# HOUSE OF ASSEMBLY

Tuesday, October 3, 1967

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

## QUESTIONS

### SOCIAL WELFARE DEPARTMENT

Mr. HALL: I desire to draw the attention of the Minister of Social Welfare to a report in last Friday's *Advertiser* of a statement he is alleged to have made outside the House following his reference in this place on the previous evening to the Director of his department (Mr. Cook). In view of the splendid record of the South Australian Public Service for fine work carried out on behalf of the State, can the Minister say whether he did in fact confirm (as reported) his criticism of Mr. Cook's administrative ability?

The Hon. FRANK WALSH: My remarks as reported in the press are no reflection on Mr. Cook or on his ability, but certain matters have been taken out of context, for which I do not blame anyone, nor do I intend to. I realize that Mr. Cook has outstanding qualifications in some directions, such as auditing, and under no circumstances would I reflect on his qualifications.

Mr. MILLHOUSE: My question follows the answer the Minister of Social Welfare has just given to the Leader of the Opposition, who referred to a newspaper report of last Friday, in which the Minister said that he had not been able to persuade the Director of Social Welfare to assist him in publicizing the relief available in South Australia. This, of course, followed the Minister's criticism of the Director in the House last Wednesday evening. The question I desire to ask the Minister, to whom, I understand, the Director is responsible, is why the Director has not been prepared to publicize public relief in this State, as it apparently is the desire of the Minister that he should do, and why the Minister has seen fit to criticize his Director both here and in the press.

The Hon. FRANK WALSH: It seems that the honourable member desires to find out why the relief available to people in this State has not been publicized, and I can only say that it has been customary for many years not to publicize it. What I do point out (and I have said this previously) is that Cabinet has before it certain matters regarding the payment of relief in this State.

Mr. MILLHOUSE: I refer to a letter from a member of the staff of the Social Welfare Department which appeared in yesterday morning's paper and which was prompted by the Minister's unprecedented criticism of his Director uttered in this House in the presence of the Premier and other Ministers. One paragraph of the letter states:

> Apart from changing the name of the department, abolishing the Children's Welfare and Public Relief Board, and giving the Minister sweeping powers in its place, nothing significant has been done.

That reference is to the period of office of the present Government.

Mr. McKee: Who wrote that letter?

Mr. MILLHOUSE: It was written, as the writer says, by a member of the department. As the Minister now says that certain matters are before Cabinet at present, can he give the House and the people of South Australia any indication of what the Government intends to do in the field of social welfare (I take it that that is the matter now before Cabinet)? If he cannot go as far as that, will he at least indicate when plans in this regard are likely to be announced?

The Hon. FRANK WALSH: My attention was drawn to a certain letter in the press. I looked for a signature in order to ascertain who was the person responsible for the letter. I consider that if a person has not signed or is not capable of signing a letter, the matter does not warrant comment in this place. Regarding the other matter to which the honourable member referred, I regret that he has never made Cabinet rank because, if he had, he would probably understand a little better the business of Cabinet. I have already said that Cabinet has certain matters under discussion, and they will be presented to the House in due time.

### PORT PIRIE CHANNEL

Mr. McKEE: Has the Minister of Marine a reply to my recent question about work on the Port Pirie channel?

The Hon. C. D. HUTCHENS: The Director of Marine and Harbors reports that the work of easing certain bends in the Port Pirie channel, provision of new gas beacons at four locations, etc., will commence in about December next.

### SCHOOL BUS CONTRACTS

The Hon. T. C. STOTT: Has the Minister of Education a reply to the question I asked during the Estimates debate concerning school bus contracts?

The Hon. R. R. LOVEDAY: School bus contracts are let as a result of either (1) a call for tenders (the tenderer submits his price and the department either accepts or negotiates with a tenderer); or (2) a transfer of contract from one person to another under existing conditions of contract. If operating costs increase after a contract has been let, the contractor has the right to apply to the department for an increase in his contract rate. These applications are considered by the Transport Contract Committee, which comprises senior members of the department, and increases are awarded where warranted. When considering these applications, the committee takes into account all relevant factors concerned with the bus contract involved, such as size and condition of vehicle used by the contractor, road conditions, and increases in operating costs since the contract was let or contract rate last increased.

## GILES POINT

Mr. FERGUSON: The Minister of Agriculture will remember that growers agreed to an extra charge of 2.5c a bushel if bulk handling facilities were installed at Giles Point. The Public Works Committee submitted a favourable report, subject to amendments to the Barley Marketing Act and the Wheat Marketing Act to enable the board to collect the extra charge. Although legislation was introduced last week to amend the Barley Marketing Act, nothing was said about the matter to which I now refer. Can the Minister say whether the Government intends to introduce amendments to the Barley Marketing Act and the Wheat Marketing Act?

The Hon. G. A. BYWATERS: The Government desired to introduce such legislation, but one or two difficulties have arisen in collecting the levy. Although the Wheat Board and Barley Board would be pleased to cooperate in this matter, complications have been caused by the Commonwealth wheat stabilization plan. The Government considered it unwise to delay the legislation introduced last week concerning the marketing of barley because, as the whole matter was being considered, it was desirable to introduce legislation as soon as possible.

## GRAIN HARVEST

Mr. RODDA: Has the Minister of Agriculture a reply to my recent question concerning wheat deliveries for last season?

The Hon. G. A. BYWATERS: The member for Victoria and other members have been anxious to know last season's wheat harvest. I am sorry that we cannot forecast the same harvest yield this season. The first time the honourable member asked the question I was rash enough to say that if it exceeded the previous record I would buy him a drink. Subsequently, I suggested to him that, regardless of the result, which seemed as though it would be close, I would do this. Because of the close result, perhaps he will join me for that purpose after Question Time tomorrow. Compared with the previous record (in 1963-64) for wheat of 53,971,269 bushels, 53,810,000 bushels of wheat was produced this year (the latter figure having been arrived at by means of a computer). In addition, 23,700,000 bushels of barley and 10,270,000 bushels of oats was produced.

## MATRICULATION

Mr. COUMBE: Has the Minister of Education any information on the effect of matriculation enrolments and the possible number of enrolments in the next year or so?

The Hon. R. R. LOVEDAY: The estimated enrolment in the fifth year for 1966 was 2,105 and the actual figure proved to be 1,916. This failure to meet expectations arose from uncertainty about the requirements of the new fifth-year scheme and from the fact that a great many students had already matriculated in fourth year. However, in 1967 the corresponding figures were 2,229 and 2,453, an increase of 537. Although this is the first year of the fifth-year matriculation scheme working under normal conditions, it seems from the substantially increased enrolments that in numbers alone there should be no fear of enrolments not meeting tertiary education requirements.

## GAS

The Hon. B. H. TEUSNER: Has the Premier a reply to the question I asked him several weeks ago whether any date had been fixed for completion of the gas spur line to Angaston to supply the important cement manufacturing industry there with natural gas?

The Hon. D. A. DUNSTAN: No. A maximum completion date for the pipeline from Gidgealpa to Adelaide has now been fixed and, although I understand that the Angaston spur line will come within that date, I will ascertain the position for the honourable member.

## ITALIAN PRESIDENT'S VISIT

Mr. HALL: Recently, President Saragat of Italy paid Australia a visit, which created much interest, not only for people of Italian

descent living in Australia but for other parts of the world, and to which considerable publicity was given. I have no doubt that this has been of particular benefit to those parts of Australia that have been publicized overseas, particularly in relation to their promotional activities. In view of this and the importance of the visit in this regard, did the Premier invite the Italian President to South Australia?

The Hon. D. A. DUNSTAN: I did. I expressed to the Italian Ambassador and to the Under-Secretary for Foreign Affairs in the Italian Government a keen desire for the people of South Australia to have so prominent a Socialist politician as the President of Italy visit this State. It was very much regretted by the Italian Government that the time available to the President for his visit to Australia did not permit his visiting South Australia. However, the Italian Government arranged that, wherever Signor Saragat was unable to visit, the Under-Secretary for Foreign Affairs (Senator Oliva) would be able to visit, and he did visit South Australia. Indeed, I spoke with him about matters of mutual interest and I was able to make arrangements with him about developing communications between the Government and people of South Australia and the people of Italy.

## NARRUNG WATER SUPPLY

Mr. NANKIVELL: I have just received a communication from the District Clerk of the Meningie council stating that the people of Narrung are running out of rainwater. The township is at present supplied from a local pond which is salty and which is becoming more salty all the time. As requested in that letter, can the Minister of Works say what has become of the scheme to supply Narrung with water that was originally proposed in 1962?

The Hon. C. D. HUTCHENS: If memory serves me correctly (as I think it does), my reply to the honourable member last week regarding this matter did not give him much satisfaction. However, since he has told me about it privately, I have taken up the matter with the department to ascertain whether we can get him a satisfactory reply. I trust that the honourable member will be a little patient, as I hope to be able to give him a more detailed reply in a few days.

## PORT VINCENT WHARF

Mr. FERGUSON: During recent years, the Port Vincent wharf has been in a state of disrepair. Recently a gang from the Marine and Harbors Department arrived to undertake the repairs and to make additional facilities available for fishermen. However, for some reason the gang left the repair work unfinished. As an important yachting event associated with the Australian championships will take place at Port Vincent this year, the people of Port Vincent expect a great influx of visitors, including tourists, and are concerned lest the work be unfinished at Christmas. Will the Minister of Marine ascertain what repairs have been carried out and whether all the work will be completed before Christmas?

The Hon. C. D. HUTCHENS: This is the first I have heard of the work having stopped. As we do not like jobs to be left half done, I shall do what I can to obtain an assurance for the honourable member that the work will be completed by the date to which he has referred.

## MIGRANTS

Mr. McANANEY: I note that New South Wales is carrying out an active campaign to boost its immigration figures, permanent officers of its Agent-General's office in London having been appointed for this purpose. Can the Minister of Immigration and Tourism say whether this State is conducting an active campaign to attract migrants? If it is, what steps have been taken?

The Hon. J. D. CORCORAN: We are conducting an active campaign to attract migrants. The honourable member will realize that the State's activity in this field relates only to nominated British migrants. In this connection, Mr. Keig has been in the United Kingdom for some time. Whilst there, he is visiting the various centres to promote interest amongst people in coming to South Australia. In addition, we have monthly contact with the Agent-General in London informing him of the situation in the State so that he has first-hand knowledge of what is happening here and can answer inquiries received. Only recently we have reviewed the requirements relating to people wishing to purchase houses in this State. Previously there was a fixed requirement, but I am not sure what amount in cash people had to have before they could contract to purchase a house. However, the matter is being reviewed and a skilled tradesman may purchase a house far more easily than he was able to do in the past. One of the difficulties that has been associated with people coming here and wishing to buy their own house has been the disposal of their property in the United Kingdom. At present, adequate finance does not seem to be available there for house

purchases; thus, people wishing to dispose of a property in the United Kingdom and to use the return from that sale to purchase a house here have experienced difficulty. We are constantly examining proposals which will encourage people to come here and which will encourage people already here to nominate others to come.

## IRRIGATION

The Hon. Sir THOMAS PLAYFORD: This morning I received a report to the effect that areas of the Murray River were already experiencing high salinity content; some places have reported records of 400 to 600 parts a million. As a high salinity level would obviously prejudice the possibility of a successful citrus crop this year, will the Minister of Works examine this matter?

The Hon. C. D. HUTCHENS: I have given a report about the upper portion of the Murray River, where the position regarding salinity had improved somewhat. However, in view of the question I shall obtain a detailed report on the Murray River waters and make it available to the House. If there were a high salinity content in an area, it would be advisable to assist citrus growers so that they could water when the fresher water was available.

The Hon. Sir THOMAS PLAYFORD: Will the Minister of Agriculture confer with the Minister of Irrigation in an endeavour to supply to citrus growers the quantity of water that can be used without damage being caused? At present there is difficulty in deciding how much can safely be used. As the River Murray Commission takes a salinity reading each day at various places, it would be of value to the citrus growers if they knew when water was unsuitable for use, particularly for spray irrigation.

The Hon. G. A. BYWATERS: My colleague and I have conferred on this matter, and there is a satisfactory liaison between the Agriculture Department and the Irrigation Department. Everything possible is being done to advise people on these matters.

The Hon. Sir Thomas Playford: Is there some method of publishing these figures?

The Hon. G. A. BYWATERS: This has already been done. Apart from channel riders doing it, broadcasts are to be made and advertisements are to be placed in the press regarding daily recordings along the river.

The Hon. Sir THOMAS PLAYFORD (on notice):

1. How many new water licences have been promised to permit irrigation with water from the Murray River of areas of 100 acres or more, situated between Mannum and the Victorian border?

2. How many such licences have been issued since January 1, 1967?

The Hon. C. D. HUTCHENS: The replies are as follows:

1. No new water licences have been promised since the issue of licences was suspended in March, 1967. The Committee on Water Diversions has examined all those applicants who have previously been given assurances on water, and this is still under consideration. The committee did recommend the issue of licences to some of these applicants where the assurance was clear cut, and one licence only in excess of 100 acres has been issued in this category.

2. Since January 1, 1967, two licences, including the one mentioned above, have been issued. The other licence was issued in January before the cessation of the issue of licences.

## CHOWILLA DAM

The Hon. T. C. STOTT: Did the Minister of Works notice a press report which stated that the appropriate Commonwealth Minister had said that the Commonwealth Government was investigating the redesigning of the Chowilla dam to decrease its storages to 1,500,000 acre feet? Has the State Government received any communication from the Commonwealth Government about the proposed alteration of size of the dam? Has the matter been referred to the appropriate authorities and, if it has, what report has been made on it?

The Hon. C. D. HUTCHENS: The technical committee set up by the River Murray Commission is considering this matter, at the request of certain members of the commission, and the report is expected to be brought down in December next. We are awaiting the report anxiously. Of course, we in South Australia are convinced that no size smaller than the original proposal will be satisfactory.

## PADTHAWAY WATER SUPPLY

Mr. NANKIVELL: Has the Minister of Agriculture received information from the Minister of Mines about the reference I made during the Estimates debate to an inquiry

into the groundwaters in the Padthaway and Desert Camp area?

The Hon. G. A. BYWATERS: As the member for Stirling (Mr. McAnaney) and the member for Victoria (Mr. Rodda) also raised the matter of underground waters, I am able to reply to the three members. The Mines Department is engaged on a preliminary estimate of the various problems associated with a full-scale investigation of the underground waters of the South-East. Some of the investigations will necessarily be long-term in nature and it is hoped to begin the work during the coming summer.

## HOSPITALS FUND

The Hon. B. H. TEUSNER: Has the Treasurer the information I sought during the Estimates debate as to whether non-profit-making community hospitals that did not qualify for a conditional hospital maintenance subsidy would be entitled to participate in the distribution of profits paid from the Lotteries Fund to the Hospitals Fund?

The Hon. D. A. DUNSTAN: Community hospitals receive capital but not maintenance grants and, therefore, they do not appear in the list of maintenance grants set out in Appendix II of the Estimates. However, their submissions have received the same consideration as in the past and provisions have been included in the Loan Estimates for grants towards major buildings and in the Expenditure Estimates under Chief Secretary, Miscellaneous, for grants towards minor building alterations and equipment. Should there be sufficient moneys available in the Hospitals Fund in future to provide capital grants as well as maintenance grants, there is no reason why community hospitals should not then receive allocations from the fund.

## RAILWAY FINANCES

Mr. McANANEY: Has the Premier a reply to my recent question about Railways Department passenger traffic and revenue?

The Hon. D. A. DUNSTAN: The main details of intrastate and interstate passenger traffic in the last two years are set out in a table that I ask leave to have inserted in *Hansard* without my reading it.

Leave granted.

RAILWAY TRAFFIC

| | 1965-66 | | 1966-67 | |
|---|---|---|---|---|
| | Number of passengers | Revenue | Number of passengers | Revenue |
| | | $ | | $ |
| Intrastate— | | | | |
| Suburban | 14,670,833 | 1,786,202 | 14,608,070 | 1,914,993 |
| Country | 568,178 | 412,973 | 542,797 | 443,520 |
| | 15,239,011 | 2,199,175 | 15,150,867 | 2,358,513 |
| Interstate | 272,209 | 1,266,186 | 281,564 | 1,356,000 |
| Total | 15,511,220 | 3,465,361 | 15,432,431 | 3,714,513 |

The Hon. D. A. DUNSTAN: The department normally records revenue received from country and interstate fares as one figure. An examination had previously been made of the 1965-66 revenues, so that an accurate dissection between country and interstate is available. For 1966-67 the division of fares between country and interstate has been estimated closely. Country travel includes travel by schoolchildren between Wallaroo and Moonta, and on the Peterborough Division. This has the effect of reducing the recorded revenue for each passenger.

Mr. HALL: Has the Premier a reply to the question I recently asked about the railway deficit and associated matters?

The Hon. D. A. DUNSTAN: It has already been indicated that the items to which the Leader referred are transfer items and not cash expenditure items. The balancing items appear in the estimates of railway revenue. Their design, following a suggestion of the Paine Royal Commission on Railways, is so far to cover the prospective railway deficit for 1967-68 that a margin is left between expenditure and revenue which forms a challenge for the administration to bridge if possible. The railway expenditures for 1967-68 may be seen in four main groups. The ordinary running costs are shown under the Railways Department estimates amounting to $32,489,000. To this must be added portions of each of the lines under "Special

Acts" and elsewhere relating to interest, sinking fund, and superannuation which apply to railways. These portions are estimated respectively at $6,020,000, $1,700,000 and $1,229,000. Accordingly total expenditures on account of railways for 1967-68 are estimated to be $41,438,000. On the other hand, revenue estimates for railways are shown at $30,440,000 exclusive of the transfers, leaving a prospective shortage of $10,998,000. The transfers are set at a total of $10,000,000, so the target set for the railways administration is to bridge almost $1,000,000, which is about 2½ per cent of expenditures or 3 per cent of revenues.

I repeat, however, that these particular items are transfer items appearing on both sides of the Budget. They should not be allowed to hide the fact that if these estimates are realized railway revenues will fall short of all railway expenditures by about $11,000,000, and that amount must be found by the Treasury from sources apart from the railway undertaking. That stark fact cannot be altered by any sophisticated accounting procedures whether by transfers, by special depreciation provisions, by writing off capital, or such-like. Cash has to be found just the same to pay the wages and salaries, to buy the fuel and stores, to pay the superannuation pensions, to meet the interest on borrowed money, and to repay the bondholders, through the sinking fund. The Leader has asked the meaning of "book rates" as applied to railway freights. This is the term commonly used to indicate those generally applicable rates which are prescribed by regulation to apply to various classes of traffic and which are classified according to distance of haul and quantity. The term distinguishes these generally applicable rates from the special rates which the Commissioner may authorize in particular circumstances and for particular traffic to meet competition and in an effort to secure and hold business. A number of the book rates (notably for grain, manures, general merchandise, and fares) were increased in August and October, 1966, and some increased revenues will thus flow from them in 1967-68, as compared with the previous year.

The aim of the railway administration in reducing rates for larger quantities of livestock as from the beginning of this month was to counteract the long-term downward trend in this traffic. To achieve the same amount of revenue in total a reduction of 25 per cent in rates would need to be matched by a 33⅓ per cent increase in the volume of traffic. The department's officers do not expect this to happen, of course, but they are hopeful that over the longer period the volume of livestock freight may be held at a level at least one-third greater than the level to which it would have declined in the absence of reduced rates. There is already some indication that the reduced rate is attracting a little more business.

## TRUST FUND INTEREST

The Hon. Sir THOMAS PLAYFORD: Has the Treasurer a reply to the question I asked during the Estimates debate in regard to interest on moneys deposited with the Treasury?

The Hon. D. A. DUNSTAN: The standard rate payable by the Treasury on trust funds is the ruling rate paid by the Savings Bank of South Australia, that is, 3¾ per cent. This rate applies to 33 of the 55 accounts listed on page 359 of the 1967 report of the Auditor-General. In addition, 15 accounts which are for approved charitable purposes are credited with interest at 5 per cent per annum. Balances held by the Electricity Trust and the Municipal Tramways Trust are really undrawn balances of Government loan allocations and are allowed offsetting interest at the rates chargeable upon the loans themselves, namely, 5⅜ per cent and 5¼ per cent respectively. The balances held temporarily at the Treasury pending expenditure by the South Australian Housing Trust, the Natural Gas Pipelines Authority, and the State Planning Authority are credited with the rate of 4 per cent per annum, which is the rate that the Treasury itself can secure upon fixed deposits of less than 12 months. The amounts held in respect of orders for maintenance by the Department of Social Welfare are credited at the statutory rate of 4½ per cent per annum. Finally, the State Bank Reserve Fund receives 1 per cent per annum, which is the rate the Treasury receives on day to day balances in its current account. The rates received by the Treasury for fixed deposits at the Reserve Bank and State Bank are the currently approved rates. These are: for 30 days and less than 12 months, 4 per cent per annum; for 12 months and less than 18 months, 4¼ per cent per annum; and, for 18 months to 24 months, 4½ per cent per annum.

## ELECTRICITY

Mr. COUMBE: Has the Minister of Works a reply to my question about the accident at the Torrens Island power station and the costs involved?

The Hon. C. D. HUTCHENS: This reply deals with the accident to No. 1 turbo-generator, Torrens Island power station, which occurred on August 16, 1967, and it supplements the interim reports given late in August. The turbo-generator has a capacity of 120,000 kilowatts and operates at 1,500 lb. a square inch steam pressure and 1,000 deg. fahrenheit steam temperature. It is the first reheat turbine in use in the trust's power stations. This means that the steam, after passing through the high-pressure turbine, is returned to the boiler, reheated to 1,000 deg. F. and passed to the intermediate pressure turbine. From there it flows to the low-pressure turbine and thence to the condenser. The boiler and turbine act as one unit and are controlled from a single control room, this being the first trust power station operating in this way. While the plant was under construction the trust sent nine of its engineers overseas to obtain experience in various aspects of the operation of this type of plant.

On the early morning shift of August 16, the plant was being operated by trust staff, comprising a shift superintendent, two unit controllers and three assistant unit controllers. The boiler had not been taken over from the contractor and an employee of the boiler contractor was present as an observer. The boiler and turbine were being brought back into service after a shut-down period of two hours to attend to a minor fault. The programme therefore called for a hot start, that is, the turbine was still hot from the previous operation two hours earlier. This situation calls for more care in turbine loading than a cold start. At 3.58 a.m. the generator was connected to the electrical power grid and the machine started to deliver power. At this stage the boiler was operating with only one of three sets of oil burners in operation. When the load on the generator had risen to 30,000 kilowatts, action was taken to light a second set of burners. At this point the oil supply was unexpectedly shut off by the flame failure protection device and all fire was lost.

