave shall be taken at the conclusion of 25 years of continuous service and shall comprise 13 weeks' leave of absence for recreational purposes. After the employee shall have become entitled to such long service leave the employee shall become entitled to further long service leave (hereinafter called "additional long service leave") at the rate of three weeks' leave for each five years' service to be computed in respect of each completed year of continuous service after the first 25 years.

Mr. Pearson said that the Bill did not provide for a person entitled to long service leave being able to engage in other employment. The agreement I have mentioned contains the following:—

It shall be a condition of every person taking long service leave that he (or she):—

(i) shall not under any circumstances be engaged in any gainful employment while on such leave;

(ii) shall return to the active service of the company forthwith at the expiration of the leave; and

(iii) shall not draw any sick or accident pay simultaneously with long service pay.

I think it was interjected that it was rightly so, and we agree, but Mr. Pearson believes that a person on any leave should be able to please himself in the matter and have absolute freedom during the time at his disposal. There may be some members who do not agree with the compulsory retirement of an employee at 65 years of age. There are different ways of looking at that matter. I believe it is economically and socially unsound to continue with this policy when it concerns people who are healthy and physically fit, but there may be some Opposition members who do not agree with me. Let us consider the position of the person not entitled to benefits under a superannuation scheme. By being compulsorily retired he is forced to exist on a lower standard of living—the old age pension.

An outstanding factor in modern society is the increasing life-span of the individual. Better living conditions, improved hygiene and sanitation have contributed to the lengthening of the average life. A large percentage of our population is over 65 years of age and I question the fairness of forcing these people to accept a lower standard of living. Healthy and physically fit people over 65 years of age should be able to carry on with the work required of them, if it is not detrimental to anyone else. If it were, the position would have to be considered. Nobody would suggest that a person whose capabilities have been impaired should be compelled to work after reaching 65. That is the principle underlying the claim for a retiring allowance at 65, or even perhaps at a lower age. On the other hand, there are in practically every industry occupations that can be filled by people over 65. I know of some men over 70 who are still working, but they are able to perform the work required of them. So long as they can do so it would be wrong to compel them to retire.

During the war it was found that the older workers were able to make a valuable contribution to the war effort. In many instances they were most dependable and their record in respect to absenteeism was extremely good. We heard much about absenteeism during the war and I was able to analyse the position because I was a member of the Commonwealth Advisory Committee on Manpower. It was found that the percentage of absenteeism amongst the older workers was far less than amongst the younger. I do not wish to give reasons why young people lost more time, but it is a fact that the older people had a remarkably good record. It is noteworthy also that in the Government service, and in industry generally, a strict retiring age of 65 is enforced, yet the person who conducts the corner grocery store, or the local fruiterer and greengrocer is able to carry on to any old age, and do it most efficiently with profit to himself, showing conclusively that we have a tendency to scrap people in industry far sooner than should be the case and with economic loss to the community. If it were suggested that all farmers should retire at 65 it would be laughed at, for they are quite capable of carrying on their farms and, if we take a line through the present day farmer, make a pretty good job of it. Now let us look at the other end of

the scale. In this country, possibly more than in most, we endeavour to provide our young people with an education that will fit them, not only to make a living, but to live lives that have purpose and meaning. During the period of their education, which sometimes runs well into the early twenties, they have to be maintained, and that can be done only by the efforts of those gainfully employed. If we, at the same time, lay down a rigid and arbitrary rule that workers must retire at 65 irrespective of their health, ability or wishes we simply make the middle group of our community responsible for the full burden of producing enough to maintain both the older and the younger generations, and the fairness and logic of that is open to question. Another aspect is the refusal, under normal circumstances, of Government and industries to give employment to persons even in their middle forties. How often have we known people in this group who have applied for a job and been told that none is available, though other excuses are given, of course. We know that the reason actuating employers is that a person in his late forties is considered to be too old. We have seen the time when even men of 40 years of age were considered to be too old.

What Governments and industry generally have to face up to is the making of the fullest use of the manpower available in the middle-aged group and the utilization of the services of those still capable at the age of 65, and in this connection I want it clearly understood that my remarks are not intended to apply to persons who are suffering some physical disability, or those desirous of leaving their employment. The Premier and Mr. Pearson are the only members on the other side who have addressed themselves to this Bill; are we to assume that silence implies consent? If so, I would be quite happy, but I heard someone earlier this afternoon suggest that one member opposite was speaking with his master's voice. I am inclined to agree and to take it that members opposite generally will follow the indications given to them by the Premier's speech that the Government will oppose the Bill. I hope that I am wrong and that some members opposite will give the Bill the credit to which it is entitled. Long service leave has been in operation in the Government service in this State for a long time, and in other States of the Commonwealth for a much longer period, both in the Government service and in industry, and in this connection I would like to quote what was referred to by the Leader of the opposition.

Mr. Speaker, it is not often that I complain about other members conversing aloud, but I am scarcely able to follow the trend of my own remarks because of the conversations that are going on.

The SPEAKER—Order! I ask members not to converse aloud.

Mr. FRED WALSH—In New South Wales an Act was passed in 1951 making it mandatory for the Industrial Commission to award long service leave, namely, 13 weeks after 20 years' service with one or more employers—(*i.e.*, an employer whose business was taken over by a successive employer). In Queensland in 1952 the Industrial Conciliation and Arbitration Act was amended by prescribing long service leave of 13 weeks after 20 years' service with one employer, and *pro rata* leave after 15 years' service, with a further 13 weeks' leave after completing a further 20 year's service. Continuity of service not to be broken by absence from work through illness, injury or on leave granted by an employer, or where employee is stood down or dismissed and re-employed by the same employer within a period of two months. Prior service to be counted for the purpose of calculating length of service.

The Victorian Act, passed in November, 1953, on which the Leader of the Opposition frankly admitted that this Bill was based, contains the following provisions:—

Previous service counted for the purpose of calculating the length of service. Leave due not to be taken before January 1, 1955, but if employee dismissed *pro rata* payment to be made to that employee. Service should be deemed to be continuous notwithstanding the taking of annual or long service leave; illness or injury not exceeding 14 days in any year; any interruption of employment to avoid long service leave obligations; any interruption directly or indirectly, industrial disputes, dismissal of employee if re-employed within two months, any absence on leave or absence on account of injury arising out of or in the course of his employment. Employment with an employer whose business is transmitted to another employer is calculated as service for purpose of the Act. Twenty years retrospective service to be counted for purpose of entitlement to long service leave. *Pro rata* leave to be granted to employe with 10 years' service who is dismissed for any cause other than serious misconduct. Thirteen weeks' long service leave for 20 years' service and thereafter an additional three and a quarter weeks long service leave on completion of each additional five years of continuous employment with employer.

The question of retrospectivity was raised by both the Premier and Mr. Pearson, but it is one that cannot be avoided. Although it is true that Parliament in most instances does

not approve of retrospective legislation there are times when it has accepted this principle. In this type of legislation it is only logical to expect that it must have retrospective effect for otherwise it is of no value. Surely it would not be suggested that the Act should operate from the date on which it is assented to, for that would mean that a person would no become entitled to long service leave until a further 20 years had lapsed. Mr. Pearson said that although he was opposed to the Bill he was not opposed to the principle of long service leave, but I think that on reflection even he will see the necessity for it in this case. I would like to quote again from the agreement I have already referred to:—

For the purposes of computation and allotment of long service leave, all long service leave shall be deemed to become due on May 1 next following the completion of the periods aforesaid of 15 and 25 years continuous service.

It is true that, in this case, the agreement was dated a few months ahead, but that imposed no hardship on the employer and quite a number of employees in that industry became entitled to long service leave immediately. The Premier, with his usual technique when opposing any proposals emanating from this side of the House against which he cannot advance any logical argument, indulged in ridicule and questioned the sincerity of the mover of the Bill. That was most unfair. During the course of his remarks he referred to the meddling of politicians when criticizing legislation enacted in other States. Such a statement is laughable. Who meddles to the extent of directing the policy of the Housing Trust? Who meddles with the policy of the Electricity Trust? Who will direct the policy of the Tramways Trust? Who directs the decisions of the Prices Commissioner on major issues? I suggest that the Premier does.

