HOUSE OF ASSEMBLY

Wednesday, November 1, 1967

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

FISHERIES ACT AMENDMENT BILL

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

QUESTIONS

WATER RESTRICTIONS

Mr. HALL: Much publicity has been given to the water quotas that have been fixed to assist in the voluntary saving of water, as well as to the daily and weekly usage of water by the community in relation to those quotas. In addition, an advertising campaign is still being pursued, doubtless with some success. The Government's object in conducting this campaign seems to be to avoid implementing legal restrictions. I ask this question having due regard to the situation that may occur next year in which an early opening may not occur. Can the Minister of Works say for what period the water consumption quotas have been calculated and equated with the capacity of the reservoirs?

The Hon. C. D. HUTCHENS: First, voluntary water restrictions, assisted by the publicity campaign, have been successful, and 26,000,000 gallons of water less than the quota arranged for the first four weeks has been used. The campaign is expected to continue until April of next year, and we are confident that, with the continued co-operation of newspapers, radio and television stations, and the public, we can get through this period without danger.

Mr. Hall: How long will quotas continue?

The Hon. C. D. HUTCHENS: Until the end of April next year.

Mr. HALL: If the quotas are observed, will the Minister say what usable reserves, if any, the reservoirs will hold at the end of April?

The Hon. C. D. HUTCHENS: Although I cannot give the precise figures, I point out that this matter has been worked out scientifically. If no rain is received in the interim, we shall still have sufficient reserves.

Mr. Hall: Will they be exhausted?

The Hon. C. D. HUTCHENS: We shall have sufficient reserves.

Mr. Millhouse: How much?

The Hon. C. D. HUTCHENS: I said at the outset that I did not have the precise figures, but I will endeavour to obtain them by tomorrow.

Mr. HALL: In view of the Minister's inability to state the actual quantity of usable water, if any, that will remain in the reservoirs at the end of April, can he say whether he has relied on departmental officers in fixing the daily and weekly quotas, whether they have been fixed by his Cabinet colleagues, or whether he personally has been responsible for fixing them?

The Hon. C. D. HUTCHENS: The question is a little infantile, because undoubtedly all Ministers have to depend to some degree on their departments. In this case, the quotas have been fixed by me in consultation with the department.

BLACK FOREST SCHOOL

Mr. LANGLEY: Has the Minister of Education a reply to the question I asked recently about land owned by the department in Forest Avenue, Black Forest, being used as the site for an oval for the Black Forest Primary School?

The Hon. R. R. LOVEDAY: As the honourable member would know, two properties adjoin the land which was bought some years ago as a site for a Black Forest Infants School, and either one of them, if purchased, would give an area large enough for a small football ground. Investigations are being made into the availability of one of these properties in order to establish an oval to be used by the children of the Black Forest Demonstration School. I shall be pleased to inform the honourable member when further information is available.

DROUGHT ASSISTANCE

The Hon. T. C. STOTT: Yesterday, in reply to my question, the Minister of Lands said that farmers should arrange to purchase hay or fodder that they required, but I should like the Minister to clarify his statement because there seems to be some confusion. Are the farmers who will receive drought assistance to send to the Government the account for the purchase of hay, and will the cost be repaid subsequently by the farmer under the terms of the drought relief legislation? Will those who require fodder, but who will not come under the provisions of that legislation, purchase the hay, send the account to the Government, and eventually repay the Government for the cost of the hay?

The Hon. J. D. CORCORAN: I have received several inquiries on this matter but,

as I pointed out at the meeting of primary producers at Wunkar on Monday night, I was concerned that farmers who had crops suitable for cutting for hay had to decide soon whether they would cut their crops or whether they would reap. I stressed that it was important that these people should know whether there would be a demand for hay within the next week or so and for this reason I informed primary producers, particularly those in the drought-stricken areas who needed cereal hay, that they should procure it as early as possible.

I realized that many farmers would not be able to pay for the hay at the time of purchase, and I therefore advised them to get the hay and send the account to the department for settlement. I also pointed out that I wished to extend the maximum possible assistance to farmers to enable hay to be conserved, and that if they were unable to pay at this time they would be assisted. However, I expect them to act responsibly in this direction, as the arrangement, in general, provides for assistance to primary producers who are in necessitous circumstances. The arrangement does not extend to those who are able to finance purchases of hay or who can readily obtain the necessary finance through normal channels. These people are expected to look after themselves and not compete for assistance with those farmers who are unfortunately in genuine need.

Although my remarks were directed to the farmers in the worst drought-affected areas, I point out that the arrangement for the purchase of fodder will not necessarily be confined to those areas, as I realize that producers in other parts of the State may require assistance, albeit temporary assistance. I am prepared to assist in every possible way, and I shall treat the purchase of hay on an interest-free basis. However, primary producers will generally be expected under the Act to repay any moneys advanced in this way. In particular cases, however, I have the power to remit payments, but it must be borne in mind that this power will be exercised only in cases of genuine necessitous circumstances.

It is important that farmers consider the economics regarding the use to which they put any fodder they may wish to purchase because, although funds will be made available free of interest, those funds will have to be repaid. Farmers will, therefore, be spending their own money. I expect that farmers who can look after themselves will not participate in this arrangement. It is also reasonable to expect that people who avail themselves of the arrangement must be able to establish that they cannot meet the costs involved at this stage even though they may be able to do so later.

Mr. Quirke: What if they still have money?

The Hon. J. D. CORCORAN: As I said, I do not expect farmers to participate if they can look after themselves. A dairy farmer may require, say, $1,000 to purchase hay to carry his stock over this season, but he may not have that sum and may not be able readily to obtain it through the normal channels. I expect that such a farmer will be assisted through this arrangement.

The Hon. T. C. Stott: Will he have to apply?

The Hon. J. D. CORCORAN: No, he will purchase the hay, and no application has to be made to the department. I am putting people on their honour regarding this scheme. I have extended this concession particularly to ensure that hay will be cut, and I am prepared temporarily to finance farmers in genuine necessitous circumstances to ensure that this is achieved. Although I expect that farmers will act responsibly, I have already received disquieting information indicating that undesirable features are creeping into this arrangement. If I encounter any cases of improper practice that may jeopardize the whole arrangement, I will take the most serious action possible. This arrangement has been made because it is imperative that we obtain now, at short notice, as much cereal hay as we can. However, I expect primary producers not to abuse the arrangement but to play the game. Honourable members can see that this arrangement could be abused, but I am placing farmers on their honour and I know that 98 per cent of them will respond.

NURIOOTPA VITICULTURE

The Hon. B. H. TEUSNER: During the Address in Reply debate this year, I referred to the important research work being undertaken by Mr. Loder at the Nuriootpa Viticultural Research Station in connection with what is known as the dying arm disease of the vine. I also pointed out that the Barossa Grapegrowers Association was interested in a vine bud selection programme, particularly relating to the Rhine riesling variety of vine, and that the Nuriootpa Viticultural Station was also assisting in connection with this project. I stated further that I considered that the shortage of staff at the research station was to some extent hampering the activities of Mr. Loder. I suggested that the provision of additional staff

at the research station should be considered. Can the Minister of Agriculture say whether the matters raised by me have been considered and, if they have, whether additional staff to provide relief at the station can be provided soon?

The Hon. G. A. BYWATERS: When the honourable member last raised the matter the department was short of a horticultural adviser in that locality. Since then Mr. David Hodge has taken up duty there, replacing Mr. Spurling. When the honourable member last raised this matter, Mr. Loder was working closely with the horticultural branch at Nuriootpa and advising people. Where special knowledge was required, he was immediately contacting the department, and the carrying out of this work meant that some inroads were made into his time at the laboratory and research station. As this problem has been solved by the appointment of a horticultural officer and I have had no complaints from officers at Nuriootpa about the need for extra staff, we do not intend to provide more staff at present. However, as the honourable member has raised the matter again, I shall consider it further.

PARKING INSPECTOR

Mr. LAWN: Yesterday, I was interviewed by some employees, who work for a firm in the city of Adelaide, regarding a parking inspector. They allege that he has been picking on some of them by saying that their cars have been parked in the street for over an hour whereas in fact, in some cases, the cars have been parked for only 10 minutes. About three weeks ago, the Adelaide Magistrates Court dismissed a charge in this connection. It is alleged that the inspector has since told these employees that he intends to "get" the person who escaped the charge three weeks ago and also those who gave evidence in the case as witnesses. Reference was also made to the attempts made in this regard by the parking inspector during the last three weeks. If I supply the relevant facts, will the Premier ask the Chief Secretary to have them investigated by the Police Department?

The Hon. D. A. DUNSTAN: Yes.

IMMIGRATION

Mr. MILLHOUSE: About two or three weeks ago, when the Commonwealth Minister for Immigration was in South Australia, he referred to a dramatic fall in the number of migrants coming to this State as compared with the number going to other States, and I understand that our Minister of Immigration and Tourism subsequently said he did not agree with the statement made by the Hon. William Snedden. He said that Mr. Snedden might have mistaken South Australia's present fluctuation in immigration numbers for a permanent fall, and that this fluctuation could be expected at any time of the year because of Britain's economic situation. He went on to say that he would appreciate a specific reference to statistics by Mr. Snedden. I notice in this morning's paper that Mr. Snedden has now given the specific statistics to my Federal colleague, the member for Boothby (Mr. McLeay), and that those figures do, in fact, bear out the statement he made when in South Australia. As the Minister of Immigration and Tourism has probably seen, the figures are in great contrast to those given in respect of our neighbouring State, Western Australia, which shows a substantial increase. Can the Minister say whether he has seen the figures in this morning's paper and, if he has, whether he has had an opportunity to check their accuracy? If he has found them to be accurate, can he give any reasons for the trend apparent in South Australia? If he has not yet had an opportunity to check the figures, will he do so and undertake to comment on them?

The Hon. J. D. CORCORAN: Although I had a brief glimpse of the press report referred to, I did not have time to check the figures contained therein with the Director of the Tourist Bureau (Mr. Pollnitz). During his visit to South Australia, Mr. Snedden said there had been a dramatic fall in the number of personal nominations to this State, and the honourable member should know that the Immigration, Publicity and Tourist Bureau Department is responsible for this part of immigration activities in this State. I said at the time that there had been a drop in the number of personal nominations and this had been due to a number of factors. We have experienced fluctuating periods in the past. In fact, the figures shown to me at that time revealed that 1966 was a record year. Indeed, I think the figure for 1966-67 was the third highest on record. This State has had a good record in personal nominations, and I am anxious that everything possible should be done to maintain that record. I believe that about 400 nominated migrants will arrive here shortly, and that may have an effect on the current figures. True, there has been a drop in the numbers coming to South Australia. I was slightly upset at Mr. Snedden's statement because I did not think that politics

had previously entered into this matter. I would have appreciated it if the Commonwealth Minister, while visiting Adelaide, had let me know he was here, and I should have been happy to discuss this matter with him. However, I am prepared to consider the matter thoroughly and give the honourable member a considered reply. I consider that politics should not come into this matter. It is absolutely essential that this country obtain, as quickly as possible, all the migrants that it can, and to achieve that I am prepared to do all that I can and to co-operate with the Commonwealth Government. I was rather alarmed at a statement which was reported in a London paper and which was forwarded to me. It quoted a Commonwealth immigration officer as saying that, unless people had a specific reason for coming to South Australia, they were told not to come here, because South Australia was the worst State to which they could come. I have taken this matter up with the Commonwealth Minister and have asked him to investigate it.

Mr. Millhouse: Who made that statement?

The Hon. J. D. CORCORAN: A Commonwealth officer in Australia House whose name evades me at present, although I did know it. I am not claiming that this sort of thing constitutes the total reason for the recent figures, but references of this type, which cannot be justified, are upsetting. I shall obtain a considered reply for the honourable member.

HIGHBURY SEWERAGE

Mrs. BYRNE: Has the Minister of Works a reply to my question of October 10 about the extension of sewers to a part of Highbury that was previously omitted from the scheme approved for that area?

The Hon. C. D. HUTCHENS: When the initial scheme was submitted to the Public Works Committee for consideration, there was no housing development evident for the streets mentioned by the honourable member, and as a consequence, sewers were not included to serve vacant allotments. The approved works of the Highbury and Hope Valley scheme are now being proceeded with and records are being kept of extensions that will be required to serve housing constructed since the first approval was obtained. It is intended that, as the completion of construction draws near, a series of minor extensions to serve the new development will be recommended for approval. The streets to which the honourable member refers are in this category and will be included in the recommendation for additional approvals.

ALLIGATOR GORGE

Mr. QUIRKE: When I was able to do so, I acquired a considerable parcel of land near Mount Remarkable, on the western side of the Flinders Ranges. The entrance to the famous Alligator Gorge is on the eastern side of the range but there is no access road from the gorge to Mambray Creek on the western side of the range. The lack of such a road detracts from the value of the area as a resort. The road that I suggest be constructed would travel through a national park. A link-up road is needed so that one can get from east to west and so take advantage of round trips of great scenic interest on all sides of the range. With deference to the Minister of Lands, I tell him that he had better do something about this for me, because it is likely to be the last question that I shall ask him in this House. Will the Minister consider the matter?

The Hon. J. D. CORCORAN: Nothing would give me greater pleasure than to be able to accommodate the honourable member, particularly as he has indicated that this is the last question that he is likely to ask me in the House. I take it that the road the honourable member has suggested would travel east and west, through a national park. The Commissioners of National Parks are, as a matter of policy, a little reluctant to declare roads in national parks, although any existing road is maintained by them, because it would not be a public road. Whether the commission, within the limits of its present resources, could construct the road suggested is another matter. Consideration could also be given to whether such a road should be declared a public road so that financial assistance could be obtained for constructing it. As the suggestion has merit, I shall be happy to examine it. If I cannot obtain a report for the honourable member by tomorrow, it will give me great pleasure to write to him and, I hope, give him a satisfactory answer.

PORT PIRIE OCCUPATION CENTRE

Mr. McKEE: It seems that the coming summer will be fairly severe, and because of that I have been approached by the parents committee connected with the Port Pirie Occupation Centre. I understand that the children attending this centre are not able to bear the heat as well as are other children

and already they are feeling the effects of the hot weather. Will the Minister of Education consider the request made to me by the committee that some form of air-conditioning be installed at the centre as soon as possible?

The Hon. R. R. LOVEDAY: I shall investigate the honourable member's question, but it has been the policy of the department not to provide air-conditioning plant in normal schools. Fans, either the ceiling type or the oscillating type, are provided on subsidy on the basis of two fans to a classroom. However, I shall obtain a report for the honourable member.

NARACOORTE OFFICES

Mr. RODDA: Has the Minister of Works a reply to the question I asked last week about the construction of an office at Naracoorte for officers of the Engineering and Water Supply Department?

