HOUSE OF ASSEMBLY

Tuesday, October 10, 1972

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Police Regulation Act Amendment,
Land Tax Act Amendment,
Statutes Amendment (Valuation of Land).

QUESTIONS

INDUSTRIAL DISPUTE

Dr. EASTICK: Can the Minister of Labour and Industry say whether the continued employment of many people in the building industry is in serious jeopardy as a result of this morning's decision of concrete workers? This afternoon's newspaper reports that the concrete workers have decided to continue their stoppage of work, even though it was suggested to them at the conference this morning that they should return to work, except at plants operated by Albion Reid (South Australia) Proprietary Limited. As the Minister will know, this stoppage has lasted for eight days. During this time, in newspapers and in other ways, much comment has been made about the serious effect this stoppage could have on the employment of other people not directly associated with the concrete industry. I therefore ask what effort the Government has made to ensure continued employment for these other parties.

The Hon. D. H. McKEE: The Leader will be aware that, up to date, there have been three conferences regarding this dispute, and at those conferences strong recommendations have been made to the employers that they reinstate Mr. Goodwin, who, I understand, was involved in the initial dispute. As late as this morning a strong recommendation was made to the people concerned that it was thought that the dismissal of Mr. Goodwin was harsh and unjust, and the President of the court recommended that Mr. Goodwin ought to be re-employed and that the industry should be allowed to get back to work. I understand that the unions involved are not willing to accept the conditions regarding Albion Reid, because other unions are involved. However, the dispute has been referred to the Trades and Labor Council, and the Chamber of Manufactures is acting on behalf of Albion Reid. I understand that the parties will be meeting this afternoon to discuss matters arising from the Trades and Labor Council meeting this morning. That is the position at this stage, and I sincerely hope that the strike will not extend and involve other workers throughout the State.

Mr. COUMBE: In view of the continuation of the concrete industry dispute, I ask the Minister of Labour and Industry whether he will ascertain what further delay will now be caused in respect of the construction of the Adelaide Festival Centre, which is already well behind schedule, and whether the Minister will ascertain what extra sum, if any, will have to be provided by the Government in order that the scheduled completion date of this project will be met.

The Hon. D. H. McKEE: If the dispute is settled either today or tomorrow, I do not imagine that it will affect the schedule to any great extent or that a delay will occur. However, if the dispute is extended, I will obtain a report for the honourable member on what effect it is likely to have.

AIR POLLUTION

Mr. HOPGOOD: Has the Minister of Environment and Conservation a reply to the question I asked him on August 24 about pollution in the Lonsdale area?

The Hon. G. R. BROOMHILL: The Public Health Department has been in touch with the Bureau of Meteorology, which has indicated its willingness to undertake a meteorological appraisal of the Port Stanvac area and to supply details of its investigations when the necessary man-power resources become available to it. The clean air regulations, 1972, come into force in January, 1973, and it is considered that these regulations should effectively control the emission of pollutants from industry in the area.

CONSTITUTIONAL CONVENTION

Mr. MILLHOUSE: In the absence of the Premier, I ask the Attorney-General whether it is intended that members of this House will have an opportunity beforehand to know of and to discuss here matters to come before the Constitutional Convention. Last Thursday and Friday, of course, the Steering Committee held a meeting in this Chamber to prepare for the Constitutional Convention and, although there have been brief public reports of the decisions made, those reports can cover only a fraction of what happened and what was decided. I guess all members would be glad of the information the Attorney-General can

give but, in particular, I see in the paper this morning a report that the Australian Labor Party intends to raise at the convention the matter of extending Commonwealth industrial powers. This having been announced by Mr. Clyde Cameron, who is a South Australian member of the House of Representatives, I wonder whether this move is being supported by the South Australian Government and whether, in fact, the members of both Houses will have a chance to discuss it before it is put up to the convention if, in fact, it is being sponsored by the Government in this State.

The Hon. L. J. KING: The meeting last week, as doubtless the honourable member would know, was a meeting of the Steering Committee and was attended by two representatives of the delegation elected by this Parliament to represent South Australia at the forthcoming Constitutional Convention. The purpose of that meeting was to make arrangements preliminary to the holding of that convention. The two representatives of the South Australian delegation were the Hon. Mr. DeGaris and I. We shall be reporting to a meeting of the delegation representing this Parliament when a meeting can be arranged at an appropriate time. At the moment, my view, subject to what the views of the delegation were, would be that that meeting would be held to report on the meeting of the Steering Committee, because the delegation was elected on the basis that it was to represent all shades of political opinion in this Parliament. It is intended that the delegates would report to and consult with members of their political Parties so that everyone would be fully informed on what had taken place. I do not know whether that procedure presents any specific difficulty to the member for Mitcham, but, if it does, it should not be beyond resolution by his own Party. Of course, at this stage it is premature to discuss any proposals for the amendment of the Commonwealth Constitution that may be made by the Commonwealth delegation or State delegations, but the Steering Committee has arranged to ask delegations from the Commonwealth and the State Parliaments and individual delegates from those Parliaments to prepare papers by way of submissions, so that they can be lodged with the Chief Executive Officer of the convention and circulated to all delegations, thereby canvassing as far as possible the issues that may come up for discussion at the convention. I should think that, if any member of the Commonwealth Parliament delegation intended to make proposals of the kind that the member for Mitcham has mentioned, doubtless those proposals would be included in that delegation's paper or submissions in due course and then be considered by the delegation elected by this Parliament. However, as I say, it is premature to take the matter further at this time.

WHEAT

Mr. LANGLEY: Has the Minister of Works a reply from the Minister of Agriculture to my question about a forecast of the wheat harvest this year?

The Hon. J. D. CORCORAN: My colleague states that, because the season did not break in South Australia until the last week in June, wheat crops throughout the State are very late. Consequently, weather conditions during October will be extremely critical, and therefore any yield figures at this stage are unreliable. September proved to be particularly dry and unfavourable in the cereal areas, and departmental agronomists at this stage are predicting a harvest of only 25,000,000bush. of wheat. This will be less than half of the wheat harvested last year. Detailed surveys throughout the cereal areas will be made by the Agriculture Department throughout October so that at the beginning of November detailed and accurate estimates can be made available.

PINE POSTS

Mr. RODDA: Has the Minister of Works a reply from the Minister of Forests to my recent question concerning the cost of treating pine posts?

The Hon. J. D. CORCORAN: The Woods and Forests Department allows discount on sales of treated posts to timber merchants, stock agents and some primary producer organizations. Individual farmers are granted 2½ per cent cash discount on their purchases of posts from the department. The United Farmers and Graziers Co-operative Society of South Australia Limited is one of the organizations granted the full trade discount. The wholesale prices charged by the department for the 3in. to 4in. by 6ft. creosote posts are $50.35 a hundred, which represents only a 9 per cent margin of profit. Farmers may purchase this type of post direct from the Mount Gambier mill at a cash price of $54.55 a hundred, which is only a 7½ per cent margin above the wholesale price and barely covers the costs of handling small individual lots.

THEBARTON POLLUTION

Mr. WRIGHT: Has the Minister of Environment and Conservation a reply to my question concerning the pollution caused by the Australian Mineral Development Laboratories at its Thebarton plant?

The Hon. G. R. BROOMHILL: About eight weeks ago complaints of an offensive discharge from Australian Mineral Development Laboratories, at Thebarton, were received by the local board of health. These complaints were investigated by officers of the Public Health Department. The source of the emissions is considered to be a pyrites roasting process, which results in gases rich in sulphur dioxide. These gases would indeed be offensive. Since the time that the discharges occurred, Amdel has manufactured two packed tower scrubbers. These units are designed to remove sulphur dioxide and trioxide present in the gas stream. Australian Mineral Development Laboratories has been requested to raise the exhaust system above the apex of the roof, to adequately disperse the remaining sulphur dioxide. The pyrites roasting process is extremely intermittent in operation and it may be some time before further roasting occurs. It is considered that the above action to control emissions will prove to be satisfactory.

SCHOOL BUSES

Mr. WARDLE: Can the Minister of Education say whether a report has been received from the Commonwealth Grants Commission regarding school buses? Earlier this year a committee headed by Sir Leslie Melville visited Murray Bridge High School to investigate the use of school buses.

The Hon. HUGH HUDSON: My understanding is that the commission wanted to discover why the school bus operation in South Australia is carried out so much more efficiently than it is in New South Wales and Victoria, and that the commission went to Murray Bridge to observe the operation of the system. I understand that the commission's investigations have indicated that the school bus activities of the South Australian Education Department are carried out more efficiently than similar operations in New South Wales and Victoria, and that this was a "plus" for South Australia in the recommendation of grants for this State made by the commission. Although the commission's reports are published annually, they are usually 12 months behind, and the 1972 report has not yet been published. Therefore, we will have to wait until this report is published to see whether the commission commented on this matter.

Mr. BECKER: Can the Minister of Education say whether maintenance of school equipment applies to buses purchased by school committees? I refer the Minister to the report, which appears on page 246 of the *Education Gazette* of August 1, 1972, and which is headed "Maintenance of School Equipment". I understand that many schools are contemplating purchasing their own bus for use on excursions, and so on.

The Hon. HUGH HUDSON: I cannot agree with the honourable member that many schools are contemplating the purchase on their own account of buses for use on excursions. I should have thought that a short investigation would demonstrate that the amount of use schools would get from a bus for this kind of purpose would not be sufficient to justify such a purchase, and that the school would be better off hiring a bus. Nevertheless, I will check the matter for the honourable member.

STUDENT CONCESSIONS

Mr. SIMMONS: Has the Minister of Roads and Transport a reply to my question of August 15 about making available monthly concession tickets to Adelaide University students during the second-term vacation?

The Hon. G. T. VIRGO: Although the honourable member's question referred specifically to students of the Adelaide University who found it difficult to obtain a railway monthly concession ticket for the second-term vacation period, arrangements have been made to ensure that all tertiary students may purchase such tickets during either the first or second-term vacations, irrespective of whether they are enrolled at a university, a teachers college or other approved institute of learning. Furthermore, I am pleased that the availability of concession vacation tickets will no longer be limited for travel on the South Australian Railways. As from next year, vacation concession tickets will also be available to tertiary students who wish to travel on Municipal Tramways Trust services from their home to their place of learning.

TRAFFIC ACCIDENTS

Mr. EVANS: Has the Minister of Roads and Transport a reply to my question of September 19 concerning the junction at the end of Waverley Ridge road and the number of accidents that have occurred at this junction? The Minister may not be aware that another

accident occurred at this junction last Saturday evening.

The Hon. G. T. VIRGO: Details of reported accidents at the intersection of Belair-Crafers Main Road 76, Sheoak Road, and Hill Street, Crafers, for the period in question are as follows:

1969—no accidents reported.
1970—four accidents reported, resulting in one fatality and injuries to two other persons.
1971—two accidents reported, neither of which resulted in injuries to any persons.
1972—(to September 18)—three accidents reported, resulting in one fatality.

Of the nine accidents reported, four have been head-on collisions, one was a rear-end collision, and four have occurred when drivers have lost control of their vehicles. A close study of the area and of the accident reports, highlights two facts, namely, the poor sight distance when approaching from the south on Upper Sturt road (Main Road 76), and the very steep downgrade of the left-hand bend when travelling south from Waverley Ridge road. The only real solution to these problems is the total reconstruction of this intersection, which will necessitate considerable property acquisition and extensive roadworks, including the removal of several trees in this vicinity.

The Hon. G. R. Broomhill: That's a shame!

The Hon. G. T. VIRGO: Yes, it is. It will not be possible to undertake these works for some time, as land has to be acquired, designs prepared, etc. Considerable attention has already been given to the signing of the approaches to the intersection with "map type" advance direction signs and other warning devices, and most motorists seem to heed these warnings, as evidenced by the relatively low accident rate, that is, nine accidents in nearly four years. It is intended to supplement this signing by the erection of a "stop" sign on the Waverley Ridge road arm of the intersection, in order to bring motorists to a halt before they proceed around the bend to Upper Sturt road. This installation, on a trial basis, will be carried out as soon as possible.

DERNANCOURT INTERSECTION

Mrs. BYRNE: Has the Minister of Roads and Transport a reply to my question of September 21 about the possibility of making safer the intersection of Lower North-East Road and Balmoral Road, Dernancourt?

The Hon. G. T. VIRGO: It is intended to institute short-term traffic measures, by installing safety bars and better delineation at this intersection, as an interim measure, until such time as the reconstruction and widening of the main road is effected.

WATERSHED REGULATIONS

Mr. GOLDSWORTHY: Does the Minister of Environment and Conservation intend to amend the Planning and Development Act to alter the size of subdivisions in the Mount Lofty Range? I raised this matter two weeks ago in the absence of the Minister after I heard a radio news item on Friday, September 22, which indicated that the Minister had foreshadowed an amendment to the Planning and Development Act which would result in the size of subdivisions in zone 2 of the watershed area in the Mount Lofty Range being increased from 20 acres to 74 acres. The Minister of Works at that time had no knowledge whatsoever of the proposal or indeed of the news item. As it appears either that the Minister of Environment and Conservation intends to introduce the legislation or that the news item was misleading, I ask him whether he intends to move an amendment along the lines indicated in the news item of Friday, September 22.

The Hon. G. R. BROOMHILL: I did notice during my absence that the honourable member had commented on the statement made about the proposed amendments to the Planning and Development Act. Some amendments will be introduced before the end of the month, but I think the honourable member clearly misunderstood what was said, and that is why the Minister of Works was not in a position to know whether the amendments would affect the watershed area. I said in the report (and the honourable member must know what I said because he commented on it) that legislation would extend control of the subdivision of any allotment from the present limit of 20 acres to 74 acres. The honourable member apparently took this to mean that there would not be any building on areas currently between 20 acres and 74 acres. What was said was that there had been anomalies in relation to areas larger than 20 acres; that was the basis of the report. The planning office, which has experienced some difficulties in the past, believes that it should be able to control subdivisional areas between 20 acres and 74 acres. If the honourable member is a little patient (I noticed during my absence that other members, too, were making all sorts of guess as to what would be in the legislation), I assure him that it will not be very long before the amendments and a full explanation of them will be before the House.

COMPANIES INVESTIGATION

Mr. SLATER: Can the Attorney-General tell the House anything about the activities of Australian Syndication (South Australia) Proprietary Limited and Elura Property Securities Proprietary Limited?

