HOUSE OF ASSEMBLY

Tuesday, October 17, 1967

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

PUBLIC SERVICE 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.

QUESTIONS

EMPLOYMENT POSITION

Mr. HALL: Some encouraging reports have been published of last month's fall in the numbers seeking employment in South Australia and of the numbers who are receiving unemployment relief payments. I understand that there has been a fall of about 1,100 in the number of those registered for employment and of about 700 of those people receiving unemployment relief payments. South Australia, however, still has 13.1 per cent of the total of those registered for employment in Australia and over 17 per cent of those in Australia receiving unemployment relief payments, whilst it has 5.7 per cent of the total registered vacancies for jobs in Australia. As the State's improvement has apparently been in line with the general improvement throughout Australia, which, no doubt, has been caused mostly by the effects of this year's Commonwealth Budget, does the Premier know of any move in South Australia, for instance, in the building industry, from which people may believe that this disproportionate amount of unemployment in South Australia can be reduced?

The Hon. D. A. DUNSTAN: I am astonished at what the Leader has seen fit to say. I do not know how far members of the Opposition are prepared to go in trying to damn this State for their own political purposes.

Mr. Millhouse: Don't be silly.

The Hon. D. A. DUNSTAN: I have been told by senior investors and advertisers in other States that the work done by the Liberal Party in trying to run down this State's economy has had some effects in those States, because investors have taken into account the untruthful things said by members of the Opposition regarding this State.

The Hon. D. N. Brookman: The Government, not the State!

The Hon. D. A. DUNSTAN: Although members opposite are prepared to run down their own State for political purposes, let me give the Leader a few facts and figures. He suggests that the present position in South Australia is bad (that was the obvious implication of the figures he read to the House), but the number of unemployed in South Australia at present is 1.5 per cent of the work force, and that was the figure which only three months ago members of the Opposition were quoting as the figure for New South Wales which they said was entirely satisfactory as compared with the South Australian situation. The number of persons registered in South Australia for employment fell by 1,097 during September. At the end of September fewer persons were registered for employment in South Australia than were registered at the end of September last year. So far from this being the general situation throughout Australia, over 2,000 more persons were registered at the end of September, 1967, than were registered throughout Australia a year ago.

Although the number of persons registered for employment decreased by 1,097, the number of vacancies available with the Commonwealth Employment Service increased by almost 200. The number of persons receiving unemployment relief payments fell not by 700, as the Leader of the Opposition suggested, but by 856. The number of areas in which there was evidence of a change in employment included seasonally increased employment in fruit and vegetable processing, and increased employment in vehicle manufacture, the manufacture of non-electrical plant and machinery, other metal manufacture, and the manufacture of rubber, furniture and furnishings, and bricks and tiles. There was reduced employment in the manufacture of clothing and electrical machinery and cables.

The Leader asked me whether I could see any improvement in the employment figures in the building industry: one of the most distressing aspects of a decline in that industry was the reduced employment in the manufacture of bricks and tiles, and we are already seeing evidence of improvements that have taken place in the building industry in September from increased employment in this regard. I assure the Leader that in the Premier's Department we keep a close tag on improvements in employment in South Australia and that the figures for October continue to show the same trend as that evidenced in September. I do not know why honourable members opposite, whenever there is an

improvement in the South Australian situation, have to make some derogatory remark. I realize what a disappointment it is to them. Indeed, they clearly evidence their disappointment to the public of South Australia. The situation is improving exactly as I forecast, and the Opposition-sponsored letters to the press from members of the Party about nothing being achieved or improved under the present Government seem to be rather hollow at present.

Mr. MILLHOUSE: I wish to make it clear that, to my mind, no Opposition member has ever damned the State: Opposition members merely damn the policies of the present Government.

The SPEAKER: Order! I cannot allow members to debate answers to questions in Question Time.

Mr. MILLHOUSE: No, Sir.

The SPEAKER: Well, you were. The honourable member will ask his question.

Mr. MILLHOUSE: I am sorry. I was only correcting a misapprehension, but I will not pursue that now. I understand that the Premier said yesterday that by Christmas the State would be booming. In the hope that this happy state of affairs will in fact come about, I ask the Premier whether he intends to take positive steps to encourage it, or whether he is satisfied that what the Government has already done will be sufficient to make the State boom by Christmas.

The Hon. D. A. DUNSTAN: What the Government has done and is continuing to do is helping improve business confidence and activity in South Australia, as is evident from the change in the economy over the last five months. Although I appreciate that the honourable member is constantly denigrating what the Government has done—

Mr. Millhouse: That is not so.

The Hon. D. A. DUNSTAN: —(yes, it is) that is not the case amongst businesses and industries themselves.

SALISBURY NORTH SCHOOL

Mr. CLARK: As the Minister of Education knows, I have expressed concern for some time at what I consider to be the inadequate drains at the Salisbury North Primary School. As I understand that the school committee has recently contacted the Minister about the matter, can he say whether he has yet had time to consider this project?

The Hon. R. R. LOVEDAY: The need for improved drainage is acknowledged, and the Public Buildings Department has investigated the matter and prepared an estimate of cost. Because of relative urgencies and the number of works on hand, it was not possible to allocate funds for this project in the 1965-66 financial year. However, the priority has recently been reviewed, and it is currently programmed to schedule the drainage and paving project at this school in November for the allocation of funds. Following approval of funds, detailed design work will be undertaken to enable tenders to be called at the earliest possible date.

GAS

The Hon. B. H. TEUSNER: Last week, in reply to my question, the Premier informed me that the Natural Gas Pipelines Authority intended to bring into operation the spur pipeline to Angaston simultaneously with the main pipeline to the metropolitan area. Of course, the Premier realizes that the spur pipeline is required in connection with the Brighton cement works at Angaston. As some people in the Barossa Valley who are interested in this spur pipeline have asked me whether gas from the pipeline will also be made available for domestic or household use in the Barossa Valley, which is a fairly thickly populated area, can the Premier indicate the intentions of the authority in this matter? If he cannot give the information today, will he obtain it for me?

The Hon. D. A. DUNSTAN: I will get a report from the Chairman of the authority.

BUSH FIRES

Mr. HUGHES: I have received a letter from Mr. R. P. Ford, the district officer of the Emergency Fire Fighting Services in my district. It states, in part:

Dear Sir,

At a combined meeting of the Agery, Nalyappa, Cunliffe and Paskeville Emergency Fire Fighting Services, a motion was moved, seconded and carried unanimously that I write to you asking if it could be brought to the Premier's notice the importance of trying to avoid bush fires this season. It was thought he could appeal to his television audiences and radio listeners that every effort should be made to bring before the public of South Australia the need to save from carelessness the dangers of burning the small areas in this State that have valuable fodder in this drought year. Knowing you will realize the importance of this matter and try to convey same to the Premier, I remain, etc.

As a huge number of people in this district watch the television appearances of the Premier each week and listen to his radio broadcasts, will the Premier comply with the wish of these

Emergency Fire Fighting Services and consider making an appeal, either on television or radio, about this matter in an endeavour to preserve the valuable fodder in the State, the quantity of which will be small this year?

The Hon. D. A. DUNSTAN: I do not know whether there was any telepathy between the Agriculture Department and these sections of the Emergency Fire Fighting Services, but I suggest to the honourable member that he inform his constituents that they should watch television tomorrow evening.

PUBLIC EXAMINATIONS

Mr. MILLHOUSE: I noticed that last Friday the Minister of Education commented on the present public examinations in South Australia, and in this matter, of course, he was echoing what had been said several times by the Director-General of Education. I desire to ask the Minister whether he has in mind any specific proposals for a change in our present system of examinations, or whether he was just speaking at random.

The Hon. R. R. LOVEDAY: I never speak at random on such important matters, as the honourable member should know by now.

Mr. Millhouse: I'm afraid I don't.

The SPEAKER: Order!

The Hon. R. R. LOVEDAY: The member for Mitcham should know, if his memory is not weak on this occasion, that the discontinuance of the Intermediate examination has already been publicized, and a consultative committee has been set up to consider the alternatives available on the termination of that examination.

TIMBER STOCKS

Mr. BURDON: For some time the stocks of timber in South-East mills have been building up to considerably more than normal holdings and, as I have discussed this matter with the Minister of Forests many times, can the Minister comment on the present stock position?

The Hon. G. A. BYWATERS: I know that there has been much interest in this matter. In fact, when replying to a question asked by the member for Gumeracha (Hon. Sir Thomas Playford) a week ago, I pointed out that the position was improving and that the lag was expected to be taken up by Christmas time. We know now that we can do better than that, because sales in September were about 2,650,000 super feet, while production was about 2,495,000 super feet. Thus, sales exceeded production by about 150,000 super feet. This lends support to the statement made in the House this afternoon by the Premier.

CLARENDON ELECTORAL CENTRE

Mr. SHANNON: I have received a letter from a councillor in my district, Mr. Potter, about the discontinuance of the use of Clarendon as a counting centre at elections. Because Clarendon has been a counting centre for a long time, the local people have been upset by a recent statement that it will no longer be used as such. Geographically, Clarendon is well sited for the purpose because, although the number of residents in the O'Halloran Hill and Darlington area has increased, that area is on the boundary of the Meadows council area, whereas Clarendon is well sited as a counting centre, as has been shown in past years. I understand that this may be a Commonwealth matter and, if it is, will the Premier discuss with the Returning Officer the matter of whether Clarendon should continue to be a counting centre?

The Hon. D. A. DUNSTAN: This has been the result of no decision by the State Government, and I have not had submissions from the Returning Officer for the State concerning the matter. This State has certain reciprocal arrangements with the Commonwealth Government, and the Commonwealth Electoral Officer in South Australia (Mr. Summers) is also the Deputy Returning Officer for this State. I will take up the matter with him and get a report.

MURRAY RIVER SALINITY

The Hon. T. C. STOTT: I understand that press reports and radio broadcasts of soluble salts as well as sodium chloride readings of the Murray River are made twice or three times weekly in Victoria. One of my constituents has asked me whether the Minister of Works will arrange to have such readings published in the South Australian press and broadcast over the radio because these two matters are of vital importance to people taking water from the river when its saline content is high. As the Minister realizes, these two factors affect trees in the area, and it is important that growers obtain this information. Will the Minister therefore arrange to have these details made public in this way?

The Hon. C. D. HUTCHENS: Such details will be published in the press. Indeed, I think some data is almost ready for publication. I will examine the honourable member's suggestion regarding radio broadcasts, because I appreciate the importance of salinity to people using Murray River water.

Mr. McANANEY: Has the Minister of Works a reply to my recent question about the quantity of water in Lake Alexandrina and other storages?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief has supplied the following details:

Volumes of water stored:

	Acre feet
Lake Alexandrina	1,360,000
Lake Albert	290,000
River Murray between Blanchetown and Wellington . . . . . (about)	200,000

Salinity analyses:

(Data in parts per million (P.P.M.) of total dissolved solids.)

	Recent Date	Recent p.p.m.	Maximum recorded p.p.m.
Goolwa . .	14/8/67	562	1,405*
Milang . .	31/8/67	372	710

* Salinities at Goolwa at times are increased by sea water intrusions at the barrages.

Mr. Millhouse for the Hon. Sir THOMAS PLAYFORD (on notice):

1. Is Murray River water supplied to South Australia at present being diverted through Lake Victoria?

2. If so, what is the level of salinity of water going into Lake Victoria?

3. What is the level of salinity of such water when released from Lake Victoria?

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

1. At the present time 200 cubic feet of water a second is being fed into Lake Victoria and 800 cubic feet a second is being released from that storage. There is also a small flow directly down the river.

2. Water being fed into Lake Victoria at the present time has a salinity of 190 parts a million of sodium chloride. This is slightly below the salinity of the lake.

3. Water being released from Lake Victoria is, on the last reading, recorded as 210 parts a million sodium chloride.

GLENELG RAILWAY LAND

Mr. HUDSON: As the Premier knows, for some time I have been concerned with the redevelopment of the Railways Department's land at Moseley Square, Glenelg, for two main reasons: first, to ensure that the tenants of the fish shop and of the cafe affected by the proposed extension of the police building will be fully protected; and, secondly, to ensure that any extensions to the police building in Moseley Square will be purely of a temporary nature so that the Glenelg corporation, which hopes to construct a community centre in the area, will not be prevented from so doing. At present the corporation is not financially able to proceed with this project and does not expect that it will be for some years. Consequently, it has been concerned to ensure that the extensions to the police building are purely temporary and do not pre-empt that land from being used in the future as a community centre. Can the Premier therefore give me any information with respect to the tenancies of the fish shop proprietor and of the cafe proprietor, and to the nature of the extensions being made to the police building?

The Hon. D. A. DUNSTAN: This matter has been considered by Cabinet. It is at present intended that temporary alterations should be made to existing buildings on this site to provide better accommodation for the police and the court. There are no proposals for new buildings to be built immediately on the site. However, before the Government spends money on these alterations, Cabinet considers that we should have a clear agreement with the Glenelg corporation as to the future development of the site so that we can make provisions and not spend, unnecessarily, any money on what are only temporary alterations. In order that we may negotiate on long-term future plans for this site before spending money on it, Cabinet has decided that the temporary alterations will not be started until February of next year, and existing tenants will be allowed to remain until then. However, they should be aware that after that date their tenancies will probably be terminated. Meanwhile, I hope that we may complete the agreement with the Glenelg corporation about the future of this site.

DEPARTMENTAL REPORTS

Mr. COUMBE: On September 28 the Minister of Works laid on the table a report from the Public Works Department, which states:

The annual report of the following Public Works departments for the year ended June 30, 1959: the Engineering and Water Supply Department, the Public Buildings Department, and the Supply and Tender Board.

This makes interesting reading, but can the Minister say how he came to lay on the table only a couple of weeks ago the annual report on these departments for the year ended June 30, 1959?

The Hon. C. D. HUTCHENS: I am glad that this question has been asked, and I am surprised that it has not been asked before. For many years annual reports have been laid on the table but, because of circumstances beyond the control of my predecessor and because of great difficulties that I shall not

discuss, the recent reports have not been tabled as they should have been. It may not be possible to table a report of the Public Works Department this year, but I hope to be able to table various departmental reports before the House rises so that they will be available to members.

WATER MAINS

Mr. HURST: I understand that the Engineering and Water Supply Department pays a reward to citizens who notify the department of leaks in water mains, although the amount of the reward was fixed about 20 years ago. Because of the importance of the department's being notified promptly so that water may be conserved, will the Minister of Works consider increasing this fee? Also, will he consider offering a reward to persons who notify the department of leaks in other than department mains, because this practice should be encouraged in order to relieve the present water shortage?

The Hon. C. D. HUTCHENS: It seems that at present members of the public are ready to report the wastage of water without any reward, because they realize the urgency of the present problem. I appreciate that the sum of 25c has been given for about 30 years. I can remember, at least 30 years ago, telephoning the department myself, and being offered 25c, which was a considerable sum in those days, but I declined to take it.

Mr. Nankivell: Did you ring yourself up?

The Hon. C. D. HUTCHENS: I remind the honourable member that, although it may seem a long time since I came into office, I was not in office 30 years ago. I will investigate this matter to see whether the sum can be increased. However, I think that it would be undesirable to pay people a reward for notifying the department of leaks in other than departmental mains, because the department could thereby be accused of employing policemen. However, the Government appreciates the action of anyone informing the department of water wastage, and I will consider increasing the reward.

ELECTRICITY TARIFF

The Hon. Sir THOMAS PLAYFORD: I have received a letter from the Secretary of the Morialta Protestant Children's Home, located in my district, in which it is stated that the home applied to the Electricity Trust for a single-meter tariff, which can be obtained by any householder, but that it was informed by a representative of the trust that its regulations prevented the trust from acceding to this request. The Government makes various taxation and rate concessions to these charitable homes, which are fulfilling a valuable public function, and it seems practicable to allow these homes to enjoy at least the same conditions as those enjoyed by ordinary householders. Will the Minister of Works investigate this matter to see what can be done?

The Hon. C. D. HUTCHENS: As I agree that these organizations do valuable work, I will ask the trust whether anything can be done.

SITTINGS AND BUSINESS

Mrs. STEELE: No doubt my question, which concerns the sittings of the House, is of interest to all members. It has been generally accepted, but not specifically stated, that the House will rise at the end of this month. In view of the important legislation at present on the Notice Paper, and of the notice given to introduce other legislation, can the Premier say what the Government intends to do in this matter?

The Hon. D. A. DUNSTAN: Although I cannot say what will happen, I hope that the House will rise at the end of this month, but that depends on progress made with the present measures. As we have several extremely important measures to pass before Parliament rises, I will have to ask members to sit late for the remainder of the session. I expect at least to conclude all stages of the debate on the Industrial Code Bill today.

GAUGE STANDARDIZATION

Mr. HEASLIP: Has the Minister representing the Minister of Transport a reply to the question I asked some time ago about the standardization of the Port Pirie to Adelaide railway line?

The Hon. FRANK WALSH: Although the Premier last wrote to the Prime Minister about this matter on August 3, a reply as to the Commonwealth's attitude is not yet to hand.

UNIVERSITY ACCOUNTS

Mr. NANKIVELL: In his recent report, the Auditor-General has once again drawn attention to the fact that the Adelaide University does not submit its accounts to him for audit. Although, when I previously raised this matter with the Minister of Education, I was assured that any information required could be provided through the services of the Minister, I point out that at a recent meeting of the Wheat Research Committee we were

unable to ascertain the relevant expenditure out of funds provided for the university during last financial year, because the university had apparently not brought out a balance sheet for the year ended June 30, 1966. Will the Minister ascertain why that balance sheet has not been made available and whether it is likely to be made available soon?

The Hon. R. R. LOVEDAY: I shall be pleased to do that.