The taking over of price control by the States and the actions of meddling politicians, such as the Premier and those associated with him in price control, in permitting basic wage adjustments to be added to the cost of production and, in turn, to the price of the commodity without regard to the fact that it was the increased price in the first place to the consumer that increased the cost of living, gave the wrong impression to the public that price increases followed basic wage adjustments, whereas the reverse is the case. Throughout the years it has been the accepted practice that the basic wage should be adjusted according to the cost of living of the preceding quarter. This State is in a sound economic position, but the worker has made the sacrifices to achieve that. What has become of the profits that the producers, retailers, and those associated with profit making have gained as a result of the stabilizing of wages? They have received increased prices for their products but have not had to pay out 1d. more in wages. The sooner that is examined by the Commonwealth Court, the better. I regret that in this morning's press it was reported that a representative of the South Australian Government was going to argue against increased margins.

The provision of long service leave is not new in world affairs. It has already been discussed informally at the International Labor Conference and I do not think it will be very long before it is placed on the agenda for consideration. At this year's conference the provision of a fortnight's annual leave was determined and in the not far distant future the question of long service leave will be discussed. The Hedco Manufacturing Corporation of Chicago, manufacturers of radios and furniture, early this year signed a contract to provide employees with a year's leave after 10 years of employment. We are only concerned with providing a paltry three months' leave after 20 years' employment.

The Hon. A. W. Christian—That leave was granted by agreement.

Mr. FRED WALSH—Yes. All such matters are determined by agreement in America and not by arbitration awards as we know them. It is not difficult to realize the real advantage that will accrue to both employer and employee under the provisions of this Bill. For the employer the provisions will create circumstances which will assist not only to encourage the enlistment of labour but to encourage the worker to give the whole of his working life to one employer. This not only tends to eliminate the considerable economic loss that must inevitably be involved in workers changing their places of employment but also, by the close association of the worker during his working life with a particular employer, to create a feeling of loyalty and an appreciation that their interests, if not the same, are at least closely allied. It would also create in the mind of the worker a feeling that his employer is interested in him and, I am sure, no-one will deny the beneficial effect of this on the employer-employee relationship about which we hear so much. The member for Flinders, Mr. Pearson, said that there was nothing he would not do to further that

relationship. It is impossible to assess in money the worth to industry generally of any improvement in that relationship.

I think it is safe to assume that any cost to industry arising from the implementation of this measure would be repaid a thousandfold in more ways than one. When we realize the advantages that would accrue to the worker from its operation we must consider what he gives in return for those advantages. It must be borne in mind that the benefits conferred upon the worker in the form of long service leave are, in themselves, tied to the conception of continuous service with one employer. This confers upon the employer the benefit of always having at hand the services of a steady, reliable and, in the main, efficient employee. I emphasize that the worker, to receive the benefit of three months' long service leave, is required to stay with the one employer for 20 years, thus, to a considerable extent, forfeiting his freedom of changing his employment because of the fear of losing his leave entitlement. Men frequently desire to change their employment and accept positions that provide better amenities and better pay, but because they are entitled to certain concessions they refuse to accept other employment. This Government offers, as an inducement, certain concessions to its employees so that they will not change their employment.

The Premier concluded his speech by saying that the Bill could not be given general effect because it was unconstitutional. I do not know whether he was referring particularly to this Bill or to legislation passed in Victoria, New South Wales and Queensland, but does he suggest that the legislation in other States would have been accepted if there were doubts about its constitutionality? Surely the employers in those States would have immediately taken action? It is true that in respect of the Victorian Act there is litigation at present before the High Court but that is in regard to another aspect. The Premier's suggestion that it is unconstitutional to camouflage and an attempt to cloud the issue.

Mr. Jennings—We are a sovereign parliament.

Mr. FRED WALSH—We have more power within our boundaries than the Commonwealth Government has over the Commonwealth because it is limited by its constitution whereas we are not. I do not question the sincerity of Mr. Pearson but I suggest he was speaking on something with which he was not properly conversant. Unfortunately, from time to time, he takes part in debates with the object of influencing members opposite but he made allegations that he cannot substantiate. He referred to union opposition to any suggestion of partnership in industry. That is entirely wrong because the unions have claimed, not only in respect of private industry but also in regard to Government employment, the right to have voice in the management. I think some industries would gladly take employees into conference in regard to their management.

Mr. Pearson was apparently more concerned about the matter of incentives. It is true that many unions have entered into agreements with companies and industries in respect of such matters as incentives and bonus payments. The main fear of the unions in this respect is that such incentives may not be properly controlled. They do not want to revert to the bad old days when a price was decided for a certain article but because the worker made a little extra than was intended by the employer, the employer immediately cut the rate. Mr. Pearson also referred to rural workers, but I suggest that the application of this Bill would not affect rural industries to any great extent. I am sure there would be no objections from farmers or others engaged in rural industries if they were assured of employees working for them for 20 years and providing good services. If they had not given that honest service it is a pretty safe bet they would not have been employed for 20 years. Under the Bill rural industry would not be affected to any great extent, and neither would the employer in a small industry. Therefore, the cost would not be of any great consequence and I believe the proposal would be accepted without complaint by such people.

The Bill also provides that employment shall be deemed to be continuous if an employee is absent from work for not more than 14 days in any year on account of illness or injury. That should be accepted. It also provides that employment shall be deemed to be continuous notwithstanding the dismissal of a worker if he is re-employed within a period not exceeding two months. That is another point which should be recognized. Consider, for instance, the liquor industry, with which I have been associated. At certain periods of the year there is a definite slackness, and men are stood off for a week or two and then brought back again. Their employment should be considered to be continuous and that absence should not interfere with their rights under the Bill. The transfer of an employee from one employer to another is also associated with the liquor industry. This often applies when

a hotel licence is transferred and in the circumstances the employee does not suffer. I hope that Mr. Pearson and other members opposite will allow the Bill to go into Committee, when any amendments could be considered.

Mr. HAWKER (Burra)—I had a look at the Bill and read the remarks of the Leader of the Opposition who introduced it and it seems to me a rather clumsy measure. Early in his remarks he mentioned that workers should share the profits and the management, but he never referred to the question of losses. We know that even in the best of times some industries experience a loss. With the export prices of our primary products falling it is quite likely that losses will become more frequent. Mr. O'Halloran mentioned the disadvantages and the economic loss resulting from the turnover of staff, with which every member will agree, but I do not think this legislation will in any way affect that position. Mr. Pearson made a very good contribution to the debate and I agree with what he said. He specifically mentioned the retrospective clauses. Much hardship and tremendous loss could be caused if a man did not have the opportunity to put anything aside to cover the cost of long service leave for employees. Many employers who have had long and faithful service from their employees have paid them a bonus over the years and allowed them extra holidays, but none of this could be taken into account under the Bill. If an employer knows that after 20 years' service he must allow his employee 13 weeks' leave he would make provision accordingly, and probably would not give him the same privileges he has previously granted. Under the pastoral award a clause was introduced under which a man had to receive one fortnight's leave after a year's work, but was obliged to return to his employment. That has now been altered and it does not matter when a man leaves he must get one-twentyfifth of his pay in lieu of the holidays—even if he is employed for only a fortnight. Clause 7 (2) (*c*) provides:—

> In the case of a worker who has completed at least 10 but less than 20 years of continuous employment with his employer and his employment is terminated—
>
> (i.) by the employer for any cause other than serious and wilful misconduct; or
>
> (ii.) by the worker on account of illness incapacity or domestic or any other pressing necessity where such illness incapacity or necessity is of such nature as to justify such termination—

such amount of long service leave as equals one-eightieth of the period of his continuous employment.

What constitutes a "pressing necessity"? The man might want to go to the races. Sooner or later the Opposition will seek provision to include a man who has given five years of service or even less and has to leave, and ask that he should receive one-eightieth of his service as long service leave. For those reasons, I cannot support the Bill.

Mr. FRANK WALSH secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL.

In Committee.

(Continued from October 6. Page 920.)

Clauses 3 and 4 passed.

Clause 5—"Number of members of House of Assembly."

Mr. GEOFFREY CLARKE—It seems that if this clause is passed in its present form there would have to be a number of consequential amendments to other Acts. I do not know whether the Leader of the Opposition has considered amending other Acts to allow this clause to function smoothly.