The Hon. L. J. KING: On Thursday, October 5, 1972, the Governor exercised his powers under Part VI(A) of the Companies Act and appointed Mr. R. M. Lunn (Deputy Master of the Supreme Court) an inspector to investigate the affairs of two companies, Australian Syndication (South Australia) Proprietary Limited and Elura Property Securities Proprietary Limited both of which have been carrying on business from 118 Hutt Street, Adelaide. The company, Australian Syndication (South Australia) Proprietary Limited has been acting as the promoter and manager of a number of property syndicates and has received a large amount of money from the public for investment in property syndicates. Preliminary investigations reveal that for some time proper books of account have not been kept for that company's operations. There is evidence to suggest that, in at least one and possibly more of the syndicates promoted by that company, a substantial amount has been taken from syndicate investors over and above the amount of the authorized syndicate capital. Furthermore, there is reason to believe that a number of misleading and untrue advertisements have been published by the company to induce people to invest money in its property syndicates.

The company Elura Property Securities Proprietary Limited is managed by substantially the same persons who manage Australian Syndication (South Australia) Proprietary Limited. Elura Property Securities Proprietary Limited since mid-July, 1972, has received from members of the public about $76,000 for subscriptions for share capital and for deposit moneys. It would appear that a sum of about $25,000 has been paid by Elura Property Securities Proprietary Limited to Australian Syndication (South Australia) Proprietary Limited by way of investment or loan. Elura Property Securities Proprietary Limited at present holds about $25,000 of the moneys it has received in its bank accounts and further investments of about $20,000 which will be the subject of scrutiny by the inspector. Allegations have been made that that company has been engaged in share-hawking which is contrary to the Companies Act, and has published misleading advertisements.

It will be necessary to construct a set of books of account for Australian Syndication (South Australia) Proprietary Limited before a detailed investigation can proceed. A former director of both companies left South Australia some weeks ago, taking with him some of the records of Australian Syndication (South Australia) Proprietary Limited, and his present whereabouts are unknown. The inspector believes he will have considerable difficulty in obtaining information from this person that will probably be needed before a final report can be given. It is at present too early to state when the inspector will be able to make his report. No comment can yet be made whether the persons who have invested in the syndicates managed by Australian Syndication (South Australia) Proprietary Limited and who have invested in Elura Property Securities Proprietary Limited are adequately secured for their investments. Members of the public are warned that, in view of these facts that have emerged, it would be extremely unwise to invest any money with these companies or to enter into business transactions with them.

MURRAY RIVER SYSTEM

Mr. McANANEY: Has the Minister of Works a reply to my recent question about the water available this year in the Murray River system?

The Hon. J. D. CORCORAN: All barrages have been closed to flow since September 8, 1972. The general levels at Goolwa and Tauwitchere have been at or above design pool level over the past three weeks. Strong wind influence over that period would have caused variations of surface profile of the lakes to be both below and above the designed level. The present inflow to the lakes is just less than the estimated evaporative losses from them, and with no evidence of strong natural flows being likely over the next few months some fall in the lake level will be unavoidable.

COUNCIL GRANTS

Mr. ALLEN: Has the Minister of Local Government a reply to the question I asked during the Estimates debate about grants made in relation to survey work carried out by councils?

The Hon. G. T. VIRGO: The Highways Department aims to maintain its own survey and design resources to be compatible with constructional, financial and other resources, and sufficient to meet normal requirements, with peak requirements being met by the engagement of consultants. To best use these resources, it is necessary to allocate priorities to works, and it is inevitable that survey and

design on lesser important works will be deferred in favour of works with high priority. With regard to the allocation of grant funds, it sometimes happens that the need for a survey arises after a grant has been allocated, and it is not always possible to arrange the survey at short notice. Indeed, in many cases, the responsibility for arranging the survey rests with the council receiving the grant and not with the Highways Department. Although that department normally assists councils in rural areas to a generous extent in carrying out survey work of this nature, such surveys must wait until they can be conveniently fitted into the departmental programme. It is felt that it is the survey work in this category which has given the honourable member the impression that grant work is being held up because of a shortage of surveyors.

PUBLIC ACTUARY

Mr. CARNIE: Has the Attorney-General a reply to the question I asked in the Estimates debate about increases provided for the actuarial assistant and clerical staff under the Public Actuary's line?

The Hon. L. J. KING: The Chief Secretary states that the increases under the heading "Actuarial Assistant and Clerical Staff" provide for (*a*) general increases in wages consequent upon awards, etc.; (*b*) higher duty pay for one officer acting as Assistant Registrar of Building Societies and Friendly Societies whilst the Public Actuary is devoting his attention to the superannuation plan; (*c*) overtime provision for work needed in connection with a review of the Superannuation Act; and (*d*) increase in two staff, one of whom is an actuarial assistant whose main duties are to advise on the investment of the Superannuation Fund.

OPAL LEASES

Mr. GUNN: Has the Minister of Environment and Conservation a reply to my recent question about mining leases at Coober Pedy?

The Hon. G. R. BROOMHILL: Utah Development Company held title to a special mining lease (No. 622) in the area immediately south of the southern boundary of the defined Coober Pedy opal field. At expiry on August 26, 1972, the company applied for an exploration licence over virtually the same area. As the proposed exploration licence lies outside the precious stones field, it will not inconvenience the miners at Coober Pedy.

AMOEBIC MENINGITIS

Dr. TONKIN: Has the Attorney-General obtained from the Minister of Health a reply to my recent question about amoebic meningitis?

The Hon. L. J. KING: My colleague states that new equipment and additional staff members were supplied to the Institute of Medical and Veterinary Science last financial year. The Government will continue to meet the needs of the institute in relation to research into the presence of amoebae.

GLADSTONE HIGH SCHOOL

Mr. VENNING: Has the Minister of Education a reply to my recent question whether the new Gladstone High School would be completed in time for the beginning of the 1973 school year? If the answer is "No", could overtime payments be made so that the building could be ready on time?

The Hon. HUGH HUDSON: The estimate that the Gladstone High School buildings would be ready for the commencement of the 1973 school year was made when there were no previous projects of the modified Samcon construction, mark 3, from which accurate guidelines as to completion time could be formulated. From the experience which has been gained since from other mark 3 projects, it is now possible to predict with more accuracy the construction time for Gladstone and other similar future projects. The programmed availability date for Gladstone, which is running to current schedule, is March, 1973, which is slightly after the beginning of the school year. Regarding the honourable member's supplementary question, the answer is that we will not be paying overtime to try to get an earlier completion date.

STATE BUDGET

Mr. BECKER: In the absence of the Premier, can the Deputy Premier say whether the State Budget is proceeding as expected? I notice in the current statement of the Consolidated Revenue Account for September, 1972, that the excess of receipts over payments for that month is $9,577,000 and for the first three months of this financial year the excess of receipts over payments is $6,111,000. By comparison, the excess of receipts over payments for September, 1971, was $5,873,000, and for the three months ended September 30, 1971, the excess was $716,000. Therefore, I ask whether the Budget is running as expected and whether there are any unusual factors contributing to this large surplus at present.

The Hon. J. D. CORCORAN: I will confer with the Premier and bring down a considered reply for the honourable member.

VAUGHAN HOUSE

Mr. MATHWIN: Has the Minister of Community Welfare a reply to the question I recently asked about alterations to the swimming pool area at Vaughan House?

The Hon. L. J. KING: A request had been made to the Public Buildings Department on August 25, 1972, for improved security arrangements surrounding the swimming pool. The matter is being dealt with by the District Building Officer, Public Buildings Department, who inspected the area on Monday, September 25, 1972. As an interim measure, it is proposed that barbed wire be erected in such a way that it will not be visible from the exterior of the building. The matter regarding more permanent extensions to the wall height will have to be referred to the Design Section of the Public Buildings Department.

ROAD CHARGE ASSESSORS

Dr. EASTICK: Has the Minister of Roads and Transport a reply to the question I asked during the Estimates debate about assessors in the road charges section of the Highways Department?

The Hon. G. T. VIRGO: Assessors attached to the road charges section of the Highways Department are administrative staff primarily engaged on assessing charges payable under the Road Maintenance (Contribution) Act, 1963-68.

HINDMARSH SCHOOL

Mr. SIMMONS: Has the Minister of Education a reply to the question I recently asked about the development of the playground area at Hindmarsh Primary School?

The Hon. HUGH HUDSON: It is agreed that every effort should be made to provide a grassed area for Hindmarsh Primary School. The area to which the honourable member referred in his question is leased by the Highways Department to the Education Department to provide additional playground space. The Highways Department has no objection to the grassing and reticulation of the area, and it is considered that this work would be a most suitable project under the metropolitan unemployment relief plan. The Hindmarsh corporation has been told of the Education Department's approval of the project, and I am informed that the corporation will apply for the work to be allotted under the unemployment relief projects.

RESIDENTIAL COLLEGES

Mr. COUMBE: Has the Minister of Education a reply to the question I asked during the Estimates debate about a hall of residence and residential colleges?

The Hon. HUGH HUDSON: The financial assistance by the State towards recurrent costs of the hall of residence of the Flinders University and residential colleges affiliated to the University of Adelaide is provided entirely from a Commonwealth contribution. The funds allocated for this purpose in the 1972-73 Estimates have been determined on the basis of the present and prospective financial arrangements with the Commonwealth which provide for a payment of a basic grant early in an academic year followed by a final adjustment which is usually made in November, taking into account the number of students residing in the hall of residence and residential colleges. Therefore, the Estimates of Expenditure for this financial year include an estimated final adjustment of $25,000 for 1972, being $4,000 on account of the hall of residence based on a prediction of the number of resident students in 1972 advised by the university, and $21,000 for residential colleges based on 1971 experience; and $30,000, being basic grants payable early in 1973 ($5,000 in connection with the hall of residence and $5,000 in connection with each of the residential colleges concerned). In the triennium commencing January 1, 1973, the Commonwealth has agreed to provide the same amount of basic grant assistance as has been applicable in the current triennium ending December 31, 1972, but it has increased the grant payable for full-time undergraduate resident students (final adjustment payment for each student) from $30 a year to $60 a year.

PADTHAWAY LAND

Mr. RODDA: Will the Minister of Environment and Conservation say whether there is any possibility of letting a contract as early as possible for fencing the national park at Padthaway, namely, the former Penny estate which borders the town of Padthaway? Residents in the area are again experiencing trouble in respect of kangaroos and, although I hate to be harping on this hopping question, I point out that kangaroos are causing some concern to the local people, and that the area, which, being close to the highway, represents a danger to traffic, badly needs fencing. I should be pleased if the Minister would consider having the area fenced as soon as possible.

The Hon. G. R. BROOMHILL: I think I have previously told the honourable member and other members that we have a programme each year of providing fencing in the various parks throughout the State. As I am

not sure whether there are any plans in regard to fencing the area referred to, I will certainly have the matter investigated and let the honourable member know when such work may be planned.

ST. ANTHONY'S HOSPITAL

Dr. TONKIN: Has the Attorney-General obtained from the Chief Secretary a reply to the question I asked during the Estimates debate about the Alcohol and Drug Addicts Treatment Board and the use of St. Anthony's Hospital?

The Hon. L. J. KING: The Chief Secretary states that, as a result of renovations to St. Anthony's Hospital, only restricted use could be made of the hospital for the first few months of 1971-72 and, consequently, both the expenditure and revenue for 1971-72 were misleadingly low, compared to a normal full year's operation. The hospital resumed activities on August 27, 1971.

TELEPHONE EXPENSES

Mr. McANANEY: Has the Attorney-General received from the Chief Secretary a reply to the question I recently asked about telephone expenses incurred in the House?

The Hon. L. J. KING: The Chief Secretary reports that telephone expenses for 1971-72 included in the line "I—The Legislature—Miscellaneous—Office Expenses" amounted to about $31,400.

OATS

Mr. VENNING: Has the Minister of Works received from the Minister of Agriculture a reply to my recent question about the oat marketing legislation?

The Hon. J. D. CORCORAN: The Minister of Agriculture does not intend to seek any amendments to the oat marketing legislation before it is proclaimed.

INDULKANA RESERVE

Mr. GUNN: Has the Minister of Community Welfare a reply to the question I asked during the Estimates debate about the provision made in respect of activities carried out on Indulkana Reserve?

The Hon. L. J. KING: The sum of $62,590 for salaries and wages on Indulkana Reserve this year comprises $32,895 for staff salaries ($18,595 last year) and $29,695 for Aboriginal wages ($14,865 last year). The increased provision for staff salaries will enable staffing on the reserve to be reorganized. An administrative officer will be employed to attend to the general administration of the reserve and to carry out many duties akin to those of a town clerk. A typist will also be employed. This will allow social work staff to concentrate on welfare and community development aspects. The increased provision for Aboriginal wages is to cover increased wage rates applicable on the reserve and the employment of additional Aboriginal people.

UNLEY ROAD CROSSING

Mr. LANGLEY: Has the Minister of Roads and Transport a reply to my recent question about the replacement of pedestrian traffic lights opposite the Unley post office by red, amber and green traffic lights?

The Hon. G. T. VIRGO: Officers of the Road Traffic Board have held discussions with representatives of the Corporation of the City of Unley regarding pedestrian and vehicular traffic problems associated with the existing zebra pedestrian crossing on Unley Road and the car parking areas adjacent to Unley post office and Unley shopping centre. It was agreed that it was desirable to convert the existing zebra crossing to pedestrian-actuated traffic signals. This will result in the delay time being shared more evenly between pedestrian and vehicular traffic, thus improving traffic flow. The proposal is currently being considered by the Unley council, which is responsible for converting the crossing. Subject to the council's agreeing to carrying out the work, the Road Traffic Board will raise no objection to the proposal.

COUNCIL RATES

Mr. GOLDSWORTHY: In the absence of the Premier, will the Deputy Premier say what is the position regarding payment of rates to councils by Government departments that are acquiring property that has been under the councils' jurisdiction? I have raised the question of the loss of rate revenue to the Gumeracha council specifically, acquisition of land by Government departments, particularly the Woods and Forests Department, having resulted in a loss of one-third of that council's rate revenue. I have been told that, at a seminar held recently in the Hills area (unfortunately, I was unable to be present, owing to sittings of the House), a senior Government officer stated, in regard to this matter, that no request had ever been made to a Government department for a contribution to the council's rate revenue. It was put to me (albeit second-hand, from a person at the meeting) that that statement implied that, if a request was made, the Government might contribute to the rate

revenue. I ask the Minister whether there is any basis in fact in this interpretation of the officer's remarks and I also ask him what is the position regarding Government departments or the Government contributing to the revenue of a council that has lost rate revenue because Government departments have acquired land.

The Hon. J. D. CORCORAN: I understand that the Government pays rates only on houses that it owns. This is an extension of the previous policy of paying rates on these houses only when they were occupied, and I think the extension was made about 18 months ago to provide that the Government would pay rates on all houses, whether occupied or not, in any council area.