RADIATA PINE

Mr. HALL: I am told that it is cheaper to buy unsawn oregon in parts of the South-East than it is to buy planed radiata pine and that the latter timber must be planed in order to obtain the tolerances that cannot be obtained once it is sawn. As oregon does not normally have to be planed (because the tolerances obtained through sawing it are sufficient for certain building purposes), I am informed that oregon is cheaper than the locally produced radiata pine in a number of important uses in the building industry. Is the Minister of Forests aware of this situation and, if he is, can he say whether it will necessitate a price adjustment so that radiata pine can compete in this regard?

The Hon. G. A. BYWATERS: Although I am not aware of the price of oregon in the South-East or in any other part of the State, I believe that radiata pine is better in the main for house-building purposes. Even if it were cheaper to use oregon, I think it would pay builders to use radiata pine in preference to oregon. I will ascertain the present position concerning prices, knowing that the matter of prices, and not necessarily quality, is considered by some people to be more important. As I previously said today, it is indeed pleasing to see that sales of radiata pine are now increasing rapidly and that stocks that have been built up over some time will be used. I am sure that radiata pine will soon be in increased demand.

KADINA HIGH SCHOOL

Mr. HUGHES: Has the Minister of Education a reply to the question I recently asked about the Kadina Memorial High School being included in the Government's building programme for change and shower rooms?

The Hon. R. R. LOVEDAY: A programme for expenditure of subsidy money on Loan works covering the next two financial years has been prepared, and it has been approved by me. The Kadina project is included in the works scheduled for 1967-68. The programme is subject to ratification by the Public Buildings Department before being put into effect. The plans, specifications and quotes for the change rooms have been examined by the Public Buildings Department, and a report has been forwarded to the Headmaster of the Kadina High School.

GILBERTON FLATS

Mr. COUMBE: Considerable publicity has recently been given to a plan to redevelop part of the Hackney area in the Premier's district. However, I am more interested in the scheme, affecting the area immediately on the other side of the Torrens River, to build a block of flats at Gilberton. This scheme, although announced some years ago, has been deferred, and when I asked the Premier a question about the matter some months ago, he replied that, although it was still deferred, he hoped that by about this time of the year he would be able to give me information (indicating, I hope, that the Government intended to proceed with the scheme). Can the Premier now give me that information? Alternatively, if he cannot, will he ascertain the Government's intentions in this regard?

The Hon. D. A. DUNSTAN: Although I cannot make an announcement immediately, the matter is being considered, and I will try to obtain a report for the honourable member soon.

ELECTION CANVASSING

Mr. LANGLEY: Many constituents in my district have complained to me that their privacy has been invaded by the canvassing of another Party involving a telephone call, asking whether these people require a postal vote or transport to a polling booth in order to vote at the elections. Can the Premier say whether this practice is a breach of the Electoral Act?

The Hon. D. A. DUNSTAN: On the face of it, it is a breach. If the honourable member can inform me of some specific complaints on this score, we shall have them investigated immediately.

RESERVE FENCING

Mr. NANKIVELL: For my benefit and that of the House, will the Minister of Lands again outline what is the Government's policy on the fencing of Crown lands (specifically reserve areas) in cases where the adjacent landholder wishes to carry out the work?

The Hon. J. D. CORCORAN: On Thursday last, the member for Victoria asked a question about a specific case, in reply to which

I said I would see what progress had been made. The policy of the National Park Commissioners in this matter is eventually to fence all reserves in the State and to firebreak them. However, because of the large area concerned (it is about 600,000 acres at present and will grow), and because of the finance involved, the programme will be extended over some time. The present arrangement with adjoining landholders is that the commissioners supply all the material to provide a good standard fence, which the adjoining landholder erects. He is also responsible for providing a firebreak of, I think, one chain in width on the national park side of the fence. I believe this general policy will apply in future.

ABATTOIRS

The Hon. T. C. STOTT: Can the Minister of Agriculture say when the report of the Metropolitan and Export Abattoirs Board is likely to be tabled in Parliament? Has he received any notice in advance of what the report contains, and can he say whether the board expects to suffer considerable loss this year?

The Hon. G. A. BYWATERS: No report of the Abattoirs Board is pending tabling in the House. The Act requires that every three years the board must report on the efficiency of machinery and other aspects mainly associated with the running of the abattoirs. Such a report was laid on the table about 12 months ago. On Thursday, I said I had asked the Public Service Commissioner to examine the operations of the board and to inform me whether improvements could be made in certain respects. However, this has been a tentative inquiry and at this stage there is no intention of tabling that report, it being too early to do anything in regard to its substance. As the Government is examining the matter, some action will be taken in due course.

HAHNDORF SCHOOL

Mr. SHANNON: Has the Minister of Education a reply to my recent question about additional land required at the Hahndorf Primary School?

The Hon. R. R. LOVEDAY: There are three separate owners of the land, which the Education Department is trying to obtain as an addition to the Hahndorf Primary School. Agreement has been reached with two of the owners and the land concerned should be transferred shortly. Difficulty has been experienced in arriving at an agreed price with the third owner, but it is hoped that this matter will soon be resolved.

MEDICAL AIDS

Mr. BURDON: Recently inquiries have been made of me in connection with the provision at the Royal Adelaide and Queen Elizabeth Hospitals of glasses and hearing aids for pensioners. Country people, in order to comply with certain formalities, must travel to Adelaide to obtain these concessions. This often necessitates much travel, particularly in the case of those living in my district, which is about 300 miles from Adelaide. I believe these hearing aids and glasses could be provided at Mount Gambier, where eye and ear specialists and opticians practise. Will the Premier ascertain from the Minister of Health whether these concessions could be provided in country areas (such as Mount Gambier) where regional Government hospitals are available, so that wherever possible the necessity for pensioners to travel to the city could be eliminated?

The Hon. D. A. DUNSTAN: I will take the matter up with my colleague and get a report for the honourable member.

LOAN FUNDS

Mr. McANANEY: Can the Treasurer say whether the build up in the Loan funds surplus of about $4,300,000, as against a deficit of about $1,200,000 at the beginning of the financial year, has been caused by further delays in the supply of goods to the various departments? If that is not the cause, can the Treasurer say what is the reason for the build up, because the release of those funds may help the current employment situation?

The Hon. D. A. DUNSTAN: I do not think there is any delay in building or in the delivery of material, but I shall get a report for the honourable member.

DROUGHT ASSISTANCE

The Hon. T. C. STOTT: Has the Minister of Lands inquired about the payment of unemployment social service benefits to a farmer whose case I explained to him?

The Hon. J. D. CORCORAN: I have been informed by the Department of Social Services that the matter of benefits for share-farmers is under consideration. However, in regard to the specific case referred to by the honourable member, it is pointed out that a 14-day period always elapses between receipt of an application and the making of a payment, if approved. To be eligible for unemployment benefit, a person must be capable of accepting full-time employment. In the case specified

by the honourable member, although the claim has not, in fact, been rejected, it is expected that it will be because of the applicant's incapacity to accept full-time employment.

EGGS

Mr. HALL: Has the Minister of Agriculture a reply to my recent question about egg cartons?

The Hon. G. A. BYWATERS: I have received this letter from the Chairman of the South Australian Egg Board:

The following comments on the marketing of eggs in the Mount Gambier district of South Australia since the introduction of non-returnable cartons are forwarded to you in reply to statements made in the House by Mr. R. S. Hall, M.P., on September 19, 1967:

The board's inspector (Mr. T. V. Stevens) made a thorough investigation of marketing conditions during the week ended October 6, 1967. He called on 32 storekeepers in the town of Mount Gambier, and with the exception of one all are in favour of the non-returnable cartons. The exception was the owner of a small delicatessen in Commercial Street West, who had been in business only nine weeks at the time of the visit. His maximum sales had dropped sharply, but as pointed out to him seasonal increases in local production could account for the drop to some extent. Producers are in favour of the non-returnable carton, and experience no difficulty at all in selling to retailers. In fact, one of the biggest producers in the area introduced the non-returnable carton before the board, for the sale of Victorian eggs (and charged South Australian wholesale prices).

Retailers are also in favour of the cartons, although some have delayed their introduction until the heavy seasonal backyard production is reduced. It will be appreciated that these stores deal mostly in Victorian eggs. The inspector discussed the merchandising of eggs very freely with everyone he visited, including Victorian agents, and the consensus of opinion was that the problem associated with the marketing of eggs in the South-East of this State was one of production, and not the method of selling. It is generally accepted that the production problem exists only during the spring months.

I think most members have received a letter in the following terms from the Retail Storekeepers Association of South Australia:

Our association is concerned at a proposed move through Parliament to have eggs sold once again without egg cartons, which were recently successfully introduced by the South Australian Egg Board. The retail food trade strongly feels that the sale of eggs in new cartons is justified. It is not long ago that dirty secondhand cartons were used. This method was most unhygienic. There is no doubt that new cartons are excellent for cleanliness purposes. Up until the introduction of the cartons, eggs were one of the worst-presented items in food stores. The new cartons are an accepted method of merchandising, with complete ease of handling in stores to save breakages. Excellent presentation surely helps sales. Cartoning of eggs has been particularly well received by the public. Comments in the stores have been very favourable. As eggs have been one of the last food commodities to be packaged, we ask that you do all in your power to have them continue to be merchandised as at present.

It may also interest members to know that for some time in every other State eggs have been packed in this type of container, as shown by the following:

Western Australia: Packaging 3c. All retail sales are made in non-returnable one-dozen cartons packed in non-returnable outers. Loose available only to Perth General Hospital and Repatriation Hospital in non-returnable material. Has been operating 18 months—no complaints.

Victoria: Packaging, 4c (material 3.3c and labour .7c). Producer agents remit 4c to the board if packed loose. Eggs available both cartoned and loose at same wholesale price. Cartons and outers non-returnable. The sale of loose eggs principally to hospitals, etc. Loose eggs tend to be mixed in grades.

New South Wales: Packaging, 3.9c, cartoned, 3.4c loose. The .5c difference is allowance for grocers packing in bags. Packing material, including outers, is non-returnable. 98 per cent of retail sales is cartoned. Loose eggs principally to hospitals and commercial users.

South Queensland: Packaging, 3c cartoned, 1c loose. Available in both cartoned non-returnable and loose pack. A $2.00 charge is made for case and material in loose, and credited on return if in complete condition. The majority of eggs are sold cartoned.

South Australia: Packaging 3c (non-returnable material). All retail sales of graded eggs packed in cartons. Loose eggs available to hospitals and commercial users. Same wholesale price for cartoned and loose eggs. Ungraded at Port Lincoln are cartoned. Strong demand for cartoned ungraded eggs in country areas.

I have also been told that sales have increased since eggs have been packed in the non-returnable cartons. It is also interesting to note that, whereas almost all food commodities are packed in non-returnable cartons, no concern is expressed by consumers about what they are paying for those containers. Breakfast foods are among the many examples of food commodities so packed. In addition, soap powders packed in non-returnable cartons are sold by grocers at present, but no complaint is made about that. In the case of tinned foods, the container costs much more than the 3c applicable to eggs. The non-return tins in which tinned fruit is sold cost about 10c, and of the 60c or 70c charged for a one-half gallon can of ice-cream, 9c is charged for the non-returnable container. I consider that

the selling of eggs in these containers protects the consumer, who is the one most affected in this matter.

ANLABY

Mr. MILLHOUSE: On September 19, just four weeks ago, I asked the Minister of Agriculture about the prospects of the Government's considering the purchase of the Anlaby property from the Dutton family and whether, if the matter had not been considered, the Minister would discuss it with his colleague. He said that it had not been considered but that he would discuss the matter with his colleague. As I have not yet heard anything from the Minister following his discussions, can he now say whether the Government is interested in this proposal?

The Hon. G. A. BYWATERS: As the honourable member had not asked me whether I had a reply, I wondered whether he was still interested. When the honourable member asked the question I said that the Government had not considered the purchase of this property but that I would take up the matter with my colleague. I immediately discussed the matter with the Minister of Lands, and he agreed with me that it would be impracticable for the Government to buy this land for the purpose stated. I also took up the matter with the Director of Agriculture and asked for his views. He submitted a report to me, but I have not got it with me at the moment. I will obtain that report for the honourable member. I point out, however, that this is not the type of property that would be considered suitable for purposes of agricultural education.

MILK COSTS

Mr. McANANEY: As the Minister of Agriculture seemed to infer from the fact that the member for Mitcham had not sought a certain reply that the honourable member was no longer interested in the question he had asked, I now ask the Minister of Agriculture whether he has a reply to my question regarding the cost of producing milk.

The Hon. G. A. BYWATERS: I think the honourable member asked me this question only last Thursday. As this is dealt with by the Milk Board, which, as the price-fixing authority, has a formula in this matter, I sent the question to the board, but I have not yet received a reply.

KANGARILLA WATER SUPPLY

Mr. SHANNON: Some time ago I introduced to the Minister of Works a deputation from Kangarilla seeking reticulation of water for some parts of that district. Can the Minister say whether his department has prepared a plan in respect of this matter?

The Hon. C. D. HUTCHENS: The departmental officers have made two attempts to see whether they can arrange a scheme at a satisfactory price to all concerned, and they are now making another attempt.

LOCAL GOVERNMENT COMMITTEE

Mrs. STEELE: On several occasions last session I asked the Minister of Lands, representing the Minister of Local Government, several questions relating to the Local Government Act Revision Committee. I was told on one occasion that an interim report would be laid before Cabinet in September, 1966. Can the Minister of Lands therefore say what is the position with regard to this report and when it is likely to be submitted to Parliament?

The Hon. J. D. CORCORAN: I will confer with my colleague and obtain a reply for the honourable member.

HOSPITAL CHAPELS

Mr. COUMBE: Has the Minister of Social Welfare a reply to the two questions I have asked regarding the provision of chapels at mental hospitals, particularly at the Hillcrest hospital?

The Hon. FRANK WALSH: Designs for chapels at both Glenside and Hillcrest hospitals were drawn up by a firm of private consultants several years ago, but when tenders were called the costs quoted were greatly in excess of those originally calculated. Existing capital commitments on other urgently needed projects made it impossible to proceed at that time. With the greatly increased freedom given to psychiatric patients in these more enlightened times, there is an increasing tendency for many patients to attend church services conducted outside the hospital area. This is to be encouraged. Nevertheless, there remains a need to provide suitable chapels within the hospital grounds which can be used both for church services and for private prayer.

I am pleased to say, however, that the matter of the erection of hospital chapels has not been allowed to lapse. The Public Buildings Department is currently designing a chapel as part of the Strathmont hospital scheme and following discussions with the church authorities it may be possible to use a similar design (although of enlarged capacity) at the Hillcrest and Glenside hospitals. On completion of the design for the chapel at the Strathmont hospital the economics of such a

proposal will be investigated. The present arrangements at Hillcrest hospital are that the hall in ward 9 is being used for church services by visiting chaplains. Lutheran and Methodist services alternate on Sunday mornings and a Catholic service is conducted every Friday.

GOVERNMENT BUILDINGS

Mr. MILLHOUSE: May I, especially in view of the strictures on me by the Minister of Agriculture, ask the Minister of Works whether he has a reply to my question of Thursday last about the enormous disparity between the cost of maintenance of Government buildings according to the Estimates and the cost according to a reply to a Question on Notice that the Minister was kind enough to answer last Tuesday?

The Hon. C. D. HUTCHENS: The figure given by me on Tuesday, October 10, in relation to expenditure on education buildings, was $1,771,200, and was correct. The figure of $1,160,000 quoted by the honourable member was the amount of contingencies only and did not include the amount of salaries and wages. The difference of $611,200 is the salaries and wages content. The amounts of expenditure on hospital buildings are similarly affected.

PUBLIC PARKS

Mr. HALL: Has the Minister of Lands a reply to the question I asked during the Budget debate on the sum accumulated for the purchase of public parks?

The Hon. J. D. CORCORAN: The Minister of Local Government reports:

The line "Purchase of land for Public Parks and Recreation Areas, etc." had an outstanding balance in the deposit account at July 1, 1966, of $66,255. The amount appropriated for the financial year 1966-67 was $250,000, making a total of $316,255 available for that financial year. Grants paid during the 1966-67 financial year totalled $189,925.10, and therefore the amount held in the deposit account at June 30, 1967, was $126,329.90.

The deposit account was opened to enable the balance of funds at the end of one financial year to be held over for use in the next financial year. There is no intention of attempting to build up a sum for use on a specific purpose. The deposit account is purely to permit funds unexpended in one year to be available at a later date.

LANGHORNE CREEK SCHOOL

Mr. McANANEY: When air-conditioning units were purchased under subsidy some time ago for the Langhorne Creek school, the school committee was under the impression that the department would provide money for the maintenance of the equipment. Since then, the school has been refused assistance in this respect. Now a refrigerator has been purchased on the condition that the committee will maintain it. The committee accepts this, but it was rather sore about the first case because it was under the impression when the air-conditioning units were bought that the department would maintain them. Can the Minister of Education say whether this is a change of policy by the department and, if it is, what is the reason for it?

The Hon. R. R. LOVEDAY: So far as I am aware, there has been no change of policy, but I will have the matter examined for the honourable member.

OVERLAND BUFFET CAR

Mr. MILLHOUSE: I understand that the Minister of Social Welfare has a reply to the question I asked some time ago regarding the provision of refreshment facilities for passengers when the Melbourne Express was delayed?