With the fire lost it is necessary to blow air through the furnace for a few minutes before re-lighting. This was done and during this period the steam pressure dropped and the load on the turbo-generator fell away. Meanwhile, as the water level in the boiler was low, an operator increased the rate of flow of the feed pump supplying water to the boiler. This flow continued until the high water alarm operated. The operator reduced the rate of flow but not sufficiently to prevent the water level from becoming quite high, when he stopped the pump completely. However, the water level continued to rise because the fire had been re-lit and steam bubbles were being formed in the water causing it to increase in volume.

With the water level still rising the operator then opened blow-down valves to release water from the boiler. As the water level was so high, the turbine should have been disconnected from the boiler but this was not done. Despite the release of water from the boiler the level continued to rise and water was carried over with the steam into the high-pressure cylinder of the turbine. This led to rapid cooling of the casing and the shaft, resulting in distortion of the metal. Because of the extremely fine clearances between the fixed and rotating blades in the high-pressure cylinder that are required in order to obtain high efficiency of generation, this distortion was sufficient to cause contact between the fixed and moving blades.

At this stage the machine was disconnected, but it was impossible to bring the rotating parts weighing many tons to rest immediately and the blades suffered considerable damage. The damage can only be repaired at the maker's works, and the high-pressure inner casing and rotor have been shipped to England for repair. They left Adelaide on September 16. Until they arrive in England and are dismantled and examined by the maker's technical staff, it is not possible to say what the cost of the repair will be. It seems that some blades can be re-used but the number will not be known until they are dismantled. The maker will also have to determine the extent of any distortion in the shaft and the casing and correct it.

The turbo-generator was insured by the trust for damage in excess of $100,000. It was also insured under a policy taken out by the manufacturer that protected both the manufacturer and the trust. The respective rights and liabilities of the insurance companies, the manfacturers, and the trust have not, at this stage, been resolved. The high-pressure casing and rotor from No. 2 turbo-generator, which is under construction at Torrens Island, is being transferred to No. 1 machine. The machine should be in use again within the next week or two. The same parts intended for No. 3 machine will be used on No. 2, and when the damaged parts from No. 1 are repaired, they will be used in No. 3. In this way there will be little interruption to the construction programme,

and No. 2 and No. 3 machines will be commissioned in 1968 and 1969 as planned.

Some specific questions have been asked about this accident as follows:

1. What is the cost of the repair? This is unknown. It cannot be determined until the damaged parts are dismantled and examined at the manufacturer's works in England.

2. What additional cost will the trust incur as a result of the extra generation being needed from the older power stations, which have a lower operating efficiency? The extra cost is about $15,000 a week.

3. What steps are being taken to prevent a recurrence? An automatic device will be installed to close the valves between the boiler and the turbine if the water level in the boiler reaches a predetermined high level.

## TATIARA HOSPITAL

Mr. NANKIVELL: Has the Treasurer a reply to the question I asked him during the Estimates debate about the Tatiara Memorial District Hospital?

The Hon. D. A. DUNSTAN: The amount allocated for capital purposes of the hospital for 1966-67 was $152,834. The actual expenditure was $177,902.82, and of this $174,383.82 was paid from Loan funds and is included in the $2,624,492.46 referred to on page 35 of the Estimates of Expenditure, 1967-68, as being transferred from Revenue Account to Loan Account during 1966-67. The grants to non-government hospitals, which make up this sum, can be found on page 343 of the Auditor-General's Report. The balance of $3,519 for minor capital items was paid from revenue.

The hospital has not been completed more cheaply than was expected, as, in addition to the amount provided during 1966-67, a further $140,000 has been provided on the Loan Estimates for 1967-68. The sum of $140,000 Loan funds referred to by the honourable member is the amount provided for the current financial year, and not for 1966-67, as stated. The $3,519 was provided from revenue funds during 1966-67 as stated earlier. The sum of $3,744 has been provided for subsidy on additional minor items of equipment to be paid during 1967-68. The total cost of the project to the Government will be about $321,000.

## COURT ORDERLIES

Mr. MILLHOUSE: During the Estimates debate I asked the Treasurer a number of questions and he kindly undertook to get replies. I understand he now has a reply to the first of these, and I ask him whether he can give the House any information regarding the use of or the recruitment of a special body of persons for duties in the courts, thus relieving police officers who at present perform the duties of orderlies.

The Hon. D. A. DUNSTAN: I thought the reply was the first on my list, but I cannot see it now. I am afraid I do not have the reply to that question, but I have replies to the other questions.

## CIVIL DEFENCE

Mr. MILLHOUSE: Has the Treasurer a reply to the question I asked during the Estimates debate whether the Commonwealth Government reimbursed any expenditure under the "Civil Defence" line?

The Hon. D. A. DUNSTAN: The amounts provided out of the departmental vote for Civil Defence to cover salaries and wages, $16,104, and contingencies (office expenses etc. $9,500, subsidies to local government bodies $6,000 and oversea visit of the Director $4,220), are not reimbursed by the Commonwealth to the department.

## POLICE VEHICLES

Mr. MILLHOUSE: Has the Treasurer a reply to the question I asked during the Estimates debate about the mileage cut-off point for vehicles used by the Police Department?

The Hon. D. A. DUNSTAN: Because of the amount of running police motor vehicles are required to perform, it is difficult to get down to a cut-off point of 25,000 miles. Vehicles were originally disposed of at 60,000 miles, but they are now replaced at a mileage of between 45,000 and 50,000 miles, depending on the mechanical condition of the particular vehicle. I understand this is in accord with a Cabinet direction given to the Supply and Tender Board. Twenty vehicles prepared for sale since July 1, 1967, had an average mileage of 47,845 miles.

## LUCINDALE COTTAGES

Mr. RODDA: Has the Minister of Social Welfare a reply from the Minister of Transport to the question I asked last week about removing two railway cottages at present situated in the main street of Lucindale?

The Hon. FRANK WALSH: The Minister of Transport states that the District Council of Lucindale has made several representations concerning the two railway cottages in Musgrave Avenue, Lucindale. The council has been informed that the Railways Commissioner

does not object to the removal of the cottages but, as the removal is not necessary for departmental reasons, the Commissioner is unable to contribute to the costs entailed. The department, therefore, will remove the cottages subject to the council's defraying the full cost of providing alternative and equivalent accommodation.

## POLICE CADETS

Mr. HUDSON: Has the Treasurer a reply to the question I asked during the Estimates debate about the number of police cadets called up for National Service Training?

The Hon. D. A. DUNSTAN: From April 21, 1966, to August 31, 1967, 30 constables and one probationary constable have been called up for National Service training. Of these, 30 joined the Police Department as cadets and one as an adult trainee.

## TILE INDUSTRY

Mr. McANANEY: Has the Minister representing the Minister of Mines a reply to my recent question about mineral claims?

The Hon. G. A. BYWATERS: I have received the following reply from the Minister of Mines:

The matter raised here concerns work undertaken on behalf of Mr. J. Spiers on mineral claims covering a clay deposit near Hesso. The deposit was examined by a departmental geologist, and a report recommending certain exploration was submitted to Mr. Spiers on January 17, 1967. An estimate of the cost of this work, involving 1,600ft. of drilling and sampling, was given to Mr. Spiers by letter on February 1, 1967, the estimate being $3,200, without charge for the earlier geological services, or geological oversight of the drilling. Mr. Spiers signed an agreement for the drilling on February 10, 1967, and lodged a deposit against the work of $1,000. In fact, the work was completed at a cost of $2,956, an invoice for which remains unsettled.

## POLICE BAND

The Hon. B. H. TEUSNER: Has the Treasurer the information that I sought during the Estimates debate concerning the South Australian Police Brass Band?

The Hon. D. A. DUNSTAN: It is not the practice of the Police Band to compete with other bands. The band competitions referred to by the honourable member are conducted under the auspices of the South Australian Band Association Incorporated, and the Police Band is not affiliated with that association.

## IRON ORE EXPORTS

The Hon. Sir THOMAS PLAYFORD: Has the Minister representing the Minister of Mines a reply to the question I asked last week about the extensive development taking place in pelletizing and whether gas could be used for the purpose?

The Hon. G. A. BYWATERS: The Minister of Mines reports that the company plans to use fuel oil in the pelletizing plant at Whyalla. The company has no plans to use natural gas as, amongst other things, it will have a surplus of fuel gas from its coke ovens at Whyalla.

## LOG BOOKS

Mr. McANANEY: Will the Minister representing the Minister of Transport ascertain whether (and what type of) legislation will be introduced in connection with the requirements of printing $12,200 worth of log books concerning hours of driving of commercial motor vehicles?

The Hon. FRANK WALSH: Although I asked departmental officers to obtain replies to questions asked during the debate on the Estimates, I have not yet received those replies, but I point out that the reply to the honourable member's question will probably be included.

## TORRENS RIVER

Mr. COUMBE: Has the Minister of Works the information I sought during the debate on the Estimates regarding the vote for work on the Torrens River?

The Hon. C. D. HUTCHENS: The $1,000 under "River Torrens (Prohibition of Excavations) Act" and "River Torrens Protection Act—administration of" covers provision for proportion of salary and expenses of a full-time inspector. The $1,200 was placed on the estimates in order to provide for subsidies on a $1 for $1 basis to be paid to councils undertaking beautification schemes.

## PENOLA POLICE STATION

Mr. RODDA: Has the Premier a reply to the question I asked last week regarding the staff of the Penola police station?

The Hon. D. A. DUNSTAN: There will not be any reduction in the number of police officers stationed at Penola as a result of the transfer of the Sergeant on October 22, 1967. The present practice is to require the officer-in-charge of a two-man station to be a Senior Constable (First Grade) and a non-commissioned officer holding that rank has already been selected to replace the Sergeant next month.

## ADELAIDE OVAL

Mr. COUMBE: Last Saturday about 58,000 people were at the Adelaide Oval to watch the grand final football match (I believe the Premier was one of them). It was apparent that there is a necessity on that ground for additional stand accommodation, as the Premier may agree. Can he say, therefore, whether any representations regarding the provision of additional stand accommodation at the Adelaide Oval have been made to him or whether a conference has been sought with him by the South Australian Cricket Association, the South Australian National Football League or the Adelaide City Council?

The Hon. D. A. DUNSTAN: No, not to me.

## COMMONWEALTH EXPENDITURE

Mr. McANANEY: Has the Premier a reply to the question I asked some time ago regarding expenditure in South Australia by Commonwealth departments?

The Hon. D. A. DUNSTAN: The information as to expenditure by particular Commonwealth Departments is not readily available. The Commonwealth Government in Canberra has been asked for the figures and as soon as they are to hand I will let the honourable member have them.

## AUDIO-VISUAL MATERIAL

Mrs. STEELE: Can the Minister of Education now comment on the suggestion I made recently regarding the use of audio-visual material on South Australia?

The Hon. R. R. LOVEDAY: The Audio-Visual Education Centre has a large number of film strips covering a wide range of topics. Included are many which would be particularly useful for the purposes of the Scottish Division of the Commonwealth Institute. The centre also has some tapes and has the facilities to produce more, which would be very suitable for the institute's library. The cost of supplying both films and tapes would not be very great and arrangements could be made for the centre to send a selection at short notice. Further copies of selected material could also be sent at regular intervals if required.

## CITRUS INDUSTRY

The Hon. Sir THOMAS PLAYFORD: Can the Minister of Agriculture say whether it is intended this year to introduce amending legislation in connection with the citrus industry?

The Hon. G. A. BYWATERS: Yes, it is.

## HEPATITIS

Mr. RODDA (on notice):

1. How many of the total number of hepatitis cases at Mount Gambier this year were children or teachers at new schools?

2. What percentage of adults so affected was females?

3. Were any of the chlorinated hydrocarbons used to protect timber during construction of these new schools?

4. Were paints or varnishes containing D.D.T. used in the schools concerned?

5. What disinfectant is used by the school cleaners?

6. Do the air-conditioning systems disseminate insecticide throughout these school buildings?

7. Was emotional disturbance a general symptom in these hepatitis cases?

8. Has an investigation been conducted in which the abovementioned factors were considered?

The Hon. R. R. LOVEDAY: The replies are as follows:

1. Mount Gambier Infants School was the only new school opened at Mount Gambier this year. There were no cases of hepatitis among children or staff at this school.

2. See above.

3. No.

4. No.

5. Phenyl is used in the toilets and Dettol is used as a general disinfectant.

6. No air-conditioning systems are used, but the warm air and forced ventilation do not disseminate insecticides. There is no system of air-conditioning known to the Public Buildings Department that does perform this function.

7. See reply No. 1.

8. The City Health Inspector visited the school but nothing on these lines was discussed nor were any recommendations made by the inspector.

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## PERSONAL EXPLANATION: UNIVERSITY EXPENDITURE

The Hon. R. R. LOVEDAY (Minister of Education): I ask leave to make a personal explanation.

Leave granted.

The Hon. R. R. LOVEDAY: I wish to make a personal explanation about two matters which were dealt with in the Estimates debate and which were not properly explained at the time because of the lack of information

in my notes. The member for Torrens (Mr. Coumbe) asked whether there was some reason why the general purposes grant to the Adelaide University this year is about square with what it was last year. The reason is that in 1966-67 the amount for Adelaide included about $550,000 on account of Flinders University. Up to the end of 1966, amounts for Flinders were paid through Adelaide. From January, 1967, in the new triennium, the amounts were paid directly to Flinders. Therefore, the amount for Adelaide this year really is an increase of about $540,000. Conversely, the apparent increase of expenditure at Flinders is overstated by a similar amount.

The statement by the member for Mitcham (Mr. Millhouse) that in 1966-67 we spent absolutely less than we did in 1965-66 was not correct. The figures refer only to Consolidated Revenue expenditure. In 1965-66 building grants were from Revenue but in 1966-67 building grants were from Loan. This is referred to in the next paragraph on page 68 of the Auditor-General's Report, which states:

Payments from the Loan Fund for Capital Grants—University and advanced education buildings for the year 1966-67 amounted to $3,799,786. There were no payments from Loan Account for these purposes during 1965-66.

## TRAVELLING STOCK RESERVE: YONGALA

The Hon. J. D. CORCORAN (Minister of Lands): I move:

That the travelling stock reserve immediately west of the town of Yongala, as shown in the plan laid before Parliament on September 19, 1967, be resumed in terms of section 136 of the Pastoral Act, 1936-1966, for the purpose of being dealt with as Crown lands.

This reserve comprises about 73½ acres and is the residue of the original travelling stock reserve between the towns of Yongala and Yatina, which was set aside as a route for the travelling of stock when survey of this area was carried out during 1871 and 1872. With modern methods of transport, the need for this land has largely disappeared. It is proposed to license this small remaining part of the reserve to the District Council of Peterborough so that the council may manage it for the grazing of local stock. The Stockowners' Association of South Australia has not raised objection to the proposal for resumption, which has been recommended by the Pastoral Board. In view of these circumstances, I ask members to support the motion.

Motion carried.

## SEWERAGE ACT AMENDMENT BILL

Second reading.

The Hon. C. D. HUTCHENS (Minister of Works): I move:

*That this Bill be now read a second time.*

The purpose of this short Bill is to correct an error which occurred when the Waterworks Act and the Sewerage Act were amended in August, 1966. At that time, the amendments to these Acts were drafted in such a manner that similar amendments could be made to each Act. In doing this it was overlooked that, because of a variation between the two Acts, it was necessary to vary the wording of clause 17 which amended the Sewerage Act from that of clause 8 which amended the Waterworks Act. As a result the portion of the Sewerage Act which defines which land and premises should be rated has been deleted, and to comply strictly with the Act it would now be necessary to charge sewerage rates on all lands and premises within a drainage area irrespective of whether they can be drained or not.

This was not intended and such a situation is most inequitable. Therefore this Bill rectifies this situation by merely re-instating a passage inadvertently deleted from the Sewerage Act. Clause 3 amends section 78 of the principal Act by inserting in subsection (2) the passage "which in the opinion of the Minister could, by means of drains, be drained by the sewer". The insertion of this passage ensures that sewerage rates will only be levied on properties abutting a sewer where that property can be drained by the sewer. Clause 3 (2) provides that this amendment shall be deemed to have come into operation when the August amendments of 1966 to the Waterworks Act and Sewerage Act came into operation.

The Hon. G. G. PEARSON secured the adjournment of the debate.

## OIL REFINERY (HUNDRED OF NOARLUNGA) INDENTURE ACT AMENDMENT BILL

The Hon. C. D. HUTCHENS (Minister of Works) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

### THE REPORT

The Select Committee to which the House of Assembly referred the Oil Refinery (Hundred of Noarlunga) Indenture Act Amendment Bill on August 23, 1967, has the honour to report:

1. In the course of its inquiry your committee held one meeting and took evidence from the following persons:

Mr. A. J. Hurlstone, General Manager, Adelaide Refinery, Petroleum Refineries (Australia) Pty. Ltd.
Mr. J. R. Sainsbury, Director of Department of Marine and Harbors.
Dr. W. A. Wynes, Parliamentary Draftsman.

2. Advertisements inserted in the *Advertiser* and the *News* inviting interested persons to give evidence before the committee brought no response.

3. The committee is of the opinion that there is no opposition to the Bill, and recommends that it be passed in its present form.

Bill taken through Committee without amendment. Committee's report adopted.

## BUILDERS LICENSING BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

Adjourned debate on second reading.

(Continued from September 28. Page 2286.)

Mr. HALL (Leader of the Opposition): I oppose the Bill. The approach made by the Premier in explaining the Bill was, to me, frightening. He presented an emotionally charged case. He said that the Bill was designed to improve the quality and standards of building, to protect the home builder, to protect the building industry and the public from exploitation, and, apparently, to eliminate building brokers. He went on to say that the present lack of control resulted in a general depression in the standards of the building industry in this State and in the value of houses on the market. He has found yet another reason to include among the many reasons he has already given for the depression of the building industry in South Australia.

He said that the Bill had the overwhelming support of both employers and employees. The Premier is proposing an iron-fisted control of the building industry in South Australia. When I consider how much free enterprise the builders of South Australia display in their activities, I am amazed that the Premier should say that the Bill has the overwhelming support of builders. What evidence has the Premier brought forward to support his statement? Today's *News* refers to the Housing Industry Association, to which the Premier has often referred in connection with the building industry. Under the heading "Clash on Builders Licensing Bill", the following report appears:

Two South Australian organizations have clashed over the Government's Builders Licensing Bill. At a special meeting last night the Housing Industry Association decided to seek a series of amendments to the Bill which was described as "Socialist".

The Hon. D. A. Dunstan: By whom? By one of your candidates?

Mr. HALL: It suits the Premier to bring a political candidate for Glenelg into the situation. Is he saying that the Housing Industry Association is being led by the nose?

The Hon. D. A. Dunstan: I am saying that you have tried to do so.

Mr. HALL: Let the Premier say that to the House: I am not frightened by that.

The Hon. D. A. Dunstan: They did not go along with the candidate.

Mr. HALL: The report continues:

The Master Builders Association today confirmed its support for the Bill, which it claimed it had proposed to the Government. The H.I.A. had previously supported the Bill and is represented on the Builders Licensing Board to be set up if the Bill is passed. The H.I.A. believes the M.B.A. would also reject the Bill if a meeting of members was held.

I say confidently that if all the builders in South Australia, regardless of the association to which they belong, had a vote on the Bill, they would reject it outright.

Mrs. Byrne: They shouldn't if they have nothing to hide.

Mr. HALL: We shall see whether the member for Barossa is correct. This is the most socialistic and frighteningly tight-fisted control ever introduced.

Mr. Clark: Now you're being silly.

Mr. HALL: The member for Gawler can say why I am being silly in referring to the way in which the Government is dealing with an industry that, by and large, has proved successful in South Australia.

Mr. McKee: What about jerry-built houses?

Mr. HALL: I do not think Government members ought to use the word "jerry" in this House. The report continues:

Present support comes only from the executive, they say. The mid-stream switch of support of the Bill in its present form came at last night's meeting of 68 H.I.A. members. H.I.A. president, Mr. W. J. Hannaford said the meeting was to discuss an emergency. He said he had taken part in discussions while the Bill was being drafted, but in the form it was presented to Parliament, the Government and the Trades and Labor Council would have complete control of the new laws.

This was because there were two members nominated by the Government, and three from the T.L.C. on the nine-man board, giving it a 5-4 majority over other members from the H.I.A., the M.B.A., the Australian Institute of

Builders, and the Architects' Board of South Australia. Aspects of the Bill criticized were the power to be given the board to demand documents for inspection, the demand for supervision of building work at all time, and its nebulous and vague character. The meeting resolved it supported the concept of licensing, but would be completely opposed to the Bill in its present form.

I understand that the report goes on to say that the association will seek an interview with the Premier about this matter.

Mr. Hughes: If you are so fond of quoting from the newspaper, why don't you quote the *News* of today?

Mr. HALL: For the benefit of the member for Wallaroo, who apparently is not with us, I point out that this is from today's *News*.

Mr. Hughes: Why don't you quote one or two other matters?

Mr. HALL: I do not want to bore the honourable member, but I shall read the whole report if he wants me to do that. He can read about the changes that the Housing Industry Association seeks.

Mr. Hughes: Why don't you turn over to the report about 600 more jobs at General-Motors Holden's, which concerns a matter you have been critical about?

Mr. HALL: As usual, the member for Wallaroo is way off the mark, because we are considering the building industry. He will give more service to that industry if he stays with the subject. An extremely well written letter was published in this morning's newspaper.

Mr. Hudson: Who wrote it?

Mr. HALL: I do not know, but it shows one man's opposition to this Bill.

Mr. Hudson: What is his name?

Mr. HALL: I do not know.

Mr. Clark: Is his name on it?

Mr. HALL: No, but he voices his opposition to the Bill. Doubtless in the next few days much opposition to this Bill will develop and, although Government members have the prerogative of saying that one letter has been written by a member on this side, they will not be able to say that in respect of the tremendous opposition that will develop. Probably one of the matters in connection with the Bill that is worrying people most is this definition of "building work" in clause 4:

(*a*) the erection, construction, alteration of, addition to, or the repair or improvement of any building or structure; or

(*b*) the making of any excavation, or filling for, or incidental to, the erection, construction, alteration of, addition to, or the repair or improvement of any building or structure;

We see how wide that definition is when we read it as meaning the improvement of any structure.

The Hon. B. H. Teusner: That would include painting, I think.

Mr. HALL: Yes, painting is obviously an improvement of a structure. How wide is control to be? Further, what sort of controls are to be placed on a definition that is as wide as that in subclause (*b*)? The dumping in place of loads of sand for a foundation or the filling in for a foundation could well come within the definition. The board constituted by the Bill would be given complete control in accordance with the policies of a Labor Government in South Australia. As shown by remarks attributed to members of the Housing Industry Association last evening, five of the nine members of the board would be fully within the province of the Government. We know that the present Government is a machine-run Government. There is provision for three members from the United Trades and Labor Council of South Australia, plus two members nominated by the Government. One of the Government's nominees is to be chairman, having a deliberative and a casting vote. The fears of the building industry are easily understood, because control of the industry is to be handed lock, stock and barrel to the United Trades and Labor Council, under the Administration we have today. Why is this being done when, in the words of the Premier, we are apparently setting out to improve standards in the building industry? We are taking the control of the industry out of the industry's hands, and the Premier is not able to justify that.