The Hon. G. T. Virgo: And on its industrial property that it leases.

The Hon. J. D. CORCORAN: Yes, the Government also pays rates on industrial properties that it owns and leases. These are the only two instances that I know of in which rates are paid to councils, and it has never been the policy of any Government to pay rates to councils on broad acres, particularly land purchased for forestry purposes, which the honourable member has mentioned. I am surprised to think that an officer has given the impression that, if a request was made to the Government in regard to the relevant department, that request was likely to receive favourable consideration, because I think the honourable member knows that the Government would be involved in paying a large sum if policy was changed so that land that it owned throughout the State was subject to rate payments to the various councils. This problem is an old one and one with which I am not unfamiliar, because, as the honourable member knows, in the South-East of the State an area of about 180,000 acres, I think, is under pine plantings at present and possibly between 15,000 acres and 20,000 acres is held but not planted. This means that some councils do not receive rates on large areas of land, because the Government owns that land. However, councils receive benefits in other ways, particularly by assistance in the provision of forestry roads, which serve residents of the district as well as the Woods and Forests Department. I will have the matter examined for the honourable member and give him a considered reply, because I should not like him to think that I have given the impression that no rates are paid if, in fact, they are paid. I will also try to find out for him what would be the annual cost to the Government if rates had to be paid to the councils. Further, I will give him particulars of concessions that are given to councils by way of sales tax exemption, because such concessions also have a bearing on the question.

VEHICLE REGISTRATION

Mr. HALL: In view of a request I have received from a citizen about the granting of a concession on vehicle registration charges because of this person's employment, will the Minister of Roads and Transport say whether he will extend to those who obtain their living from rabbit trapping the concession that is at present given to primary producers and fishermen?

The Hon. G. T. VIRGO: I do not know whether the member for Gouger has been caught in a trap but, if he has been and if he gives me details of this case, I shall be pleased to examine the matter to find out whether we can help him out of his trap.

ROSEWORTHY COLLEGE

Mr. MILLHOUSE: I think my question should be addressed to the Minister of Education, if he is the Minister responsible for Roseworthy Agricultural College. I cannot see anyone better, so I will address the question to him. Will the Minister say why girls are not admitted to Roseworthy Agricultural College as students, and will he also say whether the present policy will be changed? Last Saturday morning, when I was out visiting—

The Hon. G. R. Broomhill: Where were you on Friday evening?

Mr. MILLHOUSE: I cannot remember where I was on Friday evening.

Mr. Langley: You were at a kindergarten, weren't you?

Mr. MILLHOUSE: Yes, and the meeting on Friday night was most successful.

The SPEAKER: Order!

Mr. MILLHOUSE: When I was out visiting on Saturday morning I met a Matriculation student and her mother. I think this girl is a student at Unley High School, and when I met her she immediately raised this matter. She has applied for admission to Roseworthy Agricultural College to do an agricultural course but her application has been turned down flat and she has been told that girls do not go to Roseworthy and are not going to go there. She has been told to go somewhere else if she wants to do an agricultural course. This girl tells me that she could do the course at Adelaide University or at one of the colleges in other States where

girls are admitted but she says that she does not want to do that, because the Adelaide University course certainly is not as good for her purposes and the reputation of colleges in other Sates, certainly for what she wants to study, is not particularly good either. Therefore, she wants to go to Roseworthy Agricultural College. I point out to the Minister that nowadays nearly every institution of learning is co-educational. This applies to university colleges, and St. Anne's College announced last week that it would take young men. So far as I know, Roseworthy Agricultural College is now one of the last places to which only males are admitted as students.

The Hon. G. T. Virgo: What about the Adelaide Club? Can ladies go there yet?

Mr. MILLHOUSE: Give us time.

The SPEAKER: Order! Interjections are out of order. The honourable member must endeavour to explain his question.

Mr. MILLHOUSE: I think I have explained it now, and I put the question to the Minister.

The Hon. HUGH HUDSON: I am grateful to the honourable member for his question. He probably does not know, but I believe that there has been a recent announcement on this matter.

Mr. Millhouse: When? This girl has not seen it.

The Hon. HUGH HUDSON: Alterations have been authorized at Roseworthy so that girls can be admitted next year as another progressive step in education taken by this Government. I am pleased to know that the honourable member will be supporting this move just as he has no doubt supported the first admission of a girl to the Urrbrae Agricultural High School this year, and just as no doubt he is supporting the admission of men to St. Anne's College next year. I do not know exactly when the announcement was made.

Mr. Millhouse: It must have been after inquiries were made by this girl.

The Hon. HUGH HUDSON: I do not know when she applied but, if the honourable member would check that matter out and let me have details, I shall be only too pleased to follow the matter up. Certain expenses are involved in providing even the absolute minimum alterations necessary to provide co-educational facilities at Roseworthy, and I am sure that the honourable member will appreciate that a magic wand cannot be waved to provide accommodation overnight, as much as he or I might like that to be done.

CUMMINS SCHOOL

Mr. CARNIE: Has the Minister of Education a reply to my recent question concerning the connection of the Cummins Area School to the common effluent scheme in that area?

The Hon. HUGH HUDSON: It is intended to undertake various civil works at the Cummins Area School, including connection of the school to the common effluent scheme. A firm of consulting engineers has been engaged to investigate these overall requirements. Following a recent detailed site survey, the consultants are completing plans to determine the points for connection into the effluent scheme. Formal advice of the department's intentions, together with details, will then be conveyed to the District Council of Port Lincoln.

ABORIGINAL EMBASSY

Mr. WARDLE: For and on behalf of the member for Mallee, I ask the Minister of Community Welfare for a reply to the honourable member's question concerning the Aboriginal embassy.

The Hon. L. J. KING: The question of a hostel for Aboriginal single men has taken on a different aspect as a result of the existence of the embassy. Officers of the Community Welfare Department have been constantly in touch with the Aboriginal people at the embassy. Over the last week there has been an enrolment of some of the men with the Department of Labour and National Service for employment. Representatives from the Aboriginal groups approached the Premier and me in relation to accommodation, as they believe that the men who are seeking employment would wish to live away from the embassy. The officers of the Community Welfare Department investigated many possibilities for accommodation and it has now been arranged that a house will be used as a hostel for a trial period to see how this would function and what the future needs are.

LOXTON PRIMARY SCHOOL

Mr. ALLEN: For and on behalf of the member for Mallee, I ask the Minister of Education for a reply to the honourable member's question concerning Loxton Primary School.

The Hon. HUGH HUDSON: I am glad that the member for Mallee has so many agents, although none of them so far is in the Liberal Movement. The intended programme for building the new primary school at Loxton has a call target for October this

year, and if present plans are maintained the school should be available in the first half of 1974.

WHYALLA DISPUTE

Mr. HALL: The Minister of Labour and Industry promised several weeks ago to give me a report on the Whyalla industrial dispute relating to cleaner services and the failure of representatives of the Federated Ship Painters and Dockers Union to allow the work to continue. Can he now give me that report?

The Hon. D. H. McKEE: That was some time ago and I should have thought that the honourable member would seek that reply before now. Fortunately I have the reply here but, as the dispute has been resolved for some time, I doubt that this information will be of much use to the honourable member, but I will let him have it.

I have had inquiries made regarding the suggestion of the member for Gouger that a cleaning contractor at Whyalla had to make a payment to a union not concerned with the persons employed by that contractor. The honourable member was apparently given incorrect information. The facts are as follows: the past practice at Whyalla has been that ship painters and dockers have been employed to clean crews' cabins and accommodation in newly constructed ships. When a cleaning contractor had a contract to do this cleaning work, he (the cleaning contractor) arranged to pay the union dues on behalf of the persons he employed to the Federated Ship Painters and Dockers Union for the period of their employment.

Earlier this month the same cleaning contractor decided to use cleaners for the same work on another vessel for which he had a cleaning contract and he paid the union subscriptions in respect of those employees to the Miscellaneous Workers Union. Because of the inter-union problems which arose, the Whyalla Shipbuilding and Engineering Works Proprietary Limited subsequently had the cleaning work on the *Clutha Capricorn* done by its own employees (ship painters and dockers). The work has been completed and the vessel sailed from Whyalla early this morning for its sea trials. This answer was prepared some time ago, when the vessel went on its trial sea voyage.

GARDEN STATIONS

Mr. EVANS: Has the Minister of Roads and Transport a reply to my recent question concerning the development of Hills railway stations as garden stations?

The Hon. G. T. VIRGO: The South Australian Railways has undertaken, in a modest way, ornamentation in station yards in the past, and it is done by utilizing the existing railway staff when available. However, the present organization of the railways is inappropriate for a development and maintenance programme such as that which is visualized by the honourable member. In some areas, arrangements have been made with local government authorities for joint programmes of beautification and the South Australian Railways would be willing to enter into similar negotiations in respect of the Belair and Mount Lofty stations.

TOTALIZATOR AGENCY BOARD

Mr. BECKER: Has the Attorney-General a reply to my question of September 19, 1972, concerning safeguards on pay-outs by the Totalizator Agency Board?

The Hon. L. J. KING: The Chief Secretary reports that, depending on the whereabouts of the meeting concerned, totalizator dividends for win, place and quinella are calculated in the following manner: (*a*) where there is an on-course totalizator operating in South Australia, dividends are calculated by the on-course totalizator contractor under supervision of the Police Department and (*b*) where there is no on-course totalizator operating in South Australia, dividends are calculated by the South Australian Totalizator Agency Board under supervision of the South Australian Totalizator Agency Board Internal Auditing Department. All daily double and treble dividends are calculated by the South Australian Totalizator Agency Board, also under supervision of the South Australian Totalizator Agency Board Internal Auditing Department. All dividend calculations made by the South Australian Totalizator Agency Board are checked by a supervising officer other than the person calculating the dividend. A balancing procedure also confirms that the correct dividend has been declared. On isolated occasions, similar to the occasion outlined, it has been necessary to amend the dividend after declaration to correct an error in transmission of investments from a selling point. Where the error occurs from a T.A.B. agency, it is investigated by the Internal Auditing Department. Where the error occurs at the on-course totalizator, it is validated by the Police Department.

In the Gawler incident outlined, 200 winning daily double units were not accounted for by the on-course totalizator contractors, Messrs.

Bertram and Thomas. The contractors discovered their error when commencing to pay out on-course, and a new dividend was redeclared by the T.A.B. 28 minutes after the initial declaration which corrected the situation. The addition of the extra 200 winning units was confirmed by the police officer on duty in the totalizator building. Every safeguard is taken to protect the public interest when dividends are calculated. In the isolated cases when an error is made, such errors are fully investigated by the relevant authorities to ensure their validity.

LAND ACQUISITION

Mr. COUMBE: Has the Minister of Roads and Transport a reply to my question of September 21 about details of land in my district that his department has acquired for freeway purposes?

The Hon. G. T. VIRGO: To date settlement has been effected for nine properties within the District of Torrens as follows:

(*a*) North Adelaide connector:
1. Lots 9-11, Stour Street, Gilberton
2. No. 6, Stour Street, Gilberton
3. No. 3, Simpson Street, Gilberton
4. No. 3, Eliza Street, Gilberton
5. Nos. 58 and 60, Gilbert Street, Gilberton;

(*b*) Modbury transportation corridor:
1. No. 61, Fuller Street, Walkerville
2. No. 102, Stephen Terrace, Walkerville
3. No. 4, Cluny Avenue, Walkerville
4. Lots 1 and 12, Ponder Avenue, Gilberton.

SOUTH-EAST QUARRY

Mr. RODDA: Has the Minister of Environment and Conservation a reply to my question of September 26 about whether quarry operations at Mount Monster will be controlled in order to preserve the area as a natural landmark and amenity for the people of Keith?

The Hon. G. R. BROOMHILL: The important scenic feature of Mount Monster is completely covered by a Government reserve area of about one quarter of a square mile. About 20 chains north of the mount is a quarry lease, where stone is mined for building or road purposes. The southern boundary of the quarry lease is 12 chains north of the northern boundary of the Mount Monster Government reserve. Additionally, there is a buffer zone about five chains wide between the southern edge of the present workings and the southern limit of the quarry lease, where no quarrying will be carried out. Therefore, there is no possibility of the workings encroaching on to the Mount Monster feature. The question of mining Christmas Rock and Sugar Loaf does not arise, as there is no mining being carried out in these areas.

MOANA CLIFFS

Mr. MILLHOUSE: Can the Minister of Environment and Conservation say what action, if any, it is intended to take concerning the cliffs between Moana and Seaford? Several times this session I have asked questions about erosion and the general breaking down of cliffs north of Moana running to the point at Seaford, and the Minister, in giving me several prevaricating replies, has assured me that not only I but also the member for the district is interested in this matter. I visited this area again at the weekend, but absolutely nothing has been done. The old pipe that the council no doubt inserted as a stormwater pipe is just lying there derelict. The new pipe has been installed but has substantially broken down the cliff. Several cliff falls have occurred, caused either by constructing the jolly roadway that runs along the top of the cliff, or by people (probably surfies) climbing down the cliff to get to the beach, but there is no sign of any preservative work having been done at all. I impress on the Minister that there is a degree of urgency about this matter, and words are not enough. Now that an Executive Engineer has been appointed to the Coast Protection Board, I ask the Minister what is to be done, and when.

The Hon. G. R. BROOMHILL: Because of the tone adopted by the honourable member, I do not intend to reply to this question. If he likes to rephrase the question in a proper manner, I will give him that information.

Members interjecting:

The SPEAKER: Order!

Dr. TONKIN: I rise on a point of order, Mr. Speaker. I do not see how the tone has anything to do with it. There is nothing in Standing Orders that refers to the tone in which a question has to be asked.

The Hon. J. D. Corcoran: What's the point of order?

Dr. TONKIN: Therefore, can the Minister refuse, on these grounds, to reply to what seems to be a straightforward question?

The SPEAKER: It is within the province of the Minister to reply or not, as he wishes.

JUVENILE COURTS ACT

Dr. TONKIN: I will phrase my question to the Attorney-General with extremely delicate

phraseology and tone of voice. I shall be most grateful if the Attorney-General will give me—

The SPEAKER: Order! The honourable member is commenting.

Dr. TONKIN: With respect, I am not. If the Attorney-General will kindly give me a reply to the question I asked recently about the Juvenile Courts Act, with due respect, I—

Mr. Millhouse: You have to be careful now!

Dr. TONKIN: —would like to receive that information, but only if the Attorney-General would like to give it to me. He could say "No".