The Hon. C. D. HUTCHENS: A tender has been accepted for the construction of an office for the Engineering and Water Supply Department at Naracoorte. The contractor states that he expects to commence work by the middle of November, 1967.

PORT ADELAIDE TECHNICAL SCHOOL

Mr. HURST: Some weeks ago, on behalf of the member for Port Adelaide (Mr. Ryan), I asked the Minister of Education about the possibility of establishing a fifth-year non-matriculation course at the Port Adelaide Girls Technical High School. I understand that all the relevant information has been forwarded to the department, and the parents are becoming anxious about whether this class will be established. Can the Minister say when a decision on this matter will be made?

The Hon. R. R. LOVEDAY: I shall obtain the information for the honourable member.

KIMBA WATER SUPPLY

Mr. BOCKELBERG: I make my last appeal to the Minister of Works about a water supply for Kimba. About three years ago the Public Works Committee approved the scheme and some time ago the Minister made me a firm promise that water would be supplied to that town. For the last time, I ask the Minister whether the Government intends to proceed with the scheme, or has it all been eyewash.

The Hon. C. D. HUTCHENS: I think the honourable member knows full well that it is not all eyewash: if it were, we would have had enough water to supply Kimba. True, after this Government assumed office it approved of a water supply for Kimba, and I made a firm promise to the honourable member and to a deputation about the commencing date. No-one regrets more than I—

Mr. Bockelberg: I do.

The Hon. C. D. HUTCHENS: I do not think the honourable member does, although I know that he regrets the delay very much: he has been most persistent and has done his best to ensure that the scheme would be commenced, so I do not detract from what he has done. The matter has been referred to Commonwealth authorities, which have called for further reports, and this request will be followed up soon. After having seen Kimba, I assure the honourable member that I am as anxious as anyone to meet the needs of the people who have done a remarkable job in developing that part of the State. That development can only be complete if water is available and, when it is, the State will benefit considerably. I shall leave no stone unturned to ensure that the scheme is proceeded with as soon as possible.

KINGSTON BRIDGE

Mr. CURREN: Has the Minister of Lands received a reply from the Minister of Roads to the question I asked last week about proposals to begin constructing the causeway for the Kingston bridge?

The Hon. J. D. CORCORAN: Two similar questions have been asked: one on October 19 by the member for Ridley, and the other on October 24 by the honourable member who has asked this question. My colleague states that the same answer applies to both questions, and reports that following the recommendation of the Public Works Standing Committee to construct a bridge over the Murray River at Kingston, the Highways Department has been, and still is, actively engaged in the many activities that are necessary prior to the actual commencement of works on site. Some of the preconstructional activities include the design of the structures and approach roadways; foundation investigations to determine precisely the requirements of the structure; investigation into locating and proving quantities of suitable material for construction of road embankments and paving; preparation of specifications for contract construction, and formulation of the total construction programme; determination of land acquisition requirements and negotiating for purchase; and the provision of adequate staff for supervising the construction works.

All these activities are in progress and, depending on satisfactory progress, it is hoped that work can commence early next year on the construction of approach embankments. This is desirable in order to let any settlement occur prior to the construction of the major structure. At this stage, it seems that the most economical way in which to construct the embankments will be by contract. It must be emphasized, however, that all construction must be fitted into a co-ordinated plan and, as there are many variables, it is not possible at present to predict an accurate date when site construction will commence.

CLAYTON JETTY

Mr. McANANEY: I understand that a Mr. Jones obtained permission from the Harbors Board and the local council to erect a jetty for public use on a reserve at Clayton, but that the Lands Department refused him permission. Will the Minister of Lands review this decision?

The Hon. J. D. CORCORAN: I am unaware of this case but, if the honourable member will give me details, I will investigate the matter to ensure that, if a wrong has been done, it is righted.

HOUSING FINANCE

Mr. HUDSON: Previously, I asked a question of the Premier about finance for housing being made available through the various private savings banks and the Commonwealth Savings Bank in South Australia. The Premier's reply made it clear that, generally, there has been co-operation in this matter. However, land agents in my district have pointed out to me the difficulties facing their clients in obtaining the requisite finance for housing. There are long waiting lists with the State Bank and Savings Bank of South Australia, and there are special conditions that are laid down by the Commonwealth Savings Bank and by private savings banks, and they have asked me whether an approach by the Premier to the private savings banks in South Australia might result in more finance being made available to meet the present backlog in applications for housing loans. In view of the desired stimulus that would be given the housing industry if increased finance was made available to applicants, will the Premier consider approaching the private savings banks to see whether more funds can be made available for these purposes, and whether such loans can be made to customers on more generous terms of eligibility than have applied in the past?

The Hon. D. A. DUNSTAN: I will examine the matter and obtain a report.

PENNESHAW SCHOOL

Mr. NANKIVELL: I ask this question on behalf of the member for Alexandra. As I understand that the Minister of Education has seen the Headmaster's residence at Penneshaw and, as a question on this matter has been asked previously, can he say what action his department intends to take concerning these premises?

The Hon. R. R. LOVEDAY: I have been informed that private tenders were called by the Public Buildings Department for the remodelling of the back of the Headmaster's residence to provide a new back door, entrance porch and laundry. On the completion of this work it was intended to call public tenders for the general repairs and painting of both the school and the residence. However, a satisfactory tender was not received for the remodelling work, and it is now intended to include this in the public tender call for painting and repairs. It is expected that these tenders will be called towards the end of December, and it is considered that the proposed renovations and improvements will bring the residence up to present-day standards.

INDUSTRY RESEARCH

The Hon. Sir THOMAS PLAYFORD: A report appearing in this morning's *Advertiser* under the heading "Research to Aid Industry" states:

> The Government proposed to set up an economic research bureau which would provide a chart on which industrial opportunities in South Australia could be detected, the Chief Secretary (Mr. Shard) said in the Legislative Council yesterday.

The Director of Industrial Development was reported as making a statement on this matter. Is the Premier aware that a council already exists (I am not sure of its name) which was appointed by the Commonwealth Government, comprising the heads of all the large industrial concerns in Australia, that a book is published each year containing information similar to that contained in the Chief Secretary's reply and, indeed, that this book has been used effectively in the past by the Government of South Australia? The Commonwealth Government readily makes the book available free of charge. The book (*Major Gaps in Australian Industry*) sets out in detail all industrial imports into Australia that exceed $100,000 in value and indicates whether a plan currently exists in Australia to meet a particular shortage on the Australian

market. As this publication has been useful in the past and as I believe it is something that the Director, if he is not already aware of its existence, can use to advantage, will the Premier refer this matter to the Director?

The Hon. D. A. DUNSTAN: The publication to which the honourable member refers is well known to the department, and it has been constantly used. However, I will refer the matter to the Director.

TEA TREE GULLY WATER SUPPLY

Mrs. BYRNE: Has the Minister of Works a reply to my recent question about the Tea Tree Gully water supply?

The Hon. C. D. HUTCHENS: The answer is "Yes", except that there will still be a number of allotments in Acacia Avenue, in an old subdivision east of Hancock Road, which will be too high for direct services.

TELEVISION ADVERTISEMENT

Mr. QUIRKE: I recently saw a television advertisement by a fertilizer company, extolling the virtues of dolomite and urea as a mixture, in which emphasis is placed on the use of dolomite which, in my book, is merely another form of limestone. I am wondering whether the Agriculture Department has investigated this advertisement, which tends to indicate to people that dolomite (and not urea, with which it is mixed) is the substance doing all the good. As I do not care for that type of advertising, will the Minister of Agriculture ascertain whether this particular advertisement is misleading?

The Hon. G. A. BYWATERS: I, too, noticed the advertisement to which the honourable member has referred. It is one of several that appears each Sunday on a television programme that commands a large viewing audience. The department is as concerned about the advertisement as is the honourable member, for it runs counter to much of what the department advocates. I am sure that this matter is being considered by the department, which will in due course make an appropriate announcement. The propriety of the advertisement will also be considered.

MURRAY RIVER SALINITY

The Hon. T. C. STOTT: Yesterday I asked the Minister of Works to confer with the Minister of Repatriation about the effects of salinity along the Murray River. I have been informed this morning that certain soldier settlers at Loxton are concerned about the effect of salinity on their trees, and I point out that evidence can be produced to show that those who have installed the drag hose system of watering trees are not experiencing a salinity problem at all. The Minister realizes that millions of dollars is tied up in the citrus industry along the river. As settlers will not be able to meet their commitments if leaf fall is as serious as some of them tell me it is, a joint effort should be made on the part of the Commonwealth and State Governments, under the war service land settlement scheme, to implement the drag hose method as soon as possible. Will the Minister of Repatriation refer this matter to the appropriate Commonwealth Minister and ascertain whether this system of watering can be installed in the Upper Murray area as soon as possible?

The Hon. J. D. CORCORAN: I know that the problem to which the honourable member refers is seriously concerning people in the irrigated areas of the Upper Murray. I am prepared personally to refer to the appropriate Minister the matter of finance for installing drag hose systems.

KINGSCOTE SCHOOL

Mr. NANKIVELL: Has the Minister of Education a reply to the question recently asked by the member for Alexandra about the installation of fire hydrants at the Kingscote Area School?

The Hon. R. R. LOVEDAY: The present policy regarding the provision of fire hydrants within schoolgrounds is that they are installed only on rare occasions when conditions justify their installation. The conditions that have justified the installation of fire hydrants are, first, extreme distance of buildings from street mains and, secondly, the special activities at some types of school (for example, technical colleges) where the fire hazard is higher than is normally the case. In view of the Public Buildings Department's policy regarding the provision of fire hydrants within schoolgrounds, the Director of that department has requested that a full investigation be carried out of the fire-fighting facilities at the Kingscote Area School, to ascertain whether there are any extreme conditions that would justify the installation of additional fire-fighting facilities within the grounds of this school.

UNROADWORTHY VEHICLES

Mr. MILLHOUSE: My question concerns road safety and particularly the roadworthiness of vehicles in this State. I think I am right in saying that South Australia is now the only State in which a certificate of roadworthiness

does not have to be presented when there is a transfer of ownership of a used vehicle. Can the Premier say whether the question of introducing such certificates of roadworthiness to ensure that vehicles, at least when they are registered, are roadworthy has been considered by the Government in recent months and, if it has, whether the Government intends to take any action to introduce such a system of certification to apply before used vehicles are registered?

The Hon. D. A. DUNSTAN: Consideration certainly has been given to this matter. I point out that other States that have recently introduced measures of this kind have also radically increased State taxation and charges. Only recently, the honourable member referred to the amount of charges involved in sales of used motor cars in South Australia and said that the savage impost of stamp duty in this area should be reduced.

Mr. Millhouse: Are you putting cost above safety?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I do not know what the honourable member is doing in this regard. It has been the policy of the Government not to increase State taxes and charges in the same way as Liberal Governments in neighbouring States have all done. If the honourable member intends that we should increase the costs of the State, I think that the obligation is on him (as it is in so many other cases) to show where the money is coming from.

FRUIT FLY

Mr. COUMBE: The only outbreak of fruit fly this year was, fortunately, in a small area of Prospect. When I previously raised this matter, the Minister of Agriculture said that spraying would continue until about the end of September. That time has passed and I believe spraying has ceased. Will the Minister confirm that this is so? Also, can he indicate the cost involved in the campaign? Most particularly, can he say what has been the response to the claims for compensation that the public has been invited to submit to his department?

The Hon. G. A. BYWATERS: Fruit fly compensation is in the hands of the committee which was set up a short time ago, under the chairmanship of Sir Kingsley Paine, and which would have the relevant figures. I do not have them at the moment.

Mr. Coumbe: Do you know whether any compensation payments were made?

The Hon. G. A. BYWATERS: I am sure some were made but offhand I cannot say how many. However, I will find out. I was assured earlier that not many claims would be made this year. As the honourable member said, it was fortunate that the outbreak was confined to a small area. This was brought about by the early vigilance of departmental officers and by the prompt report by the person who found fruit fly on his property. In fact, this was the only outbreak in the whole area, although a great quantity of fruit was taken and checked.

NARRUNG WATER SUPPLY

Mr. NANKIVELL: Last week the Minister of Works gave me to understand that a water scheme had been approved for Narrung and that the matter was to be referred to the council. This information was made public, and since then the council has informed me that, as yet, it has not received any information from the department. As the council will meet next Tuesday, will the Minister have this information made available before then so that the matter can be discussed at that meeting?

The Hon. C. D. HUTCHENS: I shall be happy to ask the department to comply with the honourable member's wishes.

BONED MUTTON

The Hon. G. G. PEARSON: My question concerns the through-put of boned mutton by the Government Produce Department works at Port Lincoln. Some time ago a constituent asked me why boned mutton operations at Port Lincoln had been suspended. I believe that matter has clarified itself since then because it is realized that lambs have precedence and that, until the lamb season intake is reduced somewhat, it will be impossible for the works to cater for boned mutton. My constituent also inquired about the price to be paid to the supplier of sheep for boning purposes. Will the Minister of Agriculture consult the General Manager of the works about this matter and write to me as soon as he can setting out the way in which the price to the producer is determined? If I can have that report I shall then be able to discuss the matter again with my constituent, I think to his satisfaction.

The Hon. G. A. BYWATERS: I shall be happy to do that.

EGGS

Mr. McANANEY: The report of the Egg Board, which became available yesterday, states that South Australia received the lowest average net price for eggs of any State. The reason given is the greater sums involved in handling and selling charges. Will the Minister of Agriculture obtain information about this matter?

The Hon. G. A. BYWATERS: The report must be taken in its full context so that one may appreciate the issue involved. To take one section of the report out of context is hardly fair to the Egg Board. If the honourable member wants to discuss the full report, he should do that with me, and I shall be happy to arrange for the Egg Board to explain any matters on which he needs clarification.

WINNS ROAD

Mr. MILLHOUSE: Last week I asked the Minister of Lands whether he could obtain some further information (definite information this time) from the Minister of Roads regarding Winns Road, Blackwood, in view of the contradictory reports given to me in this House and direct to residents along that road. I understand he now has a reply and I should be glad if he would give it.

The Hon. J. D. CORCORAN: My colleague reports that the position in regard to Winns Road has not changed since the question was asked by the honourable member on June 29, 1967. The reply supplied on June 30 was as follows:

The position with regard to the department's proposals for Winns Road, Blackwood, has not changed since the previous question asked by Mr. Millhouse on this matter earlier this year. In reply to the previous question it was stated that the department proposed improvements to both Winns Road and the present main road through Coromandel Valley. These projects should be regarded as of a long-term nature and it is not expected that any construction work will be commenced until such time as improvements are required by actual traffic volumes. At this stage, only preliminary investigations have been carried out and there is no definite scheme. In any case, it is of very low priority and not likely to be dealt with in the foreseeable future.

