HOUSE OF ASSEMBLY.

Wednesday, October 2, 1957.

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

QUESTIONS.

CITY INTERSECTION TRAFFIC.

Mr. BYWATERS—This morning, when crossing an intersection on King William Street, I found that it was becoming a matter of the survival of the fittest for pedestrians wishing to cross. The time has come when action should be taken by the Police Department to overcome the practice of motorists of crossing intersections after the amber light has appeared. On at least three occasions I saw motorists cross King William Street intersections after the amber light came on and pedestrians had to be nimble to prevent their being run over. Will the Minister take up this matter with the Police Commissioner to see whether action can be taken to enforce motorists' stopping when the amber light comes on?

The Hon. Sir MALCOLM McINTOSH—Yes.

RABBIT FLEAS.

Mr. HARDING—The number of rabbits in many parts of Australia has increased and today's *Advertiser* reports that 3,000 fleas have recently been imported from England to help spread myxomatosis. Has the Minister of Agriculture any information on this matter?

The Hon. G. G. PEARSON—About six months or more ago the Agricultural Council discussed the advisability of importing the European rabbit flea to assist in spreading myxomatosis, particularly in areas where the right type of mosquito did not normally exist. After a careful examination into the possibility of any unforeseen and undesirable results, it was decided that a colony of the insects should be imported with a view to their being multiplied and liberated to spread myxomatosis. I do not know what stage that programme has reached, but that is the purpose of it and we are assured by those supposed to know that it will have satisfactory results.

MOTOR VEHICLE NUMBER PLATES.

Mr. COUMBE—Can the Acting Leader of the Government say whether the Motor Vehicles Department has considered changing the system of registered numbers on motor cars and trucks from the present six numeral system to the combined letter and number system in vogue in other States, and if so, what are the views of the department?

The Hon. C. S. HINCKS—I have not the information available, but I will try to get a report for the honourable member tomorrow.

INDUSTRIAL CODE.

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

That in the opinion of this House a committee should be set up to inquire into and report to Parliament on the desirability of amending the Industrial Code, 1920-1955; such committee to consist of—

(*a*) two members of the Legislative Council, one of whom shall be selected by those members of the Legislative Council who belong to the group led by the Leader of the Opposition in the Council;

(*b*) two members of the House of Assembly, one of whom shall be selected by those members of the House of Assembly who belong to the group led by the Leader of the Opposition in that House;

(*c*) one other person who shall be appointed by the Governor and who shall be chairman.

I move this motion only after much consideration, and before proceeding with the many arguments that I can adduce in support of it I shall refer briefly to the Industrial Code to show how important this legislation is. The title of the code is:—

An Act to consolidate and amend the law relating to industrial matters, and the constitution and working of industrial boards, and the regulation, control, inspection, and working of factories, and to amend the Public Service Act, 1916, and for other purposes.

The Code provides for the setting up of arbitration machinery, including a Board of Industry and various industrial boards, and delineates the powers and functions of those two authorities. It also has a section dealing with the inspection, regulation, and control of factories, and it prescribes all manner of things relating to health hygiene and the safety of factory workers. There are 377 sections, many of them so inter-related that it is difficult to amend one without impinging on another.

For some time the trade union movement has been concerned at the fact that the Industrial Code has not been changed in any material way since it was passed in 1912. The time is over-ripe for an overhaul, both as regards certain principles and as regards the verbiage of some sections. Some negotiations have taken place over a lengthy period between the Chamber of Manufactures and the Trades and Labor Council, during which the Trades and Labor Council asked for the

appointment of a joint committee representative of both bodies to go through the Code to see on what points unanimity could be reached, so that a request might be made to the Government for the necessary amendments. Unfortunately, those negotiations did not produce any fruitful result.

The Industrial Code has been amended on numerous occasions but never subjected to a complete overhaul. It was consolidated in 1920 and again in 1936, but these consolidations did not constitute a revision of its general principles. It retains largely the outlook of over 40 years ago, but industrial conditions and the general attitude on industrial relations have changed considerably, and it is desirable that the spirit of the legislation be attuned to present-day conditions. The language of the Code was the subject of considerable debate in this House in 1955 when I introduced a Bill to amend the legislation. The Premier made a great deal of fun of one of my proposals where I sought to incorporate in one section the term "right, fair and honest." He said:—

When words are included in legislation they must mean something. When they are associated with other words we must be able to properly assess the combined meaning of all the words. These three words "right, fair and honest" have many meanings. I think that from the composite meanings it is possible to get 53,000 odd different shades of meaning.

I point out that the words "right, fair and honest" are used in the Industrial Code itself, for in section 21 we have this expression:—

To give such retrospective effect to an award or order or any part thereof as the court may consider right, fair and honest.

That shows that the Premier himself believes that the language of the Code in some respects is ambiguous. If one were to search through it he would find many other examples of ambiguity. The trade union movement is convinced that many anomalies are perpetuated in it, and, especially in view of the fact that it is intended to benefit the workers, their representatives should have sound ideas on the effect and influences of its provisions. On this matter I have support from no less a person than the Premier himself. When speaking on a Bill that I introduced in 1954 to amend the Code he said:—

In no sense can the Industrial Code be said to be loaded against the workers. The whole object of the Code is to secure benefits for the workers, and it has been an instrument by which very great benefits have been secured.

In view of that statement we should give cognizance to the opinions of the workers as expressed by their representatives, but before stating those opinions I shall refer to the fact that the Opposition has on several occasions introduced Bills to amend the Code. Those proposals were carefully considered by the Trades and Labor Council, but most of those Bills did not get past the second reading stage. As all our attempts to amend the Code to bring it up to date and cut out dead wood and make it a real instrument for industrial harmony have been unsuccessful I suggest that an unbiased committee, such as the one proposed in my motion, be appointed to consider every aspect.

Many matters require consideration, and I shall refer to a report from a special committee appointed by the United Trades and Labour Council which spent much time examining the legislation and considering what amendments were necessary to bring it up to date. The list comprises over four foolscap pages of amendments the trade union movement considers essential for the good working of the Code in its wage-fixing machinery and in relation to the factories legislation incorporated therein. I will not read the entire list, but I draw attention to the definition of "metropolitan area." The new town at Elizabeth is growing to the north of Salisbury, but certain parts of the Code do not apply to that area and it would be difficult to make it apply without making a full inquiry into the implications of such an amendment. Another important point is the question of piecework, which has been a source of contention among workers and employers in industry, particularly in recent years when the practice of letting "contracts" has arisen. Men who are really employees are engaged as contractors, the employer finding the material and plant, and the piece work provisions of the Code are thereby evaded. The Premier castigated me recently when I introduced an amendment dealing with this subject and said that it was apparently the Labor Party's desire to ensure that no man became his employer—in other words, that no man should emancipate himself. That is furthest from our thoughts. It is our desire that men should have an opportunity of becoming *bona fide* self-employed whenever the opportunity presents itself and it should be the duty of Parliament in any well-ordered society to ensure that such opportunities increase. However, we complain because these men are not really self-employed, but are employees for whom

this bogus self-employment is created solely to evade the principles of the industrial legislation.

Section 111 of the Code, which deals with subjects difficult of interpretation, is ambiguous and should be deleted. The question of agricultural workers has been raised again and again by the Opposition. As members well know, agricultural workers are specifically excluded from the Code and cannot get an award under our State legislation. Of course, if they formed a Federal body and created an interstate dispute they could go to the Commonwealth Court of Conciliation and Arbitration and obtain an award binding in this State, but we suggest that this should not be forced on rural workers. If they desire to take advantage of industrial legislation, provision should be made and a shelter provided for them under our Industrial Code. The trade union movement also seeks a provision under which the occupier of a factory shall, where any lifting tackle, hoists or cranes are in use, have such equipment inspected at least every six months. That is reasonable, to ensure that their working parts have not become worn so as to endanger the lives of workmen. To illustrate the difficulties involved in amending the Code, last year I considered introducing an amendment to deal with one subject. The trade movement strongly believes that when an industrial board has made an award it should not, subject to certain limitations, be the subject of an appeal to the Industrial Court. After all, the board is constituted by representatives of employers and employees who know the circumstances of the industry and are better fitted to judge what are fair and reasonable working conditions than is the more remote court. For some time, therefore, we have sought the deletion of section 196. I endeavoured to prepare an amendment, but discovered that in order to effectively deal with the issue it would be necessary to amend sections 53, 54, 55, 57, 60, 62, 184, 185, 193, 196, 197, 198 and 200. I adduce that as positive proof of the difficulty confronting one in seeking an amendment dealing with a specific subject.

I suggest the Code be subject to a proper and unbiased inquiry. Most industrial legislation in other States contains provisions relating to the appointment of boards of reference for the purpose of settling minor disputes which occur from time to time about the interpretation of provisions in an award. The Code does not provide for the appointment of boards of reference, therefore if a dispute arises it must be taken to the court, which involves both the employers and employees in considerable expense. We suggest that if the Code provided for such boards it would lead to the smoother working of our industrial machinery and to a considerable saving on the part of those using it.

There is also some difficulty about the provision relating to the appointment of apprentices, although that has recently been overcome to a considerable extent by regulations drafted by the Government; but there is still difficulty about the limitation on child labour. Under the law it is lawful to employ any child over 13 years of age, but the industrial unions suggest—and I support their suggestion vigorously—that that be raised at least to the school-leaving age.

Another difficulty that has cropped up recently concerns the staffs of community and Government-subsidized hospitals. The Code does not provide for an award for their domestic staffs. There are 47 Government-subsidized hospitals in South Australia and in recent years there has been a considerable increase in the number of community hospitals functioning in this State, particularly in the metropolitan area. The Miscellaneous Workers Union has tried to obtain an award for the staffs of those institutions, but it has found that, because they are not conducted for gain, the Code does not provide for an award. The union points out that its relations with the boards of management of those institutions are on the whole very satisfactory and it has no difficulty in arriving at an agreement under which these employees will receive the same conditions as similar employees in Government hospitals, who are, of course, subject to an award under the Code. There are, however, one or two boards that hold out; therefore a strong case exists for the application to those institutions of conditions considered by the great majority to be just. We should have uniformity in this matter and those who hold out against an agreement should not be permitted to profit from doing so.

Concerning the constitution of the body I believe should be established, I considered moving for the appointment of a Select Committee, but as a Select Committee expires with the termination of the session in which it is appointed I decided against it. Then I read the Industries Development Act and

found a provision that would eminently meet this case: that a Parliamentary committee be appointed equally representative of the Opposition and the Government in either place, with a chairman appointed by the Governor, which means the Government. Such a committee would be unbiased and be able to take evidence from all interested parties. It could subject the Code to the scrutiny that is required and furnish a report to the Government. This would enable legislation to be passed bringing the Code up to date.

I suggest that members give more than ordinary consideration to this motion, certainly more than they have given to my several attempts in past years to amend the Code to provide for some of the things that I think should be the subject of inquiry by this committee. Today we are living in a changing world. For many years we in Australia have prided ourselves on our system of settling industrial disputes by conciliation and arbitration. We believe that as a result of the passing of time one important aspect of the Code should be considered, namely, penalties. If they are not entirely abolished they should be modified both as regards their incidence and their nature. I suggest also that it is necessary to bring the Code up to date because a substantial body of opinion among the workers of Australia in general, and South Australia in particular, holds that we should abandon conciliation and arbitration and resort to direct negotiation between employer and employee. I hope that will not happen.

For many years we have prided ourselves on our labour laws and, although they have not been perfect—and I think I have given abundant evidence this afternoon that our Code is not perfect—they have been better than the law of tooth and claw that obtains in many parts of the world. We should, therefore, not drive the workers further away from conciliation and arbitration, but rather provide them with an up-to-date instrument that will make for industrial peace, and in doing so increase the general prosperity of the State. I realize we have got along very well during the last few years because more jobs were offering than there were men seeking jobs and it became easy for workers to protect themselves even under the out-of-date Industrial Code; but the scene has unfortunately changed, and today we find the law of supply and demand, instead of being on the side of the worker, re-acting against him. How far this will go I will not hazard a guess. I certainly trust that it will not go much further, but if it does the necessity to bring conciliation and arbitration machinery up to date will be much greater than at present.

We hear a great deal of talk today about Communism. I have been dubbed just about everything objectionable down the years. I have been called a Bolshevik, an I.W.W., and an iconoclast by the same type of people who today call me a Communist, but all the time I have been an honest-to-God Labor man seeking justice for the workers. I shall continue to do that, and in doing so I yield to no-one in my opposition to Communism, because the principles of Communism are abhorrent to me and to the Labor Party. They will not mix with those principles of individual freedom and justice that we believe in, but if we continue to deny the workers legal redress for their grievances we shall furnish Communists with a field in which to work and to claim that the only redress is to go back to the law of the jungle. I move this motion with confidence as I know that it will be carried.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—As the Appropriation Bill has been passed by the House and the session is fairly rapidly drawing to a close I do not wish to delay the debate on this motion, as no doubt the Leader of the Opposition will want a vote on it before Government business takes precedence of private members' business. I have not had the opportunity to study the Leader's remarks, but I shall say a few words on the motion instead of moving the adjournment of the debate. As I understand his remarks, he considers that the Industrial Code is involved and it is not easy for a private member to construct an amendment without involving a number of sections. He also said that as the Code has not been overhauled for 40 years it is desirable to appoint a committee to consider the legislation and recommend amendments to Parliament. The proposed constitution of the committee suggested cannot be cavilled at. Indeed, the Leader followed the Government's proposal for the appointment of a committee when the Industries Development Act was passed, so any criticism that I might make about the composition of the proposed committee would quickly rebound against me. But that is not the whole question. I point out that Parliament has the power to appoint a select committee with wide authority. It could send for persons and papers and require answers to

questions. Such a committee has most of the powers of a Royal Commission, and on a number of occasions select committees have given valuable advice to the House, but the Leader is not seeking the appointment of a select committee. His committee would not consist of members of Parliament alone, and would continue after the Parliament had prorogued, which a select committee cannot do.

Mr. Riches—Can't we give it the powers of a Royal Commission?

The Hon. Sir THOMAS PLAYFORD—I shall come to that question later, but the motion gives no powers whatever to the committee. When a committee was appointed under the Industries Development Act it was given wide powers so that it could get necessary information. The section setting out its powers stated:—

For the purpose of making any inquiry under this Act the committee shall be a commission within the meaning of that term as defined in the Royal Commission Act, 1917, and that Act shall apply accordingly.

That is the crux of the matter because without the power of compelling witnesses to give answers the committee suggested by the Leader of the Opposition would have no more status than a committee that might be appointed by the Government tomorrow or by the Leader of the Opposition the day after.