Clause passed.

Clause 6 passed.

Clause 7—"Assembly districts."

Mr. SHANNON—In zoning the State into districts the Leader of the Opposition is granting privileges to an area in the north of the State, but he is denying other equally deserving portions the same privilege. I believe the most southerly portion of the State deserves the same special treatment proposed for the most northerly. The distance between Mount Gambier and Adelaide is greater than that between Adelaide and Orroroo or Quorn. If distance from Adelaide is the only factor to be considered the southerly portion of the State should get the same recognition as the northern. If sparsity of population is the only factor to be considered the lower end of Eyre Peninsula should not get special treatment. Port Lincoln, and the area between that town and a line drawn east and west from coast to coast through Lock, will develop considerably. Therefore, this part of Eyre Peninsula should not be singled out for special consideration. I propose to—

Mr. O'Halloran—You are not proposing; you are being pushed.

Mr. SHANNON—No. The honourable member knows that if I am pushed I only dig

my toes in harder. I believe that the Bill has some merit in it.

Mr. O'Halloran—And you showed that by voting for the second reading.

Mr. SHANNON—I did not vote for or against it, but permitted it to get into the Committee stage because I could see sufficient merit in some of its clauses. This clause is a vital one. If we are to apply the principle that country areas should have greater representation per head of population than others I entirely agree with the Leader of the Opposition. Now it is only a matter of where we shall draw the line. I think the honourable member will agree that the River Murray, unfortunately, has proved some deterrent to the development of the land lying to the east of it. The lack of proper access to the eastern part of the State has deterred settlement there to some extent, but that land has a big future. If it is to be adequately developed it must be adequately represented in this Chamber. To reduce the representation of an area with such possibilities is a retrograde step. One of the disabilities of most country areas is that the people spread over their vast distances have the greatest difficulty in getting their ideas put forward in Parliament effectively. The Leader's proposal will deny the South-East the representation that it now enjoys. If we realize the potential wealth that will eventually come to the area south of Tailem Bend, from Coonalpyn to Mount Gambier, we should also realize that it should demand adequate representation in this Chamber and not a diminution, because development follows adequate representation in Parliament. In the South-East there is probably as much desire to see the State prosper as there is in the Murray Valley, and the potential is just as great in the South-East; although there is no river there, Providence has taken care of the matter and provided a useful rainfall so that the district has never experienced a drought. It has been and will be a safety valve for the State on many occasions. The effects of my amendments are to preserve the metropolitan area as a zone, as at the moment it is virtually a zone.

The CHAIRMAN—Does the honourable member intend to move his amendments now? I think he should move one of them.

Mr. SHANNON—Then I will do so, Mr. Chairman. I move first—

In new section 32 (1) (*a*) to delete "first thirty-four portions of" with a view to inserting "parts of the State comprised in".

I will explain for the benefit of members opposite—

Members interjecting:

Mr. DUNSTAN—This is as completely disgusting as I have ever heard.

Mr. SHANNON—I do not know that it is Parliamentary to use the expression "completely disgusting" of the statements of an honourable member.

The CHAIRMAN—I think it is a reflection on the honourable member and on Parliament, and I ask the honourable member to withdraw.

Mr. DUNSTAN—I regret that this is something which I cannot withdraw; it is disgusting to me, and I will not withdraw.

The CHAIRMAN—Is the honourable member suggesting that the honourable member for Onkaparinga has disgusted him?

Mr. DUNSTAN—Yes.

The CHAIRMAN—I think the honourable member will realize that is a very great reflection on the honourable member. I would say it is not Parliamentary to use those words in relation to the honourable member, and I ask the honourable member for Norwood to withdraw.

Mr. DUNSTAN—I regret I cannot do so.

The CHAIRMAN—Then I am sorry, but I shall have to name the honourable member.

The SPEAKER resumed the Chair.

The CHAIRMAN—Mr. Speaker, when the honourable member for Onkaparinga was discussing clause 7 the honourable member for Norwood said that he was completely disgusted with his behaviour, which I asked him to withdraw, as the honourable member for Onkaparinga objected to it as a personal reflection upon him, and I took it as a personal reflection on Parliament. The honourable member for Norwood refused to withdraw.

The SPEAKER—I have received a report from the Chairman of Committees in which the honourable member for Norwood is mentioned. The Chairman said the words used by the honourable member were that he was completely disgusted with the behaviour of the honourable member for Onkaparinga.

Mr. DUNSTAN—My words were, "This is completely disgusting."

The SPEAKER—I ask the honourable member for Onkaparinga what words he objects to.

Mr. SHANNON—The words "Completely disgusting."

The SPEAKER—There seems to be full agreement as to what words were used. We

get back now to what is the custom and practice between honourable members, and I submit to the honourable member for Norwood that he made a remark that a member feels is a personal reflection on him. It has been the practice of members in such cases to withdraw the words so that no personal reflection rests upon any member. That being the practice, I ask the honourable member for Norwood if he will withdraw the reflection on the honourable member. If he takes my advice, he will do so.

Mr. DUNSTAN—I did not intend to be personal with regard to the honourable member for Onkaparinga. I do, however, feel that on this matter a move of this kind is what I said it was, and I regret that I cannot withdraw on this issue.

The SPEAKER—The honourable member therefore says he made no personal reflection on the honourable member for Onkaparinga. Would he likewise say he made no personal reflection on the Chair and on the conduct of the House?

Mr. DUNSTAN—I was not intending to be personal in this matter, but this move to me is as I said it was.

The SPEAKER—Does that satisfy the honourable member for Onkaparinga?

Mr. SHANNON—I do not know that I am the one to be satisfied. It appears to me that it is the Chamber that should be satisfied.

The SPEAKER—I asked the member for Onkaparinga because he took the point.

Mr. SHANNON—If the honourable member does not withdraw the words "completely disgusting," we are getting to a state of Parliamentary life to which I do not wish to be a party. The words "completely disgusting" are so unusual in a place like this that they should be withdrawn by any gentleman.

The SPEAKER—The objection has been taken that the words used are a reflection on the Chamber. The general procedure in this Chamber is rather jealously watched by all members. Mr. Premier, would you be prepared to move that the explanation is satisfactory?

The Hon. T. PLAYFORD—No. Sir. It has always been freely conceded by all members that, when a member takes objection to remarks as being personal or a reflection on him, those remarks should be withdrawn. The Chair in this instance ordered that the remark be withdrawn, and I cannot take any action derogatory to the Chair's action.

The SPEAKER—I have obtained a consensus of the feelings of members. Will the member for Norwood withdraw his remarks?

Mr. O'HALLORAN—I think the Leader of the Opposition is entitled to be heard in this matter.

The SPEAKER—No.

Mr. Jennings—Then why was the Treasurer heard?

Mr. O'HALLORAN—May I move a motion, Mr. Speaker?

The SPEAKER—Yes; a member may move that the explanation be accepted.

Mr. O'HALLORAN—I move—

That the explanation of the honourable member for Norwood be accepted.

The honourable member has already said he meant no personal reflection on the member for Onkaparinga, and in view of that complete withdrawal of any intention to reflect on the honourable member I think his honour has been upheld. In Committee the member for Onkaparinga appealed to the Chairman, who responded to the appeal. That appeal, in my opinion, has now lost ground because of the withdrawal of any personal reflection on the member for Onkaparinga.

The SPEAKER—Or on the House?

Mr. O'HALLORAN—Yes.

Mr. LAWN—I second the motion.

The Hon. T. PLAYFORD—If the explanation of the member for Norwood was that stated by the Leader of the Opposition, it is a complete withdrawal, and under those circumstances there is no need for a motion. As I understand it, if the member for Norwood has withdrawn his remark as applying to the member for Onkaparinga, there is no need for a debate on the motion. However, I understood him to say he had not withdrawn it, and I would like that point cleared up.

The SPEAKER—I think that the member for Norwood, in reply to me, said he did not withdraw the remark.

Mr. SHANNON—I did not take the words as a personal affront when they were spoken—

Mr. Dunstan—They were not meant as such.

Mr. SHANNON—But I did—and still do—take them as an affront to this Chamber. What I said earlier stands: if those words are to remain as Parliamentary in the proceedings of this Chamber I must hang my head in shame for being a member.