My colleague also reports that it is not proposed to construct a two-lane highway along Winns Road soon. Two Highways Department officers called on a resident of Winns Road but no statement to this effect was made. If confusion exists as to future proposals, it did not emanate from statements from the Highways Department.

URAIDLA SCHOOL

The Hon. Sir THOMAS PLAYFORD: Some time ago the Minister of Education promised to have an investigation made in relation to the possible establishment of a primary school between Uraidla and Stirling, and he said that the department was examining the possibility of obtaining suitable land if it was decided to establish a school there. This is a rapidly growing area: many houses are being built there, and the number of children is growing rapidly. Can the Minister of Education say whether any progress has been made in this matter?

The Hon. R. R. LOVEDAY: I have not had a recent report but I shall obtain one for the honourable member.

MONTAGUE ROAD

Mrs. BYRNE: Has the Minister of Lands obtained from the Minister of Roads a reply to my request of October 25 that the erection of speed limit signs on part of Montague Road between Ingle Farm and Para Vista be considered?

The Hon. J. D. CORCORAN: The Minister of Roads reports:

It is agreed that parts of Montague Road traverse rural areas and hence motorists do not realize they are subject to a 35 m.p.h. speed limit, which applies to all roads within a town, township or municipality (in this case the city of Salisbury). There appears to be three solutions to the problem:

(1) To amend the Road Traffic Act prescribing the 35 m.p.h. to built-up areas rather than town, township or municipality. The Road Traffic Board is considering this amendment.
(2) To have the local government authority erect 35 m.p.h. signs: but this would involve signing many miles of roads and in any event would be a somewhat unrealistic speed limit.
(3) To have the Road Traffic Board introduce speed zoning regulations: but this involves lengthy investigation, administration and the erection of many signs.

CLARE SCHOOLS

Mr. QUIRKE: As the Minister of Education will see on Friday (when he has kindly consented to visit Clare) the school system in that town has expanded greatly. The primary school is crowded and the high school is an assembly of wooden buildings. I do not imply that they are unsightly, however: the school has good classrooms. Although it was originally proposed to build a new high school and to transfer half the primary school population to

the existing high school, for reasons that have been fully explained that cannot be done. However, there has been an increase in the school population, and I am sure that increase will continue. The existing bus system is becoming overcrowded. Indeed, the department has been forced recently to do something it does not like doing: children within the three-mile zone wishing to travel to school on a high school vehicle had to be left on the side of the road because there were already too many children in the vehicle. The vehicle is not insured to accommodate so many youngsters. No-one likes to see these children left on the roadside, (even though they are inside the three-mile zone) particularly on a road such as the Clare-Blyth road, which can be extremely dangerous: it has many blind corners. Will the Minister of Education therefore have this school bus system thoroughly overhauled with a view to having larger vehicles used? I understand that in some cases bigger vehicles are operating on another contract, and there is room in them for children put off on another track. As I think this problem merely requires a thorough investigation for it to be ironed out (when everyone will be happy), will the Minister undertake to examine the matter during the recess?

The Hon. R. R. LOVEDAY: I shall have the matter examined.

CONCESSION FARES

Mr. MILLHOUSE: I have on a number of occasions, both during this session and during other sessions, raised the matter of the children's concession passes that the Railways Department issues on a quarterly basis, a basis which does not coincide with the three school terms, thus causing much wasted expenditure because of the need to buy four quarterly passes to cover the three school terms. I raised the matter during the Estimates debate, when I was promised that the matter would be referred to the Railways Department and a report obtained. On October 18 last, about a fortnight ago, I asked the Minister of Social Welfare whether he would specifically ask his colleague to obtain a report from the Railways Commissioner. I wonder whether the Minister yet has a reply. I presume that he has not, because otherwise he would have told me, and I am beginning to wonder whether the Railways Commissioner is trying to avoid giving one. Therefore, I ask the Minister whether, if he has not a reply for me today, he will be kind enough to try to get me one by tomorrow, as I understand that will be the last opportunity this session to receive it.

The Hon. FRANK WALSH: The matter is receiving attention and is before Cabinet. I cannot say whether the request in the last part of the honourable member's question will be acceded to.

FISHING

Mr. HALL: I understand that the crayfishing season is beginning in earnest, and I have had several inquiries about whether pot limits will be introduced this season and, if so, when. Many cray fishermen are much concerned about what provision to make regarding the number of pots to be used at the start of the season, because of the (as yet) indeterminate date for the establishment of pot limits. Can the Minister in charge of fisheries say what he, the Government and the department intend to do in regard to this matter?

The Hon. G. A. BYWATERS: I am surprised that queries are still being received about this matter, because I have tried to publicize our intentions as much as possible. The Minister of Lands, who represents the crayfishing district, telephoned me last Sunday and I gave him permission to issue a statement setting out the position about which the Leader has asked. I have also made a statement to the Mount Gambier *Border Watch* along those lines. In addition, I have given this information to the two Inspectors of Fisheries in the South-East at present. Mr. Armstrong has gone down to work with Mr. Feddern, and they are available to answer any questions on the matter. I have also told the former Chairman of the South-East Fishermen's Association by telephone about what was intended. I also tried to telephone the present president and the secretary of the committee. However, they live at Southend and are not on the telephone. I understand that there has been a change in office bearers recently, and I tried to convey the message through the past president. I hope it was received.

On the evening of November 15, next Wednesday week, the member for the district and I (and I also invite the Leader of the Opposition in another place, because he also represents that district) will attend a meeting at Millicent. The new Director of Fisheries (Mr. Olsen) will attend that meeting and, as we expect a large attendance, we are trying to book the largest hall available. This meeting will be publicized throughout the area by advertisement and press statement. At the meeting, all matters will be explained, and

questions may then be asked. One of the principal purposes of the meeting will be to enable us to introduce the new Director to the fishermen, after which the fishermen will be able to have discussions with him and ask questions.

I have on my desk at present a recommendation from Mr. Olsen about the formation of the advisory committee. We sought from the various organizations the names of suggested members of the committee and the names submitted have been perused. We think we will be able to set up the committee in about a week, and that committee will advise on pot limits. Until that advice is received, no pot limits will be introduced. Some fishermen are already working a certain number of pots, and I think it reasonable that this matter should be considered. If the recommendations of the committee put these fishermen in the position of being oversupplied in regard to the number of pots, I think it reasonable that these fishermen should have time to amortize the cost of the pots.

I assure the Leader that this matter is receiving careful and sensible consideration. Although the Act was proclaimed today, the fixing of pot limits will be done by regulation, such regulation to operate from a date to be proclaimed. I have advised all fishermen to go to sea as usual and have told them that further discussions will take place before anything rigid is applied.

TEA TREE GULLY SCHOOL

Mrs. BYRNE: As the Minister of Education is aware, tenders closed on October 17 for the construction of new bitumen pavement and for the maintenance of the existing pavement at the Tea Tree Gully Primary School. At present, the broken pavement is a hazard. Can the Minister say whether a tender has been let and, if it has, when the work is expected to be carried out?

The Hon. R. R. LOVEDAY: I shall get a report for the honourable member.

VERMIN ACT AMENDMENT BILL

His Excellency the Governor's Deputy, 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.

Bill recommitted.

Clause 7—"Repeal and re-enactment of Part II of the principal Act"—reconsidered.

The Hon. G. G. PEARSON: The Minister discussed with the Leader and me the difficulty that arose because the duplicated copy of the Bill available last evening was numbered differently from the printed Bill. We agreed that it was not necessary to delay consideration of the Bill, and we said we were prepared to proceed, on the understanding that the duplicated copy was a true copy of the Bill that was with the Government Printer. There was no dispute about the latter point, because the wording of the duplicated copy seemed to conform precisely to that of the printed Bill. However, there was a discrepancy in the numbering: some subclauses in the duplicated copy seemed to carry the numbers of separate clauses. Neither I nor other Opposition members intended to move amendments, but I asked the Minister to recommit this clause so that the matter could be satisfactorily explained. As this is the operative clause and contains most of the new matters, I thank the Minister for allowing the Bill to be recommitted.

The Hon. J. D. CORCORAN (Minister of Lands): I appreciate the co-operation I received from the member for Flinders and the Leader, because they understood my difficulty and the need to have the legislation passed.

Clause passed.

Bill read a third time and passed.

MENTAL HEALTH ACT AMENDMENT BILL (CRIMINAL DEFECTIVES)

Second reading.

The Hon. FRANK WALSH (Minister of Social Welfare): I move:

That this Bill be now read a second time.

It deals with certain classes of persons who are detained in mental institutions in consequence of the operation of the criminal law. A person may be ordered to be detained in a mental institution if—

(*a*) the court which convicts him of certain sexual offences is satisfied on the report of two or more medical practitioners that he "is incapable of exercising proper control over his sexual instincts";

(*b*) the court which convicts him of any of these sexual offences is satisfied on the report of two or more medical practitioners that whilst he is not incapable of exercising control over his sexual instincts he requires supervision in his own interests or the interests of others;

(c) he is found not guilty of an indictable offence on the ground of insanity;

(d) on being charged with an indictable offence he is found to be insane so that he cannot be tried;

or

(e) being already detained in a prison, gaol, or other place of confinement he is found on the report of a medical practitioner to be mentally defective, or he is otherwise ordered to be detained in a hospital for criminal mental defectives pursuant to Division II of Part III of the Mental Health Act, 1935-1967.

A problem arises in relation to escapes of such persons from the institution in which they were ordered to be detained, and an examination of the law in this matter suggests that it is not entirely clear as to what steps may be taken to effect their re-capture.

Generally, any person who "escapes from lawful custody on a criminal charge" is guilty of a common law misdemeanour, and is liable under section 270 of the Criminal Law Consolidation Act to imprisonment for a term not exceeding two years. However, the degree of criminal responsibility, if not the actual sanity, of persons to whom this measure relates has often been determined already, so it seems inappropriate that any escape from their confinement should be visited by further criminal proceedings: the only issue of importance is to ensure that they are returned to the place from which they escaped.

Clauses 1 to 3 are formal, and clause 4 amends section 43 of the principal Act, which deals with escapes of ordinary patients, by relating that section to the proposed new section dealing with escapes by persons of the special classes referred to in the Bill. Clause 5 strikes out a subsection of section 54 of the principal Act relating to the failure of patients, permitted to be absent from a hospital for criminal mental defectives on trial leave, to return within the period of the leave or to comply with any conditions to which the leave was subject. This situation is now dealt with in the extended definition of "escape" in proposed new section 56a (4).

Clause 6 repeals section 55 of the principal Act, which related to escapes of persons from hospitals for criminal mental defectives. The substance of this clause is now contained in new section 56a. Clause 7 enacts a new Part IIIA which contains one section only. Subsection (1) provides that any person of the classes referred to therein who escapes from any institution may be taken at any time without warrant and returned to the institution. Subsection (2) provides for the obtaining of a warrant for the apprehension of such a person, the purpose of this subsection being to facilitate the apprehension of an escaped person who is outside the State but within the Commonwealth. The warrant so issued is available to be executed in another State under the Service and Execution of Process Act of the Commonwealth.

Subsection (3) provides for the excution of that warrant, and subsection (4) provides for a definition of an "institution", which is intended to cover any place where a person referred to in subsection (1) can be confined, and an extended definition of the expression "escape" to cover breaches of any leave conditions. Clause 8 provides for the form of a warrant of apprehension provided for under new section 56a (2). Honourable members realize that this Bill comes from another place, where little debate occurred on it. I understand that the member for Albert is prepared to facilitate its passage through this Chamber.

Mr. NANKIVELL (Albert): The Minister was good enough to give me a copy of the second reading explanation earlier this afternoon. Having studied that explanation closely and assessed what is implied in this measure, I point out that it contains five grounds for detention, although another ground not referred to concerns the detention in an institution of people suffering from venereal disease. As such people under the Act and under criminal law provisions are detained at either the pleasure of Her Majesty or the Governor, no fixed term of detention is provided concerning an offence that may have been committed: these people are detained until it is considered safe that they be released. Indeed, I think it is proper that no additional punishment should be imposed.

The main concern is that, although people may be detained in mental institutions, they are not detained under close security measures. The Bill provides that if a person leaves an institution without authority he or she shall be apprehended and returned to that institution to be detained at the pleasure of either Her Majesty or the Governor. Provision is also made to the effect that a person who has escaped from an institution may be apprehended either by a member of the staff of that institution or by a police officer. In the case of an inmate who goes to another State, provision is made for the issue of a warrant

so that that person may be returned to the institution from which he or she has escaped. I support the second reading.

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

SHEARERS ACCOMMODATION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It makes several amendments to the Shearers Accommodation Act, 1922-1958, in respect of the minimum standard of accommodation to be provided for shearers. The Act was last amended in 1958 to give effect to the terms of an agreement which had then been reached between the Stockowners Association of South Australia and the Australian Workers Union (South Australian Branch), which were the principal organizations concerned. Last year the Government received a request from the Australian Workers Union for further alterations to be made to the Act. The views of the Stockowners Association of South Australia were sought on the amendments requested by the union, and that association subsequently indicated its agreement to all but one of those requests. Following discussions with both organizations, complete agreement was reached between them. As the Bill provides for an extension of the operation of the Act to smaller properties, the views of the United Farmers and Graziers Association of South Australia was sought.

Most of the matters contained in the Bill concern the standard of accommodation to be provided for shearers. Of those which deal with other matters, the amendment to section 3 is the most important. This section now provides that the Act does not apply in respect of any shearing shed in or about which fewer than six shearers are employed. Having regard to the definition of "shearer" which excludes members of the employer's family as well as persons who are employed on the property when shearing is not in progress, the Bill provides that accommodation for shearers on properties where fewer than four shearers are employed shall comply with the provisions of the Act. The United Farmers and Graziers Association of South Australia does not object to the widening of the scope of the Act to this extent, while the Stockowners Association of South Australia had agreed to the request made to the Government by the Australian Workers Union that the Act should apply where three or more shearers were employed. The Government considered that the request of the Australian Workers Union, as agreed to by the Stockowners Association was reasonable, and accordingly introduced the Bill in another place with such a provision.

However, an amendment was successfully moved in the other place and the Bill which is now before this House contains that amendment, which increases from three to four the number of shearers that must be employed before the Act operates in respect of accommodation provided for them. To enable owners of those properties that will be subject to the Act for the first time to have a reasonable time to conform with it, the terms of the Bill are such that the provision extending the operation of the Act will not apply until two years after the Act comes into operation. The definition of "employer" which has remained unaltered since 1905 has been amended, by clause 4, to express it in terms of current conditions, and penalties provided in the Act have been expressed in decimal currency by clauses 6 and 7. The provision of the present Act which requires separate sleeping and dining accommodation to be provided for persons of any Asiatic race is a relic of the past and out of keeping with modern thinking throughout the world. This has been removed by the Bill. Apart from these matters, all of the other provisions of the Bill concern the accommodation to be provided for shearers, and for the first time provision has been made for details of certain matters to be prescribed by regulation rather than set out in detail in the Act.