Mr. O'Halloran—Are you suggesting that compulsion is necessary?

The Hon. Sir THOMAS PLAYFORD—I am saying that it would have no more standing than a committee appointed by the Government or one appointed by the Leader of the Opposition without consultation with anyone but himself.

Mr. O'Halloran—If I appointed the committee it would be a good one.

The Hon. Sir THOMAS PLAYFORD—I understand that there is already an industrial committee in the Leader's Party. If the motion is carried and acted upon the committee will have no more authority than any committee appointed by the Leader of the Opposition or the Government to suggest amendments to the Industrial Code.

Mr. O'Halloran—Could not the Government make this committee a Royal Commission?

The Hon. Sir THOMAS PLAYFORD—There is no doubt that under the Royal Commissions Act the Governor could act upon the advice of his responsible Ministers and appoint a Royal Commission. The next point we should consider is whether there is any necessity for a committee. Many laws have stood the test of time without requiring overhaul and it has never been suggested that they are poor laws as a result. On the wall of this illustrious Chamber is a painting of one of our first administrators, who devised the Real Property Act. That Act has stood the test of time and has not had to be tinkered with by every Parliament.

Mr. Dunstan—It has been amended.

The Hon. Sir THOMAS PLAYFORD—I agree, but so has the Industrial Code. It was consolidated in 1920 and amended in 1936, 1943, 1947, 1948, 1949, twice in 1950 and again in 1951. It has been amended as required and that rather detracts from the impression the Leader of the Opposition gave that the Code could not be amended. He instanced that to achieve one amendment he would have had to amend a number of sections of the Code. The Code is no different from any other Act of Parliament. The Leader said that once an award has been made by a wages board or some other appropriate tribunal there should be no appeal to the court.

Mr. O'Halloran—I did not say there should be no appeal.

The Hon. Sir THOMAS PLAYFORD—I jotted down the Leader's words and he said there should be no appeal to a "remote court." We have always prided ourselves that in our system of justice there is the right to appeal from a lesser to a higher court. If we attempted to eliminate the right of appeal to higher tribunals in other legislation the Leader of the Opposition and his Party would strenuously oppose such a move as being abhorrent to our normal conception of British justice. The right of appeal in law is frequently exercised. Why should not a right of appeal apply in this legislation as elsewhere? In fact it is probably more important here than in other legislation because the amounts involved in decisions of industrial tribunals are great and have an important bearing upon the general economic life of the community and upon the public interest. I was astounded to hear the Leader say he believed that once an award had been made there should be no appeal against it.

Mr. O'Halloran—I did not say that at all.

The Hon. Sir THOMAS PLAYFORD—I do not want to misquote the Leader, but I suggest he examine *Hansard* tomorrow and he will see that, whether or not he meant to say it, he did say that once an award had been made

there should be no appeal. If he did not mean to say that, why did he use the expression "remote court"?

Mr. O'Halloran—I still admitted a right of appeal under certain circumstances.

The Hon. Sir THOMAS PLAYFORD—Why not under all circumstances? The Leader now admits a right of appeal under certain circumstances, but why pick the circumstance that suits for a right of appeal and not one that does not suit? I cannot follow that argument. I believe in the right of appeal on all relevant questions and would not under any circumstances require any commission or select committee to advise me on that matter. I believe the right of appeal is inherent and should be preserved rather than whittled away.

Mr. O'Halloran said we had a number of hospitals whose staffs were not subject to an award because those hospitals, being community or Government-subsidized, did not operate for profit. He said that an award should be made for those staffs and that the Code should provide for such an award. However, he went to to say, "We have no complaint with the management of those institutions"—

Mr. O'Halloran—That is not correct: I said there were a few—

The Hon. Sir THOMAS PLAYFORD—I jotted down these words at the time: "The managements are reasonable; they adopt the standards of Government hospitals."

Mr. O'Halloran—That is so in the great majority of cases.

Mr. Hambour—He said one or two would hold out.

The Hon. Sir THOMAS PLAYFORD—He said one or two do not comply but does that constitute a ground for the appointment of a committee? I suggest that no ground has been established. In fact, the Leader went on to say, "We have got along very well." Indeed, it is significant that under the Industrial Code, which the Leader seeks to have revitalized, we have a better record of industrial peace than under any other industrial arbitration system in Australia.

Mr. Fred Walsh—You had better check up on that and compare it with Western Australia's.

The Hon. Sir THOMAS PLAYFORD—I will check up with Western Australia or anywhere else, but I point out that the Leader said, "We have got along very well." In fact I have publicly acknowledged that one of the main reasons why South Australia has attracted many industries, although in many instances it is remote from their markets, is its outstanding record of industrial peace, which does not arise because of the Commonwealth arbitration laws (which have a bad record in other States), but arises from the Industrial Code with its wages board system. Before a dispute reaches any magnitude a wages board can sit around a table, thrash out the issue, and arrive at a reasonable compromise.

Mr. Fred Walsh—What about the worker who hasn't the right to go to a board or the court?

The Hon. Sir THOMAS PLAYFORD—The honourable member is talking about another topic altogether. Let me discuss the reasons given by the Leader for his motion. He apparently felt the weakness of his argument because he explained that the worker had been protected up to now because there had been plenty of employment. The inference was that if he did not like his working conditions, he could go to another job. He went on to say that in future the employment position might not be so good and protection would be more necessary. I think that sets out his arguments, but I do not believe that the appointment of this committee would in any way solve this problem.

Mr. Riches—You will have to have a lot of strikes before you amend the Code.

The Hon. Sir THOMAS PLAYFORD—We have not had many strikes: in fact we have fewest strikes where there are fewest awards. Particularly under the Commonwealth legislation, which is so rigid, there is no give and take on either side and that is where the disputes occur.

Mr. Shannon—That is where the wages boards have done a good job.

The Hon. Sir THOMAS PLAYFORD—Yes. For those reasons and because the proposed committee has no function at present, I ask the House to oppose the motion.

Mr. SHANNON (Onkaparinga)—I draw the attention of members to the late stage in the session at which such a major matter—and I agree it is a major matter from the Opposition's point of view—has been introduced for our consideration. We have yet to deal with much business in which the Opposition is deeply interested and some of which is approaching the stage where a vote will be taken. The Budget debate has ended and it is

normal at this stage to pass a motion giving Government business precedence over all other business. After that, private members' business will receive scant treatment, so I doubt whether it was the genuine intention of the Opposition to secure the carrying of this motion. After all, its passage in another Chamber will be essential if the committee is to be appointed, and within the time available that is a virtual impossibility.

Mr. Riches—Are you threatening us with the closure?

Mr. SHANNON—I am not threatening the honourable member with anything. He has been here since 1933 and if he has not learned by now how long it takes to get a matter through this House and another place on private members' afternoons, he will never learn anything. This aspect appears to me to be important.

Mr. Corcoran—Can you tell members of any previous occasion on which private members' Bills have cut out in October?

Mr. SHANNON—I did not mention that. I merely repeated the Premier's statement that it is usual to pass such a motion after the Budget is dealt with.

Mr. Riches—A long time after.

Mr. SHANNON—No, it is the custom of this Chamber. Supposing we do not cut out private members' business but say, "Go ahead; have every Wednesday afternoon for the rest of this session to debate the motion." I understand it was the intention of the Opposition this afternoon to adjourn the debate on the motion.

Mr. Fred Walsh—We were only following the usual practice.

Members interjecting:

Mr. SHANNON—The honourable member is apparently talking about things he does not understand.

The SPEAKER—Order! I ask the honourable member to address the Chair and not members opposite.

Mr. SHANNON—Thank you, Mr. Speaker, but if honourable members would stop chivvying me and let me say a few words about the tactics being employed, I would appreciate that because it is an important subject.

Mr. Riches—What about your tactics right now?

The SPEAKER—I called the honourable member to order just now.

Mr. SHANNON—I point out to members opposite, or those who understand how long it takes to deal with such a matter, that if the debate were adjourned today—which I understand was the Opposition's intention—the motion could not be called on again until next Wednesday at the earliest. It could then be debated by two or three speakers and would be adjourned again. It would then follow the normal procedure in such matters, so it would obviously be another three Wednesday afternoons at a conservative estimate, before a vote could be taken.

Mr. Fred Walsh—What are you worried about?

Mr. SHANNON—Only about one thing: was this motion moved as real business or for other purposes? It is obvious to those of us who know the routine workings of Parliament that its carrying or non-carrying is not a matter of major importance.

The Premier dealt with certain matters fairly effectively, particularly the power of appeal to a court from the decision of a wages board. Mr. O'Halloran referred to a number of sections in the Code that would have to be amended to delete the right of appeal to the court, but I point out that, although I have not seen a Bill presented dealing with all the sections he enumerated, he would probably be the last person in the Opposition who would wish to amend some of those sections. Some would be appropriately left in the Code, and I do not doubt that the Leader would agree with that, because some of those sections, rightly, give an appeal to the employee under certain conditions. This matter of trying to find one or two pegs on which to hang a hat so that this House could be encouraged to agree to the appointment of a committee was obviously difficult. He referred to the difficulty that has arisen from the growth of the metropolitan area. He mentioned Elizabeth and Salisbury North and said that they are an integral part of the metropolitan area, and I agree with him that they may be some day. The empty spaces between here and Salisbury are fast being built upon and the vacant parts of Salisbury and Elizabeth will suffer the same fate in the future. Then we may have a big city running from Adelaide to Gawler, but I do not think there would be any fundamental problem in re-defining the metropolitan area at the appropriate time.

I do not think we would require five wise men to tell us what to do on such a matter as that. I do not think any man in public life

is actuated by higher principles than the Leader of the Opposition. His denial of any sympathy with the Communists is accepted by all members, for he has always made it clear just where he stood with these people. In trying to amend the Industrial Code he wants to do something for the workers, but I do not think his approach to the problem will get him far, even if his motion is carried. He is an old-timer in the industrial sphere and knows a lot about the Industrial Code and industrial law, but I think he will agree that when he tried to frame even minor amendments he floundered and when he went to the Parliamentary Draftsman he was blinded with science.

How would the committee he proposes get on? Who would give evidence before it? Would members of wages boards be asked to give evidence? They have been responsible for bringing us industrial peace and conditions in industry for which we should be thankful, but if they gave evidence who would give evidence in rebuttal? Would it be that distant court which is far removed from the conditions of the workers? Would the committee call evidence from learned legal authorities who would interpret the Code and tell us what we should do about it? My view is that the carrying of this motion would not lead to any constructive changes in the Industrial Code. I fear that it could lead to a certain amount of strife and ill-feeling that does not exist now. Where peace reigns why throw a spanner in the works and create disaffection and inharmonious relations? Why upset something that is obviously working very well?

The Leader of the Opposition has often introduced Bills to amend the Industrial Code, but he has never convinced the House that he was right. How does he expect the recommendations of a committee, of which I suppose he would be a member, to meet a different fate? He said that the trade union movement had four foolscap sheets of amendments that it desired, and we would want more than one session to get through them.

Mr. O'Halloran—Not if they were unanimously recommended by an unbiased committee.

Mr. SHANNON—I agree that the committee proposed would be unbiased, but the only committee I have ever heard of that reached a unanimous decision was a committee of one. I do not think that the motion will go to a vote because we have several other motions put forward by the Opposition.

Mr. FRED WALSH secured the adjournment of the debate.

HOLIDAYS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 25. Page 819).

Mr. TAPPING (Semaphore)—I support the Bill because it is a progressive move for the benefit of bank officers. The member for Burra (Mr. Quirke) adopted a peculiar attitude. He said that at first he decided to support the measure and then, for some reason which I could not understand, he changed his mind and opposed the Bill. He said there was an application before the Arbitration Court in regard to penalty rates for bank officers and that until that had been finalized he would not support the measure. However, he must know as well as I do that the claim for penalty rates has no relation to the Bill. It is well known that bank officers can only achieve a five-day week by means of legislation, as they have done in other States. The court's decision will have no effect on the legislation we are discussing today. This Bill and any decision by the court will dovetail, for we all know that bank officers are often busy behind closed doors, especially at the end of the financial year and when doing the annual balance.

The remarks of the member for Light (Mr. Hambour) were even more perplexing than those of the member for Burra. He finished by saying that if the Bill is passed, "good luck to the bank officers." He did not begrudge them a five-day week, but still opposed the Bill. Like the member for Burra, he said a great deal depended on the application to the court for penalty rates. Those two members should declare their attitude on the Bill and not make excuses for it. Not much has been said about automation, but it has a great bearing on the matter. As automation develops throughout the world many people will lose their employment.

Mr. Hambour—You don't think that?

Mr. TAPPING—I do, though I admit that we cannot stop progress. As automation develops there will be only two alternatives—either decreased working hours or unemployment.

Mr. Hambour—What have banking hours to do with automation?

Mr. TAPPING—A lot. Some firms in South Australia are using automation now. A big business at Hendon recently dismissed 15 girls

by installing one of these modern machines, and automation will later be introduced into many factories, offices, and even banks. Mr. R. H. MacMillan has written a book called "Automation—Friend or Foe?" He states:—

A more recent large scale digital computer, constructed at the Massachusetts Institute of Technology, is called "Whirlwind," on account of its very high speed of operation. It has 6,000 valves and will perform 200,000 additions or 25,000 multiplications in a second. It will do at least as much calculating in a minute as a man with a desk machine could do in a year; this immense increase in the speed of numerical computation renders entirely practical calculations which were previously quite impossibly long.

Automation can be adopted in a bank, so some officers may lose their employment. We are bound to reduce hours to overcome this position.

Mr. Hambour—What about increasing production and our export trade?

Mr. TAPPING—As we develop machinery employment will suffer. Rather than retrench workers we should reduce working hours. If we increase unemployment our economy will suffer. We cannot prevent progress.

Mr. Hambour—You have to move with the rest of the world.

Mr. TAPPING—I agree, but I am pointing out what can happen with automation. A bank officer occupies an unusual position. He is engaged on figure work which imposes a tremendous physical strain and he should have two days' respite at the weekends in order to recuperate. His task is most exacting and it is well known that a bank officer cannot afford to make a mistake. This House is closed on Saturdays and it does not matter how important a constituent's business is, he cannot come here of a Saturday morning.

Mr. Hambour—We see our constituents on Saturdays and Sundays.

Mr. TAPPING—Parliament House is not open on Saturdays for business.

Mr. Brookman—Do you think bank officers are overworked?

Mr. TAPPING—I said their job entailed physical strain and entitled them to a two days' rest at the week end.

