HOUSE OF ASSEMBLY.

Tuesday, August 27, 1957.

The SPEAKER (Hon. B. H. Teusner) took the Chair at 2 p.m. and read prayers.

SUPPLY ACT (No. 2).

His Excellency the Governor's Deputy, by message, intimated his assent to the Act.

DEATH OF MR. L. R. HEATH.

The SPEAKER—I have to inform the House that I have conveyed its resolution passed on July 23 to Mrs. M. A. Heath, widow of the late Mr. L. R. Heath, former member for Wallaroo. Mrs. Heath has acknowledged the great comfort this expression of sympathy has been to her and wishes me to tender her sincere thanks to members of the House of Assembly.

QUESTIONS.

UNIFORM TAXATION.

Mr. O'HALLORAN—Can the Premier say whether he was correctly reported in this morning's *Advertiser* as saying he had no intention of reintroducing State income tax? If correct, are we to infer that the Premier now believes that uniform taxation is the fairest system?

The Hon. Sir THOMAS PLAYFORD—The statement in this morning's *Advertiser* is not incorrect, but it is only part of what I said. I made a fairly long statement on this matter and pointed out the problem of uniform taxation and some of the disabilities associated with it. I said that in my opinion the authority spending money should logically be the authority to raise it. I said that the High Court judgment had not broken down the uniform taxation system, and though it enabled the States to reintroduce income taxation it would only mean that if a State did reintroduce it its citizens would pay double tax—not only normal Commonwealth tax but an additional tax that no other State would be paying. I said that this State would not favour double-taxing its citizens; that while the Commonwealth continued reimbursing money from the income tax pool the Government did not propose to re-establish a taxing system of its own; and that I would not attend any conference called by any other State Premier to try to break down the uniform taxation system by penalizing our citizens. That was the full text of my remarks, and I think the Leader and members of his Party would agree that it would be fundamentally unwise for this State to impose such a heavy levy of taxation and forgo the benefits of reimbursement merely because of our ideas about a principle.

Mr. LAWN—The Treasurer has said previously that if action were taken to contest the validity of uniform tax laws, his Government would be a party to that action. Can he say whether his Government appeared in the recent case, and if so, what views it put to the court?

The Hon. Sir THOMAS PLAYFORD—The honourable member misconceives the position: the South Australian Government has never stated that if there were another test of the validity of uniform taxation it would be a party to that action. In fact, the South Australian Government has always said, since the uniform tax system was introduced that it was impossible to alter it by taking it to the High Court or any other court because it could ultimately only be altered by agreement between the Federal and State Governments. The view I have expressed in this House a dozen times—that a court decision could never satisfactorily solve this problem—was justified by last week's High Court decision, which, although making a pronouncement of law, did not solve the general problem. My Government was not a party to the attack on the uniform taxation system: the attack was made by the Liberal Government of Victoria and the Labor Government of New South Wales.

HARBORS BOARD EMPLOYEES.

Mr. TAPPING—I have received a letter from an employee of the deepening section of the Harbors Board complaining that a rumour is circulating to the effect that the Government contemplates dispensing with the services of 25 employees of his section. Will the Minister representing the Minister of Marine ascertain if there is any truth in the rumour? Will he also ask that the Government, in view of the proposed greater harbour scheme planned for the next 50 years, consider retaining instead of retrenching employees in view of the work involved in that scheme?

The Hon. B. PATTINSON—Yes. I shall be pleased to take the matter up with my colleague.

ADELAIDE TO GAWLER ROAD.

Mr. JOHN CLARK—For some time I have drawn attention to the need for widening the Adelaide-Gawler Road, which at present is a potential death trap. When I raised this question on August 6, Sir Malcolm McIntosh

promised to confer with the Minister of Roads, and as a result I received a written reply to the effect that consideration had been given to the matter and the works programme for this year contained provision for some work to be undertaken. Will the Minister obtain from the Minister of Roads details of the work proposed to be done this year?

The Hon. B. PATTINSON—Yes.

FLOOD RELIEF PAYMENT.

Mr. BYWATERS—The *Sunday Mail* of August 24 reported that about £93,000 had been paid out of the £450,000 in the Lord Mayor's Relief Fund to aid victims of last year's River Murray floods. My question relates to people who lost their homes and have already received money from the fund, but are finding the £300 they received insufficient as a deposit on another home. Is it intended that such people shall receive a further sum in respect of the homes they have lost?

The Hon. C. S. HINCKS—I understand that, as the honourable member indicates, further amounts will be payable. If he has in mind a certain case and will let me have the details today I will let him know the position tomorrow.

LIBRARY SUBSIDIES.

Mr. DUNSTAN—In this morning's press the Minister of Education is reported as saying, in addressing the conference of the Library Association of Australia, that under the Libraries Subsidies Act a council-sponsored library, provided it met the standards required by the South Australian Libraries Board, would be subsidized pound for pound on all its expenditure. He also said that two libraries—one at Marion and one at Elizabeth—would be the subject of grants under the Act. The operative part of section 2 of the Libraries (Subsidies) Act states:—

> The Treasurer, subject to the Act, may in any financial year pay to the council or approved body towards the cost of maintaining and managing the library an amount not exceeding the amount paid by the council. . . .

Does the Minister's statement this morning mean that the Government considers that under this section it may make grants not only towards maintaining and managing, but also towards establishing a library? If so, has the Government sought the opinion of the Auditor-General on that view? Who is bearing the cost of establishing the libraries at Marion and Elizabeth, and, in the case of Marion, has an indication been given that the library will be established by bequest or gift by a local family to the Marion council?

The Hon. Sir THOMAS PLAYFORD—The question raised is a new matter and has not yet been before the House; but it is proposed this year to include in the Estimates a sum to assist libraries. We found some technical difficulties: some libraries are controlled by the Institutes Association; some have been assisted by a council; but more often libraries are run by private committees or committees associated with the Institutes Association and receive no assistance from a council. It has therefore been difficult to cover by an overall code the various types of institutes, and under those circumstances the Government intends this year to put an amount on the Estimates to enable assistance to be given in appropriate cases where the Libraries Board reports that such assistance should be given. This item will be similar to the amount placed on the Estimates to help local councils establish amenities for tourists, under which scheme the council is not tied down to a strict code. The amount is now to be included on the Estimates and will be entirely apart from the amount included under the legislation the honourable member referred to.

Mr. DUNSTAN—In view of the fact that it is proposed to disburse moneys provided on the Estimates instead of under the Libraries (Subsidies) Act will the Premier state the policy of the Government and the conditions upon which these disbursements will be made? How much money is to be provided by the Government towards the establishment of the two libraries?

The Hon. Sir THOMAS PLAYFORD—Firstly, one or two questions of policy are involved in the original Act, which will be maintained by the Government. Obviously we will not disburse any moneys except after a favourable report has been obtained from the Libraries Board. That is necessary to ensure that the money is not wasted and that it will be spent on something worthwhile and in accordance with the State's general libraries policy. Secondly, the money would be provided either for an inter-library book service or by a grant to the library concerned, again on the recommendation of the Libraries Board. It would not be a loan that would be repayable but rather a grant, probably on a subsidy basis. We make money available to a very large number of institutes outside these provisions and that has been done under the Institutes Act. That will be continued. It will be necessary to see that we are not subsidizing an effort that is already being subsidized in another direction. The whole matter

will be examined by the board and the Government will determine whether a particular grant should be made and the manner of it, after the Libraries Board has favourably reported on it, and given specific information on the question.