I may add that, although provision has existed in the Act since 1905 for inspections to be made to ensure compliance with the Act, no inspector has ever been appointed specifically for the purpose of policing the Act and all inspections have been undertaken by members of the Police Force. Although police officers have undertaken inspections whenever required of them, there is no system of regular inspection and, with the frequent changes of police officers from one station to another, many police officers are not familiar with the provisions of the Act. The Government has therefore decided to appoint a full-time inspector to ensure that the Act is complied with. Provision has been made in the Estimates of Expenditure for the current financial year for such an appointment to be made, and I expect that an inspector will be appointed and commence duty early in the New Year.

The provisions of the Bill are as follows: Clause 1 is formal and provides that the Bill will not come into operation until the expiration of six months from the day on which it is assented to. This will give persons who are at present subject to the Act a reasonable opportunity to conform with the amendments. Clause 2 is merely formal. Clause 3 provides that, after the expiration of the two years from the commencement of the amending Act, the principal Act will apply where four or more shearers are employed. A new paragraph (*c*) is inserted in section 3 of the principal Act which provides that the Act does not extend to accommodation provided by an employer in a hotel, motel, boarding or lodging house in a city, town or township. Clause 4 amends the definition of "employer" in section 4 of the principal Act. Under the Act, the employer is charged with the duty of providing accommodation for his shearers. The Act was passed before the advent of shearing contractors, and in many instances the obligation of providing adequate accommodation will fall more appropriately upon the owner or lessee of the holding on which the shearing shed is situated rather than upon the overseer or superintendent of the shearers as at present. The Act thus includes the owner or lessee of the holding in the definition of "employer", thus enabling an inspector to prosecute the appropriate person for a breach of the Act.

Clause 5 amends section 6 of the principal Act which specifies the nature of accommodation that must be provided. New paragraph I provides that a sleeping compartment must contain 480 cubic feet of air space for each person sleeping therein. This is in accordance with the legislation of other States and the 1958 amendment to the Act required any building erected after the commencement of that Act to comply with this specification. The amendment provides that a building erected before the commencement of the 1958 Act will, during a period of two years after the commencement of the Act, be deemed to comply with the Act if it contains not less than 300 cubic feet of air space for each shearer. This gives an employer at present subject to the Act a total of two and a half years to comply with the Act after the date on which it is assented to. Paragraph II is struck out. This paragraph provided that persons of the Asiastic race should be accommodated separately from Europeans and should not eat in the same room. New paragraph IIa provides that sleeping accommodation shall be provided in compartments designed to accommodate not more than two shearers in each. However, in the case of an existing building, accommodation shall, for two years after the commencement of the Act, be deemed to comply with the Act if three persons are accommodated in each compartment.

New paragraph IIb provides for separate and suitable accommodation for cooks and cooks' assistants. Paragraphs IIc and IId are amended to provide respectively that the types of bed and mattress to be provided for shearers are to be prescribed by regulation. The amendment to paragraph IIe prevents the practice of some employers of providing old packing cases as chairs and wardrobes. The amendment also requires that a sleeping compartment be illuminated by electric lighting or power lights. New paragraph IV makes more effective provision in relation to sanitary conveniences. New paragraph VIIaa requires that a kitchen be provided with a kitchen sink. New paragraph VIIb substantially reproduces the existing paragraph VIIb, but adds to it the requirement that the surface of a dining table shall be of dressed timber closely cramped or of some other material approved in writing by an inspector. This provision is inserted because a number of employers have been making tables out of old packing cases. New paragraph VIId brings the existing paragraph VIId up to date. New paragraph Xa requires the employer to provide a room for washing clothes.

New paragraph XI specifies the number of tubs that a washing room must contain. New paragraph XIa requires the employer to provide clothes lines. New paragraph XIb requires that, if the effluent from a washing room does not pass through a septic tank, it must be discharged through an enclosed drain or pipe not less than 30ft. from sleeping quarters, a kitchen or a dining room. New paragraph XIc requires the employer to provide basins for the ablutions of shearers. Clauses 6, 7 and 8 make decimal currency amendments.

Mr. RODDA secured the adjournment of the debate.

HOSPITALS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 31. Page 3210.)

Mrs. STEELE (Burnside): Sections 53 and 54 of the principal Act provide that up to

$200 for an inpatient and $50 for an outpatient may be paid directly to a hospital or hospitals treating the victim of a motor vehicle accident. However, these were the maximum sums payable. Further, these sections provide that the total sum payable to the hospital should not exceed one-third of the total sum paid by an insurer on account of an injury. As everyone is aware, money values have changed whereas the figures provided in the Act have not. In addition, I believe all honourable members are aware that costs relating to hospitals, hospital treatment and the equipment used in hospitals have increased greatly over recent years.

At the same time we should not forget the doctors who treat this type of patient, as well as the various types of therapist involved in getting him up and about again. Nor should we forget the lawyers who handle the legalities involved in these unfortunate events. The hospitals are to be protected by this Bill, whereas the professional people are often left lamenting. The Bill amends the Act to provide that the amounts to be paid will be limited only by the hospital bill or the amount for which the victim is insured, whichever is the lesser. The Bill is consequential on the Supreme Court Act Amendment Bill which was passed earlier this year and which enabled an accident victim to obtain interim payments of special damages. I support the Bill.

Mr. MILLHOUSE (Mitcham): I have some reservations about the Bill, and I refer to the point raised by the member for Burnside. I understand this amendment will give the hospital concerned an absolute preference over all other creditors. As the member for Burnside said, when a person is unfortunate enough to be involved in a motor vehicle accident, he receives treatment and service from a number of people or institutions. Such help might come from a hospital (as contemplated in this case), from medical practitioners (not only honoraries at the hospitals, but also private practitioners), all kinds of therapist, and a number of other classes. I know from my own experience when in amalgamated practice that the accident victim, frequently having no money with which to pay the bills, must wait until he receives compensation (if he receives it, and sometimes he does not receive it). As a rule, creditors such as doctors and hospitals will wait, although legally they need not. I have in mind cases where people have demanded payment before compensation has been settled, saying that they just cannot afford to wait for a couple of years until the claim is litigated and payment made.

Mrs. Steele: This has been altered to a certain extent by the recent Supreme Court Act Amendment Bill.

Mr. MILLHOUSE: Yes. I am going on my experience when I was in practice. There is no legal obligation on a person to wait. We are saying here that the hospital bill shall be paid first. We have had that provision before, and it has always been a nightmare to the solicitors who act for clients in the first instance. If they overlook a notice they have received from a hospital and pay out a sum in settlement without first having deducted an amount for the hospital charges, they are personally liable for such payment under this section. Although a limit has hitherto always been imposed, what we are now doing is to say that the hospital bill must be paid in full first, even if it is the total amount of compensation payable. Of course, this will mean that everyone else in those special circumstances will have to go whistling for his money, and I cannot see any fairness in that.

After all, if a medical practitioner, physiotherapist or chemist provides a service or medicaments, why should he be cut out entirely, as he will be under these provisions? As members of Parliament, we have to help the Government look after the public purse, and with Government hospitals the public purse is involved, but I do not think we should so closely identify ourselves with the Government as to let this go without examination. However, that is what we are doing: we are identifying ourselves so closely with the Government that we are saying, "The Government shall have an absolute preference in certain circumstances." I am not very happy about this, and I think some professions that will be affected will not be happy about it either. When the member for Burnside was speaking, I was searching to make sure that I had not misinterpreted this, and I do not think I have. After the amendments have been made, section 53 (4) will provide:

> The amount to be paid by the insurer to the hospital in respect of any such bodily injury (fatal or otherwise) shall not exceed—
>
> (*a*) the total amount of the claim of the hospital, or
>
> (*b*) the total amount payable by the insurer in respect of such fatal or bodily injury,
>
> whichever is the lesser.

Previously the sum was not to exceed a total of $200 for any such person so treated as an inpatient or $50 for any such person so

treated as an outpatient. The proviso (which, I understand, has now gone) states:

Provided that the total amount to be paid to the hospital as aforesaid shall not exceed one-third of the total amount (exclusive of costs) paid by the insurer in respect of such fatal or bodily injury.

Section 54 is in the same terms, except that it refers not to an insurer but to any other person, and that is what catches the solicitor. In Committee I intend to ask the Premier whether it is intended to cut out in this way those others who render assistance at a time of personal injury. Although I do not oppose the second reading, I voice considerable doubt as to the wisdom of the course we are adopting in the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Payment by insurer of cost of hospital treatment."

Mr. MILLHOUSE: I refer to the point I made during the second reading debate. By virtue of clauses 3 and 4, we are in certain circumstances ensuring that Government revenue is protected by making payment of the hospital bill the first priority to the limits of the compensation or the amount of the bill, although by so doing we may be cutting out other people. I ask the Premier whether this aspect has been considered and, if it has, what is the justification for taking this action.

The Hon. D. A. DUNSTAN (Premier and Treasurer): There was no intention to cut out other claimants. It was merely intended to allow the claim of a hospital to be made, as had originally been intended. I have not known solicitors to have difficulty in dealing with the section, and the honourable member would be aware that requirements are usually made of solicitors about repayment of social service benefits also. They are also a claim on amounts awarded in accident cases.

Mr. Millhouse: One has the same nightmare about that as about this.

The Hon. D. A. DUNSTAN: I do not know that this is a nightmare.

Mr. Millhouse: Well, it's a long time since you were in practice.

The Hon. D. A. DUNSTAN: I knew that these things were in the Acts and, therefore, it always seemed to me to be one of the first things to look up. I would have thought all solicitors would be conditioned to that by now in dealing with accident cases. I do not think this is hard on the profession, and I do not know of any protest about it. This matter is always dealt with equitably by the Hospitals Department. Hospital and social service claims have been abated in cases of contribution in which the full out-of-pocket amounts are not met by the plaintiff.

The Hon. B. H. TEUSNER: Some months ago a matter came to my notice concerning a person who had petitioned in bankruptcy. Under this legislation, would the payments still have to be made to the hospital concerned, even though at the time a sequestration order operated in regard to the person entitled to damages?

The Hon. D. A. DUNSTAN: No; the provisions of the Bankruptcy Act would operate.

Mr. MILLHOUSE: I think the Premier is under a misapprehension. We are altering the present position significantly by providing that the total amount of the bill be abated, up to the total amount of compensation, if necessary. A proviso to the old provision provided that the total amount to be paid to the hospital "as aforesaid" should not exceed one-third of the total amount, exclusive of costs, paid by the insurer in respect of "such fatal or bodily injury". Until now, at least two-thirds of the damages has been available for the payment of other special damages and for general damages. That has been removed, but I do not think the Premier realizes that the proviso is cut out in sections 53(4) and 54(4).

The Hon. D. A. DUNSTAN: It alters the situation, but I think the figure in the original Act was fairly arbitrary. I think this matter can be left to reasonable administration. It is difficult to spell out in an Act how claims are to be abated in cases of compensation. The aim here is to get the out-of-pocket costs for the hospital where that is just, and to make a reasonable abatement. That is done at present.

Mr. MILLHOUSE: I ask the Premier whether what he has said is a definite undertaking that the Hospitals Department will, in each case, exercise discretion, and not stick on its full rights if good reasons for accepting a lesser amount can be shown.

The Hon. D. A. Dunstan: That has always been the case.

Mr. MILLHOUSE: If the Premier is saying it will be administered in this way in future, I am content to see how it works out. Is he giving that undertaking?

The Hon. D. A. Dunstan: Yes.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

INDUSTRIAL CODE BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 4 (clause 5)—After line 22 insert new definition as follows:

"'agriculture' (without limiting its ordinary meaning) includes horticulture, viticulture, and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry, or bees, and the growth of trees, plants, fruit, vegetables, and the like:".

No. 2. Page 5, lines 5 to 7 (clause 5)—Leave out all words in these lines.

No. 3. Page 5, lines 29 to 42 (clause 5)—Leave out all words in these lines.

No. 4. Page 7, line 14 (clause 5)—Leave out "proclamation" and insert "regulation".

No. 5. Page 9, line 9 (clause 5)—After "including" insert—

"any loading or amount that may be included in such wages, allowances, remuneration or prices as compensation for lost time; and".

No. 6. Page 9, lines 13 to 16 (clause 5)—Leave out "including the allowances payable to any persons in respect or on account of time lost between times of employment."

No. 7. Page 9, line 17 (clause 5)—Leave out "including".

No. 8. Page 10, lines 14 to 19 (clause 5)—Leave out all words in paragraph (*i*).

No. 9. Page 12 (clause 5)—After line 3 insert new definition as follows:

"'lock-out' (without limiting its ordinary meaning) includes a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees with a view to compel his employees, or to aid another employer in compelling his employees, to accept terms of employment:"

No. 10. Page 14, lines 17 to 19 (clause 5)—Leave out all words in these lines.

No. 11. Page 14 (clause 5)—After line 19 insert new definition as follows:

"'strike' (without limiting its ordinary meaning) includes the cessation of work by any number of employees acting in combination, or a concerted refusal or a refusal under a common understanding by any number of employees to continue to work for an employer with a view to compel their employer, or to aid other employees in compelling their employer, to accept terms of employment, or with a view to enforce compliance with demands made by them or other employees on employers:"

No. 12. Page 22, lines 34 to 42 (clause 25)—Leave out all words in paragraph (*i*).

No. 13. Page 23 (clause 25)—After line 44 insert new subclauses as follows:

"(2a) Notwithstanding anything contained in subsection (1) of this section the Commission 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.

(2b) Notwithstanding anything contained in subsection (1) of this section the Commission shall not have jurisdiction over any industrial matter concerning an employee in the industry of agriculture who is employed as a manager or overseer or in any other managerial position."

No. 14. Page 25, lines 26 to 42 (clause 28)—Leave out the clause.

No. 15. Page 29, lines 15 to 17 (clause 33)—Leave out all words in subclause (2).

No. 16. Page 29, line 18 (clause 33)—Leave out "other".

No. 17. Page 29, lines 18 and 19 (clause 33)—Leave out "with the consent of both" and insert "all".

No. 18. Page 29, line 19 (clause 33)—Leave out "but not otherwise, either" and insert "or any".

No. 19. Page 30, line 23 (clause 37)—Leave out "six years" and insert "one year".

No. 20. Page 34, line 11 (clause 39)—Leave out "rates of" and insert "basic or living".

No. 21. Page 41, line 5 (clause 52)—Leave out "their" and insert "its".

No. 22. Page 41, line 6 (clause 52)—Leave out "their" and insert "its".

No. 23. Page 41, lines 14 to 17 (clause 52)—Leave out subclause (2).

No. 24. Page 50, lines 24 to 30 (clause 69)—Leave out all words in paragraph (*c*).