Mr. Fletcher—How have they managed down through the years?

Mr. TAPPING—Would the honourable member like to return to the days when men worked 60 hours a week? Some years ago bakers worked on Saturday mornings, but with the march of time that practice has ceased and no one complains. At present milkmen deliver every day, but the time is not far distant when there will be no deliveries on Sundays. Sunday deliveries are not necessary, because most people have refrigerators or ice chests to preserve the milk. During the Christmas break bakers do not deliver for three and sometimes four days. When this procedure was first adopted there was an outcry from women, but nowadays they do not complain because they realize it is part of the march of progress.

Mr. Hambour—Do you think the women like it?

Mr. TAPPING—I do not think they mind it. In introducing this Bill Mr. Dunstan pointed out that it would do some good to the members of the bank association. I have received a circular from the association asking me to support the Bill, and I will do so because I realize that a five-day week in the banking business must come eventually. Those who have opposed the Bill have said that the bank managers have not been consulted. I have not approached any bank manager because I believe we must make up our own minds on this question. However, the *Advertiser* and *News* have publicized the proposal and no one has approached me asking me to oppose the Bill. Because of that silence I believe it is generally agreed that the Bill is fair. The tendency nowadays is to pay employees on Wednesdays and Thursdays, with the result that banking is done on Fridays. Workers can do their banking business during their lunch hours.

Mr. Hambour—You contend we could do without bankers altogether and suggest we only need one bank—the Commonwealth Bank.

The SPEAKER—Order!

Mr. TAPPING—The member for Light has the unhappy knack of placing a wrong construction on most statements. No supporter of this Bill has suggested we could do without banks.

Mr. Hambour—I do not know why you are worrying about this—

The SPEAKER—Order! The member for Semaphore is making this speech and I have repeatedly told members that interjections are out of order. I ask the member for Light to refrain from interjecting.

Mr. TAPPING—The work of a bank could be done in five days and the public would not suffer. I support the Bill and ask members

to give it mature consideration to enable it to pass.

Mr. QUIRKE (Burra)—I ask leave to make a personal explanation.

Leave granted.

Mr. QUIRKE—I desire to make this explanation following the remarks of the member for Semaphore and to explain my attitude on this measure. When it was first introduced I promised the sponsor and the bank officers that I would vote for it. Information given during the second reading caused me to change my mind and I said I would not support it. The bank officers assured me that an attempt was being made to remove my objection. The attempt has not been successful and I must still oppose the Bill.

Mr. HARDING (Victoria)—I oppose the Bill, but pay a tribute to the men and women working in banking institutions. They are civic-minded and render a most valuable service. They play an active and vital part in the State's life and are leaders in religious institutions, lodges, Rotary, Apex, Legacy, the R.S.L. and other like organizations. I honestly believe there are two sides to this important question. We must consider those who require banks to open on Saturday mornings, and I refer particularly to country people—people in progressive areas. Coonalpyn, Tintinara, Keith, Bordertown, Naracoorte, Penola, Mount Gambier, Millicent, Beachport, Robe, Kingston and Lucindale are centres of developing areas where hundreds of soldier settlers are working long distances from the townships. They have taken up virgin country in the outback and in many instances are 20 or 30 miles from banks. We must also consider contractors, shearers, sawmillers, persons working on fencing and post digging. In many instances they live on their jobs travelling to them on Mondays and returning to the towns on Saturdays. Saturday is the shopping day in the country. The member for Mount Gambier (Mr. Fletcher) who has lived in the South-East has referred to the great importance of banks in the country and the necessity for their providing service to people on Saturday mornings.

A Member—Bakers don't bake on Saturdays.

Mr. HARDING—I admit that in many cases bakers do not bake on Saturdays, but I have yet to hear where bread is not delivered on a Saturday so that people from the outback can come into the town and get it.

Mr. Corcoran—Friday is the shopping day at Naracoorte and Millicent.

Mr. HARDING—I will refer to that shortly. In these progressive country towns Saturday morning is bedlam. That cannot be refuted. The people come in to do their banking and shopping in the morning and to enjoy their sport in the afternoon. It is absolutely essential that banks open of a Saturday morning. I have yet to discover who do not work on a Saturday morning apart from those employed in garages and engineering works. Doctors, chemists, dentists, solicitors, accountants and their staffs all work on Saturday mornings. The stock and station agencies are open and more work is performed on Saturday morning than on any other morning of the wek. The staffs in these business houses are not rostered for Saturday work: the entire staff works. Why should we provide a holiday for one section of the community? Is it because the banking institutions are unable to obtain suitable and full staffs? I do not think that is the case. I venture to suggest that this move is one of the first attempts in this State to apply the thin end of the wedge towards a five-day week and a thirty-five-hour week. The people to whom I have referred and who are so important to Australia would be forced to work a 4½-day week for they would have to bank on week days. The only people who would be able to cash their cheques on Saturday would be hotelkeepers, bookmakers, and some retail storekeepers. What a fine show if a man had to bank at his hotel or with a bookmaker!

Mr. Hambour—The member for Millicent said bookmakers were essential.

Mr. HARDING—Yes, but it is far more essential that banks remain open. We have heard much about Ben Chifley's golden age, but what has happened to it?

Mr. Loveday—Menzies crippled it.

Mr. HARDING—The great Ben Chifley did a marvellous job and had the respect of men not only of his own political complexion but also of the opposition. Ben Chifley forecast a golden age, but when the world was starving for food we introduced a 40-hour week and went on a grand spending spree so that the golden age vanished like a distant rainbow. What happened when we tried to put value back into the pound?

Mr. Hutchens—We heard some promises about that.

The SPEAKER—Order!

Mr. HARDING—No legislation can put value back into the pound: that can only be done by honourable members and the rank and file

people, of whom I am proud to be one. However, we are still on this grand spree of irresponsibility, shorter hours and lower production. The time is not opportune to introduce a shorter banking week or a 35-hour working week. We have already lost overseas markets because of our high costs of production and we will never regain some of them. We must work harder and produce more because Australia now faces a crisis. It is useless to be an ostrich and ignore the present state of affairs. Last year's River Murray flood was disastrous, but if the present weather continues throughout the four major States, the tremendous financial loss suffered as a result of that flood will be but a fleabite compared with the loss to be suffered by Australia. The repercussion from a drought and the loss of production in primary and secondary industries could seriously reduce the standard of living in this State, therefore the present is not the time to have more holidays or relaxation. We should rather give service and produce more. I therefore oppose the Bill.

Mr. BYWATERS (Murray) I support the Bill. The member for Victoria (Mr. Harding) talked about an ostrich that buried its head in the sand, but I feel that is just what the honourable member did. He had much to say about the present not being an opportune time to introduce such a measure as this, but I suppose the same thing would be said in 100 years time because whenever a reform has been introduced that argument has been advanced. Little comment is required on his remarks because they had little substance. As little time is left in this debate I will say only a few words, but I do not wish to record a silent vote. I compliment the member for Norwood (Mr. Dunstan) on the fine way he introduced and explained the Bill. I also compliment the bank officers for asking Mr. Dunstan to introduce the Bill; they apparently knew he would consent to introduce it.

Mr. Geoffrey Clarke—Do you still believe in the nationalization of banks?

The SPEAKER—Order!

Mr. BYWATERS—There seems to be a phobia on that topic and I will not comment on it as it is not relevant in this debate, but if the honourable member wants to discuss it privately I shall be pleased to discuss it with him. This Bill is a private members' Bill and, although I did not know how members of this side would treat it, it is pleasing to find that all Labor members support it in the cause of justice. I cannot, unfortunately, say the same for members opposite because every time one of them has spoken he has spoken against it, although he admits that the bank officers are a fine bunch of gentlemen. I agree on the latter point, but all speakers from the Government side have tried to tear down any prospect of improvement in the hours worked by bank officers. The member for Mitcham (Mr. Millhouse) brought out an important point when he criticized the member for Norwood for not dealing with the effect of Saturday morning work on the recruitment of bank officers. Mr. Millhouse said he had been told that youngsters leaving school went into other positions when told that they would have to work Saturday mornings in banks.

Mr. Hambour—That doesn't say much for young Australians. If they are not prepared to work 5½ days a week there is something wrong with them.

Mr. BYWATERS—Mr. Dunstan went to some lengths in explaining the Bill, but he could not be expected to mention all the points and I expect he will say something on that matter when he replies. I have been approached by bank managers who told me that boys leaving high school frequently ask questions about Saturday morning work and, on being told that they would have to work on Saturday, they take other jobs. Surely it is only natural that the bank officer should expect to enjoy the privileges enjoyed by workers in Government offices.

Mr. Hambour—Do you support a five-day week for everybody?

Mr. BYWATERS—Yes, but here I am speaking about a five-day week for bank officers.

Members interjecting:

Mr. BYWATERS—I understood that I was delivering this speech and it is disconcerting to find previous speakers wishing to contribute now. Most awards provide for a five-day week, so the idea is not new. This Bill brings justice to a section of the community.

Mr. Shannon—The movement is not for the banks to close, but for the bank officers to receive extra pay on Saturday morning.

Mr. BYWATERS—I believe that a five-day week should be granted to bank officers so that they may enjoy added leisure and get away for week-ends the same as other employees. There is opposition to this Bill in this House and there may be opposition to it outside. Indeed, I have known no progressive legislation that was introduced without

opposition. The 40-hour week was opposed and no doubt the 35-hour week advocated by the Australian Council of Trade Unions will be opposed. Indeed, one member of this House advocates a 60-hour week.

Mr. Millhouse—Do you favour a 35-hour week?

Mr. BYWATERS—Eventually we will enjoy not only a 35-hour week but an even shorter working week. Surely that is far better than having unemployment.

Mr. Millhouse—Do you favour a 35-hour week now?

Mr. BYWATERS—I do not necessarily say now, but I say it will come.

Mr. Millhouse—You had better be careful.

Mr. BYWATERS—I do not need to be, because in all these things we must make a start some time and if this is not introduced immediately it will be in the future. It is progress, and we cannot stop progress. Bank officers are definitely entitled to a five-day week.

There has been some talk that the country cannot stand a five-day week for these employees, but I will give one illustration to refute it. Before the war I had a business at Cheltenham and used to remain open usually until 10 p.m. A woman opposite me often came in at 9.55 to get something for her husband's lunch the next day. When we had black-outs during the war I closed at 6 p.m. and this woman complained bitterly, but she then came in at 5.55 instead of 9.55, and I do not think her husband suffered, for he still got his lunch. Many people will complain about this Bill, but if it is passed they will get used to changing banking hours. Some members have opposed the Bill because shopkeepers will not be able to bank on Saturday morning, but banks now close at 3 p.m. on week days and shopkeepers have to retain their money until the banks open again. In Adelaide the shopkeepers can use the night deposits, and with banks closed on Saturday morning they will probably make more use of the facilities.

Mr. Hambour—Don't you think that shopkeepers want to close, too?

Mr. BYWATERS—I am not opposed to that, and it will eventually come about. Some members have said that shopkeepers will not be able to manage because they will not be able to get change on Saturday morning, but when I was in business shopkeepers often came in for change just after the banks closed. It would not matter whether the banks closed at 3 p.m. on Friday or remained open on Saturday morning, there would still be some people not satisfied. I support the Bill and commend it to all members because it will give justice to bank officers.

Mr. HEASLIP (Rocky River)—Bank managers and bank officers know where I stand on this Bill. I have always said that I would be opposed to the closing of banks on Saturday mornings, and I still stand by that.

Mr. Bywaters—You are true to form.

Mr. HEASLIP—Always, and I am consistent in my attitude.

Mr. Riches—You cannot go back any further with your attitude.

Mr. HEASLIP—It is easy for South Australia to slip back, but under the Playford Government it is going forward.

Mr. Davis—Who told you that?

Mr. HEASLIP—The people of South Australia realize it, for they continue to return the L.C.L. Government because it is a progressive Government. I represent a country electorate and I have often been told by bank managers in the country that they are busier on Saturday morning than during the week. I was surprised to hear so many members opposite who represent country electorates advocating the closing of banks on Saturday mornings. Evidently they do not know what the electors want or what is good for their districts. Some of them represent many primary producers, particularly the member for Murray. Primary producers work much longer than 40 hours a week and they do their banking on Saturday mornings. They are entitled to that facility, yet some country members opposite advocate the closing of banks on Saturdays.

Mr. Davis—I am one of them.

Mr. HEASLIP—No, the honourable member represents an industrial centre, but the member for Stuart (Mr. Riches) has many primary producers in his district. The gardeners of Nelshaby, Napperby and Baroota work every week day and Saturday afternoons too, and they want to do their banking on Saturday mornings.

Mr. Riches—They told me that they go to Port Pirie on Friday afternoons to do their banking.

Mr. HEASLIP—I know that is one of their shopping days. The member for Millicent (Mr. Corcoran) represents many primary producers, yet he supports the Bill.

Mr. Corcoran—I know the people will adjust themselves to the closing of banks on Saturdays.

Mr. HEASLIP—The honourable member does not know what his people want.

Mr. Bywaters—Did you ask the people? The member for Millicent did.

Mr. HEASLIP—The trend today is for extended shopping hours, yet we have this Bill curtailing banking hours.

Mr. Davis—Who is asking for extended shopping hours?

Mr. HEASLIP—If the honourable member read the newspapers he would see that some shops are opening on Friday evenings. If that becomes more general there will be all the more need for banks to be open on Saturday mornings. It is easy to say that business people have safe deposits, but they are not the only people concerned. People who want to purchase goods may want to get money from the bank.

Mr. Riches—Are you suggesting that banks should open on Friday night?

Mr. HEASLIP—I did not say that. I say that banking hours should remain as they are. The banks render a service to the community and they have a duty to the public. To perform that duty they must be open on Saturday mornings. I am not opposed to bank officers working a five-day week; in fact, there is nothing to stop them doing it now. The member for Semaphore (Mr. Tapping) said that automation may bring unemployment, and that the working hours should be shortened, but a five-day week by bank officers would mean more employment in the banks. Some officers could be rostered to work on Saturday morning and others could be rostered off. A number have Saturday morning off now. If members opposite advocate the closing of banks on Saturday morning, to be consistent they should advocate the closing of eating houses, the tramways and railways on Saturday morning. Why should people be employed at the Adelaide Oval taking money from people attending football matches on Saturdays? They work more than a five-day week because they are in other employment during the week. How many bank officers work on Saturdays on the totalizator?

Mr. Davis—Many of them.