Mr. Dunstan—What about the two libraries mentioned?

The Hon. Sir THOMAS PLAYFORD—The Act will continue to operate, and subject again to the recommendations of the board, subsidies will be provided under it.

Mr. DUNSTAN—I take it from the Premier's last reply that the two new libraries are to be established under the Libraries (Subsidies) Act. Can the Premier say whether it is intended by the Government to pay any moneys towards the establishment cost of those libraries, and, if so, how much? Further, has the Government obtained an opinion from the Auditor-General as to whether it may allocate money for such a purpose under the Libraries Subsidies) Act and, if not, who will bear the cost?

The Hon. Sir THOMAS PLAYFORD—The honourable member is referring to specific libraries. I am not in a position to deal with the questions as I do not know the full facts. If he will put the question on the Notice Paper I will get the information by next Tuesday.

OVERSEAS BUSINESS DELEGATION.

Mr. JENKINS—A recent edition of the *News* contained the following report:—

The Victorian Government is considering sending a "Sell Victoria" mission to Britain early next year. The Premier, Mr. Bolte, said, "Such a mission could reap tremendous benefits." Proposals for a "Sell Victoria" mission had the backing of the Victorian Promotion Committee. "The value of personal contacts with companies, particularly industrialists, was underlined by this year's 'Sell Victoria' mission to the U.S.," he said. Mr. Bolte said the proposed mission would be by businessmen who would pay their own expenses, but have the Government's full support in meeting industrialists and representatives of financial and insurance groups.

Does the Premier consider it would be in the interests of South Australia to promote such a committee to assist South Australian businesses?

The Hon. Sir THOMAS PLAYFORD—Business personnel from this State are continually in touch with organizations overseas as a matter of ordinary business. Many businesses have been established here with the assistance, either technical or financial, of overseas firms. I do not believe, however, that a case has been made out for taxpayers' money to be spent in sending a band of industrialists overseas, for we have effective representation at South Australia House, London, and at other places overseas, and we can get all the information and assistance we desire without asking the taxpayer to pay the overseas fares and expenses of a fairly substantial delegation of business men. This Government does not intend to follow the lead of Victoria.

DAWS ROAD REPATRIATION HOSPITAL.

Mr. FRANK WALSH—Has the Premier a reply to my question of June 25 concerning the use of a ward at the Daws Road Repatriation Hospital by ex-servicemen or their dependants?

The Hon. Sir THOMAS PLAYFORD—I shall have to examine the papers I have with me. If the reply is among them I shall let the honourable member have it in a few minutes.

BULK HANDLING INSTALLATIONS.

Mr. O'HALLORAN—When the charter to the Co-operative Bulk Handling Co. was being considered by this House we were given to understand that it was the intention of the company to establish bulk handling installations at all country receiving depots where on average 30,000 bushels of wheat or more had been received during, I think, the previous five years. I have been informed that the company is departing from that policy and I ask the Minister of Agriculture whether that is so. If it is, what new methods has the company adopted—are silos to be established at certain points so many miles apart, or only for a greater quantity than the 30,000 bushels previously envisaged?

The Hon. G. G. PEARSON—The Bulk Handling of Grain Act laid down certain obligations on the company, and in the main the company has to provide as speedily as possible throughout the State silos of sufficient capacity to accommodate the wheat being offered by the growers. I point out to the honourable member that the programme of the bulk handling company is far from complete. In the earlier stages it has been the company's policy to provide as large a quantity of storage as possible in the shortest possible time, and to that end the company has erected installations in the country so as to give the greatest possible service to the greatest number of farmers in the shortest possible time. It has been found in practice that a bin of fairly large dimensions can be constructed at a much cheaper cost per bushel than a smaller bin because machinery for handling the wheat has to be provided on almost

equal scale for a small storage as for a large, so the tendency has been to concentrate in the early stages on larger bins. The company's policy is to proceed along these lines and later, when larger centres are supplied, to look at the position as it then stands with a view to determining future policy. No final conclusion has been arrived at on just where silos will be erected. The company is in the early stages of the provision of these facilities, and its policy is as I have outlined.

Mr. SHANNON—This matter was reported on by the Public Works Committee. The Minister spoke on the economics of zoning, which is the word generally used for the creation of larger storages at less frequent intervals, and this proposal was well known to the committee when it examined the problem. The committee had a proposal before it for that very thing for the division of Wallaroo. The committee's report pointed out the impact on the State's finances in two major departments —the loss of freight to the railways on wheat carted to zoned silos (say, 20 miles apart), and the impact on the Highways Department of having to maintain roads leading to the bins. Those two factors influenced the committee in reaching the decision that it was wise, in the interests of the State generally, to establish bulk handling facilities, as the Leader of the Opposition pointed out, at points where 30,000 bushels of wheat or more were on the average delivered. The Leader's attention has been drawn to the departure from this recommendation of the committee, but since the honourable member has raised the matter I felt in duty bound to remind the Minister of what had been examined by a responsible body appointed by Parliament and to ask whether or not the Government had considered the impact on the State's finances, quite apart from savings that might accrue to the company. Has the Government investigated the impact of the additional costs and losses to the railways as a result of pursuing a policy of zoning for the receival of bulk wheat?

The Hon. G. G. PEARSON—As I said in my reply to the Leader of the Opposition, the company's programme is far from complete and I think it would be premature at this stage to pass judgment on what has or has not been done. I am aware that under the Act the company has certain obligations, and that the Act is the thing that governs the company's operations and for which I must have regard. I am advised that the company is not compelled to erect bins at every point where the 30,000 bushels average receival applies. If that is correct—and I have no doubt that it is—the company is up to the present operating within the concept of the Act.

Mr. HEASLIP—Can the Minister of Agriculture say whether a time limit was placed on the completion of the bins and whether the Bill was introduced to assist primary producers to reduce costs or to bolster up railway revenue?

The Hon. G. G. PEARSON—No time was fixed for the completion of the facilities. The Act lays on the company an obligation to erect and provide them as speedily as possible, which I think it will be generally agreed the company is doing. Secondly, I understand from my own concept of the Bill as a private member at the time that it was introduced and agreed to by the House because it would provide an economic benefit to the farmers concerned, and incidentally to the whole State.

SEEING-EYE DOGS.

Mr. MILLHOUSE—In the temporary absence of the Premier I ask the Minister of Lands whether he has a reply to the question I asked on July 23 about seeing-eye dogs?

The Hon. C. S. HINCKS—The general manager of the Tramways Trust reports:—

The trust has approved of the free carriage of certified guide dogs, accompanied by their blind masters, on trams and buses in the off-peak periods. The necessary permit will be issued on application.

The Railways Commissioner reports:—

I have to advise the Minister that the practicability of permitting seeing-eye dogs to travel on passenger trains is an item for consideration at the conference of Railways Commissioners to be held in Melbourne in November next. When the resolutions of that conference are known I will report further to the Minister.

NORTH TERRACE TO GLENELG RAILWAY RESERVE.

Mr. FRED WALSH—Has the Minister of Education, acting for the Minister of Local Government, a reply to the matter I raised with him recently about future departmental policy on the tract of land known as the old Holdfast Bay railway area?