No. 25. Page 58, line 5 (clause 80)—After "the" insert "Full".

No. 26. Page 58, line 5 (clause 80)—Leave out "or a committee".

No. 27. Page 58, line 13 (clause 80)—After "the" insert "Full".

No. 28. Page 58, line 13 (clause 80)—Leave out "or a committee".

No. 29. Page 58, line 20 (clause 80)—After "the" insert "Full".

No. 30. Page 58, line 20 (clause 80)—Leave out "or a committee".

No. 31. Page 58, line 27 (clause 80)—After "the" insert "Full".

No. 32. Page 58, line 27 (clause 80)—Leave out "or a committee".

No. 33. Page 58, line 40 (clause 80)—After "the" insert "Full".

No. 34. Page 58, line 41 (clause 80)—Leave out "or a committee".

No. 35. Page 59, line 3 (clause 80)—After "the" insert "Full".

No. 36. Page 59, line 3 (clause 80)—Leave out "or a committee".

No. 37. Page 64, lines 4 and 5 (clause 90)—Leave out "six years" and insert "one year".

No. 38. Page 65, line 4 (clause 92)—Leave out "Except pursuant to an award or order,".

No. 39. Page 65, line 8 (clause 92)—After "is" insert "or is not".

No. 40. Page 65, line 15 (clause 92)—After "whilst" insert "he was or was not".

No. 41. Page 66, line 1 (clause 94)—Leave out "six years" and insert "one year".

No. 42. Page 74, line 19 (clause 111)—After "of" insert "the term of".

No. 43. Page 76—After clause 116 insert new clauses as follows:

"116a. If any association or person does any act or thing in the nature of a lock-out, or takes part in a lock-out, unless the employees working in the industry concerned are taking part in an illegal strike, such association or person shall be guilty of an offence against this Act and be liable to a penalty of one thousand dollars.

116b. The following strikes and no others shall be illegal—

(*a*) Any strike by employees of the Crown or by employees of any of the employers referred to in paragraph (*b*) of the definition of employer contained in section 5 of this Act.

(*b*) Any strike by the employees in an industry, the conditions of which are for the time being wholly or partially regulated by an award or by an industrial agreement; but any association of employees may render an award which has been in operation for a period of at least twelve months no longer binding on its members or their employers by the vote of a majority of its members, working in that industry, at a secret ballot taken in accordance with rules made hereunder by the President, in which not less than two-thirds of the members engaged in such industry take part.

(*c*) Any strike which has been commenced prior to the expiry of fourteen clear days' notice in writing of intention to commence the same, or of the existence of such conditions as would be likely to lead to the same given to the Minister by or on behalf of the persons taking part in such strike.

116c. In the event of an illegal strike occurring in any industry, the Industrial Court, or a court of summary jurisdiction, may order any association, whose executive or members are taking part in or aiding or abetting the strike, to pay a penalty not exceeding one thousand dollars.

116d. It shall be a defence in any proceedings under the last preceding section that the association by the enforcement of its rules and by other means reasonable under the circumstances endeavoured to prevent its members from taking part in or aiding or abetting or continuing to take part in, aid or abet the illegal strike.

116e. (1) The Minister may at any time or from time to time during the progress of any strike, or whenever he has reason to believe that a strike is contemplated by the members of any association, direct that a secret ballot of such members shall be taken in the manner prescribed by Rules made under section 116b of this Act for the purpose of determining whether a majority of such members is or is not in favour of the institution or continuance of the strike.

(2) Whenever the Minister has made a direction for the taking of a ballot the Registrar shall be the returning officer, who shall have power to supervise, direct and control, subject to the provisions of this Act and the Rules made hereunder, all arrangements for the taking of such ballot; and the Minister may appoint a sufficient number of scrutineers, who shall be officers or member of the association affected.

116f. If any person—

(i) aids or instigates an illegal strike; or

(ii) obstructs the taking of a ballot under this Act; or

(iii) counsels persons who are entitled to vote at such ballots to refrain from so voting; or

(iv) being an officer of an association refuses to assist in the taking of such a ballot by acting as a scrutineer or providing for the use of the returning officer and his assistants such registers and other lists of the members of the association as the returning officer may require or otherwise; or

(v) directs or assists in the direction of an illegal strike or acts or purports to act upon or in connection with a strike committee in connection with an illegal strike;

he shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars or imprisonment for a period not exceeding six months.

116g. The proprietor and publisher of any newspaper which advises, instigates, aids or abets an illegal strike, shall for each offence be liable to a penalty not exceeding two hundred dollars.

116h. Any person who induces or attempts to induce any person to take part in an illegal strike shall be liable to a penalty not exceeding twenty dollars or to imprisonment, with or without hard labour, for a term not exceeding one month.

116i (1) No person or association shall, during the currency of any strike, do any act or thing to induce or compel any person to refrain from handling or dealing with any article or commodity in the course of transit thereof or in the process of the manufacture, sale, supply, or use thereof.

(2) The penalty for any breach of this section shall as against any association be a sum not exceeding two hundred dollars and as against any person a sum not

exceeding twenty dollars, or imprisonment for a period not exceeding one month.

No. 44. Page 83, line 31 (clause 134)—After "secretary" insert "director".

No. 45. Page 84, line 32 (clause 137)—After "secretary" insert "or director".

No. 46. Page 84, line 36 (clause 138)—After "secretary" insert "director".

No. 47. Page 85, line 5 (clause 139)—After "secretary" insert "or director".

No. 48. Page 85, line 12 (clause 139)—After "secretary" insert "or director".

No. 49. Page 86, line 22 (clause 146)—After "secretary" insert "or director".

No. 50. Page 87, line 24 (clause 149)—After "secretary" insert "or director".

Amendment No. 1.

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

That the Legislative Council's amendment No. 1 be agreed to.

This amendment is accepted by the Government.

Amendment agreed to.

Amendment No. 2.

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

That the Legislative Council's amendment No. 2 be disagreed to.

It strikes out the definition of "building work", and is consequential on the deletion by the Legislative Council of clause 28, which authorized the Industrial Commission to fix the rates to be paid to, and the working conditions of, subcontractors in building work. I do not think any further explanation is necessary because the amendment is not accepted by the Government.

Mr. COUMBE: I disagree with the Minister. The definition relates to other clauses dealing with contractors and subcontractors engaged on building work. We believe that the present provisions are unsatisfactory and will cause confusion and, as the Opposition regards this matter as important, I support the view of the Legislative Council.

The Committee divided on the motion:

Ayes (16)—Mr. Broomhill, Mrs. Byrne, Messrs, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Langley, Loveday, McKee, and Walsh.

Noes (15)—Messrs. Coumbe (teller), Ferguson, Freebairn, Hall, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, Messrs. Stott and Teusner.

Pairs—Ayes—Messrs. Burdon, Jennings, and Ryan. Noes—Messrs. Bockelberg, Brookman, and Heaslip.

Majority of 1 for the Ayes.

Amendment thus disagreed to.

Amendment No. 3.

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

That the Legislative Council's amendment No. 3 be disagreed to.

This amendment, striking out the definition of "contractor", is consequential on the deletion by the Legislative Council of clause 28, and cannot be accepted by the Government.

Amendment disagreed to.

Amendments Nos. 4 *to* 7.

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

That the Legislative Council's amendments Nos. 4 to 7 be agreed to.

These are consequential and drafting amendments.

Amendments agreed to.

Amendment No. 8.

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

That the Legislative Council's amendment No. 8 be disagreed to.

This is one of the amendments which seeks to strike out what we believe to be the vital provision authorizing the Industrial Commission and conciliation committees to grant preference in employment to members of trade unions.

Mr. COUMBE: I support the amendment. It relates to the first of a series of provisions dealing with preferential employment or with the power given to the commission to consider preferential employment, or the non-employment of any particular person or class of person, whether or not he or she is a member of a union. The provision of preference in employment is not in the best interests of industry generally, nor is it in the best interests of an employee. People should be employed strictly on their merits and not on the basis of whether or not they belong to an association. Provision is made even in Commonwealth legislation for any person who objects on conscientious grounds (religious or otherwise) to belonging to a union or an association to receive a certificate of exemption.

The Committee divided on the motion:

Ayes (16)—Mr. Broomhill, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Langley, Loveday, McKee, and Walsh.

Noes (14)—Messrs. Coumbe (teller), Ferguson, Freebairn, Hall, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke and Rodda, Mrs. Steele, and Messrs Stott and Teusner.

Pairs—Ayes—Messrs. Burdon, Jennings, and Ryan. Noes—Messrs. Bockelberg, Brookman, and Heaslip.

Majority of 2 for the Ayes.

Amendment thus disagreed to.

Amendment No. 9.

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

That the Legislative Council's amendment No. 9 be disagreed to.

This amendment, which includes the definition of a lock-out, is consequential on the provisions included in the Bill by the Legislative Council regarding strikes and lock-outs.

Mr. COUMBE: A matter of principle is involved here: no enforcement provisions have been inserted in this Bill, which contains over 200 clauses. Enforcement provisions should exist in legislation of this sort, not only in the interests of both employer and employee but more particularly in the interests of the commission, if it is to function properly and if it is to have some means of enforcing its decisions. I oppose the motion.

Mr. McANANEY: I support the member for Torrens, for I believe that we must have these enforcement provisions, which affect the employer, the employee, and the commission. The community as a whole is affected if people are not prepared to accept the decision of the commission. A lock-out or strike results in much loss to the community. As the natural Australian attitude is to accept the decision of the umpire, I believe this amendment is necessary.

The Committee divided on the motion:

Ayes (16)—Mr. Broomhill, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Langley, Loveday, McKee, and Walsh.

Noes (15)—Messrs. Coumbe (teller), Ferguson, Freebairn, Hall, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, Messrs. Stott and Teusner.

Pairs—Ayes—Messrs. Burdon, Jennings, and Ryan. Noes—Messrs. Bockelberg, Brookman, and Heaslip.

Majority of 1 for the Ayes.

Amendment thus disagreed to.

Amendment No. 10.

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

That the Legislative Council's amendment No. 10 be disagreed to.

The definition of "subcontractor", which has been omitted, is consequential on the deletion from the Bill of clause 28.

Amendment disagreed to.

Amendment No. 11.

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

That the Legislative Council's amendment No. 11 be disagreed to.

The inclusion of a definition of "strike" is consequential on the inclusion of provisions relating to strikes and lock-outs.

Amendment disagreed to.

Amendment No. 12.

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

That the Legislative Council's amendment No. 12 be disagreed to.

The lines struck out in the amendment authorized the commission to grant preference to members of trade unions. As this matter has been debated already, I do not intend to explain further why the Government cannot accept this amendment.

Amendment disagreed to.

Amendment No. 13.

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

To strike out new subclause (2a).

There are two new subclauses added in this amendment of the Legislative Council. They deal with entirely different matters. The first is not acceptable, but the second is acceptable. New subclause (2a) restores the position in the Industrial Code now being repealed, whereby the Industrial Commission is expressly denied the right to grant preference to members of trade unions, and this should be disagreed to. New subclause (2b) can be agreed to. It grants the Industrial Commission jurisdiction over any industrial matter concerning employees in agricultural industries, except those who are employed as a manager or an overseer, or in any other managerial position.

Mr. COUMBE: I should like to see new subclause (2a) included in the Bill. The commission should not have the power to create preference or discrimination. Although a division has been called for on this provision previously, I take this opportunity of saying that I oppose the motion.

Amendment carried; Legislative Council's amendment, as amended, agreed to.

Amendment No. 14.

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

That the Legislative Council's amendment No. 14 be disagreed to.

Clause 28, which was deleted by the Legislative Council, authorized the Industrial Commission to have jurisdiction to determine conditions for, and rates of pay of, labour-only subcontractors in the building industry.

Amendment disagreed to.

Amendments Nos. 15 *to* 18.

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

That the Legislative Council's amendments Nos. 15 to 18 be agreed to.

These are consequential amendments.

Amendments agreed to.

Amendment No. 19.

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

That the Legislative Council's amendment No. 19 be disagreed to.

It reduces from six years to one year the period during which an employee may recover wages not paid.

Mr. COUMBE: The Minister should accept the provision for a reasonable time of one year, because it would not be very often that a person would go for over a year before first noticing a mistake.

Amendment disagreed to.

Amendment No. 20.

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

That the Legislative Council's amendment No. 20 be disagreed to.

It seeks to tie the Minister's hands in recommending that a proclamation be issued to alter the living wage.

Amendment disagreed to.

Amendments Nos. 21 *to* 23.

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

That the Legislative Council's amendments Nos. 21 to 23 be agreed to.

These are consequential amendments.

Amendments agreed to.

Amendment No. 24.

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

That the Legislative Council's amendment No. 24 be disagreed to.

This is another provision deleting the authority of the Industrial Commission to award preference to members of unions, and the views of the Government on this matter are well known.

Amendment disagreed to.

Amendments Nos. 25 *to* 36.

The Hon. C. D. HUTCHENS moved:

That the Legislative Council's amendments Nos. 25 to 36 be agreed to.

Mr. COUMBE: Clause 80 deals with the whole matter of rates of pay for adult females. The Legislative Council's amendments confine the hearing of this matter to the Full Commission, and that is the correct procedure to adopt, because an important new principle is being determined.

Amendments agreed to.

The Hon. C. D. HUTCHENS: As the Legislative Council's amendments Nos. 25 to 36 have been agreed to, a consequential amendment to clause 25 is necessary. Therefore, I move:

In clause 25 (2) after "36" to insert "or section 80".

Amendment carried.

Amendment No. 37.

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

That the Legislative Council's amendment No. 37 be disagreed to.

It is consequential on the next amendment, the purpose of which is apparently to provide in the Bill that an employer who is bound by a Commonwealth award shall not be bound by a State award in the same industry. This is the legal position without any provision in this Bill. The amendment, however, goes beyond the constitutional position as it provides that a person bound by a Commonwealth award in respect of any agricultural industry cannot be bound by a State award even in respect of an industrial matter which is not dealt with in the Commonwealth award.

The Hon. G. G. PEARSON: Amendment No. 37 is necessarily linked with amendment No. 38. Clause 85 enables a group of employees to apply to the Commonwealth arbitration tribunal and, on a determination being made by that tribunal, the provisions of an award or determination of the State Industrial Commission shall cease to apply. The Legislative Council is trying to ensure that an employer likewise shall not be bound by any State provisions if he is already bound by a determination of the Commonwealth tribunal. The Minister said that he did not object to the principle that Commonwealth provisions take precedence over a State determination, and that principle has always been understood. What are the Minister's real objections to this amendment?

The Hon. C. D. HUTCHENS: If a Commonwealth award does not provide suitable conditions it is desirable to have a State award.

The Hon. G. G. PEARSON: The remedy is a further application to the Commonwealth commission.