Mr. HEASLIP—Yes, yet the honourable member says that these people should have a five-day week. Those members who support the Bill are not consistent. I was surprised to hear the member for Murray say that bank managers favour the Bill, because most I have spoken to have never suggested the closing of banks on Saturdays.

Mr. Bywaters—Would you like me to put in writing those who have approached me?

Mr. HEASLIP—I have probably spoken to more bank managers than the honourable member has. This Bill has been introduced by the Opposition because the Labor Party believes in the nationalization of banks. We have private banks today, but if there were a Labor Government in Canberra the sponsors of this Bill would endeavour to get that Government to nationalize banks.

Mr. Bywaters—That is not relevant to the Bill.

Mr. HEASLIP—The Bill is only leading up to that. I do not intend to delay the House because I know exactly where I stand. I have a great admiration for the work of banks, which are rendering a valuable service. They are so important we cannot afford to close them on Saturday mornings and I therefore oppose the Bill.

Mr. HUTCHENS (Hindmarsh)—I support the Bill so ably sponsored by Mr. Dunstan. He has proved conclusively, as the debate has revealed, that he submitted an unanswerable case. Members who have opposed the measure have obviously avoided trying to answer him. The member for Rocky River (Mr. Heaslip) said he was consistent. I congratulate him on his consistent conservative outlook. He would not agree to any changes and he could not because he must remain consistent. If doctors and scientists adopted a similar attitude we would have remained in the Stone Age for all time. He argued that primary producers should have banking facilities available on a Saturday morning, but in the very next breath he admitted that they visited the towns on Fridays.

The member for Victoria (Mr. Harding) said that no legislation could put value back into the pound. If that is so, why were members of his Party so active in 1949 shouting from the rooftops and from every stump in the Commonwealth that if the Menzies Government were returned to power it would put value back into the pound? Did they know then what they know now, or are they trying to cover up what they said then to mislead the people? He also said that bank managers did not favour the proposal. The member for Gawler (Mr. John Clark) assures

me that a deputation of bank managers waited on him asking him to support the legislation. Are bank managers conscious of the fact that the conservative approach of opponents to this Bill renders them unapproachable?

Mr. John Clark—They were country bank managers.

Mr. HUTCHENS—A deputation of managers of metropolitan banks waited on me. I told them that we would be told that banks did more on Saturdays than at other times. They went to no end of trouble to provide statistics revealing that Saturday morning was not their busiest time and proved conclusively to my satisfaction that Saturday morning business could be dispensed with. The Bill merely seeks to secure for bank officers the same rights and conditions enjoyed by other workers. They are justly entitled to that. When all industry worked 5½ days banking was undertaken without trouble. What happens in Tasmania, New Zealand and other places where banks are closed on Saturday morning? We have been told that the time is not opportune for such a move. This has been the catch-cry of the conservative element down through the ages. When the abolition of child labor was discussed they said the time was not opportune. When the abolition of slavery was under consideration it was said the time was not opportune. Mr. Harding, with tears in his voice, pleaded for the poor worker.

Mr. Jenkins—What are you doing now? Weeping?

Mr. HUTCHENS—The Premier, in opposing the Bill, said:—

It is undesirable by Act of Parliament to legislate against the public interest.

Is this proposal against the public interest? The member for Stirling (Mr. Jenkins) said:—

Many people from Adelaide and other nearby towns leave home on Friday night to go to Victor Harbour for a holiday.

He argued that the banks should remain open to provide a service for those people. I did not know that Mr. Jenkins had sympathy for the working people of Hindmarsh. I do not believe he has. From the remarks of the member for Alexandra (Mr. Brookman) it is apparent that the only time he would consent to the shortening of working hours is when people are overworked and exhausted. What a brotherly attitude! The member for Light (Mr. Hambour) said, "We have too many restrictions in South Australia." He only complains of these restrictions when they operate against him. It is interesting to refer to earlier attempts to secure shortening of the working week. In 1911 when a Bill to provide for the closing of shops on Saturday afternoon was discussed, Mr. Rudall said:—

The shopkeepers and their assistants had a better right than the electors to decide.

That, to a degree, is right, and the bank managers and bank officers now seek this legislation. They have not opposed the Bill. It was suggested then that if shop assistants were given Saturday afternoon off they would use it for sport. What is wrong with a little relaxation for the worker? What is wrong with giving bank officers an equal amount of relaxation with other workers? In 1911, Mr. McDonald said:—

There were many elderly people able to make a few shillings in their shops after 6 o'clock when the bigger shops were closed. This Bill would wipe them out altogether.

Mr. Hambour—That argument still obtains.

Mr. HUTCHENS—The argument is still advanced by the conservative element but I challenge the member for Light, who is as vocal as usual, to prove that there is a smaller percentage of small shops in South Australia since Saturday afternoon closing was introduced. Events have proved that the arguments used in 1911 were wrong and those used against this Bill will be proved wrong in the near future, because the day will come when bank officers in this and all States will enjoy a 40-hour, five-day week to which they are justly entitled. In 1911 Mr. Homburg used the words:—

People would not come to a Friday night market to purchase fish for Sunday morning's breakfast, or rabbits, dressed poultry or meat for Sunday's dinner.

That is the type of argument put up then and it is being advanced again today. Will our friends opposite never learn? I am afraid they will not. The trouble is that they are so disturbed and feel so uncomfortable that they have to keep interjecting. I support what members on this side of the House have said. Although we do not feel that we have generally had political support from bank officers, we believe that this Bill provides justice, and is demanded by variations in conditions.

Mr. Geoffrey Clarke—Would you say justice in nationalization is justice in progress?

Mr. HUTCHENS—That is not relevant to the Bill; as the member for Rocky River (Mr. Heaslip) said, it is not within the power of

State Parliaments. I support the Bill, and urge other members to do likewise.

Mr. FRED WALSH (Thebarton)—I am fast coming to the conclusion that, no matter what Bill is introduced by this side of the House, it receives scant consideration from Government members, and is doomed from the moment it is sponsored.

The Hon. Sir Thomas Playford—Last week a Bill was accepted from the moment it was sponsored without a division.

Mr. FRED WALSH—I was not here last week, so I cannot express an opinion, but if all Bills were treated in the way that Opposition Bills are treated, there would be considerable haggling all the time, and no unanimity. Some members opposite, Mr. Speaker, if it were not for the fact that you are Speaker, would not permit freedom of speech in the House, so I say "Thank God there is a Speaker." Members opposite adopt the attitude that they must vote against any Bill introduced by the Opposition.

Mr. Geoffrey Clarke—The Leader of the Opposition had a Bill passed the other day.

Mr. FRED WALSH—When not bound by the policy of our Party, members on this side of the House have voted in favour of some Government Bills, but on matters of policy I will always support my Party.

Mr. Geoffrey Clarke—But we supported the Metropolitan and Export Abattoirs Act Amendment Bill introduced by your Leader.

Mr. FRED WALSH—That is a laugh! You were safeguarded by the provisions of the Industrial Code, and it made no difference whether the penal clauses existed in that Act or not.

Mr. Hambour—Why was the Bill introduced if it made no difference?

Mr. FRED WALSH—Because we want a review of all penal clauses in the Industrial Code. However, I will deal with that matter later. Many interjections have come from both sides of the House in this discussion, but firstly I point out that there is no question of reducing working hours. If there were, I could appreciate the views of the members for Rocky River (Mr. Heaslip) and Victoria (Mr. Harding), and one or two others who have spoken today, because they are concerned about any reduction in working hours.

Mr. Geoffrey Clarke—Doesn't that knock out the idea that you are giving bank officers more leisure?

Mr. FRED WALSH—No, we are giving them greater opportunities to spend their leisure. That is the object of the Bill; it is not a question of reducing hours. It has been said that the time is not opportune to introduce this Bill, but I have had considerable experience in the reduction of working hours throughout the years. When they were reduced from 48 to 44, this argument was used, and it was used again when a 40-hour week was suggested. The organization with which I am associated was one of the first in South Australia to obtain a 44-hour week; that was back in 1923. As 48 hours had always been worked in 5½ days, when the 44-hour week was introduced the question arose of how the working week would be split up—whether there would be a reduction of hours each day, still working on Saturday mornings, or whether Saturday work would be eliminated. The employers fought hard for working Saturday mornings, and after considerable negotiations we finally agreed that, for six months, Saturday mornings would not be working days. At the end of that time the employers did not make any application to alter the position, and have not done so since.

We should not fool ourselves that Australia is so much in advance of other countries in working conditions and living standards, because the fact is that many other countries have better conditions and higher standards. In the matter of the 40-hour week, the International Labor Organization, which is a tripartite body, adopted a resolution for a 40-hour week in 1935, yet it was not until 1948 that these hours applied throughout Australia, despite the fact that Australia was then bound by the covenant of the League of Nations, and now to the Charter of the United Nations in respect of decisions of the International Labor Organization.

Mr. Hambour—You believe in "one man one job," don't you?

Mr. FRED WALSH—Yes, if it is a paid job, but I do a lot that is not paid for. However, that is voluntary service.

Mr. Hambour—Do you believe in bank clerks working on the totalizator?

Mr. FRED WALSH—I do not agree with any man who is in employment taking another job if it keeps another out of employment.

Mr. Geoffrey Clarke—What about hotels?

Mr. FRED WALSH—Hotels work on a five-day week basis.

Mr. Geoffrey Clarke—But they don't shut on Saturday mornings.

Mr. FRED WALSH—The employees get penalty rates, and banks cannot be compared with hotels. I often go into hotels but rarely into banks.

Mr. Hambour—Would it be a good thing if bank employees got £3 15s. for Saturday work?

Mr. FRED WALSH—I admit that in some busy trading centres it may be necessary to open banks on Saturday mornings, because some people might be unable to bank on Fridays. In such circumstances I cannot see any harm in employees working on Saturdays. However, if it is necessary for the banks to open, surely they should not mind the little extra expense involved.

Mr. Hambour—I am with you 100 per cent.

Mr. FRED WALSH—Then do not forget to record your vote. These people work under an award.

Mr. Hambour—If they win the Victorian application they will be all right.

Mr. FRED WALSH—Never mind about "ifs." The fact is that at the moment they work under an award, and if the award provided for penalty rates for Saturdays, that would be satisfactory. This Bill provides that Saturday will be a recognized bank holiday, like other holidays during the year.

Mr. Geoffrey Clarke—Banks cannot open at all on bank holidays.

Mr. FRED WALSH—If the award provides for it, they could open.

Mr. Hambour—I believe in freedom to please themselves.

Mr. FRED WALSH—I remember at one time, when arguing in the Industrial Court in respect of employees in hotels who worked outside the trading hours prescribed by law, that the President said, "We are not dealing with the trading hours of hotels, but with the hours of employees and the rates that shall be paid." He was in effect saying that if employers chose to work employees outside the legal trading hours, that was their business so long as they paid award rates. How they got over the award I am not competent to say, but I suggest that the member for Norwood (Mr. Dunstan) will be able to reply on this aspect.

Most people will always oppose change. I remember when butchers' shops were first closed on Saturday morning; it was said that the meat would go bad and all sorts of other excuses were offered, but today they are closed and nobody goes short of meat. In New Zealand all business establishments are closed and people have become accustomed to it. In the same way the business community will become accustomed to the closing of banks on Saturday morning. In New York and some other States of the United States of America banks are closed and I heard no squeal from the banking public when I was there. I am concerned with the principle contained in the Bill, and I appeal to the member for Light (Mr. Hambour) and other Government members to vote for it.

Mr. DUNSTAN (Norwood)—In reply to the speeches of honourable members I shall deal at some length with points advanced by members opposite and by one member on the cross benches. I listened with considerable interest to the varied and often inconsistent points made by those who argued against the legislation. At the outset it might be wise for me to recapitulate my reason for introducing the Bill because it has become patent from the speeches of members opposite that they do not understand the position facing the bank officers of Australia, except those in Tasmania, in relation to working conditions on Saturdays.

Because of the provisions of the Commonwealth Bills of Exchange Act, banks at present must stay open on Saturdays or pay penalties that affect them and their clients if payment is not made on a Saturday when the due date of a Bill falls on a Saturday, unless Saturday is proclaimed a bank holiday. Under the Bills of Exchange Act a protest does not have to be made on a day that falls on a bank holiday. The banks are therefore differently situated from other businesses, because other businesses may find it desirable from a business point of view to remain open on Saturdays, but are not compelled to do so. Many are not compelled to close until 12.30 p.m. under the Early Closing Act, but my point is that they may close on Saturday if they find it proper to do so.

What has happened under the provision of the five-day working week in Australia? The five-day working week has normally been prescribed by the Arbitration Court, but the court does not prescribe that businesses shall close on Saturdays because it has not that power. It provides, however, that the basic 40-hour week shall be worked in five days and that penalty rates shall be payable for week end work. In consequence of awards made on that basis

most businesses have found it proper to close on Saturdays, but certain businesses have not.

The court has found in relation to bank officers that it should not prescribe penalty rates for days upon which banks are compelled to stay open. It is all right, says the court, to prescribe penalty rates for days upon which businesses may close if they choose; it is then up to them to say whether penalty rates shall be paid or not because they can avoid penalty rates by closing and thereby not requiring their employees to work. The court, however, has stated in the decisions I cited in my opening speech that it should not prescribe penalty rates in respect of banks. Indeed, it has stated that it cannot legally prescribe penalty rates for days on which a bank is compelled by law to remain open.

Previous applications for penalty rates on that basis have been refused by arbitration tribunals. As Mr. Millhouse pointed out, there is before the Federal Court at present an application for penalty rates for Saturdays for bank officers. The court would override previous decisions of Conciliation Commissioners and make a decision inconsistent with the decisions of State courts if it were to prescribe penalty rates for Saturdays, but there is the further difference that even if a penalty rate were prescribed by the court for Saturdays that would not produce what is being produced by the prescription of penalty rates in other industries. It could not produce a five-day working week because at present the banks are compelled, at law, to remain open on Saturdays; therefore there is no choice available to the banks to close.

Mr. Geoffrey Clarke—Does your Bill compel the banks to close on Saturdays?

Mr. DUNSTAN—Yes.

Mr. Hambour—They could not trade on Saturdays under the legislation?

Mr. DUNSTAN—That is so, but they could require their employees to work on Saturdays.

Mr. Hambour—They could work, but not in contact with the public?

Mr. DUNSTAN—That is so. The Premier said he did not follow any argument that the court had no legal power to prescribe a five day week, but I have explained why it has not.

Mr. John Clark—You did that earlier.