The Hon. FRANK WALSH: A report from the Railways Commissioner states that the running of the Overland has been very much to time in recent months, and it has not run late on frequent occasions as stated by the honourable member. The specific instance to which he refers was when a delay to the Overland was occasioned by a goods train derailment south of Murray Bridge. The Overland was held at Tintinara for 75 minutes, awaiting track clearance, and it arrived at Murray Bridge at 8.11 a.m. Refreshments were available and passengers were served at the Murray Bridge refreshment rooms during the train's stay there. It was, therefore, not necessary for the passengers to wait until arrival in Adelaide in order to partake of refreshments, and in fact the hour of 8.11 a.m. would not be an unreasonable time.

The refreshment services on the Adelaide railway station are available for passengers from the Overland every day except Sundays, when the rooms are closed to obviate uneconomical working. However, when long-distance trains are delayed excessively and arrival time in Adelaide is after the normal closing time of the dining room and cafeteria, arrangements are made to keep the rooms open where it is known that passengers will require refreshments. This is the regular practice and it will be continued.

TEA TREE GULLY SCHOOL

Mrs. BYRNE: The Minister of Education will be aware that I have asked questions previously about two and half acres of land being acquired by the department to extend

the present restricted area at the Tea Tree Gully Primary School. The last time, on October 20 last year, the Minister told me that in order to facilitate the department's entering into possession of the land the Crown Solicitor had been asked to proclaim it under section 23a of the Compulsory Acquisition of Land Act. However, as this land is still not being used for the purpose for which it is being acquired, can the Minister say whether the land is now the legal property of the department and, if it is, when it can be used as part of the Tea Tree Gully Primary School?

The Hon. R. R. LOVEDAY: I shall be pleased to obtain the replies for the honourable member.

VICTOR HARBOUR SEWERAGE

Mr. McANANEY: As Victor Harbour is one of the largest tourist resorts in South Australia, can the Minister of Works say what priority has been given to providing sewerage for this area, and when it will be provided?

The Hon. C. D. HUTCHENS: I understand that a special committee considers priorities to be given to country sewerage schemes and, as I do not know the position regarding Victor Harbour, I shall obtain a report for the honourable member.

CITIZEN MILITARY FORCES

Mr. MILLHOUSE: On September 21 last, nearly four weeks ago, I asked the Premier a question about the Government's policy on leave for members of the Citizen Military Forces, and he said that he was not aware of consideration being given to the changes I had suggested to his predecessor but that he would inquire. In view of the earlier strictures of the Minister of Agriculture and the long time that has elapsed since I asked the question—

The SPEAKER: Is the honourable member going to persist in referring to previous replies to questions when he asks a question?

Mr. MILLHOUSE: No, Sir.

The SPEAKER: If the honourable member does, I will take other action.

Mr. MILLHOUSE: In view of the long time that has elapsed since the honourable gentleman undertook to inquire, can he say whether he has a reply to the question? If he has not, will he expedite his endeavours?

The Hon. D. A. DUNSTAN: I have a reply to the question. My inquiries have revealed that there is no intention at present of altering the Government's existing policy in this matter.

WATER SUPPLIES

Mr. HALL (on notice):

1. How much water was pumped through the Morgan-Whyalla and the Mannum-Adelaide mains respectively, in the months of September, October, November and December, 1966, and in each month so far in 1967?

2. How much water was held in the Mount Bold, Happy Valley, Myponga, Millbrook, Hope Valley, Barossa, South Para, Warren and Bundaleer reservoirs respectively, at the end of each of the abovementioned months?

The Hon. C. D. HUTCHENS: I have a long list showing the quantity of water pumped through the Morgan-Whyalla and Mannum-Adelaide mains but, because of its length, I ask permission for it to be incorporated in *Hansard* without my reading it.

Leave granted.

QUANTITIES IN MILLIONS OF GALLONS

	Quantity of water pumped		Reservoir storage at end of month								
	Morgan-Whyalla main	Mannum-Adelaide main	Mount Bold	Happy Valley	Myponga	Millbrook	Hope Valley	Barossa	South Para	Warren	Bundaleer
September, 1966	452	617	9,070	2,036	4,088	3,647	733	595	5,626	1,410	921
October	496	247	8,744	2,619	4,218	3,418	560	460	5,886	1,314	1,002
November	484	972	7,601	2,731	3,829	3,101	538	795	5,105	1,096	945
December	377	1,066	6,766	2,856	3,425	2,987	713	838	4,740	950	882
January, 1967	439	1,132	5,177	2,867	2,968	2,287	707	946	4,099	696	733
February	430	978	3,654	2,899	2,559	1,435	765	983	3,578	508	615
March	441	771	3,247	2,071	2,133	961	563	980	3,130	402	560
April	422	931	2,537	1,807	1,783	572	544	939	2,994	358	531
May	362	1,037	1,688	1,726	1,742	717	506	874	2,989	355	522
June	322	857	1,552	1,385	1,775	683	413	828	2,989	405	526
July	380	1,939	2,249	1,251	1,917	1,157	376	949	2,836	485	654
August	433	2,040	2,929	1,532	2,219	1,712	481	906	2,926	610	789
September	473	2,002	2,982	2,107	2,455	2,037	466	834	2,944	696	881

Mr. FERGUSON (on notice):

1. What quantity of water was discharged into the Paskeville storage dam during each of the years ended September 30, 1966 and 1967, respectively, from both the Bundaleer and Warren mains?

2. Which districts are serviced from the Warren reservoir?

3. Is it intended that water restrictions shall apply to all districts serviced from the Warren reservoir?

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

1 to 3. In order that a clearer picture may be had, quantities in millions of gallons of water discharged into Paskeville are given for the four years ended September 30, as follows:

Year	From Bundaleer trunk main Million gallons	From Warren trunk main Million gallons	Total Million gallons
1964 . . .	320	394	714
1965 . . .	307	439	746
1966 . . .	532	250	782
1967 . . .	410	435	845

The year 1966 may be seen to be rather different from the others; during that year flow from the Warren trunk main was restricted as far as possible because of the lack of storage in the Warren reservoir. At the same time, of course, as much as possible was obtained from the Bundaleer trunk main. During years when Warren reservoir has adequate storage—whether natural or augmented by pumping from Mannum—it is normal policy to take unrestricted Warren flow into Paskeville, because the cost of water pumped to Warren is much less than that pumped to Bundaleer. The areas served from the Warren reservoir may be divided broadly into two classifications—those fully dependent and those partly dependent.

The Warren water district, which is the area at present subject to restrictions and which includes the Barossa Valley and extends as far north as Auburn, is fully dependent on supply from the Warren reservoir. From Auburn going westerly through the hundreds of Hall, Stow, Goyder and Kulpara to Paskeville, we pass through areas normally supplied from Warren, but which are at present largely supplied from the Bundaleer system, and which during this coming summer it is intended to supply with a mixture of the two waters.

From Paskeville through the hundreds of Kadina and Wallaroo to the west and the whole of Yorke Peninsula to the south, with the exception of the Warooka water district, we have an area which is served normally by a mixture of Bundaleer and Warren water, but which is at present almost entirely supplied from Bundaleer. Just how long the present methods of supply can be maintained in all of the areas described will much depend on consumer demand; the position is being closely watched, and whether some form of restriction will be necessary in the future will not be determined until at least early November.

EMERGENCY HOUSEKEEPER SERVICE

Mr. MILLHOUSE (on notice):

1. How many housekeepers are there now in the emergency housekeeper service?

2. How many were there in October of each of the years from 1962 to 1966, inclusive?

3. How many of those families to whom assistance was granted in 1966-67, respectively, applied for and were granted relief from payment of charges?

4. To what extent was such relief granted?

5. Is a medical certificate required before assistance is made available?

6. In what circumstances is this required?

7. Has there been any change in this requirement in the last five years? If so, why?

The Hon. FRANK WALSH: The replies are as follows:

1. Seven.

2. October, 1962, 13.
October, 1963, 11.
October, 1964, 11.
October, 1965, 8.
October, 1966, 8.

3. Two applied (one granted, one refused on liquid assets).

4. Fifty per cent rebate (six-day period).

5 and 6. Only in case of householder seeking assistance so mother can have a holiday. Not in any other circumstances.

7. No change in this since inception of scheme.

MUSGRAVE PARK WAGES

Mr. MILLHOUSE (on notice):

1. Has there been any recent increase in wages of those employed at Musgrave Park?

2. If so, what was the increase and when did it occur?

3. Has there been any change in the number of those employed since any such increase?

4. If so, what is the change?

5. How many men are at present employed at Musgrave Park?

6. How many women are at present employed there and on what work?

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

1. Yes.

2. On July 1, 1967, adult male and female wages were increased from $12 and $10 a week to $18 and $15 a week respectively. Proportionate increases were also payable to juniors.

3. In view of normal fluctuations due to the semi-nomadic nature of the Aborigines in this area and their attendance at tribal ceremonies, there has been no significant change in the number of those employed.

4. See No. 3.

5. Thirty-four.

6. Five women are employed on domestic duties including hospital and supplementary feeding.

PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Places of Public Entertainment Act, 1913-1955. Read a first time.

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

That this Bill be now read a second time.

It is designed to remedy a number of serious abuses that have grown up in relation to the Places of Public Entertainment Act and to liberalize, to some extent, the law relating to entertainment on Sundays. The Act at present permits any person of moderate ingenuity to flaunt its provisions with impunity, to the detriment of public safety and convenience. Honourable members will perhaps know of one discotheque which, having been licensed as a cabaret under the Act and having been closed down for its failure to comply with the Act, succeeded in evading the provisions of the Act by requiring its patrons to become members of a club, thus divesting them of their character as members of the public and depriving them of protection under the Places of Public Entertainment Act. The concern that the Government felt in relation to this particular discotheque was amply vindicated when the premises were destroyed by fire a short time later. Despite protests by the proprietors of the place at the time of the original removal of the licence, namely, that the premises, including the furnishings, were fireproofed, they proved to be remarkably combustible and it was no doubt fortunate that the premises were not occupied at the time of the fire.

However, in the course of the last few days this same pseudo-club has commenced business in the Vardon Price Building in Grote Street. The premises are highly susceptible to fire and no adequate measures have been taken to safeguard the safety of patrons. It is clear that, in this instance alone, legislation is urgently needed to avert a major tragedy. The Government's attention to the evasions of the Act has been drawn by those who have been complying with the Act and who have pointed out to the Government during this year that unless action is taken to close the loopholes under the Act then, in order to protect their businesses from unfair competition of those who are evading the Act, they will have to use the same method to evade the Act. If this were to occur (and it has been threatened that it will occur, unless prompt action is taken), the Government would find that, before the next session of Parliament commenced, the situation concerning the control of places of public entertainment in South Australia would be completely out of hand and the safety of the public widely endangered.

Because of this and the investigation that the Government made of means of closing the loopholes under the Act, it was decided at the beginning of this session that we would have to close the loopholes but that, in order to do so, we would have to bring South Australian clubs within the purview of the Places of Public Entertainment Act, and that includes a wide number of bodies which are, in fact, engaged in Sunday activities. It was also decided to close the loopholes relating to cabarets which, under the existing provisions of the Act, operate on Sundays, anyway. Since it was clear that we would have to specify what were allowed activities and what were not allowed, on Sunday as well as other days of the week, I wrote at the beginning of this session to the Bishop of Adelaide (having previously had a conversation with him), and he had agreed before I wrote that he would refer the matter to the heads of the churches in South Australia. The churches were given from June 19 to the end of September to make representations to the Government and to say what they thought were the appropriate measures to be taken. Representations were forwarded to the Government on this basis. It was not possible for the churches in South Australia to put a united view but the majority of church people in South Australia, through their representatives, have overwhelmingly intimated that they

accept in principle the provisions of the Tasmanian Sunday Observance Act that was introduced and passed this year following an inquiry.

Mr. Millhouse: Incidentally, I understand you have the only copy of that report from the Parliamentary Library. Do you intend to make it available?

The Hon. D. A. DUNSTAN: I have at present the only copy, although there was no copy in the library until I asked it to obtain one. However, I shall return the copy to the library, so that all members may have it available to them. I am prepared to make available to members my correspondence with the Bishop and the representations that the churches have made to me on this subject. I might add that I have only had the Tasmanian report for a few days.

Mr. Millhouse: I do not think there is any need to justify yourself.

The Hon. D. A. DUNSTAN: I do not know why the honourable member raised the matter in the way he did.

Mr. Millhouse: Because I asked for the report today and was told it was not available.

The Hon. D. A. DUNSTAN: It will be made available to the honourable member. He is well aware that where information is in my hands in this way I am perfectly prepared to make it available to members in the normal way. The ability of some entertainment promoters to escape the obligations of the Act has reacted upon others who find themselves unable to compete with those who are not subject to the Act. The breaches that have already been made will rapidly widen unless prompt action is taken to repair them. The limitation upon the operation of the Act to the metropolitan area and certain proclaimed areas has produced absurd anomalies and has given some entertainment promoters an unjustifiable advantage over others. Again, the irregular application of the Act has been deliberately used in order to evade its provisions. The Bill strikes out the provisions that limit the operation of the Act and it will henceforth apply throughout South Australia, as was specifically requested by some of the churches.

The provisions of the Act relating to cabarets have long caused difficulties and anomalies. The present section 25c exempts the proprietor of a cabaret from all material provisions of the Act. The Minister is left with only minimal control over safety and no control at all over other important aspects of cabaret entertainment. In the past, the cabaret proprietor has had anomalous advantages over other entertainment promoters in that, by providing a minimum of refreshments, he has been able to conduct entertainment at any time on a Sunday. The proposed amendments strike out section 25a and bring cabarets within the provisions of the Act. Although it is intended that all cabarets should ultimately comply fully with the Act, it is impossible to accomplish this immediately without putting a number of cabarets out of business. Thus, where a cabaret has been operating in the past and does not conform with the Act, the Minister may, if satisfied that the safety of patrons is adequately protected, grant certain exemptions from the provisions of the Act, but may attach conditions to those exemptions which will ensure that the cabaret premises are brought into conformity with the Act.

The provisions relating to the conduct of public entertainment on Sundays liberalize the present position but without impairing the rights of those who regard Sunday as a day of rest. Thus the Act prohibits sporting exhibitions that are likely to draw large crowds and cause appreciable disturbance. Although a permit may be granted by the Minister authorizing the permittee to hold an entertainment which is otherwise forbidden on a Sunday, the Minister is required before granting a permit to consider whether the susceptibilities of persons in society generally or in the vicinity of the proposed entertainment are likely to be injured by the granting of the permit, and whether the quiet of the neighbourhood will be unduly disturbed. The Bill thus pursues a middle course which should be to the satisfaction of all sections of the community.

The provisions of the Bill are as follows: Clauses 1 and 2 are merely formal. Clause 3 amends section 3 of the principal Act which deals with interpretation. A new definition of "place of public entertainment" is inserted. This definition is in slightly wider terms than the previous definition as some doubt has been expressed whether a sideshow, for example, would fall within the previous definition. The definition of "public entertainment" is amended. The amendment is designed to prevent the abuse which has been previously referred to whereby an entertainment promoter can escape the provisions of the Act by forming a club. The amendment makes it clear that the fact that admission is restricted to persons who are members of a club or possess any other qualification or characteristic does not mean that the

entertainment does not fall within the provisions of the Act. A new subsection (2) is inserted which provides that the Sunday Observance Act, 1780, does not apply in South Australia. It is considered that the Act probably does not apply in any case but this subsection puts the matter beyond doubt. I point out that certain people associated with a particular enterprise to which I have previously referred threatened at one stage privately to arrest certain people in South Australia under the provisions of the Sunday Observance Act, 1780, and to bring them before the court on information.

Mr. Coumbe: That would have been interesting.

The Hon. D. A. DUNSTAN: It was no doubt a somewhat Marx Brothers stunt but it did not actually transpire. There is every reason to say that we should make the law clear. New subsection (3) provides that the Act does not apply to entertainment for which a permit has been granted under the Licensing Act, 1967, or to the place in which that entertainment is conducted.

Clause 4 repeals section 4 of the principal Act. This is the section which limits the operation of the Act to the metropolitan area and certain other proclaimed areas. The Act will now apply throughout South Australia. New section 4 permits the Minister to exempt a *bona fide* club from the provisions of the Act. The necessary widening of the definition of "public entertainment" will have the consequence of bringing a number of *bona fide* clubs, which conduct a number of public entertainments in the course of their activities, within the provisions of the Act. This new provision permits the Minister to exempt these clubs from the provisions of the Act provided that adequate measures are taken to ensure the safety, health and convenience of persons in the club premises.

Clause 5 amends section 17 of the principal Act. A new paragraph is added to enable regulations to be made to enable persons to make an unimpeded exit from a place of public entertainment. A further paragraph permits the Governor to prescribe the speed limit in drive-in theatres. Regulations may be made under new paragraph (*q*) prescribing such things as are necessary or expedient to ensure that the public entertainment is not so conducted as to interfere with the comfort or convenience of persons not participating therein, that is, to make certain that people are not unduly disturbed by Sunday entertainments.

Clause 6 amends section 20 of the principal Act. The prohibition against Sunday entertainment is reduced to a prohibition between the hours of three o'clock in the morning and one o'clock in the afternoon. New subsection (3) specifies a number of entertainments that are prohibited on Sundays and, in addition, permits the Minister by notice published in the *Government Gazette* to add further categories of prohibited entertainment. Members will see, in reading new subsection (3), that the entertainments that are prohibited are those which lead to a large concourse of people, those which are particularly noisy or disturbing, or those sports or entertainments with which gambling is normally associated.

New subsection (4) permits the Minister to grant a permit for the holding of any of these prohibited entertainments. He is, however, required to respect the sensibilities of persons in the neighbourhood with regard to this matter and is required to consider whether the holding of the entertainment will duly disturb the quiet of the neighbourhood. In some cases major league football teams, for instance, play matches on Sunday afternoons in country areas. No reason exists why this practice should not continue, as it has raised no opposition in country areas. No reason exists why a charge for admission should not be made rather than to have money raised by the back-door methods of attempting to sell programmes and the like.