The Hon. B. PATTINSON—The Commissioner of Highways has advised that portion of the old North Terrace-Glenelg railway reserve near the South Road is being used departmentally at present as a stacking ground for piles and girders. It is anticipated that when the Northfield depot is developed, it will be unnecessary to continue this practice, as stacking space will be available at the new depot. A portion at Galway Gardens is also fenced off and is

used for the temporary storage of obsolete plant pending sale. It is not known at this stage whether this area will be used when the Northfield depot has been established. The Highways Department has no proposal to construct an arterial road along this route.

CONCESSION FARES FOR PENSIONERS.

Mr. LAWN—Has the Premier a reply to the question I asked on July 30 regarding the granting of reduced fares to pensioners?

The Hon. Sir THOMAS PLAYFORD—I have received the following reply from the general manager of the Tramways Trust:—

The board of this trust has again reviewed the question of concession rates for old age and invalid pensioners but feels that as this is a social service matter it should be examined by the appropriate authority rather than by this trust.

Mr. LAWN—The Premier's reply was to a question I asked on July 30, and which was directed at him personally. I then asked:—

In view of the recent increase in tram fares in Adelaide and the proposed increase in railway fares, will the Treasurer consider granting reduced fares to pensioners in this State?

Will the Premier refer this matter to Cabinet, for the Railways Department, Tramways Trust and private bus services will all be involved if concession fares are granted?

The Hon. Sir THOMAS PLAYFORD—No. There are no funds available for this purpose. The Government makes money available to the Tramways Trust and that is why this question was referred to it. The Government is not in a position financially to accept this responsibility.

INTER-ROUTE TRAMWAY PASSES.

Mr. LAWN—Has the Premier a reply to the question I asked on August 2 regarding inter-route tramway passes?

The Hon. Sir THOMAS PLAYFORD—The general manager of the trust reports as follows:—

In the last increase in fares inter-route monthly periodical tickets, involving the transfer from one vehicle to another, were eliminated. Where the journey on a through route does not involve a change of vehicle the inter-route ticket is still available. This makes for consistent practice with cash fare tickets. A passenger whose travel involves a break in the journey can secure a separate periodical ticket at concession rates for each leg.

MEDICAL BENEFITS.

Mr. FRANK WALSH—Has the Premier a reply to the question I asked on July 24 regarding medical benefits?

The Hon. Sir THOMAS PLAYFORD—I have a reply setting out all the medical benefits provided by the Commonwealth. It is lengthy and I do not know whether it is of general interest, but in case members want to study it I seek leave to have it placed in *Hansard* without being read.

Leave granted.

The report was as follows:—

Careful consideration has been given to the attached question asked by Mr. Frank Walsh, M.P., but it is somewhat difficult to know exactly what information is sought because Mr. Walsh has referred to "tuberculosis and other diseases," and also to charges for both hospital and medical attention. However he referred to financial difficulties which arise when a person's wife is ill, and his living standards are affected by the necessity to pay medical expenses, and in concluding asked "Will the State Government endeavour to prevail upon the Commonwealth to make an allowance for medical attention?" The following information is given in an endeavour to provide some detail covering the various circumstances which are probably envisaged by Mr. Walsh.

1. Tuberculosis.—

(*a*) Tuberculosis "Pensions" paid by Commonwealth.

(i) When husband is the sufferer:—

£	s.	d.	
6	2	6	per week for husband.
3	10	0	per week for wife.
0	10	0	per week for each child under 16 years.

The above amounts to be paid whether the husband is in or out of hospital.

(ii) When wife is the sufferer:—

£	s.	d.	
6	2	6	per week while at home.
4	0	0	per week while in hospital.

The above rates also apply to single persons suffering from tuberculosis.

All the above "pensions" are subject to a means test.

(*b*) Medical and Hospital Treatment.—Persons admitted to tuberculosis hospitals in this State are not charged for either medical or hospital treatment as the expenditure of such hospitals in excess of the base year 1947-48 is paid by the Commonwealth Government. Persons admitted to hospital for investigation and who are members of an approved hospital benefits organization, can obtain the fund's benefit subscribed for, and the extra 4s. per day (paid by the Commonwealth Government through the fund, in addition to the 8s. per day Commonwealth benefit deducted from the hospital account), up to the time of a positive diagnosis of tuberculosis. Thereafter some approved organizations will only pay the fund hospital benefit for cases of tuberculosis, other than pulmonary tuberculosis, but in other cases the fund benefit subscribed

for continues for all types of tuberculosis. In all cases where the tuberculosis sufferer is being treated at a tuberculosis hospital, the approved organization ceases to pay the extra 4s. per day Commonwealth benefit as there is no charge being raised for hospital treatment, and such extra 4s. per day is only payable when there is a minimum hospital charge of 18s. per day. Persons charged for medical attention for tuberculosis (perhaps prior to or after treatment in a tuberculosis hospital) and who are members of an approved medical benefits organization, can obtain both the Fund's benefit and the Commonwealth benefit paid through the fund. Such benefits are generally as follows:—

	Fund Benefit.	Commonwealth Benefit.	Total.
	£ s. d.	£ s. d.	£ s. d.
General Practitioner—			
Surgery consultation	0 7 6	0 6 0	0 13 6
Home visit	0 9 0	0 6 0	0 15 0
Specialist—			
First visit	1 13 0	1 0 0	2 13 0
Subsequent visits	0 16 6	0 10 0	1 6 6
When not referred by General Practitioner	0 10 0	0 6 0	0 16 6

2. Other Diseases.—In such cases the Commonwealth Government provides hospital benefit of 8s. per day, and in addition (provided the persons concerned are members of approved medical and hospital benefit organizations) provides an additional 4s. per day in hospital benefits and also the same medical benefits as are set out above under the heading of Tuberculosis.

MALLALA AREA SCHOOL.

Mr. GOLDNEY—Has the Minister of Education a reply to the question I asked last week on whether the Education Department has purchased additonal land at Mallala for the eventual purpose of establishing an area school?

The Hon. B. PATTINSON—I have not approved, as yet, the establishment of an area school at Mallala and no land has been purchased for the purpose of a school. However, the Director of Education has authorized Mr. Whitburn, one of the assistant superintendents of primary schools, who has supervision of area schools, to visit the district and to inspect suitable sites with a view to the purchase of one of them.

PENSIONERS' HOMES.

Mr. O'HALLORAN—Has the Premier a reply to the question I asked on July 25 concerning the provision of homes for flood-affected pensioners?

The Hon. Sir THOMAS PLAYFORD—I have received the following report from the Chairman of the Housing Trust:—

Some emergency type dwellings have been made available in river towns by the Government for the housing of families, including pensioner couples, who were affected by the flooding of the Murray river. Rents charged are the same as in the metropolitan area for this type of accommodation. None of the cottage flats of the type being erected in the metropolitan area for elderly couples have been erected in the country.

ARCHITECT-IN-CHIEF'S FACTORY.

Mr. FRED WALSH—Has the Minister of Education a reply to the question I asked on July 31 relating to the Architect-in-Chief's new factory at Netley?

The Hon. B. PATTINSON—The Minister of Works has supplied the following reply:—

A contract for building new workshops, store and amenities building at Netley was let to Marshall & Brougham Ltd., on 4/4/57. The workshop will be a steel-framed galvanized iron clad building 516ft. long by 120ft. wide, with a brick annexe 276ft. long by 16ft. wide, containing toilets, office, etc. Two smaller steel-framed buildings will be used as a salvaged materials store, and a construction carpenters and maintenance joiners building.