The Hon. Sir THOMAS PLAYFORD: Originally, the Government objected because agricultural workers were not subject to an award, but now these workers are to be subject to both State and Commonwealth awards, and that is an impossible situation. To remedy a defect in a Commonwealth award that award must be altered: the remedy is not to introduce a State award for the same industry.

Mr. SHANNON: If a State award is superimposed on a Commonwealth award for these workers, other industries will try to have the

same authority. This principle is wrong because many agricultural workers will not know whether they are working under a State or a Commonwealth award.

The Hon. G. G. PEARSON: The position the Government is seeking to create embodies a new principle, but the amendment does not violate the Government's views on the right of agricultural employees to have an award. In September, the commission introduced a new determination that brings within its ambit practically every agricultural worker in this State, and this award has been accepted as a complete award for the pastoral industry. As most agriculturists are now also pastoralists, the definition in the award runs parallel to the definition of "agriculture" in this Bill and, if the award is not complete, the remedy is clearly available to the parties concerned. What are the circumstances foreseen by the Minister in respect of which he considers the award is incomplete in any detail? I believe the award as amended in September last covers everyone in the industry. If the principle of preventing overlapping in awards is to be preserved, why does the Government object to this amendment? The provision to retain the right of the State body to intervene in this matter is redundant and can be dangerous in its operation.

Mr. SHANNON: I support the member for Flinders, for I also believe that the marginal note ("Provision for preventing overlapping of awards") is sufficient reason for the Minister to accept the amendment. I should like to know of anyone who considered he was penalized as a result of the State commission's not being concerned in this field. If any injustice occurs, the party concerned has the right of redress through the major court in the land, which is the Commonwealth tribunal. I think the Government's objection to the amendment will act to its detriment and that many of the Government's supporters will wish to know why it has adopted this attitude.

The Committee divided on the motion:

Ayes (16)—Mr. Broomhill, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Langley, Loveday, McKee, and Walsh.

Noes (15)—Messrs. Coumbe, Ferguson, Freebairn, Hall, McAnaney, Millhouse, Nankivell, and Pearson (teller), Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, Messrs. Stott and Teusner.

Pairs—Ayes—Messrs. Burdon, Jennings, and Ryan. Noes—Messrs. Bockelberg, Brookman, and Heaslip.

Majority of 1 for the Ayes.

Amendment thus disagreed to.

Amendment No. 38.

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

That the Legislative Council's amendment No. 38 be disagreed to.

It deals with the same matter as the previous amendment.

Amendment disagreed to.

Amendment No. 39.

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

That the Legislative Council's amendment No. 39 be disagreed to.

It also reduces the period from six years to one year during which under-payment of wages may be recovered.

Amendment disagreed to.

Amendment No. 40.

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

That the Legislative Council's amendment No. 40 be disagreed to.

This is another provision concerning preference to trade unions. As the matter has been debated before, I do not intend to deal with it further.

Mr. COUMBE: The amendment seeks to strike out the words "Except pursuant to an award or order". As this amendment would not affect the position seriously, the Government should accept it.

Amendment disagreed to.

Amendment No. 41.

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

That the Legislative Council's amendment No. 41 be disagreed to.

It is consequential on the previous amendment.

Mr. COUMBE: When we were dealing with this matter earlier, the Minister said that the Government considered that the provision should ensure that employees had the right to withhold their work from an employer for good reason and without penalty. The Opposition wants to include in the Bill the provision that applies in section 122 of the present Code which states, in effect, that an employer shall not dismiss a man from his employment just because he is a member of a union or just because he is not a member of a union. However, in clause 92 the Government seeks to provide that, except pursuant to an award, no employer shall dismiss any employee from his employment just because he is a member of an association. This provision makes no reference to a man who does

not belong to a union. This will take away completely the prerogative of the employer as to whom he shall and whom he shall not dismiss. It would be possible for an employer to find himself in difficulty in dismissing a man whose work was not up to scratch.

Amendment disagreed to.

Amendment No. 42.

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

That the Legislative Council's amendment No. 42 be disagreed to.

This is consequential on the previous amendment.

Amendment disagreed to.

Amendment No. 43.

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

That the Legislative Council's amendment No. 43 be disagreed to.

This is another amendment reducing the period from six years to one year for recovery of under-payment of wages.

Amendment disagreed to.

Amendment No. 44.

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

That the Legislative Council's amendment No. 44 be agreed to.

This is a drafting amendment.

Amendment agreed to.

Amendment No. 45.

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

That the Legislative Council's amendment No. 45 be disagreed to.

These new clauses are penal provisions relating to strikes and lock-outs.

Mr. COUMBE: When I moved similar amendments I cut out a couple of clauses that were either unnecessary or could not be administered effectively. The Legislative Council has tried to give the Bill some teeth, so as to give greater effect to the legislation, and these clauses should be retained. Indeed, if the Minister does not agree to include them, those Ministers concerned with industrial relations in this State will soon rue the day the Government refused to include them. The inclusion of these clauses gives the court certain powers: it does not give the employer or employee any powers. Such powers may be used to enforce the commission's own finding, and without them we could have industrial strife. One of the effects of the Code is to promote good relationships between employers and employees in industry generally. Without these clauses, the legislation will not be as effective as it could be and as it should be.

Mr. SHANNON: I draw the attention of the Committee to one aspect of the clauses which gives the commission power to enforce the orders it makes. If they are not included in the Bill the door will be open to the paid agitator to create strife. I draw the attention of members particularly to the provisions of new clause 116f, which is contained in this amendment from the Legislative Council. The offences referred to in that clause are of the type that are frowned on in a democratic community. If the amendment is accepted, a person committing an offence referred to in clause 116f shall be guilty of an offence and shall be liable to a penalty. Apparently, the Government has not any confidence in the authority of the industrial tribunal, as the instructions given by the tribunal can be obstructed with impunity.

Mr. COUMBE: Refusal to accept the amendments means that the Government is not against strikes and lock-outs, whereas the Opposition is trying to include clauses that will give industrial peace. I point out that the Legislative Council's amendments cover both employers and employees. The Minister in charge of the Bill said that the Labor Party was against imposing penalties for strikes, that it maintained that the labourer had nothing to sell but his labour, and that he should be able to sell that labour. The Minister also said that if the conditions on a job were such that an employee preferred to withdraw his labour and seek other employment, he should be able to do so. The Government considers that it is intolerable to limit the freedom of the worker!

Mr. Langley: We have great industrial harmony at present.

Mr. COUMBE: The member for Unley is speaking with a dying voice. He himself is a well known employer of labour.

Mr. Langley: I am not. You are wrong again.

Mr. COUMBE: He employs labour and then, when he sees how things are drifting, he ceases to employ. I invite the honourable member to show where there is in the Bill a prohibition or limitation on strikes or lock-outs. The Minister said frankly that his Party opposed penalties for strikes, and that he opposed the Legislative Council's amendment. The Opposition is trying to give the commission regulatory powers to deal with strikes and lock-outs: the power is not given to employers or employees, but is given to the commission, which is an independent body.

Mr. McANANEY: We should be considering a standard of behaviour, whereas the member for Port Pirie, apparently, opposes lock-outs but favours strikes. There must be a majority vote in the unions otherwise there would be friction in that union, and I am sure that this

provision will cause the Minister and his Party much trouble with trade unions. Fair provisions should be included in the legislation so that the commission can make a just decision, which is acceptable to those who appear before the commission. Whatever the decision, penalties should not be inflicted on the consumers, the general public, when a strike occurs.

The Committee divided on the motion:

Ayes (16)—Mr. Broomhill, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens (teller), Langley, Loveday, McKee, and Walsh.

Noes (15)—Messrs. Coumbe (teller), Ferguson, Freebairn, Hall, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, Messrs. Stott and Teusner.

Pairs—Ayes—Messrs. Burdon, Jennings, and Ryan. Noes—Messrs. Bockelberg, Brookman, and Heaslip.

Majority of 1 for the Ayes.

Amendment thus disagreed to.

Amendments Nos. 46 to 52.

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

That the Legislative Council's amendments Nos. 46 to 52 be agreed to.

These are drafting amendments and the Government accepts them.

Amendments agreed to.

The following reason for disagreement was adopted:

Because the amendments destroy the main objects of the Bill.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendments Nos. 1 and 2, to which the House of Assembly had disagreed.

MINING (PETROLEUM) ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the amendment made by the House of Assembly to its amendment No. 2.

LONG SERVICE LEAVE BILL

A message was received from the Legislative Council agreeing to the conference to be held in the Legislative Council conference room at 8 p.m.

At 8.1 p.m. the managers proceeded to the conference, the sitting of the House being suspended. They returned at 12.12 a.m. The recommendations were as follows:

As to Amendments Nos. 2 to 5, 8 to 10, and 12 to 15: That the Legislative Council insist on its amendments, and that the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 6: That the Legislative Council amend its amendment by striking out the word "ten" and inserting in lieu thereof the word "seven", and further amend the Bill in line 25, page 3 (clause 4) by inserting after the word "service" the words "of which at least five years have been served", and that the House of Assembly agree thereto.

As to Amendments Nos. 7 and 16: That the Legislative Council do not further insist on its amendments.

As to Amendment No. 11: That the Legislative Council amend its amendment by leaving out the word "ten" and inserting in lieu thereof the word "seven", and do further amend the Bill by inserting after the word "employer" in line 22, page 6 (clause 5) the words "of which at least five years have been served as an adult" and that the House of Assembly agree thereto.

As to Amendments Nos. 17, 18 and 19: That the Legislative Council amend its amendment in each case by leaving out the words "one year" and inserting in lieu thereof the words "three years" and that the House of Assembly agree thereto.

That the Legislative Council make a further amendment to the Bill by leaving out in pages 3 and 4 (clause 4) paragraphs (*b*), (*c*), (*d*) and (*e*) and inserting in lieu thereof the following paragraph:

(*b*) by the worker if he has lawfully terminated his contract of service:

and that the House of Assembly agree thereto.

Later:

The Legislative Council intimated it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

The Hon. FRANK WALSH (Minister of Social Welfare): I move:

That the recommendations of the conference be agreed to.

The following is the effect of the recommendations:

(1) The period of entitlement of a worker to long service leave will be 13 weeks' leave after 15 years' continuous service.

(2) A worker will be entitled to pro rata long service leave after seven years' continuous service, of which not less than five years has been served as an adult—

(*a*) if his service is terminated by his employer for any cause other than serious or wilful misconduct;

(*b*) if he lawfully terminates his contract of service; or

(*c*) if he dies.

(3) A claim may be made for long service leave up to three years after the termination of service of a worker.

(4) No provision will be made whereby moneys held in superannuation and other similar funds may be used to pay for long service leave.

I commend the managers of the conference for the courteous way in which the conference was conducted.

Mr. HALL (Leader of the Opposition): I am pleased that the conference was conducted in a courteous manner, even though it was lengthy. We know that these provisions have been canvassed and that what has been decided cannot now be altered. However, I am sorry that the result will be to place an added weight on those officers of the State seeking to attract industry to establish here. I know that most employees in South Australia are covered by Commonwealth awards that do not include a provision for pro rata long service leave to be taken after seven years' service, but I am at a loss to understand why any responsible member of Parliament desires to place a burden on industrial promotion in South Australia that does not exist in our sister States of Victoria and Western Australia.

Mr. McKee: Have you spoken to the people of Para Hills?

Mr. HALL: The honourable member would do well to consider the long-term implications of this legislation and not merely the short-term aspects which apparently rest at the end of his nose. He knows that South Australia is experiencing difficulty and that in this Government's period of office few new industries have been established here. Whoever is the Premier next year (whether it be the present Premier or I) will carry an additional burden in persuading industrialists to establish in this State in the future. This will also be an added burden on the Director of Industrial Development. Although it is naturally everyone's desire that South Australia should have the best industrial conditions it can afford, security and availability of jobs are undoubtedly among the most important factors affecting the community. I am sorry that the result of the compromise made at the conference will place us at a disadvantage compared with our sister States.

Motion carried.

BUILDERS LICENSING BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, line 8 (clause 2)—After "2" insert "(1)".

No. 2. Page 1 (clause 2)—After line 9 insert new subclause as follows:

"(2) This Act does not apply to or in relation to the carrying out of any building work, or the construction of any building outside the portions of the State to which the Building Act, 1923-1965, applies."

No. 3. Page 1 (clause 4)—After line 19 insert new definition as follows:

"'Building' means any building of a permanent nature used or intended to be used for residential, professional, manufacturing, trading, commercial, hospital, institutional, assemblage or public purposes; but does not include any building intended solely for the business of primary production as defined in the Land Tax Act, 1936-1967".

No. 4. Page 2, line 3 (clause 4)—Leave out "or structure".

No. 5. Page 2, line 8 (clause 4)—Leave out "or structure".

No. 6. Page 2, lines 11 to 14 (clause 4)—Leave out all words in these lines.

No. 7. Page 3, line 23 (clause 5)—Leave out "four" and insert "five".

No. 8. Page 3, lines 24 to 26 (clause 5)—Leave out "who have in their respective professional capacities substantial knowledge of and experience in the building industry and".

No. 9. Page 3, line 33 (clause 5)—After "Architects" insert "and selected by the Governor from a panel of three names chosen by the governing body of that chapter".

No. 10. Page 3, line 35 (clause 5)—After "Building" insert "and selected by the Governor from a panel of three names chosen by the governing body of the South Australian Chapter of that Institute".

No. 11. Page 3, line 36 (clause 5)—Leave out "and".

No. 12. Page 3, line 39 (clause 5)—After "Accountants" insert "and selected by the Governor from a panel of four names chosen jointly by the council of the South Australian Division of the Australian Society of Accountants and the council of the South Australian Branch of The Institute of Chartered Accountants in Australia".

No. 13. Page 3 (clause 5)—After line 39 insert new paragraph as follows:

"and

(*e*) One shall be a resident of this State who is a member of the Institution of Engineers Australia and selected by the Governor from a panel of three names chosen by the governing body of the South Australian Division of that Institution".

No. 14. Page 3 (clause 5)—After subclause (4) insert new subclauses as follows:

"(5) If the Minister has given to a governing body referred to in paragraphs (*b*), (*c*) or (*e*) of subsection (4) of this

section notice in writing requiring that body, within a time specified in the notice (being not less than two weeks), to submit to the Minister a panel of three names chosen by that body for the purposes of the appointment of a member under that paragraph and that body fails to submit the panel to the Minister within the time so specified the Governor may, on the recommendation of the Minister, appoint a suitable person as a member in place of the person referred to in that paragraph.

(6) If the Minister has given to the councils of the South Australian Division of the Australian Society of Accountants and the South Australian Branch of The Institute of Chartered Accountants in Australia notice in writing requiring those councils, within a time specified in the notice (being not less than three weeks), to submit to the Minister a panel of four names chosen jointly by those councils for the purposes of the appointment of a member under paragraph (*d*) of subsection (4) of this section and those councils fail to submit the panel to the Minister within the time so specified, the Governor may, on recommendation of the Minister, appoint a suitable person as a member in place of the person referred to in that paragraph".