Mr. DUNSTAN—Yes, but the Premier, in a fashion he has adopted on previous occasions, chose to play the blind monkey and said he could not follow why the court could not prescribe a five-day week. Further, he said the Commonwealth Bank could not be forced to close on Saturday morning, but that is a matter of some doubt, for there are some decisions of the High Court relating to the binding of State instrumentalities by the Commonwealth legislation and the binding of Commonwealth instrumentalities by State legislation that are conflicting. From *Pirie v. McFarlane* it would appear that the Commonwealth Bank would have to close, but from the *Commonwealth v. Clark* it would appear that it would not have to, and I do not know what would be the determination of the High Court on that situation; but that need not really worry us because in Tasmania where a similar measure was passed the Commonwealth Bank did close and no doubt that would happen here as the Commonwealth Bank would fall into line with other banks in this matter.

The Premier also said that it seemed strange to him that agencies should be able to remain open—a view I expressed in my opening speech—when the banks were forced to close. That contention was not advanced by any other Government member, but that is not surprising because it is perfectly clear that the work the agencies do is not in law essential banking business: it is only purely cash transactions.

Mr. Hambour—They are the agents for the banks.

Mr. DUNSTAN—Yes, but not for essential banking business because in the Industrial and Provident Societies Act Parliament has made it clear that the depositing and withdrawal of money is not banking business.

Mr. Hambour—You would let the agents operate?

Mr. DUNSTAN—Yes.

Mr. Geoffrey Clarke—The Savings Bank could open on Sunday morning now?

Mr. DUNSTAN—It could not open its doors because it does other business.

Mr. Hambour—They could have withdrawals and paying in on Sunday morning?

Mr. DUNSTAN—Yes, and its agencies could do so apart from the provision for public holidays. The Premier said that even if agencies were able to do the work on Saturday mornings that was completely wrong in principle because, said the Premier in effect, what the honourable member proposes is that they should be relieved of work on Saturday mornings and that the work should be put on the shoulders of other

busy people; in other words, a benefit is to be given to the bank officers and a benefit taken away from the people who work in the agencies.

It is not surprising, in view of other things the Premier has said from time to time, that he has not been particularly consistent in this matter. He has not objected to the closing of certain Government instrumentalities and the collection of their accounts by the banks on Saturday mornings. Electricity accounts and Housing Trust rentals may be paid at the Bank of Adelaide on Saturday mornings, so what is this story about allowing some people a benefit and taking away a benefit from other people? Perhaps the Premier thought nobody would catch up with that one, but that is not atypical of the Premier's attitude on many of these things. In fact, the agencies will not object to doing the work on Saturday mornings because they will be happy to get an added commission by doing it. As pointed out by other honourable members, the work of the agencies on behalf of the Savings Bank is the placing and withdrawal of deposits, which is not the major part of banking work. It is purely a service given at times when the main bank is not open or in places more convenient than branch offices. It is also convenient for the workers to go along to the pay-in window and make their deposits or withdrawals at agencies which operate at many of the industrial concerns in South Australia and they have no need even to use the agencies on Saturday mornings because they can go at the appropriate time provided for them. The Premier then said that figures of bank attendances show that Saturday morning trading is vitally necessary because Saturday morning is an extremely busy morning, and he cited the Savings Bank. It is true that a lot of Savings Bank work is done on Saturday mornings. It is rare, however, that nearly so much trading bank work is done. Indeed, the majority of the trading bank branches have very little work to do on Saturday mornings, and this applies in country centres as well as in the city. It applies, for instance, in the district of the member for Rocky River, for I was up there with the Industrial Court when it was taking evidence from bank managers and they were not at all interested in working on Saturday mornings.

The Premier, of course, very carefully glossed over what figures were available from the trading banks and he did not cite the State Bank figures at all. I feel quite certain that had he done so the figures of the State Bank would have shown a very different picture. It is clear from what has been said that the real volume and the demand for business on Saturdays is in relation purely to cash transactions, and in many instances it would be easy for the populace to adjust themselves and make those transactions at other times, and in cases where it was not possible they could use the agencies on Saturday mornings. Other members have said "You are not sincere because you believe that shops should close on Saturday mornings," but if they closed on Saturday mornings there would be no necessity for bank business to be done anyway.

The member for Mitcham (Mr. Millhouse) treated us to a fairly lengthy discourse upon this subject. I gained the impression that what he was trying to do was not really to give an opinion on the Bill but to make as many debating points as possible. He went to great lengths to pour scorn on some of the things I had to say. He appeared to have taken umbrage to my answer to one of his interjections. He said I made him feel very small. I did not intend to do so and if my reply was unkind in its terseness I apologize. I hoped I was giving information. If members, by their interjections, are asking sincerely for my reason for doing something I am happy to answer their interjections and give the reasons for what I am doing. The interjections which cause me a certain amount of annoyance and which I do not propose to treat with any degree of kindness are those which are silly.

Mr. Hambour—Have you sought the co-operation of the banks in this matter?

Mr. DUNSTAN—No. However, I inquired as to their attitude and the reply I was given was the reply given by the Premier, namely, that they neither opposed nor supported it. They would be perfectly happy if they closed on Saturday mornings and if the law were changed they would not buck about it. Mr. Millhouse said it was ironical that I should bring in a measure designed to benefit bank officers because many of them opposed the Labor Party on bank nationalization and it was ironical that I should be doing something for them whilst I believed in bank nationalization. I do believe in it and it is one of the reasons why I am in the Labor Party.

The Hon. Sir Thomas Playford—The honourable member's policy is automatically Labor's policy.

Mr. DUNSTAN—That is quite untrue. There are things which I believe in and advocate which it is not necessary for members on this side to believe in.

Mr. Hambour—This is one?

Mr. DUNSTAN—We agree to it as individual members. There is no Party determination upon this Bill and members on this side have chosen to support it in their own individual belief and upon principle. The Party has no binding policy upon this matter and if members on this side do not agree with the contentions I have put forward they are perfectly at liberty to vote against it. It is perfectly true that some bank officers have been opposed to the things that I believe in and it is possibly true that many of them are still so opposed, but that does not make me feel that when they have a case which I believe to be just and right I should do nothing for them. I am in this House to represent the people of my electorate and to do as I think right, and I believe it is right for bank officers to have Saturday morning leisure, and that this is the only way in which they can get it. I was perfectly happy, and made it quite clear when originally approached—which was before certain members on the Government benches were approached—that whatever their attitude to me upon other matters was I believed that this was something that was right for them to have and therefore I was perfectly happy to introduce the measure.

Mr. Geoffrey Clarke—Was your Leader approached?

Mr. DUNSTAN—No. I did not seek his views, but naturally before I introduced the measure I consulted him as a matter of courtesy.

Mr. Geoffrey Clarke—Did you offer to let him introduce it?

Mr. DUNSTAN—No, but if he had felt it was proper for him to introduce it I have no doubt that he would have done so. His attitude to members of this Party is well-known. If they have some measure in which they are particularly interested he thinks it is proper for them to introduce it. He believes in seeing that the work upon the Opposition benches is divided up amongst the members.

Mr. O'Halloran—This is not a one-man band.

Mr. DUNSTAN—The member for Mitcham said that I have spurned the shop assistants of this State and that when, by interjection, he asked me why I had not done something for the shop assistants I replied that they were at liberty to go to the court. He waxed very indignant over that and said that it was a typical self-confident reply on my part and in fact was not the case. He then read a decision of the Commonwealth Court in Newcastle to the effect that the court would not make a 5-day week for shop assistants because it felt that this was a social change and it would not exercise its discretion. If the change were to come it would come through Parliament. He said that that meant—and he did it with a great deal of animosity towards me—that the court could not give shop assistants a 5-day week any more than it could give the bank officers a 5-day week. That is just not the truth. All that the court said upon that occasion was that this was a case where it would not exercise its discretion and that if the change were to come in those circumstances, since it would not exercise its discretion, the only body that could make the change was Parliament. I am sorry if I appear to be unduly stirred about this, but the honourable member took me to task quite unfairly. It is rather surprising that he should have taken the Commonwealth Court's decision in Newcastle when in fact we have two shop boards in this State and decisions of the court in relation to them. Had his researches referred to the Shop Boards (Nos. 1 and 2) Case in the last bound volume of the South Australian Industrial Reports they would have found that the president said quite clearly that the shop board has the power to determine penalty rates for Saturday morning work. In his view they had wrongly exercised their discretion to allow penalty rates upon that day because in the circumstances of the case he did not feel that penalty rates should be applied. This view that they had jurisdiction is to be found at page 5, volume 26, of South Australian Industrial reports, as follows:—

> In my opinion a Board having jurisdiction over persons employed in shops coming under the provision of the Early Closing Act can fix the ordinary hours of labour on Saturday mornings (so long as they do not extend beyond 12.30 p.m.)

That is, it can fix penalty rates for those hours.

Mr. Hambour—Shops pay penalty rates for Saturday morning work.

Mr. DUNSTAN—Yes, but the President was discussing the determination of the board fixing penalty rates for Saturday morning work, and he said that it clearly had the power to do that. That is the way the courts have prescribed five-day working weeks. As I explained

earlier, they fix the ordinary 40 hours to be worked in five days, and then prescribe penalty rates for Saturday morning work. As a result, the shops, and other employers, have the right to close or remain open on Saturday mornings. This Bill has been introduced because the banks cannot decide that under our present legislation. They cannot determine whether they will remain open or not on Saturday morning because of the Commonwealth legislation and the fact that Saturday is not a bank holiday here.

The member for Mitcham (Mr. Millhouse) was not fair to me when he said that I spurned shop assistants. I think it would be fair to say that my industrial experience is somewhat in excess of the honourable member's. I have been associated with the Shop Assistants Union on many occasions and have acted for and advised the union. I certainly do not spurn them, but I do not believe that, while the Industrial Court has the jurisdiction and while we are supporting the exercise of jurisdiction by the Industrial Court, we ought to intervene by legislation. Proceedings should go ahead in the normal way before the court unless we find that the court cannot function, and in the matter before the House the Industrial Court is not in a position to make a determination.

The member for Mitcham said that I did not mention the staff recruiting position of the banks. That is true, and I am grateful to him for mentioning that aspect because the banks find that in trying to train and keep officers they are faced with a difficult position. The fact is that there are other occupations offering comparable pay with no Saturday morning work. That is one of the reasons why the banks have not lobbied any members to vote against the Bill. They realize that it will not be to their disadvantage.

The honourable member then trotted out the argument that has been refuted continually by members on this side of the House. He said that if we got a five-day working week for bank clerks there would be a move for a 4½-day week for other people because those people would say they have to get their banking business done, but the member for Whyalla (Mr. Loveday) adequately answered that argument when he quoted what was said in the Five-day Week Case in regard to workers at Whyalla and Iron Knob.

The last point made by the member for Mitcham, and it was made by the member for Alexandra as well, was one that was very carefully selective in its examples. He said it was all very well for the member for Norwood to say that certain Government departments which he cited were closed on Saturday mornings and therefore why should not banks be closed on Saturday mornings. He said that a person would probably go to the Motor Vehicles Department and the Waterworks Department only once a year to pay registration fees and water rates and that therefore it was not necessary for these departments to open on Saturday but that they are not comparable with banks. He followed that up by saying that there are many people who want to go to the banks on Saturday morning. That was not a good argument, but it was strange that the honourable member did not mention the other examples I put forward, such as the Electricity Trust and the Housing Trust. People do not go to those undertakings once a year, but regularly to pay accounts. That shows the concern of members opposite to answer the arguments put forward from this side of the House. The honourable member could not refute the fact that the Government has found its own instrumentalities do not need to remain open on Saturday morning. They do as much business as banks.

Mr. Hutchens—Probably more.

Mr. DUNSTAN—Perhaps. The member for Alexandra (Mr. Brookman) said that there was a 10 per cent increase in staff when banks were closed on Saturday morning in New Zealand, but he did not cite any authority for that contention. Frankly, I cannot believe that the closing of banks on Saturday morning in New Zealand necessitated a 10 per cent increase in staff. The banks in South Australia made it clear that they did not consider there would be any difference in the volume of business if the Bill were passed.

Mr. Loveday—Wouldn't they be protesting if that were the case?

Mr. DUNSTAN—Of course. Why would it be necessary to engage extra staff if banks were closed on Saturday morning? The member for Alexandra then said that Saturday morning closing would result in an increase in the cost of production and other members opposite said that we would be pricing ourselves out of overseas markets. I find difficulty in believing that they were really sincere on that point.

Mr. Riches—That is what they were supposed to say on another Bill.

Mr. DUNSTAN—That may be true, but why should there be any increased costs? The banks have not suggested that.

Mr. Harding—What about the farmers?

Mr. DUNSTAN—I think that the honourable member implies that many farmers work all the week on their farms and bank on Saturday mornings and that the Bill will mean they will have to work 4½ days during the week and do their banking on Friday afternoon. How many stock agents hold their markets on Saturdays?

Mr. Harding—They are open on Saturday.

Mr. DUNSTAN—I know something of their work because I have been engaged for about a year on a case in the Industrial Court concerned with the working conditions of the salaried staff of stock agents and wool brokers. A great deal of evidence was heard by the court, and it showed—

The SPEAKER—As it is a matter before the court I trust that the honourable member will not go into the subject matter.

Mr. DUNSTAN—I know that the staff of country stock agents are often allowed off on Saturday morning because they have not much to do then.

Mr. Harding—Oh!

Mr. DUNSTAN—I assure the honourable member that I will be able to give ample corroboration of that from both employers and employees. The last point the member for Alexandra made was, I think, the real reason why certain members opposite oppose the Bill. He said that the granting of a five-day working week for bank officers—and, in effect, any change from a 5½-day week generally—would further weaken the working spirit of the people of Australia. That is a fantastically conservative point of view. It is difficult to understand how any sane and sentient person could reason in that way. The attitude of members opposite towards anything which is to the advantage of people working for wages or salaries is that it must be opposed. They think that if they can grind the people down and put the thumb screws on they will be able to maintain the working spirit of the people.

Mr. Geoffrey Clarke—We brought down the Long Service Leave Bill and you opposed it.

Mr. DUNSTAN—In this State it was introduced as a—

The SPEAKER—I ask honourable members not to debate long service leave because that Bill has been passed by this House.

Mr. DUNSTAN—I would not have mentioned it but for the interjection of the member for Burnside. I could not follow the arguments put forward by the member for Burra (Mr. Quirke). Like the member for Light, he agreed that the closing of banks on Saturday morning would not incommode the people. I could not follow his reasons for opposing the Bill. He considered that members opposite who said that banks needed to remain open on Saturday morning for service to the public were talking through the back of their necks, for he was satisfied that in his district the service was not needed and the people could adjust themselves to the situation.