Mrs. Byrne: The shoddy buildings in the State justify it.

Mr. HALL: There is no reason for introducing unfair and unjust legislation. Repressive legislation will not give justice.

The Hon. D. A. Dunstan: What nonsense!

Mr. HALL: If the Premier does not agree that he is taking control of the building industry out of the hands of the industry, I assure him that the industry will let him know when it wakes up. I understand that 92 members of the Housing Industry Association attended last evening, and there was a unanimous vote. How many members of the building industry do the Premier and the member for Barossa know to be in favour of this Bill? I suspect that few persons in the housing industry in South Australia have been told the facts. I am sure that hardly anyone in towns in my district knows

what the full impact of this law will be. The housing and building industries are being taken for a ride, and control is being taken from them. With a total of nine on the board only four will represent the building industry, yet this board has to make important decisions affecting individuals and companies.

The Hon. B. H. Teusner: Does the Western Australian legislation contain similar provisions?

Mr. HALL: The board in Western Australia comprises a representative nominated by the Western Australian Chapter of the Royal Australian Institute of Architects; an architect, who shall be chairman, appointed by the Governor; a representative appointed by the Master Builders Association of Western Australia; a representative of workers engaged in the building trade, nominated by the Governor; and a registered builder appointed by the Governor. That board properly and fully represents the building industry, but in this State four of the nine representatives will represent that industry.

Mr. Hudson: That is not correct: they do not have four out of the five in Western Australia. What about the architect who is the Governor's nominee?

Mr. HALL: He has something to do with construction.

Mr. Hudson: Are you suggesting that the Governor's nominees here must necessarily be pawns of the Government?

Mr. HALL: On its own record the Government will stop at nothing to introduce socialistic legislation and to create Socialism in this State.

Mr. Hudson: If you want to carry on with this rubbish, do so.

Mr. HALL: Is it rubbish? This legislation takes the licence to work from the building industry.

Mr. Hudson: Who do you think the Government's nominees will be?

Mr. HALL: I have my suspicions. If this Government is in power for too long these people will be the tools and pawns of the Government.

Mr. Hudson: You say anything that comes into your head.

Mr. Jennings: There's plenty of room for it.

Mr. HALL: This Government and trade union dominated board will grant a licence for 12-monthly periods, but the licence may be cancelled at any time. Many qualifications for a general builder's licence are provided in the Bill, and no doubt they would apply to many present-day builders, but the Housing Trust is exempted from these requirements. Perhaps houses built by the Housing Trust have not deteriorated, although some have been damaged by soil conditions and others by lack of proper attention when being built. Apparently, Government members think that there would be no trouble with houses built by the trust. Is that what they are saying?

Mr. Langley: No, you are saying it.

Mr. HALL: Government members cannot answer that question. The Housing Trust is excluded from these requirements, so that it must be other private builders working outside the trust that are causing the trouble. Is that a distinction that Government members have realized? Clause 14 (4) provides:

> Where, during the currency of a general builder's licence issued pursuant to subsection (3) of this section to a body corporate or a partnership, there is not, for any period exceeding seven days, at least one of the directors or of the members of the board of management of the body corporate, or at least one of the partners of the partnership who is the holder of a general builder's licence, the general builder's licence so issued to the body corporate or the partnership, as the case may be, shall by force of this subsection, be suspended for that period . . .

What happens if the licence holder dies? Will construction continue or will it have to be abandoned? Can the member for Glenelg answer that question? This is something that can happen, particularly in a partnership of two where one person acts as the business manager and the other is actively engaged on construction. If the licence holder dies it seems that the building's erection will have to stop until another partner is appointed. This is another thoughtless provision, and one that constitutes a great impediment to business prospects. Clause 17 provides that a licence may be cancelled or suspended if the licence or any renewal thereof has been obtained by fraud or dishonesty, or if the holder has been convicted of any offence in respect of which the board may consider him unfit to hold a licence. Although those are probably good provisions, we see the influence of "Big Brother" in paragraph (*d*), which provides:

> . . . if the holder of the licence has been found, by any court or other tribunal, or, after due inquiry, by the board to have been guilty of fraudulent conduct or dishonesty . . .

Under that provision we are taking the matter out of the hands of the court and simply telling the board that it can judge whether a person should continue to work in the industry. It is fantastic that such a provision

should apply to a board most of whose members are not engaged in the industry. The board has wide powers, authorizing it to call witnesses and to require the production of documents. Nothing is therefore to be considered private: the board has access to anything. If a person fails to appear as a witness or to produce the documents required he is liable to a penalty of $200 or imprisonment not exceeding six months, or both—a harsher penalty than the one for trafficking in lysergic acid diethylamide (L.S.D.).

Mr. Quirke: Can I build my own home on my own ground?

Mr. HALL: Yes, but many people wishing to effect improvements to their homes with a view to selling them will now be restricted under the Bill to effecting such improvements to the extent of only $500 in value, a sum which, of course, does not go far at all nowadays. Contravention of this provision carries a fine of $750. Perhaps the member for Barossa would care to explain her support for this provision.

Mrs. Byrne: I will, shortly.

Mr. HALL: I hope she can support a provision that prevents people from improving their homes in order to sell them. I certainly do not support such an objectionable provision, which will impinge on thousands of people in this State.

Mr. Quirke: Of course, people who carry out improvements to their own homes may be first-class builders.

Mr. HALL: It is surprising just who may be a first-class builder. One of the best houses that I have seen was constructed by a person who had 15 months' experience in the building industry. This obnoxious provision demonstrates the restrictive aspect of the Bill, as a result of which the public will suffer. The Bill also provides that everyone holding a licence must place a sign outside his place of business and, like a convict, put up his number.

Mr. Shannon: There must be a number to put through the computer.

Mr. HALL: I suppose so. We are gradually approaching 1984 and the description of things in that year given by Orwell in his book is becoming true in this Bill. It is also provided that officers of the board may enter premises of local government when such premises are open for business, and examine and make copies of any papers, documents and records kept by the council relating to the matter about which the board requires information for the purposes of this legislation. What would the board want to know from local government about the purposes of this legislation? How wide is that definition? This means that nearly all the books of local government will be open to inspection by the board. The board may also demand any particulars about any building contracts. Therefore, there is no secret left, because the business of any member of the building industry may be made known to the board, under compulsion of heavy penalty if information is withheld. The repressive provisions of the Bill are almost complete. The board may, for a number of wide reasons, deny a member of the industry the right to continue.

Mr. Jennings: The Bill is also socialistic, like the President of Italy.

Mr. HALL: Yes, if he is an extreme Socialist he will approve of this Bill, but I do not approve of it. It is a theoretical Bill and does not take into account the problems a man on the land may face. He may wish to improve his property before he sells it. In fact, many sales are made on the condition that improvements are effected, and improvements are made by the proprietors. Would such a person be allowed to build a fence, which would be an improvement of a structure? I do not think he could, under the provisions of the Bill, build or improve a sheep yard, silo or hay shed. He could not improve any of those things by work worth over $500 without incurring the wrath of the board. To meet a situation that has developed, many low-cost houses have been erected in metropolitan and country areas. Their prices are kept as low as possible so that their ownership can be spread as wide as possible through the community. There is bound to be damage caused by certain soils in South Australia, and if we are to stop this damage, more money must be spent.

By exempting the Housing Trust from the provisions of the Bill, the Government has shown just how hollow is its argument by saying that over one-third of the houses in South Australia do not need the board's attention. This Bill would make the board the overlord of the building industry in our State, and it would not be representative of the building industry or of the section that creates standards and makes administrative decisions. The board will also have power, under the provisions of the Bill, to enter and inspect local government establishments: that power is wider than any similar power conferred by any other legislation. It presents to the individual who wishes to work for himself on his own house a major deterrent and a restriction

on his freedom that no right-thinking citizen could support. For these reasons, I oppose the Bill.

Mr. NANKIVELL (Albert): I, too, oppose the Bill, although I agree that some action should be taken to tighten up the Building Act and the regulations made under it. Faulty building has occurred, but in many areas this has been caused by the poor soil conditions. Sometimes the builder has had to tailor a job to meet the finances of the people buying a house, but this does not mean that he is a shoddy builder.

Mr. Clark: Haven't some builders been to blame?

Mr. NANKIVELL: I should like the honourable member to point out how this Bill will interfere with this sort of practice, because many of these houses have been built by the Housing Trust, which is obliged to tailor its jobs to meet the average man's pocket. Its houses are not without fault, yet it is to be exempt from this legislation. Many people who build for the trust will automatically be granted a general or restricted licence under the Bill.

I am concerned that nowhere in the Bill is a system of standards laid down. Who will determine what is a proper and adequate foundation for a particular area or job? Where does the Bill say anything about this? It virtually says that people shall be granted licences provided that the board knows nothing about them that would be against the best interests of the general public. Provided an applicant is more than 21 years of age and has certain skills, he will be granted a licence for 12 months. The Bill does not set down standards that builders will be obliged to observe. More particularly, it does not bond them: it does not require them to put up a financial bond as security in case of shoddy workmanship.

It has been said that certain people walk out and go broke, and that the buyers of shoddy houses have no redress in such circumstances, but what is there to stop such people getting a licence under this legislation? The Bill only provides that they shall be competent, either through having been trained in the job or having some academic requirement such as an engineering degree or an architect's qualifications. I am also concerned about the powers of the board. I agree wholeheartedly with the Leader of the Opposition that five of the board's nine members need not in any way be concerned with the building trade. Of course, some of them will be tradesmen. I have no doubt that the first chairman will probably be a good Liberal in keeping with most other such appointments, but that does not signify what might ultimately happen to the control of such a board. This board has far-reaching powers, and is a board on which five of its members are, in one way or another, appointees of the present Government. The trade unions need not control a future Government but, while a Labor Government is in office, it has the right to appoint three members of the United Trades and Labor Council to this board, and the Government also appoints two other members.

Mr. Langley: Didn't your Government appoint the ones they wanted? Naturally, they did so every time.

Mr. NANKIVELL: I am not arguing about that. However, an undue weight of authority has been vested in one section. Of course, that is rather interesting when one looks at some of the powers the board will exercise, and when one realizes that only a quorum of five will be needed for the board to make recommendations. Therefore, five Government nominees could make a decision in a case. It is all very well for the member for Barossa to look pained: I am not saying this will happen, but it could happen because the power is there for it to happen. That is a bad provision by anyone's standards. If a person loses a licence he can go to the Local Court to appeal. The appeal is by way of a re-hearing unless either of the parties consents to its being otherwise. Clause 18 (3) provides:

> Unless the court, with the consent of the appellant and the board, directs otherwise, every appeal shall be by way of re-hearing.

In other words, a person will have been tried and will then have to prove his innocence; he will not be assumed innocent until proved guilty by the court.

Mrs. Steele: The onus is on him.

Mr. NANKIVELL: Yes. A person's licence can be annulled or cancelled indefinitely: he can be put out of business completely. The Leader has dealt with the references to certain penalties, so I shall not cover them. However, I wish to refer to the question of the board's powers to call for and examine papers. This provision would be all right if it were more specific. However, it does not refer to which papers shall be examined: it merely refers to any books, papers and documents. Provided a person is given written notice he has to produce books, papers or documents. The

provision does not say that these items must be related to a certain job; they can be related to a whole building enterprise, the job in question possibly being only one facet of that enterprise. This is far too wide a power to give to a board of this type. The board will have complete power to inquire into all the business activities of anyone engaged in the building trade. I do not believe it was ever intended that this power should be given; even if it was intended, then I must say that this is a sweeping power to give a board in relation to any trade or business.

I also wish to refer to the relation this Bill will have to construction in rural areas. The definition of "building work" is fairly wide, as has been pointed out. The provision refers to the erection, construction, alteration of or addition to, or repair or improvement of, any building or structure. That provision is wide, even when one relates it to particular trades. Most jobs now are in some way or other tied up with the trade. What would happen if I chose to erect my own hay shed? I have done this twice in the past and these sheds have not fallen down, nor do they need hay to prop them up. As I read the Bill, I would not be able to employ anybody to do this work for me. Although I could do it entirely by myself, in erecting trusses and in standing up columns one must have help. Therefore, it would be impossible to erect such a shed because it does not come within the prescribed limit of $500.

If I wanted to alter a shearing shed and wanted to employ a neighbour who could do the job to suit my requirements, I could not do it. I know that in saying this I am taking the provisions of the Bill to the extreme limit, but that is what the Bill provides. One cannot rely on the manner in which the Bill will be interpreted because it may be interpreted many ways, depending on who makes the interpretation. Therefore, I cannot undertake any repairs to structures or buildings on my property without their being done by a general builder or a restricted licensee.

Where are these people to be found in country areas? They are a little like electricians: there are not many of them and they are not readily available. What would happen if the job were an emergency? Who would do it? Some provision should be made in the Bill to exempt certain areas, the same as has been done in other legislation. Its omission in this case is a grave oversight and will make it difficult for people in some areas to be honest about the provisions of the Bill. The Bill will oblige people to employ a certain type of person and, if they do not, they will be subject to penalties.

Under the Bill there are no exceptions, just offences. Until one proves one's innocence, one is guilty, and I do not believe that is British justice: I believe a person should be held to be innocent until proved guilty of an offence. I repeat that I am concerned at the powers given under the Bill. Also, no bond is required of a builder to guarantee him financially: all he is required to do is to establish his capacity to carry out a job. I am concerned with the supervisory provisions. Probably they will be included in regulations, but they are not clearly defined and I wonder whether they will override provisions in the Building Act. Will this result in another interference with local government activities? I am particularly concerned that no exemptions are provided for special circumstances and that this is a blanket Bill involving anyone building anywhere. Although I have admitted that I believe some provisions of the Building Act may need tightening up, I can see no justification for a corrective measure of this type. I oppose the Bill.

Mr. LANGLEY (Unley): I wholeheartedly support the Bill; this legislation has been required in South Australia for some time. People concerned with the building industry in the last 20 years have seen a marked change in building trends. We must keep up with these trends and ensure that the people of the State are fully covered when they make the biggest outlay of their lives and purchase a house. The Bill is principally designed to improve the quality and standard of building in South Australia. As usual, the Leader said that this was a socialistic provision: it does not matter what legislation is introduced, the Leader says that it is no good and that it is socialistic. Only today, the *Advertiser* contained the following report:

The secretary of the M.B.A. (Mr. K. C. West) said yesterday that it was "absolutely incorrect" that the United Trades and Labor Council had initiated the proposed legislation. It had been proposed by the M.B.A. Mr. West was replying to a letter in the *Advertiser* yesterday. He said the public was definitely in need of protection.

For many years people have been fleeced by unqualified persons. We had an example of this at the time of the disastrous earthquake in this State. Many so-called painters quoted prodigious prices and moved away after doing extremely poor work. Much better work would

have been done by tradesmen, because cracks opened up after only a month or so and the house owners then knew they had been hoodwinked.

Mr. Quirke: Did they paint over the cracks?

Mr. LANGLEY: I think they must have put chewing gum in the cracks. Anyway, they did not understand how to do the job and had not held a brush in their hands before that time. I am sure that some of them did not know how to mix cement. This Bill will ensure that those who require tradesmen will get the right people. The purchase of a house is a big outlay and the buyer requires the work to be done by a qualified builder so that there will be redress if something happens to the building.

For many years the builder doing a job was responsible for almost all the work except the plumbing and electrical work, which was let to subcontractors. The subcontractors and employees of the builders could be sure of receiving payments due to them. However, during the last 10 years much subletting has crept into the industry and the building of group housing schemes has affected the method of tendering for jobs. At present people are getting prices for jobs from electricians and carpenters, then adding a rake off of 10 per cent, although they know nothing about the work. On the other hand, qualified people take an interest in doing a good job. We know that the reputation for doing bad work soon gets around and the tradesman who does not do good work loses his livelihood.

The Hon. D. N. Brookman: What will happen to the handyman?

Mr. LANGLEY: There will be scope for him, but I think big jobs should be done by tradesmen. I agree with the member for Albert (Mr. Nankivell) that the type of soil plays an important part in the construction of a house and difficulties arise if houses are not adapted in accordance with the soil beneath them. However, that is not the only matter that gives rise to difficulty. For example, some operators have been using screws instead of bolts. The prices quoted by these unqualified people are only about $4 or $5 below the prices submitted by qualified workmen, but people have a tendency to accept the lowest quote.

Mr. Rodda: Who inspects these houses?

Mr. LANGLEY: Local government officers make inspections and supervisors employed by qualified builders ensure that the work is done properly. I do not agree with the remarks made by Opposition members about the Housing Trust. The trust calls tenders and registered builders are engaged.

Mr. Shannon: Many complaints have been made about trust houses.

Mr. LANGLEY: Yes, difficulties have been experienced at Burbank, in the Edwardstown District. This Bill will ensure that workmanship is of the highest standard. With the advent of so much subletting, people are being told the price that they should quote for jobs, and the work is considered good enough if it lasts for about four years. In those circumstances, quality must decline. I recall that this was rife in the case of Reid Murray Development houses built in the Gouger District. I doubt that anyone who was working on those houses when the project first started is still working there.

People were told that they had to drop their prices, and they had to work on Saturdays and Sundays in order to make wages. I do not think Opposition members agree with that system. This Bill will enable workmen to get a just return for their work, instead of having to work 60 hours a week to make wages. In the metropolitan area houses have been purchased and then renovated and painted before they are resold. These houses are not new, and in one or two years they deteriorate and the buyers are dissatisfied. By that time it is impossible to find the person who did the work, because he has left the industry. This sort of action will be controlled by this legislation. I am sure that builders working on behalf of the Housing Trust will be registered so that houses will be constructed satisfactorily. This Bill will benefit all sections of the community, particularly those in the building industry, because it will improve workmanship and lift the building standards. At present the cost of housing is lower in this State than it is in many other States and, for people who make the biggest outlay of their lives by buying a house, this Bill will have satisfactory results.

Mr. McANANEY (Stirling): I oppose the Bill. The member for Unley said that a qualified tradesman had to do the work, but I remember building a tank stand even though I had no experience. After three or four years a bulldozer was used to move it, but even then it did not collapse.

Mr. Clark: Not everyone is as smart as you are.

Mr. McANANEY: An auditor can work out the correct figures and angles and arrive at the correct answer. All members must realize that there are deficiencies in the building trade, but deficiencies exist in every trade, notwithstanding strict controls. The legal profession

has more strict controls than there are in any other profession but, despite that, members of that profession do get into trouble.

Mr. Clark: That would not be normal, surely?

Mr. McANANEY: The degree of control does not necessarily protect users of the service.

Mr. Clark: It is all right to rubbish the trade union movement, but we must not rubbish the legal profession!

Mr. McANANEY: We must be fair. To appoint trade union officials as board members would be contrary to the principle of the Bill. One must have knowledge and be qualified before receiving a licence, but unqualified people without building experience are to be appointed to the board.

Mr. Clark: What makes you think that people without training will be appointed?

Mr. McANANEY: Nothing in the Bill requires them to have that training.

Mr. Clark: But it would be commonsense, wouldn't it?

Mr. McANANEY: Where in the trade union movement would people be obtained with the necessary qualifications?

Mr. Clark: The building trade unions haven't got them!

Mr. McANANEY: It will be extremely difficult to obtain the people with the qualifications necessary under this Bill. Provisions in this legislation should have been included in the Building Act, so that it could be brought up to date. If that Act had been amended, protection could have been given to house buyers so that the necessary inspections of the house could be made whilst it was being constructed. Many of these inspections are not carried out, and that is a weakness in the present Act. I am sure that the house we built in the country about 18 months ago was not inspected at any stage of its construction, although provisions of the Building Act may not have applied to the local council when the house was started.

Mr. Hudson: Has it fallen down yet?

Mr. McANANEY: No, but it was built by a man who will not be able to obtain a licence under these present provisions, because he does not have the necessary qualifications.

Mr. Hudson: How much experience has he had?

Mr. McANANEY: We inquired of people for whom he had built houses and who were satisfied with what he had done.

Mr. Hudson: He will get a licence.

Mr. McANANEY: I may have the wrong impression, but my point is that if, upon investigation, a builder is found to be able to do the work that is required he should be the one to do it. He may have practical experience.

Mr. Hudson: That's what the Bill provides.

Mr. McANANEY: This man will still have to satisfy the board. A person wishing to engage a builder must check up on that builder's practical ability by examining what he has done previously. House purchasers must receive certain protections: a builder could, for instance, be asked to put up a bond in order to demonstrate his financial capacity to construct a certain building and to ensure that the work is carried out properly. If necessary, that bond would be used to make good any deficiency.

Mr. Hudson: How big a bond would you suggest?

Mr. McANANEY: The member for Glenelg can say what he thinks in a minute; this Bill certainly does not provide for such a bond. Problems that exist in the building industry cannot be overcome by implementing the iron-clad provisions contained in this Bill. I strongly oppose the composition of the board including trade union representation.

Mr. Freebairn: By how much do you think housing costs will rise if this Bill becomes law?

Mr. Langley: What difference does that make so long as you get a good house?

Mr. McANANEY: Costs will naturally be increased. If we are to introduce certain requirements of builders we must also introduce similar requirements of members of a board to which appeals will be made. It is necessary also to have different types of licence according to the different types of building activity in which a person may engage. How ludicrous it would be if the person engaged to erect the Australian Mutual Provident Society's building on North Terrace had had, say, three years' experience building five-room cottages. That people with little experience have successfully built their own houses points to the need for differing types of licence. Although the member for Barossa has at times condemned South Australia's building industry, other people, including the Premier, have claimed that our houses are the best and cheapest in Australia. While the Premier may base his claim on the effects of price control, I base mine on what I consider to be the inherent ability of South Australian builders

to do a good job. It is important that competent inspectors be obtained although, unfortunately, many inspectors in the industry at present are people who have failed as builders. Basically we are prepared to admit that there should be some supervision in the industry, but it is not from this approach that we will get that supervision. If the standards of what was required and what inspections should be made were set out in the Building Act, there would be a continual check. With a system such as that, the banks and other lending institutions could accept that adequate supervision was being carried out, and this could improve the situation from their point of view. Inspections would mean that a builder would know what was required of him. However, the Bill proposes a board which would vet a builder and the members of which would not necessarily have proper qualifications. A company could be licensed the work of which was mainly due to a certain member of it: then that person could die.

Before a building corporation can operate, the man in charge must be a registered builder. However, one of the most enterprising builders of better-type houses in Adelaide has no building qualifications and I doubt whether he could obtain a licence under the Bill. His organizing ability and his ability to get the right men working for him have meant that his organization is one of the best in Adelaide. Often it is a man with great organizing ability, drive and intiative who gets to the top of an industry: such a person may not necessarily know much about the practical side of the industry. Although I believe some room exists for action to be taken, this is the wrong action. The provisions of the Bill are too ironclad and the board would be too big and wrongly constituted. I oppose the Bill in its present form.