No. 15. Page 5, line 8 (clause 7)—Leave out "Three" and insert "Four".

No. 16. Page 8, lines 22 to 24 (clause 13) Leave out subclause (10).

No. 17. Page 11, line 6 (clause 15)—After "licence" insert "or if the body corporate has been incorporated or the partnership has been formed outside the State, that an individual residing in the State, who is the holder of a general builder's licence, is the manager or agent in this State of the body corporate or partnership".

No. 18. Page 11, line 10 (clause 15)—After "days," insert "or such longer time as the Board may, on application allow,".

No. 19. Page 11, line 13 (clause 15)—After "licence," insert "or if the body corporate has been incorporated or the partnership has been formed outside the State, the body corporate or partnership has for a like period no manager or agent residing in the State who is the holder of a general builder's licence,".

No. 20. Page 12, line 28 (clause 16)—After "licence" insert "or if the body corporate has been incorporated or the partnership has been formed outside the State, that an individual residing in the State, who is the holder of such a restricted builder's licence or of a general builder's licence is the manager or agent in this State of the body corporate or partnership".

No. 21. Page 12, line 33 (clause 16)—After "days," insert "or such longer time as the Board may, on application, allow,".

No. 22. Page 12, line 37 (clause 16)—After "licence," insert "or if the body corporate has been incorporated or the partnership has been formed outside the State, the body corporate or partnership has for a like period manager or agent residing in the State who is the holder of such a restricted builder's licence or of a general builder's licence,".

No. 23. Page 16, line 10 (clause 20)—After "documents" insert "relevant to the inquiry before the Board".

No. 24. Page 17, line 42 (clause 21)—Leave out "one" and insert "five".

No. 25. Page 17, lines 42 to 45 (clause 21)—Leave out all words after "dollars" in these lines.

No. 26. Page 18, line 18 (clause 21)—Leave out "five hundred" and insert "one thousand".

No. 27. Page 19, line 39 (clause 21)—Leave out "five hundred" and insert "one thousand".

No. 28. Page 21, line 9 (clause 21)—Leave out "outside" and insert "site".

No. 29. Page 22, line 5 (clause 21)—Leave out "or imprisonment for six months".

No. 30. Page 22, lines 6 to 17 (clause 22)—Leave out subclauses (1) and (2).

No. 31. Page 22, line 28 (clause 23)—After "member" insert "or officer".

No. 32. Page 22, line 36 (clause 24)—After "work" insert "in the construction of any dwellinghouse or any building designed for residential flats or residential units (the total cost of the construction of which house or building does not exceed twenty thousand dollars)".

No. 33. Page 24, line 1 (clause 29)—After "29" insert "(1)".

No. 34. Page 24 (clause 29)—After line 34 insert new subclause as follows:

"(2) Without limiting the effect of the Acts Interpretation Act, 1915-1957, in relation to any other regulations made under this section, any regulation made under paragraph (*i*) of subsection (1) of this section shall—

(*a*) where no notice of a motion to disallow the regulation has been given in either House of Parliament within fourteen sitting days after the regulation was laid before such House of Parliament, take effect upon the expiration of the time when it has lain before both Houses of Parliament for fourteen sitting days;

and

(*b*) where any notice of motion to disallow the regulation has been given in either House of Parliament within fourteen sitting days after it was laid before such House of Parliament, take effect if and when such motion or all of such motions, if more than one notice has been so given, is or are negatived."

Consideration in Committee.

Amendments Nos. 1 *and* 2.

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

That the Legislative Council's amendments Nos. 1 and 2 be agreed to.

These amendments, which were moved by the Government, restrict the application of the

measure to those parts of the State to which the Building Act applies.

Amendments agreed to.

Amendment No. 3.

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

That the Legislative Council's amendment No. 3 be disagreed to.

This amendment inserts a definition of "building" which would narrow the application of the legislation to buildings of a permanent nature other than buildings intended solely for the business of primary production. The definition serves little, if any, purpose, as the word "building" is used only in clause 21 regarding the construction of a building for immediate sale (subclauses (6), (7) and (8)); the advertisement of a building for sale (subclauses (9) and (10)); and the construction of a building for fee or reward (subclauses (11) and (12)). There is little purpose in this amendment and I suggest that it does not improve the Bill in any way.

Mr. McANANEY: As there is an exclusion of any building intended solely for the business of primary production as defined in the Land Tax Act, surely that must have some significance.

Amendment disagreed to.

Amendments Nos. 4 *and* 5.

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

That the Legislative Council's amendments Nos. 4 and 5 be disagreed to.

These amendments have the effect of narrowing the definition of "building work". They propose to leave out "or structure". Structures of a considerable nature may be undertaken by building contractors and there is not the slightest reason why they should be excluded from the definition. A structure may not be a residence: it may be any piece of building work of a considerable nature that ought to be subject to the licensing provisions of the Bill and to the protections afforded by the Bill.

Mr. Coumbe: It could be an out-building.

The Hon. D. A. DUNSTAN: Yes, or something of a major nature.

Amendments disagreed to.

Amendment No. 6.

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

That the Legislative Council's amendment No. 6 be disagreed to.

This amendment deletes the definition of "council", which is referred to in subclauses (1) and (2) of clause 22 which have also been deleted by the Legislative Council. If those subclauses are to be retained, the definition of "council" should also be retained.

Mr. HALL (Leader of the Opposition): I take it that this relates to the clause that enables the board to inquire into the books of a council.

The Hon. D. A. Dunstan: This is part of a series of amendments.

Mr. HALL: Then I support the amendment.

The Hon. D. A. DUNSTAN: I point out to Opposition members that in this place and in another place the Western Australian legislation was praised by those who admitted the principle of the registration of builders, and this principle seems to have been admitted now by another place. This provision occurs in the Western Australian Act. Indeed, it would be impossible for the board effectively to carry out its duties without the power to investigate, under the Building Act, material in the hands of councils. Obviously that information must be available to the board, otherwise it could not effectively discharge its functions. To refuse to it this essential information is to inhibit its functions in effectively investigating complaints before it. I can see no purpose whatever in refusing to the board the right to investigate material in the hands of councils.

Mr. SHANNON: What powers are vested in councils in Western Australia regarding the provisions of the Building Act? Councils in South Australia have wide powers, which they use wisely. Any council of note has a building inspector. In this case, the provisions of the Bill will override the councils.

The Hon. D. A. Dunstan: Why is it overriding them?

Mr. SHANNON: People with certain authority will be policed.

The Hon. D. A. Dunstan: All we have is the right for the board to investigate the material in the hands of councils and to come to a decision on matters for which the board, and not the council, has responsibility.

Mr. SHANNON: Then the council has no responsibility.

The Hon. D. A. Dunstan: Yes it has, but not in relation to builders.

Mr. SHANNON: I thought the councils had authority, and I have heard no complaints about their exercising of authority in this field.

Mr. Clark: They have no right to license builders.

Mr. SHANNON: If there is no complaint regarding councils' administration, why should we impose on them an investigation of their books?

The Hon. D. A. DUNSTAN: The Bill provides that, in any investigations to be made by the board, material in the hands of a council relating to building applications before it should be available to the board, as should reports of building inspectors. These things are relevant to the questions that must arise before the board. To deny to the board information in the hands of councils as to work carried out by a particular builder would mean that the board did not have available to it essential information relating to inquiries which it must undertake on complaints before it. That is obvious. A court investigating these matters would have power to subpoena information in the hands of a council.

Mr. Shannon: That's a totally different matter.

The Hon. D. A. DUNSTAN: No, it is not, because the board in this case has judicial powers. The registration of builders has been accepted by the building industry in South Australia, asked for by it, passed in this place, and accepted in principle by another place. Members of another place cannot accept the registration of builders in principle and deny to the board the means of effectively carrying out administration, yet that is what they are doing.

Mr. Hall: You said that they couldn't do that.

The Hon. D. A. DUNSTAN: I should have said that they could not do it logically.

Amendment disagreed to.

Amendment No. 7.

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

That the Legislative Council's amendment No. 7 be disagreed to.

This definition, from another place, enlarges the size of the board from four to five. This is contrary to the agreement reached by the Government with the employer and employee organizations in the building industry. Originally the proposal before this place was that there should be a board representative of various sections of the building industry. Dissatisfaction with the composition of a representative board was voiced by every section of the building industry, and no compromise on the basis of a representative board could be arrived at. In consequence, by agreement with all sections of the building industry, the Government provided for a board not representative of sections of the building industry but consisting of people, appointed by the Government, who were qualified to perform duties on a board in this area.

We could not proceed with a Bill of this nature on the basis of a representative board under any changed proposal without having a vastly enlarged board comprising representatives of every section of the building industry. This would make it cumbersome and subject to continued dispute as to the basis of representation. The compromise was reached and unanimously agreed to by every section of the building industry. The amendment from another place writes in a further definition for a representative on the board that is not representative generally of the building industry in the State, but of some person qualified outside the area asked for by the building industry. This runs entirely counter to the agreement that was reached between the Government and all sections of the building industry in the State and, in consequence, should be disagreed to.

Mr. HALL: I support the amendment. The Premier speaks as though an amicable arrangement had been made to change the board. The Opposition remembers how bitterly the Government opposed any change being made in the constitution of the original board, and we know that the real reason why the suggested board was rejected by the industry was that three Trades Hall members were to be appointed to it. The Premier ought to know that from his talks with representatives of the industry, because they made no secret of it when speaking to me. The Premier strongly put the case for the first board but later admitted that no-one, not even he, was in favour of it. We had the peculiar experience of wondering who had been in favour of it.

Mr. Millhouse: It was all a mistake!

Mr. HALL: Apparently it was, on everyone's part. The Premier said that he preferred the second board because the Government would appoint all the members and would have full control. This is the first amendment designed to break such a wholly Government-appointed board. As I understand, the number of members required to constitute a quorum will be increased, and that is desirable. The amendment adds a representative of a category worthy of representation, and the Legislative Council has also provided that an absolute majority of the members of the board shall constitute a quorum.

Mr. Clark: What is the category the Legislative Council has added?

Mr. HALL: The Institution of Engineers of Australia. I fully support the amendment.

Mr. COUMBE: The Premier has suggested that the addition of the member suggested by the Legislative Council would throw the board out of balance and that such a board would not be acceptable to other sections of the building industry. I ask the Premier whether, since this amendment was inserted by the Legislative Council, he has submitted to other sections of the building industry the suggestion that one member be a qualified engineer, and what was the response of the industry to any such suggestion. I do not recall having heard previously the suggestion that a qualified engineer be appointed, but there is nothing wrong with the idea. Engineers in the employ of many of our larger builders would be quite qualified for the work, although perhaps dealing with house-building would be rather elementary in view of their graduate training.

The Hon. D. A. DUNSTAN: I have not called a further conference with representatives of the building industry, but I have had correspondence from the various sections of the industry and they are opposed to any change being made in the agreement arrived at with the Government.

Mr. Coumbe: You haven't put this idea to them directly?

The Hon. D. A. DUNSTAN: No, but they are aware of it and have expressed themselves to me as being opposed to any change in what was agreed by the parties in my office.

Mr. Coumbe: They haven't commented adversely on the idea then?

The Hon. D. A. DUNSTAN: They cannot see any reason for adding an engineer to the board. Representatives of the industry, after lengthy consideration, considered that the board suggested by the Government was adequate, and they have adhered to the arrangement made at their suggestion.

Mr. SHANNON: We seem to be taking instructions from representatives of an industry about how we are to control practices in that industry. Perhaps the unfortunate persons who have suffered as a result of certain undesirable practices should be represented. I see much merit in having a qualified engineer on this board, and I agree with what the Leader has said about a quorum. A lawyer and an accountant could form a quorum and carry on the business under the Bill as it left this place.

The Hon. G. G. Pearson: The Institution of Engineers was cited originally.

Mr. SHANNON: That provision was abandoned as a result of agreement between the Government and the parties in the industry that we are legislating to control. It is a remarkable *volte-face* for a Socialist Government to agree that private enterprise should call the tune about the control of that private enterprise. I do not like the form of government under which agreement is made with an industry that we are to control.

Amendment disagreed to.

Amendment No. 8.

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

That the Legislative Council's amendment No. 8 be disagreed to.

The deletion of these words would infringe the agreement between the Government and the employer and employee organizations, because the words were specifically asked to be inserted by the building employers' organizations, whose views were that members of the board should be qualified and have knowledge of the work with which they were dealing.

Amendment disagreed to.

Amendments Nos. 9 to 12.

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

That the Legislative Council's amendments Nos. 9 to 12 be disagreed to.

The specific agreement of the Government with the organizations requesting this measure was that the board was to be constituted without representation of organizations, and it was no longer to be a representative board. So long as it was to be a representative board there were difficulties in reaching agreement on its constitution, and it was on this basis that it was agreed that the board would not be representative. I would not have been able to obtain the agreement of the trade unions organization to its being a representative board if that organization were not represented on it. Consequently, there would be no way of getting general agreement to the measure except on the basis of the board's not being a representative one.

Mr. COUMBE: How will you select the board?

The Hon. D. A. DUNSTAN: It will be selected from inquiry of people properly qualified, as we appoint many other boards.

Mr. Hall: Properly qualified?

The Hon. D. A. DUNSTAN: That is, people suitable for appointment and having the qualifications set out in the Bill, as is the case with other Government boards. Why is this board to be singled out as a board in respect of which the Government is not to be properly able to select people who will be qualified and suitable for appointment?

Mr. Hall: What about boards established by other legislation?

The Hon. D. A. DUNSTAN: In other legislation it was requested that there be specific representation of certain interests; for instance, on the town planning authority it was deemed necessary to have specific representation of certain interests, because we were combining all areas of administration that would be affected by the decisions of the authority. But that is not the case here: this is a semi-judicial board. Is it suggested that, in making appointments of judges or magistrates, we obtain a panel of names from the Law Society? That would be absurd. This board is properly constituted, as are many others, and there is not the slightest reason to demand now that it be a representative board in complete breach of the agreement on which the recommendation was put to this Chamber.

Mr. HALL: I support the amendments. The Premier may have an argument in respect of certain matters to which he has referred but he leaves me cold when he refers again to the agreement. I agree with what the member for Onkaparinga said earlier, namely, that we are considering legislation to control the practices and standards of the people who have requested the legislation. We are apparently to acknowledge the desires of these people, but I hope those desires are sensible; indeed, the initial desire was nonsensical, if the people concerned supported the board as originally proposed. I believe that the board appointed should act in the best interests of the industry and for the good of members of the community who will transact business with those controlled by this legislation. Therefore, I believe that it should not be the Government's duty to select the individual it desires but that the individual concerned should be selected by the organizations referred to.