He also said there was an application before the Commonwealth court for penalty rates for Saturday morning work and that he would not vote for the Bill until the court case had been finalized. I emphasize that the case before the court is not inconsistent with this Bill because banks, under this measure, will still be able to require their employees to work on Saturday morning behind closed doors. What harm is there in those circumstances in providing that if they are required to return on Saturday mornings they shall be paid penalty rates for that time, and what inconsistency is there between that and the measure now before the House? I can find none whatever. I have tried hard to follow the honourable member's reasoning on this point but I am unable to do so and can see nothing whatever in his point.

The application before the Federal court is not applicable to the vast majority of bank officials in South Australia because, as I pointed out in my opening speech on this measure, the majority of trading bank officials in South Australia are covered by an agreement registered in the Industrial Court. Only 26 out of 3,500 bank officers in South Australia would be affected by the determination of the Federal court if it were made, but because of that Mr. Quirke says he intends to vote against the measure. He has been informed that there was an application to the association conducting this application before the Federal court to exclude the 26 officers in South Australia. They have been unable to give an undertaking that they will agree to exclude them, although they may well do so when the matter comes before the court. There is an application by a majority of bank officials in South Australia to have those 26 excluded from the Federal award.

I cannot see anything upon which the honourable member can base his reversal of opinion. I am regretfully led to the conclusion that on this measure, as he has done on a couple of others, he has stated that he is very much in favour of the measure in prin-

ciple but that there is some small thing that makes it impossible for him to vote for it. I can remember an occasion not long ago when a motion was submitted which was identical with one drafted by the honourable member when he was a member of this Party. On that occasion he stated that he could not agree with it because of one clause, yet that clause was one which he originally drafted. Bringing forward little excuses like this gives one a chance in a swinging district to have two bob each way, and in view of the insubstantial nature of his grounds of opposition to this Bill I am forced to the conclusion that that is what he has decided to do in this case. The member for Light (Mr. Hambour) made a speech from which I managed to pick out two points.

Mr. Hutchens—You must have struggled.

Mr. DUNSTAN—He stated that the silence of the banks means opposition. I have already explained to him what the attitude of the banks has been, and I have pointed out that what the Premier said on the matter agrees with my contention. The honourable member is entitled to an opinion, but if he is holding to an opinion on which he has not the slightest evidence it can only lead people to certain conclusions.

Mr. Hambour—We did not have the evidence at that stage.

Mr. DUNSTAN—The Premier had already spoken on it. With regard to the application before the court, the honourable member said that if the bank officers got the penalty rate for Saturday morning they would prefer that to having a five-day working week. It was pointed out to him that that was not what the bank officers wanted, and he asked how we would know. There is a perfectly simple reply to that, because the bank officers have told us what they want. Their associations in this State are represented on the Combined Bank Officers Five-Day Week Committee, which comes to conclusions after resolutions carried by the bank officers. The bank officers have made it perfectly clear that what they want is not a special penalty rate for Saturday morning work and being forced to work on the Saturday mornings. They want a five-day working week, and I have no doubt that it would be proper to provide that if they have a five-day working week and they are required to work on other days they should be paid a penalty rate.

Mr. Hambour—They would not be able to work on Saturday mornings if this Bill were passed.

Mr. DUNSTAN—They would, but they would be working behind closed doors.

Mr. Hambour—Aren't there three different bank officers' associations in South Australia?

Mr. DUNSTAN—Yes, and all three are represented on the Combined Bank Officers five-day week committee. Some speeches this afternoon referred to businesses being open on Saturday mornings, but I do not think it necessary to deal fully with that matter. It is perfectly clear that people in the country are able to adjust themselves to different conditions from those which obtain at the moment with regard to bank hours, and people can certainly do so in the metropolitan area. As honourable members have said, it was always a controversial question whenever there was talk of closing down on Saturday afternoons or remaining open on Saturday afternoons and closing on Wednesdays. Some people have adopted set habits and have to change them, but there is not the slightest reason why they should not change their habits if they can do so without any great difficulty, and no great difficulty will arise from the changing of the habit that will accrue from the passing of this measure.

Many views put forward on this measure were inconsistent. Some members have said that although there would be no great harm in it they would oppose it, while others have said that there will be great harm arising from it. I maintain that there is no substance in the allegation that this measure will seriously harm the community, and under those circumstances we should return to the view taken by the Industrial Court. The court's principle with regard to Saturday morning work is as follows:—

> For day workers this court will order that the ordinary week of 40 hours be worked on Mondays to Fridays except where, in the interests of the public or the efficient working of the employer's business or of industry generally it is found that work on Saturday morning should both ordinarily and necessarily be performed.

It has not been found that that is so in this case, and in those circumstances, which were admitted by some who opposed this Bill, we should return to the court's principle, which is that the 40 hours should be worked in five days. This is the only way in which we can provide that bank officers shall work their 40 hours in five days, and therefore I urge honourable members who have spoken in opposition

to this Bill to revise their opinions upon it and take heed of the explanations I have been able to give to those who have apparently been somewhat confused during their speeches on the Bill. I commend the measure to the House and hope that members will vote in favour of it.

The House divided on the second reading:—

Ayes (13).—Messrs. Bywaters, John Clark, Corcoran, Davis, Dunstan (teller), Hughes, Hutchens, Jennings, Loveday, O'Halloran, Riches, Frank Walsh and Fred Walsh.

Noes (18).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Dunnage, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Sir Malcolm McIntosh, Messrs. Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Quirke and Shannon.

Pairs.—Ayes—Messrs. Lawn, Tapping, Stephens. Noes—Messrs. Laucke, Millhouse, Fletcher.

Majority of 5 for the Noes.

Second reading thus negatived.

DECENTRALIZATION.

Adjourned debate on the motion of Mr. O'Halloran—

That in view of the alarming concentration of population in the metropolitan area of South Australia, an address be presented to the Governor praying His Excellency to appoint a Royal Commission to inquire into and report upon—

(*a*) Whether industries ancillary to primary production, such as meat works, establishments for treating hides, skins, etc., and other works for the processing of primary products should be established in country districts; and

(*b*) What other secondary industries could appropriately be transferred from the metropolitan area to the country; and

(*c*) What new industries could be established in country districts; and

(*d*) Whether more railway construction and maintenance work could be done at country railway depots; and

(*e*) What housing provision should be made to assist a programme of decentralization; and

(*f*) What amenities, particularly sewerage schemes, are necessary to make country towns more attractive.

(Continued from September 25. Page 827.)

Mr. HUTCHENS (Hindmarsh)—I support the motion. I do not intend to speak at length, but three points emerge from the debate. Firstly, the obvious and unquestionable loyalty of Liberal members to their Party; secondly, the amazing and disappointing feature that it is necessary for this 35th Parliament to spend so much time on a motion of this nature; and thirdly, that the Premier has made it abundantly clear that the Liberal Country League under his leadership has been most successful in centralizing the population and industry of this State in the metropolitan area.

Mr. Brookman—Are you talking about politics or decentralization?

Mr. HUTCHENS—That is a valuable interjection for I am sure no-one is more aware than the honourable member that centralization is political plank number one in the Liberal Party's platform.

Mr. O'Halloran—It is an under-the-counter plank.

Mr. Brookman—Would you care to examine our platform?

Mr. HUTCHENS—The honourable member is anxious to display his Party's platform, but as the Leader said, it is an under-the-counter or back-alley platform. Members opposite have at last displayed in this motion that they are slaves to the Liberal Party. Despite what Mr. Brookman may say it is perfectly apparent to all enlightened persons that they are here only to defend their Party bosses. It is equally obvious that they remain in office only because of their policy of centralization. The Liberal Party is guilty of a wicked political crime, committed with malice and motivated by a greed for power. They are strong words, but are so factual that they are met with a cold and stony silence.

This motion is conclusive evidence that the Australian Labor Party is concerned with the welfare of the State. It has drawn attention to the disproportionate growth of the metropolitan area compared with the country. Being conscious of this tragedy—brought about by the Liberal Party policy—the Leader of the Opposition has done everything possible within Standing Orders to remedy the situation. He has tried to draw public attention to the alarming position and is pressing for a full and proper investigation. He has quoted a number of illuminating figures from statistics agreed to by the Auditor-General and issued under instructions from the Treasurer. He referred to the decrease in the number of single holdings in South Australia since 1939, brought about by centralization.

Mr. King—By mechanization, not centralization.

Mr. HUTCHENS—I am sorry the honourable member suffers from an obvious disability, but I shall do my utmost and will go to no end of trouble at a later stage to make

some things clear to him. I am sure he will be most grateful. He is a kindly gentleman and will no doubt appreciate my help. The Leader pointed out that in 1938-39 there were 31,123 employed on their own account on rural holdings. I assume the Leader had a good reason for selecting that year.

Mr. O'Halloran—It was a fair, average year before the war for which reliable figures were available.

Mr. HUTCHENS—In 1954-55 the number had decreased to 28,092 and were it not for the Commonwealth Government, through War Service Land Settlement, making £17,000,000 available to establish about 800 men on the land, we would have almost 4,000 fewer in rural production. Members opposite contend that this is no cause for alarm and suggest that this position could continue. This, despite the increasing number of world markets! I recently read an article indicating that within 45 years our population would be so great that we would hardly have standing room.

Mr. Brookman—Why don't you quote the article, or have it included in *Hansard*?

Mr. HUTCHENS—I will give it to the honourable member and may have it incorporated in *Hansard* later. I ask leave to continue my remarks.

Leave granted; debate adjourned.

[*Sitting suspended from* 5.58 *to* 7.30 *p.m.*]

FRUIT FLY (COMPENSATION) BILL.

Second reading.

The Hon. G. G. PEARSON—I move—

That this Bill be now read a second time.

Its purpose is to enable the Government to pay compensation for losses arising from the campaign for the eradication of fruit fly during the first half of this year. Four proclamations relating to the respective areas of Kent Town, Cudmore Park, Peckham and Rosslyn Park were issued during the year to prevent persons from carrying away fruit from the infected areas. One other proclamation dated May 16, 1957, prohibited the growing or planting of certain plants in the four areas. Following the practice of other years, the Government proposes that compensation shall be given for loss arising from these measures, and is accordingly introducing this Bill.

The details of the Bill are as follows:—Clause 3 provides that a person who suffers loss by reason of stripping or spraying on any land within the area defined by the proclamations shall be entitled to compensation for the taking of fruit, for damage caused by spraying and for any incidental damage. It also provides for compensation for loss arising by reason of the prohibition of the removal of fruit from any land because of the proclamations, and in the case of the proclamation dated May 16, 1957, compensation is payable to those who suffered loss by reason of the prohibition on the growing or planting of certain plants.

Clause 4 fixes the time limits within which claims for compensation must be lodged. The Fruit Fly Compensation Committee has considered this matter and has recommended that claims arising from the prohibition of the removal of fruit should be lodged by May 1, 1958, and that all other claims should be lodged by February 1, 1958. The Government has adopted these recommendations on the assurance from the committee that the dates mentioned allow a reasonable time for such claimant to assess his loss and lodge his claim. This is a simple Bill designed to enact the usual provisions for compensation. In my opinion no contentious matters arise, and I commend the Bill to members.

Mr. TAPPING secured the adjournment of the debate.

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL.

Second reading.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

Section 22 of the Act, provides that an incorporated association may, subject to giving certain notices as required by subsection (2), transfer all its property to any other incorporated association or to any incorporated or unincorporated body which has similar objects to the association or has charitable objects. The purpose of this provision is to provide that, in the event of the association reaching the stage when its members desire to determine its existence, it can pass over its property to another body having similar or charitable objects.

Subsection (3) of the section provides that a member or creditor of the association may apply to the local court for an order prohibiting the transfer of the association's property and the court is given power to decide the matter. Subsection (4) provides that the

association is not to transfer its property until one month after publication under subsection (2) of notice of the intention to do so or, if an application has been made to the local court, until the court so orders. The subsection pro vides that any transfer contrary to the subsection is to be void.

The Registrar-General of Deeds has pointed out that the provision declaring any such transfer to be void runs counter to the provisions of the Real Property Act relating to indefeasability of title. The Bill accordingly amends subsection (4) by striking out the words "providing that the transfer is to be void" and by inserting in lieu thereof "that nothing in the subsection is to affect the title of any *bona fide* transferee under any transfer of any property."

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

METROPOLITAN DRAINAGE WORKS (INVESTIGATION) BILL.

Second reading.

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

That this Bill be now read a second time.

This measure has been before the Legislative Council, and arises out of a request of April 9, 1956, from the Corporations of Marion and Brighton, in response to which the Government appointed a committee to investigate the storm water drainage problem in the south-western suburbs and to report thereon. The two Government members appointed were Mr. J. R. Dridan, Engineer-in-Chief and Mr. P. A. Richmond, Commissioner of Highways. The third member was Mr. D. H. Susman, appointed by the two councils. The Government made it clear at that time that it would not bear more than one-half of the total cost of any scheme to relieve the floodwater situation and the deliberations of the committee proceeded on that basis.

After many meetings and extensive enquiries the committee presented a report to the Government on June 21, 1957. In this report the committeee recommended certain works with the object of effectively draining the south-western suburbs. The cost of the first stage of the undertaking has been estimated at £1,774,000 and the question arises as to the allocation of half of the cost of the scheme between the various councils (including Brighton and Marion) which are involved in the scheme. The purpose of this Bill is to refer the questions set out in Clause 3 to the Parliamentary Standing Committee on Public Works which, as members know, is a body well equipped to handle the type of problem involved here. The questions referred to the committee are briefly as follows:—

(*a*) Whether the works should be constructed with or without variations, and the nature of any variations:

(*b*) Alternatively, whether other works for the same purpose should be constructed:

(*c*) Assuming that half the capital cost is to be borne by those local governing bodies which will benefit from the works, what bodies should contribute, and in what shares:

(*d*) In what instalments and at what times should each local governing body pay its share and what rate of interest should be charged on outstanding capital:

(*e*) Assuming that the whole of the annual cost of maintenance of such drainage works is to be borne by local government bodies, what bodies should contribute, and in what shares, and at what time should each contributing body pay its share.

Members will note that the questions are asked on the assumption that if works are constructed local governing bodies will pay half the capital cost and that each local governing body should liquidate its share of the cost by periodical instalments of principal and interest.

Clause 2 is a definition clause, and clauses 4 and 5 are consequential amendments. The Government recognizes, of course, that the questions referred to the Committee by this Bill could have been referred by a different procedure. But the Government has expressly chosen to proceed by Statute in order to obtain at the outset Parliamentary approval for three principles—namely, that the councils which benefit by the work will contribute half the capital cost, that the shares and instalments of the respective councils will be in accordance with the recommendation of the Public Works Committee, and that the councils concerned will pay the whole of the annual cost of maintenance of any such drainage works.