The Hon. L. J. KING: Sections 1 to 5 inclusive and Part III of the Juvenile Courts Act, 1971, were proclaimed on December 23, 1971. Judge Marshall was appointed on the same day that the proclamation was made. Pursuant to section 17 (3) of the Act the judge is able to make and issue administrative directions relating to the constitution and proceedings of juvenile courts. The remainder of the Juvenile Courts Act came into operation on July 1, 1972. Since then very considerable progress has been made in implementing the new provisions contained in the Act:

(1) Juvenile aid panels were commenced on July 4, 1972. Before the commencement of the panels, training courses for police officers and officers of the Community Welfare Department were held in the metropolitan area and main country centres throughout the State during May, 1972. Since July 4, 1972, 386 juveniles have appeared before the 20 panels, which are constituted and which have held meetings. The panels are dealing now with an average of 30 children a week.

(2) Full assessment procedures for juvenile offenders have been developed. Section 44 of the Act requires that no child shall be placed under the care and control of the Minister for the first time unless the Juvenile Court has obtained a report from an assessment centre as to the most appropriate means of rehabilitating the child. An average of 18 residential assessments and five day assessments is being done each week. These assessments are made by a team comprising a psychologist, social worker, Education Department teacher or guidance officer, and residential care staff where appropriate. Medical and psychiatric reports are obtained where required and other professional staff are involved in some assessments. Pending completion of building alterations at Vaughan House almost all residential assessments are being done at Windana, where a section of the existing premises has been set aside as an assessment centre. Structural alterations are pending. Day assessments are done at the department's head office and at some of the larger country towns.

(3) A youth project centre has been commenced at Magill. Staff for the centre was recruited and trained, and part of the old Magill wards of the Royal Adelaide Hospital was prepared for occupation by the centre. The first group of eight boys commenced to attend the centre on September 12. A second group of 12 boys will commence on October 3, 1972. The boys are required to attend the centre three evenings a week and all day on Saturdays. The programme, which includes community project work, is aimed at improving the youths' ability to cope satisfactorily in society without committing further offences. The treatment focus of the programme is guided group interaction.

(4) All the provisions of the Act relating to the handling of juvenile offenders have been implemented.

HOSPITALS DEPARTMENT

Mr. McANANEY: Has the Attorney-General a reply to the question I asked during the Estimates debate about revenue accounting in the Hospitals Department?

The Hon. L. J. KING: The Chief Secretary states that, in the Hospitals Department, revenue accounting and revenue recovery are decentralized so that, in each departmental hospital, staff are engaged in carrying out both these functions. In addition, in the central office of the department certain other staff from the Director-General of Medical Services downwards are involved either full or part-time on aspects of revenue accounting and revenue recovery related to recommendations regarding determination of fees; setting of remission standards; compliance with requirements of the National Health Act relating to hospital, medical and nursing home benefits; and special recovery and remission procedures, etc. Furthermore, the services of an outside

collection agency are used by the department to assist in endeavouring to trace certain debtors, both within South Australia and in other States, and also to serve interstate summonses.

A comprehensive report regarding all aspects of revenue collection by the Hospitals Department during 1971-72 was forwarded to the Auditor-General on August 15, 1972, and is summarized in the following paragraph:

> As at June 30, 1972, total outstandings amounted to $3,235,185, representing a net increase of $587,552 over the outstanding balance as at June 30, 1971. During 1971-72, revenue collected increased by $2,653,232. Both figures reflect the higher charges introduced from March 1, 1971, and September 1, 1971, for all classes of inpatients. Expressed as percentages, outstandings (other than vehicular accidents) rose by 23.8 per cent and vehicular accident outstandings rose by 20.2 per cent.

Both these figures will undoubtedly increase further as the result of increases in certain inpatient charges as from September 1, 1972.

MEDICAL STUDENTS

Mr. VENNING: Will the Attorney-General ask the Chief Secretary how many medical students are studying under Government cadetships or scholarships and how many years each student has studied?

The Hon. L. J. KING: I will refer the question to my colleague.

NON-RETURNABLE BOTTLES

Mr. MATHWIN: Has the Minister of Environment and Conservation any plans to ban the sale of non-returnable bottles before the coming summer season commences? The Minister has been approached many times by the Seaside Councils Committee and many other organizations regarding the problem which over the years has gone from bad to worse with more and more children suffering injury and being maimed.

The Hon. G. R. BROOMHILL: No. This matter is being investigated by the Environment Council, a body comprising Ministers and heads of departments throughout the States. The State Director of the department is chairman of an investigation group looking at the problem of non-returnable containers, including many forms of container other than bottles. No decision is likely to be reached before the recommendation of that committee is received.

PUMP CLOCKS

Mr. WARDLE: Will the Minister of Works ask the Electricity Trust of South Australia whether it will change the time clocks used in connection with the pumping of water? I understand that the trust does not alter time clocks, but irrigators who want to check (apparently, most do) that the pump switches on and that water flows (because damage can be done if a pump runs dry) must go to the time clock at 9 o'clock when the cheaper electricity rates come into force. When daylight saving starts the irrigator will have to go to the clock at 10 o'clock. The milk truck will call on the following morning according to the daylight saving time, which means he will lose one hour of his rest. I have received a request from an irrigator that the clocks on the electric pumps be changed in keeping with the daylight saving time.

The Hon. J. D. CORCORAN: A similar question has already been answered this session. Although it is aware of the problem raised by the honourable member, the trust does not intend to change the time clocks, because of the cost involved.

Mr. Wardle: Will the trust estimate the number of clocks that would have to be changed?

The Hon. J. D. CORCORAN: I will obtain that information for the honourable member.

WELFARE CENTRES

Mr. GOLDSWORTHY: Can the Minister of Community Welfare say whether the Community Welfare Department is attracting successfully the additional staff needed to cope with the new methods and the new centres for handling social problems? The Minister has said that additional staff will be needed to handle the juvenile offenders who are to be treated according to the new methods devised by the department. It is obvious that additional staff will be needed to cope with the 20 new community welfare centres to be established by the department. I was prompted to ask this question by a letter that appeared in the *Advertiser* last Tuesday signed by the Rev. G. S. Martin (Superintendent of the Port Adelaide Central Mission), who suggested that it would be difficult for the department to attract the additional staff needed for this work because of the conditions which applied to the terms of appointment, and I think he mentioned salaries in particular.

The Hon. L. J. KING: The department is having considerable success in attracting the staff needed, but there is a shortage of trained social workers not only in this State but throughout the Commonwealth. As the honourable member doubtless knows (I think

it was referred to in the letter from Mr. Martin), the salaries of social workers in the department have been substantially increased during the past year. That was a result of a deliberate policy, which was accepted by the Public Service Board at my request, to upgrade the salaries and conditions of social workers in the department precisely so that we would be able to attract suitably qualified people to carry out the programme. Generally, I am more than satisfied at present with the recruitment of suitable staff. By that, I do not mean that every position can be filled by the person who has ideal qualifications for that position—far from it. That is an ideal situation that we are far from having reached at present. However, we are attracting people who are qualified, and we are also attracting people who are capable of absorbing the training necessary to fill these positions. It is a gradual process. However, at present I believe that the Community Welfare Department is attractive, particularly to graduates interested in social work, partly because of the salaries and conditions but, even more than that, because of the dynamic policies current in the department that provide incentive and interest to graduates and others who are interested in really achieving something. They now see in the Community Welfare Department in this State an opportunity to accomplish something. They see the department as giving them an opportunity to establish themselves in a vocation in which their ambition to do something for the community may be fulfilled.

BEACH ACCESS

Mr. CARNIE: Can the Minister of Roads and Transport explain why the Highways Department has fenced off certain beaches near Port Lincoln? A report in last Thursday's *Port Lincoln Times* indicates that some beaches near Port Lincoln that are generally recognized as being amongst the best surfing beaches in the State have been fenced off by the Highways Department. As surfing is a healthy, active sport, I ask the Minister to investigate why the department has denied access to these beaches.

The Hon. G. T. VIRGO: As I am not aware that this has taken place, I will have to investigate the matter.

ANDAMOOKA POLICE

Mr. GUNN: Will the Attorney-General ask the Chief Secretary what plans the department has to build suitable accommodation at Andamooka for police officers? Several constituents of mine have complained to me that the present accommodation at Andamooka for police officers is totally inadequate. At present, although three officers are stationed there, only two beds are provided. Recently the Education Department has had built excellent accommodation at Andamooka for single schoolteachers. I have been asked to see whether the Chief Secretary can possibly arrange to have provided at Andamooka similar accommodation for police officers.

The Hon. L. J. KING: I will refer the question to my colleague.

FAMILY PLANNING ASSOCIATION

Mr. MILLHOUSE: I wish to ask a question of the Deputy Premier, representing the Premier.

Mr. Gunn: Where is the Premier?

Mr. MILLHOUSE: That is a separate question. Can the Deputy Premier say whether the Government will consider making available to the Family Planning Association (South Australia) Incorporated financial assistance in addition to the $12,000 already voted in the Estimates? In the last few minutes, I have received the association's newsletter wherein it is stated that this sum has been used for the mobile unit operating at Port Adelaide. Since the Appropriation Bill was passed, representations have been made to me by a person associated with the Family Planning Association to the effect that it is desperately short of money. Although its work has expanded enormously, there is still room for much more expansion because of the importance of the work being done in the community by the association. I remind the Deputy Premier that one of the few things on which he and I agreed, as members of the Select Committee on the Criminal Law Consolidation Act in 1969, was the importance of information on family planning being readily available. Therefore, I suggest to the Government, through the Deputy Premier, that in these circumstances a far greater grant than the $12,000 should be made.

The Hon. J. D. CORCORAN: I am surprised that the honourable member did not do more about this matter when he was in office and able to do something about it himself. The grant to the Family Planning Association has, I think, at least been doubled since this Government has been in office on this occasion, for the Government recognizes the need for family planning advice in the State. I have no argument with the honourable member about that. However, as the honourable member knows full well, there is a limit to what the Government can do.

Mr. Millhouse: Surely $12,000 isn't enough.

The Hon. J. D. CORCORAN: When the number of calls that the Government has on its finances is considered, the honourable member's statement can be seen to be rather irresponsible. He knows as well as I know the difficulties that the Government has in making available the sums it presently makes available to all the organizations that ask for assistance. Although I agree with him that there is a need in South Australia for adequate family planning advice, to the best of my knowledge, having regard to overall finances, the Government is now doing the best it possibly can. However, we still recognize that there is a further need. The honourable member referred to a letter. Naturally, organizations will never indicate to the public at large that they are completely satisfied with the money they receive from the Government or from subscriptions or anything else.

Mr. Millhouse: I wasn't relying on that; I was relying on what I'd been told.

The Hon. J. D. CORCORAN: The honourable member referred to this letter, using it to add weight to the comments he was making leading up to his question. I will certainly refer the matter to the Premier, but I wanted to make those points to the honourable member.

SECONDHAND CARS

Mr. EVANS: Will the Attorney-General ask the Chief Secretary whether the police apprehended any used car dealers, who opened for business in Adelaide last Saturday afternoon, Sunday, or Monday, for contravening the Second-hand Dealers Act? Last week I pointed out to the Attorney-General that I thought a mistake had been made in a reply given in this House by the Minister of Labour and Industry. In this case, used car yards had been open for business outside normal shopping hours in contravention, I believe, of the Second-hand Dealers Act. As I am told by some dealers that used car yards were open for trading last weekend, I wish to ascertain whether members of the Police Force did, in fact, investigate any trading that occurred last weekend, with a view to stopping it.

The Hon. L. J. KING: I will refer the question to my colleague.

KANGAROOS

Mr. ALLEN: Will the Minister of Environment and Conservation consider giving more publicity overseas to the fact that the killing of kangaroos in this State is regulated through a permit system? In today's *News* an article headed "U.S. Group Attacks 'Roo Killings" states:

> An American wild life protection organization has condemned the "incredibly cruel overkill" of kangaroos. The organization is the National Coalition Against Poisoning of Wild Life, based in San Francisco . . . The organization said it would call on its members and ask its member organizations to buy New Zealand lamb rather than Australian, spurn Australian wool, and discourage travel to Australia. It described the protest as a "goodwill and solidarity measure" against stores selling kangaroo skin products. The organization said the United States was the major importer of kangaroo hides. The organization attacked Australian woolgrowers as enemies of conservation. A spokesman for the organization, Ursula Faasii, said she considered woolgrowers as dangerous to the environment.

The Hon. G. R. BROOMHILL: I agree with the honourable member that the view expressed in the article referred to is, unfortunately, often the view held overseas. True, we have controls in South Australia that are reasonable in respect of the kangaroo population in this State but it is difficult for members or individual State Ministers to publicize overseas the position that applies here. Indeed, I suggest that the honourable member contact his colleague the Premier of Queensland (Mr. Bjelke-Petersen) with a view to having that State introduce the sort of control existing in South Australia and in most other States because (while the current situation exists in Queensland, where there is obviously lack of control and an over-kill, accompanied by constant newspaper and television reports relating to the killing of kangaroos in that State and painting a fairly bad picture in this respect) no doubt this will be the impression that many people overseas have of the situation applying to kangaroos in all States of Australia.

PUBLIC BUILDINGS DEPARTMENT

Mr. COUMBE: Has the Minister of Works a reply to the question I recently asked about the operations of the Public Buildings Department?

The Hon. J. D. CORCORAN: A question was asked about this matter by the honourable member during the Estimates debate, during which debate the member for Fisher also asked a question, the matter he referred to relating to the provision of fire hydrants at the Blackwood High School. Both questions asked were referred to the Public Buildings Department for a report, and the report received states that the provision of fire hydrants at Blackwood High School and other schools occurred during

the period in which the new works branch was being established. Delays occurred because of the application of the previous methods of handling this type of work, but the situation has been corrected. In comparison with other similar works authorities in Australia and overseas, the Public Buildings Department is not a large organization: it is not "too big to be administered effectively as one department". On the contrary, because of a relatively small size, there are problems in quickly building up a completely decentralized service backed up by the necessary capacity to command central specialized resources. This factor is recognized and is an important part of the development plan. I consider that measures which have already been implemented, or which are planned, will result in the optimum possible service in all areas of the State.

LINEAR ACCELERATOR

Dr. TONKIN: Very politely, I ask the Attorney-General whether he has received from the Chief Secretary a reply to my recent question about a linear accelerator.

The Hon. L. J. KING: The Chief Secretary, with his usual politeness, states that testing is proceeding and, so far, there is no evidence to suggest that the storage has caused any deterioration of any part or component of the total installation.

WOODS AND FORESTS DEPARTMENT

Mr. EVANS: Has the Minister of Works received from the Minister of Forests a reply to the question I asked in the Estimates debate on September 26 about the Woods and Forests Department nursery?