The amenities wing will be a cement block building 60ft. x 30ft., containing messroom, toilets and scullery. The carpentry and joinery section now at Keswick Depot will be transferred to Netley. It is anticipated that these buildings will be completed by the end of 1957 or early in 1958. This project has been recommended by the Public Works Standing Committee and this work represents the first stage of the work approved by Cabinet. An expenditure of £87,000 has been provided for in the Loan Estimates for 1957-58.

WALLAROO GRAIN DISTILLERY BUILDING.

Mr. LAWN (on notice)—

1. What is the total floor space of the Wallaroo grain distillery?

2. How much of this space has been leased, and to whom?

3. What is the rental being paid?

4. How many employees are employed in this establishment?

5. Are there any conditions in the lease as to the type of industry to be established?

The Hon. Sir THOMAS PLAYFORD—The replies are:—

1. Approximately 46,000 square feet.

2. The whole area has been leased to Wallaroo Engineers Ltd.

3. I would prefer at this juncture not to divulge the rental at present being charged as I have had an enquiry over the week-end from a large manufacturing firm of international standing regarding the possibility of arranging to sub-lease part of the buildings at Wallaroo. The discussions are at present in very early stages, but it would appear that the buildings and the location are suitable for the type of industry proposed and I have hopes that after these people have inspected the premises they will make a proposition which will result in considerable benefit to Wallaroo.

4. It is understood that this firm employs approximately 30 men in Wallaroo, the majority of whom are employed in the pole yard.

5. No.

LOANS TO HOUSING TRUST.

Mr. STOTT (on notice)—

1. How much money was loaned by the Savings Bank of South Australia to the Government for Housing Trust purposes in each of the years since the Housing Trust was created?

2. What rates of interest were paid by the Housing Trust for these loans?

The Hon. Sir. THOMAS PLAYFORD—The replies are:—

1 and 2.

	£		£	
1945-46	500,000	1½%		
1946-47	750,000	1½%		
1947-48	750,000	1½%		
1948-49	250,000	1½%		
1949-50	250,000	1½%		
1950-51	1,000,000	1½%		
1951-52	—			
1952-53	500,000	1½%		
1954-55	—		250,000	3%
1955-56	—		250,000	3%
1956-57	—		250,000	3%
1957-58	—		250,000	3%
	£4,000,000	at 1½%	£1,000,000	at 3%

The Savings Bank also applied for £150,000 of the Trust Public Loan Flotation. The loan was over-subscribed but the bank agreed to make this amount available to the trust under a separate debenture on the same terms as the Public Loan, viz. 4¾ per cent for 10 years.

LONG SERVICE LEAVE BILL.

In Committee.

(Continued from August 22. Page 452.)

Clause 2 passed.

Clause 3—"Interpretation."

Mr. LAWN—I oppose the clause. Firstly, subclause (2) takes no account of any allowance a worker may receive towards his board and lodging, whereas the New South Wales legislation provides that such an allowance shall be taken into account in determining his ordinary pay. It seems to me that the reference to board and lodging has been deliberately omitted from the clause. Secondly, subclause (1) restricts the definition of "worker" to "a person employed under a contract of service," whereas the New South Wales legislation defines "worker" so as to include some persons working under contract, piece workers, and many other classes. Under the Bill a commission agent would not be a worker, whereas the New South Wales legislation has been framed to cover as wide a field as possible. Because the clause is so limited in its application I oppose it.

Mr. FRED WALSH—I support Mr. Lawn. There are grounds for fear concerning the omission of a reference to allowances that may be deducted by an employer for board and lodging. I refer particularly to hotel and boarding house employees whose industrial awards provide for board and lodging. Why has not this been included as part of any employee's remuncration? The Bill says that "worker" means a person employed under a contract of service. We can all readily appreciate that a worker employed under any industrial award, registered agreement or wages board determination is employed under a contract of service, but there are many employees who are not covered in this way. They are permanent employees but they are not covered by the provisions of the Industrial Code. I refer especially to agricultural and horticultural workers. Almost since the industry has existed there have been employees in vineyards regularly employed at a set wage. Most of the established winemakers observe the provisions of the relevant award or determination, but some of the smaller ones outside the award also employ people in hoeing and pruning, and these employees are in full time employment. I am at a loss to see where these employees will be covered adequately by this clause. Many employees in boarding houses may not be covered by any award, and their services may be dispensed with if the employer feels he may become liable to the provisions of this legislation. It is, therefore, necessary to safeguard the interests of the employees I have referred to.

The Hon. Sir THOMAS PLAYFORD—The Parliamentary Draftsman (Sir Edgar Bean) was instructed to include in the Bill all permanent workers irrespective of the type of work on which they were engaged. In my second reading explanation I said:—

In clause 3, which is the interpretation clause, it will be seen that the important definition is that of "worker." A worker is any person employed under a contract of service. So long as the relationship is that of master and servant the Bill will apply.

I do not think we could get anything wider than that.

Mr. Fred Walsh—That may be so, but would a legal authority interpret it that way?

The Hon. Sir THOMAS PLAYFORD—The Parliamentary Draftsman has assured me that all types of permanent workers are included. The other matter raised by the honourable member presents some difficulty, and I consulted the Parliamentary Draftsman. Many employees are provided with board and lodging or a house. The employee would still continue to occupy the house during his leave. His furniture would not be taken out, and the house would not become available to the employer during that week.

Mr. Davis—What about when a man's keep is part of his wages?

The Hon. Sir THOMAS PLAYFORD—Perhaps an argument could be put forward on that, and I am prepared to listen to any suggestions, but if an employee were provided with a room it would be of no value to the employer for one week. This is not a simple problem, and after discussions with the Parliamentary Draftsman I decided that to lay down a broad rule would probably be the best method. I do not think that any difficulties will arise in practice. As regards the definitions in this Bill, I point out that clause 21 provides that persons who are not working for the same employer all the time may be brought into a group scheme.

Mr. LAWN—It is obvious that the Premier would not have replied to my remarks if Mr. Fred Walsh had not raised other matters. It was also obvious that the Premier was not concerned with the interests of the employees. He said that the employer could make no use of an employee's accommodation when on leave and that the employee's furniture would not be removed during that time. That shows conclusively that the Premier was concerned only with the employer's point of view. Many employees have to live at their place of employment. We have some here in Parliament House. Usually the relevant award prescribes that their wages shall be reduced to meet the cost of board and lodging. Under this Bill where an employee has completed seven years' continuous service, and already enjoys two or three weeks' annual leave, he will have another week added, but it will be nothing but annual leave. This will be the position unless the employer and the employee mutually agree to an accumulation of the long service leave. Under awards and determinations when an employee goes on annual leave he gets his full wage without any deduction for board and lodging. When he takes this extra week's leave there will be this deduction, which will be unfair.

Mr. Hambour—What happens now?

Mr. LAWN—When an employee takes long service leave, either under a court award or under an agreement with the employer, the matter I am mentioning does not apply, for no deductions are made.

Mr. O'HALLORAN—I agree with the argument put forward by Mr. Fred Walsh and Mr. Lawn, but I do not think the Premier has clarified the position. Under the Pastoral Award there are two sets of payments—one so much per week without keep and the other with keep. Naturally the amount covering the keep provided by the employer is considerably less than the cost to the employee when he finds his own keep. If an ordinary station hand takes the extra week provided under the Bill will he receive payment with the value of the keep included or without it?