Mr. SHANNON: I do not know how the Premier defines a non-representative board, especially under paragraph (*c*), which provides that one member shall be a resident of this State who is a corporate member of the Australian Institute of Building. It seems to me that such a person would indeed be representative of those whom this legislation sought to control. If the Premier desires that an independent board be established more in the nature of a court than a board, why are we specifying four categories from which members of the board shall be selected? The Legislative Council's amendments merely suggest that, if we are to have this selection, it should be on a wider basis, ensuring—

The Hon. D. A. Dunstan: The Council is narrowing the choice.

Mr. SHANNON: Although the Premier wishes to have an untrammelled choice, he will not achieve that end.

Amendments disagreed to.

Amendment No. 13.

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

That the Legislative Council's amendment No. 13 be disagreed to.

This amendment adds without any justification a representative of the Institution of Engineers to the board. The matter has already been debated in connection with a previous amendment.

Amendment disagreed to.

Amendment No. 14.

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

That the Legislative Council's amendment No. 14 be disagreed to.

This amendment is consequential on amendments Nos. 9 to 12.

Amendment disagreed to.

Amendment No. 15.

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

That the Legislative Council's amendment No. 15 be disagreed to.

It increases the quorum of the board from three to four members, on the assumption that the membership of the board is increased from four to five, an increase to which we have already disagreed.

Amendment disagreed to.

Amendment No. 16.

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

That the Legislative Council's amendment No. 16 be disagreed to.

It deletes a provision that entitles members of the advisory committee to remuneration and allowances at rates fixed by the Governor. Numbers of these people will have to come away from their businesses or from employment to attend meetings of the committee, and there is not the slightest reason why they should not be properly remunerated for their loss of earnings in consequence.

Amendment disagreed to.

Amendments Nos. 17 *to* 22.

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

That the Legislative Council's amendments Nos. 17 to 22 be agreed to.

These amendments were moved by the Government in another place. They were as a result of anomalies in administration that were pointed out after the Bill had left this place. They relate to difficulties, particularly of corporations and firms in other States, in having the means of appointing licensed persons to

the management in South Australia and in replacing them within reasonable time should anything happen to their employment. In consequence, these amendments clear up what could otherwise be a difficulty in the administration of the Bill.

Amendments agreed to.

Amendment No. 23.

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

That the Legislative Council's amendment No. 23 be agreed to.

This amendment limits the power of the board to require the production of books, papers and documents that are relevant to any inquiry before the board. It was the Government's intention that only these books, papers and documents be produced.

Amendment agreed to.

Amendment No. 24.

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

That the Legislative Council's amendment No. 24 be disagreed to.

This amendment would increase from $100 to $500 the value of building work (within a classified trade) that would escape the impact of subclause (3), thus equating a job that is wholly within a classified trade to the erection of a commercial or residential building. This would provide so great an escape clause that the control in relation to much subcontracting work would be completely useless. It was at the request of the trade itself that the original sums in the draft Bill were reduced to the sum shown here. The subcontractors' organizations feel strongly indeed that there should be no alteration in this sum. The Employers Federation particularly pointed out that it is entirely undesirable that there should be any increase in this sum, simply because it would make the clause useless in controlling subcontracting.

Mr. HALL: I believe this is a sensible amendment which provides for the operation of a small subcontractor and handyman. This would not be the case with the limit imposed originally.

The Committee divided on the motion:

Ayes (16)—Mr. Broomhill, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Langley, Loveday, McKee, and Walsh.

Noes (15)—Messrs. Coumbe, Ferguson, Freebairn, Hall (teller), McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, Messrs. Stott and Teusner.

Pairs—Ayes—Messrs. Burdon, Jennings, and Ryan. Noes—Messrs. Bockelberg, Brookman, and Heaslip.

Majority of 1 for the Ayes.

Amendment thus disagreed to.

Amendment No. 25.

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

That the Legislative Council's amendment No. 25 be disagreed to.

The words struck out by this amendment were originally inserted at the insistence of representatives of the building industry.

Amendment disagreed to.

Amendment No. 26.

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

That the Legislative Council's amendment No. 26 be disagreed to.

This amendment would increase from $500 to $1,000 the value of any building constructed for immediate sale (without proper technical supervision) that would escape the impact of subclause (6). Again, this is something that is much resisted by many organizations in industry.

Mr. HALL: The Government believes it to be wrong for people to build a building for $1,000 and to escape the provisions of this legislation. Because the Opposition holds the opposite view, we can see that this amendment is designed to help the private individual. I support the amendment.

The Hon. Sir THOMAS PLAYFORD: The Premier has said that many amendments should be disagreed to because they are not supported by the industry. However, I thought that the Bill was introduced to protect the public from all sorts of bad practice carried out by the industry. Now we are told that we should not accept amendments made by the other place, because they do not accord with the wishes of the industry. The Government ought to act in the interests of the consumer.

Amendment disagreed to.

Amendment No. 27.

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

That the Legislative Council's amendment No. 27 be disagreed to.

This amendment has a similar effect to the previous amendment.

Amendment disagreed to.

Amendment No. 28.

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

That the Legislative Council's amendment No. 28 be agreed to.

This amendment does not do violence to the clause.

Amendment agreed to.

Amendment No. 29.

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

That the Legislative Council's amendment No. 29 be disagreed to.

The amendment deletes the term of imprisonment that can be imposed for knowingly supplying the board with false or misleading information. That offence can be serious indeed and has the effect of seeing or trying to see that the provisions of the legislation are avoided. In many cases much money could be made on that basis, and the penalty should be a reasonable deterrent. Imprisonment will not be imposed in every case, but the offence can be decidedly serious in some cases. Severe penalties are imposed for the offence of giving false information to judicial or semi-judicial bodies.

Amendment disagreed to.

Amendment No. 30.

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

That the Legislative Council's amendment No. 30 be disagreed to.

This amendment deletes the right of the board to obtain information from councils relating to inquiries to be conducted or held by the board and to enter council premises to inspect records in connection with such inquiries. The provision deleted has the same effect as the provision in the Western Australian legislation. This matter has been debated previously.

Mr. McANANEY: The Government is inconsistent, because this afternoon it deleted a penalty imposed on certain other people for not bringing information to a court.

Amendment disagreed to.

Amendment No. 31.

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

That the Legislative Council's amendment No. 31 be agreed to.

It merely extends to officers of the board the duty not to divulge information that comes to their knowledge in their official capacity.

Amendment agreed to.

Amendment No. 32.

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

That the Legislative Council's amendment No. 32 be agreed to.

This is a Government amendment that limits the application of clause 24, which deals with the arbitration clauses in building contracts in respect of buildings erected as dwellings and not exceeding $20,000 in value.

Amendment agreed to.

Amendments Nos. 33 *and* 34.

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

That the Legislative Council's amendments Nos. 33 and 34 be disagreed to.

Obviously, the sting of the Legislative Council's amendments is in the tail: these amendments completely nullify the Bill. They defer the effect of regulations classifying building work in the classified trades until the regulations have been laid on the table for 14 sitting days without a motion for disallowance having been presented. In other words, we could not license people in classified trades, and subcontractors' and restricted builders' licences could not come into force, until Parliament met next year and the requisite number of sitting days passed without a motion for disallowance being presented.

The amendments are contrary to the beliefs of the Government. It is not a case of disallowing a regulation, which in all other circumstances comes into force when it is made and is subject to disallowance by Parliament: such amendments would allow the Opposition in another place to control Government policy in administering the Acts that are committed to the Government for administration. By this form of control a motion for disallowance could be put down in another place and adjourned from time to time, and so not dealt with. In those circumstances the implementation of regulations necessary for the administration of this Act could be delayed for months.

Since this has been brought to the notice of building organizations, much fury has been expressed about the amendments, and I do not know what is the attitude of Opposition members to the building trade in South Australia. One would think from what we have heard tonight that the Master Builders Association, the Housing Industry Association, the Employers Federation, the Builders and Subcontractors Associations, the Builders Suppliers and Subcontractors Association, and all building unions are a lot of shysters.

Mr. McAnaney: You said that in this Parliament.

The Hon. D. A. DUNSTAN: On the contrary, I have said that we have to get rid of the crook people in this industry, and they are not the members of those organizations. The legitimate organizations are saying to the Government that there has to be public control of this industry. In consequence, conditions must be laid down under which people will operate for the protection of the industry and the public. That is the same sort of principle as was brought forward in this Parliament by the member for Gumeracha (Sir Thomas Playford) when he, as Leader of the Government, set up the Dental Board. Does he suggest that, in introducing control of dentistry in

South Australia, he did not consult the dental organization in this State? Of course he did, and this Government has consulted the responsible organizations in this area. I resent the imputation being made by members opposite that these organizations are looking after their own pockets at the expense of the public, because that is not so. These amendments are designed to defeat the whole purpose of the Bill.

Mr. Casey: The Legislative Council set out to do that.

The Hon. D. A. DUNSTAN: Yes, it set out purposely to get rid of any control of subcontractors and, when it found that the building industry of South Australia was wholly opposed to it on this measure, it said that it wanted to make it obvious that it favoured the registration of builders and then it reduced the effect of that control by such backdoor methods as this, hoping that the public would not realize what it was doing. However, we will bring to the notice of the public what the Opposition is doing here.

Mr. HALL: Because the Bill does not give details of classifications, it is reasonable and sensible that the regulations should not operate until Parliament has considered them. With its peculiar ideas about the building trade the Government could otherwise bring these regulations into operation when Parliament was not sitting. The Premier said that people who had built houses that caused trouble were not members of the associations to which he referred, but he knows that is not so. The aim of the amendments is to ensure that Parliament will be able to consider the regulations to establish the classified trades and, because of the lack of detail in the Bill of what the Government intends, this is a necessary provision.

Mr. SHANNON: The legislation is designed by the Government to serve the interests of certain parties, and this has been made clear by the Premier. Obviously, the power of Parliament to consider regulations is more important in regard to this legislation than in any other we have considered. Because it was impossible for members to consider all regulations introduced, the Subordinate Legislation Committee was appointed to examine regulations. Obviously, this type of legislation must be policed thoroughly. Although the Premier said that these amendments were designed to nullify the legislation, that could be said of any legislation.

The Committee divided on the motion:

Ayes (16)—Mr. Broomhill, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Langley, Loveday, McKee, and Walsh.

Noes (15)—Messrs. Coumbe, Ferguson, Freebairn, Hall, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon (teller), Mrs. Steele, Messrs. Stott and Teusner.

Pairs—Ayes—Messrs. Burdon, Jennings, and Ryan. Noes—Messrs. Bockelberg, Brookman, and Heaslip.

Majority of 1 for the Ayes.

Amendments thus disagreed to.

The following reason for disagreement was adopted:

Because the amendments defeat the essential purposes of the Bill.

TRUSTEE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

IMPOUNDING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 25. Page 3020.)

Mr. FERGUSON (Yorke Peninsula): As I do not claim to know anything about the "milking goats" referred to in clauses 4 and 5, I shall leave an explanation of that matter to the member for Burra. Clause 6 seeks to rectify a position that arose regarding Mr. Don Bowey, of Paskeville, who was prosecuted in the Kadina Magistrates Court because of an accident involving one of his sheep that had strayed on to a road. Although that charge was dismissed in the magistrates court, an appeal by the police to the Supreme Court was upheld by Mr. Justice Chamberlain. Supported by the Stockowners Association and the United Farmers and Graziers Association, Mr. Bowey appealed to the Full Court.

Although the judgment previously given by Mr. Justice Chamberlain was upheld by the Full Court, the judges concerned handed down separate judgments indicating that the wording of the Act was not in accordance with the original intention of the legislation. I believe that a deputation waited on the Attorney-General, suggesting the appropriate amendment to the Act. The amendments contained in clause 6 set out the requirements concerning primary producers and others in relation to straying stock on roads. I have pleasure in supporting the Bill.

Mr. HURST (Semaphore): I, too, support the Bill. Members may recall that about this time last year I had the privilege of supporting a Bill to amend the Impounding Act. I ask leave to continue my remarks.

Leave granted; debate adjourned.

PHARMACY ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

This amendment is necessary, because of the changing pattern of tertiary education in South Australia, and in Australia generally. The Pharmacy Act was last before the House in 1965 when several unconnected amendments were made. One of those amendments provided for the holding of a degree in pharmacy of any university in South Australia to be an acceptable qualification for registration under the Act. The present situation is that the South Australian Institute of Technology under a special arrangement with the Adelaide University provides the teaching in technology, applied science and pharmacy, while the degree is actually awarded by the university. Under new arrangements entered into between the Commonwealth and the States, following recommendations of the Martin committee on tertiary education, the Institute of Technology has become a "college of advanced education" and will eventually sever its present connection with the Adelaide University.

It was envisaged by the Martin committee that the awards of colleges of advanced education be known as diplomas and that the term "degree" be limited to awards by universities. This view has been endorsed by the Commonwealth and the States generally, and its adoption has been pressed by the Commonwealth as an integral part of its agreement to share in the future with the States the costs of colleges of advanced education in much the same manner as it has shared for a number of years the costs of universities. As the first stage in implementing the new arrangements, the Institute of Technology has, commencing this year, offered courses in technology and applied science for which it will in due course make its own independent award of a diploma. These courses will for a period operate parallel with the continued teaching of courses qualifying for comparable university degrees, and are in fact fully comparable in content and standard with the degree courses. In many cases the subjects are identical and the students for both diploma and degree attend the same lectures. No new enrolments will be accepted by the institute from students for degree courses after 1969 and, when the degree students at that time have had reasonable opportunity to complete their courses, the special arrangement between the university and the institute will come to an end.

The introduction and timing of the diploma courses and the cessation of enrolments for comparable degree courses are being undertaken in accordance with detailed assurances given by the State and the Commonwealth. The State has also given an assurance that no new enrolments for the degree courses in pharmacy will be accepted after 1969, but has indicated that a diploma would not be introduced until 1968 because an amendment to the Pharmacy Act would first be necessary. The Institute of Technology has made preparations for the introduction of the diploma in pharmacy as from 1968. To give effect to the assurance given to the Commonwealth that an approved course in "diploma in pharmacy" will be introduced by the Institute of Technology in 1968, designed eventually to take the place of the present degree course, it is necessary to legislate now so that the holding of the proposed diploma will be an acceptable qualification for registration under the Pharmacy Act. Accordingly in section 22 (1) of the principal Act, paragraph (va) (6) is amended by adding the words "or holds a diploma in pharmacy of the South Australian Institute of Technology". This provision is made by clause 3.

Mr. MILLHOUSE secured the adjournment of the debate.

ADJOURNMENT

At 1.13 a.m. the House adjourned until Thursday, November 2, at 2 p.m.