The Hon. G. G. PEARSON (Flinders): Of course, we have expected a Bill of this type for some time. A Bill has been advocated by the Master Builders Association and by other bodies involved in the building industry. The premises on which such a Bill is based appear to be largely of two kinds: first, we have heard over some years complaints expressed by people, who have bought houses built either by the Housing Trust or private developers in certain areas (particularly around the city), that after a few short months cracks appear and other apparent defects of construction show up. Secondly, there is the fact that the Master Builders Association has, over many years, persistently campaigned for a Bill to register builders. I have attended many of the association's functions over the years and on scarcely any occasion when I have been present has the association missed the opportunity to stress the point that it wanted such legislation on the Statute Book. The fact that an industry desires to have registration is not, in my judgment, any good reason necessarily for having it (it may not be a good reason for not having it).

We have believed (and I believe this has paid off with substantial benefit to the State) that it is not generally in the interests of the welfare or the economics of the State and for the benefits of its citizens that we should establish by legislation what is called a closed shop industry. If the purpose of having a closed shop is to reduce competition, then the State and the people of the State will not be well served. However, if the purpose of the legislation is to upgrade standards, to project the image of a trade or organization in a better light, or to give some guarantee to the people who use the services of the members of the organization, it could have merit. However, I think it is another matter to create an industry which one may not enter unless one has certain qualifications and unless one can measure up to the standards laid down by a board of extremely doubtful capabilities.

Let us have a cold look at the problem of houses cracking and so on, and see whether or not the Bill offers any remedy to that problem. It is well known and accepted by all who know anything about it that certain areas of soil in and around Adelaide are not suitable for building of solid-construction houses. It is well known and recognized that on certain Bay of Biscay soils and other types of soil it is not economically possible to build a house of solid construction that will stand over the years without moving and cracking. This is not a question whether the builder is competent or whether supervisory work has been properly done (whether bricks were properly laid or were of proper quality, whether the cement used to tie them together is of the right strength, whether they have been properly laid, or whether the roof tiler has put on the tiles correctly): it is a question whether or not the ground is suitable and, if it is not, whether the foundations have been designed, laid and reinforced in a way that will overcome the soil deficiencies from a building point of view, and will ensure the structure remaining whole over the period of its life.

It is all very well to say that the foundation should have been satisfactory and strong enough: then we immediately run into the

economic factor. I do not know any architect or builder who, whatever he was paid, would guarantee to build a house in some parts of Adelaide that would not crack. He would be a bold man to offer to do so. I know one house in particular, which is occupied by a friend of mine, high up in one of the southern suburbs. This man is a senior engineer who knows something about structural engineering and about other types of engineering. He laid down the specifications and designs for the foundations of his house. The cost of the foundations and of work in connection with them was more than the cost of the actual house, but this man was determined to live in that area and to build a house that would not crack. However, this is not the position of the average person who wants a house and for whom we are constantly trying to find ways of bringing houses within economic compass. We have tried to devise long-term arrangements whereby people can purchase houses and meet the commitments without unnecessary strain. South Australia has taken the lead in working out such a scheme. We were the first State to consider building houses for a deposit as low as $100. Further, we were the first to devise a way of ensuring that if a breadwinner died the house would go to his widow unencumbered.

Mr. Lawn: You weren't the first. Premier Cain in Victoria had done it years before, and I raised the matter in this House.

The Hon. G. G. PEARSON: We have had a high ratio of house ownership in this State. However, the difficulty in regard to houses cracking is an economic one, not a technical one, and it is of no use building houses at a cost that people cannot pay, and that will happen if we build satisfactory houses in many of the areas around Adelaide. Even though a builder may go to much trouble about the walls, roofing, and so on, if the ground moves and the foundation is not capable of withstanding that movement, the building will crack. The member for Barossa (Mrs. Byrne) and the member for Enfield (Mr. Jennings) have spoken in the House about these matters and I think the House has sympathy for people who commit themselves to a long period of extended payments in order to improve their equities in houses, only to find that serious problems arise, requiring extensive renovations and sometimes resulting in a lessening of the value of the house.

However, this Bill does nothing to remedy that situation, because, as I have stressed, that difficulty is largely economic. The person who can afford to put down a pier and beam foundation to twice the depth of moisture variation can expect to have his house stand up without cracking, but anyone who cannot afford the cost has no such guarantee. I have concluded that both of the premises on which this Bill has been founded are insecure and false. I have shown that merely because builders have requested registration is not a good reason for so registering them. I have also shown that the matter of building houses that will not crack is not something that this Bill can deal with. Even if a builder accepts a guarantee that he can honour, this Bill is not the way to require his compliance. A case can be made out for affording protection in the case of an enterprise that involves much finance and finance by people other than himself who supply him with goods or labour to carry out his contract.

When I was a Minister, many people told me that they had supplied goods to a contractor who was working for the Government and that the contractor had failed financially, resulting in these people not being able to get their money. On the other hand, it can be argued validly that a person in the building business accepts part of the *del credere* risks associated with any business. The cases of people who sell their labour to a man who becomes financially insolvent are most unfortunate, and this is probably the most difficult problem of all to solve. I agree that some case can be made out for requiring a fidelity bond or something of that kind, but this Bill does not provide for that. I have in mind a guarantee for services and a remedy for negligence in the event of repairs becoming necessary subsequently. Then, if a builder were financial, a buyer could take proceedings in court. However, none of these matters is provided for. All that is intended is that a builder must have certain qualifications, that a board (a board of doubtful ability, I may say) has to be satisfied about those qualifications, and that the builder must pay his licence fee each year.

This Bill is drafted in the way in which many other Bills have been drafted since this Government has been in office and since the present Attorney-General has been in charge of the preparation of legislation. It has been drafted on what I call the dragnet principle, whereby if one wants to remedy something one establishes a new set of proposals that goes around the world of legislation and drags in, only for the purpose of bureaucracy, something that entangles many people that it is unnecessary to bring within the ambit of what is

desired. For example, the definition of "building work" is wide.

The Hon. Sir Thomas Playford: Can you build a fruit-drying rack?

The Hon. G. G. PEARSON: I do not know, but I am sure that nothing can escape this definition, which also includes:

> . . . the making of any excavation, or filling for or incidental to, the erection, construction, alteration of, addition to, or the repair or improvement of any building or structure.

Perhaps filling in a hole this year with refuse that one can obtain for nothing, in order to build in 10 years' time, may come under this definition. The provisions describing the board include the following:

> (*b*) shall be capable of suing and being sued, and, with the written consent of the Minister, of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of property of all kinds;

What on earth is the meaning of this? Why does the board need to hold property? The Minister of Works will provide it with office space, as he does with other governmental instrumentalities. Why does the board want to lease, sell, dispose of, or acquire property? This provision, completely redundant, is an example of the thinking of the Premier, in his capacity of Attorney-General, that the world is his limit and that he cannot restrain himself, because of his rather beaurocratic outlook on life, from taking power from here and there. I object to the preponderance of people of one category as members of the board. It is normal that all persons associated with a semi-government undertaking should have representation on the board, for example, the Metropolitan and Export Abattoirs Board, the Electricity Trust, and the Housing Trust, but on those boards there is not a preponderance of one category.

In its fickle hands, the board has the livelihood not only of builders but also of all people employed by them. The board may cancel or suspend a builder's licence: he can no longer engage in his occupation so that his staff is immediately without work. What happens to them? The legislation provides for two licences—a general builder's licence and a restricted builder's licence. One requirement to obtain a general builder's licence is that a person has to satisfy the board that he is registered under the Architects Act. I do not object to that provision, because an architect should know about specifications, design, and strength of materials, and should be qualified to build a building.

However, a person may be granted a general builder's licence if he satisfies the board that he is a corporate member of the Institution of Engineers, Australia, or the holder of qualifications which exempt him from the associate membership examination of that institution. On the surface this seems to be satisfactory, but we all realize that the Institution of Engineers is a widespread body and comprises engineers of all kinds, including electrical, hydraulic, and many other categories of engineer, with no qualifications to build a building. This provision is unreal, and the institution would agree that many of its members would not be qualified to build a multi-storey building or even a modest size one. A person able to obtain a general builder's licence should be competent to build the Australian Mutual Provident Society building on the corner of King William Street.

The general builder's licence requires the highest qualifications, but the only other type of licence is a restricted builder's licence, which is granted to a person in order that he ply his trade. Most building in any country is the normal simple type, such as house building. No-one would contend that, just because a person could build a house, he could build a multi-storey building and, on the other hand, no-one would contend that it would require a person capable of building a multi-storey building to build a house. This Bill provides for no intermediate or graded licence. Either the licence holders are capable of doing anything, or they are restricted to their trade. This provision may mean that house building is restricted to a few people. I know of half a dozen of our best builders in the city, whose names I will not mention here, who cannot under this legislation obtain a licence.

Mr. Hudson: Why?

The Hon. G. G. PEARSON: Because they do not have the qualifications as builders: they employ people with the qualifications.

Mr. McKee: You're looking for a nigger in the woodpile that isn't there.

The Hon. G. G. PEARSON: I believe there should be at least two or three categories of licence so that the ordinary common building will not be restricted to a comparatively few people. If there is to be restriction in this field, it will damage the economics of the building industry and quickly react to the disadvantage of people who want houses built. The Bill requires that during the currency of a general builder's licence (or, at any rate, while a job is proceeding) a member of the firm concerned (the sole member if it is a

small operation) must hold a general builder's licence. Although on the face of it that may seem fair enough, what will happen in the event of an accident or death to the holder of a licence? It is impossible to reorganize the affairs of a firm within seven days, and yet the Bill provides that if a licensed general builder is not in charge of an operation it must cease, in these circumstances. What will happen to the people working on the job?

It is sometimes possible to have someone else take over, but that is only conjectural. The present provision means that the owner of a building business, for example, who has men working on other projects and who is entitled, I presume, to have a few days off occasionally, or to go away on three or four weeks' annual leave, has to stop building and put off his men while he goes.

Mr. Nankivell: He cannot be absent for more than seven days.

The Hon. G. G. PEARSON: No. The Bill provides that if he is absent for more than seven days someone must notify the board. Indeed, the board will receive notice both ways, because it is also provided that the person for whom the builder is contracting must notify it in this respect.

Mr. Nankivell: How often does the board meet?

The Hon. G. G. PEARSON: I do not know. I presume the secretary will be constantly employed and will obviously be the executive officer of the board. If the Bill is to function at all, it must at least provide for such eventualities as death or enforced absence. Clause 17, referring to the cancellation or suspension of a licence, is in my opinion a most obnoxious clause that contains some fierce and damaging provisions. First, the board may by order cancel or suspend for any period any licence granted under this measure. That cancellation could be for life. Paragraphs (*a*) and (*b*) may be fair enough, but what does "or other tribunal" in paragraph (*c*) mean? How will the term "after due inquiry" be interpreted? The board is equated with the court in this respect. Paragraph (*e*) provides that the board does not have to prove anything: it merely has to express its opinion, a power that is far beyond the board's capacity to operate reasonably. Although provision is made for appeals to the Local Court, the jurisdiction of which shall be final and summary, what happens, say, during the period of suspension while a person is waiting for his appeal to be heard?

Mr. Hudson: Look at clause 18 (8)!

The Hon. G. G. PEARSON: There is nothing mandatory about that provision. I have not so much confidence in the board that I would give it these wide powers. I should think it is fair enough, if a member has had his licence suspended because of the opinion of the board and says that he is not satisfied about it and wants to appeal to the court, that he should be automatically allowed to continue his trade or calling until the appeal is heard. This should not be at the option of the board: it should be mandatory on the board to allow him to continue his trade until the appeal is heard. Clause 17 (2) provides that the board may, in and by the order cancelling or suspending a licence, disqualify the holder thereof from holding or obtaining a licence for any period. That provision is entirely punitive and no other construction can be put on it; I do not know why it is included in the Bill. If a person does not please the board in all the things he does, he can easily and conveniently be singled out for the full treatment under this provision.

In Part IV, clause 19 (1) (*a*) provides that the board may require, by summons under the hand of the chairman or the secretary acting under the direction of the board, the attendance of any witness. Therefore, I presume that when the board receives an application from a person for a licence it may see what sort of evidence it wants to take in regard to him, and may require the attendance of any witness before it in connection with the application. I do not know why this provision is necessary and why the board must be given the powers of a Royal Commission. If a person called does not comply, he is liable to a serious penalty. Clause 19 (1) (*b*) provides that the board may "by notice in writing signed as aforesaid, require the production of any books, papers, or documents". I presume that an applicant for a licence will be obliged to bring along all his financial papers and reveal to the board the full outline of his financial capacity, if the board so desires. I am wondering what sort of Gestapo operation we are coming to in this matter. Surely the board could be satisfied with character and bank references in regard to an applicant. Why does it have to call witnesses, such as the manager of a person's bank, and force an applicant to produce documents and papers?

Also, the board may make copies of or extracts from matters therein that are relevant to the matter before the board. Is it proper,

decent or necessary for the board to require this sort of thing to be given to it, revealing the nature of a person's private business in detail, to consider whether or not he should have a licence? Any applicant for any position of responsibility knows that he is expected to give evidence of good character. If he is to take on financial responsibility he will be required to give evidence of his financial standing. However, the provisions of the Bill are not necessary to establish this. If the manager of a bank with which an applicant dealt was prepared to send to the board a letter saying that the person was entirely satisfactory and that the record of his business affairs was proper, and if two or three people of standing in the community were prepared to sign their names to letters saying that the applicant's character was good, that he paid his debts, did not tell lies, and so on, that should be sufficient for the board. Why does the board need to compel somebody to bring along papers and documents and why does it need the right to make copies of or extracts from them?

The board may examine witnesses on oath or affirmation which may be administered by any member or by the secretary. Therefore, the board is to assume the functions and responsibility of a court and will set up the kind of precincts familiar in a court. It will handle witnesses as a judge in a court would handle them. These provisions are entirely unnecessary and irrelevant to the matter, and I liken them deliberately to some kind of S.S. or Gestapo questioning of people who come along on a legitmate errand and have to go to these lengths to satisfy the board that they are fit and proper persons to hold a licence. Clause 20 (1) states:

> If any person—
> (*a*) who has been personally served with a summons referred to in paragraph (*a*) of section 19 of this Act to attend before the board, without lawful excuse (proof whereof shall lie on him), fails to attend in obedience to such summons;
> (*b*) wilfully interrupts the proceedings of the board;—

I do not know whether that refers to an applicant's rebutting something said about him or interrupting the board to say something—or

> (*c*) being called or examined as a witness in any proceeding or inquiry before the board, refuses to be sworn or to affirm or, without lawful excuse (proof whereof shall lie on him), fails to produce any books, papers or documents mentioned in a notice referred to in paragraph (*b*) of section 19 of this Act and personally served upon him, or knowingly or wilfully makes a false statement to the board,

he shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or to imprisonment not exceeding six months, or to both.

Mr. Nankivell: He has to prove his innocence.

The Hon. G. G. PEARSON: Yes. If he came along with books and papers and left something at his office, he could be charged with wilfully and knowingly failing to produce them. If members of the board proceeded against him, the court would be entitled to impose the penalty to which I have referred. I am not a lawyer and I am not familiar with penalties generally laid down under Acts of Parliament in general categories. However, I suggest this penalty is severe in anybody's language for an offence which is, after all, minor. If a person did not bring his books the board could tell him to bring them on the following day. However, he has to prove that he has not wilfully failed to produce them or he can be charged and convicted of an offence that carries a penalty as heavy as this.

Under this legislation, unless he can prove certain exemptions a person commits an offence if, after having painted his house or having renovated it in any way, he sells it within 18 months. Who knows what the future has in store? What happens to the estate if a person paints his house and, because of his exertions, dies of heart failure a week later? Under these provisions, if the house is sold it could be an offence. Even if a court did not convict in a case where a person died (it might say proof is good faith), still no transactions of this type can be entered into by anybody. I suggest that the statutory provision of 18 months is unnecessary and introduces the severest form of restriction. The Commissioner of Taxes deals with problems of this kind every day. People buy assets, and after improving them, sell them at a profit. The Commissioner immediately has to decide whether such profits are income or unearned increment and whether they are taxable. A far better provision would provide that, where a person obviously engaged in the business of buying old houses, renovating them and selling them at a profit, such a person would be required to have a builder's licence. On the other hand, I think that requiring him to have a general builder's licence in these circumstances is too silly for

words. Little structural work is done by a person who buys a house and renovates it. Clause 20 (6) is the daddy of them all. It provides:

On or after the appointed day, a person shall not knowingly construct, or cause to be constructed, or employ any other person to construct, any building . . .

That means any building of any type anywhere. A responsible person who called today to see me about this Bill said that firms that supply pre-fabricated steel buildings and send gangs of men out to erect them on the properties will have to have general builders' licences in terms of these provisions. One such firm may be building a woolshed 200 miles east of Marree but will have to display the name of the firm and particulars of the licence on the building. Surely that is going too far. Such buildings have only to be bolted together, and a person cannot do that incorrectly, because the parts will not then fit together. These provisions in clause 20 (15) require much explanation:

Subject to this section, where any building work is undertaken on or after the appointed day by any person who is the holder of a licence, that person shall cause the building work to be carried out under his personal supervision and control or under the personal supervision and control of a person competent to supervise and control the carrying out of such building work and who is employed by him for that purpose.
Penalty: Two hundred dollars.

I take it that "under his personal supervision and control" means that somebody must be supervising every job all the time. If my neighbour, wanting somebody to build a house for him on his farm on Eyre Peninsula, engages an Adelaide builder (and Adelaide builders often work on Eyre Peninsula), will the builder have to appoint someone to sit on the job all day and see that the employees on the job do the right thing? The builder himself will not be able to remain on the job. I cannot see that this provision means anything other than that. Will a builder who is building a group of houses for the Housing Trust have to have someone supervising every house all the time? The term constant supervision, interpreted strictly, means having someone on the job all the time, which is quite unnecessary. The Public Buildings Department appoints a clerk of works to supervise a job, but that officer cannot be on all parts of the job all the time. A penalty is provided for non-compliance with this provision.

Explanations of many other words used in the Bill, including "competent", are needed. I have pointed out the deficiencies and shortcomings in the drafting of this Bill and have said that, even if it is a good Bill, many provisions require drastic amendment. A solution for the extant problems is not provided and, therefore, the Bill cannot overcome the difficulties that arise in regard to bad building areas and foundations. In addition, it does not provide any financial guarantee of performance on the part of a builder. Because the Bill is a bad one, I have no alternative but to oppose it.

Mr. HURST (Semaphore): I support this Bill, which is long overdue. The provisions have been sought by people who have had long experience in the building industry and who have done much for this State. In addition, the measure has the support of the Master Builders Association. Although the Bill would not have been necessary at one time, developments which have taken place in the building industry, the introduction of subcontracting, and the infiltration of persons who are purely speculating have demonstrated the desirability of the introduction of such a measure. The opposition of members opposite to this Bill is understandable because, before the Labor Party came into Government, the Master Builders Association tried to induce the previous Government to provide for control within the building industry. We have all heard complaints about the standard of building in some areas. Indeed, some honourable members have received more than their fair share of complaints. Many people have saved money and attempted to have a house built for themselves but, because of the inferior work done by unqualified people, they find they are put to a considerable loss and are left in a hopeless position.

This Bill has been referred to as a socialistic measure, but that is laughable. I know of reputable builders. Members of the Opposition reflect on those gentlemen when they try to substantiate their opposition to this Bill by using such terms and endeavouring to create a scare campaign during the process of a Bill that will afford the necessary protection for builders, or at least assist in that aim. Reference has also been made to the composition of the board. I heard the member for Stirling (Mr. McAnaney) say that he built a round tank stand and then knocked it over with a bulldozer and it was still standing. I am afraid I found that rather difficult to follow. Possibly he had optical illusions, as have other honourable gentlemen opposite. I could not work it out, but it was the most logical point in his contribution to this debate. I doubt whether

he himself built a tank stand 3ft. in diameter; more than likely his wife helped him and possibly it was her skill that resulted in the tank standing successfully for the period he mentioned. I cannot visualize the honourable member as a competent builder. I do not question his ability as a farmer but I would sooner build my own house than allow him to build it for me.

Some reference has been made to the Trades and Labor Council and the unions. We all know there are many different trades within the building industry. From time to time honourable members opposite have cited officials of the building trade as authorities. Where is their sincerity? A few weeks ago members opposite were speaking of them as people with a knowledge of the building industry; yet today, when a Bill is being debated to give some protection and require a reasonable standard of building, they are criticizing those very people whom a few weeks ago they were trying to build up as authorities. We on this side believe that those people do know their trade. They serve apprenticeships and undergo training and it is only right and proper that they should be represented. Each trade within the building industry has its own peculiarities and specialist knowledge. That is why the bricklayers, plasterers, carpenters, sheet metal workers, plumbers, electricians, painters, etc., should be represented. The Government has not gone to the extreme of giving every one of those trades representation but it has given representation to three of them through the parent body, the Trades and Labor Council. Their contribution to the working of the board will be sound. Some employees in the course of their work would encounter many contractors and know much about some alleged contractors, people holding themselves up to be contractors but without qualifications. Such employees could be of great value and assistance when discussing the issuing of licences.

Two Government representatives will be on the board and some criticism has been made of who they will be. No-one can point the bone at this Labor Government for its appointments. It is clear that the appointees are men of integrity who are knowledgeable within their own sphere and who have proved themselves capable and competent in the carrying out of their duties. There is no reason to believe that other than that type of person would be selected for this duty. Reference has been made to a resolution passed by the Housing Industry Association at its meeting, last evening, but an analysis of what was said at that meeting does not reveal outright opposition to this Bill. That association has not declared its complete opposition to the Bill but it suggests certain amendments. However, they are minor compared with the principle involved and the purpose of the legislation—a guarantee to people wanting jobs done that at least the builders have been examined by a board of broad representation and that they have the necessary qualifications to do a good job.

I come now to the matter of insolvency. Anyone with any experience of the building trade knows how many bankruptcies occur among minor subcontracting firms not equipped initially to undertake projects of the nature they often venture into, and how many people lose money as a result of the inability of these subcontractors to carry out their work properly and efficiently. With all the subcontracting taking place today, it is often difficult to track down a person in order to pin some responsibility on him, if necessary. However, when located it is often discovered that the individual is probably a fly-by-night who has been exploiting the industry. Professions are already controlled within this State: restrictions exist in respect of the legal and medical professions, and yet, when the Government attempts to ensure the competence of those engaged in the building industry for the benefit of the people generally, members opposite charge us with doing something wrong.

Mr. Broomhill: The Master Builders Association ought to know.