New subsection (4) prohibits cinematographic and theatrical performances between six and eight o'clock in the evening without the written consent of the Minister. This is a modification of the provisions of the Tasmanian Act but it is made as a result of the request of a number of denominations in South Australia that these performances should not go on at the time of normal Sunday evening services. As the prohibition between 6 p.m. and 8 p.m. is unlikely unduly to interfere with the normal conduct of cinematographic and theatrical performances, it seemed to us that this was a proper provision to make in view of the submissions made to us on behalf of the churches.

Clause 7 inserts new sections 25a and 25b in the principal Act. New section 25a deals with billiard saloons. These were previously licensed under the Licensing Act. However, the provisions were not repeated in the new Licensing Act, as it was felt that they belong more appropriately to this Act. New section 25a permits the Minister to grant exemptions from the provisions of the Act to proprietors

of billiard saloons that were licensed under the old Licensing Act immediately before its repeal. This is necessary as many do not comply with the Places of Public Entertainment Act and many proprietors would be forced out of business if they were compelled immediately to comply with the full provisions of the Act. However, the Minister may grant an exemption on condition that the premises are brought into conformity with the Act. New section 25b deals with cabarets. Existing cabarets may be exempted from the full effect of the Act but likewise their proprietors may be required to bring them into conformity with the Act. Clause 8 makes a number of decimal currency amendments.

Mr. NANKIVELL secured the adjournment of the debate.

INDUSTRIAL CODE BILL

In Committee.

(Continued from October 12. Page 2678.)

Clause 5—"Interpretation."

Mr. COUMBE: I move:

To strike out the definition of "contractor". In dealing with this amendment, it is necessary for me to refer also to clause 28. A contractor is defined as any person who engages another person to perform building work for him, and that other person is referred to as a subcontractor. The definition of "contractor" goes on to refer to a contractor who engages a subcontractor to perform work, or part thereof, under a contract which although it provides for the subcontractor to supply his own labour only does not create the relationship of employer and employee.

If that is the case, what relationship does it create? We are dealing with ability of an organization interested in building work to make an application to the court in circumstances in which clause 28 will apply, and it has to be governed by this definition. As I intend to move to strike out the clause dealing with contract work, it is necessary for me to move this amendment. Clause 5 deals with a subcontractor engaged to supply labour only, not materials. I do not think the case would be altered much if the subcontractor supplied tools but, if he supplied materials, it might be different.

The Minister, in replying on the second reading, referred to the subcontractor, using the singular. However, it can also apply, in the plural, to a number of subcontractors. It is usual to engage a number of subcontractors engaged in the particular trade, such as carpentry and concrete work on floors. What will be the position in such cases? A contractor often employs a subcontracting firm to lay a concrete floor in a building, and the subcontractor brings along a team of men to do that work. However, I understand the definition to refer to a subcontractor, and the Minister said that the definition of a contractor clearly indicated that a subcontractor was one who supplied his labour only. He also said that the Bill did not apply in any way to a subcontractor who employed one or more persons.

I join issue with the Minister on this matter, because there is no narrowing down of the definition. Clause 28 provides that the commission may (it is permissive), on the application of a registered association or a contractor or subcontractor, make an award fixing the remuneration and working conditions of subcontractors and, if that award is made, it can be declared a common rule. However, for the purposes of the other provisions, a contractor is deemed to be an employer, a subcontractor is deemed to be an employee, and the occupation concerned is deemed to be an industry. So, for all other purposes we have the relationship of employer and employee, which is the position at present, but the definition of "contractor" does not create that relationship. I said during the second reading debate that, whereas clause 28 deemed the subcontractor to be the employee of the contractor, it did nothing to change the relationship between the subcontractor and his employees.

What about the subcontractor and his employees? This can be on a labour-only basis, too. I can cite many cases where labour only is the order of the day and the subcontractor brings his team along. Who will be responsible for the wages of the employees of the subcontractor? In terms of the Bill, the contractor cannot say who will be employed and cannot have any say in dismissing employees. It seems anomalous that, after a subcontractor has paid his men the award wage what is left over equals what the award wage should be. What would happen if a subcontractor misquoted on a job and took longer than the time estimated to do it? If, perhaps, a subcontractor is dismissed by the contractor either for faulty work or because he is taking too long, what is the position regarding his men?

Mr. Millhouse: He is still responsible.

Mr. COUMBE: I imagine he is responsible to the men for their wages and for the observance of conditions under the other provisions of the

Code. We are dealing here not with the remuneration of his employees but with the remuneration of the subcontractor. If the Government wants to deal with the employees, it should go further. Also, any independent contracts between the contractor and the subcontractor could be voided by the inclusion of this definition. The Government has decided, as a matter of policy, to control subcontractors working on building work, but I do not think that is necessary. There will be much confusion in the administration of these provisions if the court, on application, writes them into an award.

One of the elements of subcontracting is that the subcontractor gives a quotation to a contractor for certain work to be done to a certain standard of workmanship, and he supplies the labour, or the materials and the labour. The definition, however, interferes with this type of valid contract which has operated in the building trade for many years in this State and throughout Australia. The inclusion of this definition will cause building delays and will not reduce the cost of building.

Although I am aware of what is intended to be done within this definition, I must vote against it: first, because it will never work properly; and secondly (and more important), because it strikes a fundamental blow at a system that has worked well for many years. Both the Minister and the member for Port Pirie earlier expressed fears about men being forced to work for less than award wages, but I do not think that will apply. I oppose the whole definition.

The Hon. C. D. HUTCHENS (Minister of Works): I ask the Committee to reject the amendment. The honourable member has confused the issue. This definition is necessary because of the inclusion of clause 28 in the Bill, which authorizes the Industrial Commission to fix the rates to be paid and working conditions of subcontractors in building work. For many years complaints have been made that the labour-only subcontracting system has been used both by employers and workmen to avoid observing industrial awards. In many cases this resulted in labour-only subcontractors receiving lower than award rates, having regard to the hours they work, because particularly when work is scarce they are forced to enter into contracts to do work for the amount which the contractor is prepared to pay. The relationship of employer and employee must exist before an award can apply and courts have held that a contractor is not an employee. It is therefore not possible for a labour-only subcontractor to be covered by an award of the Industrial Commission. The purpose of including provision for contractors and subcontractors in the Bill is to enable the commission to make an award and so prevent the deliberate avoidance of the obligations contained in awards. It will be seen that the clause only applies to a subcontractor who supplies his own labour; any subcontractor who employs anyone else will not be affected by the new provision. The purpose of the definition is clear: to prevent the deliberate avoiding of the payment of wages, and to ensure to a man an adequate return for his services.

Mr. MILLHOUSE: I cannot agree with what the Minister has said. He has apparently got a prepared answer that takes no account of the argument put forward by the member for Torrens this afternoon. I think it is a pity he did not listen with a little more attention to what the member for Torrens said.

The Hon. C. D. Hutchens: I am used to your insults, and they don't make any difference.

Mr. MILLHOUSE: I still think it is a pity that the Minister did not listen to what the member for Torrens said when he explained the amendment. He did not listen: he relied on a statement that he had drafted before he heard the objections of the member for Torrens. In discussing this definition, one cannot avoid looking at clause 28. I point out, as did the member for Torrens, that there are great defects in this definition. We know the alleged evil the Minister is trying to get over. I leave on one side for a moment the question of whether or not it is worth doing at all. If it is conceded that it is worth doing, it should be done properly, but clause 28 does not do it, because although it makes the subcontractor an employee for the purposes of the Act it does not disturb his relationship with his employees. The subcontractor gets the worst of both worlds: he remains an employer of his employees with all the obligations.

The Minister would not voluntarily and maliciously make something unworkable but, apparently, he does not understand what he intends to do. Is it worth cutting out subcontracting work? It is a system that may be abused, like many others, but if people want to work that way they should be allowed to do so. The clause as drafted takes away the freedom of people to contract with one another to undertake work, but no case has been made

out to do this. Evils may exist but they are not sufficient to justify cutting out the subcontracting system, even if it were done properly, but that is not being done under the Minister's proposal.

The Committee divided on the amendment:

Ayes (17)—Messrs. Bockelberg, Brookman, Coumbe (teller), Ferguson, Freebairn, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, Messrs. Stott, and Teusner.

Noes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Jennings, Langley, Loveday, McKee, and Walsh.

Pair—Aye—Mr. Hall. No—Mr. Ryan.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. C. D. HUTCHENS moved:

In paragraph (*b*) (i) of the definition of "employer" to strike out "Board" and to insert "Commissioner".

Amendment carried.

Mr. COUMBE: I move:

In paragraph (*a*) of the definition of "industrial matters" to strike out "allowances payable to any persons in respect or on account of time lost between times of employment and also including the".

Part of this definition deals with allowances that may be paid to any workman between jobs. I am aware of the history of this matter in the building industry where an allowance has been paid to building workers who move from one job to another, but the present provision can apply to a much wider sphere. Application can be made to the commission for this allowance to apply to the building industry, but it is possible that the allowance can apply to any worker. If an employee left a job, either of his own volition or after being dismissed, who would pay the allowance before he was engaged by another employer? Would it be paid by the employer whom the worker had just left or the unknown employer to whom he was going?

If it is desirable that an allowance be paid, a margin or an increment should be included in the total wage, when it is fixed and adjusted, for the building worker of a particular trade. If the Minister wishes to restrict this provision entirely to the building trade, he should say so. If an employee is without work for a protracted period and becomes eligible to apply for Commonwealth unemployment benefits, will an employer be liable to pay this allowance? Any association could apply to the commission to have this provision inserted in its award in a special way.

The Hon. C. D. HUTCHENS: I am disturbed at the implication in the honourable member's statement that a union could get something just by applying to the commission. Surely, the commission must be given the credit of having common sense and of including in an award only a provision that was warranted. For many years it has been the practice to include in awards of the Industrial Commission provisions to compensate employees in the building industry for time lost on account of wet weather and other conditions peculiar to the building industry. Similar provisions also are included in awards of the Commonwealth Conciliation and Arbitration Commission. The jurisdiction of the commission to include such an allowance in its awards was recently queried although, finally, the commission did not have to decide on the matter. The provision that the amendment seeks to delete is intended to place beyond all doubt the fact that the commission does have jurisdiction in this matter, and it can apply only when the relationship of employer and employee exists, that is, whilst an employee is in the service of an employer. The allowance does not apply when an employee is "between jobs". I ask the Committee to reject the amendment.

Mr. COUMBE: I am merely trying to remove ambiguity from the Bill and to lay down guide lines for the commission.

The Hon. G. G. PEARSON: What is the meaning of the words "time lost between times of employment"? Time is lost by an employee only when he ceases to be in someone's employment, that is, when for one reason or another he is struck off the payroll and is on no-one's payroll. I have no objection to the court's making an award that is sufficient to meet the proper living wage for an employee who is in constant employment, but the Minister's statement seems to be in direct conflict with the words "time lost between times of employment".

The Hon. C. D. HUTCHENS: The provision is designed to cover, for instance, the case of a man who starts work at 8 a.m. and then, because of wet weather, leaves that job. It is designed to cover the period in which he is stood down because of certain conditions.

Mr. COUMBE: What about the case of an employee who decides that he might voluntarily take a week or so off? Will he be paid an allowance?

The Hon. C. D. HUTCHENS: Does the honourable member really think the commission would make an award in those circumstances?

Mr. MILLHOUSE: The definition is too wide; I do not think the Minister appreciates how wide it is. Paragraph (1) states that "industrial matters" extend to "persons who intend or propose to be employers or employees in any industry". The future tense applies: they do not have to be in an industry to be covered by this definition. Paragraph (2) (*a*) carries the definition further and refers to wages, etc., of any persons employed or to be employed in any industry. Therefore, whether or not it is intended, the definition extends to people changing from one industry or job to another industry or job as well as to those who change from job to job within an industry. It could well be interpreted as applying to those who are unemployed, for they are going from one job to another. This would raise all sorts of constitutional difficulty with the Commonwealth because, if we are going to legislate for unemployed people, there may be a conflict with Commonwealth legislation. Will the Minister consider contracting the definition so that it covers only what he intends it to cover?

Amendment negatived.

Mr. COUMBE: I move:

In the definition of "industrial matters" to strike out paragraph (*i*).

This relates to preference for unionists, which two later clauses implement. The wording of this provision is identical to the wording in the Commonwealth Act, and the wording of the later clauses also bears a relationship to that Act. However, I do not believe that alters the fact that this provision should not be included. In the Bill, provision is made so that the commission may, upon application to it, include in an award provision to permit the preferential employment of certain classes of person. Let us make no mistake: if an application is made to the commission, these provisions will be inserted in awards. Thus, an employer will be required to give preference in employment to persons belonging to a registered trade union. Although I have supported trade unionism for many years, I consider that whether a man gets a job should depend entirely on his ability to perform the work. Not only is preference required to be given to a person who belongs to a trade union: non-employment is to be given to a person who does not belong. In recent years important statements have been made about human rights.

Mr. Millhouse: There was the Declaration of Human Rights.

Mr. COUMBE: Yes, that United Nations declaration was the most outstanding. It provided that a person should have complete freedom in regard to religion and to mode of living (subject to the rights of others in civil law). However, the preference provided for in this Bill does not come within that ambit. In a time of shortage of employment, two carpenters may apply for a job and, under this provision, even though one applicant may be a first-class tradesman, he has to be denied the position if he is not a member of a trade union. I am not talking about compulsory unionism but about the obligation of the commission, on application, to consider preference in employment.

Mr. Broomhill: Other States have it, you know.

Mr. COUMBE: I started by saying that this provision was almost identical with a provision in the Commonwealth Conciliation and Arbitration Act and I also said that, despite that, I still did not agree with it.

Mr. SHANNON: The most savage aspect of this provision relates to non-employment, the inability of a man to get employment, despite his skills.

Mr. Broomhill: Does that happen in the Commonwealth sphere? Let's have a few examples.

Mr. SHANNON: The honourable member has said that this applies in the Commonwealth.

Mr. Broomhill: And in the other States.

Mr. SHANNON: I do not know about that but, if it is desired to give preference to a person who belongs to an association of his fellows, perhaps the decision can be left to the court. We are going too far when we tell the court what it is to do. I know people who hold certain religious beliefs that prevent them from joining any association other than their own religious association.

Mr. Broomhill: I have too much confidence in the court to think that it would deny such people the right to employment.

Mr. SHANNON: Generally speaking, I believe in the probity of the court and I believe that democracy is based on a judiciary that can be trusted and relied on. If the courts are so reasonable, why is the provision being inserted?

Mr. Broomhill: I think religious grounds would be excluded. They have been everywhere else.

Mr. SHANNON: If that is so, we are giving conscientious objectors something that is not available to other people. This provision indicates that courts are to be told that certain categories are not to have employment.

Mr. MILLHOUSE: I support the remarks of the member for Torrens and the member for Onkaparinga. I can understand that there are arguments in favour of preference to unionists, and the strongest one advanced by members opposite and the trade unions is that, because the trade unions get advantages for employees, it is wrong that some workers should ride on the backs of others who are members of the unions.

Mr. Broomhill: Trade unions are controlled by the courts.

Mr. MILLHOUSE: Yes, to some extent. I am putting, as fairly as I can, the argument in favour of preference to unionists. In my view, that argument is completely outweighed by the compulsive elements that there must be if there is a direction that preference should be given in employment or non-employment. This is entirely wrong. As the member for Torrens said, there is provision for preference in the Commonwealth Conciliation and Arbitration Act.

Mr. Broomhill: It works well, too.

Mr. MILLHOUSE: I understand the courts have defined it narrowly because obviously the arguments against wholesale preference are strong. That, however, is not a reason why we should write it in. Members opposite (many of whom have trade union background) say that our own State industrial arbitration system covers only 40 per cent (or about 100,000) of the workers of this State and that the rest are covered by Commonwealth awards; but that is no argument in favour of extending it if we in South Australia do not consider that it is a good thing. At least we are in control of that part of the field of industrial arbitration that has been left to us.

A couple of years ago I introduced a Bill to prevent preference being given to unionists in Government employment. Although the Premier tried to conceal it, we discovered that the Government had directed that preference be given to employees belonging to trade unions. However, that Bill was defeated on the second reading. At that time I quoted Article 20 of the Universal Declaration of Human Rights, which states:

Everyone has the right of freedom, of peaceful assembly, and association, and no-one may be compelled to belong to an association.

I would not for a moment begrudge the right of trade unions to try to recruit members in their trade. However, it is a different thing to say that the unions will be given, by preference, an advantage or a great impetus in their efforts to recruit members. The line dividing preference and compulsion is so fine in my view, that if this is written in pressure must be brought to bear.

The Hon. Sir Thomas Playford: That's the whole purpose of it.

Mr. MILLHOUSE: Yes. Pressure must be brought to bear on those who are not in the union so that they will join. I do not believe it is right to affect people's employment by requiring something apart from their capacity as employees. Yet this is what we will do if we assent to preference. Many people, for some reason that appears good to them, do not want to belong to a union. Why should we put any pressure at all on them to belong? Yet that is what we must do under this provision. This is entirely contrary to what has been provided hitherto in the Code, section 21 (1) (*e*) of which contains a proviso against preference.

Mr. Broomhill: When was that written in?

Mr. MILLHOUSE: I do not know. It looks like one of the earlier provisions. I think it was written in in 1912. If that principle was right then, I believe it is still right today.

Mr. Broomhill: You go along with that principle too far.