The Hon. J. D. CORCORAN: As I cannot see the reply at present, I will have a look for it and let the honourable member know.

WARDANG ISLAND

Dr. EASTICK: Can the Minister of Community Welfare say whether the tourist facilities on Wardang Island were used over the Labor Day weekend? The facilities which were available on the island before it was taken over by the Aboriginal Lands Trust were being used more and more extensively for the purpose of weekend and longer-term accommodation, and the returns from the use of these facilities would effectively help in regard to maintenance and effecting improvements. The question basically is whether the facilities are still being used; how extensively they are being used; and whether they were used over the long weekend.

The Hon. L. J. KING: As the honourable member will appreciate, this is now a matter for the Aboriginal Lands Trust. As that body is in control of the situation, the Leader should (and I think it would be more appropriate for him to do so) direct his inquiry to the Aboriginal Lands Trust. However, I will do so and let him have a reply.

LOCAL GOVERNMENT DEPARTMENT

Mr. McANANEY: Has the Minister of Local Government a reply to my recent question about financial provisions in respect of the Secretary for Local Government, field officers and inspectors, etc.?

The Hon. G. T. VIRGO: The provision of $150,870 for the Secretary for Local Government, field officers, inspectors, and administrative and clerical staff covers all salaries of officers employed in my office, with the exception of the head of the department and the Director-General of Transport, for whom separate provisions have been made. The office is organized in such a manner as to provide for three areas of responsibility, namely:

(1) general administrative services involving clerks, typistes, office assistants, etc.;
(2) local government advisory and inspectorial services involving persons spending much of their working life in field activities; and
(3) transport planning and development involving engineers, technical officers, draftsmen, economists, etc.

The wording of the line referred to by the honourable member possibly needs revision. In the main, the increased provision sought this financial year will enable additional necessary appointments to be made, primarily in the Transport Planning and Development Branch.

DROUGHT RELIEF

Mr. VENNING: Will the Minister of Works ask the Minister of Agriculture what is the total amount that the Government has paid to the end of September in drought assistance, freight concessions on the transport of livestock, and concessions on cartage of fodder to feed stock affected by drought? During the drought last winter, the Government made provision for stockowners to transport stock to pasture at reduced rail freight rates, and grain (oats and barley) could be transported by rail, the Government paying half the normal freight charges. A few weeks ago when I asked the Minister a question about this matter, the Government had not paid anything this year.

However, as the end of September has passed now, the Minister may be able to give the House details of what the Government has paid in assistance in this way.

The Hon. J. D. CORCORAN: I will take up the matter with my colleague and obtain a report for the honourable member.

PETROL

Mr. BECKER: In the absence of the Premier, will the Deputy Premier say what is the present position regarding petrol reserves in this State, and will he also say whether the supply of standard and super grades has returned to normal?

The Hon. J. D. CORCORAN: I will obtain a report for the honourable member.

CIVIL DEFENCE

Mr. COUMBE: Has the Attorney-General a reply from the Chief Secretary to my question about the provision in the Estimates of Expenditure for civil defence?

The Hon. L. J. KING: My colleague states that the total amount provided for civil defence for other than salaries is $200 in excess of that sought by the Deputy Director of Civil Defence for 1972-73. Items included under "Civil Defence" are reviewed at the end of each financial year.

COMMONWEALTH FUNDS

Mr. VENNING: Can the Minister of Roads and Transport give the House information about the outcome of the conference that he and other State Roads and Transport Ministers had with the Commonwealth Minister for Shipping and Transport last week? Before the meeting, I asked the Minister what he contemplated he would be submitting to the Commonwealth Minister on behalf of South Australia. The Minister has now conferred with the Commonwealth Minister and I should think that his relationship with that Minister would have been excellent and that he would now be able to report some progress for South Australia.

The Hon. G. T. VIRGO: I assure the honourable member that relationships between the Commonwealth Minister (Hon. Peter Nixon) and me are extremely cordial. In fact, I think the harmony amongst the two Liberal State Ministers, one Country Party State Minister, three Labor State Ministers and two Commonwealth Country Party Ministers is of the highest order possible. On Thursday evening, at the special meeting of the Australian Transport Advisory Council, the various Ministers put forward an extremely strong case to try to impress on the Commonwealth Minister the urgency and extent of the problem facing all States on railway operations and urban public transport. The case was advanced further in our quest to obtain specific Commonwealth aid for the rail transport industry and the urban public transport industry in a similar way to that in which the Commonwealth Government has in the past provided direct financial aid for the three other forms of transport. The member for Rocky River may be interested to know that, in the current five-year period of operation of the Commonwealth Aid Roads Act, the Commonwealth Government is providing the road transport industry with assistance of $1,252,000,000. That Government also is providing financial assistance to the air transport industry of—

Mr. McAnaney: How much?

The Hon. G. T. VIRGO: If the member for Heysen keeps quiet I will explain the whole purport of my reply to the member for Rocky River. In the five-year period ended June this year, the Commonwealth Government provided the air transport industry with financial aid of $227,700,000 and in the same period it provided the sea transport industry with $76,600,000. The total amount of assistance given by the Commonwealth Government to the air, sea and road transport industries was about $1,556,000,000. The whole basis of the claim submitted by the States is merely to require the Commonwealth Government to treat the rail transport industry and the urban public transport industry in a similar way, not leave them out in the cold as has been the case in the past. Unfortunately, the Commonwealth Minister for Shipping and Transport could not give us a reply, but I am more than convinced that he has done his level best in presenting the States' case to the Commonwealth Government, and I consider that the fault lies with the Prime Minister, as I think he acknowledged last evening on television.

Mr. Millhouse: You're doing a bit of electioneering?

The Hon. G. T. VIRGO: The Prime Minister was electioneering, but not doing it very well.

Mr. Millhouse: I mean that you're doing the electioneering now.

The Hon. G. T. VIRGO: I am replying to a question asked by the member for Rocky River and, if the member for Mitcham is not interested, I suggest that he keep quiet.

Mr. Millhouse: I am interested. I am saying what a rotten reply it is.

The Hon. G. T. VIRGO: I know that the member for Rocky River is extremely interested: I can see his tongue hanging out of his mouth. One point very pertinent to this matter is that last evening the Prime Minister, in a telecast that I assume was shown throughout Australia, admitted that the Minister for Shipping and Transport had, on six or seven occasions, stated a very strong case. I think the Prime Minister said (and this is what I read into his words) that he would be providing the answer during the election campaign, so that he could try to get some electoral mileage from it. However, do not let us kid ourselves: he will not be in office as Prime Minister to deliver the goods.

PARKSIDE SCHOOL

Mr. LANGLEY: Has the Minister of Education a reply to my recent question about the acquisition of additional land for Parkside Primary School?

The Hon. HUGH HUDSON: The Land Board is negotiating with the owners of three properties adjoining Parkside Primary School that are required to extend the limited schoolgrounds. It is proposed that when the properties are purchased the old improvements on them will be demolished and the site cleared.

INSTITUTION STAFF

Mr. MILLHOUSE (on notice):

1. Who has been responsible for the training of the four new assistant superintendents to be appointed to institutions to attack the problem of juvenile crime and improve the rate of rehabilitation?

2. By whom have they been instructed in the course of their training?

3. Have such instructors had any practical knowledge and experience in institutional work?

4. If so, how many of them and what is that knowledge and experience?

5. Where were they trained?

6. For how long have these officers undergone training?

7. Have any of these officers had practical experience in any institutional work in the capacity of a residential care worker?

8. If so, which of them and what is that experience?

The Hon. L. J. KING: The replies are as follows:

1. Under the general direction of Mr. Cox (Director-General) and Mr. C. E. M. Harris (Director—Metropolitan Services) the responsibility for the training lies with Mr. F. H. Althuizen (Supervisor—Treatment Services). He has worked within the department both as psychologist and as training officer.

2. Much of the training time has been spent in the centres working with the Superintendents and staff. They have had seminars, lectures and discussion sessions with Mr. Cox, Mr. Harris, and staff from both the South Australian Institute of Technology and Flinders University, as well as other specialist departmental staff.

3. Yes.

4. The Superintendents, Mr. Cox, Mr. Harris and some others have had experience in institutions. A balance is required between the theoretical and the practical viewpoints and frequent discussions are held to relate these points of view.

5. The assistant superintendents were trained within the department, with some assistance from tertiary teaching institutions.

6. Of six persons appointed as assistant superintendents, three were appointed in June, 1971, and three in June, 1972. Of the first group, one is at present undertaking community development work for the department; one was appointed Supervisor (Youth Project Centre) on May 18, 1972; and one is at present attached to Windana to assist in establishing assessment procedures. The second group is still involved in training.

7. Yes.

8. Of the first group of assistant superintendents, two had worked in residential care centres for periods prior to appointment as assistant superintendents. One had spent 18 months working in a hostel for delinquent girls in Britain and received an excellent reference from her supervisor. She has recently spent a leave period in the United Kingdom observing assessment centres and institutions for disturbed and anti-social young people. The other has had training periods in institutions, and has had considerable experience in positions of leadership in the Boy Scouts Association and the Citizens Military Forces. This officer is currently overseas on a Churchill Fellowship studying and observing institutions and other facilities. Of the second group, one has spent a training period in an institution and has worked as a social worker in a training centre. Another has considerable experience as a teacher and guidance officer and has worked in a community centre for young people in a deprived area of Liverpool, United Kingdom. The third person is a

graduate with an additional teaching diploma and three years of teaching experience.

ABATTOIR WAGES

Dr. EASTICK (on notice): What was the total of wages and salaries for overtime at the metropolitan and export abattoir, Gepps Cross, in each of the financial years from June 30, 1967 to 1972 inclusive?

The Hon. J. D. CORCORAN: The following figures have been furnished by the Metropolitan and Export Abattoirs Board:

	$
52 weeks ended June 27, 1967	208,012
52 weeks ended June 28, 1968	475,847
52 weeks ended June 24, 1969	182,355
53 weeks ended June 30, 1970	843,161
52 weeks ended June 29, 1971	1,678,982
52 weeks ended June 27, 1972	1,774,395

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (COMMITTEE)

The Legislative Council intimated that it did not insist on its amendment to which the House of Assembly had disagreed.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Renmark Irrigation Trust Act, 1936-1971. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

The effect of this short Bill will be to make considerable additional funds available to the Renmark Irrigation Trust. The firm proposals for these additional funds were negotiated between officers of the trust and officers of the Government and I am happy to inform members that the Chairman of the trust has advised the responsible Minister of the acceptance by the trust of the Government's realistic offer of grant and Loan funds. This Bill is introduced to ratify the agreement reached with the trust, since Parliamentary approval must be obtained for the necessary expenditure.

To consider the Bill in some detail: clauses 1 and 2 are formal. Clause 3 amends section 123b of the principal Act, which at present provides for a Government grant of up to $1,000,000 for the rehabilitation of the irrigation works of the trust and the provision of additional drainage within the Renmark Irrigation District. However, at present every dollar of this grant must be matched by a dollar of expenditure on these matters by the trust. The proposed amendment has two objects: first, to lift the upper limit of the total grant by $800,000 to $1,800,000; and secondly, to remove the matching expenditure requirement.

Clause 4 inserts three new sections in the principal Act. Section 123ba provides for additional financial assistance by way of a loan of up to $1,450,000 for the purposes mentioned in connection with section 123b. The repayment of this loan is to be spread over 40 years and the loan is to bear interest at 5 per cent. Section 123bb provides additional assistance by way of loan for the purposes of establishing a domestic water supply in the area. In this case the maximum amount of loan is fixed at $313,000, and again the repayments are to be spread over 40 years. Section 123bc is a formal appropriating provision. Clause 5 makes an amendment to the principal Act consequential on the amendments proposed. Thus the total additional assistance provided by this measure is about $2,563,000 and will be available at the rate of about $500,000 a year. This Bill is a hybrid Bill and will, in the ordinary course of events, be referred to a Select Committee of this House.

Mr. WARDLE (Murray): I support the Bill. A Select Committee is to be set up and is required to report before this measure can be proceeded with. For these reasons, although I have not studied the Bill in depth at this stage, I support it.

Bill read a second time and referred to a Select Committee consisting of the Hon. J. D. Corcoran, Messrs. Curren, Eastick, Harrison and Wardle; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on October 31.

LOWER RIVER BROUGHTON IRRIGATION TRUST ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Lower River Broughton Irrigation Trust Act, 1938-1940. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

It makes metric conversions to the Lower River Broughton Irrigation Trust Act, 1938-1940. It also makes several decimal conversions, and reduces the age at which a ratepayer may vote in elections or polls held by the trust. It may be sufficient if I deal with its provisions in detail. Clause 1 is formal. Clauses 2 to 5 effect simple decimal currency conversions. Clause 6 substitutes "hectare" for

"acre" where it appears: no change in principle is involved in this amendment. Clauses 7 to 9 effect simple decimal conversions.

Clause 10 amends section 115 of the principal Act, which deals with voting at elections and polls. The age at which a ratepayer may vote is lowered from 21 years to 18 years. A similar amendment was made to the Renmark Irrigation Trust Act by the Age of Majority (Reduction) Act, 1970-1971. This amendment, therefore, gives effect to clear Government policy in the matter. Section 115 also provides, in subsection (3), that a person who is ill, or who is more than 20 miles from a polling booth at election time, may vote by proxy. This is altered to 30 km, which is equal to 18.641 miles, so that the privilege of voting by proxy is thus slightly extended.

Clauses 11 to 14 make simple metric conversion amendments to various provisions of the principal Act that impose fines. Clauses 15 and 16 amend the second and fourth schedules to the principal Act by substituting decimal currency symbols for old currency symbols in the forms prescribed therein.

Mr. VENNING secured the adjournment of the debate.

SWIMMING POOLS (SAFETY) BILL

The Hon. G. T. VIRGO (Minister of Local Government) obtained leave and introduced a Bill for an Act to provide for the fencing of swimming pools; to repeal section 346a of the Local Government Act, 1934, as amended; and for other purposes. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

Members cannot fail to be distressed at the reports, which from time to time appear, of the accidental drowning of small children in domestic swimming pools. Accidental deaths are always tragic, but none more so than such deaths of very young children. This Bill, therefore, is intended to make a contribution to the reduction of these accidental deaths. Members will recall that, in 1969, a provision was inserted in the Local Government Act as section 346a, which gave councils power to require that swimming pools should be fenced. For a variety of reasons, that provision has not really proved a satisfactory solution to the problem. Accordingly, this Bill proposes the repeal of that provision, and places the burden of ensuring that swimming pools are properly enclosed on the owners of the pools.