The Hon. T. PLAYFORD—Mr. Speaker, has the member for Norwood complied with your request to withdraw?

The SPEAKER—No. I gave him two opportunities to withdraw, but he was unable to do so. I then sought the feeling of the House. The Premier took the point that the remark had not been withdrawn. It was quite

in order then for any member to move that the explanation be accepted, and such a motion has been moved and spoken to; therefore, I now purpose submitting the motion.

Mr. DUNSTAN—Since some members feel that my remark was a reflection on the House, which it was not intended to be, I withdraw.

Debate in Committee resumed.

Mr. O'HALLORAN—On a point of order, Mr. Chairman, members have listened to the member for Onkaparinga for a fairly long period. He has indicated an amendment, but he has not addressed one remark towards it. He has given a second reading speech on the merits and demerits of my Bill, and I object most strongly. If this debate is to proceed let it be on the amendment, otherwise I shall take strong action.

The CHAIRMAN—I cannot agree with the Leader's point of order. Any honourable member has a right to speak to this clause. The member for Onkaparinga spoke to it for a considerable time and then said he wanted to discuss an amendment that he moved. I say the honourable member is entirely in order.

Mr. SHANNON—As a result of my amendments new section 32 (1) (*a*) will read:—

Zone A, comprising the parts of the State comprised in Central No. 1 and Central No. 2 Legislative Council electoral districts at the commencement of the Constitution Act Amendment Act, 1954.

Those districts are the metropolitan council districts, and my amendment will limit Zone A to the metropolitan area. That is the proper approach to the zoning of the State in its present developmental stage.

Mr. O'HALLORAN—I oppose the amendment. Mr. Shannon described the effect of clause 7 on such places as Port Lincoln, Oodnadatta, Orroroo, Renmark, Loxton and Waikerie, but the Bill in its present form establishes the fundamental principle of electoral justice for those districts as well as for all other parts of the State. Mr. Shannon said I had altered the provisions of my Bill of last session, to provide for a special zone comprising the sparsely populated northern districts and Eyre Peninsula, but I did that merely because many Government members said last year that that was one of the major omissions in my Bill.

Mr. Jennings—You made the mistake of thinking they were sincere.

Mr. O'HALLORAN—Yes, I thought members opposite had some political honesty in their make-up, but I now know they have only one purpose: to remain in office in order to serve those interests they undoubtedly serve. If, in drawing up this legislation, I had tried to include special provisions for the South-East, the Midlands, the Murray area, Eyre Peninsula and the Far North, what kind of a hotch-potch would I have produced? Mr. Shannon does not suggest that all those districts should be specially considered. I propose to rectify the present system which provides for 26 country and 13 metropolitan members, irrespective of population. Mr. Shannon seeks to maintain the same ratio, but his proposal is really worse than the present set-up. At present 39 per cent of the State's population lives in the country and elects 26 members to this place. The 61 per cent who live in the metropolitan area elects 13. My Bill provides for an increase in membership from 39 to 45. Mr. Shannon graciously proposes to give the 61 per cent two more members and the 39 per cent four. The present system is a travesty of electoral justice, but Mr. Shannon's proposal adds to that travesty. I object to his proposed divisions. As a whole the country districts have lost population. If Mr. Shannon's proposal is accepted we will reach the stage when sheer starvation will force people from the metropolitan area to wrest land from country people so as to get a living.

Progress reported; Committee to sit again.

[*Sitting suspended from* 5.54 *to* 7.30 *p.m.*]

EVIDENCE ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

SWINE COMPENSATION ACT AMENDMENT BILL.

Second reading.

The Hon. A. W. CHRISTIAN (Minister of Agriculture)—I move—

That this Bill be now read a second time.

This Bill is on all fours with the Cattle Compensation Act Amendment Bill passed recently. The Swine Compensation Act sets up a fund called the Swine Compensation Fund into which is paid the proceeds of a special stamp duty imposed on the sale of swine. At present the rate of duty is 1d. for every 10s. of the purchase price of any pig with a maximum of 5s. payable on the sale of any one pig. From the fund compensation is payable to the owners of pigs or carcasses of pigs which are destroyed or condemned by reason of any of the diseases set out in section 4 of the Act.

If a pig which is condemned is found to be free from disease, compensation is based upon the market value of the pig. If the pig is found to be diseased, compensation is payable on the basis of seven-eighths of the market value. Compensation for diseased carcasses which are condemned is paid in accordance with a scale prescribed by regulation.

The Act provides that, for the purpose of assessing compensation the market value of any one pig is not to be deemed to exceed £30. At June 30, 1954, the credit balance in the fund was £73,884 3s. 1d., and it is considered that this amount is sufficient to provide a satisfactory reserve if an outbreak of swine fever occurred. The fund has been building up steadily ever since its inception and it is thought by the Government that, in view of the balance now in the fund, the rate of swine stamp duty could be reduced to a point where the annual returns are somewhat slightly in excess of the ordinary outgoings. Yearly payments out of the fund during the last two years have been about £9,500 and only on two occasions since the inception of the fund, that is, during 1947-1948 and 1951-1952, when the amounts paid were £10,111 17s. 6d. and £10,885 8s. 11d., respectively, have the annual outgoings exceeded £10,000.

It is accordingly proposed by clause 4 that the rate of swine stamp duty will be reduced from 1d. for every 10s. of purchase price to 1½d. for every £1 of purchase price, that is, a reduction of ½d. in the £1. The maximum duty payable on the sale of any one pig is now 5s. and the clause reduces this to 3s. 9d. It is expected that this new rate of duty will produce an annual return of from £10,500 to £11,000 a year, that is, something slightly in excess of the normal annual payments.

Clause 3 provides for two amendments to section 8 of the Act. Subsection (4) of section 8 provides that compensation is not to be payable in certain circumstances. Paragraph (*b*) provides that one of these circumstances is where the owner of a pig visibly affected with tuberculosis has failed to give notice of that fact as required by section 19 of the Stock and Poultry Diseases Act. Clause 3 substitutes the word "disease" for tuberculosis and thus provides for the withholding of compensation where the owner fails to notify any disease with which the pig is visibly affected. The definition of "disease" in section 4 includes other infectious diseases in addition to tuberculosis and section 19 of the Stock and Poultry Diseases Act applies generally to infectious diseases. In point of fact, the clinical manifestation of tuberculosis in swine is extremely rare. Other diseases for which compensation is payable are much more obvious clinically, are more highly contagious and can have a high mortality rate, and failure by owners of swine to report promptly their occurrence could result in the fund having to meet heavy compensation payments.

Clause 3 also provides that compensation is not to be paid if the owner of any pig has failed to carry out any written instruction given by an inspector for the control or eradication of any disease in the owner's piggery and the chief inspector is satisfied that the death of the pig from the disease resulted from that failure. In such a case it is considered that the owner has forfeited his right to compensation. Clause 2 makes a drafting amendment to section 6 and makes a consequential amendment to that section which was omitted to be made when the maximum market value of a pig for compensation purposes was increased from £15 to £30.

Mr. O'HALLORAN secured the adjournment of the debate.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL.

Second reading.

The Hon. C. S. Hincks for the Hon. T. PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

Its object is to enable regulations to be made under the Act providing for increased filing fees to be paid where returns under the principal Act are filed late. The Act requires a number of returns to be filed by societies within prescribed times, and makes failure to comply an offence. The Auditor-General has reported to the Government that considerable expense is being incurred in pursuing societies which fail to file their returns in time. He suggests that to encourage the filing of returns at the right time increased fees should be charged for late filing and points out that a system of late filing fees under the Companies Act has given people a strong incentive to file documents within the time fixed by the Act. The Thirteenth Schedule of the Companies Act provides that a fee of 5s. is payable for the filing of certain documents within the period provided by law, a fee of £1 5s. if the documents are filed within a month of that period, and a fee of £5 5s. if they are filed after that. The Schedule provides that the Registrar may if he thinks just in any special case, reduce the

increased fee. The Registrar of Industrial and Provident Societies has recommended the adoption of the Auditor-General's suggestion and this Bill accordingly provides for the making of regulations providing for late filing fees based on the same principles as the provisions of the Thirteenth Schedule of the Companies Act.