Mr. MILLHOUSE: Apparently the honourable member favours expediency above principle: that is the only interpretation one can put on what he says. The present proviso to section 21 (1) (*e*) of the Industrial Code states:

Provided that the court shall not have power to order or direct that, as between members of associations of employers or employees and other persons offering or desiring service or employment at the same time, preference shall in any circumstances or manner be given to members of such association or to persons who are not members thereof.

That is the exact opposite of the provision in the Bill. I think section 122, the marginal note of which states "Employer not to dismiss employee on account of taking benefit under the Act", has the same effect. That appears to go back to 1912. These things have been in the Code for a long time. They have worked well and we in South Australia have had an excellent record of industrial harmony. Further, our trade unions have been strong and vigorous.

The fact that we have not had preference in the past has not inhibited the trade unions in their development, but now they are being greedy: they want help, by legislation, to recruit members. Although I am wholeheartedly behind trade unions if their membership is voluntary, I do not believe we should exert pressure on people to join an association if, for reasons good to them, they do not want to join. We certainly should not prejudice a man's job and the welfare of his family by saying that he will not get a job unless he joins a union. That is the real vice of the provision. It is basically an infringement of human liberty—an infringement of the principles in the declaration I referred to. I therefore strongly oppose the provision and ask the Government to reconsider its insertion, although I know that suggestion is vain, because the Government is under instructions from the trade unions, which are so bent on having it included. However, I protest as strongly as I can against it.

Mr. McANANEY: I fully support the remarks of previous speakers on this side. I said on second reading that this provision would take away the liberty of the individual, and I strongly object to it on that ground. In a modern society one sometimes has to give up some of one's principles in the interests of the common good, but this is not one of those occasions. The court should not have to decide what is a good or a bad principle, but should interpret the law. It is Parliament's job to make the decision and to show the court what it can do. Legislation providing that a person cannot be employed unless he is a member of a union is the worst possible legislation.

A trade union controls the employment of people in a certain industry in this State, much to the detriment of industrial relations, and yesterday, there was 30 per cent absenteeism in this industry. Legislation should not be introduced that leads to a form of indirect compulsory unionism: freedom of the individual should be retained for the good of the community. A recent Gallup poll shows that 70 per cent of the people favours voluntary unionism and that it is the younger generation that upholds this principle.

The Hon. G. G. PEARSON: I heartily endorse what has been said by those who have spoken against this form of legislation. This provision will oblige people to employ a person merely because he is a member of a union. This Government has often spoken of granting freedom to the people but, when it comes to fundamental freedoms, at least three Bills have been introduced this session that deliberately deny people their freedom to choose whether to belong to an organization or not. Under these provisions the employer and employee will both lose their freedom, and the employee will be obliged to join a union and to pay a substantial subscription towards the funds of that union—something he can ill afford.

According to Government members, employees are always on the breadline, but now it insists that a person, in order to ensure that he has equal rights in his application for a job, must be a member of a union. I will not have a bar of that. Many associations operating in the community depend for their membership on the value of the service they give to their members, and that is a proper basis. If an organization has to have compulsory members, that organization is deficient in the basic service to the people it purports to serve. This legislation, a serious intrusion on the freedom of the individual, has been introduced by a Government that has been telling the people that it has preserved the freedom of the people of this State.

The Hon. Sir THOMAS PLAYFORD: This is a most objectionable provision. Provided that he gives satisfactory service, it is the fundamental right of that person to work, and that right should not depend on his joining a union. This clause provides for compulsory unionism, but some people do not wish to join a union: they may have either political or religious objections but, unless they join a union, they are debarred from their fundamental right of obtaining employment. That principle is wrong. As I do not support a Bill that includes such a provision, I hope that the Bill will be pitched out in due course.

Mr. QUIRKE: We all know that strikes have occurred because some of the people working in an establishment have not been unionists. It is interesting that only a third of the people in this country entitled to be members of a union are, in fact, unionists. Trade unions require this statutory compulsion because they are fearful of losing members but, because this provision constitutes a withdrawal of the rights of the individual, it is utterly and inexcusably wrong. I support the amendment.

The Hon. D. N. BROOKMAN: I agree with the attitude expressed by my Party: I am totally against compulsory unionism. The

Government's reply is that this is not compulsory unionism. However, it is, and everyone knows it is. It exerts unfair influence on a person to join a union. One of the first things the Government did when it came into office in 1965 was to introduce a form of preference to unionists in the Public Service. A circular stated, among other things, that a non-unionist should not be engaged for any work to the exclusion of a well conducted unionist if that unionist were adequately experienced and competent to perform that work. I hope that another Government will remove that provision.

Many unionists object to contributing, through their unions, to the Australian Labor Party. If people do not wish to contribute to the Labor Party, they cannot join some unions. That is a totally obnoxious situation. Only the other day, we heard about a unionist who had received a summons for non-payment of union dues. Although unions have done much good and will continue to do good, it is totally wrong to force people to join them. I support the amendment.

The Hon. C. D. HUTCHENS: Apparently members opposite favour unionism, but only to a certain extent. The member for Mitcham pointed out that similar provisions to those in the Bill apply in the Acts of all other States and in the Commonwealth Act. Members opposite have referred to the rights of the individual, but the rights of the individual are subject to the other fellow's rights. It was said that all members on this side of the House had a trade-union background. However, before I became a member I represented an employer, and thank goodness he was a fair employer. I now wish to refer to the following relevant comments made in connection with this matter by the Western Australian Industrial Court:

In so far as the general question of freedom of association, to which Mr. Hosking referred, is concerned, it is our view that this freedom must be seen in the social, political and economic framework of the times. Freedom of any sort even in, or perhaps more especially in, the most highly-developed democracies is a freedom within the law and its importance must be assessed in the light of the relevant legal context. That context for our present purpose is largely one in which there exists a long-standing but well revised system which provides for the compulsory arbitration of industrial disputes; in which disputes are not between workers and their employers, but between unions and employers; which provides for the settlement of disputes by awards and workers in the industries to which they apply, whether those workers are members of the relevant union or not and whether they or their employers know of the existence of the awards or not and from which there is no exemption; and which provides for the close supervision of the affairs of registered unions.

In this context a clause which, by its terms, requires that a worker shall be made aware of its provisions and of the rules of the union before being obliged to become a member of the union or to exercise his right to apply for exemption from such membership, may not seem to restrict the freedom of association in an unreasonable way. And when, on the one hand, the legitimate rights of the minority are protected—as they are by the application which we have given to section 61B—and on the other hand, a provision is likely to meet with the conscious accord of the overwhelming majority of the class of persons most affected by it—as we are sure is the case here—it can hardly be said that we have offended against the basic principles of democracy.

In this age of democracy, the rights of trade unions should be observed. In this case we are giving the court the right to make a decision in this matter.

Mr. McAnaney: Why not make it yourself?

The Hon. C. D. HUTCHENS: As we believe in democracy, we shall allow the court to make a decision. As this is a desirable provision the amendment should be rejected. Together with other provisions in the Bill, this provision is designed to authorize the Industrial Commission and conciliation committees to have the authority to grant preference in employment to members of registered trade unions. Notwithstanding what has been said by members opposite, it does not provide for compulsory unionism. This paragraph that the amendment seeks to delete is the identical provision that has been in the Commonwealth Conciliation and Arbitration Act for many years. As members are aware, there are more employees in South Australia covered by Commonwealth awards than there are covered by State awards, and, as many of those Commonwealth awards include clauses giving preference to members of trade unions, there is no reason why the State Industrial Commission should not have the same power as the Commonwealth commission.

A few moments ago it was suggested that a small percentage of the work force belonged to trade union organizations, but the *Labour Report* of the Commonwealth Statistician for 1962-63 showed that 64 per cent of the male work force belonged to trade unions. We say that the rights of minorities should be protected but the majority should make the decision. The member for Onkaparinga said it was murder not to belong to a union, that we should not give preference to those who were unionists. I believe that the deletion of this clause would retain something

antiquated and undesirable and take us back to 1912. In 1967 let us keep abreast of the principles of democracy and give the courts the right to determine when preference should or should not be given; and, if preference should not be given, they should have the right to say so. Cases have been cited of religious principles being involved. In those cases, surely the court should decide that people should not be denied the right of employment in the face of trade unions.

Mr. Coumbe: The Commonwealth has said so, but not this legislation.

The Hon. C. D. HUTCHENS: It is not only desirable but in keeping with every other State and the Commonwealth. We are the only State out of step. Let us get into step, and reject the amendment.

Mr. COUMBE: I have listened to the Minister fuming and fulminating. He claims that we live in a democracy, but he gives himself away immediately by saying that, although we live in a democracy, the rights of the trade unionists should be upheld. What does "democracy" mean? It means the rights of everybody. If we are to uphold the rights of trade unionists, as the Minister has said, what rights have other employees not belonging to trade unions? Democracy means equal rights for all people, and all we are asking for in this amendment is that all people should have equal rights in seeking employment. All that the Minister said stressed the rights of the person who belonged to a particular organization, anyone not belonging to such an organization having no rights. The Committee should support this amendment.

The Committee divided on the amendment:

Ayes (17)—Messrs. Bockelberg, Brookman, Coumbe (teller), Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke and Shannon, Mrs. Steele, Messrs. Stott and Teusner.

Noes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Jennings, Langley, Loveday, McKee, and Walsh.

Pair—Aye—Mr. Rodda. No—Mr. Ryan.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. C. D. HUTCHENS: I move:

Before the definition of "industry" to insert "nor shall the jurisdiction over any industrial matter mentioned in subparagraphs (*a*) and (*f*) of paragraph (2) of the foregoing definition relating to members of the Police Force be in any way affected or limited by reason of the existence of any regulation or General Order under the Police Regulation Act, 1952-1963, as amended."

There has been some doubt in the past as to whether matters which have previously been included in general orders made under the Police Regulation Act are within the jurisdiction of the Industrial Commission in respect of police officers. The Government considers there should be no doubt that the Industrial Commission has jurisdiction to determine wages, allowances and other remuneration, including the rates that shall be paid for work done during overtime or on holidays or for special work, and this amendment is designed to put beyond doubt the commission's jurisdiction in respect of these matters. They are at present included in the Police Officers Award because the Government did not raise the question of jurisdiction. However, it is preferable to ensure that matters included in awards of the commission are within its jurisdiction.

Amendment carried.

The Hon. D. N. BROOKMAN: Paragraph (*d*) of the definition of "industry" refers to employees performing voluntary duties. Obviously, anyone employed in any industry is performing a voluntary duty: the only involuntary duties would be hard labour in gaol, or something like that. I suggest to the Minister that "voluntary" be struck out and that the word "gratuitously" be inserted after "duties".

The Hon. C. D. HUTCHENS: I move:

In paragraph (*d*) of definition of "industry" to strike out "voluntary"; and after "duties" to insert "gratuitously".

The words "voluntary duties" were included in order to enable full-time employees of the St. John Ambulance Brigade to also perform voluntary work. However, in view of the honourable member's suggestion, the Government is prepared to amend the wording.

Amendments carried.

Mr. COUMBE: I move:

To strike out the definition of "subcontractor".

This amendment relates to an earlier amendment regarding the definition of "contractor".

Amendment negatived; clause as amended passed.

Clauses 6 to 17 passed.

Clause 18—"Officers."

Mr. COUMBE: There does not seem to be provision to appoint the Industrial Registrar and the other officers, as provided in the old Act.

The Hon. C. D. HUTCHENS: I have been informed that these officers are appointed under the Public Service Act.

Clause passed.

Clauses 19 to 24 passed.

Clause 25—"Jurisdiction of Commission."

Mr. COUMBE: I move:

In subclause (1) (*b*) to strike out subparagraph (i).

This is the operative clause dealing with the powers of the commission to give preference in employment to members of specified registered associations, and clause 69 deals with the same powers of conciliation committees. I oppose this preference clause, because every man should be judged on his merits and should have the same opportunity to obtain employment.

The Committee divided on the amendment:

Ayes (15)—Messrs. Bockelberg, Brookman, Coumbe (teller), Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, and Nankivell, Sir Thomas Playford, Messrs. Quirke and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (17)—Messrs. Broomhill, Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Jennings, Langley, Loveday, McKee, and Walsh.

Pairs—Ayes—Messrs. Rodda and Stott. Noes—Mrs. Byrne and Mr. Ryan.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clauses 26 and 27 passed.

Clause 28—"Building subcontractors."

The Hon. D. N. BROOKMAN: I oppose the clause, which is a further reference to subcontractors. I think there should be employees and contractors. To bring subcontractors into the Bill is improper.

Mr. COUMBE: I oppose the clause. My efforts to strike out the definition of "contractor" were all directed at this clause. We have canvassed fairly fully the whole question of contractors and subcontractors in the various aspects of building work. I think we know where the Government stands on this matter, and the Government knows by now where the Opposition stands. This would be a detrimental step and it would to a large extent upset the practice of many of the contracts in force in this State. There are other ways of meeting the Minister's objections.

The Committee divided on the clause:

Ayes (17)—Messrs. Broomhill, Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Jennings, Langley, Loveday, McKee, and Walsh.

Noes (16)—Messrs. Bockelberg, Brookman, Coumbe (teller), Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke and Shannon, Mrs. Steele, and Mr. Teusner.

Pairs—Ayes—Mrs. Byrne and Mr. Ryan. Noes—Messrs. Rodda and Stott.

Majority of 1 for the Ayes.

Clause thus passed.

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

Clauses 29 to 36 passed.

Clause 37—"Recovery of amounts due under awards and agreements."

The Hon. D. N. BROOKMAN: Although the period within which a sum shall be recoverable must be specified, it seems to me that six years is a fantastically long period within which anyone shall be able to recover a particular sum. Will the Minister explain the reason for the six-year period?

The Hon. C. D. HUTCHENS: This provision concerns, after all, a civil debt, and is similar to provisions elsewhere relating to civil debts. Civil debts are normally recoverable within six years of their being incurred and the Government sees no reason why payments relating to wages and long service leave should be treated any differently.

Mr. COUMBE: If an employee wins a claim against his employer, costs normally go against the employer. On the other hand, if a claim is trivial or a disgruntled employee brings a bogus claim against his employer, costs should be properly awarded against such an employee. As this seems quite different from the normal court procedure, will the Minister explain why it is specifically written into subclause (3) that no costs shall be allowed?

The Hon. C. D. HUTCHENS: I see no reason why this provision, which has existed for a long time in the existing Code, should not be retained.

Mr. SHANNON: I agree with the Minister that the six-year period is reasonable. I was recently approached by an employee whose claims against an employer over a number of years had been ignored by that employer, the latter having simply frittered away most of his

assets in the intervening period and become insolvent, leaving little for his unsecured creditors. I think wages form a first charge on whatever assets are available. Although six years may seem a long time, it is the common provision concerning a claim against a debtor, and I see no reason why it should not be adhered to in respect of a claim for wages. However, I agree with the member for Torrens that the court must be left free to decide whether or not costs shall be awarded.

Clause passed.

Clauses 38 to 51 passed.

Clause 52—"Tribunal to be guided by equity and good conscience."

Mr. COUMBE: I move:

In subclause (1) (*a*) to strike out "the Industrial Court and".

This clause deals with the manner in which the Industrial Court and the commission shall exercise their jurisdiction in hearing cases brought before them. Subclause (1) (*b*) empowers the commission to take whatever steps it desires to inform itself on matters relevant to the award or application before it. By this amendment and by a subsequent amendment I seek to have the ordinary rules of evidence apply in regard to clause 37, which deals with the recovery of moneys. As far as I know, the procedure set out in this clause does not apply in any other State. A person claiming money or having a claim made against him should have applied to his case the ordinary rules of evidence that apply in all courts of summary jurisdiction. My amendment will not restrict the commission in any way, but it will protect people who are having claims dealt with.

The Hon. C. D. HUTCHENS: The amendment seeks to deal with a provision that has existed in section 40 of the Code since it was established. This section was amended last year to apply the provision to the new commission. No objection was raised by members opposite to that amendment. The provision has never created difficulties, and the Government is not prepared to accept the amendment.

Mr. MILLHOUSE: Although I concede that a substantially similar provision has been in the Industrial Code for a long time, I point out that under the present arrangements we have the Industrial Court and the commission. The court has become, even more than it was before, a legal tribunal, in that it must be presided over by a legal practitioner as the judge. It seems only right that in those circumstances the normal rules of evidence should apply. After all, they are only rules that have been evolved over the years to ensure that a court gets to the truth of the matter as quickly and expeditiously as possible with the minimum intrusion of irrelevant matter. Laymen are often, for some reason, afraid of the rules of evidence because they seem technical but, when they realize why they are there, there is no reason to be afraid of them. Although I have had only a limited experience in the industrial jurisdiction I have found that by throwing away the well-known rules of evidence the court proceeds not faster but more slowly than it otherwise would. In view of the changes made last session (they have been in operation since July, 1966) it is a fair amendment to provide that the Industrial Court, which is hearing matters on appeal from magistrates' courts anyway as well as other matters, should observe the normal rules of evidence. The commission, which may be composed of laymen, is perhaps in a different situation; I would not argue that so strongly. There is a good case for this amendment.

The Hon. D. N. BROOKMAN: I support the amendment because I am concerned about the wording of subclause (1) (*a*). The words "without regard to technicalities" always make me wonder what is to be put in their place. What is a technicality, and who is to interpret it? It may be all right for the commission, which is acting somewhat less formally, but why bring the Industrial Court, too, into this position? The clause as drafted is an instruction to the Industrial Court not to observe technicalities or legal form, but many important things go into the building up of what is obviously meant by "technicalities and legal form". We should not release the Industrial Court from the obligation of observing what it would understand to be its normal course of conduct, although that may be all right for the commission.