I will now deal with the Bill in some detail. Clauses 1 and 2 are formal. Clause 3 sets out the definitions necessary for the purposes of the measure. I draw members' attention to the rather wide definition of "owner" in relation to a swimming pool. Clause 4 sets out the kinds of swimming pool that will not be touched by the measure. I suggest this provision is reasonably self-explanatory, but I draw attention to clause 5, which spells out in some detail the powers of the Minister to exempt swimming pools. Since the primary object of this measure is to ensure that swimming pools are not accessible to small children, a considerable discretion has been given to the Minister to exempt swimming pools where they can be rendered safe by other methods.

Clause 6 is the principal operative clause of the Bill, and sets out the requirements regarding the enclosure of a swimming pool to which the measure applies. In accordance with the policy in this matter, the dimensions relating to the enclosure have been expressed in metric terms. It is sufficient to state that the enclosure must have a minimum height of about 4ft. and may be composed of a fence, wall, or building, or any combination thereof, and shall be designed so as to prevent small children, as defined, from gaining unauthorized access to the pool. Special provisions relating to gates or doors are contained in subclause (3), and subclause (4) is significant in that it makes clear that, if the whole property on which the swimming pool is located is enclosed in the manner provided by this clause, no separate enclosure of the swimming pool is necessary.

Quite substantial penalties are provided for a breach of clause 6, penalties which, to some extent, reflect the seriousness with which this matter is viewed. However, I cannot emphasize too strongly that the purpose of this measure is not to place unnecessary burdens on the owners of swimming pools but to reduce, as far as possible, the appalling tragedies that may result from unenclosed pools. Clause 7 repeals section 346a of the Local Government Act.

Mr. GUNN secured the adjournment of the debate.

FOOTWEAR REGULATION ACT AMENDMENT BILL

Read a third time and passed.

RIVER TORRENS ACQUISITION ACT AMENDMENT BILL

Read a third time and passed.

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

Read a third time and passed.

ADVANCES TO SETTLERS ACT AMENDMENT BILL

Read a third time and passed.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Read a third time and passed.

CREDIT BILL

Second reading.

The Hon. L. J. KING (Attorney-General): I move:

That this Bill be now read a second time.

This Bill and its companion Bill, the Consumer Transactions Bill, are a further stage in implementing the Government's consumer protection programme. The Bill deals largely with the topic of money-lending and consumer credit, although there are certain modifications of the law relating to the sale of goods as it applies to consumer transactions. During the years following the passing of the uniform Hire-Purchase Agreements Act in 1960, the realization grew that the provisions of that Act and of the Money-lenders Act were inadequate to provide the public with the protection it needed in relation to consumer purchases and the credit required for those purchases.

Largely as a consequence of the initiatives of the present Premier (then Attorney-General), the Standing Committee of Attorneys-General decided, in 1966, to establish a committee drawn from the Adelaide Law School to study and report on the law relating to consumer credit and money-lending. The members of that committee were Professor Arthur Rogerson, Mr. M. J. Detmold and Mr. M. J. Trebilcock (now Professor Trebilcock of the University of Toronto). Their report was presented on February 25, 1969, and was a comprehensive and penetrating study of the topic. I acknowledge the great debt that the Government, the State of South Australia, and the whole of Australia owes to these men for their public-spirited labours. At the request of the Attorneys-General, a committee of the Law Council of Australia under the Chairmanship of Mr. T. Molomby, a Melbourne solicitor, embarked on a study of the means of implementing the principles contained in the Rogerson report. We are all deeply indebted to the members of that committee for the valuable report, which was produced on February 18, 1972. The need for legislation of this kind appears sufficiently from the following passage from the Adelaide Law School (Rogerson) report:

> In the last analysis, however, we have probably been most strongly influenced by a desire to see justice and fair play in consumer transactions. However hard it may be to assign precise meanings to these concepts, it is a fact that we have become aware, in the course of our investigation, of practices and conduct which no-one could possibly condone, ranging from out-and-out fraud to shabby reliance on technicalities to defeat the purposes of beneficial legislation. The only people to profit from these activities are the wrong-doers. Honest lenders, honest dealers, and duped consumers are inevitably the sufferers. Moreover, since the credit industry is so highly competitive, there is an ineluctable tendency for the standards of the honest lender and the honest dealer to the lowered, if they are to survive in business. We propose a number of measures to strike at the dishonest lender and dealer. Inevitably, and unfortunately, these will affect and perhaps hamper the honest. We think, however, that we have reduced this to a minimum and that the reputable will have nothing to fear if our proposals are implemented.

The point is emphasized in the following passage from the Law Council of Australia Committee (Molomby) report:

> *The Need for Reform*
>
> 1.1.4 The committee recognizes, and its terms of reference emphasize, that an important sector of the Australian economy is concerned with the provisions of credit. More and more credit is being made available to private persons as well as to businesses. Credit is provided where the payment of a debt is deferred. This may arise in the case of the deferment of payment for goods or services supplied or in the case of an ordinary loan repayable in the future. The need to recast the laws which govern consumer credit transactions is widely recognized both in Australia and overseas. The Crowther committee report lists seven groups of defects in the present law in the United Kingdom. These are as follows:
>
> (i) Regulation of transactions according to their form instead of according to their substance and function.
> (ii) The failure to distinguish consumer from commercial transactions.
> (iii) The artificial separation of the law relating to lending from the law relating to security for loans.
> (iv) The absence of any rational policy in relation to third party rights.
> (v) Excessive technicality.
> (vi) Lack of consistent policy in relation to sanctions for breach of statutory provisions.
> (vii) Overall, the irrelevance of credit law to present-day requirements, and the resultant failure to provide just solutions to common problems.
>
> 1.1.5 All these defects are present in Victoria, as they are elsewhere in Australia. The most

cursory examination of the legal nature of present consumer credit transactions and the legislation which regulates them shows only too clearly the defects categorized by the Crowther committee. In Victoria, as in the United Kingdom, the chief failure of existing law is concern with legal form rather than commercial substance and the chief symptom is a proliferation of forms of consumer credit designed to achieve the same commercial result but regulated in different ways. Previous legislation has been content to regulate each form of consumer credit separately, and this has served to emphasize still further matters of form rather than substance. Details of the proliferation of forms of consumer credit are given in chapter 2.1.

The Committee's Conclusion

1.1.6 In the committee's opinion the presence of these defects leads to the conclusion that there is a clear need for reform in this area. Such reform can only be achieved by legislation. Accordingly, the committee recommends that legislation be introduced to effect the reforms desired. The balance of this report is based upon this fundamental conclusion.

The Bill repeals the Money-lenders' Act, which, in the words of the Rogerson report, has "been influenced to a considerable degree by old attitudes which regarded most money-lenders as rapacious usurers, and most borrowers as necessitous paupers. While no doubt persons of both types still exist, and must be catered for by the law, these old attitudes are scarcely apposite in the context of the modern finance company or the modern consumer, who is, as often as not, borrowing not to buy a crust with which to sustain himself and his family, but to finance an oversea tour, or some such luxury."

The aim of the Bill is to provide protection for borrowers in a manner that will not prevent or impede fair and legitimate business practice. Where there are large disparities in the relative bargaining power of credit providers and consumers, statutory regulation is necessary to ensure that consumers are not over-reached by reason of their weaker position. However, the need for such regulation diminishes in the case of money-lending transactions between commercial enterprises, which are capable of negotiating terms that are mutually satisfactory. Hence the provisions of the Bill apply only to transactions entered into by consumers. A consumer is a natural person and hence the provision of credit to corporations does not come within the ambit of the Bill.

The Bill replaces the old system under which money-lenders were granted licences by a local court after police investigation into the suitability of applicants, by a system of licensing controlled by a specialist credit tribunal. The Commissioner for Prices and Consumer Affairs will act as an investigating authority to advise the tribunal on the commercial standing of the applicants for licences. The Credit Tribunal is a new body constituted of a Local Court Judge as Chairman, one representative of consumers and one representative of commerce. Although the main function of the tribunal will be to deal with licensing matters, it also has various other statutory jurisdictions such as the jurisdiction to reopen and recast the consumer credit transactions that are harsh or unconscionable.

Those required to be licensed as credit providers under the new system are persons whose business is, or includes, the provisions of credit, or who hold themselves out in any way as carrying on that business. Exemption from licensing is provided, as under the Money-lenders Act, for those bodies such as banks, building societies and insurance companies, which are already subject to control. Exemption is also provided for persons carrying on business in the course of which they do not provide credit upon which a credit charge at a rate of interest exceeding 10 per cent per annum is made. The corresponding rate of interest under the Money-lenders Act was 12 per cent per annum.

The Bill provides for the disclosure of information to be made in all credit contracts entered into by credit providers with consumers. A credit contract is any contract or agreement under which credit is provided by a credit provider to, or for the use or benefit of, a consumer and includes a sale by instalments.

While credit is defined in the Bill in very general terms to mean any advance of money or money's worth made in expectation of repayment or any forbearance to require payment of any money owing made in expectation of subsequent repayment, not all credit contracts which at first sight would appear to be controlled by the provisions of the Bill are in fact so controlled. While the milkman, retail store, local garage, etc., which allow customers to run monthly accounts are granting credit in the terms of the definition, such people are not, unless they charge interest at a rate exceeding 10 per cent per annum, subject to the legislation (apart from those provisions empowering the tribunal or a court to recast unconscionable credit transactions). Furthermore, where a retailer desires to provide revolving charge accounts on which credit charges in excess of 10 per cent per annum are imposed, he may apply to the tribunal for authority to maintain such accounts on behalf of his customers. Where the authority is

granted and the accounts are maintained in accordance with conditions stipulated by the tribunal, the provisions of the new legislation do not affect the provision of credit by means of the account.

Sales by instalments are regulated by the provisions of the Bill regardless of whether the credit provider is required to be licensed or not. Special reasons exist why this should be so. A sale by instalments is defined as a consumer contract for the sale of goods under which the consumer is entitled to discharge his pecuniary obligations under the contract in three or more instalments ("consumer contract" here refers to a consumer contract as defined in the Consumer Transactions Bill). Such a contract is one in which a customer purchases any goods or services, or takes any goods on hire (whether or not the contract purports to confer any right or option upon the consumer to purchase the goods) or acquires by any other means the use or benefit of any goods or services under which the consideration to be paid or provided by the consumer does not exceed $10,000. A sale by instalments is, in substance, a transaction of the kind covered by a hire-purchase agreement. Hire-purchase clothes a transaction with a legal form that does not correspond to the substance of the transaction.

Almost invariably a consumer enters into a hire-purchase agreement with a view to acquiring title to the goods subject to the agreement. The true purpose of such agreements is recognized in the Consumer Transactions Bill, which abolishes hire-purchase agreements, conferring on any such purported agreement the character of a sale by instalment. Under the present Hire-Purchase Agreements Act a person who enters into a hire-purchase agreement is entitled to be supplied with detailed information on the extent of his indebtedness, how this is calculated, the amount of each instalment to be paid to the credit provider, the number of such instalments, etc. He is also entitled to various other statutory protections of a kind provided in this Bill. It should be observed that the Hire-Purchase Agreements Act applies not only to agreements that provide for a hiring of goods with a right or option of purchase but also to sales by instalment where the vendor retains title beyond the date of delivery of the goods to the purchaser. By providing that any sale by instalments is regulated by the provisions of this Bill, regardless of whether the credit provider is required to be licensed, the *status quo* is being substantially preserved.

Clauses 1, 2 and 3 are formal. Clause 4 repeals the Money-lenders Act. Clause 5 contains the definitions necessary for the interpretation of the Bill. Clause 6 exempts certain persons and bodies from the requirement to be licensed as credit providers and provides that credit contracts entered into by them are not subject to the provisions of this Bill. Clause 6 (2) provides that the provision exempting credit contracts referred to in subclause (1) does not apply in respect of sales by instalment. This clause also provides that revolving charge accounts are to be exempted from the provisions of the new Act where they are operated in accordance with terms and conditions stipulated by the tribunal. Clause 7 commits the general administration of this measure to the Commissioner for Prices and Consumer Affairs.

Clause 8 gives the Commissioner a power, such as he has under the Prices Act, to delegate his powers to his officers. Such a delegation is not, however, permissible unless the officer to whom the Commissioner proposes to make the delegation is an officer to whom the Commissioner is by regulation authorized to make the delegation. Thus, Parliament will retain control of the extent to which delegation of powers is permissible under the new Act. Clause 9 provides that the Commissioner is to report annually to the Minister on the administration of the Act and that the Minister shall, as soon as practicable, cause a copy of the report to be laid before each House of Parliament. Clause 10 protects from liability persons acting in the administration of the Act where their actions have been done in good faith and in the performance or purported performance of their duties under the Act.

Clause 11 imposes the same obligations of secrecy on persons engaged in administering this Act as is imposed on persons administering the Prices Act. Clause 12 gives the Commissioner and his officers powers to enter and inspect businesses to investigate suspected breaches of the new legislation; this is similar to the power that the Commissioner has under the Prices Act. Subclause (2) provides that the power must be exercised so as to avoid any unnecessary interference with the business subject to investigation. Clause 13 establishes a Credit Tribunal consisting of five members. Provision is made for the Chairman to be a local court judge and for appropriate consumer and commercial representation on the tribunal. Clause 14 prescribes the term of office of the

Chairman and provides for the appointment of a Deputy Chairman.

Clause 15 sets out the term of office, and manner of removal, of the consumer and commercial representatives on the tribunal and contains a standard provision for the filling of casual vacancies. Clause 16 provides for the payment of allowances and expenses to members of the tribunal. Clause 17 is the usual provision to guard against the possibility of the acts of the tribunal being invalidated merely by reason of a vacancy in the office of a member. Clause 18 provides that when the tribunal is sitting in the exercise of its jurisdiction it shall be constituted of the Chairman, one member representing consumers and one member representing commercial interests. The tribunal may, however, be constituted of the Chairman sitting alone in certain matters to be defined by regulation; these will, of course, be the less important matters that do not justify the attendance of all members of the tribunal.

Clause 19 provides that the Chairman shall preside and determine questions of law and procedure but that other matters are to be decided by majority decision of the sitting members. Clause 20 ensures that a party to proceedings before the tribunal will receive adequate notice of the proceedings and deals with other matters of procedure. Clause 21 confers the usual powers on the tribunal to summon persons and send for books, papers and documents. Clause 22 empowers the tribunal to make such orders for costs as the tribunal considers just and reasonable. Clause 23 requires the tribunal to give the reasons for its decisions or orders in writing. Clause 24 empowers the tribunal to state a case on questions of law for the opinion of the Supreme Court. Clause 25 provides for an appeal to the Supreme Court from a decision of the tribunal. Clause 26 provides that orders of the tribunal may be suspended pending the hearing of an appeal by the Supreme Court.