Mr. O'HALLORAN secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 6. Page 933.)

Mr. TEUSNER (Angas)—I support the second reading. This legislation has become necessary because of a recent decision of far-reaching importance, given by the Full Court of the Supreme Court, dealing with the Corporation of Campbelltown. Prior to the decision it was considered by councils that if they raised money by way of loan to finance certain undertakings under the Act they were still able to recover a moiety from the ratable property pursuant to section 319 of the Local Government Act. The decision has made it clear that if councils resorted to the financing of certain works out of loan moneys then they would be precluded from recovering moiety from the owners of ratable property abutting the road where the work was carried out. In order to appreciate fully what was involved, perhaps it may be desirable to mention something concerning the facts of the case considered by the Full Court. In 1949 a Mrs. Johnston was the owner of certain ratable property situated at Heading Avenue, Campbelltown, which the corporation decided to bituminize. It passed a resolution, pursuant to which it proposed to borrow certain money on debenture. The works were duly completed between 1950 and 1952 after the consent of the ratepayers to the proposed loan, as provided by the Act, had been obtained. In 1952, the owner of the ratable property, Mrs. Johnston, was notified by the corporation that certain work had been done and that it was proposed to charge her 5s. a lineal foot in respect of that work as far as her frontage of 215ft. was concerned. She objected, and in due course proceedings were taken against her for the recovery of the moiety. She claimed, in defence, that the corporation was precluded from recovering the moiety because it had raised a loan, by debentures in terms of the Act, out of which loan it had financed the work in question. The matter was taken to the local court and a case was stated for consideration of the Full Court of the Supreme Court. This court held that where a council had resorted to financing such works and undertakings as are specified in section 319 and had financed them out of loan monies—in this case by debenture loan—it was prevented from recovering the moiety from the owner of the abutting property. The Chief Justice held that the power which is given under section 319 is in the nature of an option and that once the council has exercised an option or elected to finance a project out of loan monies it has virtually given notice to the ratepayers that it would be financing it out of the loan monies and that it also has impliedly notified the ratepayers that it does not propose to recover any moiety from them. In other words, an election had been made and that was final, and the moiety could not be subsequently recovered.

The decision has caused considerable consternation amongst councils because, over many years, they have financed much work out of loan monies and were under the impression that if they had resorted to this method they could nevertheless recover a moiety from the owners of property abutting the road in which the works were undertaken. I understand that in the past three years about £70,000 has been expended by metropolitan councils on road works and that they have recovered about £23,000 by ways of moieties from ratepayers and that there is still about £6,400 outstanding. The decision has created many difficulties. For instance, the question arises whether the unpaid moieties can be recovered. Again, can councils be compelled to refund the moieties that have been paid?

Mr. O'Halloran—You are not suggesting that this provision will operate retrospectively?

Mr. TEUSNER—Many ratepayers have paid their contribution but the question arises whether they can demand a refund. This legislation will make that impossible. As the vast majority of ratepayers have paid their moieties it would not be right not to enforce others to pay theirs. The decision of the court is that if a council wishes to exact a moiety from a ratepayer it must finance the road works out of general revenue and not out of loan money.

Mr. Macgillivray—You mean that under existing legislation it could not recover a moiety if the work were financed out of loan money?

Mr. TEUSNER—That is so. Clause 6 makes the position clear as regards unpaid moieties.

Mr. Dunks—Which have been levied?

Mr. TEUSNER—Yes. It is in the best interests of all parties to clear up this problem by legislation, otherwise many councils will be faced with litigation, for some ratepayers may take action for a refund of the moneys they have already paid and others may refuse to pay what is outstanding. Clause 3 amends section 319. It states:—

The cost or any part of the cost of any work may be recovered as provided by this subsection notwithstanding that money is borrowed under any provision of this Act for the purpose of carrying out that work, and notwithstanding that other money of the council is used for that purpose.

That makes it patent that notwithstanding moneys have been borrowed under any other provision of the Act the council concerned can recover a moiety from the owner of ratable property. The power to recover a moiety exists only where the council is for the first time carrying out road construction work. It does not extend to repairing the road.

Mr. Macgillivray—What is the definition of "moiety"?

Mr. TEUSNER—The Act does not use that word. A moiety is a part.

Mr. Macgillivray—What is the legal definition?

Mr. TEUSNER—There is no definition of it in the Bill. The maximum amount that may be recovered from the ratepayers is fixed in the Bill at 10s. a lineal foot. Hitherto the maximum amount was 7s., but when this was fixed road construction was much cheaper and it is desirable to increase the maximum to 10s.

Mr. Macgillivray—Do you think "moiety" should be defined in the Act?

Mr. TEUSNER—"Moiety" is not used. Clause 3 states:—

. . . . the council may recover from the owners at the time of the completion of the work of ratable property abutting on the public street or road, the cost of such work or such part thereof as the council thinks fit ratably according to the frontages of the ratable property abutting on the street or road . . . .

It then states that the maximum amount that can be recovered is 10s. a lineal foot. A further desirable provision is contained in new section 319 (10), which provides:—

The council shall within six months of the completion of any work the cost or any part of the cost of which is sought to be recovered under this section from any owner of any ratable property, give notice in writing to the owner of the ratable property specifying the amount required to be paid to the council and requiring the payment thereof.

In fairness to the owners of properties from whom it is proposed to exact a moiety, I think this provision should be included, because it contains a requirement that notice shall be given. Hitherto a council could give notice at any time after the completion of the work. In other words, the whole matter might be kept in cold storage for a considerable time and after a year or two steps could be taken to recover portion of the cost of the work from an owner of a property. Under this provision notice must be be given within six months of the completion of the work, it must specify the amount that the owner is required to pay and request payment thereof. Similar provisions also apply with regard to the recovery of portion of the cost of paving footpaths.

Mr. Quirke—New section 319 (9) contains a provision that if a road is subsequently widened a council can claim on it.

The Hon. M. McIntosh—No, they cannot, but there is an amendment on the files in connection with that.

Mr. TEUSNER—I accept that assurance. Clause 4 makes similar provisions in regard to the recovery of the costs of paving footways; the maximum amount recoverable has not been increased. Clause 6 validates payments that have been made in the past by owners from whom payment of a moiety has been requested, and it also makes it possible for councils to collect any outstanding moieties from owners of ratable property. In view of the dilemma in which many councils would find themselves if this legislation were not passed it is desirable that members should give this legislation their whole-hearted support to clarify the position.

Mr. Stott—Does the honourable member think the matter is beyond doubt now?

Mr. TEUSNER—There were two long judgments given by the Chief Justice, for whom every member of this House has every respect, and by Mr. Justice Reed, and both arrived at the same conclusion. The judgments are very definite; I have perused them and the only alternative I can see in view of the decision is this legislation.

Mr. Stott—I have some grave doubts about it. Parliament should put the matter right.

Mr. TEUSNER—Parliament proposes to put the matter right. I have very great pleasure in supporting the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3 "Cost of constructing public street."

The Hon. M. McINTOSH (Minister of Works)—I move—

In new subsection (2) (IV) to strike out—

Provided that the total of all amounts payable under this section in respect of any ratable property shall not exceed ten shillings per lineal foot of the frontage thereof to the public street or road in which the work is carried out.

Later I will move to insert a new subsection to make it clear that the total amount collectable shall not exceed 10s.

Mr. MACGILLIVRAY—This Bill was introduced for Parliament's consideration, yet before it was discussed the Minister tabled an amendment. I am wondering why the amendment was not included in the original Bill. I am led to believe, rightly or wrongly, that the department has not given this measure the consideration that Parliament has the right to expect. Surely Parliament, which is a major institution, should be considered just as much as the department. I enter a protest because I have a feeling that certain departments treat Parliament with a great deal of offhanded consideration, and that they look upon it as a secondary institution. I feel that Government departments are becoming more and more important, and Parliament is becoming less important.