Mr. DAVIS—The Premier's explanation was not satisfactory. Probably it was all right for the employee whose wage covers an amount for rent, but it was not all right for the employee who lives in. When an amount is deducted for keep, income tax is paid on it, and if it has to be paid on the amount included in the payment for the extra week it will be most unfair. When an employee takes this long service leave the person replacing him will occupy his room, or have other accommodation found for him.

Mr. HAMBOUR—There are many instances where employees occupy premises owned by their employers. When a domestic employee goes on annual leave her rooms are kept for her, but she receives the full remuneration and has no deduction made, and I presume that will apply under this Bill. I do not think the employer is such a bogey man that he will not be considerate towards his employee. I am satisfied with the clause. It is all-embracing, but if there should be anomalies no doubt Parliament will be able to clear up the position.

The Hon. Sir THOMAS PLAYFORD—When this Bill was framed there was no desire to prejudice any employee who took money instead of the extra week's leave. As members opposite want the position tied down, I am prepared at a later stage to get the Parliamentary Draftsman to prepare a definition in connection with ordinary pay to provide that where an employee continues to have board and lodging provided for him, if he wants it, there will be no deduction.

Mr. O'HALLORAN—Up to a point the Premier has given a satisfactory explanation to the query I raised, but he has missed the matter of housing accommodation for pastoral employees, many of whom live in premises which are owned and provided by the employers and for which a small deduction is made in the weekly wage. When these employees go on annual leave the men who take their places occupy the premises. When the employees take the extra leave provided under this Bill no doubt that practice will be continued, and unless there is some clarification the position will become difficult. I do not say that all employers will take advantage of the circumstances, but there are always some who will deprive their employees of concessions. Workers should be protected and I suggest that the Premier ask Sir Edgar Bean to rectify the position I have referred to.

Mr. SHANNON—I do not think there is any need to alter this definition. I suggest that the Parliamentary Draftsman has considered all other forms of remuneration in drafting this definition. We all know that in the agricultural sphere employees frequently receive eggs and milk as part and parcel of their employment. I believe the phrase "ordinary time rate of pay" takes all those facts into account. I know Sir Edgar Bean is not likely to be stampeded into making unwise alterations to his drafting, but if we try to define some of these things we will restrict the operation of the Act and may do a disservice to those we are trying to help. We should be cautious in our approach.

Mr. FRED WALSH—I suggest that the inclusion of the words "including amounts deducted for board and/or lodging" after the words "worker means remuneration" would adequately cover the position. As Mr. Lawn has mentioned, the New South Wales legislation contains such a provision.

Mr. LAWN—The New South Wales legislation should be stressed because Mr. Shannon obviously believes the person responsible for that legislation included unnecessary words. Our proposed legislation is identical, except that after the words "ordinary time rate of pay" the New South Wales legislation includes the words "and where the worker is provided with board and lodging by his employer includes the cash value of that board and lodging." Those words were inserted for a specific purpose and where such words are not included in court awards employers are not obliged to pay. Some employers always take advantage of loopholes and employees have had to have such a provision included in their awards.

The Hon. Sir THOMAS PLAYFORD—I am not prepared to go as far as the member for West Torrens suggests. I do not believe an employer should be obliged to pay for accommodation which the employee continues to occupy. There is no justification for compelling an employer to do so while the employee is on a week's leave. I am not impressed with the argument about what is contained in the New South Wales legislation because we are not prepared to agree that because certain provisions are contained in that law they should be in ours. For instance, we are not prepared to agree to 20 years' retrospectivity. As my suggestion is not acceptable to members I suggest that we pass this clause as it stands and members can discuss their views with Sir Edgar Bean and I assure them that the clause will be recommitted to enable any amendments they desire to be considered.

Clause 3 passed.

Clause 4 "What constitutes continuous service."

Mr. MILLHOUSE—Several aspects of this clause could be improved by amendment. I discussed several suggestions with Sir Edgar Bean yesterday and I left it to him to put them into expert form, but because of his absence through illness today I am at some slight disadvantage. However, if I indicate the nature of my amendments, members will appreciate their undoubted merit. Subsection (1) (*b*) states:—

> absence of the worker from work for not more than fifteen consecutive working days on account of illness or injury other than injury arising out of and in the course of the worker's employment.

That is too narrow. There are many injuries and illnesses which can keep a worker away for a longer period than 15 consecutive working days. One need only visualize a bad attack of mumps or a broken leg. If a man is away for more than 15 consecutive working days, even though he has been with the employer for five years, he loses the benefit of the period

for which he has been employed because he has broken the continuity of his service. That is a little narrow and I wish to delete the words "for not more than 15 consecutive working days." That simply means that absence from work because of any injury or illness, whether arising from employment or not and for however long a period, will not break the worker's continuity of service. As a corollary of that amendment I desire to amend subclause (2) so that it will refer only to paragraphs (*b*) and (*c*) of subclause (1), and to add after "section" the words "not exceeding 15 days in any one year."

The effect of my amendment is that if a worker is absent from his employment because of injury or illness for more than 15 days, the period in excess of 15 days will not count toward his long service leave entitlement. In other words, if a worker has served 6½ years with an employer and then falls ill and is absent for six months, he will still have six months to serve before being entitled to one week's long service leave, whereas as subclause (2) stands at present he would be immediately entitled to it if the words mentioned in paragraph (*b*) of subclause (1) were deleted.

The Hon. Sir Thomas Playford—Had you thought of including workmen's compensation?

Mr. MILLHOUSE—Yes; that is one of the points I was discussing with Sir Edgar Bean.

The Hon. Sir Thomas Playford—Suppose a worker had served his seven years, would he lose his leave in the year in which he was sick?

Mr MILLHOUSE—No. If a man completes seven years' service on September 1, 1957, and is absent on four weeks' sick leave between September 1, 1957, and September 1, 1958, he will become entitled to another week's long service leave not on September 1, 1958, but on September 8, 1958, for three of his four weeks' absence on sick leave will count as service whereas the extra week will not, although his continuity of service will not be broken as it would be under subclause (1) as drafted. The purport of my two amendments is to preserve the worker's continuity of service even though he may be absent for more than 15 working days; on the other hand, an absence longer than 15 working days will not count as service for purposes of long service leave.

The Hon. Sir THOMAS PLAYFORD—The idea of the member for Mitcham (Mr. Millhouse) is extremely valuable with regard to paragraph (*b*), which has given much difficulty because on the one hand it has been desired to give reasonable sick leave without breaking continuity of service, but on the other hand, some limits have been placed on it in fairness to the employer. Leave on workmen's compensation has always been compulsorily paid for by the employer, so I cannot see why the honourable member has associated sickness arising from workmen's compensation causes with sickness arising from other causes. Absences on workmen's compensation are counted as service in employment and rates of pay for those absences have been determined; therefore, we would be unwise to confuse these two things because they are entirely separate. One refers to a breakdown that may have no relation to the employment engaged in, whereas the other is in a totally different category.

I would be willing to accept the removal, as suggested by the honourable member, of the limitation in paragraph (*b*). I do not like that limitation for it means that a person having an operation might be absent for two or three days more than the stipulated 15 and thereby lose all his long service leave benefit. I would be willing to delete the limitation of 15 days and provide later in the clause that absences in connection with paragraph (*b*) shall only count for service to the extent of 15 days in any one year. That would be in the interests of the employee and would not place an additional obligation on the employer.