Mr. HURST: It is ridiculous for members opposite to say that this is a socialistic measure when it is supported by such people in that association as Mr. Grove and Mr. O'Neill, who have been associated with the industry all their working lives. I have pleasure in supporting the Bill.

Mr. MILLHOUSE (Mitcham): I may say quite frankly that when I heard a Bill was to be introduced to register builders in this State I was inclined to support it, because for a long time I have not been happy about all aspects of the building industry, and I think some action is required to protect those who, through one cause or another, are taken down (not to put it any more nicely than that). As members opposite as well as members on this side have said, a house is, as a rule, the biggest investment that any person makes in his lifetime, and everything within reason should be done to protect him when he makes that investment.

Many people have been caught by builders in one way or another and I was therefore inclined to support the principle behind this Bill when I heard it was to be introduced. But I may say now that, having seen the Bill, I cannot support it in the form in which it has been introduced. I have not had much time to look at it; this is one of those measures which was introduced at the end of last week and which we as members of the Opposition are expected to debate this week. That has not given much time for a close study of a measure that has obviously far-reaching implications.

Mr. Broomhill: You've had sufficient time if you're interested enough.

Mr. MILLHOUSE: I have had sufficient time, I think, to cast my eye over the Bill, to make a few comments about it, and to explain the reasons why I find myself unable to support the Bill in the form in which it has been introduced.

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr. MILLHOUSE: I do not think for a moment that this Bill will be the benefit that the Premier has said it will be, and I do not think it will do anything to help the building industry. On the other hand, I think it will just be a damned nuisance to the building industry because of the red tape that it manufactures through the control (an arbitrary control, I believe) that it will impose on various sections of the industry.

This Bill, as introduced, is thoroughly bad. I regret that my speech will be rather formless because I have not had much time to get it into proper order. I shall deal first with the qualifications required under the Bill. My main complaint here is that the qualifications are not set out in the Bill but are left to be spelt out in regulations over which Parliament has rather less control than it has over the actual provisions of a Bill.

In this regard, this Bill reminds me rather of the legislation concerning the licensing of electricians that we dealt with last session. It is much the same sort of thing: an awkward attempt to spell out a framework, leaving all the body to be filled in by regulations. Let us look at clause 14 (2) (*c*) (ii), which states:

. . . he possesses the necessary qualifications that are prescribed for the holder of a general builder's licence;

Of course, we have not the faintest idea at present what those qualifications will be, for they remain to be spelt out by regulation. Clause 28, the regulation-making power, merely states:

The Governor may make regulations . . . prescribing the several qualifications, courses of training and examinations for purposes of various provisions of this Act.

We have the same thing for what the Bill terms a "restricted builder's licence". Clause 15 (2) (*c*) (i) states:

. . . he possesses the necessary qualification that are prescribed for the holder of a restricted builder's licence which authorizes the holder thereof to undertake and carry out building work within such classified trade.

A "classified trade" is another thing that remains to be spelt out in the regulations. We find that it gets a mention in the definitions clause, which is clause 4 (1), but of course there is no definition there at all. It merely states:

"Classified trade" means one of the trades into which building work is classified under this Act.

Well, it is not classified under the Act at all: it is left to be done under the regulations later on. Clause 28 (i) makes that clear, for it states:

. . . classifying building work into various trades for the purposes of this Act.

Therefore, we do not know what these classifications are going to be. In other words, the really important things in the Act (the classifications for registration for either of these licences, and the classification of the building trade into its other component trades) are left to be done by regulation. We do not know (and we are not to know while the Bill is going through the House) just what will be put into those regulations. This is an entirely undesirable principle. It is one which, of course, this Government has employed before (I have already mentioned the licensing of electricians), and I think it is done to avoid as much controversy as may be avoided and to bring the whole thing more closely under the control of the Government.

That is my first great objection to this Bill. The second one is that once the board is set up the whole industry is entirely in the hands of the board. However, because members of the board are merely delegates of their organizations and have no power to act independently, it is even worse than that. Let us look first at the proposition I make that the industry will be entirely in the hands of the board. Clause 14 (2) (*c*) sets out one of the alternative sets of qualifications for a general builder's licence as follows:

. . . that he is registered under the Architects Act, 1939-1965, or is a corporate member of the Institution of Engineers, Australia, or the holder of qualifications which exempt him from the Associate Membership examination of that institution, or is a corporate member of the Australian Institute of Building, and in the board's opinion has not less than three years' practical experience in building work generally.

There are a number of other instances (I will not go through them all now, because they can be dealt with in Committee) in which the board's opinion is to be the deciding factor. We do not know what the board's opinion is going to be, and it is not right, in my view, that those in an industry should be so much at the mercy of the opinions of nine individuals. Let us look at clause 17, which concerns the cancellation or suspension of a licence. We find here that the board may, by order, cancel or suspend for any period any licence granted under this legislation. There follow reasons why or circumstances in which the suspension or cancellation may come about. Several times we find this phrase "in the opinion of the board". For example, subclause (1) (*b*) states:

. . . if the holder of the licence is convicted of any offence—

Mr. Coumbe: It could be a traffic offence.

Mr. MILLHOUSE: It could be. It states:

. . . if the holder of the licence is convicted of any offence, the commission of which would in the opinion of the board render him unfit to be the holder of the licence;

As the member for Torrens points out, that could be a traffic offence.

The Hon. D. A. Dunstan: Don't you think *certiorari* lies in those circumstances?

Mr. MILLHOUSE: I have heard the Attorney say on many occasions that *certiorari* and the other prerogative writs are a very clumsy, expensive and time-consuming form of relief, so it ill becomes him to interject now and suggest regarding one of his own Bills that this is the remedy that should be followed in such a case. We should not draft our legislation in such a way as to have to contemplate using such a remedy as *certiorari*.

The Hon. D. A. Dunstan: No-one would really have to contemplate it.

Mr. MILLHOUSE: The learned and honourable gentleman himself interjected to that effect; I did not mention it.

The Hon. D. A. Dunstan: You did. You brought in something that is only a subject in fantasy. *Certiorari* would be in fact invoked as rarely as the board causes it to be invoked.

Mr. MILLHOUSE: I am sorry the Premier is so touchy.

The Hon. D. A. Dunstan: I am just getting you back on to the ground instead of up in the clouds where you are at the moment.

Mr. MILLHOUSE: We will see about that. We will go on to some of the other—

The Hon. D. A. Dunstan: Good idea.

Mr. MILLHOUSE: I hope the Premier will be equally as interested in what I will say about this. In the light of the comments he used to make, when in Opposition, about the liberty of the subject and the rights of the individual to a fair, open and just trial before a court of law and other such blameless sentiments, I am surprised to see some of the things contended in this subclause. Clause 17 (1) states:

The board may, by order, cancel or suspend for any period any licence granted under this Act—

(*c*) if the holder of the licence has been found, by any court or other tribunal—

and the member for Flinders canvassed the meaning of that particular phrase this afternoon (I do not know what other tribunal could come into it)—

or, after due inquiry, by the board, to have been negligent or incompetent in the performance of any building work or other work in the building trade . . .

I suppose "negligence" has a fairly precise connotation now, but what is the meaning of "incompetent" in this particular context? Paragraph (*e*) is the worst of the lot and states:

If, in the board's opinion, the holder of the licence having undertaken the personal supervision and control of any building work or having undertaken to carry out any building work, the personal supervision and control or the design or execution of that work was inadequate or incompetent or that work was not carried out under the supervision and control required by this Act . . .

If in the opinion of the board the supervision was inadequate or incompetent (and the meaning of those words we do not know), then the licence may be cancelled or suspended.

The Hon. Sir Thomas Playford: They have the meaning the board puts on them.

Mr. MILLHOUSE: Yes, because it is the opinion of the board that counts. Again, this is entirely undesirable. This means that the board is entirely in control, those in the industry are largely at the mercy of the board, and that the board can act arbitrarily in this matter. I notice that the Premier is fairly quiet now because he knows that what I have said cannot be contradicted.

The Hon. D. A. Dunstan: What you say can be contradicted and will be in due course.

Mr. MILLHOUSE: I will hold the honourable gentleman to that.

The Hon. D. A. Dunstan: I will comply with it.

Mr. MILLHOUSE: The Premier often makes these offers but seldom comes good with them.

The Hon. D. A. Dunstan: Nonsense!

Mr. MILLHOUSE: Let us leave that point to the answer of the Premier and come to the constitution of the board, because in that case I have just as strong an objection as I have to the other points to which I have referred. This matter has already been covered by the Leader of the Opposition and the Deputy Leader. The board is to be made up of nine members representing various interests. It cannot be denied that a majority on the board could well be in the pockets of the present Government, because two members are to be appointed on the recommendation of the Minister of Housing and three shall be appointed on the nomination of the United Trades and Labor Council (they shall be appointed: the imperative is used). Out of the two nominees of the Minister of Housing (who is the Premier), one has to be the Chairman and he has both a deliberative and a casting vote. In those circumstances, it is idle to suggest that the Government does not have full control of the board.

Mrs. Steele: It is a wonder the Master Builders Association agreed to this.

Mr. MILLHOUSE: I do not speak for the Master Builders Association, the Housing Industry Association or any other body: I speak for myself. What reason can there be for constituting the board in this way except that the Government can have full control of it? What purpose can there be in having three members of the Trades and Labor Council on it except to give that body control of it? There is no other reason. I understand that the Western Australian legislation does not go as far as that. Also provided is what could be termed the recall of members of the board. Under clause 6 they are given a term not exceeding three years; how long up to three years is in the discretion of the Governor. Clause 16 (3) states that the Governor may remove a member from office, and paragraph (*a*) states:

If the Governor is satisfied that by reason of any offence committed by the member or any dishonourable or dishonest conduct of the member . . .

"Dishonourable" is a word that has no precise meaning in these circumstances, though perhaps "dishonest" has. Paragraph (*b*) states:

If the governing body, the board, the chapter of the council which nominated the member or, in the case of any member appointed on the recommendation of the Minister of Housing, the Minister of Housing sends a written request to the Governor requesting his removal from office on grounds which, in the opinion of the Governor, are sufficient in all the circumstances of the case.

This means that any of the nominating or recommending authorities can at any time recall their nominee or the person recommended if they are not happy with the way he is behaving on the council.

The Hon. Sir Thomas Playford: If he is not following instructions.

Mr. MILLHOUSE: Yes. This is a bad provision and is not included in any other legislation in South Australia. I cannot remember any other board set up with a provision such as this. This has only to be stated to demonstrate the most undesirable nature of this board. The board is dominated by the trade unions, but even those representatives can be removed and replaced if they do not toc the line. I object to that strongly. I wish to refer briefly to some other clauses. There are a few matters of draftsmanship, alas, with which I do not agree. The first is the definition of "building work" in clause 4 (1), which states:

"Building work" means work in the nature of . . .

Why on earth the Parliamentary Draftsman, the Premier or whoever is responsible for this Bill, included that particular phrase I do not know, because it takes away any chance of getting any definite meaning out of the definition.

The Hon. D. A. Dunstan: Nonsense! Have you ever read the penal clauses of the Industrial Code for which you have voted on more than one occasion?

Mr. MILLHOUSE: I do not care what the Industrial Code states: I am looking at this Bill. If the honourable gentleman objects to something in the Industrial Code, what excuse does that give him for including it in this Bill? Apparently that is the purport of his interjection. By including this phrase in the definition, we take away any chance of getting any definite sense out of it. It makes "building work" as wide as the world.

The Hon. Sir Thomas Playford: Or an appeal against it.

Mr. MILLHOUSE: That is right. I also mention clause 4 (2). I cannot recall having seen such a provision as this in any Bill before:

The provisions of this Act shall be construed as being in addition to and not being in derogation of any other Act.

I thought that that went without saying in any Act.

The Hon. D. A. Dunstan: That is not necessarily so at all. I don't know why you say that.

Mr. MILLHOUSE: I want to say something about licensing a corporation, which is dealt with in clause 14 (3). This provides broadly that any partnership or corporation must have at least one member who holds a general builder's licence on the board. During the dinner adjournment I looked at the new Australian Mutual Provident Society building, which displays the names of the contractors, Hansen and Yuncken, master builders, the architects, the consulting engineers, and the names of 30 subcontractors. I understand that under this Bill all those subcontractors will have to be licensed, because of the width of the definition of building work that I have mentioned.

The Hon. B. H. Teusner: Some may have restricted licences.

Mr. MILLHOUSE: Yes, because they only put in lifts, or do work like that. However, I am thinking of Perry Engineering Company, which is responsible for the structural steelwork on that building. I have no doubt that, under this Bill, that company needs to be licensed. I am glad that the member for Mount Gambier is watching and listening to me. Perry Engineering Company is engaged in work in the nature of the erection, construction, alteration of, addition to, or the repair or improvement of any building or structure.

The Hon. D. A. Dunstan: There has never been any doubt about the position, and any lawyer in Adelaide except you would say so.

Mr. MILLHOUSE: The honourable gentleman is being argumentative tonight.

The Hon. D. A. Dunstan: You provoked me into it.

Mr. MILLHOUSE: That is not true.

Mr. McKee: You have had some experience of this.

Mr. MILLHOUSE: Yes, that is why my words are worth listening to. Perry Engineering Company is one of the subcontractors on this building and, under this Bill, undoubtedly would require to be licensed. The company may get a licence under clause 14 (3). It is a body corporate. It has to satisfy the board, first, that all the directors are persons of good character and repute. I should hope that a company like Perry Engineering Company could do that. However, that is something about which the board has to be satisfied. If it is not so satisfied, I suppose the company has to change the directors.

Subclause 3 (*b*) requires that the company satisfy the board "that, but for this Act, it has the power, authority and capacity to undertake and carry out building work of any kind". That is fairly wide, but it may be that the company can get through there. Then, subclause 3 (*c*) requires that at least one of the directors be the holder of a general builder's licence. We do not know what qualifications will be required to get such a licence, but to the members of the Government the qualifications must be stringent for the provision to have meaning.

Mr. Hall: We haven't been told the meaning yet.

Mr. MILLHOUSE: No, but I doubt that any of the directors of Perry Engineering Company will be able to qualify for such a licence. This is the absurd situation in which we find ourselves. This is an actual case. I should be glad to hear the Attorney-General on this point. It is an instance I have thought of in the last couple of hours, and I cannot see how a Bill containing a provision such as this can work.

The Hon. D. A. Dunstan: I hope that these submissions are more apposite to the facts than your submissions on the impossibility of getting barmaids in South Australia. We had many legal opinions from you on that.

Mr. MILLHOUSE: I do not think I gave a legal opinion on barmaids. However, it is flattering to know that members of the Government bear all I say so well in mind. They do it even better than I do it myself. Another matter I want to put before the members of the Government relates to clause 20 (2). This is a prohibition, on or after the appointed day, on a person's assuming, taking or using as a description of his trade, occupation or business a number of expressions or any other title or description likely to lead persons to believe that he is entitled, willing or able to undertake or carry out building work generally, unless he is the holder of a builder's licence. On page 9 of tonight's *News* the Myer Emporium is advertising "Myer-bilt" tool sheds, roll-a-doors, bathrooms, and lavatory cisterns. I think there is little doubt that that firm is caught by this particular subclause. I point out to the Attorney-General that there is not any defence to it. Subclause (4) does not give a defence to any charge under subclause (2).

It gives a defence only to a charge under subclause (3). I do not know whether this is a result that was intended by the Government and by those who drafted the Bill. However, it is a result that follows from the way the Bill has been drafted.

Mr. Hudson: How much do these tool sheds cost?

Mr. MILLHOUSE: I do not think that matters. What provision gives a defence to an offence under subclause (2)? Subclause (4) gives a defence to a charge under subclause (3) and subclause (7) gives a defence to a charge under subclause (6), but I cannot see any clause that gives a defence to a charge under subclause (2). The member for Glenelg knows everything about these matters and he may be able to point out a provision that does give such a defence, but I cannot see one. I do not know whether it is intended to catch advertising of the nature of Myer's advertisement in tonight's *News*.

Mr. Hudson: It wouldn't catch the advertisers. They would have to be engaged in erection, wouldn't they?

Mr. MILLHOUSE: No, I do not think so. The words used are "holding himself out".

Mr. Hudson: Look at the building definition in subclause (4)—"the erection, construction, alteration of, addition to . . . ".

Mr. MILLHOUSE: I am sure it comes under "building work". Anyway, the member for Glenelg ought to make his speech on his feet instead of by way of interjection.

Mr. Hudson: I am merely trying to help you.

Mr. MILLHOUSE: I am inviting the honourable member to get up and help me rather than simply interject while I am speaking. I shall be happy to hear him on this but I am certain there is no defence in relation to subclause (2) and that Myer's will be caught under that subclause, which is not an effect intended by the Government when it introduced the Bill.

There will be an opportunity in Committee to go into other matters in detail. I sum up my opposition to this Bill by saying that the three objections are: that licences are not set out but are left to be spelled out in the regulations; that the administration of the measure is left entirely to the caprice of the board; and that the board is badly constituted because it gives absolute control to the trade union movement. I do not think I need say any more about the various matters of draftsmanship to which I have already referred. If this Bill had been in a better form, I should not have opposed the principle of registration or licensing, because there is indeed some mischief in the industry that needs to be cleared up. However, I do not think this Bill will do it or that it will make one scrap of difference to the troubles of the building industry; it will simply, as I said earlier, be a jolly nuisance to the building industry because it will place it entirely in the hands of the board to be set up under the Bill. For those reasons I oppose the Bill.

Mrs. BYRNE (Barossa): I welcome this Bill, which is long overdue in this State, particularly as it will apply in the outer suburban areas in the Barossa district which have been badly affected by the lack of such a Bill in the past. The improving of the quality and standards of house building is necessary in some cases, and particularly in the speculative building field where evidence of poor workmanship has been most prevalent, due again, in some cases, to the fact that the builder or the subcontractors were not qualified. This situation has caused alarm to legitimate builders and subcontractors as well as members of the trade union movement and observers such as I. How did this situation arise? Not so very many years ago the house-building industry was in the hands of people who built from six to 24 houses a year. They had a thorough knowledge of the industry; mostly they were tradesmen themselves and their good name depended on the quality of the houses they built. I have had plenty of opportunity to observe poor workmanship, as I am sure many other members have. Going back not so many years, some of the workmanship of today would not have been tolerated by those builders.

Mr. McKee: They took a pride in their work.

Mrs. BYRNE: They did. Some, but not all, do today. This is particularly true of some building brokers. The years from 1950 onwards saw a change in materials and methods. The ornate and intricately designed houses that demanded a high degree of craft skill were eliminated and replaced by conformity of design. We have all seen this. Sometimes, five different designs are used on a whole estate. That tends to reduce costs. This all tended to open the door to the less skilled. Because of acute inflation after the immediate post-war years, contractors could not price their work and for a while there were sliding wage provisions in tenders. A way out was looked for from this problem

and was found in the American subcontract-piecework system, which relieved contractors of office work, supervision, pay-roll tax, employee relationships, lost time, and wet weather pay, as well as the worries of changing labour costs. Following that, the employees themselves turned to subcontracting. Once the master builders had established the subcontract-piecework system, new developments commenced that they were unable to foresee and at that stage were powerless to prevent. Land agents then entered the industry. They were followed by the estate developers and financiers. These are still prevalent today. These operators know little of the building industry. They are brokers, not builders. The master builder could not compete with this type of business man. Of course, some were forced from the industry.

The Housing Trust has been mentioned in this debate. I admit that this position was not and is not confined only to the private building industry. Housing Trust work, which once used to be done by certain builders (Marshall, M. C. Wood, Brimblecombe, Coombe and Kramer, etc.) was taken over by building brokers. True, Marshall and Brimblecombe came back into trust work but did this on the basis of putting their employees on subcontract piecework. These employers reluctantly took this step but were forced to do so in order to stay in the business. Otherwise, they would have been forced out like other builders I have already mentioned.

The building brokers despoiled the subcontractors and some jerry-built houses are the result of their failures, as well as liquidations and bankruptcies. Some firms building "spec" houses had insufficient capital and, because of too fast a rate of building in relation to sales, found themselves short of funds. The gap was filled by borrowing from the finance companies on short term at 10 per cent to 20 per cent for, say, a $7,000 or a $9,000 house. These companies were then able to continue their activities but with a monthly interest bill of, say, $70 a house; but the reasons that led to them borrowing were not removed and the problem gets worse with costs being met out of borrowed money and with a continuously rising interest bill. I have witnessed a very bad example of this. Finally, it all comes to an end and there is a period of stalemate for three or four months while the mess is sorted out, during which time the lender's interest bill continues to grow. The lender is entitled to his interest and repayment of the loan before the creditors are. He collects his interest and principal, and the other unsecured creditors are sometimes left lamenting.

A particularly bad case occurred at the Fairview Park Estate, where the finance companies had the first call. Of course, there were employees with wages owing them, and it is not clear even now how much the unsecured creditors are to receive. I had heard that in this case it was purely the lack of finance; no poor workmanship was involved in those houses. That is why the provision in the Bill that the board shall be able to demand books and records from builders is necessary, because this case, if this power had already been in existence, would never have happened, since the books would have been examined previously and it would have become public knowledge earlier that this was about to happen. It probably would have been prevented. In some instances before this stage is reached, unethical practices are resorted to. An outstanding example of this can be seen at the Goretski Madison Park Estate, which I think is in the district of the member for Gawler and details of which he will probably recall. It was reported that subcontractors were told that they could work over Christmas, 1963, but that the office would not be open until January 20. The subcontractors duly worked, contributing to the equity of the company, which was in financial difficulties on January 20. Of course, the company was in financial trouble before the subcontractors had been told they could work. Shoddy workmanship had occurred and short-cut methods had been used by the builder.

A public meeting of about 150 residents was held in March, 1964, protesting against the poor quality of the houses, and complaining of cracked walls, shrinking timbers, missing fittings, and a non-existent sewer or septic connections. I think that instance alone is sufficient justification for introducing this Bill. However, that is only one part of the story: the whole history of the matter is one of untold misery for unsuspecting purchasers who, as a result, have suffered illness, including heart attacks and breakdowns. I witnessed the case of one gentleman who had a heart attack and subsequently died as a result of losing his whole life savings and of his inability to take action about the matter. Also as a result of what has been taking place, unsecured creditors, who cannot afford such losses, are affected and sometimes forced out of business, and I have also seen evidence of that. Another side effect of the building broker system is that

the tradesmen working on the jobs to make sufficient money to live have not had the time to train apprentices. They have been working for, say, 60 hours a week, yet receiving pay commensurate with only 40 hours' work. I have seen many unfortunate examples of poor quality houses. The outer brick walls of one brick-veneer house had dropped about 6in. all round, the builder concerned having to jack up the house progressively by digging 6ft. holes and filling them with cement. I have seen many houses, the brick walls of which are considerably cracked.

Mr. McKee: You should have put the builder in one of the holes.