Clause 27 provides for the appointment of a Registrar of the tribunal. Clause 28 provides that no person shall carry on business as a credit provider unless he is duly licensed. If a credit provider is not licensed, he is not entitled to recover any credit charge in respect of the credit provided by him and is liable to a penalty. Under the Money-lenders Act an unlicensed money-lender is not entitled to recover either principal or interest. Clause 29 prescribes the manner in which an application for a licence must be made. Clause 30 sets out the conditions that must be fulfilled to entitle a person or a company to be granted a licence. The major departure from the requirements of the Money-lenders Act is that the person, or company, as the case may be, must have sufficient financial resources to carry on business in a proper manner.

Clause 31 provides for the renewal of licences. Clause 32 provides for the surrender of licences. Clause 33 provides that licences shall not be transferable. Under the Money-lenders Act a local court could order the transfer of a money-lender's licence. The transfer proceedings were as complicated as an application for a new licence. There seems little merit in retaining the transferability of a licence when the system for applying for a new licence is simple. Clause 34 gives the Commissioner power to make investigations for the purposes of any matter before the tribunal. Clause 35 enables the Commissioner to call on the Police Force for assistance in investigating any matter before the tribunal.

Clause 36 empowers the tribunal to inquire into the conduct of persons licensed under the Act and to take any necessary disciplinary action. The Bill proposes a wider range of disciplinary action, ranging from a reprimand to cancellation of the licence, than is possible under the present law. Clause 37 requires credit providers to maintain a registered address from which they carry on business and where notices under the Act may be served on them. However, a credit provider can carry on business at any address of which he has notified the Registrar; this is a simplification of existing requirements. Under the Money-lenders Act a money-lender is required to be licensed in respect of every address at which he carries on business. Clause 38 prohibits credit providers from carrying on business in any name other than the one in which they are licensed; this does not differ from the position under the present Money-lenders Act.

Clause 39 requires licensed companies to employ a manager approved by the tribunal. Clause 40 requires every credit contract (not being a sale by instalment) to be in writing and to set out details of the amount borrowed, the method of repayment, the total amount of credit charged and a statement of any amounts paid on account of stamp duty and such like. Credit providers must supply the consumer with a copy of the credit contract and a statement setting out the provisions of the Act that afford protection to the consumer. This is much the same as the Money-lenders Act provisions, with the exception that a penalty is provided

for non-compliance, whereas under the Money-lenders Act a limitation was imposed on the amount of interest a money-lender who had not complied with the provisions could recover. Provision is also made for disclosure of the rate at which interest is to be charged; this is to be as required by regulation. The detailed provisions for disclosure of rates of interest have not been included in the Bill itself because of the complexity of the subject. Whatever formula is arrived at may be found to be wanting for some particular transactions. Thus, it is thought that the flexibility of a regulation is preferable. Changes can be made quickly so that business is not impeded by being required to use unworkable or unwieldy formulas for calculating interest rates.

Clause 41 sets out the information that must be contained in a credit contract which is a sale by instalments. The information required to be given is much the same as in the Hire-Purchase Agreements Act. There is no provision, as in the Hire-Purchase Agreements Act, that information shall be contained in a special form of document. There have long been doubts as to whether any extra information could be included in a document of this type under the Hire-Purchase Agreements Act and whether it is possible to vary the order of giving the information; no such questions arise under this provision. Clause 42 makes void any provision in a credit contract that provides for the payment of compound interest; this provision is based on a corresponding provision in the existing Money-lenders Act. Clause 43 limits the amount a credit provider can recover on determination of the contract, either by reason of breach of contract by the consumer or pursuant to agreement between the parties; this is along the same lines as an existing provision of the Money-lenders Act.

Clause 44 limits the amount a credit provider can recover on enforcement of a security taken to secure the amount of any payment due under a credit contract to the amount due under the security unless the contract prominently provides that the consumer or guarantor undertakes a personal liability in addition to the liability covered by the security. Clause 45 prohibits any person from recovering any fee for the procurement of credit. Once again, this is the same type of provision as presently exists under the Money-lenders Act.

Clause 46 enables a court or the tribunal to grant relief to a borrower where it considers that the terms of a credit contract, guarantee or mortgage are unduly harsh or oppressive. The relief may be granted either by the tribunal on the application of the aggrieved person, or by a court in any proceedings instituted for the enforcement of the contract, guarantee or mortgage. Clause 47 requires a credit provider to supply any person for whom he has provided credit, or a guarantor of such a person, with a statement of the state of his account.

Clause 48 deals with the assignment by a credit provider of his interest under a credit contract. Where this occurs the assignor must furnish the assignee with information that he may require to comply with his obligations to the consumer. Clause 49 provides that, where a credit provider has assigned his interest in a credit contract, any claim or defence that the consumer could have raised against the assignor shall be available against the assignee.

Clause 50, in effect, prevents the credit provider from securing repayment of an amount in excess of that due to him by obtaining negotiable instruments from the borrower to ensure payment to him of a fixed amount. This provision is based on an existing provision of the Hire-Purchase Agreements Act. Clause 51 places limitation on the assignment to credit providers of interests in deceased estates or under deeds of settlement or trust. The purpose of the provision is to ensure that the consumer fully appreciates the consequences of any such assignment.

Clause 52 protects a person who has entered into two or more credit contracts with the same credit provider by entitling him to specify to which contract or contracts the money paid by him is to be appropriated. Clause 53 requires that credit granted under a credit contract shall be provided in cash or by cheque without deduction for interest or any other charge. Clause 54 provides that advertisements offering to provide credit must conform to any stipulations made by the Commissioner and must state the authorized name and address of the credit provider. This provision will enable the Commissioner to prescribe undesirable advertising practices without creating spurious and unnecessary impediments to legitimate advertising.

Clause 55 prohibits the door-to-door canvassing of applications to borrow money. This is a pernicious practice which is at present prohibited under the Money-lenders Act. Clause 56 provides that all documents required to be in writing under the Act must be legible, and if printed the type must be of a certain size. Clause 57 imposes a penalty on any consumer who makes false or misleading statements in an application for credit under the new Act.

Clause 58 is an evidentiary provision. Clause 59 provides for the summary disposal of proceedings under this Act. Clause 60 provides for the service of documents under the Act. Clause 61 enables the Governor to make regulations for the purposes of the new Act.

Mr. MILLHOUSE secured the adjournment of the debate.

CONSUMER TRANSACTIONS BILL

Second reading.

The Hon. L. J. KING (Attorney-General): I move:

That this Bill be now read a second time.

It is a companion measure to the Credit Bill. The concepts embodied in the Bill are based on the principles embodied in the Rogerson Report on the Law relating to Consumer Credit and Money-lending, and certain of the recommendations contained in that report and the later Victorian and United Kingdom reports on consumer credit.

The philosophy behind this measure is that consumer transactions should be governed by legislation that encourages forms of legal transactions which are simple and which accord with the commercial substance of the transaction. Transactions which are more complicated than they need to be to give effect to the commercial bargain between the parties should be discouraged. In South Australia, as in the other States of Australia and the United Kingdom, a major deficiency of existing law is the proliferation of legal forms which tends to obscure the commercial substance of transactions. Consequently, different forms of transaction by which a consumer may obtain goods on credit abound, all designed to achieve the same commercial result but regulated in different ways. Previous legislation, such as the hire-purchase legislation, has proved deficient, because it is directed at a particular form of transaction. The result has been that the same transactions have continued but under different legal forms. This has effectively deprived the consumer of the protection that Parliament envisaged in formulating this protective legislation.

The Law Council Report on Fair Consumer Credit Laws lists 11 current forms of credit transaction, any one of which a person may use to buy a common article on credit. Even this list does not purport to be exhaustive. An analysis of this proliferation of forms of transaction indicates that the basic idea of them all is relatively simple. Commonly, they involve the acquisition of goods for which the consumer cannot pay, or chooses not to pay, at the time of the sale. The consumer is therefore given credit, either by the seller or by some third party. There are in such cases two elements, the sale element and the loan element. In some cases the transaction also involves the giving of a security interest by the consumer to either the seller of the goods or the third party financier.

The view of the Rogerson committee and the later committees is that, provided an adequate security interest is available to the credit provider, the consumer sale on credit and the consumer loan are the only transactions required to satisfy all the needs which are, under the present law, being met by the use of a variety of methods, including hire-purchase. In accordance with this principle, the Bill provides for the abolition of hire-purchase agreements by conferring on such transactions the character of sales by instalments under the Credit Bill. Property passes to the consumer on delivery of the goods to him. The security interest in the goods, which a vendor (or financier) would have had under a hire-purchase agreement by virtue of his property in the goods, is now obtained by the vendor (or financier) taking a consumer mortgage over the goods.

During the course of consideration of the various reports and proposals on the subject, it became apparent that it was illogical to give protection to consumers who had obtained credit from the seller of goods or from some financial house closely associated with him (in this legislation called a linked credit provider), but not to protect the consumer who either arranged his own finance (for example, by way of bank overdraft) or who paid in cash out of his savings. Consequently, the legislation applies in some of its aspects to consumer contracts generally and not only to sales to consumers on credit.

Clauses 1, 2 and 3 of the Bill are formal. Clause 4 repeals the Hire-Purchase Agreements Act. Clause 5 contains the definitions necessary for the interpretation of this Bill. Several of these require particular attention. A "consumer" is defined as a natural person who enters into a consumer contract or who is provided with credit under a credit contract or who enters into a consumer mortgage.

A "consumer contract" is a contract entered into by a consumer for the purchase of any goods or supply of services or for the hire of goods or for acquisition by any other means of the use or benefit of any goods and services, where the consideration does not

exceed $10,000. Dispositions of goods to persons who trade in goods of that description are excluded from the definition, as are sales by auction. Thus the legislation applies only to natural persons who obtain goods or services for less than $10,000, or, if hiring goods, pay no more than $10,000 in rental. All the reports have recognized that, however the persons protected by the legislation are defined, anomalies will arise. A simple monetary limit is recognized by both the Rogerson and the Law Council reports as the best means of delimiting the transactions to be covered by the new legislation.

The definition of "consumer contract" breaks new ground by including contracts for services and contracts for the hiring of goods that do not confer any right or option of purchase on the consumer. No legislation has hitherto regulated transactions of this kind. The next definition to be noticed is that of "consumer credit contract". A consumer credit contract is a credit contract, as defined under the Credit Bill, under which the amount of principal advanced does not exceed $10,000.

A "consumer lease" is a consumer contract for the hiring of goods under which the period of hire exceeds four months but which does not confer on the consumer any right or option to purchase the goods. "Consumer mortgage" is any mortgage, charge or other security taken over goods, to secure obligations under a consumer credit contract. This definition includes, and the Bill therefore permits, any of the existing types of security interest which may be taken over goods. The legal incidents of these security interests are, however, modified to some extent by the Bill.

"Guarantor" is defined to include a person who undertakes to indemnify a credit provider for failure by a consumer in carrying out his obligations. The provisions of the Hire-Purchase Agreements Act refer only to guarantees and not to indemnities, and thus can be easily circumvented by framing a collateral arrangement as an indemnity rather than as a guarantee. The Rogerson committee recommended that in consumer credit transactions guarantees and indemnities should be put on equal footing so that nothing should depend on what is little more than an accident of language. This definition implements that recommendation. "Hire-purchase agreement" is defined, in substance, as under the Hire-Purchase Agreements Act.

A "linked supplier" is a person who is closely associated with a credit provider and takes part in the negotiations leading to the formation of a credit contract between that credit provider and a consumer. The closely associated credit provider is called a "linked credit provider" and the credit contract entered into by the linked credit provider is called a "linked consumer credit contract". These definitions are necessary to put into effect the recommendation of the Law Council report that, where a close commercial relationship exists between a credit provider and a supplier, the credit provider should underwrite some of the liabilities of the supplier in respect of consumer sales on credit.

"Services" are defined by enumerating certain services with which the consumer is most commonly concerned and which he is, in the Government's view, entitled to expect to be rendered with due care and skill. "Supplier" is a person who in the course of business enters into consumer contracts or conducts negotiations leading to the formation of consumer contracts. Thus, the legislation does not embrace contracts that are not made in the course of a trade or business. Contracts between neighbours, for example, are not covered by the legislation.

Clause 6 ensures that contracts which properly relate to goods and services to be delivered or rendered within the State will be covered by the legislation. Thus, avoidance of the legislation by utilizing rules of private international law is prevented. Clause 7 provides that, where a consumer enters into a contract with a supplier and the supplier knows that the consumer intends to seek credit for the purposes of performing his obligations under the contract, the consumer may rescind the contract if he is unsuccessful in obtaining credit, even though the goods may have been delivered to the consumer by the supplier. Hitherto, it has been possible for a consumer to enter into a contract to purchase goods and then discover that his application for credit is rejected. He is left holding goods for which he cannot pay and would never have bought if he had known that his application for credit would be rejected.

Clause 8 sets out the conditions and warranties that are to be implied in every consumer contract for the sale of goods. Previously the conditions and warranties implied by the Sale of Goods Act could always be excluded by agreement between the parties, and some of the conditions and warranties implied by the Hire-Purchase Agreements Act in hire-purchase agreements could be excluded in the case of secondhand goods. This clause implies

conditions and warranties, which cannot be excluded, in sales of goods for cash and sales of goods on credit (including in this term sales by instalments), where the consideration for the sale does not exceed $10,000. The conditions and warranties follow very closely those of the Sale of Goods Act. The salient difference is that under the Bill a supplier has a much more limited right to exclude implied terms from the contract.

Subclauses (1) and (2) follow the Sale of Goods Act (section 12), and the Hire-Purchase Agreements Act (section 5), in implying a condition that the seller has a right to sell the goods, a warranty that the goods will be free from any charge or encumbrance, and a warranty that the consumer shall have and enjoy quiet possession of the goods. Subclause (3) follows section 13 of the Sale of Goods Act. Subclause (4) follows the condition of merchantable quality in the Hire-Purchase Agreements Act; subclause (5) is a new provision designed to ensure that the criterion of "merchantable quality" is sufficiently flexible to cover both new and secondhand goods. Under the Hire-Purchase Agreements Act, the condition could be excluded when the goods were secondhand. This distinction between new and secondhand goods is arbitrary and undesirable. The flexible condition envisaged by the Bill is thus a significant advance on existing law. Subclause (6) follows in effect the condition of fitness for a particular purpose in the Hire-Purchase Agreements Act and the Sale of Goods Act, though under the Hire-Purchase Agreements Act this condition could be excluded when the goods were secondhand.