Mr. LAWN—Mr. Millhouse's amendment is an improvement, but I point out that the absences mentioned in paragraphs (*b*), (*c*) and (*d*) of subclause (1) do not break the continuity of service but must simply be made up in determining service for long service leave. Further, this problem does not arise in the case of the New South Wales legislation, under which any person under a contract of employment is entitled to long service leave, except in respect of a period in which he is away from his employment. I have other queries on this clause. If an employee is away on national service training his continuity of service will be broken, according to the provision in this Bill. If an employee is absent on jury service, his continuity of service will also be broken.

Mr. Millhouse—Isn't he covered by paragraph (*a*)?

Mr. LAWN—In practically all Commonwealth Arbitration Court awards an employee is permitted to be absent for 14 days because of sickness or accident without having continuity of employment for annual leave affected. Although an employer has to approve

of the absence of an employee on jury service, he may require him to make up that service before he is eligible for leave. Under State laws an employer is obliged to give leave for jury service, but it breaks the employee's continuity of service for annual leave purposes. It has been said that if the employee is absent for a month or longer the employer should have the right to regard it as a break in his continuity of service, but I disagree, because I do not think an employee should be penalized for undergoing national service training.

Paragraph (*f*) provides that if a worker is re-employed within two months of dismissal his continuity of service shall not be deemed to have been broken, but some Commonwealth Arbitration Court awards provide for a longer period. Subclause (4) provides that an apprentice's continuity of service is not affected if he is re-engaged within three months after the completion of his apprenticeship. The New South Wales Act provides for re-engagement within six months for apprentices. I do not see why paragraph (*f*) should provide for two months and subclause (4) provide for three months, and to avoid confusion to both employers and employees, I suggest the period provided in New South Wales. As this State is the last to provide for long service leave, it has the benefit of the experience of all other States, but we are not attempting to follow their lead.

The CHAIRMAN—Order! We are discussing clause 4, not other States.

Mr. LAWN—I am comparing this Bill with legislation in other States, and we are out of step with all of them. The Bill should be withdrawn to allow further discussion with the Parliamentary Draftsman to see if it could not be improved.

Mr. MILLHOUSE—The member for Adelaide (Mr. Lawn), when referring to subclause (4), did not look at subclause (5), which provides for an absence on national service. He mentioned the different periods in paragraph (*f*) and subclause (4), but I propose to move an amendment to reduce the three months in subclause (4) to two months to bring about uniformity, because uniformity is important. I do not really care whether the period is two or three months, so long as it is the same in each case.

Mr. FRED WALSH—Paragraph (*b*) provides that continuity shall not be affected if a worker is absent for not more than 15 consecutive working days on account of illness or injury other than injury arising out of and in the course of his employment, and paragraph (*c*) provides that continuity shall not be affected by the absence on account of injury arising out of and in the course of employment. I do not see why the worker who is injured away from work or is absent because of sickness should be penalized. Under paragraph (*f*) if an employee is dismissed and the employer is generous enough to give him his job back within two months, his continuity of service is not affected. It is difficult for me to understand why there should be this discrimination. If an employee is stood down on account of slackness of trade, paragraph (*g*) provides that his continuity of service shall not be affected if he returns to work within 14 days after receiving an offer of re-employment. Hundreds of people are employed in the metropolitan area and in the country on purely seasonal work lasting, perhaps, eight months of the year. They are then stood down, and come back to work the next year. For years many employees have been employed in that class of work. Again, many people are employed year after year in fruit picking on the river for months at a time. Then there are hundreds employed in breweries or aerated water factories during the summer and autumn and then stood down until the next season. As I interpret the clause, those persons would be entitled to have their jobs back if they returned to work within 14 days of receiving the offer of re-employment. Further consideration should be given to the interests of workers who are injured or become ill. An employee may be on the verge of becoming entitled to long service leave and then fall sick.

Mr. O'Halloran—If he had some badly spaced illnesses he might never qualify for long service leave.

Mr. FRED WALSH—That is true.

Mr. LAWN—I am concerned about paragraph (*e*). I have had some experience of the settling of industrial disputes, and usually the settlement provides that the men shall resume work on a certain day. However, some employees may have taken other employment and be obliged to give a week's or a fortnight's notice to their new employer before resuming their old employment. Paragraph (*e*) may result in their losing their right to long service leave. Again, many firms find that they do not have the correct address of all their employees, and these men may not get an offer of re-employment in 14 days.

Mr. BROOKMAN—I support Mr. Millhouse's amendment. I do not know whether Mr. Fred Walsh understands it, but I think the amendment answers his objections. I also support the

amendment to make the period in paragraph (*f*) of subclause (1) uniform with that in subclause (4). I cannot see much merit in Mr. Lawn's argument on paragraph (*g*) of subclause (1), which I think is fair and reasonable, but if he moved an amendment the committee could consider it.

Clause passed.

Clause 5—"Crown employees."

Mr. LAWN—I should like to know at this stage when Mr. Millhouse's amendments will be moved.

The Hon. Sir THOMAS PLAYFORD—His amendments are not available this afternoon, but when they are the relevant clause will be recommitted.

Mr. LAWN—I understand that permanent Government employees are covered by a special Act, but that others are not. What is the position of those employees?

The Hon. Sir THOMAS PLAYFORD—All employees under the Public Service Act are covered by that Act, but Government workers do not have to be members of the Public Service proper to qualify for long service leave. I think the qualifying period in the Public Service is 10 years. It was not desired to have two types of legislation on long service leave for Government employees, and that is why Crown employees have been excluded from the operation of this legislation.

Clause passed.

Clause 6—"Right to long service leave."

Mr. MILLHOUSE—I discussed with the Parliamentary Draftsman the drafting of an amendment to this clause, for it seems that some definite starting point should be laid down for ease of administration. I suggest a third subclause, to read as follows:—

(3) For the purpose of this section a year shall be—

(*a*) in the case of an employee who has completed seven years' continuous service with his employer at the date fixed for the commencement of this Act a period of twelve calendar months commencing on such date in each year,

(*b*) in the case of an employee who completes seven years' continuous service with his employer after the date fixed for the commencement of this Act a period of twelve calendar months calculated from the date on which he completed seven years' continuous service with his employer with a corresponding date in each subsequent year.

If an employee, on the date on which this legislation comes into operation, has already completed seven years his entitlement would start from that date. If, for example, the Bill were to come into force on November 1 that would be the date for the employees who had at some time prior to that date completed seven years' continuous service. That would be the position under 3*a*, but under 3*b* there would be provision for employees who on November 1 had not completed seven years' service. Their period would be calculated from the seventh anniversary of their beginning work with the employer.

The Hon. Sir Thomas Playford—If an employee had not qualified on November 1 he would have to wait until the following November 1.

Mr. MILLHOUSE—If on November 1 he had served six years and 11 months he would not have qualified, but on December 1 he would have completed the seven years, and that would be the date for the beginning of his leave.

The Hon. Sir Thomas Playford—How is that different from the Bill?

Mr. MILLHOUSE—As I understand it, there is no set date for the workers who have completed seven years' service, but I may be under a misapprehension.

The Hon. Sir THOMAS PLAYFORD—The Bill provides that from the time it is proclaimed the person who had served seven years would be eligible for one week's leave at any time within the next 12 months. Many workers covered by the Bill are already qualified, and it is advisable to bring them into the one financial year, and not have them taking leave in two financial years. Later I shall move an amendment to make the provisions of the Bill begin for workers with the necessary qualifications on July 1, the beginning of this financial year. This will mean that the leave will begin for these workers a month or two earlier than the date on which the Bill may be proclaimed.