Mr. COUMBE: The Minister appears to have missed the purport of my comments. True, clause 52 is substantially the same as section 40 in the old Code, which was inserted in 1912, but the clause to which I am now referring as restricting its application (clause 37) was inserted only in 1966. Therefore, this has applied for only a short time. The purpose of my amendment is not in any way to restrict the commission in arriving at a decision; it is that, only when the commission is dealing with clause 37, certain rules of evidence shall apply. They are fair and administered impartially to both sides. I see no reason why this amendment should not be agreed to. Although this provision has

operated for some years, there is no reason why we should not improve the legislation. I am sure that advocates of unions, individuals appearing and other people interested (including the commission itself) would appreciate this amendment.

The Hon. C. D. HUTCHENS: The honourable member has convinced me that his amendment will improve the Bill. Therefore, we accept it.

Amendment carried.

Mr. COUMBE: I thank the Minister for his acceptance of that amendment. I now move:

In subclause (2) after "jurisdiction" to insert "nor to proceedings pursuant to section 37 of this Act."

Amendment carried; clause as amended passed.

Clause 53—"Evidence".

The Hon. D. N. BROOKMAN: I am not very clear about this clause. I believe the reference to the Industrial Court may be out of place. I refer particularly to the wording of paragraph (*g*). In this provision, do the rules apply to both the court and the commission equally or should we make some form of consequential amendment?

The Hon. C. D. HUTCHENS: It appears to me that the position is the same as in the previous clause. There is no reason for an amendment.

Clause passed.

Clause 54 passed.

Clause 55—"Inquiries by the commission with reference to conciliation committees."

Mr. COUMBE: In the second reading debate I expressed views on the conciliation committees and submitted that some consideration should be given to improving the functioning of this section of the court. I asked whether they should be replaced by another system, because when we established them we hoped they would achieve certain things. I put forward certain matters that have caused difficulty and, although I do not intend to move an amendment to Part V, partly because I have not had time to prepare one, I should like the Minister to say whether the Government thinks the committees are operating successfully, or whether it thinks they should be replaced or improved. I said that the operation of these committees was a little unusual, having regard to industrial legislation generally in Australia, and I suggested that inconvenience was caused in relation to country and metropolitan awards because of duplication of work and the necessity to hold many meetings.

The CHAIRMAN: I think the honourable member could suggest how the clause could be improved without his referring to something that had been said on another occasion. Otherwise, we shall have another honourable member speaking later about another occasion, and I may have to rule that honourable member out of order.

Mr. COUMBE: Difficulty has been experienced in obtaining the services of the necessary persons to sit on these committees regularly and I have said that the committees do not seem to have been operating as we thought they would operate. I ask the Minister whether the Government thinks it is necessary to alter the system, and I also ask him to give the Government's views on the suggestions that have been put forward.

The Hon. C. D. HUTCHENS: It may be true, as the honourable member says, that there are pecularities about the operation of the committees, but I point out that the committees are informal and an endeavour to reach agreement is made. However, I shall refer the matter to the Minister of Labour and Industry for his comments. I thank the honourable member for his kindly attitude in the matter.

The Hon. D. N. BROOKMAN: I doubt that these committees will perform any real function, because all the power necessary is given to the President, who will demand that the parties meet. I am not suggesting firmly that the clause be amended, but I join with the member for Torrens (Mr. Coumbe) in expressing doubt that the committees have any useful purpose.

Clause passed.

Clauses 56 to 68 passed.

Clause 69—"Jurisdiction of committees."

Mr. COUMBE: I move:

In subclause (1) to strike out paragraph (*c*).

This is the third amendment that refers to preference to unionists. People should be judged on their merits, not on whether they belong to a particular association. Paragraph (*c*) provides:

A committee, on any direction or application to it shall, with respect to the industry and in the area of the State in relation to which it has been constituted, have jurisdiction . . . in any award, to provide that, as between members of registered associations of employees and other persons, preference shall in relation to such matters, and in such manner and subject to such conditions as are specified in

the award, be given to members of such registered associations as are specified in the award.

I point out that the heading to Division II is "Jurisdiction and duties of conciliation committees", and that in paragraph (*c*) the mandatory word "shall", not the permissive word "may", is used. I have already objected to placing this principle in the hands of the court or the commissioners, and now we are giving the power to a committee comprising laymen from both sides under the chairmanship of a commissioner. I have already asked the Minister whether the Government considers that these committees are working satisfactorily. I understand that the Minister will consult his colleague on this matter. Not only is the function of the committee in question but also the fact that it shall have certain powers.

Mr. Quirke: And employers are forced to give preference.

Mr. COUMBE: Of course. The wording of clause 25 is slightly different from that of this clause as it includes "may", but conciliation committees "shall" have jurisdiction.

The Hon. C. D. HUTCHENS: I ask the Committee to reject this amendment, because I am sure the member for Torrens is reading something into the clause that is not there. Conciliation committees are not compelled to do things, but they shall have jurisdiction to do them. They will do what, in their judgment is correct.

The Hon. D. N. BROOKMAN: The Government intends that the commission shall have jurisdiction, but the Opposition does not like preference to unionists and does not want that power given to the court. Parliament should not dispose of these powers, but that is what the Bill is doing. We need to be careful in Parliament that powers are not awarded indiscriminately to every organization because, if that is done, we weaken Parliament's position and lose control of a situation. In this case, the Government wants to change the situation and will force a decision, if possible.

The Committee divided on the amendment:

Ayes (16)—Messrs. Bockelberg, Brookman, Coumbe (teller), Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (17)—Messrs. Broomhill, Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Jennings, Langley, Loveday, McKee, and Walsh.

Pairs—Ayes—Messrs. Rodda and Stott. Noes—Mrs. Byrne and Mr. Ryan.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 70 and 71 passed.

Clause 72—"Wages and expenses of members."

The Hon. D. N. BROOKMAN: I move:

To strike out subclause (2).

I cannot see any justice in making the employer pay for this. We have the case of a member of a conciliation committee leaving his employment to attend committee business. Not only are the services of the employee lost to the employer while the committee business is being carried out but, in addition, because of this subclause the employer has to pay him. Is he representing the employer? In almost every case he would be doing something opposed to the employer's interest. How unfair could this become? Whether it is called a tax or a penalty, it is most certainly an extremely heavy handicap to an employer.

Mr. COUMBE: I believe that the member for Alexandra is perfectly correct in his submission. This is a case of men serving on the committee and fulfilling a public service. Subclause (1) provides that a member of a committee shall be reimbursed fares and out-of-pocket expenses incurred in attending a meeting.

Mr. Shannon: One man, two jobs.

Mr. COUMBE: It would be most appropriate in all equity if the people who have to attend as representatives of various interests could be paid a modest fee, because elsewhere in legislation lately we have been authorizing the appointment of many people to attend all sorts of commissions, committees, etc., and they must be paid fees. I am not suggesting that the fees should be extensive in this case, but the public should pay in the same way that witness fees are paid in courts and other tribunals. The member for Alexandra hit the nail on the head when he said that the employer has to pay for one of his workmen who will be going to the committee and who will probably work against his interest. So, he is paying both ways, not only in time lost but also in the disorganization in his factory. It will mean that people will be discouraged from attending the committees, and we want the best men possible to sit on the committees.

Mr. Broomhill: Who will discourage them?

Mr. COUMBE: Does the honourable member not think for a moment that an employer would be discouraged from suggesting to his employee that he should be able to get away and sit on the committee? This is a point I made earlier when we were talking about the operations of the conciliation committees: there has been difficulty in representatives of employers and employees getting away to meetings in working hours. This may be one way of getting over the problem. The easy way of doing this would be by deleting subclause (2) and putting the words "shall be paid fees as prescribed" in subclause (1). I think the amendment is a reasonable one.

Mr. MILLHOUSE: I, too, support the amendment. Members will recall that under the old system of wages boards, the boards met usually after working hours, and when the extensive amendments were made to the Act the new system was introduced, whereby committees meet during working hours. It has been found not to be working very well, because employers and employees begrudge the time they have to spend away from their jobs. The old system was better. The meetings were held in the late afternoon, and people did not want to waste too much time at them, so they got through the business much more efficiently. There was no question of people losing time from work or losing wages, because the meetings were held outside working hours. I think, Mr. Chairman, there was an attendance fee paid at each meeting of the board.

The CHAIRMAN: I never received any and I could not advise the honourable member.

Mr. MILLHOUSE: If you did not get it, it would not have been payable.

The CHAIRMAN: I have never been a member of a committee.

Mr. MILLHOUSE: Then no wonder you did not get it, but I think an attendance fee was paid, though whether it was or not does not matter much. There are people who wonder whether these committees are worth retaining at all. That is a wider question, and one I shall not canvass on this particular clause. The new system is not really an improvement on the old system. If the Government is adamant that it is going to keep it, there is not much we can do about it at the moment. This amendment does what is only justice: that is, if a man is going to be away from work for some time in his employer's time, then there is no reason why the employer should have to bear the cost. I am sure that if the Minister were a freer agent than he apparently is, he would agree with that and would be prepared to make some other arrangement. I hope he will heed the arguments that have been put from this side of the Committee and make some payment (out of the public purse) to those who attend these meetings.

Mrs. STEELE: I think the points have been very well made by the previous speakers to this clause. I, too, object to this provision. Subclause (1) does not specify who shall reimburse a person claiming out-of-pocket expenses. It seems unreasonable to me that an employer must meet expenses that have been incurred by a person who has attended a meeting and who, at that meeting, may well have advanced a case to the employer's detriment.

The Hon. C. D. HUTCHENS: I hope the Committee will not agree to the amendment. As it is advantageous to industry that every effort be made to conciliate, industry cannot escape at least some responsibility in this matter. I believe that the committees as they are at present functioning are an improvement on the old system and that people should be encouraged to make use of them whenever possible.

Mr. McANANEY: Just how unfair can one become in expecting only one party to pay the costs of conciliation? It is completely unrealistic that an employer must pay someone to attend a meeting who may merely be wasting his employer's time as well as that of the committee. The Minister has advanced no argument at all in favour of retaining this provision. Why should one side meet the whole cost?

The Hon. D. N. BROOKMAN: I am disappointed that there is no chance of the Minister's accepting what is obviously a fair amendment. Although the Government has appointed officers for the purpose of attracting industry to this State, it is now saying, in effect, to a person wishing to establish an industry in this State that he will be penalized in ways that he has never dreamt of previously.

Mr. SHANNON: If the person attending meetings is, say, a foreman working in an important section of a factory operation, his absence can considerably embarrass the employer. It is not clear who will pay out-of-pocket expenses incurred in this regard, and, as has been pointed out, it is unlikely that employees attending meetings will be working in the interests of the employer. Those attending meetings will be people looking after their

own personal interests, and that is not the best way of arriving at a fair and reasonable decision.

Mrs. STEELE: Will the Minister say who is to reimburse an employee the fares and out-of-pocket expenses incurred in attending meetings under subclause (1)?

The Hon. C. D. HUTCHENS: Under this provision, which is contained in the existing Code, reimbursement will be made by the State. That has been and always will be the case.

The Committee divided on the amendment:

Ayes (16)—Messrs. Bockelberg, Brookman (teller), Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (17)—Messrs. Broomhill, Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Jennings, Langley, Loveday, McKee, and Walsh.

Pairs—Ayes—Messrs. Rodda and Stott. Noes—Mrs. Byrne and Mr. Ryan.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 73 to 79 passed.

Clause 80—"Equal pay for males and females in certain circumstances."

The Hon. D. N. BROOKMAN: What does subclause (4) (*b*) mean? It has no punctuation and could have two or three meanings.

The Hon. C. D. Hutchens: It means what it states.

Mr. MILLHOUSE: At least the Minister should say that this provision has been taken from the New South Wales provision. However, I have not been able to find out where effect has ever been given to the provision in New South Wales or where its meaning has been stated. According to my information, the effect of the provision in New South Wales has been limited and few women have received any benefit under it. I am afraid that women in South Australia will be in a similar position.

Mr. Shannon: Don't you think that this paragraph negates subclause (2)?

Mr. MILLHOUSE: I do not know what it means and I cannot find that any interpretation has been given to it in New South Wales. I think that the Minister should be able to give some intelligible information on what it means.

The Hon. C. D. HUTCHENS: Subclause (1) means that to receive equal pay women will have to do work of equal value. However, the paragraph to which the member for Alexandra refers permits the court, if it so desires, to go beyond the provisions of subclause (1).

Mr. Millhouse: How far can it go?

The Hon. C. D. HUTCHENS: It is unlimited.

Mr. Shannon: It need not apply equal pay at all.

The Hon. C. D. HUTCHENS: No, it need not. However, it can grant equal pay outside of the provisions of subclause (1).

The Hon. D. N. BROOKMAN: The provisions of subclause (2) are clear, and that is the subclause to which subclause (4) (*b*) refers. However, the Minister referred to subclause (1), which has no bearing on the matter. If this clause means what the Minister suggests it means, then it should have been possible to set it out in about six lines instead of 1½ pages.

Mr. MILLHOUSE: In the second reading debate the member for Torrens quoted from the judgment of the New South Wales Industrial Court which shows that the court has interpreted the relevant provision in that State narrowly indeed. It has been held that equal pay should be granted only in awards providing for both male and female workers, and only where the work of males and females is fairly precisely the same in value, where the work of males and females in industry overall is of an equivalent nature and value and only where the award specifies it. In view of the narrow interpretation that has been put upon the clause in New South Wales (and one would expect that the same interpretation was likely to follow here) one wonders why the Government chose to introduce this principle in this legislative form rather than in the form in operation in New Zealand, which is much more generous and more realistically gives effect to the Labor Party's platform of equal pay for equal work. I have grave doubts about our ability to bear the greatly increased cost which would arise from a generous interpretation of this matter, but I should like the Minister to say why the Government has introduced this provision in the form adopted in New South Wales and not the more generous form adopted elsewhere.

The Hon. C. D. HUTCHENS: The Premier clearly explained the reason for adopting the New South Wales rather than the New Zealand provision. The New South Wales provisions work satisfactorily, to the best of our knowledge, and they would not cause the same

drain on the economy as the New Zealand provisions would.

Mr. SHANNON: That is an interesting comment.

Mr. Millhouse: Most revealing!

Mr. SHANNON: We are glad to know that somebody realizes that there will be a drain on the economy. It is wise that this should be understood before we get too deeply involved in this matter. I know the Government intends gradually to impose the burden on industry so that it will not feel it quite so much as if it was brought in suddenly. My father and mother shared the work of running the household. The children did not suffer because mother was looking for a job offering the same pay as father got. There is too much of that going on today; it is no good for the health of our economy. This Bill will encourage just that: married women will seek jobs (which they are competent to do) to double the family income. Who will suffer? It will be the home every time. We already have enough broken homes without adding to them. That will be one of the effects of this legislation. I agree with the member for Alexandra that this is a most involved clause, and I do not blame the Minister for not being able to give an explicit explanation. Subclause (4) (*b*) provides:

Subsection (2) of this section shall not be construed as requiring the same rates for male and female employees . . .

Subclause (2) deals with equal pay. We say one thing in subclause (2) and the opposite in subclause (4) (*b*). I know that some clever people who framed this legislation will say, "Read the lot." I have read the lot and it is still as clear as mud. Subclause (4) (*b*) continues:

only where such male and female employees are performing work of the same or a like nature and of equal value within the meaning of that subsection.

I want to know what the second half of that paragraph means. Are the concluding words of subclause (4) (*b*) governed by the opening gambit "Subsection (2) of this section shall not be construed as requiring the same rates for male and female employees"? If that is so, those two provisions must be tied together. The subclause does not mean what it is alleged to mean. It is so involved that it will not be operable.

Mr. McKee: Would you like it to mean what the Minister says it means?

Mr. SHANNON: I do not know yet whether the Minister has made himself absolutely clear on what it means. I have reservations about equal pay. Possibly the time will come when we shall say, "We have gone a little too far along this road. We are putting more breadwinners back to washing dishes." That is not their rightful place. A man is not by nature suited to performing domestic duties.

The Hon. Sir THOMAS PLAYFORD: I do not know what is the matter with the member for Onkaparinga. It is obvious what the clause does. The Government has promised equal pay, and it has provided for it in the first part of the clause. However, the Government also doubts what the economy can afford, so the second part takes away the grant.

The Hon. C. D. HUTCHENS: I think it is time Parliament decided whether it believed in equal pay. Much lip service has been given to equal pay but we on this side of the House say in an unqualified way that we believe in it.

The Hon. D. N. Brookman: You have a funny way of expressing it.

The Hon. C. D. HUTCHENS: We do not consider women to be an unequal part of the human race. If anyone wants to insinuate that, let him say so. We believe that, if a woman is giving a service and doing the work of a male, she should receive equal pay and, as the Premier has said, this is the first step towards doing it.

Mr. MILLHOUSE: I think, in view of the wording of the clause, that it is about time the Government made up its mind about equal pay. We find that this is only the first instalment. I understood the Premier to mean (and he usually does his best to make his meaning clear) that this measure was to be brought in over a period of five years. Now it seems that this is not the final form of the legislation.

The Hon. G. G. Pearson: Do you think it is a reduced objective?

Mr. MILLHOUSE: Yes, and I want to say something about that. The Minister said that the New South Wales legislation had been used as a model rather than the more generous New Zealand legislation because of the drain on the economy. The only interpretation one can put on that revealing phrase is that this form will not cost much and that the women of this State will not get much. Apparently, the Government has made some calculation, because it has worked out that this will not be much of a drain on the economy. I ask the Minister whether he can give an estimate of the cost to the economy of this measure.

The Hon. D. N. BROOKMAN: I support the member for Mitcham in his request. This evening the Government is saying nothing and giving nothing.

Mr. McKee: It is giving more than you gave.