The Hon. M. McINTOSH—To say that I am amazed in this instance would be an understatement. I have heard the honourable member say previously that the Government never listens to any suggestions. The issue was raised that there was some doubt as to whether the widening of a road might be regarded as some extra work for which 10s. a foot could be obtained. The wording of this clause is used in another place word for word, and to say that it has not received consideration is wrong, because it has passed the scrutiny of the Legislative Council. It was not drafted by a department but by the Parliamentary draftsman or his assistant, men in whom we take great pride. After this matter was raised by the member for Goodwood, although I did not think there was any doubt, the Government took the same words and put them in another subsection to remove any possibility of doubt. Instead of being castigated the Government should be given credit for following the opinions of members opposite.

Mr. FRANK WALSH—I express my appreciation of the way in which the Government has considered the matter that I raised. The Mitcham Council decided to reconstruct a road that had been laid 60 years ago and a charge representing some portion of the 7s. a foot provided by the Act was made on ratepayers. A dispute occurred, and I do not want any recurrence of this difficulty in the future. On this occasion the Government considered the matters I raised and instead of being castigated it should be commended.

Mr. QUIRKE—If 7s. has already been collected from the ratepayer, only a further 3s. could be collected in the event of the widening of the road?

The Hon. M. McINTOSH—Yes.

Amendment carried.

The Hon. M. McINTOSH—I move:—

In new subsection (2) to delete "subsection" and insert "section."

This is merely a drafting amendment.

Amendment carried.

The Hon. M. McINTOSH moved to insert the following new subsection:—

(11) The total of all amounts payable under this section in respect of any ratable property shall not exceed ten shillings per lineal foot of the frontage thereof to the public street or road in which the work is carried out.

Amendment carried; clause as amended passed.

Clause 4—"Recovery of cost of paving footways."

The Hon. M. McINTOSH—I move:—

In the second line to delete "subsection" and insert "section."

This is a consequential amendment only.

Amendment carried; clause as amended passed.

Remaining clauses (5 and 6) and title passed and Bill reported with amendments.

PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL.

In Committee.

(Continued from October 5. Page 882.)

Remaining clauses (6 to 8) and title passed.

Bill reported without amendment; Committee's report adopted.

PUBLIC SERVICE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 7. Page 949.)

The Hon. T. PLAYFORD (Premier and Treasurer)—Earlier in this debate the Leader of the Opposition made some remarks that were very wide of the real position. I have obtained a report from the Public Service Commissioner regarding the Bill, and I think the Leader will agree with me that, as the Commissioner was criticized by him, it would be only fair to place that report on record. The Commissioner states:—

I submit the following report regarding the statement made by the Leader of the Opposition, Mr. O'Halloran, on the Bill before Parliament to amend the Public Service Act. My remarks are confined to the statements in the speech which criticize the work of the Public Service Board in classifying offices and my work as Public Service Commissioner in selecting officers for promotion. I make no comment on the criticism levelled at the board when acting in its appellate jurisdiction. The speech touches only briefly on the subject matters included in the Bill, but chiefly criticizes the work of the Public Service Board and certain aspects of my work as Public Service Commissioner. As you are aware, the present set-up under the Public Service Act for the constitution of the Public Service Board was enacted just prior to my appointment as Public Service Commissioner and Chairman of the Public Service Board. Before this, the Public Service Commissioner was also Chairman of the Appeal Board. No request has been made by the Public Service Association for any alteration to those sections of the Act under which the Board is constituted, from which it would appear that the board is generally functioning successfully in its respective jurisdictions. Obviously with a board of this nature some degree of criticism is inescapable. Apparently officers of both Houses of Parliament and commissioned officers of the Police Force are satisfied with the Public Service Board, as some years ago they made a specific request to be brought under its jurisdiction. The salaries of officers of the Sheriff's and Gaols and Prisons Department and printers and other employees at the Government Printing Office are also fixed by the board. I now comment on some of the statements of the Leader of the Opposition in the order in which they appear in *Hansard*, and some of which refer to my relations with the honourable the Premier and Cabinet Ministers. On page 10, the Leader of the Opposition states:—

> It (the Public Service Board) has obviously become bogged down with instructions from the Government and as its members are spare-time members I fail to see how they can devote sufficient time and attention to the duties they are supposed to perform in that capacity. As an appeal tribunal, the board seems to be more of an evil than a blessing. It has apparently degenerated into a body whose function, in certain cases at any rate, is to act as a back-stop for the Commissioner. In those cases it would also seem that the Commissioner carries out the bidding of the Premier, having been previously fortified with a guarantee that if the matter does come up to the appeal board an alibi will be available.

I deprecate those statements, for it is not my habit nor the habit of any other Minister to deal with a matter on those grounds.

Mr. O'Halloran—What about the long time it has taken to effect certain reclassifications?

The Hon. T. PLAYFORD—This report deals with the case the Leader has in mind. The report continues:—

As you are aware, the above statement is without any foundation. Except in so far as matters before the Public Service Board affect Government policy (for instance the expansion of departmental activities), the board proceeds to a decision without reference to any Minister; and so far as recommendations made by me for promotion are concerned, I do not discuss applications with Ministers except in cases where the Minister concerned is personally affected by a decision. Instances of these cases are appointments of heads of departments and secretaries to Ministers (who are also heads of departments). In these cases it is obvious that I must discuss the merits of the various applicants with Ministers, for it would be unworkable for a Minister to be forced to take as his secretary a person in whom he had no confidence.

Mr. O'Halloran—How much discussion did the Commissioner have with the Minister before the appointment of the secretary to the Minister of Agriculture?

The Hon. T. PLAYFORD—I will deal with that point. I knew the Leader had at the back of his mind this particular idea.

Mr. O'Halloran—And other ideas.

The Hon. T. PLAYFORD—Yes, I think the Leader has a number of ideas, some of which we have corrected for him; but it will take a while to correct all of them. The report continues:—

Later on page 10, Mr. O'Halloran, in referring to recommendations for appointments to vacancies under section 52 of the Public Service Act, states:—

> We know that the Commissioner normally relies on the recommendation of some other person, such as, for example, the head of the department in which the vacancy in question has occurred. Under this system, we may say, without imputing any dishonesty, that the qualifications of applicants who do not happen to be employed in the department concerned may not receive adequate consideration for the simple reason that those applicants are not generally known to the particular head of the department.

and on page 13:—

> I think honourable members will agree that, except where the head of the department is obliged to apply some test or otherwise exert himself to ascertain the qualifications of all applicants, those who are not known to him are liable to receive very little consideration.
>
> It will be noted, also, that the Commissioner says nothing about reports that might emanate from others on applicants not very well known to the head of the department. . . . . The Commissioner should therefore never slavishly accept the recommendation of the head of the department, but rather exhaust every avenue of

inquiry to ascertain whether that recommendation is not merely based on such things as prejudice or a desire to give a friend a helping hand.

The general comment of the Leader of the Opposition is summed up in those three extracts the Commissioner has taken from his speech, namely, in the Public Service promotion goes by favour, you have to be known to the Commissioner or the head of the department, and if you are not known, you have no hope whatever because no-one takes the trouble to find out anything about you and you are out of it.

Mr. O'Halloran—Did the Commissioner make any report on my comment from his own report about "subtle influences"?

The Hon. T. PLAYFORD—The Leader is anxious to get off this point. What the Leader said, in effect, is that if you are not known to the Commissioner and are not a favourite of his, or if you are not known to the head of the department, you need not worry about applying because no-one will take the trouble to ascertain your variety of ability or your experience.

Mr. O'Halloran—That is not a very correct statement of what I said.

The Hon. T. PLAYFORD—I have read three extracts from the Leader's speech and if I understand English at all—

Mr. O'Halloran—You are forcing me to believe you do not understand it.

The Hon. T. PLAYFORD—This is what the Leader said:—

Under this system, we may say, without imputing any dishonesty, that the qualifications of applicants who do not happen to be employed in the department concerned may not receive adequate consideration for the simple reason that those applicants are not generally known to the particular head of the department.

In other words, if you are not known to the head of the department you do not receive consideration. The Leader also said:—

The Commissioner should therefore never slavishly accept the recommendation of the head of the department, but rather exhaust every avenue of inquiry to ascertain whether that recommendation is not merely based on such things as prejudice or a desire to give a friend a helping hand.

In other words, if you do not know the head of the department and if you are not a pet of the head of the department then the Commissioner does not take the trouble to look over his job, but slavishly takes the advice of the head of the department.

Mr. O'Halloran—I followed that by saying that personal interviews might be granted.