Mr. FRANK WALSH secured the adjournment of the debate.

METROPOLITAN TAXICAB ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 3. Page 533.)

Mr. JENNINGS (Enfield)—I support the Bill unequivocally. The amendments are beneficial and, had Parliament thought of them last year, they would have been included in the Act passed then. According to the Premier, the most important amendment deals with taxicab stands. In his second reading explanation he said:—

Dealing first with taxicab stands, the present law provides that councils have unrestricted rights to appoint and fix stands, either generally or for particular vehicles, and to charge fees for permits to occupy stands. The Board has come to the conclusion that the allocation of particular stands to particular taxicabs by councils would cut across the efficient management of the industry by the Board. It is also considered that the Board, because of its special duties in connection with providing taxicab services for the public, should have control over the use of stands erected by councils for use by metropolitan taxicabs. The purpose of last year's Act was to provide unified control of taxicabs throughout the metropolitan area and to prevent trafficking in taxicab licences. Now it appears that for such a unified system to be effective the board should have the responsibility for and the authority to control stands from which taxis operate. It is also reasonable to believe that taxi stands could become the subject of trafficking, therefore to make the original Act more effective it is necessary that members agree to that amendment.

Clause 6 (*a*) provides that the Registrar of Motor Vehicles may register a taxicab for any period for not less than one month and not more than 12 months. According to the Premier, it is anticipated that all taxi-cab licences will expire on the same day. I imagine that this is only a means to permit the Registrar to arrange for those licences that are only half way to their expiry date to be terminated on a certain date so that taxi licences shall begin and end at the same time. This is similar to the manner in which racehorses have birthdays on the same day irrespective of when they were born.

Paragraphs (*c*), (*d*) and (*e*) provide that the Registrar may issue special number plates which, by their distinctive markings, will facilitate the administration of the Act and remove the necessity for the various discs, plates and signs at present carried on taxicabs. This will be similar to the system operating in most of the other States. Our present system of a taxicab carrying not only a registered number plate but also three or four taxi-cab discs is to be replaced by a system similar to that operating in New South Wales, where each taxi carries only a plate bearing the letter T followed by a number. This plate will be different from that used on ordinary motor vehicles.

Paragraph (*f*) provides that the registration under the Road Traffic Act of a licensed taxicab shall become void upon the cancellation, suspension or expiration of its taxicab licence. This provision is essential to prevent pirating because once a taxicab licence expires it is essential that the distinctive registration disc be rendered null and void.

Paragraph (*i*) provides for a refund of registration fee to the owner of a vehicle who, upon taking out a taxi-cab licence, has to cancel his ordinary registration and obtain a taxicab registration. Members cannot disagree with that because, if a man registered his car as a private vehicle for 12 months and at the end of three months registered it as a taxicab, he should be entitled to a refund of three-quarters of his ordinary registration fee.

Those are the important features of the Bill, which I commend to the House. The Bill, however, gives me a chance to briefly outline the chaotic history of taxicab control in this State since the end of World War II. After years of dissatisfaction in the industry a committee of inquiry was appointed and, although it was unrepresentative and its terms of reference restricted, it brought down recommendations that were eventually incorporated in a Bill introduced by the Government that provided for complete control of taxicabs throughout the metropolitan area by the Adelaide City Council.

The general principle of unified control was agreed to by the House, but because of some revelations made in the debate on the Bill, members would not agree in Committee to the appointment of the Adelaide City Council as a controlling authority and, although several alternatives were suggested in Committee, the Bill was dropped because the Government was not able at that stage to decide on an alternative controlling authority. The following year, in an endeavour to give effect to the principles embodied in that Bill, I introduced a Bill on the same lines, except that the controlling authority was to be the Police Commissioner. I still believe that he would be the best authority to control taxicabs in the metropolitan area. Once again, however, the Bill was not agreed to, although the Government did not officially speak against it.

Last year the Government introduced a Bill providing for a board to control taxicab services in the metropolitan area. The board was to comprise 12 members, which was rather an unwieldy number. Four were to be elected by sitting councillors of the Adelaide City Council, four nominated by the Municipal Association, two appointed by the Governor on the nomination of the South Australian Employers

Federation (representing the taxicab operators) one appointed by the Governor on the nomination of the Taxicab Owner Drivers section of the Transport Workers Union, and one, appointed by the Governor, who was to be the Police Commissioner or an officer of the Police Department. The House agreed to that Bill, but, speaking for myself at any rate, it was done under sufferance to get some sort of unified control of the taxi industry after so many years of dispute and wrangling. Many members who voted for that Bill did not agree that it provided the best form of control, but we accepted it.

The general provisions of that legislation, apart from the constitution of the board, were exceptionally good, but unfortunately nothing has yet been done by the board, though I do not suggest that it has been loafing. It has done a lot of work, but it is unfortunate that the industry finds itself in the same position as before the board was appointed. The board would have been better advised to take the industry into its confidence and say precisely what it was doing and what it proposed to do once this amending legislation was passed. Ever since the Bill has been before the House I have had droves of people interested in the taxi industry, such as taxi drivers and taxi company managers, asking me to take this opportunity of having incorporated in the legislation all sorts of provisions which are already in the Act but which have never been used.

The board has been working only a short time, but the taxi industry has been suffering for many years. Perhaps those in the industry have been too impatient or too optimistic in thinking that after the appointment of the board all their wrongs would be remedied immediately. The Act provides the means to put the industry on a proper basis, but there have been no signs of that being done as a result of the board's appointment. I agree that this legislation will strengthen the hands of the board and I sincerely hope that it will get on with the job quickly, otherwise those under its control will become more impatient and lose any confidence they now have in the board. There is already much evidence that the taxi industry as a whole is losing confidence in the board, which should come out into the open and tell the industry what it is doing and what it intends to do. I support the Bill.

Mr. COUMBE (Torrens)—I support the second reading and I agree with many of the constructive remarks made by the member for Enfield (Mr. Jennings). As he and other members realize, the Bill has come before the House as a result of discussions between the Taxicab Control Board and the Government. As Mr. Jennings pointed out, there has been some delay in the implementation of some of the board's wishes, but this will be overcome when the measure is passed. The board has done a terrific amount of work and I pay a tribute to the members, especially the chairman, Councillor Bonnin of the Adelaide City Council. I was interested in Mr. Jennings' remarks about the board taking the industry into its confidence. As the honourable member knows, the industry has a representative on the board and I would have thought that he could express its views to the board. I think a board of 12 is rather cumbersome and that a smaller one would be more effective.

I believe that as a result of this Bill many anomalies in the industry will be rectified. Those of us who have had experience of local government in the metropolitan area know that councils and the taxi industry get into trouble at times over the various types of stands. Up to the present the metropolitan councils have had the obligation of licensing stands and cabs. Under this measure councils will still have the obligation to allot and mark stands, but the board will have the duty of allocating cabs to the stands and the policing of the cabs. The board will also have authority to see that taxis are roadworthy and for the issuing of the coloured licence discs, so there should be more effective control over taxi cabs. At the moment there are various authorities and that has caused confusion. It will become more difficult for unauthorized cabs to continue to operate. I am sure that this measure will result in better service to the public, and I support the second reading.

Bill read a second time and taken through its remaining stages.

SCAFFOLDING INSPECTION ACT AMENDMENT BILL.

In Committee.

(Continued from September 3. Page 539.)

Clause 2 passed.

Clause 3—"Interpretation."

Mr. O'HALLORAN—I move—

After paragraph (*c*) to add the following new paragraphs:—

(*c*1) The following definition is inserted:—"scaffolder" means a person in charge of the erection, alteration or demolition of scaffolding.

(*c*2) The definition of "scaffolding" is amending by adding the words "unless the workman is required to work thereon at a height of more than ten feet above ground level or floor level."

The proposal to introduce a definition of "scaffolder" in the Act is the result of mature deliberations by the Building Trades Employees Federation. They are very happy with most of the proposed amendments, but they feel, particularly in view of the more complex nature of certain types of scaffolding in use and the greater height of buildings, that some qualifications should be stipulated for persons who erect scaffolding. I take it that at present any person can erect scaffolding, but what the building trade unions require is that some qualifications should be insisted upon. Unfortunately, of course, this is one of those occasions when one cannot in a subclause express all the amendments one would like to make in a clause. Subsequently, if this amendment is carried, I intend to move new clause 5a which will give the Governor power to make regulations which will prescribe certain qualifications for scaffolders. The suggested amendment is derived from legislation operating in Queensland and New South Wales. The provisions are either incorporated in the parent Acts or in regulations made under those Acts, and have operated satisfactorily for a period of years and I ask the Government to accept the amendment to enable similar provisions to be incorporated in our legislation.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I think the Leader's amendments must be considered as a whole because they provide for a new plan and cannot be regarded separately. At present it is possible to extend the operations of the Act by proclamation to the various parts of the State, but the Leader proposes to delete that clause to extend the operations of the Act to all parts of the State forthwith.

Mr. O'Halloran—That is a separate proposal and not related to the provisions regarding qualifications of scaffolders.

The Hon. Sir THOMAS PLAYFORD—Not really. A scaffolder is the only person who can erect scaffolding under the proposed amendments. New clause 5a proposes inserting a new section 6a which includes the words:—

On and after a date to be proclaimed no person shall be employed or act in the capacity of scaffolder unless he is the holder of a licence under this Act as a scaffolder.

He will have the right to erect scaffolding and no person shall be permitted to do so unless he has the necessary qualifications and is licensed. It is necessary to examine the definition of "scaffolding." In the principal Act it is defined as meaning:—

. . . . any structure or framework of timbers, planks, or other material used or intended to be used for the support of workmen in erecting, demolishing, altering, repairing, cleaning, painting, or carrying on any other kind of work in connection with any building, structure, ship, or boat, and any swinging stage used or intended to be used for any of the purposes aforesaid; but does not include any steps and planks and trestles and planks, usually used for painting, paperhanging, and decorating, and for riveting iron.

I presume the words the Leader proposes adding to that definition relate only to the latter part of it. If his amendment is accepted it will read:—

. . . . but does not include any steps and planks and trestles and planks, usually used for painting, paperhanging, and decorating, and for riveting iron unless the workman is required to work thereon at a height of more than 10ft. about ground level or floor level.

In other words before any of these works can be done anywhere in the State, even on a trivial job, a qualified scaffolder must be employed. In point of fact the work proposed may be in some remote country area and the person intends doing it himself.

Mr. Brookman—What would happen if he stood on a 44 gallon drum?

The Hon. Sir THOMAS PLAYFORD—If the 44 gallon drums had planks on them, under the original Act it would be scaffolding. I commend the Leader for his desire to ensure that every possible precaution is taken with regard to the safety of scaffolding upon which people work, but I believe the amendment is so far-reaching that it would defeat the purpose for which it was intended. It would be impossible to police a provision of this description. Many people at week-ends make alterations to their houses, but the moment they work above ground level they would become involved in scaffolding and would immediately have to secure a licensed scaffolder. If we establish "scaffolders" we must stipulate qualifications and provide for their registration. I would be much happier to support the Leader's proposal if he had said—and I am not referring to his proposal to delete the provision which relates to the proclaiming of areas—

Mr. O'Halloran—Which is not before the Chair and which you should not be discussing.

The Hon. Sir THOMAS PLAYFORD—It is all part of the combined amendments and I think the Leader will see that. If the Leader's amendment applied to the present areas and to scaffolding above a certain height—for instance 30 feet—where there is real danger to people, and it did not bring in jobs of the type I have mentioned, there may be some merit in it. However, in its present context it embraces every small job on which men may be working only six or eight feet above ground level, and people painting on trestles, so I must ask the House to reject it.

Mr. O'HALLORAN—I thought my proposed amendments were so eminently desirable that I did not debate them at any great length, but the Premier, with his usual desire to frustrate the Opposition in any move it makes to improve the legislation of this State, is looking for an excuse to command his supporters to vote against them. In the first place, he had no right to refer to my proposed new clause 2a, which should be dealt with on its merits after the other clauses are discussed. This proposed new clause has no relationship whatever to the amendments I am now proposing. As to the suggestion that this provision might be restricted to the areas that have now been proclaimed under the Act, that is precisely what my amendment will do, unless of course the House agrees subsequently to a new clause 2a. I assure the Premier that I will not abandon this, but I want these points to be considered on their respective merits, in their proper perspective and separately. If he is prepared to accept my proposal that some qualification should be insisted on for scaffolders in the area to which the Act now applies, that is all I am seeking at the moment.

The reason why the 10ft. limitation was imposed on painters' trestles was that it was felt they should not be subject to the provisions unless it was intended that they should be more than 10ft. high. In the regulations "scaffolding" means any structure or framework of timbers, planks or other material used or intended to be used for the support of workmen in erecting, demolishing, altering, repairing, cleaning, painting, or carrying on any other kind of work in connection with any building, structure, ship, or boat and any swinging stage used or intended to be used for any of the purposes aforesaid, but does not include any steps and planks and trestles and planks, usually used for painting, paper hanging, and decorating, and for riveting iron. The part of this definition following the word "aforesaid" is the one to which the provision relating to 10ft. is intended to apply. The others obviously have practical limitations. It has been suggested that the farmer who gets on a 44-gallon drum to fix a spouting on this house will commit an offence, but I have never heard anything so silly. In the first place, he is not employing anybody.

Mr. Heaslip—He might be.

Mr. O'HALLORAN—If he takes a risk, he is carrying his own insurance. If he is employing anybody, as suggested by the member for Rocky River (Mr. Heaslip) he should be compelled under the Act to see that the life of that person is not endangered. I have looked at some of the scaffolding erected in this city in recent years on the very high buildings being constructed from time to time, and I suggest it is reasonable to ask that the person erecting it should have some qualifications. Too many fatal accidents have occurred in recent years because this Act was not brought up to date some years ago, as it should have been. The Government has gone part of the way in enacting some good amendments, but they can all be nullified because any inexperienced person will be permitted to construct any type of scaffolding in the future. All I want is to ensure that a person who rigs scaffolding has some qualifications. If members wish, there can be a limit for scaffolding above 20ft., if that is desired, but for goodness sake do not allow what would otherwise be a useful piece of legislation to be destroyed because any inexperienced person is permitted to erect scaffolding.