Clause passed.

Clause 7 passed.

Clause 8—"Payment in lieu of leave."

Mr. LAWN—I oppose the clause, as the real reason for long service leave is to give the employee a rest. When the 40-hour week was introduced Government supporters said that the employees would still work 44 hours or more in order to earn more money, instead of enjoying more leisure hours. I would like to hear those Government supporters justify the inclusion of this clause.

Mr. SHANNON—If the honourable member had his way he would deny to the workers the benefits they would enjoy under this Bill. He should know that an employee pays income tax on only 5 per cent of the total of any

long service payment he receives. Under his proposal he would be taxed on the full amount. The provision has been inserted especially to provide workers with a little more benefit for their long service.

Mr. DAVIS—Members opposite are turning this long service leave into a bonus payment, but we think every worker is entitled to additional leave and not additional money. We claim that an employee should get a holiday and not a monetary benefit. Why should the employer ask the employee to continue working? If it is necessary for him to work instead of taking his leave, another man is being deprived of work. Already men are looking for jobs. I cannot support the clause because it will prevent unemployed persons from getting some work.

Mr. HAMBOUR—The Opposition wants to deny the worker the right to choose whether he should work or take his leave and during it work elsewhere. Despite the 40-hour week many workers find other employment in their leisure hours. The clause gives the worker an option. There are more important things to a man than leisure. All members opposite want is more and more leisure hours for the workers. Have they no responsibility to their country?

Mr. O'Halloran—About 52,000 men now have too much leisure.

Mr. HAMBOUR—Mr. O'Halloran speaks of unemployment. I do not know much about that, but I do know that many good Australians want to do as much as they can to help themselves and the nation. If this clause permits a man to work instead of taking leisure, it is a good one.

Mr. LAWN—Mr. Hambour said that some employees working the 40-hour week seek other employment in their leisure hours. Some do, but not many. Some have applied to their employer for a week's leave under the terms of their award, but the trades union movement discourages such practices. Often where the attention of an employer has been drawn to cases of an employee working for another employer during leave, he has been sacked. The clause breaks down the whole principle of long service leave. If an employee takes his leave, it is a break from the monotony of his employment.

The Hon. G. G. Pearson—Why not let him choose what he wants to do, instead of trying to regiment him?

Mr. LAWN—No one is trying to regiment him. The Government is advocating payment in lieu of long service leave. A principle is involved, and to be consistent the Government will have to apply the same principle to annual leave or any other type of leave. Once the Government gets the workers to accept that principle, employers could approach the court and justify the cancellation of all leave because the legislation was not being used and the workers were accepting money in lieu of leave, and therefore there was no need for leave.

The Hon. Sir THOMAS PLAYFORD—What the honourable member has been saying would be very good if it were said elsewhere and to an audience which did not know the facts, but it does not register here, because unfortunately it is not in accordance with the facts. On a couple of occasions I have discussed with trades union leaders the question of long service leave and have considered their views. Long service leave has operated in the Public Service for many years and the old conception of it has long since altered. In fact, public servants do not now have the same conception of it as when it was first introduced. They do not want to take their three months' long service leave at the end of 10 years, but want to accumulate it, and I can well appreciate the purpose. Where a public servant is ill and he has exhausted his sick leave, rather than start to reduce the amount of long service leave due he will ask to go on leave without pay for a period so that he can maintain the maximum long service leave available. Members opposite have stated that the leave proposed is not long service leave, but will amount to annual leave. In actual fact, ultimately it will be an additional retiring allowance.

Every time the matter has been discussed with representatives of employees they have first inquired whether it would be allowed to accumulate. The Government sees no objection to its accumulating. In my second reading address I mentioned one of the problems which could arise if it were allowed to accumulate and a firm went insolvent, but by and large there is no objection to its accumulating. Another question asked, not so much by the trades union leaders, but by other employee representatives, was whether there was any objection to payment in lieu of leave. Having considered both these things, the Government concluded that if the employer and employee could agree, it would have no objection. An employee could ask for leave in lieu of pay, but if he preferred payment and it suited the employer, why do we as a Parliament try to prohibit it? Supposing that I am a master builder and have a bricklayer and I say to him, "I will not give you payment in lieu of leave. You have to take your week off," there would be nothing to stop him from undertaking

a week's work elsewhere and getting payment for it. Every week one sees advertisements in the press by men seeking work for a fortnight. Legislation which provides that leave must be taken does not prevent that. If an employer and employee agree to the leave being taken, I would be happy, but if they prefer that it should be accumulated, I would be happier still, because it will be to the ultimate advantage of the employee. If, for some reason, they prefer to have it as a cash transaction, the rights of the employee are fully protected.

Mr. FRED WALSH—This clause destroys the whole principle of long service leave. It is a fundamental principle of the Labor Party that no person shall work during the currency of his long service leave or annual leave.

Mr. Heaslip—You cannot stop him.

Mr. FRED WALSH—We have prevented it, although perhaps not legally. The employer has been equally adamant that a man should not work during his leave. I was one of the first to negotiate an agreement for long service leave in this State and that agreement provided that no employee should be gainfully employed during the currency of such leave. It is true that some people will work during the period of their leave, but there is always the person who will do the wrong thing. He must be protected from himself. We are continually making and amending laws to protect individual citizens, and this is such an instance in the opinion of the majority of workers in industry who have made sacrifices to gain benefits for the workers. The Premier said he had discussed long service leave with trade union leaders. I know he has met a deputation from the Trades and Labor Council on two or three occasions. That deputation made proposals he was not prepared to accept, but I submit that never was it suggested that provision should be made for payment in lieu of long service leave. If a trade union leader made such a proposal he did it as an individual and not as a representative of the trade union movement.

It has been said that public servants prefer to accumulate their long service leave. We agree with the principle of accumulation. Apart from the taxation aspect, people accumulate their long service leave in order to secure the full benefit therefrom when they retire. Many public servants contribute for a greater number of superannuation units than they are obliged to simply to secure additional benefits when they retire. The Premier said that the concept of long service leave had changed in recent years, but apart from the Public Service and a few isolated industries there was no such thing as long service leave a few years ago. I appreciate that during the war years some employees did accept payment in lieu of leave, but in the main they did so because they were urged to, owing to a shortage of the labour so necessary to maintain our social services.

Some reference has been made to insolvency. If I went insolvent my creditors would receive very little. I have no argument to put forward against the Premier's suggestion of possible insolvency on the part of the employer, but does not that occur in every State where long service leave obtains and in those industries in South Australia where it is given by agreement? Long service leave should be made leave in its true sense, and an employee should not be permitted to take other work during his vacation except in cases of hardship. I am soft-hearted enough to concede that in cases of sickness or special hardship the employee may be allowed to take money in lieu, but those special circumstances would have to be approved to the satisfaction of a proper authority. Therefore I hope—though I know it is in vain—that the Bill will be amended to delete at least this provision for payment in lieu of long service leave.

Mr. LAWN—I said in the second reading debate that unfortunately we have in the community a few employees who are prepared to work for two employers, but the Premier, in replying to me, said that there are advertisements in the press calling for persons to be employed for two weeks. The member for Onkaparinga interjected, "The member for Adelaide said that is unfortunate." I say that is a lie, for I did not make that statement. Everyone knows I said that unfortunately we have people who work for two employers. The only occasion when I would support the provision for payment in lieu of leave would be in the case of the death of the workman. The Premier, in opposing what I had said, actually supported my argument when he quoted the Public Service. It is well known that many public servants who have been forced to be absent through sickness and have used up all their sick leave seek leave without pay rather than touch their long service leave. I know that this clause is not mandatory, but there is the opportunity for the unscrupulous employer to approach his employees and ask them to take wages in lieu of leave. If that is done, what can the employee do about it?