The Hon. T. PLAYFORD—The Leader also said:—

It will be noted, also, that the Commissioner says nothing about reports that might emanate from others on applicants not very well known to the head of the department.

In respect of those remarks Mr. Schumacher said:—

The above statements of the Leader of the Opposition are not in accordance with fact, as will be seen from the following explanation of the procedure followed in filling vacancies. Under the Public Service Regulations I am required to consult with the head of the department concerned, and for this reason the applications are forwarded to him for perusal and comment insofar as he has a knowledge of the applicants or as disclosed by their applications. They are not forwarded to him for recommendation, as the Act lays this responsibility on me, but for comment only. When these comments are received, I make the necessary inquiries and satisfy myself as to the qualifications and experience of the other applicants. At this stage a decision is made by me whether any of the applicants should be called for interview, and when this is done, which is usually the case, the head of the department or his delegate is present at the subsequent interviews. It often happens that after these interviews the head of the department agrees with me that an applicant from another department is more qualified to fill the vacancy. It is natural and common sense that I must pay due regard to the opinion of the head of the department, but I emphasize that I take full responsibility for the recommendation, which sometimes does not accord with the opinion of the head of the department.

The Commissioner sets out quite clearly the precedure that is followed. Under the regulations he is required to send the applications to the head of the department for comment and having got that comment, he then decides what further action should be taken to interview applicants who are not known to the head of the department. At those interviews a representative of the head of the department is present, but the Commissioner, under the Act, takes full responsibility for recommendations which, on a number of occasions I have come across, are not in accordance with the recommendation of the head of the department.

The Commissioner continued:—

I may add that I have frequent discussions with the President and Secretary of the Public Service Association on many matters affecting officers of the Service, and on no occasion has there been any suggestion of criticism of the manner of selecting officers for promotion; in fact the reverse is the case, for on many occasions officers have expressed to me their appreciation of the system now in operation under which every application is carefully considered before a recommendation is made. At the bottom of page 13, the

Leader of the Opposition deals with what he calls "the sad history of the recent appointments to secretarial positions in the Public Service," and later refers to the delay in making these appointments. As you are aware, following the calling of applications for the positions of secretaries to the Minister of Works and the Minister of Local Government, I interviewed you and drew attention to the fact that the position of Under Secretary would shortly become vacant and that if Mr. Pearce (the Secretary to the Premier) applied for and was appointed to the vacancy, the same field of applicants would probably be received for his position as had applied for the position of secretaries to the other two Ministers. Mr. Pearce had acted for the Under Secretary during his absence on leave ever since Mr. Byrne's appointment, and on ascertaining from him that he would be an applicant for the vacancy when it occurred I decided to call applications for the position. This was obviously the common sense thing to do. Mr. Pearce was selected for appointment, and the next logical step was to call applications for the position of Secretary to the Premier, for which position I recommended Mr. King, who was then Secretary to the Minister of Agriculture. The positions of Secretary to the Minister of Works and the Minister of Roads and Local Government were then considered and recommendations made after several discussions with the respective Ministers. Applications were then called for the position of Secretary to the Minister of Agriculture, for which Mr. Pollnitz was recommended following discussions I had with Sir George Jenkins. The reason for the delay in Mr. Pollnitz taking up his appointment was because the Auditor-General had asked that his transfer be delayed as he was engaged in the preparation of an important part of the Auditor-General's report. I discussed the matter with the Hon. Mr. Christian, who succeeded Sir George Jenkins as Minister of Agriculture, who concurred in the request of the Auditor-General.

We find, in actual fact, that at that particular moment because of a set of circumstances—Mr. Byrne retiring as Under Secreary and two new Ministers being appointed—there were a number of secretarial positions to be filled.

Mr. O'Halloran—You have not explained why the first application was called in December last year.

The Hon. T. PLAYFORD—I think I have explained, but if the Leader does not think so it is because he has not followed what I have said very closely. I said that Mr. Byrne was retiring and as that was a senior position in the Public Service the obvious thing to do was to fill that position first because the most senior man would obviously succeed in an application for any of the junior positions, and having been appointed to a junior position as soon as the senior position was advertised he would immediately apply and succeed in that. We obviously could not fill the junior positions until the senior position had been filled. If Mr. King had applied for any of the other positions he would undoubtedly have been successful.

Mr. Stott—On seniority?

The Hon. T. PLAYFORD—Yes, and on experience. I point out that in the Federal Parliament, for instance, a Minister is allowed—and with some justification—to appoint his own secretary. That is looked upon as a very personal position, and it is, and in the Federal Parliament Ministers frequently appoint a person who is not a member of the Public Service. It is a personal appointment and I say advisedly that if a secretary were to be appointed for the Leader of the Opposition, the Leader should be consulted. If anyone was inconvenienced by the delay that took place in appointing secretaries to the Ministers, it was the Ministers themselves. Under the Public Service Act the Public Service Commissioner and the Appeal Board are subservient to Executive Council. The Commissioner makes recommendations which are invariably accepted, but the fact remains that the Government has the right under the Act to appoint officers in the Public Service. That is as it should be.

Mr. O'Halloran—I admitted that right.

The Hon. T. PLAYFORD—Yes. If that were not the position we might find that someone in the Public Service was not carrying out his duties. A member would rise in his place and ask the Minister responsible for that department a question about that officer and the Minister would reply "I am very sorry, but this man was appointed by someone else and I take no responsibility for him." The ultimate responsibility of a Minister can only be preserved if he has the ultimate responsibility of selecting officers to carry out duties in his department and that right is preserved in the Public Service Act. The right of the Government in Executive Council to appoint officers is clear, but there is one doubt to which I want to refer. It is giving me much personal concern, and concern also to another eminent authority in the State. That will interest Mr. Macgillivray.

Mr. O'Halloran—It is a matter of any port in a storm.

The Hon. T. PLAYFORD—No. The appointments to the secretarial positions were made in the proper order. First, applications were called for the senior position of Under

Secretary, and an appointment was made. As far as I know there was no appeal against that appointment.

Mr. O'Halloran—There are certain qualifications for an appeal.

The Hon. T. PLAYFORD—Yes. They are set out in the Public Service Act. I have had no request from the Leader of the Opposition or the Public Service Association for an alteration to it.

Mr. O'Halloran—As far as Mr. Pearce's appointment is concerned, it was universally approved.

The Hon. T. PLAYFORD—I think so. He has carried out very heavy responsibilities for many years with great credit to himself and benefit to the State. He was the logical person to take the position. He had been doing the work in an acting capacity off and on for about 15 years. So far as I know, there was no difficulty about the appointment. Then there was the appointment of the secretary to the Premier. A number of officers applied and as far as I know when the ultimate recommendation was made there was no appeal. If there were one, I did not hear of it. Mr. King has courtesy, ability and tact.

Mr. Stott—And seniority.

The Hon. T. PLAYFORD—Yes, as well as overseas experience. He had a wide range of experience which made him eminently suited for the position. I think no member has any criticism of his appointment. I have not heard of criticism of any of these appointments. They were all officers with outstanding qualifications. In one or two instances they had acted in the position for some time. If there had been any inconvenience through the delay in the appointments it affected me because I had an acting secretary who had not normally been associated with the duties to look after my work. For some time both the Minister of Agriculture and the Minister of Roads had to wait before their secretaries were appointed. If a senior officer like Mr. Pollnitz, who was responsible for auditing the accounts of a particular department for a substantial portion of the year, had been taken away from that task it would have had to be started all over again, which could not be justified.

Mr. Pearson—What is the sad story referred to?

The Hon. T. PLAYFORD—If there was a sad story it was that for a period I had an acting secretary, but he did not regard it as a sad story. He told me he appreciated working in the department because of the valuable experience he gained. He received full pay whilst acting in the position. It is not the practice of the Government to have a person working in an acting capacity and not being paid a salary commensurate with the duties performed. That matter was not mentioned by Mr. O'Halloran.

Mr. O'Halloran—I said that a little foresight would have obviated inconvenience.