I have pointed out that this is the law in two of our sister States, but I have heard no comments or adverse criticism about it, and I venture to say that no Government supporter, or even the Premier, can produce any evidence of disabilities that have been inflicted on builders in New South Wales and Queensland as a result of provisions there relating to qualifications for scaffolders. This is not a new idea in those States, but has been the law, either in legislation or in regulations made under the legislation, for quite a few years, and I suggest we cannot afford to brush this amendment aside in the cursory way suggested by the Premier.

Mr. FRANK WALSH—Before tubular steel scaffolding was used, the scaffolding inspector or his assistant would visit a job, make himself known to the contractor (if that were necessary) and make his inspection. Those men were competent scaffolders for they had

worked in the industry for many years before their appointment, yet the Government has indicated that the Chief Inspector of Factories shall be the chief inspector of scaffolding and I ask what experience has that public servant had in the erection of scaffolding? During the past couple of years members have had every opportunity to see painters at work on movable tubular steel scaffolding. Should painters be asked to do their work on a nine inch plank 30ft. or 40ft. above the ground? Should not proper safeguards be provided?

In the case of the fatality in King William Street South the workman was not protected as he should have been under the Act. A person may engage a workman to paint his home, and such a painter usually uses painters' trestles with a nine inch plank. He could paint up to a height of 10ft. without being affected by this legislation. I once saw three painters working on a scaffold with a nine inch plank and the man in the middle bobbed up and down like a cork in water. A scaffolding inspector inspected the job and soon remedied the defect for the painters were working well over 10ft. above the ground and therefore came within the scope of the Act and regulations. Amended Clause 3(c2) refers to a painter's scaffold. I want the Committee to realize the importance of the definition of "scaffolder." It is important because there are other amendments stating what qualification a scaffolder must have. The legislation states that the Chief Inspector of Scaffolding shall be the Chief Inspector of Factories and Steam Boilers, but he may not know anything about scaffolding, though some of his inspectors would.

Mr. O'Halloran—Not necessarily.

Mr. FRANK WALSH—If these amendments are agreed to they will have some knowledge of scaffolding. Perhaps the Premier thinks that if he agrees to the amendments the Committee will think that he agrees that the Act should apply throughout the State. The Premier, and his supporters, should see the wisdom of agreeing to the amendments. The ceilings in most homes are not more than nine feet high, so the amendments would not apply to any extent to the building of houses, but if a person is working higher than 10ft. he should be covered by the provisions of the legislation. I make no apology for being concerned with the safety of employees in the building industry. Scaffolding should be provided so that they can work in safety, and no hardship would be imposed on any employer by agreeing to the amendments.

Mr. MILLHOUSE—The Leader of the Opposition objected when the Premier discussed these amendments as a whole, but we must keep in the back of our minds new clause 5a when considering the amendment now before the Chair. I agree with Mr. Frank Walsh that if we merely consider the proposed definition of scaffolder it is meaningless unless we look ahead to new clause 5a. When we do that we see that the result of the amendment is to create a new occupation, that of scaffolder.

Mr. Frank Walsh—Nothing new, but a definition of the work that some people are already doing.

Mr. MILLHOUSE—If that is so, why bother to move the amendment? If that is not so, we would be creating a new occupation by passing the amendment. We have been told that Queensland and New South Wales already have a provision of this nature. One would have expected that when such far-reaching changes as these were put forward some figures would have been given to show how those States have benefited from these provisions as distinct from Victoria, Tasmania and Western Australia where, I presume, they are not in force. I shall want to know much more about the effect of these amendments before voting for them.

Mr. O'HALLORAN—One of the reasons that impelled the Opposition to move this amendment and one of the reasons that caused the representatives of the Building Trades Federation to approach us was the fact that this Bill completely changes the position so far as inspectors of scaffolding are concerned. Section 5 of the parent legislation provided that the Governor may appoint one inspector or such acting or assistant inspectors as he may think fit to carry out the provisions of this Act, and that no person shall be appointed unless he has had at least four years' experience in erecting scaffolding. It is proposed that that section shall be repealed, and we are not substituting any safeguard or provision for competent inspectors of scaffolding to be appointed. The Minister may appoint anybody to be an inspector of scaffolding. Under the provisions of section 5 a man with four or more years' experience who is appointed an inspector would be able to see at a glance whether scaffolding was properly erected or not, and therefore the necessity to provide for a competent scaffolder to erect scaffolding did not arise. However, the position now arises that any person in the Department of Industry may be appointed an inspector; that person may

have qualifications with regard to steam-boilers or he may have clerical or other qualifications, but amongst his many qualification he may know nothing whatever relating to the erection and supervision of the erection of scaffolding. That was the main reason why we were impelled to move this amendment, and I suggest that if the Government is not prepared to accept our amendment, the Opposition will have to vote against the very next clause of the Bill which seeks to repeal section 5 of the parent Act.

Mr. SHANNON—I have listened with some interest to the Leader of the Opposition explaining his intentions, and I must admit quite frankly that I felt sympathetic to his proposed safety measures in this field of activity. I point out that his amendments, if carried, will define a scaffolder and will necessitate his securing a licence as a scaffolder but will not necessarily mean that safe scaffolding will be erected in all cases. In my opinion it will not have any bearing on the safety of the matter. After all, once a scaffolder has his licence he can go about his business of erecting or demolishing scaffolding. We may then be leading ourselves into a false sense of security that because he has his licence he is a competent person in this field and suddenly we find that something untoward has happened.

Mr. Davis—You might as well say that about an inspector.

Mr. SHANNON—I agree that if any tightening up is required in this field it is in the qualifications of a scaffolding inspector rather than a scaffolding erector. Once a scaffolding is erected, if it has not been done in a workmanlike and safe manner and there is no inspector qualified to assess whether these precautions have not been taken or whether the erection is not sufficiently stable, we might then come to the safety factor, but just by arbitrarily saying that we are going to create a specialized department known as the scaffolders department and putting a tag on a man and giving him a licence we have not wiped out all the troubles which the member for Edwardstown (Mr. Frank Walsh) mentioned. We are all equally sorry that things occasionally happen, and I do not think that any member is unsympathetic in this respect, but if we are only asked to provide a safety factor I point out to the Opposition that it is operating from the wrong end. We should make certain that the scaffolding when erected is a workmanlike and safe structure for the men who have to work on it, and those are factors which the Leader of the Opposition should have dealt with. In my opinion, he has not done it, and I cannot see where there will be any additional safety other than the factor which might lead us into a false sense of security when such security does not exist.

Mr. DAVIS—I rise to support the amendment moved by the Leader of the Opposition. I was astounded to hear the member for Onkaparinga (Mr. Shannon) speaking in the strain he did.

Mr. Riches—You should not be surprised at that.

Mr. DAVIS—I suppose I should be accustomed to it. The amendment moved by the Leader of the Opposition seeks to protect the lives of men who have to work on scaffolding. The member for Onkaparinga stated that the Opposition amendment would mean that we are getting further into danger. I maintain that when a man is qualified to be a scaffolder he becomes a semi-tradesman and would be the person who would be responsible for the erection of that scaffolding and would be responsible when the inspector came around. We on this side of the House are desirous that every precaution is taken when scaffolding is being erected. I suppose many members in this House have seen the slip-shod manner in which scaffolding is erected in many places, particularly in the country. When a contractor does a job he should have scaffolding which is secure and which does not constitute any danger to the workman, and if a worker were to lose his life through bad scaffolding I think every member of this House would regret not having done something about this matter. Every time something is introduced by the Opposition in the interests of the working class, members on the other side of the House find some reason to oppose it. I hope they will give further consideration to and recognize the wisdom of the amendment.

Mr. HEASLIP—The object of the legislation and the amendments is to provide greater precautions against accidents. I would like to know how many accidents have been caused through faulty scaffolding. The amendment proposes to appoint people to erect scaffolding, but it makes no provision for the qualifications of those scaffolders.

Mr. O'Halloran—A subsequent amendment empowers the Governor to make regulations prescribing his qualifications.

Mr. HEASLIP—We already have inspectors to examine scaffolding and the amendment

merely seeks to prescribe that certain people shall do the work to be inspected. I doubt if it will do anything more to safeguard against accidents.

Mr. LOVEDAY—I was unable to follow Mr. Shannon's reasoning because he pointed out that in the main the whole question of safety rested with an inspector. The most important question is whether an inspector examines the scaffolding before it is used. We have only a limited number of inspectors and I suggest that most scaffolding is used before it is examined. It is obvious that unless an inspector always examines the scaffolding before use our first approach should be to ensure that the person erecting the scaffolding is competent to do the work. If he is competent it does not matter so much if the inspector does not make an examination before it is used.

Mr. Shannon said the scaffolder's qualifications were not defined, but a subsequent amendment provides that the Governor may make regulations prescribing the qualifications required of persons to be licensed as scaffolders. This legislation must have been included in legislation in other States for a purpose and apparently it is working satisfactorily. The scaffolder is defined as a "person in charge" and not just any person who happens to be tying pieces of rope or tightening bolts on scaffolding. The responsibility for the work rests on the scaffolder. I am satisfied the amendment is a proper approach to ensuring safety.

Mr. RICHES—Obviously in country centres it is impossible for inspectors to examine scaffolding before men are required to work on it. At times double-storeyed buildings and buildings requiring scaffolding at a greater height than 10ft. are erected in the country. It is more important to have a competent man erecting the scaffolding than it is to have a qualified man who may or may not at some time during the building inspect the scaffolding. Mr. Heaslip is apparently trying to ascertain whether there have been any serious accidents resulting from faulty scaffolding. My answer to that is that the men who work on the scaffolding have asked for these safeguards to be incorporated in our legislation. They believe their lives are in danger and I take notice of those who risk their lives on scaffolding. They have asked for it, they say it is practical, and not only is it desirable, but it is necessary. That is why the Leader has introduced this amendment, and I hope members will not cast a vote if they still have a doubt. The member for Mitcham (Mr. Millhouse) said he wanted additional information, and I sincerely hope he gets it before he votes on the amendment.

Mr. Millhouse—I am still waiting.

Mr. RICHES—What information are you seeking?

Mr. Millhouse—I want to know the difference between Queensland and New South Wales—the States that have this legislation—and those that have not. That is the real test.

Mr. RICHES—The difference is that people in those States have a greater degree of security. Men in this State are in touch with those in New South Wales and Queensland who do the same type of work. It is not just by accident that two States have introduced this legislation, and a third State is now asking for it.

Mr. O'Halloran—But it is possible that other States have similar legislation.

Mr. Millhouse—That is what I want to know.

Mr. RICHES—Then I suggest that the honourable member gives us an opportunity to find out, if that will affect his vote. This situation has existed because of the concern of men in the industry that inexperienced inspectors may be appointed. They are asking, not that they shall have had four years' experience, but that they shall have had at least two years' experience.

Mr. Millhouse—They are referred to as "highly qualified" in the second reading speech. Does that mean anything?

Mr. O'Halloran—It does not mean a thing unless it is placed in the law.

Mr. Millhouse—Do you think they are highly qualified men?

Mr. RICHES—Doesn't the honourable member think the amendment ensures that they will be qualified? If they have had two years' experience on scaffolding, I do not know that they will be highly qualified.

Mr. O'Halloran—But under the Government's Bill they do not need any experience.

Mr. RICHES—Why has the law laid down definitely that it is necessary for them to have four years' experience, but now none will be necessary. It is all very well to quibble about phraseology when lives are at stake, but I am speaking for these people, and they have asked that scaffolders should be licensed and that there shall be some control over them. A man who cuts hair must be registered, so we ask that a man who erects scaffolding should also be qualified. This law needs tightening, and not one member opposite has been able to demonstrate how these safeguards

can be replaced. If they can show any way in which they can be removed, I think there is some responsibility on them to do so. If they are not happy about the amendment, let us hear some suggestions for re-drafting, but all they have said is that it does not matter who does the scaffolding so long as there is an inspection. One member said he wanted figures in relation to Queensland compared with South Australia. Perhaps these figures could be obtained, but we know the legislation in that State is working so well and is so favourably received by the unions that members of the union in this State want it here. I think this is a reasonable request.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—The member for Stuart (Mr. Riches), said we had not suggested any alternatives. I said it seemed to me to be ridiculous to require a man with all these qualifications in jobs very close to the ground, and that there would be much more merit in the amendment if it related to scaffolding where there was some real danger, so I did offer some constructive criticism. During this debate I have tried to get some of the implications that would arise. At present, a person in charge of a job is responsible under the Act, so it is incorrect to say that nobody is responsible. It is that person who has to give the notice, is responsible for the scaffolding if it is not in accordance with regulations, and is answerable if it is altered after an accident has taken place until an inspector has come to see why. If there is any negligence, his responsibility goes very much beyond workmen's compensation—he is responsible for damages at common law. The amendment brings in a new class of persons—those who are in charge of scaffolding. It is no longer the person responsible for the job who is in charge of scaffolding.

Mr. O'Halloran—Are you suggesting that the person responsible for the job—the contractor—erects the scaffolding?

The Hon. Sir THOMAS PLAYFORD—The person in charge of a job now is the person responsible under the Act. There is not the slightest doubt about that. All the obligations of the law are upon that person, but this amendment provides that another person will be in charge of the erection, alteration or demolition of scaffolding. That means divided control: the owner will be responsible for the obligation, but somebody else for the actual job.

Mr. O'Halloran—You do not say the owner will erect the scaffolding?

The Hon. Sir THOMAS PLAYFORD—No, but at present the owner sees that the scaffolding is properly erected and is responsible.

Mr. Quirke—If a scaffolder were appointed and the scaffolding was proved faulty, who would be prosecuted?

The Hon. Sir THOMAS PLAYFORD—There would be dual control. The owner is responsible for all the consequences under the Act. Now that this matter has been raised as being of such merit I will take it up, but I had not heard that the safety regulations in the two States mentioned were better than ours. One of these person will have to be appointed on every job.

Mr. Loveday—Isn't the contractor's position strengthened by having a competent scaffolder on the job?

The Hon. Sir THOMAS PLAYFORD—The meaning of "competent scaffolder" is not decided by the amendment: he is a mythical person to be created by Government regulation. How competent or incompetent he is would depend on the availability of persons, because one of these persons would have to be on every job.

Mr. Quirke—What do you call a rigger?

The Hon. Sir THOMAS PLAYFORD—A rigger is not provided for by any Act and I know of no regulation setting out his qualifications. Indeed, it would be hard to set them out. The qualification of four years' experience is contained in the legislation, but a man may be incompetent yet qualified by the effluxion of time. I ask the Leader to consider the objections by members on this side to his amendment.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 9.27 p.m. the House adjourned until Thursday, October 3, at 2 p.m.