Mrs. BYRNE: The builder being almost bankrupt, someone else (the financiers, I think) was trying to remedy the position. Insufficient timbers have been used in the roofs of other houses. I was told by a building inspector called to examine one house that he had counted 20 cracks in the foundations. I personally saw the foundation of a house that had cracked in one place. Fortunately, inferior foundations have now been practically eliminated because of the employment of gangs that specialize in foundation work. In some cases specifications have not been adhered to. People connected with the building industry have reported "dwarf" walls that droop and let the floor down, as well as shrinking timbers, guttering that barely gravitates in the general direction of a downpipe, missing damp-proof courses, leaks and seepage around windows, badly hung doors and faulty joinery, poor brick jointing, the inadequate strength of mortar between bricks, and the absence of reinforcing for lintels (rods and droppers). Although some of these faults are the side effect of poor workmanship elsewhere, they exist nevertheless.

Unqualified people have undoubtedly been involved in the erection of houses. I know of a two-storey house, the inside stairs for which had not been installed. A youth was sent to do the job although he had had no previous experience in erecting stairs; not knowing how to do the work, he went to a neighbouring building site to ask the tradesmen there for instructions. I, personally, saw a woman assisting her husband to lay house foundations, that same woman being subsequently sighted doing similar work in another house. I have been referring to "spec" houses, the builder concerned having previously become bankrupt and subsequently continued to operate under another name (I believe his wife's maiden name). Of course there is nothing to prevent that.

True, all councils employ building inspectors but, although these people may be constantly alert and examining houses being constructed, inferior work is still evident. It is too much to expect inspectors to police everything. Most councils cannot employ adequate staff, although inspectors from the council in my district inspect every dwelling every second day from the foundation stage to the actual completion of the house. Inspections are made before concrete is poured, slump tests are taken on the concrete, foundation rods are examined, as are the damp course, wall ties, rods through walls for roof ties, construction of roof, strutting, underpurlings, and proper support for hip rafters; ventilation is checked and an inspection is made to ensure that all downpipes have a concrete channel taking water 5ft. away from the foundation of buildings. Even so, poor workmanship is evident and inferior quality houses are being built, as the Building Act empowers inspectors to examine only for structural soundness and not quality. That is mainly why these problems have arisen. The Building Act could be improved in order to protect house purchasers. It is impossible to police the laying of damp courses, as building inspectors would have to be on the site to examine each mixture used. Sometimes, insufficient quantities are used; the person on the job may be running out of material and use less quantity than is required. Lamp black that is used by plumbers is known to have been used for this purpose. Although I have heard of worse things than that, I shall not elaborate. If fabric damp courses were provided under the Building Act, this aspect could be policed. Reinforcing rods with stirrups in the brickwork are sometimes not included in a building and, once the brickwork is completed, it is impossible for inspectors to ensure whether they have been used in the walls or not. Under the Act, builders have the choice of using that method or of using angle irons, which protrude from the brickwork and which, if solely used, would facilitate policing. I admit that bad workmanship is not confined only to private builders; indeed, I think that is common knowledge. However, the Housing Trust accepts responsibility for its builders.

Poor workmanship has occurred in Housing Trust houses. I know that the member for Enfield is aware of this, because it has happened in his district. There is one

difference: the trust has a two-year maintenance period. In the cases that have been brought to my attention the trust has always accepted responsibility and has taken action. I know of a case where the two-year period had expired, yet the trust still accepted responsibility. Unfortunately, this does not always happen with private builders, because often the contracts provide for only a three-month maintenance period. Of course, most of these faults show up after the three months has expired. If the builder carries the temporary finance himself, he will usually effect the repairs. Unfortunately, faulty materials and poor workmanship do not necessarily show up in the period of the maintenance agreement and the householder is left to have expensive repairs undertaken at his own expense, or have an unsaleable house on his hands.

I have known of a number of these houses that people have been forced to remain in and keep paying for for the next 30 or 40 years, but if they were to be put up for sale they could not be sold because no-one would want to purchase them. It has been said that the trust is to be excluded from the provisions of the Bill but, as the trust calls tenders to erect houses, the tenderers would have to be licensed under the Bill. Other effects on the purchasers are that, after paying deposits, people find that the houses do not pass bank inspection, so bank loans are not granted. These people suffer great misery. Some of them leave the houses, unfortunately to be followed by other unsuspecting home purchasers who again pay deposits and continue month after month to pay high repayments to finance companies. After about six months they find that a bank loan is not available and so they, too, leave the houses and along come other unsuspecting people.

In some cases the land agents are at fault here. Again, these people leave and they have lost the whole of their life's savings. Even if they leave these houses it does not mean that their worries have ended. After all, they have signed a legal document that can be enforced if the finance company holding the mortgage decides to enforce it. I have known of families who have experienced this. They have shifted into some other house, but they have had to pay about $2,000 for a house they have been forced to leave. Of course, some houses can be repaired satisfactorily, whereas others cannot be, and in rare cases houses have been condemned. On a recent Sunday morning a man came to see me to ask me to look at his house. He could not get anyone to accept responsibility. In other cases the builder could no longer be contacted because he had become bankrupt or had moved to another State to start again. I know of a builder in my area who went to Western Australia.

Mr. Quirke: What will the Bill do for the people afflicted with one of these derelict houses?

Mrs. BYRNE: Unfortunately it cannot do much to help them, but if the previous Government had introduced such a Bill the people affected today would not be so affected.

Mr. Quirke: In what way will the Bill stop it?

Mrs. BYRNE: It will stop poor workmanship. I understand that in Western Australia builders are licensed. I now wish to refer to an article in today's *News* concerning the attitude of the Housing Industry Association. The article states:

> The Master Builders Association today confirmed its support for the Bill, which it claimed it had proposed to the Government. The H.I.A. had previously supported the Bill . . . .

The Master Builders Association, which is supporting the Bill, has 196 members, all of whom are contractors. I believe that the Housing Industry Association has 92 members, 35 of whom are contractors and the rest are presumed to be subcontractors. Only 68 of its members were present at the meeting last night. A report in the *News* of May 29, 1964, concerning the Builders and Allied Trades Association (now the Housing Industry Association), states:

> Since the association was established nearly 12 months ago, the Builders and Allied Trades Association is well on its way to achieving its goal of securing a high standard of workmanship in home building.

The fact that that is what this association stands for makes me surprised that one of the aspects of the Bill that was criticized was the power given to the board to demand documents for inspection and to demand the supervision of building work at all times. I should have thought that if this association had as its goal what is stated in the press report it would favour these provisions of the Bill.

It is also stated that another suggested amendment is the elimination of the board's power to demand books and records from builders. Now in the article I referred to it is stated that one of the aims of the association is "to support and protect the integrity, character and status of all engaged in the business of builders and allied trades", and "to combat by all lawful means dishonourable practices and

customs". If the association stands for this, I cannot see what objection it has to the board having power to demand books and records from builders. As previously stated, if we had had an Act such as this, with provisions such as the board will now have, the instance I quoted of the builders getting into financial difficulties at Fairview Park would not have occurred. Another suggested amendment seeks to delete the provision that each subcontractor must display on a board his name and licence number at a home site. Although this is slightly different, I point out that portion of this article is as follows:

Seeking to add to the advantages their association offers members and customers, the B.A.T.A. (as it was then called) is introducing a certified homes plan in South Australia.

It goes on to say that there will be so many people on the board, and it continues:

To ensure that all homes built under the plan adhere to the specifications, four independent inspections by qualified people will be carried out during construction.

It goes on to say:

Every certified home will have a plaque carrying a number and a certificate fixed to a wall.

The association is now objecting to the provision that subcontractors must display boards with names and licence numbers on each work site. However, in 1964 it considered that every certified home should have a plaque carrying a number and a certificate fixed to a wall. Although those two things are not identical, in some respects they are similar, so I cannot see why the association is now objecting to this provision. I presume that its members must be misguided, and I hope that they will reconsider their attitude. I have met some of the members of that association, and I know that they are well respected in the building industry. I trust that it is just a matter of time before they reconsider their objections.

I have traced the history of the building industry from the post-war years to the present day, and I reiterate that it is unfortunate that this state of affairs has continued for so long in this State. The previous Government was not unaware of the situation, for on December 19, 1963, a deputation consisting of representatives of the Master Builders Association and the Trades and Labor Council approached the then Government, through the then Minister of Labour and Industry (Hon. C. D. Rowe) for an inquiry into the building industry. The deputation did not set out to tell the Minister what should be done, as this was the work of the proposed inquiry. It suggested that the terms of reference should include changes in technology in the building industry in the post-war years, the development of the brokerage system and the apprenticeship system, standard hours of work and rates of pay, on site conditions of working, the development of subcontracting, piece work, and labour only subcontracting, the question of the exclusion of legitimate contractors from the industry, bankruptcies, and standards of work.

About four months went by before the Hon. Mr. Rowe replied with the Government's rejection of the request on the grounds that Cabinet did not desire to impose restrictions on any industry, that labour-only contractors were receiving amounts considerably in excess of what they would receive under industrial awards, and that shoddy work was not only confined to subcontractors. The latter, of course, was an admission that shoddy work existed and was known to the Government. On February, 19, 1964, the member for Hindmarsh asked the following question in this House regarding faulty house building:

In the *Mail* of February 8 appeared an article headed "Concern at Poor Building Work" in which the Chairman of the Master Builders Association (Mr. Weeks) said that most builders took care and did good work but that unfortunately some performed work cheaply and shoddily. All members are aware that this is so and that some people have suffered as a result. Mr. Weeks said that many purchasers were unable to tell good work from bad—

of course, that is still the case—

and that it was only after deterioration had set in that they discovered that they had been "taken down". I am not suggesting that the Government is less concerned than any member about the disabilities the general public has suffered, but can the Premier say whether the Government has examined this problem, whether it considers sufficient protection is afforded prospective house purchasers, and whether it has considered introducing legislation to require a certain standard in the building of houses?

The then Premier replied:

I have personally considered this matter. I have received deputations from various organizations asking for legislation to be introduced requiring builders to be registered.

As I said, that was early in 1964. Much time has elapsed since then, and unfortunately our Government has inherited this situation. The then Premier went on to say:

The problem with that legislation is that "builder" is not defined and many successful builders are not tradesmen and have served no apprenticeship.

Of course, that is another admission regarding the state of the industry. The then Premier concluded by saying:

Although the matter has been considered by the Government, no firm conclusions have been reached and the Government will not introduce any legislation in respect of it during this short session.

Of course, we know that nothing was done. However, this Government is now trying to remedy the situation. Genuine builders and tradesmen have nothing to fear from the Bill, as it protects them and the industry. Inevitably some people will be affected but they will be the people who should be exposed: surely no-one would want to protect them. As the Bill is in the interest of the majority of the people, I strongly support it.

Mrs. STEELE (Burnside): First, I want to congratulate the member for Barossa for the diligence and tenacity with which she has pursued this subject because, if I recall aright, she spoke at length on this topic when she made her maiden speech in this House. Although we sympathize with the problems with which she is faced through some of her constituents having faulty houses, I point out that she does not have a monopoly in this connection, because many members in the House represent districts where similar difficulties have been experienced. I think everyone is aware that building on the Adelaide Plains presents considerable difficutly because of soil movements which have contributed largely to the faults that have developed in houses built in recent years. We must remember also that great advances have been made in the study of soil movement and of the different types of soil of which the Adelaide Plains is made.

Nowadays, most competent builders take the precaution of having bores put down to test the kind of ground on which houses are to be built, especially in cases where many houses are to be built in an area by a housing developer. Also, competent people in Adelaide have made a study of this kind of soil engineering and their services are freely availed of by builders. I make those points because these are the problems to which the honourable member has alluded. Of course, builders have learned from experience in the past few years that these problems can be overcome. The member for Barossa referred to houses built in 1964. We realize that these problems are still occurring, but they are occurring in fewer cases. For the reasons to which I have referred, many of the builders of whom the honourable member spoke got into difficulties, and this has led to the need for a Bill of this type to try to protect the public, and in particular people building houses, from being at the mercy of builders who do not have all the know-how.

I believe that the public has felt for some time that some need has existed for something to be done to protect people from this type of builder and from the tragedies experienced by some people who have invested their life savings in a house only to see them go down the drain, as it were, because of shifting foundations, cracking walls, slipping door jambs and so on. However, on reading the Bill and listening with great interest to the speakers who have preceded me, I fail to see where any of the clauses of the Bill will take care of the situation to which the member for Barossa has referred, that is, the poor type of building by which some people are victimized. Many of the clauses are too loosely worded and do not afford the type of protection for which one looks in a Bill of this kind. Qualifications are listed that will be needed by people who obtain licences to build. Although we know that provision is made for this to be done by regulation, the Bill gives no idea at all of the type of qualification that will enable a person to receive either a general building or a restricted licence. This seems to be one of the weaknesses of the Bill.

Other members have referred to many points; the Deputy Leader dealt with the clauses one by one. I do not intend to reiterate any of the points that have been made. However, I am particularly interested in the clause that provides that the South Australian Housing Trust is exempt from the provisions of the Bill. Of course, the trust lets contracts for the building of many houses, and for the building of large groups of houses, not only in the metropolitan area but throughout the country. The trust will have to employ builders who qualify under the provisions of the Bill; then the trust accepts responsibility for the house.

At the time it contracts with the tenants or with purchasers of houses, it is the contracting authority and so the business deal is between the client of the trust and the trust. Before it pays the contractors, the trust has inspectors approve or disapprove of houses that have been built for it under contract. However, provision is made for a two-year period, towards the end of which I understand that inspectors are sent out by the trust to inspect a house for cracks, subsidence, foundation movement or other building faults that might have developed. Because the trust has already accepted responsibility for a house,

it then has to put the house in order before it passes it as being fully approved. By this time the contractors who have built the house and who are supposed to be reputable builders have probably been paid by the trust. Who then pays for the cost of the repairs that are found before the end of the two-year period? Obviously this money must come from the trust and therefore from the taxpayers of the State.

I raise this point because I have a specific instance in mind of the kind of problem that has arisen. The member for Barossa said that many of the smaller house builders go bankrupt because they do not have sufficient capital. The same thing could easily happen to people who build houses under Housing Trust schemes. Therefore, no opportunity would exist for the trust to recoup from such people (who have perhaps gone bankrupt while building a house) any of the cost of repairs which have to be made on houses before they fully qualify for approval by the trust.

Today a constituent came to see me about a group of Housing Trust houses that had been built in an area in my district. There was a group of about 40 or 50 trust houses. A certain percentage of these was for rental-purchase and the others for straight out purchase. My constituent told me that he had a rental-purchase house on which he paid a deposit of $200 in November, 1965. Therefore, his two-year maintenance period is just about up. He told me that in that time many cracks and all sorts of deficiencies have appeared in his house. They are a similar sort of thing to those that the member for Barossa has mentioned.

He says that some of the houses are practically falling down, every room is cracked, the foundations have moved, the second layer of bricks overlaps the first, all the doors have dropped on the outside, and the floors have dropped and have been jacked up, and he has been told that this denotes a permanent weakness in the house. He is expecting that at any time the trust's inspector will come along to see what has to be done to put this house in order within the two-year maintenance period. He says that that will cost much money, but he has been assured, by looking at other houses of a little longer duration in the area, that within a few months this problem will again occur and that he will have to meet the cost, although he has already put much money into the house.

He is somewhat interested in this Bill and he said to me, "Mrs. Steele, why is it that the trust should be exempted from the provisions of this Bill, because people buy from it in good faith and consider that the trust has employed reputable builders to build its houses, yet somebody at the end of this time has to pay for the damage that has occurred in this two-year period? He said, "As a taxpayer, I am very interested to know who meets this cost. I am also very interested to know why the trust should be exempted. Should it not be responsible, under this Bill, for the faults that develop in its houses, for which it has employed what are supposed to be reputable builders?"

He also told me that many houses in this group were sold on straight out purchase terms and that the people who undertook to buy them got bridging finance while waiting for war service loans. He told me that the war service inspectors inspected the properties to make sure that they were suitable for loans and that the inspectors refused to pass them, with the result that the trust has taken back the deposits paid by these people on the houses and has now made an arrangement with them on a straight out rental basis.

Other honourable members have dealt with other aspects, and my main contention about the Bill relates to why the trust should be exempted if it accepts responsibility for the houses built under its aegis and people are exposed to the dangers of, perhaps, inexperienced builders building houses for them and are later to pay for repairing the faults that develop. The member for Barossa confirmed another point I wanted to make when she said that many builders went into this field with precious little capital. I think the member for Albert (Mr. Nankivell) mentioned this matter earlier. It is quite a pertinent point. He said that this Bill did not have any teeth to it, as it were, because nothing was required of the person who wanted to enter the field of building and who perhaps qualified for one or other of the certificates for licences, and he went on to say that he considered that, if builders had to provide some bond to establish that they were creditworthy and were not in a position where, after doing a little building, they would go bankrupt, this would give the public confidence in dealing with the builders.

I support that contention, because it is one of the most effective ways in which the public can be protected. A Bill of this kind should protect the money that people invest and it should also protect people against the tragedy arising from loss that arises for the purchasers

when faults occur. Therefore, I support the member for Albert in his plea that consideration be given to making it compulsory that a bond be given by a builder who is seeking, more particularly, a general builder's licence rather than a restricted licence, to ensure that he has behind him the funds with which to build and also to ensure that the people for whom he builds will not suffer as a result of his incompetence in this regard. I cannot support the Bill. I do not think it does what the Premier has said it will do. I do not think it provides these safeguards and, therefore, I cannot support it in its present form.

Mr. COUMBE (Torrens): I hope that the Government realizes what it is doing in this Bill and also where the Bill will take it. I am certain that the measure will not do what the Government says it intends to do. We know what it will not do. It will not build one extra house, and it will not build houses more cheaply. In fact, the houses may cost more. It will not prevent faults occurring, although the Government seeks to prevent that. I am interested in ways of achieving that, and there are ways in which it can be done, but it cannot be done by this Bill in the way the Government hopes. I listened carefully to the member for Barossa (Mrs. Byrne) when she explained what she had seen and what had been her experience in the building industry, and I have also seen many of these conditions. The honourable member went on to say what she wanted and what she hoped to achieve, and she gave a very general speech on a very broad subject.

She did not deal with this Bill or with how she hoped it would overcome the problems she outlined. I ask the honourable member to examine the provisions and to explain in the Committee stage how the remedy that she seeks will be made by this Bill. The measure seems to go around the subject the wrong and long way. All it does is place restrictions on the building trade. It does not do one thing that raises the statutory standards of building materials or building methods. It does not invoke or enforce any further the Australian Standards Association specifications that the building trade works under today. These are the specifications that the Standards Association of Australia has evolved over many years and in which Government departments have co-operated. These have been adopted over the years in the Building Act, the Lifts Act and the Scaffolding Act, and are used and enforced by local councils today. This Bill does not bring into operation one additional specification—and the specification about which we are concerned tonight is the standard of building. That is what we are all trying to improve.

Further, the Bill does not provide any safeguard for the financial responsibility of the builder or contractor. We have already heard previous speakers mention a bond. No bond is provided for in this Bill, so the matters that the member for Barossa and others, including myself, want to see come to pass are not provided for in the Bill. There is nothing here to overcome this problem. All that will happen is that certain people will be prevented from working in the building trade; in other words, restrictions will be placed upon entry into the trade. The Bill sets up a closed shop. That is all the Bill sets out to do and all that is provided for.

I have been connected slightly with the building industry for some years. Unfortunately, I am aware that these conditions have been occurring. Some sections of the industry need smartening up. The Government seems to be going around the long way, rather clumsily, to achieve its purpose. This is not the way to do it. In his second reading explanation the Premier briefly introduced the Bill before dealing with its clauses and gave one or two reasons justifying it. He said, first of all, that the Bill was primarily designed to improve the quality and the standards of the building trade. I have already said that this Bill does not introduce a higher or more rigid enforcement of any of the specifications under which the building trade operates today. How does this Bill improve "the quality and the standards of the building trade", to use the Premier's own words? What improvements in quality and standards are provided for in the Bill? Does it, for instance, specify greater load-bearing properties for masonry? It does not even specify minimum qualities in regard to material or the minimum quantities of cement in foundations—and foundations are the basic factor in house-building. It is because of faulty foundations that cracks appear in the walls today. The Premier's assertion that the Bill will improve the quality and the standards of building is not quite right.

Secondly, he said that many builders had inadequate financial backing for the work they undertook. I agree with that, but this Bill does not safeguard people against this because a person can still have a building licence and go bankrupt. The fact that a builder has a licence will not prevent his going bankrupt. It may prevent it happening a second time, because

he will not get a licence again. The Bill will not prevent the builder with a licence going bankrupt and possibly putting many people in a serious financial position. All that a person wanting a licence (whether it be a full builder's licence or a restricted builder's licence) has to prove is that, first, he is over 21; secondly, that he is of good character and repute; and, thirdly, that he has the necessary practical qualifications. I assume that what is trying to be achieved here is that the statement of good character and repute means that he is a man who has not indulged in any snide practices in the past. Who will be the judge of this? It appears that the board will be. Does this mean that the applicant will be a first-class builder; that he will not indulge in any malpractice in the future once he has a licence and whilst he is still the holder of it? There is nothing to stop him from indulging in malpractices and going bankrupt.

As to the qualifications of the applicant, no mention is made of the fact that he has to be a person of sound financial backing or stability. All that is required is that he be of good character and repute. A person may have been a builder previously; he may be a new entrant into the building industry (and we want those people) but no mention is made in the Bill of the fact that he has to satisfy the board by bank references or other means that he has a good financial backing and a sound business practice or that he is financially stable. No bond is mentioned; and there is no mention of any retention money in a contract. Retention moneys are common practice in respect of many commercial and industrial buildings. It may not be common practice in house-building, but we are talking tonight not only of house-building but of all types of building, because this Bill deals with builders in general. The retention clause is often used in larger contracts and operates on a six-monthly or 12-monthly period, which is an excellent idea. It has a salutary effect upon the builder because, first of all, he will see that his workmanship is good so that in the 12 months' guarantee period he is not called back too many times to make good defective workmanship. He knows that if anything goes wrong in that period of 12 months he may be required to make it good or he will lose his retention money, which is often on a 10 per cent basis. That is not mentioned in the Bill and, so far as I can see, the proposed board does not intend to deal with this. For centuries builders all over the world have gone bankrupt. The industry is notorious for its bankruptcies, not only in Australia but also all over the world. This Bill will not overcome that problem.

Thirdly, the Premier said that the Bill had been prepared after consultation with all sections of the industry and had the overwhelming support of both employers and employees. We have heard tonight about the Master Builders Association and the Housing Industry Association meeting last night. (For the benefit of the House, I am told that the number there was 92.) As I understand the purport of the Premier's argument, this Bill at the time he introduced it had the overwhelming support of both sides, the employers and the employees, and all sections of the industry, but the meeting last night does not appear to me to have been overwhelming in its support for this Bill. It was a unanimous vote against the provisions of the Bill.