The Hon. D. N. BROOKMAN: The best speeches that the member for Port Pirie makes are made when he is sitting with his arms folded, trying to lead the discussion off the track. We have tried to get information about the meaning of the clause but all we have had is more confusion, except that the Minis- has compared the New South Wales and the New Zealand legislation and talked about easing the drain on the economy.

Mr. SHANNON: I think the member for Mitcham and the member for Alexandra are making a perfectly legitimate request, but an honest answer would unfold the Government's intention of giving much less than equal pay. The Minister knows that the present state of the economy is such that it cannot stand the strain of equal pay and, although he alleges that his Party favours equal pay for the sexes for equal work, we are not getting any sign that the Government is giving effect to that. In the industries in which I have an interest we pay much more for certain female labour then we would ever pay a man. In some machine work women excel, and are paid accordingly. My company would be most disappointed to lose some of its female helpers. We ensure that we do not lose them, because we pay them much more than equal pay for equal work. We are getting much talk without action from the Government on this much vaunted policy of the Labour Party.

Mrs. STEELE: We all agree that this clause is taken from the New South Wales legislation. In some of the professional disciplines, at both graduate and undergraduate level, such as speech therapy, physiotherapy and occupational therapy, there is a great disparity between the salaries paid to men and those paid to women performing exactly the same work on a professional basis. In some occupations men and women do exactly the same work, yet under this clause they will not get equal pay.

Mr. McANANEY: Although similar conditions to those proposed are supposed to apply in the Public Service many public servants do not receive equal pay when doing the same work. Social welfare workers in the Public Service do not receive the same pay as men, but they do the same work. The principle of equal pay should be introduced gradually to keep pace with the State's economy. The Minister said that some women are equal to men—in many cases they are superior, but in others they are not on a par. Opposition members accept that equal pay should be introduced, but something definite should be stated in the Bill. The Government is paying lip service when it states that equal pay will be available throughout the Public Service and, because of this legislation, will be available throughout industry. It would be much better if the legislation were spelt out in plain straightforward language rather than in the vague manner in which it has been.

Clause passed.

Clauses 81 to 88 passed.

Clause 89—"Allowable deductions from wages."

Mr. COUMBE: I move:

In paragraph (*c*) to strike out "association subscriptions or".

This clause permits an order to be made by the commission or by a conciliation committee allowing an employer to make deductions from an employee's weekly pay. For some years various deductions have been made, mainly for payments to medical benefit schemes and insurance companies, and no objection can be taken to these deductions. However, this clause allows an employer, at the request of an employee or employees, to deduct union dues from the weekly salary. The position will arise in a large workshop or retail establishment where once the initial request has been made many employees will make the same request, and the employer cannot refuse them. If he does, an industrial dispute will occur or internal trouble will be caused in the establishment.

Why should an employer be forced to deduct union dues that support an organization which, in many cases, works against the employer's interests? Also, it will be a simple way for a trade union to have its dues collected free of cost. The Committee should accept my amendment, which will do nothing to hinder the smooth working of any organization.

Mr. McANANEY: I support the amendment. I quoted an instance in the second reading debate of how the employee—

The CHAIRMAN: The honourable member is out of order in referring to a second reading debate.

Mr. McANANEY: I will quote a case of a primary producer organization that had many of its subscriptions collected by a dairy factory. When I started sending milk to this particular factory, it automatically deducted subscriptions to this association. This happens quite frequently. I quote a case that happened a fortnight ago in the Strathalbyn area. The union did not even approach a particular

employee, yet on the Friday night he had subscriptions deducted from his wages. If this practice is authorized by this Bill it could lead to subscriptions being taken out of every employee's wages. This could lead to much dissatisfaction. I remember another instance where legal action had to be threatened to get the money back that had been incorrectly deducted. I cannot see why an employer should be required to make these deductions. I go along with the deductions for insurance premiums and things like that, because they are important. However, a deduction of association subscriptions could lead to dissatisfaction, as deductions are sometimes made when they should not be made.

The Hon. D. N. BROOKMAN: I support the amendment. This is a most one-sided Bill. When considered in conjunction with the preference to unionists clauses and the fact that an employee has every encouragement, if not more than encouragement, to join a union and that he will have every encouragement also to sign a declaration asking that his union dues be deducted by the employer, we find that the employer will be doing a good deal of the union's work. Not only is the employer paying for almost the whole of the cost of the conciliation committees, but he is also to be the collector of union dues. As the member for Torrens pointed out, the word "may" has very little relation to reality. It will become an obligation on an employer who does not want a fight on his hands. The amendment should be carried, because the Bill as it stands is totally unfair in this respect. There is no reason why an employer should be in the position of being virtually forced to collect union dues. It is all very well to say that he can refuse, but everybody knows it will be difficult for him to do it. He will have to give way in this matter and do much of the union's work for it.

The Hon. C. D. HUTCHENS: I point out that at present employers have authority to deduct from the wages of employees amounts for insurance premiums, contributions to superannuation funds, rent, board and lodging, protective clothing or equipment provided. The purpose of the words that are now sought to be deleted are to authorize the employer, if requested in writing by an employee, to deduct amounts due for union subscriptions. The employer cannot be compelled to do this: it is simply an authorization, and there seems to be no reason why an employer should not be permitted to make such a deduction should he desire to do so.

Mr. Quirke: Tonight's funny story.

The Hon. C. D. HUTCHENS: Some people get amused for no reason at all.

Mr. Quirke: It's not a small reason to get amused over.

The Hon. C. D. HUTCHENS: In 1940, I worked for the Municipal Tramways Trust and it deducted my union contributions from the word go. Employers have been deducting union contributions for quite a long while.

Mr. Coumbe: I'm aware of that.

The Hon. C. D. HUTCHENS: This clause only gives the employers the authorization to do this if they want to do so; they are not compelled to do it. It is a fair and proper thing and I do not see any reason why the amendment should be agreed to. I ask that the amendment be rejected.

Amendment negatived; clause passed.

Clauses 90 and 91 passed.

Clause 92—"Employer not to dismiss employee because unionist or taking benefit under the Act."

Mr. COUMBE: I move:

In subclause (1) to insert the following new paragraph:

(*a*1) is not a member of an association; or.

I wish to refer the Committee to section 122 of the Act which is almost the same wording as in the proposed clause 92. Section 122 (1) provides:

No employer shall dismiss any employee from his employment or injure him in his employment, by reason merely of the fact that the employee—

(*a*) is an officer or member of an association;
(*b*) is not a member of an association; or
(*c*) is entitled to the benefit of an award or order of the commission or conciliation committee, and industrial agreement.

The old subsection (1) (*a*) contains the same words as clause 92 (1) (*a*) of the Bill, but paragraph (*b*) has been deleted in the Bill. The effect of it is that no employer can dismiss any employee simply because he belongs to a union. I believe that we should put back into the Bill the old provision, which went on to say that no employer shall dismiss any employee because he is not a member of an association. This is quite different from the clauses we were discussing earlier on preference in employment. The old Act was quite specific and worked very well. It said on the one hand that no employer shall dismiss an employee because he is a member of the union; it went on to say that neither shall he dismiss an employee because he is not a member of a

union. I believe that the old provisions should be inserted in the Bill in order to be fair to employer as well as employee. There should be some parity between employer and employee.

The Hon. C. D. HUTCHENS: I oppose the amendment, the effect of which will be to prohibit an employee from ceasing work because an employer has employed or does employ non-unionists. The Government considers that this provision should not be included, so as to ensure that employees have the right to withhold their work from an employer for good reason and without penalty.

Mr. Quirke: Pay his wages and tell him to stay home! That will save a lot of trouble.

Mr. COUMBE: I am disappointed and, indeed, rather shocked to hear a responsible Minister of the Crown saying that employees should be given the right to withhold their labour in certain cases. The Minister's approach is disgraceful. The Bill seeks to provide fair working conditions to all South Australian workers to whom it will apply, yet the Minister is setting up an embargo: he is encouraging the closed shop principle and deliberately inciting men to withhold their labour. My amendment will do nothing more than insert in this Bill a provision which has worked well for years and which will provide complete parity in this regard.

The Committee divided on the amendment:

Ayes (16)—Messrs. Bockelberg, Brookman, Coumbe (teller), Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (17)—Messrs. Broomhill, Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Jennings, Langley, Loveday, McKee, and Walsh.

Pairs—Ayes—Messrs. Rodda and Stott. Noes—Mrs. Byrne and Mr. Ryan.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 93—"Employee not to cease work for certain reasons."

Mr. COUMBE: I move:

In subclause (1) after paragraph (*b*) to strike out "or".

Clause 93 prohibits employees from ceasing work for certain reasons. If my amendment is successful, I intend to move to insert a new paragraph (*d*) in the following terms: "employs or has employed a person who is not or was not a member of an association." This means that no employee will be able to cease work for an employer merely because that employer employs or has employed non-union labour. By this amendment, I am merely including in this clause the provision that was included in section 123(1) of the old Code.

In line with all my arguments this evening, I want to see freedom and equality rather than preference. As my proposed amendment would also mean that if an employer had at some time in the past employed non-union labour this could not be held against him, it is important regarding employers employing non-union labour at this time. If the provision is not accepted, all sorts of embargoes can be instigated and held against employers who employ or have employed non-union labour. I am seeking to improve industrial relationships; if the Minister was more amenable to suggestion, forgot his riding instructions and accepted this reasonable amendment, he would create a better climate of industrial relationships.

The Hon. C. D. HUTCHENS: I congratulate the honourable member on his persistency. However, this clause is similar to the clause we have just discussed and I do not retract anything I have said. I am not speaking according to riding instructions: I agree to this provision, having helped to sponsor it. Therefore, I hope that the Committee will reject the amendment.

The Hon. D. N. BROOKMAN: Although the Minister says he has no riding instructions and agrees to the clause, he does not say why. Surely we are entitled to an explanation of the purpose of the clause. If it has the purpose that we ascribe to it, then it is a most unfair provision.

Mr. SHANNON: Because of their religious beliefs, some people will not join unions. If an employer employed such people because of skill they might possess, would this result in a stoppage in industry? Surely the Government does not want to create such a position, because stoppages mean serious losses to the economy of the State, to employers and to those on strike. I do not know whether the Government is creating these unfortunate conditions wilfully, but unhappily chaos will be the final result of this legislation.

Amendment negatived: clause passed.

Clauses 94 to 139 passed.

Clause 140—"Disputes between association and members."

Mr. SHANNON: I see no redress here for a discontented member of an association; he has no right of appeal, but must abide by a

decision reached, possibly, by two or three executive officers of the association. He may have his own ideas about the interpretation of the rules of the association but he cannot test them. From the point of view of the Labor Party that is all to the good, because it creates a closed shop for the activities of union organizers and puts absolute power into the hands of a few people who will direct how the individual members of an association shall or shall not act in certain circumstances.

Not long ago we had evidence of union problems, which were taken to court to be resolved. It appears that here we are overriding the rights of certain members who may be aggrieved by a decision reached by the "upper crust" of their union, against which they have no redress. That is not in the best interests of an association or union. These things should be beyond doubt and above suspicion. This type of clause opens up all sorts of possibilities and probabilities for internecine warfare within the unions, which is not in the best interests of unionism.

The Hon. C. D. HUTCHENS: This clause is identical with section 75 of the present Code. The rules of an association have to be approved by the Industrial Registrar.

Mr. Shannon: It is the interpretation of the rules that worries me.

The Hon. C. D. HUTCHENS: Since 1915 there has not been very much trouble in this matter.

Mr. SHANNON: Only a year or two ago a prominent federal member of a union got into strife with some union officials, and the matter had to be settled in court. To say that nothing has happened since 1915 does not help the case. Although I am not closely associated with union organizations, people have told me that they cannot get what they are entitled to from the organizations concerned. The rules of an association may be well drafted, but it is the interpretation of those rules that causes the difficulties, and this Code will give rise to many interpretations by courts. If the rules of associations are not published, how are we to know what they contain?

Clause passed.

Clause 141—"Recovery of moneys owing."

Mrs. STEELE: When the member for Semaphore (Mr. Hurst) was speaking in the second reading debate and replying to the member for Light (Mr. Freebairn), who had spoken of a member of a trade union being required to pay his union contribution, the member for Semaphore said:

The member for Light spoke about a member of a trade union who was made to pay his contributions, and he alleged that this person resigned when he did not pay them. The honourable member should realize that the Commonwealth Liberal Government introduced the Conciliation and Arbitration Act, the provisions of which are binding on trade unionists and union officials. Whether they like it or not they are obliged to insert these provisions in the rules of the organization and, being responsible and not irresponsible people, they are required to administer their organization properly, and this they do.

This is the pertinent part:

One of the rules of a trade union organization provides—

The Hon. C. D. Hutchens: When did the honourable member say that?

Mrs. STEELE: At page 2617 of *Hansard*.

The Hon. C. D. Hutchens: Speaking to what?

Mrs. STEELE: Speaking in the general debate on this Bill.

The Hon. C. D. Hutchens: The second reading debate?

Mrs. STEELE: Yes.

The CHAIRMAN: Order! The honourable member has now committed herself. She must not refer to the second reading debate. Until the honourable member stated that, she was quite in order.

Mrs. STEELE: What I want to say is relevant to clause 141, and I think I have said enough to indicate my thoughts. I want to mention a specific case, because it contradicts what the member for Semaphore has said. A man who is not a resident of my district but who was a member of the Transport Workers Union came to see me.

The Hon. B. H. Teusner: That union was at loggerheads with the Australian Workers Union.

Mrs. STEELE: Yes. This instance is only one of a number that I could cite. In 1964 this person about whom I am speaking wanted to resign from the Transport Workers Union. He went to the office of the union and asked what he had to do to comply with the rules insisted upon as being the incorporated rules of the union under the Conciliation and Arbitration Act. He was told that he must pay his dues right up to date, that he must give three-months' notice of his intention to resign, and that his union dues must be paid to cover that entire period. He did exactly that and, in reply, received from the union secretary a receipt for the dues and a covering letter, which states:

We acknowledge receipt of and thank you for your cheque for £1 covering union contributions to September 30, 1964. Our receipt

No. 18608/64 is attached accordingly. We also note your three-months' notice of resignation.

Yours fraternally.

He understood that he had complied, as was necessary, because these were exactly the conditions he was told that he had to comply with, and he has a letter to confirm it. He did not hear anything from that time, July, 1964, until October 2, 1967, when he received a notice from a collector to say that the collector was to collect from him the amount due to the Transport Workers Union of Australia, an amount of $32 and a collection fee of $2, and that he was to remit forthwith the $34.

He saw a solicitor about the matter and the solicitor said, "You have a copy of your letter of resignation, you have the letter from the union and the receipt for your resignation. You do not have to do anything else." On June 30 this year he received what purported to be a notice of intention to proceed by summons, and I am told that this document runs close to the wind. It purports to be an official document giving notice of intention to proceed by summons, but it is in actual fact issued by the Transport Workers Union of Australia. Therefore, now, after a period of about 2½ years when he believed sincerely that he had complied with all the requirements of the Transport Workers Union regarding resignation from the union, he has been billed for an amount of $34 for that period.

The Hon. B. H. Teusner: There are many similar cases.

Mrs. STEELE: Yes. This particular man was so incensed at what happened that he referred it to one of the question and answer sessions on a television programme and the man to whom he referred it said he could hardly believe his ears. Within half an hour of this session being televised, at least four people telephoned to say that they had had exactly the same experience, that they could not get a release from this same union, and that they had been issued with summonses and were expected to pay amounts covering the period since they understood their resignations were accepted. This seems to give the lie to what has been said in the debate and it seems ridiculous, in view of the provisions of clause 141. I think other members can substantiate what I have said, because I know that they have received similar complaints. I bring this matter to the notice of the Committee, because it is in direct contradiction to what has been said about the policy of trade unions regarding the resignation of a member.

Clause passed.

Clauses 142 to 144 passed.

Clause 145—"Registered associations to send half-yearly list of officers to the Registrar."

The Hon. G. G. PEARSON: Because of the remarks of the member for Burnside we should consider this clause carefully. Obviously, some people are being held liable for membership dues long after they have been removed from the list of members, and it should be possible for an ex-member to see whether his resignation has taken effect and whether his name has been removed from the list forwarded to the Registrar. Can the list be inspected by the public or by a person acting on behalf of a member of a union or by a member of an association, so that he may ascertain whether he is still being held liable for union dues, or, having paid his dues, his name is still included in the list of members forwarded to the Registrar?

The Hon. C. D. HUTCHENS: The Transport Workers Union is a Commonwealth and not a State union. In answer to the honourable member's questions, I draw his attention to clause 147.

The Hon. G. G. PEARSON: That makes the instance quoted by the member for Burnside worse. The list cannot be seen by anyone other than by direction of the President. Apparently, membership of any association is a secret matter, but why should it be? Apparently, there is no way by which a person who is or has been a member of an association can ascertain whether his name has been included on the list, whether the list is complete, or whether, having paid his dues, he is not included on the list. In all justice a person who has paid his dues or submitted his resignation should be able to inspect the list to verify whether his action has been given effect to in the records of the association.

Mr. SHANNON: How can the affidavit be checked to see whether it is true without anyone being able to inspect the list? A penalty is provided for failure to present to the Registrar a list accompanied by an affidavit. If a member had resigned and, had paid his dues, but was still listed as a member on the list and the affidavit was signed, that should result in a serious penalty. However, the only way it could be proved would be by access to the list. The Registrar cannot check whether the list of individual members is accurate.

Clause passed.

Clauses 146 to 156 passed.

Clause 157—"Factories not to be erected without approval."

The Hon. C. D. HUTCHENS: I move:

In subclause (3) to strike out "where required".

This is a drafting amendment.