The Hon. T. PLAYFORD—If there had been more foresight perhaps there would not have been anything to cause me the concern I mentioned. Under the present system a senior officer in relation to salary and service can apply for a transfer from one department to another, and some officers apply frequently for transfers. One or two officers do not stay in a position long enough to be of real service. They scarcely become acquainted with their duties before they want to transfer to another department. The Auditor-General's report does not substantiate Mr. O'Halloran's remarks. With regard to the matter of promotions he says:—

> The expansion of the activities of Government and the acute shortage of suitable personnel has resulted in a serious staffing problem in the State Public Service in recent years. That problem has been accentuated by the procedures which must be followed under the Public Service Act relating to promotions, filling of vacancies, employment of new staff, and the method of grading salaries. It is desirable that the rights of officers to promotion in the Public Service should be reasonably safeguarded but the machinery, which has been deliberately designed to protect the individual in the matters of promotion has, in existing circumstances, shown itself to be quite unsuitable to meet the requirements of the service. The weaknesses in the machinery are that the procedures involved are unduly cumbersome and the work of training staff, because of the too frequent changes, is wasteful and costly to the State. The proper conduct of Government business has substantially suffered, both as to the standard of performance and cost because it has become subservient to the consideration of the statutory rights and interests of officers of the Public Service.

Mr. O'Halloran—I don't know that that does not support my argument.

The Hon. T. PLAYFORD—The Leader of the Opposition wants two things. First, he wants a full-time appeal board, and that would mean more procedure.

Mr. O'Halloran—No. I want to make the existing procedure work efficiently.

The Hon. T. PLAYFORD—I understood him to say that another authority should be set up, quite outside the Public Service. In other words, he said that the present machinery, which is cumbersome, should be added to.

Mr. O'Halloran—I said that there should be an independent chairman of the appeal board.

The Hon. T. PLAYFORD—I believe the Public Service Association does not desire an outside appointment.

Mr. O'Halloran—It wanted one a short time ago when you told them to take a certain gentleman or it would not get an appeal board.

The Hon. T. PLAYFORD—The Public Service Association approaches me often in connection with these matters. It has not told me that it supports Mr. O'Halloran's contention in this matter. I have before me now a request from the association regarding the chairmanship of the appeal board. No reference is made to an appointment from outside the service: it is a magistrate they desire appointed. Three suggestions have been made and the association said, "If magistrate A cannot be appointed what about magistrate B, and if B is not available what about magistrate C?" Even down to the third choice it was not suggested going outside the service. I would be opposed to doing that because the service has certain traditions. Officers of the appeal board have set out generally to see that there are the necessary qualifications and the procedure required under the Act. It is rare for an appeal to be made against a recommendation. It occurs mostly in connection with applications from people desiring to get off the automatic range. In connection with the more senior positions the number of appeals is not so great, in fact the reverse. I have had no request from the association to alter the Act in this regard and I do not think Mr. O'Halloran has had any request.

I have had some criticism to make of the present set-up and I have expressed my views to the association. The Auditor-General has expressed similar views. When we are short of persons to properly staff the departments we are enabled under the Act to employ outside persons but that procedure has become too cumbersome. A private industry can go after a man that it thinks has the necessary qualifications for a position, but the Government cannot do so. We are short of engineers, draftsmen and other technical men, and whereas outside people can come along and offer our men jobs, under the procedure set out by the Public Service Act it does not matter how desirable an outside person may be, we seem to be up against it.

Mr. Stott—The Act is outmoded and due for an overhaul.

The Hon. T. PLAYFORD—Every honourable member knows how desperately short our Engineering and Waterworks Department is for qualified engineers.

Mr. Stott—There are engineers who do not understand engineering.

The Hon. T. PLAYFORD—I deprecate that remark. If the honourable member looks at the quality of the work performed by our engineers he will probably feel he should not have made that comment.

Mr. Stott—Have a look at Loxton, and you will find out.

The Hon. T. PLAYFORD—I have seen many enterprises and, speaking broadly, I have never looked at any with more pleasure than the one at Loxton. As regards the quality of our engineers, we do not have to take our hats off to anyone. In some fields we have world authorities. We frequently receive requests from other State Governments for our officers to be made available in a consultative capacity, and they are frequently offered very high consulting fees.

Mr. Stott—Does the Premier believe with the Public Service Commissioner's criticism some time ago that officers of the Public Service were not studying sufficiently to qualify for their jobs?

The Hon. T. PLAYFORD—In general terms, I do not agree. The criticism was on the grounds that the head of a department did not have his officers under his control because they were here, there and everywhere owing to the housing difficulties. I am sure the Public Service Commissioner would not agree with the honourable member's criticism concerning our engineers, nor do I agree with it, because I have learned to respect them.

Mr. Macgillivray—Some of the worst engineers in the Commonwealth have been in our service.

The Hon. T. PLAYFORD—And some of the very best, too. In our Engineer-in-Chief (Mr. Dridan) we have an officer who is outstanding among civil engineers in the Comomnwealth, and I do not think any honourable member could justifiably criticize his ability, that of Mr. Poole, or any other of our engineers. I am certain the Leader of the Opposition did not level such criticism.

Mr. O'Halloran—I especially commended them.

The Hon. T. PLAYFORD—Our present procedure of making appointments does not enable us to get outsiders into our various departments which are short staffed. It is too cumbersome, and consequently we do not get applicants from outside when positions are advertised. We are not in a position to go to

a man outside and say "We can offer you such and such a position at such and such a salary." While we are in that position we shall be handicapped compared with private enterprise which can and does come along and offer our officers attractive remuneration without their having to make formal application or appear before an Appeal Board and so on. The moment a man appears before the Appeal Board he acquaints his employer that he is thinking of leaving his position.

Mr. Quirke—How do you propose to remove that obstacle?

The Hon. T. PLAYFORD—I have not given what I consider a satisfactory solution.

Mr. O'Halloran—I think that if you wait awhile some of those who have taken outside engagements in wild-cat schemes will be seeking re-admission to the Public Service.

The Hon. T. PLAYFORD—You are entirely right there. I have seen officers who were set for high promotion in this State accept an outside job because they would receive a few extra pounds immediately. At present we cannot offer anyone outside a job in the service until a certificate has been given by the Public Service Board that there is no person in the Public Service capable of fulfilling the job. If we see a person outside who can do a job more efficiently, I believe we should have the right to employ him.

Mr. Macgillivray—How would your officers stand up to that kind of competition?

The Hon. T. PLAYFORD—The efficiency of a person doing a job is always a matter of opinion, and that is one of the problems we are up against when a certificate has to be produced. It is something which is extremely difficult to give under the circumstances. However, where a department is short staffed I think we shall have to break down formality to an extent that would enable us adequately to staff it.

Mr. Stott—You should be able to get the best men available.

The Hon. T. PLAYFORD—Frequently we lose our best officers because of outside interests offering them attractive conditions.

Mr. Macgillivray—That means you are left with the worst.

The Hon. T. PLAYFORD—I cannot agree with that. I want to impress two things on the Leader of the Oppostion. One is that the Government has not instructed its representative on the Public Service Board what action he should take regarding matter coming before it. The Government has regarded the board as a tribunal and therefore does not instruct its representative. I believe the present arrangement is somewhat one-sided, because on the one hand the Government does not instruct its representative that he should oppose something, whereas on the other hand the representative of public servants always supports applications for increases. That is what they have been appointed for. The fact that we have not instructed our officers has been, in the main, to the benefit of public servants. I am not complaining about it, and it is not the intention of the Government to instruct either the Public Service Commissioner or the board on questions of appointments or salaries. The Government realizes that the board acts in a judicial capacity and that it should not be instructed. Any remarks that the Leader of the Opposition made to the effect that the Government has instructed the Public Service Commissioner with regard to appointments, salaries or conditions were completely ill-founded. Secondly, the Government has invariably accepted the recommendations of the Commissioner with regard to appointments. Further, it has invariably accepted the decisions of the appeal board, notwithstanding that it has the right to over-ride them. As far as I can remember, on only two occasions in 15 years has the Government not acted on recommendations made to it. In both cases experience has shown that the Government was right in its objections. It has been, and it will be, the Government's policy to accept recommendations because it knows that they are made only after full inquiry and that the appeals are heard impartially.

Mr. HUTCHENS secured the adjournment of the debate.

ADJOURNMENT.

At 9.17 p.m. the House adjourned until Thursday, October 14, at 2 p.m.