The Hon. D. A. Dunstan: What?

Mr. COUMBE: Against the provisions of the Bill as it now stands. Does the Premier disagree with that?

The Hon. D. A. Dunstan: There was unanimous support for the principle of licensing.

Mr. COUMBE: There was a unanimous rejection of the Bill as it now stands.

The Hon. D. A. Dunstan: They said they wanted some amendments.

Mr. COUMBE: If the Premier insists that the Bill had the overwhelming support of both employers and employees and was prepared after consultation with all sections of the industry, why does the Housing Industry Association say that it desires amendments? The Premier was reported in the press as saying that he did not think the new submissions of the association for changes would be acceptable to him. That does not seem to me to represent unanimity: actually, it is the reverse. When explaining the Bill, the Premier referred to three main points: first, that the measure would raise the qualities and standards of building in this State; secondly, that he hoped it would overcome the problem of builders becoming bankrupt and not having adequate financial support to carry out their business; and, thirdly, that there was unanimous support of both employers and employees.

I do not know whether the Master Builders Association executive (which has been out of this State for a week or so at a conference in another State, some members having returned and others to return later this week) wishes to re-examine the Bill's provisions, as members of the Housing Industry Association have re-examined it. I understand that when the

latter association was consulted by the Premier prior to the drafting of the Bill its members were in favour of the measure, but they now say they are not. The Master Builders Association may also have had a change of heart.

Mr. Hall: The rank-and-file builder should have a say in this.

Mr. COUMBE: From the Government's point of view, the Bill is designed to remedy some of the faults that have been occurring in buildings as a result of allegedly defective workmanship. As most of the complaints about such workmanship have related to cracked walls, I think it is fair to ask ourselves why cracking should occur in the walls of houses on the Adelaide Plains. The two main reasons for this cracking relate to the condition of the soil in the area and faulty foundations. Indeed, that is why the Housing Trust has over recent years constructed so many timber frame and brick-veneer buildings to try to solve this problem. The Building Act sets out the duties of building inspectors and surveyors. We know that all plans for the construction of a house, shop, factory or commercial building have to be submitted to the local council for approval; the building inspector, after examining the plan to ensure that it conforms to the Act and regulations, reports to the council, and if the report is favourable the applicant receives permission to proceed.

Notice to pour foundations must be given 24 hours beforehand, and the inspector examines the foundations for size, depth and the number of reinforcing rods specified by the council. The foundation having been poured, the inspector checks the quality of the cement used and a compression test is often taken. We must realize that at least 90 per cent of houses in the metropolitan and fringe areas are poured from concrete supplied by one of the ready-mix concrete organizations operating in the area. These organizations supply concrete to a particular specification, which appears on the certificate or cartnote. The concrete supplied by this source is of a more uniform nature than the concrete prepared by a builder himself. The foundations are constructed in accordance with the Act and as inspected by a council's inspector. The Act sets out the requirements of a dwellinghouse, shop, industrial or commercial building; it even sets out how the A.M.P. building on North Terrace had to be constructed and how all the computations involved had to be checked by the Adelaide City Council engineers who, in turn, referred the calculations to the consultants concerned. Because this Bill will not achieve what I want or what members opposite want—

The Hon. D. A. Dunstan: What do you want?

Mr. COUMBE: The Act sets out many stringent provisions that control building operations in this State, as also (and supplementary to the Act) do the Industrial Code, the Scaffolding Inspection Act and, to some extent, the Lifts Act. I suggest that the points that have been raised in this debate could be covered by a fairly wide overhaul of the Building Act. The Second Schedule sets out in detail the computations and calculations necessary to build a house or any other type of structure, some of the heads referring to sites, heights and loads of buildings, materials and regulations therefor, the safe loads and tests of materials and construction, and foundations, footings, soils and excavations, etc.

Mr. Jennings: We would need a lot of inspectors.

The SPEAKER: Order! I think the honourable member has made his point; he must not proceed to debate other legislation. As we are dealing with the licensing of builders, I ask him not to develop that argument.

Mr. COUMBE: Very well, Sir. I am referring to the Building Act. I suggest that it would be better to alter that Act than to pass this Bill the way it is worded. Some councils could easily do this work, because there is not much construction in their districts. Other councils would have to employ extra inspectors. I doubt whether the cost of these inspectors would be as much as the cost of operating the proposed board and the fees for its payment.

Further, I have always believed in decentralized control. It seems to me that the board will be operating in Adelaide and that all applications will have to go before it. Mr. Speaker, you know, as does the member for Port Pirie, that in your own local council area the control is by direction of the local council. The Bill does not provide certain provisions as regards the Australian specifications, which are set out in the schedules to the Building Act, dealing with all types of hollow block wall construction, pre-stressed concrete, fire testing of building materials and types of rafter to be used in buildings.

The many technical details in the Building Act could be amplified and the control and inspection of these buildings could be enforced.

There is no provision in the Bill to control by any financial means the financial transactions of a builder. There is nothing to stop the holder of a builder's licence from going bankrupt and flitting to another State. Cracked walls are due mainly to faults in the foundations. I have seen cases where extra strength has been placed into the foundations over and above the requirements and over and above what a practical man would have thought necessary, but still the walls have cracked because of the subsidence of the soil. Despite the supervision of inspectors and architects, cracks occur in the walls of some houses. I am not excusing the man who in some way has to use much sand or water.

Mr. Quirke: Do the foundations crack?

Mr. COUMBE: I have seen examples where, because of the subsidence of the soil, the foundations have sagged. That, in turn, upsets the stresses in the walls, and cracks occur. Deflection sometimes occurs, which is caused, in the main, by the soil condition. That is why the Housing Trust in the past has built so many timber frame and brick-veneer houses. The trust's houses are carefully designed and are regularly inspected by its inspectors during the course of construction. The builder gets his progress payments for the construction of the trust's houses on receipt of an approval by the trust's inspector. The houses are built by the trust's selected builders, but even in its houses many cracks have occurred. The Bill will not overcome these difficulties in the trust's houses, as the trust is exempt from its provisions.

I am aware of the conditions that have been mentioned and I am not happy about them. Rather than set up a cumbersome board or enact all the provisions of this Bill, it would be far more practicable to revise the Building Act, which already provides the machinery for inspection, for supervision of plans, and for erection of buildings. The Building Act sets out in great detail what can and cannot be done. The only hitch is that councils would have to employ more building inspectors. Before a person can become a building inspector or a building surveyor he must pass a test. I presume that the proposed board would also have to have inspectors. Only today the Minister representing the Minister of Local Government introduced new regulations setting out the qualifications of building surveyors. These are usually practical men who have taken a course and passed an examination. These are the men who should be inspecting and conducting this work.

This seems to be the simplest way of going about this matter, rather than to have a restrictive Bill. I would prefer a Bill setting out that a certain minimum standard of work shall be undertaken, but this Bill does not say that: all it says is that people shall not do this work unless they are licensed. The Bill will not do what the Government says it will do. Unfortunately, the Bill will not get far because of that. If the Bill is passed I do not believe that it will be effective. In that case, I oppose the Bill.

Mr. RODDA (Victoria): I do not intend to repeat things that other speakers have said regarding this Bill. In explaining the Bill, the Premier said:

> The Bill satisfies a long-felt need in South Australia and is principally designed to improve the quality and standards of building, to afford protection to the home builder and home buyer in this State and to protect the building industry and the public from exploitation . . .

This is commendable, and on the surface one could find little to quibble with his expressed sentiments. I appreciate the need for the protection of citizens in the State from the ravages and predatory tricks of the "jerry" and unqualified people who come into the building industry to fleece some of our citizens of their life's savings and other funds for which they have made themselves liable. I think the member for Flinders (Hon. G. G. Pearson) this afternoon made a very fair and substantive assessment of the situation with which members of the public find themselves confronted in these times. He pointed out that there has been a clamour in the past for this type of legislation. I think he gave a fair analysis of the contents of this Bill.

In all fairness, I must say that I also think a reasonable case has been made out for the principle of the registration of builders and other people associated with building construction. However, the Bill as it is presented to us sets out to pull the blanket over the head of every person, whether he lives in Port MacDonnell or Penong. Wherever one lives, the consequences of the administration of this Bill will be the same. Much has been said this afternoon about the composition of the board and its powers. I must say that I cannot agree that there is a need for three representatives from the Trades and Labor Council.

Mr. McKee: Will you say why?

Mr. RODDA: I could easily say why I think that way. Perhaps the honourable member would tell me why he would not agree to three stockowners being represented on the board.

Mr. McKee: What about a couple of good Socialists?

Mr. RODDA: That is what we are scared of; we do not like the nigger in the woodpile. I would not quibble with a suggestion that the board consist of one good representative of the building industry, but it is suggested here that there should be three.

*Members interjecting:*

The DEPUTY SPEAKER: Order!

Mr. RODDA: The question of the composition of the board is a touchy one. The Government seems to be showing a partisan interest in the board's composition. These proposals would cover the whole State and would impinge fairly heavily on the primary producer. I know that the member for Port Pirie finds that comment amusing. However, I can tell him that the man on the land has made his way through his own initiative and resourcefulness. In the main, he has constructed his own sheds and outbuildings, and in many instances he has built his own house. I do not think we have found any high degree of dissatisfaction regarding the quality of workmanship in the sector of rural buildings. The rough jobs are confined to the city and major country towns.

I think it is logical to exclude the rural sectors from the dragnet provisions of this Bill, and I think that if the Government looked at this matter fairly it could do that. I am prepared to say that there is some need for control of the situations the member for Barossa (Mrs. Byrne) spoke about this evening. In my opinion, it is not necessary for the provisions of this Bill to extend to the rural areas. Also, the red tape involved in these controls, with an army of inspectors having to cover many miles, would only put an added cost on to the primary-producing industries, which are already confronted with the problems of mounting costs. As I have said, perhaps there is a case for control in the built-up areas. I agree with my colleagues that the Bill goes too far in this direction. Under the "Offences and Miscellaneous" Part, in which the penalties are set out, it goes the whole way. The member for Barossa has told the House a pitiful story of what is happening. In view of her statements, if this Bill ever saw the Statute Book there would not be enough gaols to hold the culprits, and I am sure that the Treasurer, with the big penalties involved, would have little trouble in balancing his Budget.

The Hon. D. A. Dunstan: You don't really think the builders are as bad as all that?

Mr. RODDA: I am not suggesting that the Premier and Treasurer is such a harsh man that he would invoke all the penalties.

Mr. McKee: You said there wouldn't be enough gaols to hold the crook builders.

Mr. RODDA: If the builders are as bad as the member for Barossa claims they are, they should be thrown into gaol. I do not like to see people being fleeced, so the member for Port Pirie need not get so hot under the collar. I think the Bill deals with a principle which we on this side of the House, in all fairness, would support. However, I join with my colleagues in opposing the Bill in its present form.

Mr. QUIRKE (Burra): Mr. Deputy Speaker, I wish to say a few words on this Bill. I do not think the Bill will achieve much at all.

Mr. McKee: We will at least know who is building.

Mr. QUIRKE: The member for Port Pirie seems to think that so long as a person is registered he is qualified to do certain things. However, the Bill will not achieve anything like that. Three factors are involved in building a house. First, a person wants to get a house built, and then some other person finds the money. People get money from the State Bank, the Savings Bank, the co-operative building societies and from a multiplicity of other places. Always in the centre is the builder.

The way this matter should be handled is that the person who supplies the money and who invariably employs the builder should be the person responsible to see that the house is adequately built. This should not be the responsibility of the person who relies on the other two parties: he is the lone star ranger and is at the mercy of the other two. Whatever they do they hand it on to him and he takes it. If, on inspection, a house is found to be faulty that man should not be responsible for taking it over. If a house develops bad structural cracks or other fractures during a period of two years, there should be no argument about it: the responsibility should fall on the people who provided the money and who built it. If a board were constituted to provide for this, we would cope with the problem.

Mr. McKee: Many people buy a house already built.

Mr. QUIRKE: Yes, but somebody must have built that house and he should be responsible. No builder would build a jerry-built house if he knew that, ultimately, if the house was a failure, he would have to repair the faults. If we can look after this aspect, that is all that is needed.

Mr. McKee: That is just what the Bill will do.

Mr. QUIRKE: No, it will not do anything of the sort; that is what should be done. Mention has been made of faulty foundations and of walls cracking. However, in many houses the walls have cracked badly but the foundations have not cracked. Today, the essence in building is to get as much return as possible in the form of a house from the labour expended; that is, if a cavity brick wall is being built, as many bricks as possible are put up in a day and the wall is erected as quickly as possible even if six bricklayers are put on to it. When the walls are built the timber is placed for the roof, and a roof of concrete tiles is often put on the green walls. Of course, the walls will crack without the foundations having moved at all, because the wind stresses on a pitched roof which is carrying tons of concrete and which is placed on green walls causes the walls to crack. There is no argument about that and every builder knows about it. However, people must build houses as cheaply as they can and have them built in the shortest possible time. The roof must be put on so that the internal fittings can be installed. If I were having a house built of double-brick cavity walls, I would never allow the roof to be put on before the shrinkage of the walls had taken place, and it would not take long for that to happen.

Of course, Bay of Biscay soil certainly expands and contracts: the clay soil contracts in the summer and expands in the winter when it rains. Owing to reinforcement, the foundations can move without cracking but, because of the movement in the whole of the structure, the walls will crack. What is necessary in this case (and every builder knows it) is a particular type of foundation and no other type. Of course, "spec" building today means that any type of foundation is used. If a house is built on that type of soil (and a reputable builder will test the soil), a financial authority should not allow any other than the type of foundation most suitable to that soil. That is the only way to handle this matter. I can support what the member for Barossa said about this. I once went with the member for Enfield to look at houses about which he was complaining in this place. They were Housing Trust houses and in some cases whole sides of houses had come out. However, those houses were fixed up. The obligation the Housing Trust has in these matters should also apply fairly and squarely to other people building houses.

Builders would not take risks if they knew that if houses collapsed they would have to rebuild them, and that if there were any damage no second payment would be made. That is the way to deal with the problem and it can be dealt with without hurting anybody. If we get rid of the man who tries to make money by building jerry-built structures, we have not lost anything. Nothing is being achieved by the building of many houses that will fall down within four or five years: that does not solve the housing problem at all. It is far better to have reputable builders building fewer houses that will stand up and will be an asset to the people buying them than to have houses built that will be useless. I admit the necessity for some action, because I have seen these poor types of house.

I am not without some experience in this business. Although I am not a tradesman, many things in many trades I can do well. I know when I see bad workmanship, and I have seen it. It is interesting to note that, although a great many houses are built in country areas (about 70 Housing Trust houses have been built in the Clare district, some of brick and some of fibrous construction), none is falling down and there are no complaints about wide cracks in the walls. These problems seem to be peculiar to Adelaide. I know builders in the country who can build a house of any design faultlessly, and there need not necessarily be one qualified tradesman in the team doing the work. These men have learned the trade over the years. In several places in my district, I can get a man who can pour the foundation, lay the bricks, do the plumbing (and it is up-to-date plumbing), fit the roof and so on, all of which he can do faultlessly.

Mr. Jennings: He has nothing to fear from this Bill.

Mr. QUIRKE: No, but if I want to extend my house, I cannot expend more than $500 on it.

Mr. Hudson: Unless you employ somebody on wages.

Mr. QUIRKE: Why should I have to employ somebody on wages if I do not need him? I want to do the work myself.

Mr. Hudson: Then, there is no problem. It is your own house.

Mr. QUIRKE: Does this Bill provide that?

Mr. Hudson: Yes.

Mr. QUIRKE: I cannot see any such provision.

Mr. Hudson: Clause 20 (9) provides that a person shall not for fee or reward construct or cause to be constructed any building.

Mr. QUIRKE: What does that mean?

Mr. Hudson: You would not be doing it for fee or reward, so you would not be doing it under that provision.

Mr. QUIRKE I have been getting disturbed in spirit, because I retire next year and probably would be the first to break the law.

Mr. Lawn: Will you support the Bill now?

Mr. QUIRKE: All this elaboration in this Bill is unnecessary. I would appoint a board of practical people, with a few inspectors. Council inspectors could refer any difficulties to the board and, if any defect were found, no money would be paid until the house had been repaired to the board's satisfaction. That would apply for two years after the house was built, because there is no reason why a house should fall to pieces in two years. If it does, the people who build it and those who finance it ought to be responsible. If we enacted such a provision, we would have few jerry-built houses. I do not think all the ramifications of this Bill are necessary, although I admit that builders and the people who make available the money, as well as those who encourage people to build cheaply, should be penalized if they are culpable.

I should like the Minister of Housing to tell me, if the information can be disclosed, the difference between the cost of constructing a Housing Trust house and the price at which it is sold. A builder who has done this type of building has told me that the difference is large. If it is, that is one of the means by which the trust can go on building, because when trust houses are sold and financed by finance organizations the trust receives that difference. However, that is no reason why the ordinary worker should have to pay a high price for a house. I shall not give the figures that have been given to me, because they may be incorrect. However, if they are correct, they are completely unwarranted and the matter should be examined.

I do not support this measure, because it is clumsy and will not do the job it is said it will. The responsibility sits fairly and squarely on the builder and those who finance him. We must realize that many houses that are built in South Australia are far from being jerry-built. Magnificent structures are being built by reputable tradesmen and they should not have any blemish on their escutcheon, because it is not deserved.

The Hon. Sir THOMAS PLAYFORD (Gumeracha): I do not intend to speak at length, but I say at the outset that I do not support the Bill. I consider that the overall effect of it will be bad and that it will place the building industry in a more difficult position than it is in today. A member who spoke earlier said that the previous Government had been requested to consider this matter. That statement was true, but the previous Government did not accede to the request, because it found that the proposition was completely unreal and that all that the people who were talking about registering builders wanted to do was provide a closed shop and prevent other people from entering the industry. We also found that no qualifications can be stated to be the qualifications of a master builder in this State. There is still no such qualification. Not one per cent of the people who asked for the registration of builders could have qualified. They were good organizers and capable of costing jobs but they had no idea of how to do the jobs.

The position in this industry is not similar to that in other industries and professions where a proper course and examinations are prescribed. No examination is provided for here. One of the Housing Trust's most respected builders started building by obtaining a small contract from the trust. That was the first building work that he had done. This Bill does not provide any relief from bad building or from having bad builders in the industry. If honourable members who have said that the Bill will give relief consider the matter, they will realize that everyone in the industry whose work the Government is condemning is quite eligible to become a builder under this measure, and would do so.

Mr. Hall: Those honourable members have not named such people.

The Hon. Sir THOMAS PLAYFORD: No. There is no provision for relief for anyone who gets a bad building other than the relief now provided under common law. Relief can be obtained if negligent construction can be proved at common law. However, many of these houses complained about are built by the Housing Trust, which experienced much trouble when it was building houses on unsatisfactory land. Until it started to alter its method from solid construction to timber frame or brick veneer, it had the trouble that other builders would have in trying to build on unsatisfactory land.

So it is eye-wash to say that this Bill will give relief to the person with a faulty house. It will not, but it will make it more difficult for people to get houses in future.

What is the problem today confronting the building industry? I think that no member on either side of the House will deny that the building industry has had to cope with some fairly acute problems in the last few years. The Minister of Works or the Premier disclosed to the House that the Housing Trust had many houses constructed but unoccupied, so the big problem today is not getting houses built: it is that the cost of houses is so high that many people who want to live in them cannot raise the money to secure ownership or occupation. Everybody knows that recently a lending institution increased the margin of weekly earnings that a person needed over and above his fixed commitments by $3, which means that that person now has to enter into a substantial second mortgage. The problem is that the costs to the building industry have risen so steeply that the average wage-earner is not able to find the deposit and meet the weekly requirements of the lending institution, one of which (a prominent and reputable one) demands a margin of $33 a fortnight clear after the wage-earner has met all his fixed commitments. Even a tradesman is not in a position to satisfy that requirement. If honourable members opposite think that this Bill will solve the housing problem, I assure them it will have the opposite effect, because undoubtedly it will restrict competition in the industry ultimately. That is why so many people are reputed to be in favour of the Bill. The more we make the industry a closed shop and the more we keep people out, the less competition there will be. In those circumstances, the result will be to increase costs.

Secondly, I am not in favour of socializing the housing industry, which this Bill does. We have only to look at its provisions to realize that it puts the housing industry into a socialistic straitjacket. Members opposite know that. The people appointed to the board are, incidentally, not appointed by the Governor: they are appointed by the Governor on a nomination. It is a mandatory appointment and the people who do the recommending can also have the appointees dismissed by the Governor. In other words, they are the delegates of certain specified sections of the community and are not free to make their own decisions. The composition of the board does not inspire me with confidence. It is a sectional board that will have at heart not the general interests of the public but the particular interests of the sections of the building industry. I have never been in favour of legislating for any particular sections and the excuse put forward that everybody in future will have a house that will not crack is completely erroneous. Has the registration of land agents prevented on occasion unscrupulous people selling land under false pretences? We all know that we cannot by legislation protect a person from this type of thing. The real protection that a person wanting a house needs is to be able to go to a reputable builder prepared to do a good job. On many occasions when the registration of builders was suggested to my Government, we turned it down because it was not in the interests of the people; it certainly was not in the interests of the house occupier.

Mr. Lawn: Who asked your Government for this legislation?

The Hon. Sir THOMAS PLAYFORD: The member for Adelaide can make his speech if he wants to in a moment. I will take only a little longer to say what I want to say but I propose to say it without worrying about interjections. This Bill is no good and the Premier knows it. He has introduced it in an endeavour to be able to say that he has done something for the building industry.

Mr. Millhouse: He has done precious little else.

The Hon. Sir THOMAS PLAYFORD: Some time ago the Premier said he was looking at the problems of the building industry and that he would do something for it. This is what he will do for it: he will put it into a straitjacket under a socialistic system where no builder will be able to operate reasonably free from interference by an outside board that can demand to see his records. It has its own prerogative to de-license him at any time. The provisions of the Bill are so vague that he has little chance of ever successfully appealing, because the onus is put upon him; it is not upon the board to explain why it delicensed him.

Certain provisions contained in the Bill clearly indicate that the measure has not been carefully considered by the Government. Under the Bill, for instance, the driver of a bulldozer, who excavates the side of a hill so that a house can be constructed on a level site will have to be registered as a builder. What could be more ridiculous? Anyone who digs with a trench machine makes an excavation in order to connect a house to a sewer main will have to be registered under this Bill. Another interesting provision relates to

the composition of the board, specifying that two of its members (each nominated by the South Australian Chapter of the Institue of Building and the governing body of the South Australian Division of the Housing Industry Association respectively) shall be residents of the State, whereas that does not apply (at least by implication) to other members. The three members nominated by the Trades and Labour Council do not even have to be associated with the building industry.

Mr. Coumbe: One could be an engine driver.