The Hon. G. G. PEARSON: The words "where required" provide a very distinct exception to the full operation of the subclause. The amendment means that the accompanying plan must be produced on every occasion; there is no exception. I do not know the history of the subclause. I should like to know how the new verbiage conforms with the verbiage in the Act and what is the reason for taking out the qualifying words.

The Hon. C. D. HUTCHENS: Paragraphs (*b*) and (*c*) of subclause (2) state:

be accompanied by two copies of a plan of the building, one copy of which shall be retained by the Secretary for Labour and Industry, and such particulars as may be prescribed;

be accompanied by the prescribed fee.

The words "where required" are redundant.

Amendment carried.

The Hon. Sir THOMAS PLAYFORD: I do not know the full implications of what is involved here. In the Schedules attached to the Bill there has been a wide extension of the Country Factories Act. This Act is not the same as the one at present gazetted. I can understand that it is the purpose of the Government to bring the Factories Act into operation wherever it can, whether or not there is any real purpose in it. The only possible factories I know of in the District Council of East Torrens, which is one of the new areas that will come under the Factories Act under the Schedule, are the service stations that provide petrol to the public. There is also a number of very small premises that service machinery, but it is only the proprietor who does the work. What is the purpose of the provision?

The Hon. C. D. HUTCHENS: I fail to understand what the honourable member is talking about, because there have been no extensions of the area of the Factories Act by this or any other Bill that has been brought before Parliament.

Mr. SHANNON: I think the Minister has avoided the point made by the member for Gumeracha. It is obvious that if the words "where required" are left in, there is some discretion left in the hands of the Secretary for Labour and Industry. He could say, "We do not require certain of these things, and I am not going to put you to all the trouble of getting an archiect's plan for some little thing that does not require all the rigmarole that is required for a full-scale factory." It is obvious that the Minister is correct when he says that these are obligatory under paragraphs (*a*), (*b*) and (*c*), but why has subclause (3) been put in? If there is to be no discretion left with the Secretary for Labour and Industry, why worry about putting it in?

The Hon. C. D. HUTCHENS: I agree with the honourable member. I do not wish to press the amendment, as I do not think it makes much difference. I am prepared to leave the—

The ACTING CHAIRMAN (Mr. Hughes): The amendment was agreed to. We are now dealing with the question that clause 157, as amended, be agreed to.

Mr. SHANNON: I understood the Minister proposed to withdraw his amendment.

The ACTING CHAIRMAN: I do not think the Minister can withdraw the amendment. It was agreed to by the Committee.

Mr. Shannon: When?

The ACTING CHAIRMAN: I put the amendment, and it was agreed to by the Committee.

Mr. Shannon: I understood we were speaking to the Minister's amendment.

The ACTING CHAIRMAN: The member for Gumeracha was speaking to the clause, as amended.

Mr. Shannon: I previously did not speak to the clause fully, Sir.

The ACTING CHAIRMAN: I put the question and it was agreed to.

Mr. Millhouse: When?

The ACTING CHAIRMAN: We are now dealing with clause 157 as amended.

Clause as amended passed.

Remaining clauses (158 to 213) passed.

New clause 128a—"Penalty for lock-out."

Mr. COUMBE: I move to insert the following new clause:

128a. No person or association shall do any act or thing in the nature of a lock-out, continue any lock-out, or take part in any lock-out.

Penalty: Not exceeding $1,000, or, in the case of a person, imprisonment, with or without hard labour, for a term not exceeding three months.

If this new clause and new clause 128b are accepted, I intend to move to insert several other new clauses. I believe provision to deal with lock-outs and strikes, which was included in the old Code, is necessary for the good working of the Bill. Sections 99 to 119 of the old Code related to this, but I do not intend to move to include all those provisions

in the Bill because some of them are neither appropriate nor necessary. I have not included amongst the new clauses that I desire to insert provisions corresponding with section 104 of the Code, which prohibited picketing, or section 107, which dealt with offences that could be tried on general summons (I do not believe this is necessary or has worked in the past). Unlike most legislation, the Bill contains no enforcement provisions.

The Hon. Sir Thomas Playford: Except for the employer.

Mr. COUMBE: Penalties are provided for the employer. As this legislation is so important, it should be capable of being enforced. The Commonwealth Conciliation and Arbitration Act has been referred to freely in this debate. In referring to the powers of the court, section 109 of the Commonwealth Act states:

(1) The court is empowered—
(*a*) to order compliance with an award proved to the satisfaction of the court to have been broken or not observed;
(*b*) to enjoin an organization or person from committing or continuing a contravention of this Act or a breach or non-observance of an award.

This is the section that is used to deal with non-observance or breaches of awards. Under Commonwealth industrial legislation, many awards contain what is commonly known as a bans clause. Although I do not intend to write into this legislation a bans clause, it is interesting to see what such clauses provide. I shall take as an example the Metal Trades Award, because it is probably the largest award of its type in the Commonwealth field and the one that has the greatest impact on industry. It is made under the Commonwealth Conciliation and Arbitration Act and, under the heading "Prohibition of bans, limitations or restrictions", in clause 19 (contract of employment) paragraph (ba) (i) states:

No organization party to this award shall in any way, whether directly or indirectly, be a party to or concerned in any ban, limitation or restriction upon the performance of work in accordance with this award.

Paragraph (*c*) (i) states:

An employee not attending for duty shall, except as provided by clause 20 of this award, lose his pay for the actual time of such non-attendance.

These provisions ensure that the award is observed. New clause 128a specifically relates to employers or employer organizations; it states that no group of employers or no individual employer shall take part in any lock-out. New clause 128b applies a similar restriction to employees in relation to a strike. The succeeding new clauses, which I shall move if I am successful in moving the first two clauses, set out the way in which offences can be heard and tried and state what the penalties will be. It is necessary to have in a Bill of this type some means of enforcing observance of its various provisions or of any awards made under it. It is our duty as legislators to put provisions into the measure itself rather than allow applications to be made to the court or the commission by any interested parties to have a bans clause inserted. As legislators we should set down clearly how the court should operate and what powers it should have to enforce observance of its awards and determinations by both employer and employee organizations.

This group of amendments is vital to the well-being and good functioning of this measure. It will lead to better harmony in industry by preventing any frivolous, childish or ill-conceived action by any party to any industrial dispute. Without these provisions we could have much industrial chaos. In case any member opposite fears that this type of legislation may be vindictive, I invite him to scrutinize the sections of the old Code that I have left in. I have taken out the sections dealing with picketing and general summonses and have left in those clauses that I consider necessary to promote harmony in industry and enable the court itself (and nobody else) to enforce its own determinations—because it is the court that will take action in this regard.

The Hon. C. D. HUTCHENS: We have heard several times why we should not adopt the principles of Commonwealth provisions, yet we are now asked to adopt a Commonwealth provision.

Mr. Coumbe: No; it is completely different.

The Hon. C. D. HUTCHENS: That we should adopt something in the nature of a Commonwealth provision.

Mr. Coumbe: No; this new clause is similar to a provision in the old Code.

The Hon. C. D. HUTCHENS: These amendments seek to take provisions from the present Industrial Code concerning lockouts and strikes. They do two things. They appear to retain the present sections 99 to 119 and to omit sections 104 and 107. The Labor Party is against any penalties for strikes, maintaining that the labourer has nothing to sell but his labour and that he should be able to refuse to sell that labour if the conditions on the job are such that he would prefer to

withdraw his labour and seek some other employment. If these amendments are carried, the effect will be that, if some employees decided they found it preferable to work for some other employer, they could be dealt with by the court and penalized, it being in the nature of a strike. The Government considers that it is intolerable to have limitations on the freedom of the worker. I oppose the inclusion in the Bill of these penal clauses.

Mr. MILLHOUSE: I strongly support this amendment. We know that the Labor Party hates these provisions like poison. I have little doubt that they will be defeated. Nevertheless, I agree with the member for Torrens that, unless there are some sanctions in this Bill, it is not worth the paper it is written on. The Minister got mixed up a moment ago. The member for Torrens by these amendments does not propose to insert provisions similar to those in the Commonwealth Conciliation and Arbitration Act; he desires to reinsert in this Bill most of the provisions of the old Industrial Code. We know that the Labor Party dislikes them and has done its best over the years to get rid of them. Now, when it has the numbers in this Chamber, it hopes it will do so. We have had an excellent record of industrial harmony in this State, and we have had it by virtue of the provisons in our Industrial Code.

Mr. McKee: Rubbish!

Mr. MILLHOUSE: The proof of the pudding is in the eating.

Mr. McKee: We have had starvation wages in this State.

Mr. MILLHOUSE: What absolute tripe! The honourable member well knows that these are merely catch phrases of the Labor Party, with no meaning whatsoever. Nobody can controvert that we have a good record of industrial relations in this State. It is one of the main factors that enabled the member for Gumeracha to build up the secondary industry of South Australia. For 30 years under his Government we had industrial peace and harmony, and we had that with these provisions in operation. Ministers can talk until they are blue in the face about their being unjust, but they made our system work, and we want to see that system continue to work.

The Hon. C. D. Hutchens: How often have they been used since the Second World War?

Mr. MILLHOUSE: The Minister has put his foot in it time and time again tonight, and this is the latest occasion. One of the strongest reasons for reinserting those provisions in this Bill is that they have not been used harshly or unconscionably, and they have been available for use in appropriate cases when all else has failed. If we do not insert them, we shall have nothing to use as a sanction in these matters. It is all very well for the Minister to read from his prepared screed that the labourer has nothing to offer but his hire. We have heard all that previously, but the public interest comes into it. If there are to be strikes, in certain circumstances anyway, they could have serious repercussions on the whole community. That should not be tolerated and there should and must be some sanction against them. I strongly support the amendment. If the Government wants to get the Bill through, it would be a good thing to agree to the amendment.

Mr. COUMBE: The Minister trotted out his old-fashioned ideas again and we can take it that the Government will defeat an amendment designed to maintain industrial peace. By the words of the Minister, he is going to encourage strike action in this State.

The Hon. C. D. Hutchens: Don't be ridiculous.

Mr. COUMBE: I am setting out amendments that I hope will overcome industrial strife and the Minister is opposing them. He said the Labor Party was opposed to amendments of this type.

The Hon. C. D. Hutchens: I don't withdraw that. I said it.

Mr. COUMBE: All right. I say that the Minister is encouraging industrial stoppages and hold-ups. To put it another way, he will not do anything to prevent them. A responsible Minister of the Crown is not prepared to accept reasonable amendments that will lead to the implementation of the legislation. Further, the Government is not prepared to place restraint on irresponsible industrial action that may occur. How will the tribunal enforce its awards and determinations if trouble occurs?

The Bill is singularly lacking in regard to the observance of awards and determinations and I should like the Minister to say how the tribunal will be able to enforce them. We have heard the shibboleths that are so typical of Labor thinking, as they have been for many years. The Minister has no option but to trot out the tripe that every member of his Party is obliged to echo. If the Bill passes in its present form, before many months the Minister will regret his action. The court is being emasculated in regard to its powers. Without the amendment, many of the clauses will not be operative.

The Hon. Sir THOMAS PLAYFORD: I hope that the Minister will reconsider the amendment. Arbitration provisions are useless if they do not apply equally to both sides, and it is a most inconsistent and intolerable Bill that provides the benefit of an arbitrator to give a decision and then gives one party the right to say, if it does not like the decision, "I am not going to take any notice of that. We will go on strike, or have a rolling strike." Many penalties are provided in respect of employers who commit breaches of the arbitration provisions. Although the Minister has said that the employee has only his labour to sell, we are still living in a free country and if a man does not like to work for a particular employer, he can go somewhere else. The amendment does not affect that right or the right to have the value of labour fixed by an independent authority. If the Bill is passed in its present form, no new industry will be established here, because of the narrow conditions that will apply.

The Committee divided on the new clause:

Ayes (16)—Messrs. Bockelberg, Brookman, Coumbe (teller), Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (17)—Messrs. Broomhill, Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Jennings, Langley, Loveday, McKee, and Walsh.

Pairs—Ayes—Messrs. Rodda and Stott. Noes—Mrs. Byrne and Mr. Ryan.

Majority of 1 for the Noes.

New clause thus negatived.

Mr. COUMBE: As I said earlier, I used new clause 128a as a test case and, as it has been defeated, there is no purpose in my moving my remaining amendments. Therefore, I will not proceed with them.

First and Second Schedules and title passed.

Bill reported with amendments. Committee's report adopted.

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

That this Bill be now read a third time.

Mr. HALL (Leader of the Opposition): I congratulate Opposition members who handled the main argument on behalf of the Opposition when discussing this Bill and during the Committee stage. It is unfortunate that I and other members on this side have to oppose the Bill at the third reading, as it incorporates many provisions of the old Act and contains many new ones that we support. However, it contains several objectionable clauses that I believe necessitate that we oppose the Bill at this stage. It is unfortunate that the Government is directed in these matters by its masters outside the House, and must press on regardless of the effect of the Bill on the industrial development of this State. The Bill contains provisions for preference to unionists, or compulsory unionism; it contains provisions that could completely break down the subcontracting system—

Mr. Langley: That would be a blessing.

Mr. HALL: If it is the opinion of the member for Unley that subcontracting is evil I completely disagree with him, and that is one reason why I oppose the Bill. The Bill contains no means of enforcing decisions of the commission or of the matters that could previously be enforced under the strikes and lock-out provisions in the old Act. It contains provision for equal pay for women, a principle that the Minister has said will cost the State little, but seems to be nothing more than an electoral gesture. It contains provisions to extend the Act to cover agricultural workers, but we have contended that these are unnecessary. These provisions, affecting the industrial development of this State, are sufficient reasons why the Opposition should oppose the Bill at this stage.

Mr. COUMBE (Torrens): When I spoke in the second reading debate, I set out to support a great deal of the measure. However, I am now going to speak against the measure at the third reading stage because many amendments I sought to have put in this Bill have not been agreed to. As a result, there are sections of the Bill that are repugnant to me, and I have no alternative but to vote against it in its present form. There are some very good clauses in the Bill. Many of the clauses that we supported last year when we set up the Industrial Court and the Industrial Commission are re-included in the Bill and these, in the main, are good provisions. I had some doubts, as I expressed earlier, about the conciliation committees.

There are other good clauses in the Bill dealing with safety and machinery and, particularly, equal pay. We made our position clear at the second reading stage about this and I said, in particular, that we supported what the Government was doing on this matter. Then the provisions, which I do not agree with and which are repugnant to me and which we sought to improve, were those dealing with preference

to unionists, subcontracting, the strikes and lock-out clauses, and the non-provision of enforcement clauses in the Bill. The Bill, which we had thought was going to be an improvement on the existing Act, which has been in operation for many years and which has been amended from time to time in a rather piece-meal way, has turned out to be a Bill which, unfortunately, is one we could not support and which, I believe, will not work in the best interests of the State or of the employees. I am disappointed that the Government did not accept the amendments and, as that is the case, I have to vote against it at the third reading.

Mr. MILLHOUSE (Mitcham): This is a thoroughly bad Bill in the form in which it has come out of the Committee stage. There are 213 clauses in the Bill, plus a couple of Schedules. Many of the clauses are objectionable and they have not even been debated. This has been done deliberately on this side of the House. If we had debated all clauses in detail and pointed out everything we had objection to, it would have taken many weeks to deal with the Bill. It was introduced at such a stage in the session that it was not possible to do this. We have deliberately picked out a few of the most objectionable clauses and debated them to highlight the deficiencies in the Bill. There was no purpose in trying to move any amendments of any significance. The Government was not prepared to accept anything that meant any real change in the measure as it was introduced. Debating this Bill in Committee was like hitting a pillow—you got no reaction at all from the Minister in charge, and one suspects that that was why he was chosen as the Minister to pilot the Bill through the House.

The Leader of the Opposition has referred to some of the worst features in the Bill. I should like to mention clause 80, which provides for equal pay to women. This is not an objectionable thing but we now know, because the Minister, in a fit of foot-in-mouth disease, admitted that this is no more than a sham, and that for this particular clause the New South Wales model was picked, because it would result in less drain on the resources of the State than any other form would. So, the women of the State are being misled by the Government when it says that this means equal pay for equal work.

There are other clauses in the Bill that are utterly repugnant to me: the question of preference to unionists is one of them. The fact that the Bill contains no provisions outlawing strikes and lock-outs is again objectionable in yet another way. Let all members heed the words of the member for Gumeracha a few minutes ago. He gave a chilling prophecy on the effect the Bill will have if it passes right through Parliament in this form. In this State we are dependent on keeping our costs of production down and on being able to attract industries to the State from outside because of what we can offer.

One of the things we have been able to offer in the past has been comparatively low costs of production, which have given us an advantage over our competitors in other States and also good stable working conditions. This Bill will do nothing but harm to both those advantages. It will inevitably raise costs of production in a multitude of ways and it will do nothing to contribute to harmony in industry between employer and employee. I hope to goodness that the member for Gumeracha was wrong in what he said a few minutes ago, but I am very fearful that he was absolutely right. This Bill is merely the latest in a series of measures introduced by the Government and is merely another nail in the coffin of progress in South Australia. It is a thoroughly bad and objectionable Bill in so many features that we have not even bothered to go through them all. I must support the Leader of the Opposition in opposing the third reading.

The House divided on the third reading:

Ayes (18)—Messrs. Broomhill, Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Jennings, Langley, Lawn, Loveday, McKee, and Walsh.

Noes (16)—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall (teller), Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke and Shannon, Mrs. Steele, and Mr. Teusner.

Pairs—Ayes—Mrs. Byrne and Mr. Ryan. Noes—Messrs. Rodda and Stott.

Majority of 2 for the Ayes.

Third reading thus carried.

Bill passed.

ADJOURNMENT

At 11.32 p.m. the House adjourned until Wednesday, October 18, at 2 p.m.