Mr. Hambour—Please himself.

Mr. LAWN—That shows the ignorance of members opposite of industrial conditions. I have in mind the names of employers who will take advantage of this clause to tell their employees to take a week's pay in lieu of long service leave, and the employees will do as they are told—or else.

Mr. Jenkins—What else?

Mr. LAWN—I have been sacked for my activities in the trade union movement. I did not discover it until some three years afterwards, and I could never have proved it in the court, despite the fact that the Arbitration Act provides a penalty for the victimization of an employee. The legal position is that the employer can sack an employee without giving any reason. All he has to do is to tell the employee to take a week's pay in lieu of long service leave. If the employee objects the employer can, a week or a fortnight later, give him notice without giving any reason. The employee cannot demand a reason, and he knows that. This clause means that an employer can force an employee to take payment in lieu of leave. The Premier also said the Bill will ultimately lead to additional retiring allowances, but the Premier has the habit of making statements to suit his own purpose. Earlier he said that if the employer permitted leave to accumulate he would receive no immediate taxation deduction on the amount involved, and that the only deduction possible was in the year the amount was actually paid. He argued from that that the employer would want to get rid of his liability in the current financial year. Earlier he said he wanted clause 4 to operate in the current financial year. This Bill is designed for the convenience of the employer and the Premier cannot tell us that the employer desires to liquidate his liabilities each year and then later tell us that the Bill will mean additional retiring allowances. Such statements do not make sense. There is no consistency either in the Bill or in the remarks of those who support it and say that it provides benefits comparable with those in other States. The Premier has not justified this clause and I oppose it.

Mr. KING—I support the clause, which is equally fair to the employer and to the worker. On the one hand, it enables the worker to have the bird in hand; on the other, it protects the employee against possible insolvency. History has shown that financial crises occur, and in one such crisis a worker could well lose the benefit accumulated. A choice should be allowed, for it is not good to force people to do something. I am against compulsion in industrial matters and believe that both Mr. Lawn and Mr. Walsh are a little out of step with members of their movement when they say that those people should not be permitted to take cash in lieu of annual leave.

Many people who normally work in banks and the fruit processing industry have taken work in their annual leave to earn extra cash to build a home or purchase some amenities for it. In other cases people on leave may work in other jobs, and surely a change is as good as a rest and any leisure spent on constructive work is better than that spent, say, on fishing. It is for every man to decide how he will spend his leisure, and this clause enables him to do this. Mr. Walsh mentioned the fruit industry, but although two Federal awards cover that industry, they do not provide for long service leave, although they may some day. They contain, however, provisions (by agreement) for piece-work, and the rate fixed under those conditions is calculated to compensate for public and annual holidays.

In the fruit industry there are both permanent and seasonal workers. The latter do not necessarily work for the same employer, consequently I do not see how they will come within the ambit of this Bill. If that is taken into account in fixing the rates in their awards it may be possible to cover them, and I believe that may apply to other industries. The worker should have the option of cashing in on his leave or letting it accumulate for his old age. There is nothing in the Bill to prevent an employer from reducing the salary of an employee not covered by an award in order to offset the cost of the leave to which he is entitled under this Bill, and attention should be paid to that aspect.

Mr. HAMBOUR—I did not think any enlightened body of people would object to people exercising their right to work if they wanted to, but that has been the attitude of the Opposition on this occasion. Under the Bill a worker may continue to work and receive remuneration for leave, yet members opposite oppose the clause. That is highly improper for it would take away from a human being what is his right. If a man desires to work, he should not be prevented from doing so by legislation. The member for Adelaide (Mr. Lawn) made a great play on the existence of the 40-hour week, but what has it produced? Many people work 48 or even 58 hours a week to get extra remuneration. I do not see why any person who desires to improve his conditions should not be able to work overtime.

Mr. FRANK WALSH—I have always considered that conditions in industry are of paramount importance. At a recent conference I said that employers could afford to close down for a week to give the employees a break from work, and I apply the same principle to this clause. The member for Chaffey (Mr. King) said that if this payment had to be made some employers might become insolvent and would not be able to pay wages, but I always understood that unpaid wages had first priority in insolvency applications.

Mr. Geoffrey Clarke—Only for a limited amount.

Mr. FRANK WALSH—The amount would only be limited, because this in my opinion is only annual leave. Members of my Party have never been opposed to accumulation of long service leave, but leave should not be regarded as a matter of privilege. If a railway employee applies for 13 weeks' leave he is told that Cabinet has to approve because it is a privilege given by the Government. If we are to have long service leave, let us have something deliberate. I agree that the Bill should provide for accumulation of leave, but we should take out this provision for pay in lieu of leave. During this debate it has been said that some public servants decline to take even a portion of their leave, but recently I spoke to a man who told me that his employer, who grants all employees 13 weeks' leave after 10 years' service, insists that this leave be taken immediately it falls due. This is done to ensure that the employees have a rest. This may be an isolated case, but it is within the general principles that should be adopted in relation to this measure. The Government should reconsider clause 8, and take away this provision for payment *in lieu* of leave.

Clause passed.

Clauses 9 to 11 passed.

Clause 12—"Exemptions."

Mr. LAWN—I seek the Premier's opinion as to the meaning of subclause (2). Does this clause mean that the scheme must be established or in operation at the time the legislation comes into operation, or is it intended to cover all sorts of schemes that may come into operation in the future?

The Hon. Sir THOMAS PLAYFORD—The clause refers to schemes already in operation. Of course, if long service leave is provided by an industrial award the employees concerned are exempted from the operation of this legislation. Long service leave schemes may continue in operation if the Government Actuary says that they are not less beneficial to employees than the proposals in the Bill. If he would not give that certificate the employees would come under this legislation.

Mr. O'HALLORAN—I have made extensive inquiries but have not been able to find any scheme that can be related to the proposals under the Bill. What test will the Public Actuary make to determine whether a scheme is not less favourable than the provisions of the Bill? Has this matter been discussed with the Public Actuary, and have any principles been pre-determined that will guide him in determining this important matter?

The Hon. Sir THOMAS PLAYFORD—I understand that this matter has been thoroughly discussed with the Public Actuary and that he has expressed the view that he can determine, without much difficulty, whether a scheme is as beneficial as the one under the Bill. I understand that New South Wales had a provision something like this one, but that the court determined any dispute. However, I think that the Public Actuary, with his vast knowledge and information on this subject, would be more competent to determine the matter than a magistrate.

Mr. DAVIS—Recently the Broken Hill Associated Smelters entered into an agreement with its employees to grant three months' long service leave after 20 years' service. I think that that scheme is far superior to the provisions of the Bill. What redress would the employees have if they objected to the Bill's proposals?

The Hon. Sir THOMAS PLAYFORD—Those employees would not come within the provisions of this Bill if they were covered by a registered agreement. This clause deals with employees who are not covered by an award or agreement. The only purpose of the clause is to protect employees if they are covered by a scheme which is less favourable to them than the provisions of the Bill.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 5.51 p.m. the House adjourned until Wednesday, August 28, at 2 p.m.