The Hon. Sir THOMAS PLAYFORD: Yes, and another could be a metal worker, or anything else. If someone opposite can justify that silly rot, I shall be grateful. This Bill will place the industry in the hands of outside interested parties, who will not fulfil a proper function. I oppose the measure.

Mr. FREEBAIRN (Light): I, too, oppose the Bill. I would not have risen to speak to the debate but for a loose remark made by the member for Unley.

Mr. Lawn: There'll be a few loose remarks now.

Mr. FREEBAIRN: I do not know why the member for Adelaide has not spoken. I hesitated to follow the member for Gumeracha, knowing that the usual practice is for a Socialist member to speak after a Liberal and Country Party member has spoken. I waited for a Government member to rise, but the member for Adelaide sat pat. Earlier this afternoon the member for Stirling who, being an accountant, is one of the few persons, in the House qualified to discuss costs, was referring to the increased charges that this Bill, if it became law, would force on to the people of South Australia. Interjecting while the honourable member was speaking, I asked him by what amount housing costs in South Australia could be expected to rise if the Bill became law. Although the honourable member was not prepared to give a positive figure, he suggested that costs would rise dramatically. The member for Unley, in his usual happy way, then made a foolish interjection, which I hope *Hansard* recorded, as it will be handy to use at the next elections. The honourable member said, "What difference does it matter how much the house costs, so long as you get a good house?" In other words, the member for Unley is not concerned about housing costs. This is a typical irresponsible socialistic statement, and I am disappointed in him for making a remark like that. Under the Bill every building construction must be under the personal supervision and control of a person competent to supervise. It occurred to me that the member for Stirling should perhaps have amplified that clause of the Bill. No inspector of any competence could be employed at less than $50 a week. If the costs of long service leave, holiday pay, sick leave and workmen's compensation are added, the figure would not be less than $60 a week.

Mr. Langley: How do you know?

Mr. FREEBAIRN: The member for Unley advanced the same sort of argument when the Electrical Workers and Contractors Licensing Bill was before the House, when he made sure that his economic future would be protected. Assuming that a builder would take 10 weeks to build a house and that the building inspector would cost $60 a week, the cost of the Bill to the South Australian house builder will be at least $600. This sum would be called the "Dunstan surcharge". I oppose the Bill.

The Hon. D. A. DUNSTAN (Premier and Treasurer): Listening to the speeches of members of the Opposition this afternoon has been an interesting exercise. We have had the usual kind of political nonsense trotted out in the course of the debate. At times the debate became a little frenzied, but that was not surprising. The origin of this measure was in a series of requests made by many sections of the building industry in South Australia. The Master Builders Association has already pointed out publicly that the introduction of the Bill was the result of a request made by it, the representatives of the major builders of this State, to the Government to obtain a measure that would ensure the maintenance of building standards of competence, both financial and technical, in the industry. I would not have thought that the association was a socialistic institution, but honourable members opposite think that anything they do not commend is a socialistic institution of some kind or other.

Mr. Lawn: Even the Government of Western Australia.

The Hon. D. A. DUNSTAN: Yes. It is interesting to note that members opposite seem to be unaware of the public statements that have been made during the last week by the leader of the Liberal Party in Queensland, the Treasurer of that State (Mr. Chalk), who announced to the very conference to which members opposite have referred this afternoon and which the executive of the Master Builders Association attended during the last week that,

when he was elected to Parliament, he had been adamantly opposed to the registration of builders but now, having experienced what has been done in the building industry in Queensland, he was wholeheartedly in favour of the measure, and he asked me for a copy of the Bill. He has expressed great interest in using our draft as well as that of Western Australia for the preparation of his own measure.

Mr. Millhouse: It will help him avoid pitfalls.

The Hon. D. A. DUNSTAN: I do not know about avoiding pitfalls. Members opposite have gone on with their usual nonsensical attack about hasty preparation of the measure, but obviously they have not even bothered to follow what has been going on in the building industry in South Australia, because this measure has been in draft for a considerable time. In fact, the original draft had been authorized by Cabinet and circulated to the Master Builders Association, to the architects, and to the building unions before I became Premier.

The Hon. C. D. Hutchens: Long before.

The Hon. D. A. DUNSTAN: After I became Premier I called a conference of all persons involved. It was at that stage that the Housing Industry Association asked to be brought into the discussions. I brought it into the discussions and its representatives sat in my room and asked for certain alterations to the draft. These alterations were agreed to. The association was not opposed to the principle of the measure, and it asked to be represented on the board. The association was included on the board at its behest, against the wishes of some other people associated with the measure.

The Hon. D. N. Brookman: Was the association satisfied with the legislation?

The Hon. D. A. DUNSTAN: After we had gone through the measure in detail with the association's representatives and had dealt with everything that had been brought up by it or by any other representative at that gathering, we prepared a further draft and circulated it in accordance with the representations that had been made. I asked urgently at that stage for representations of any bodies as to further amendments to the Bill.

Mr. Clark: Were you told it was socialistic legislation?

The Hon. D. A. DUNSTAN: No, I was not.

Mr. Rodda: Did they agree to three representatives from the Trades and Labor Council?

The Hon. D. A. DUNSTAN: It did not, although at the time of the original conference there had been no objection. After the Bill had been circulated and just before its introduction, I had representations from the association that it was ill-advised to have three members of the Trades and Labor Council and four members of employee organizations on the board, because someone in the association had suggested that the Trades and Labor Council would combine with the Government's representatives and out-vote all the others on the board. I also had representations from the building trade unions that the constitution of the board meant that the employer organizations could get together with the representatives of the trust and out-vote the building trade unions. So it works both ways. As to the question of what appointees this Government would make to a board such as this, I draw members' attention to the kind of appointment this Government has made to the Housing Trust. I do not know whether members opposite would say that, by appointing Sir Robert Nicholls or Mrs. Litchfield to the board of the Housing Trust, we were putting representatives of the building trade unions on the board of the trust. They were put on by this Government; they were appointed by this Government.

Mr. Coumbe: They were appointed by the previous Government.

The Hon. D. A. DUNSTAN: Their positions fell vacant during the term of this Government, and we appointed them.

Mr. Coumbe: Then why don't you say you re-appointed them?

The Hon. D. A. DUNSTAN: Well, they were re-appointed by this Government. We could have appointed other people in their place. If the accusation by members opposite is the that the Government is appointing political appointees, they know that such an accusation is completely unjust, given the kind of appointment which this Government has made and which their own supporters throughout the State have pressed for.

*Members interjecting*:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: Do honourable members opposite suggest that in appointing Mr. Dridan as Chairman of the Housing Trust we were putting our own political appointee on the board?

Mr. Lawn: And what about the Gas Pipelines Authority?

The Hon. D. A. DUNSTAN: Yes. Do members opposite say that in appointing Mr.

Young as Chairman of the Gas Pipelines Authority we were putting a Labor appointee on that authority? Members opposite are only trying in the whole of this measure to play politics. Let me tell all members of this House and the public generally just what kind of politics the Leader of the Opposition has been trying to play in this matter, because it is very obvious. After this measure had been circulated to the various bodies concerned, the Leader called representatives of the Housing Industry Association down to his office and tried to lobby them to get a decision contrary to that which they had represented to me. The Leader tried to get them, as a political matter, to oppose this Bill outright.

Mr. Hall: You are lying, as usual.

The Hon. D. A. DUNSTAN: I am not, and I will produce evidence publicly.

Mr. Hall: It's a lie.

The Hon. D. A. DUNSTAN: I object to the words of the Leader, and I demand a withdrawal.

The SPEAKER: I call on the Leader to withdraw his reflection on the Premier.

Mr. HALL: Mr. Speaker, you have asked me to withdraw, and I do so. Although my withdrawal has no relationship to the facts to which the Premier referred, I withdraw my accusation in this House.

The Hon. D. A. DUNSTAN: Mr. Speaker, the Leader has called me a liar in this House, and I demand an unqualified withdrawal.

The SPEAKER: I am sure that the Leader will realize that Standing Orders provide for an unqualified withdrawal, and I ask him for that unqualified withdrawal.

Mr. HALL: Mr. Speaker, you have drawn my attention to the Standing Orders, and I withdraw the remark I made.

The Hon. D. A. DUNSTAN: Regarding what happened with the Housing Industry Association, a meeting was then sought by certain of the executive officers of that association. Numbers of these people had been carefully lobbied by the Liberal Party in order to try to get a decision of that association against this measure. We have heard the misrepresentation of what occurred at that meeting in certain words uttered by certain members in this House tonight. Let me read to the House the first resolution passed by that meeting last night. The authority for this is the Housing Industry Association's note to me today. The resolution it passed is as follows:

The Housing Industry Association, South Australian Division, emphasizes that it accepts in principle the concept of registration of builders.

It then goes on to make a number of proposals for further amendments.

The Hon. Sir Thomas Playford: Will the Premier table the paper?

The Hon. D. A. DUNSTAN: Certainly, I shall be happy to do that. I had not had these submissions previously, although the Housing Industry Association had had every opportunity to make submissions to me concerning these measures. I had asked it urgently for its suggestions, and I had not had them previously. However, I now have them, and I think they contain useful suggestions. I intend to discuss these suggestions with the other people concerned with this measure.

The Hon. Sir Thomas Playford: But not with Parliament.

The Hon. G. A. Bywaters: What rot!

The Hon. D. A. DUNSTAN: The member for Gumeracha will have an opportunity to discuss any of these suggestions in Committee. The matter is before Parliament and will be before Parliament, but I have never heard so idiotic a suggestion as that members of the public should not be able to discuss with the Government and with members of Parliament the matters that are before Parliament and are going through Parliament. In order that I can have an opportunity to discuss these further amendments with the people concerned to see whether we can get further general agreement amongst the building industry, I intend to leave the matter there for the moment and to resume the Committee debate two days hence. I know that members opposite want to get me on the hook about this because they do not want a measure that is supported by the building industry in South Australia: they want to play politics about this. They do not want to give to the public and to the building industry the protection that both the public and the building industry want.

I am not concerned with members playing politics: I am determined to get for the people of South Australia a measure that has wide support throughout this State and, if I can get agreement amongst those who are vitally concerned in the measure, then I think that is something I should do, as I have done with other measures before this House. The member for Gumeracha and the Leader of the Opposition tried to condemn in the roundest terms sections of the Licensing Bill about which they talked much nonsense in this House and about which they have been completely discredited in the last few days.

In those circumstances, I table this paper and ask leave to continue my remarks.

The Hon. Sir Thomas Playford: The Premier has subtracted one page from it.

The Hon. D. A. DUNSTAN: I have not subtracted any papers from it. Would the honourable member like to see the page that I took off the front? That page was not part of the Housing Industry Association's submission at all.

The SPEAKER: There is no obligation on the Premier to table the paper.

The Hon. D. A. DUNSTAN: I am happy to do so.

The SPEAKER: Then it is quite in order. Leave granted; debate adjourned.

## ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 42 (clause 6)—Leave out "the contrary is proved", and insert "the court, before which the person is charged, from the evidence before it draws a reasonable inference to the contrary".

No. 2. Page 5, lines 17 to 22 (clause 6)—Leave out all words in these lines after "Penalty" and insert the following paragraphs:

"(i) for a first offence, not more than one hundred dollars and, in addition to that penalty, the court may by order disqualify the person convicted of the offence from holding and obtaining a driver's licence for a period not exceeding twelve months; or

(ii) for a second or subsequent offence, not more than two hundred and fifty dollars or not more than six months' imprisonment and, in addition to either penalty, the court may by order disqualify the person convicted of the offence from holding and obtaining a driver's licence for a period not exceeding two years.".

No. 3. Page 5 (clause 6)—After line 32 insert new subsection as follows:—

"(5) In determining whether an offence is a first, second or subsequent offence for the purposes of subsection (3) of this section regard shall be paid only to such convictions of offences under that subsection as occurred within the period of five years immediately preceding the conviction of that offence."

*Amendment No.* 1.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That amendment No. 1 be agreed to.

In the Bill as drafted, to rebut the presumption that the concentration of alcohol shown in the defendant's blood was the concentration present at any time within the last two hours it was necessary for the defendant "to prove" a contrary state of affairs. The effect of this was to place the burden on the shoulders of the defendant. The proposed amendment still leaves the burden of rebutting the presumption on the defendant, but it provides that the presumption will be rebutted "on the court drawing a reasonable inference to the contrary", and it may be argued that the burden on the defendant is thereby the less, although it is a fairly fine dividing line.

Amendment agreed to.

*Amendments Nos.* 2 *and* 3.

The Hon. D. A. DUNSTAN: I move:

That amendments Nos. 2 and 3 be agreed to. These amendments provide for a scale of maximum penalties for a first offence and a second or subsequent offence, the upper limit of penalties being the same as was previously the penalty for any offence against this section. The second amendment is merely consequential on the first as it provides a five-year limitation in deciding whether an offence is a second or subsequent offence.

Mr. MILLHOUSE: As I recall it, these amendments are similar to those which were moved in this place by Opposition members (I think I had something to do with them) and which the Government at that time strenuously resisted. I am glad the Premier is now prepared to accept these sensible amendments moved in another place. I should like to ask what has activated him in accepting them when he refused so flatly to accept anything like them when they were before this place.

The Hon. D. A. DUNSTAN: I am prepared to accept the amendments because they are in a form in which they will work. The member who moved them in another place had done his homework; the honourable member had not.

Mr. MILLHOUSE: I am surprised at the asperity with which the Premier answers me. The principle behind the amendments moved in this placed and the principle behind these amendments is that the penalty for refusal should not be greater than the penalty for the substantive offence. The Government would not have this before and now it is prepared to accept it. This does not have anything to do with doing my homework or with anybody else doing his homework: it is merely a question of principle. I should like to know why the Government is now prepared to accept this sensible principle, whereas it was not prepared to accept it previously.

The Hon. D. A. DUNSTAN: The principle set forth in these amendments is not the principle that the honourable member endeavoured to get into the Bill when it was before this place. He moved an amendment at that time that was certainly not in this form. The objections I had to his amendment were taken note of in another place and the amendments were carefully worded in consequence.

Mr. Millhouse: Are these your amendments?

The Hon. D. A. DUNSTAN: No, but they were acceptable. The honourable member's amendment was not in this form and was not acceptable.

Amendments agreed to.

## LONG SERVICE LEAVE BILL

Adjourned debate on second reading.

(Continued from September 14. Page 1968.)

Mr. COUMBE (Torrens): The Bill sets out to give effect to an undertaking given by the Government as late as March of this year (in the session we concluded before Easter) to repeal the present Long Service Leave Act of 1957 (which was introduced in that year by the Playford Government as the first of the long service leave provisions in this State) and to replace it with an alternative provision which reduces the term to qualify for long service leave from 20 years to 10 years and gives effect to 13 weeks' leave after that period. Members will recall that in the last session of Parliament a private member in another place introduced a Bill to vary the long service leave provisions in this State and reduce the qualifying period from 20 years to 15 years. On that occasion, when the matter came before this House, I sponsored the Bill, which was strenuously opposed by the present Government, which amended it to provide for a 10-year qualifying period. The Bill was amended so much that it was completely unacceptable to me as its sponsor, the result being that the Government, through the Minister of Works, was forced to take charge of the Bill. Subsequently it left this House in an emasculated form and went back to another place, which insisted on putting back the provisions in the manner in which it left that House. On being returned here there was further disagreement and the matter then went to a conference between the two Houses, the Bill subsequently being laid aside.

The Bill now before the House is the outcome of the manoeuvrings on that occasion; it gives effect to the announced policy of the Labor Government at that time and is in the same form as when it was rejected in March. Members will recall that at that time there were certain applications before the Industrial Commission of South Australia to bring some State awards into line with the Metal Trades Award operating in this State which has a 15-year qualifying period and which was arrived at by consent agreement of the Chamber of Manufactures and the United Trades and Labor Council and the respondent unions. The Industrial Commission in February or March of this year decided that the applications then before it would be held in abeyance because the whole matter was before Parliament. In turn, that matter was finally resolved and reported on in May, 1967, when the commissioners brought down a decision saying that, as Parliament had laid aside the Bill, they would proceed to make a determination.

The position in South Australia at present is clear and I think it is important that members should realize what it is. With the majority of Commonwealth awards, the Metal Trades Award is often taken as the yardstick, so much so that, when fixing rates of pay for various classifications of tradesmen, the fitter's pay under the Metal Trades Award is often the basis for fixing many other rates. As I have said, a couple of years ago throughout Australia the qualifying period under the Metal Trades Award was reduced from the original 20 years to 15 years, and that is the position that applies in this State today under the Commonwealth award. Most other Commonwealth awards have followed the trend set by the Metal Trades Award and are operating on a 15-year basis. Following this, the Industrial Commission of South Australia has agreed that many State determinations of the Commission should, from May of this year, provide for a qualifying period of 15 years instead of the 20 years that formerly applied. So, in South Australia today the majority of Commonwealth and State awards are working on a 15-year basis, and we have had uniformity that did not operate when this matter was debated previously. That is important. The 15-year period is in operation in the other States except New South Wales, where the State determinations provide a period of 10 years.

The Government's proposal is that all long service leave in this State will operate on a qualifying basis of service of 10 years, and that a pro rata basis will operate after service of five years. I submit that this Bill is wrongly titled. It is not a Long Service Leave Bill but

a travesty of that term: this is a service leave Bill. The general custom in industry is a qualifying period of 15 years, after which period an employee is entitled to 13 weeks' leave. After 10 years' continuous service he is entitled to leave on a pro rata basis, so for 10 years' service he would be entitled to two-thirds of 13 weeks' leave.

I consider that this Government is bringing the Bill in for special reasons. The first is that it has been instructed by its supporters to introduce it. Secondly, the Government, knowing quite well that the Bill will not pass another place, is deliberately bringing in the Bill to bring discredit on that place, because the Government knows what occurred in March of this year, when I attempted by a private member's Bill to provide for long service leave after 15 years' service in order to give the workers of this State an added advantage. That proposal was violently opposed by the present Government. Another place said decisively what it thought about that, and the Government knows what the other place will do with this Bill. I suggest that, in view of the Legislative Council's thinking in regard to a 15-year scheme, if the Government amended this Bill to provide for long service leave after 15 years, the Legislative Council would agree and the workers would get the advantage. However, the Government by this Bill will deny workers who are on a 20-year basis the opportunity to get that 15-year basis. The Government is deliberately insisting on an unacceptable Bill.

The Government says that we play politics, but this is politics in its barest and most naked form. The Bill specifies the various types of people concerned and specifically exempts the Crown because the Crown has its own agreement. Ordinary pay is defined, as is a worker. We have no argument about the provision that every worker shall be entitled to long service leave or payment in lieu thereof in respect of his service with an employer. We all say that an employee is entitled to long service leave, but not in the manner provided in this Bill. Clause 4 (3) is the first clause that refers to the period, and it is provided that long service leave shall be taken by an employee in respect of 10 years' service so completed and that that shall be 13 calendar weeks' leave. It goes on to deal with what leave he is entitled to after completion of 10 years' service.

The Bill then sets out conditions regarding the termination of services. These provisions are all fair and acceptable. Again, we do not cavil at the provisions of clause 5 regarding absences from work, interruptions of employment, and National Service with the armed forces. There are necessary provisions about time of taking leave, agreements that will be reached, and employers keeping records. All these provisions are proper, but the nub of the Bill is contained in clause 4, which deals with the period. If this Bill was approved with a qualifying period of 15 years' service, it would have the full support of this House and another place and could quickly be put into operation. Not many employees are not caught under the present 15-year scheme—only those at present outside an award or agreement, who would be mostly people working in rural industries under the 20-year scheme. My scheme was to bring those people also into the 15-year scheme, and those unions with no current claims before the Industrial Court, but that was not acceptable to the Government.

I oppose this Bill as strongly as I can. It will not do the workers of this State any good. Do members of the Government honestly and sincerely support it and believe that the average worker wants this 10-year period? Does the Government want to see 10 years' service applied to their weekly-paid employees, with the extra costs involved? This is relevant, because we have just concluded the Budget debate. More especially the Minister of Works would be the last person deliberately seeking to increase the size of his wages bill by this means. The Government is not sincere in this and is introducing the Bill only because it was told to do so by its supporters. This was an undertaking given by the present Government and announced fully in this House last March when we were debating this matter. It said at the time that as a Government it believed in 10 years' service as a qualifying period and that if the Bill we were then debating was defeated it would introduce another Bill this session. That promise has been honoured. Some members of the Government have doubts about this Bill. If it is passed, many people will suffer hardship and the so-called "benefits" the Government is thinking will be passed on to the employees will be a myth.

What does 10 years' service mean? First of all, it is only "service", not "long service". It means that, after working for 10 years with one employer, a man will be entitled to three months' leave every 10 years, if he wants to take it that way; or he can take an extra nine days' leave each year after the 10-year period. So, instead of the present three weeks' annual leave, he could take four and a half weeks'

annual leave and, with public holidays thrown in, he could be away for five weeks if he wanted to. Under the Bill, after he has been with one employer for five years, he is entitled to a pro rata payment in lieu of leave. This Bill is not feasible. I supported the original Long Service Leave Bill introduced in 1957. Certain basic provisions were laid down—that after 20 years' service with one employer an employee was entitled to 13 weeks' leave and after 15 years' service he was entitled to a pro rata payment. I supported the consent agreement arrived at by the Chamber of Manufactures and the relevant unions in the case of the Metal Trades Award, which stated that after 15 years' service a man could get 13 weeks' leave and after 10 years' continuous service he would get a pro rata payment. I thought that a fair and reasonable offer. I do not believe the present position is fair or equitable. The service cannot be considered "long".

Much sarcasm has been thrown at the Opposition by the Premier many times, but by introducing this Bill he is not helping his own Director of Industrial Development, Mr. Currie, who will quickly have a millstone around his neck when he tries to introduce new industries to this State. They will say, "What are your awards and industrial conditions here?" They will be told that long service leave applies after 10 years and under the Commonwealth award it is after 15 years, and that after five years in South Australia a man can receive pro rata long service leave.

What will be the reaction of industries to that, at a time when Mr. Currie is trying to be a super salesman, bringing industries to South Australia? The Premier is trying to hold the carrot out to the donkey, but he is ready to kick it at the same time. I do not believe the Bill is remedial when, after all, legislation should be remedial. This measure, rather than removing a hardship, may, in fact, create a hardship for some people. A hardship could certainly be created in respect of small employers, as well as large, who might well cease to be employers if the Bill becomes law, deciding that it was more lucrative to work for someone else.

The Hon. B. H. Teusner: And the State will slip further back.

Mr. COUMBE: Indeed. If the Government were to be reasonable in this case and brought the provision back to a 15-year basis, instead of 20 years (which would be going half way), thereby introducing a provision uniform with the rest of the awards applying in this State, I should be prepared to support such a measure. I oppose the Bill.

Mr. HALL secured the adjournment of the debate.

## ADJOURNMENT

At 11.7 p.m. the House adjourned until Wednesday, October 4, at 2 p.m.