Clause 9 implies in every consumer contract for the provision of services a warranty that the services will be rendered with due care and skill. This is a new provision that embodies in contracts for the supply of services the common law standard of care and skill. Hitherto the parties have always been able to exclude this warranty by agreement (unless such a condition is implied by a special Statute dealing with a particular service). Clause 10 provides that the conditions and warranties implied by clauses 8 and 9 cannot be excluded, limited or modified by agreement. Conditions and warranties other than those implied by this Bill can be excluded only if the attention of the consumer was drawn specifically to the exclusion, limitation or modification. Non-excludable warranties are essential for the protection of consumer purchasers. It has proved all too easy to obtain the purchaser's signature

to a clause excluding the operation of statutory warranties, thereby rendering the statutory protections ineffectual.

Clause 11 preserves all laws relating to the sale of goods and services except as modified by the provisions of this Bill. Clause 12 makes it clear that, where two or more suppliers are engaged in a consumer transaction, their liability to the consumer is to be joint and several. Clause 13 provides that where a consumer can recover damages against a supplier for breach of a consumer contract he can, if the supplier cannot pay in full, recover the amount outstanding from a linked credit provider. This is in line with the Law Council report recommendation that a credit provider who has close links with a supplier should be prepared to underwrite a default by that supplier. Clause 14 provides that, where employees or agents of a supplier make statements about goods or services that are, or become, subject to a consumer contract, those statements shall be deemed to be statements of the supplier. This is similar to a provision in the Second-hand Motor Vehicles Act. It is very common for salesmen to make statements about goods and services that are subsequently repudiated by the supplier, who claims that the salesman had no authority to make those statements.

Clause 15 entitles a consumer to rescind a consumer contract, within a reasonable time after delivery of the goods, for breach of any condition on the part of the supplier. This is a modification of the law in the Sale of Goods Act. Under that Act, once property in goods passes (and this usually occurs on delivery of the goods), a purchaser is not entitled to rescind the contract but is entitled only to sue for damages. This has long been recognized as anomalous and unsatisfactory. Clause 16 provides that where a consumer contract has been rescinded a consumer credit contract or a linked consumer credit contract made in respect of the consumer contract is automatically rescinded. This is a new provision designed to ensure that a consumer is not inhibited in exercising his right to rescind the contract. He would be so inhibited if his liability under the credit contract remained intact on rescission of the consumer contract.

Clause 17 provides that the fact that goods are subject to a consumer mortgage shall not act as a bar to rescission. Clause 18 enables the tribunal to settle disputes between the parties on the rescission of a consumer contract, consumer credit contract or consumer mortgage. The tribunal referred to here is the

Credit Tribunal established under the Credit Act. The tribunal has extensive powers under this Act to adjust relationships between the parties. Clause 19 provides that offers or applications made to credit providers for the purpose of enabling consumers to discharge their obligations under consumer contracts shall be revocable until the offer or application has been accepted by the credit provider. This is a new provision which is necessary to prevent the practice of some financiers who bind consumers to take credit when the consumer may have decided that he does not wish to continue with the purchase for which he needed credit. In such circumstances it is undesirable that the consumer should be unilaterally bound to accept credit if the financier chooses to accept his application. Where negotiations have not advanced to finality it is fair that the consumer should have as much contractual freedom as the supplier and the credit provider.

Clause 20 makes it an offence for a credit provider to pay any commission to a supplier for applications referred to that credit provider. This alters the Hire-Purchase Agreements Act provisions that allow commissions of 10 per cent of terms charges to be paid to a supplier. If it is commercially wrong for a supplier to receive a commission without the knowledge of the consumer, as I believe it to be, then the hire-purchase provision cannot be justified. Clause 21 sets out the detailed information that must be contained in a consumer lease. This is a new provision and is designed to give a consumer who enters into a lease the same kind of information as a consumer who purchases goods on credit obtains. Clause 22 requires a supplier to give a consumer seven days notice before exercising his right to take possession of goods subject to a consumer lease. Clause 23 empowers the tribunal to grant relief against harsh and unconscionable terms of consumer leases. It also enables a consumer to terminate a lease by returning the goods to the lessor.

Clause 24 prevents the supplier from recovering an undue amount from a consumer on premature termination of a leasing agreement. Injustice can be caused if the lease provides for payment of an exorbitant amount on the termination of lease. A similar evil arose in hire-purchase transactions before the introduction of adequate statutory controls. Clause 25 abolishes hire-purchase by providing that property in goods which are subject to a hire-purchase agreement passes to the consumer on delivery of the goods. The interest of the supplier is protected by a mortgage, in terms to be prescribed by regulation, that will secure the payments of the amounts due under the contract. The agreement is accordingly to be treated as a sale by instalment. Clause 26 provides that a reference to a consumer mortgage in Part III also covers any credit contract imposing obligations on a consumer that are secured by the mortgage. Clause 27 enables a consumer to discharge his obligations under a consumer mortgage at any time and prevents the mortgagee from recovering excessive amounts from the consumer on early termination of the mortgage. This is similar to the early termination provision in the Hire-Purchase Agreements Act.

Clause 28 prevents a mortgagee from exercising his right to take possession of goods subject to a consumer mortgage without due notice. Notice does not have to be given when the mortgagee has reasonable grounds for believing the goods will be removed or concealed or when the tribunal has ordered that notice need not be given. The mortgagee must give the consumer notice of his rights under the new Act. This is analogous to the repossession provisions of the Hire-Purchase Agreements Act. Clause 29 requires the mortgagee to retain possession of repossessed goods for at least 21 days before selling them. Clause 30 sets out the rights of a consumer whose goods have been repossessed. He has a right to have the goods redelivered to him if he remedies his breach or breaches of the mortgage or, failing that, he has a right to require the mortgagee to sell the goods to a person nominated by him. He has a right to any money in excess of that owing to the mortgagee which results from the sale of the goods. The mortgagee must sell goods which he has repossessed at the best price obtainable.

Clause 31 enables the consumer to return the mortgaged goods to the mortgagee at any time and require him to exercise his power of sale in respect of the goods. This is similar to the provision in the Hire-Purchase Agreements Act permitting the hirer to determine the hiring at any time. Clause 32 enables the mortgagee to require the consumer to furnish information as to the whereabouts of goods over which he has a mortgage. Clause 33 enables the tribunal to permit a consumer to remove goods from the place where they are, according to the terms of the mortgage, required to be kept or controlled. This is designed to overcome the kind of

situation in which, by the terms of the mortgage, goods are required to be kept in a certain place and it becomes impossible or inconvenient to keep them there. Removal of the goods from that place, without the consent of the mortgagee, would be in breach of the mortgage. This provision enables the tribunal to consent to the removal of the goods if the mortgagee refuses his consent.

Clause 34 prevents goods subject to a consumer mortgage from becoming fixtures if they were not fixtures at the time of the creation of the mortgage. Clause 35 enables the tribunal to order the delivery of goods to the mortgagee when they are being detained unlawfully by the consumer. It is an offence not to comply with an order of the tribunal made under this clause. Clause 36 makes it an offence for a person to defraud the mortgagee by selling or disposing of goods subject to a consumer mortgage. Clause 37 protects an innocent purchaser for value of goods which are subject to a consumer mortgage or a consumer lease by providing that he obtains good title to the goods, free of any charge over them. A purchaser does not, however, obtain a good title to the goods if there is reason to suspect a deficiency in the seller's title or if he is a dealer in goods of that kind. The Rogerson committee considered that this "watering down" of the security interest will not be the cause of significant loss to credit providers.

The committee was convinced that the hardship that an innocent third party may suffer in the case of a fraudulent disposition of secured goods far outweighs the slight diminution of profit that a credit provider might suffer if the legislation were designed to protect the individual purchaser. The individual has no sure way of finding out that a charge exists, and commonly has too few resources to sue the (probably indigent) defaulting consumer, who has been able to get the goods and, therefore, to sell them only because he has been given credit. The penalties provided under clause 36 are designed to be a deterrent to the fraudulent disposition of goods. Clause 38 enables a consumer who is for some reason, such as sickness, unemployment, temporarily unable to discharge his obligations under a consumer credit contract, lease or mortgage to apply to the tribunal for relief against the consequences of breach of the contract, lease or mortgage. The tribunal in granting any such relief must ensure that justice is done between all contracting parties. This new provision is based on recommendations in both the Rogerson and the Law Council reports.

Clause 39 defines the contracts of insurance to which Part VI of the new Act is to apply. Clause 40 provides that where a consumer is required under a consumer contract, credit contract, or consumer mortgage, to insure goods he is not to be required to insure with a particular insurer or to insure against unreasonable risks. Clause 41 gives a court or the tribunal power to relieve against breaches of a condition in an insurance contract provided that the insurer is not prejudiced by the breach. Clause 42 sets out what must be contained in insurance contracts which are taken out in conjunction with consumer contracts, credit contracts or mortgages. Relief is given to a consumer against unfair arbitration clauses in such contracts. Clause 43 limits the liability of a guarantor to the liability of the consumer whose obligations he has guaranteed.

Clause 44 provides that, where the guarantor agrees to undertake a separate liability independent of his liability upon the guarantee, the agreement shall be void unless the agreement is executed in the presence of an independent legal practitioner who is satisfied that the guarantor understands the effect of the agreement and has signed it voluntarily. Clause 45 provides for the summary disposal of proceedings for an offence (except an indictable offence) under the new Act. Clause 46 empowers the tribunal to grant extensions of time for the service of documents and such like. Clause 47 makes void any purported attempt to exclude any of the mandatory provisions of the Bill. Clause 48 requires documents under the Bill to be clear and legible. Where any written contractual provision does not meet the prescribed standards of legibility, it is not enforceable against a consumer. This provision does not, however, prevent the recovery of principal amounts advanced under a credit contract. Clause 49 provides for the service of notices or documents under the provisions of the new Act. Clause 50 enables the Governor to make regulations for the purposes of the new Act.

Dr. EASTICK secured the adjournment of the debate.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL

Adjourned debate on second reading.

(Continued from September 26. Page 1569.)

Mr. COUMBE (Torrens): I support the second reading, because the Opposition firmly

believes in the proper functioning of our industrial courts and in the real need to update this type of legislation from time to time in order to keep pace with changing conditions in this State. Further, the Opposition believes in the principle of strong trade unions properly and responsibly led by democratically-elected leaders working in the true and real interests of their individual members. We also believe that the arbitration system has resulted in significant improvements in working conditions for employees and that it should be supported. Regrettably, however, disputes will always occur from time to time, and this Parliament must provide an effective means of impartially settling these disputes.

The introduction of this Bill is most interesting, and we have been awaiting it for a long time. We have been told about it previously and, in my view, it can best be likened to the reproductive process of the human species. Its conception was heralded and loudly proclaimed by the Labor Party as an issue to be the alpha and omega of industrial relations and the panacea of all ills.

Members interjecting:

Mr. COUMBE: Its gestation period, however, was obviously long, difficult and laboured.

Mr. Clark: Are you going to perform an abortion on it?

Mr. COUMBE: Only a legal one! I understand that the Bill is a ninth draft, and that has some significance. Furthermore, I believe that numerous people have had claims to its paternity. Its eventual delivery in this House was not exactly welcomed with delight and ecstasy, judging from some of the extremely critical comments about which we have read from certain trade union leaders who were vocal about several of the Bill's features. Its early childhood could be stormy, to say the least. Therefore, to give it the infant nurture that it should have, much remedial surgery and dressing up will be necessary so that it may grow and thrive.

It was most interesting to read the reactions and statements of some union leaders who have made outspoken criticism of some of the provisions in the Bill. The Premier had to intervene to try to quieten down or stifle the criticism but, despite his personal efforts, although some union leaders suddenly became mute, others continued to mutter about their grouches on this measure.

The Bill separates the existing Industrial Code provisions into two parts. One is the section dealing with conciliation and arbitration, and the other section, yet to be introduced, will embody the recommendations of the Select Committee that sat for a whole year to consider the safety, health and welfare provisions of the Industrial Code. I support the principle that conciliation and arbitration should be provided for in a separate measure from that of the many other provisions in the Industrial Code. In his explanation the Minister has referred to conciliation and several important philosophical bases must be observed.

I agree with the Minister that conciliation is an extremely important aspect of this whole measure, and I shall deal with those bases. In my opinion, industrial disputes can be settled most equitably and reasonably by conciliation, and for this we should have independent adjudication, based on the merits of the matter in dispute. Neither side should be able to use its superior bargaining strength or economic strength to coerce the other side. The protection of the system should be available to all, impartially and equally, and the community should not suffer through the inability of sectional groups to reconcile their differences.

I consider that they are the important tenets in conciliation. The Minister, in his explanation, said that emphasis should be placed on conciliation before arbitration, and I have indicated that I agree that conciliation is extremely important in this jurisdiction. I admit that it was not easy to find some of this emphasis spelt out in detail, but opportunity is given in several provisions, and the Opposition supports the principle of conciliation. In fact, the Bill justifies my remarks in the Address in Reply debate earlier this session that we must support a system of conciliation and arbitration in this State and throughout Australia in the various jurisdictions.

This Bill and the principle of conciliation and arbitration provide important safeguards for the workers of this country as well as employers. Unfortunately, there are in our community some (fortunately, a minority) who advocate the overthrow or abolition of the present system in favour of collective bargaining. I immediately repudiate that advocacy because in this Bill and in the present system, updated from time to time, there is opportunity for all parties to have a fair hearing. Indeed, the alternative, grim to think about, would mean a return to the law of the jungle, resulting in many workers suffering. The individual workers undoubtedly would be hit hardest, along with members of their family and household.

This Bill continues the provisions of the old Industrial Code largely intact, with some significant variations, and it provides a system in which both sides can present their case fairly. Either side can invoke the system, and disagreements between employers and unions about wages and conditions of work in an industry can be settled by an independent umpire or arbitrator. The President will revert to the position he enjoyed many years ago. Some members may not know that many years ago he enjoyed the same status as that of a Supreme Court judge. I consider that this was correct and proper.

There is some streamlining in the Bill, but much of what the old Industrial Code provides is maintained intact. In some cases the penalties have been reduced, but I had better not comment on that, because we have read comments in the press that cover this aspect sufficiently. The Bill covers all sections of the State of South Australia, with proper exemptions for prescribed industries and persons. In my opinion, the Bill makes significant changes to the existing Code regarding the functions of the court, the commission, and the committees, the definitions, sick leave, equal pay, the law of torts, penalties, etc.

I consider that there are defects in the Bill, and I foreshadow that in Committee I shall move amendments designed to improve it. I shall be moving these amendments in a constructive frame of mind, because I object to certain clauses and I want this Bill to operate efficiently and fairly for all concerned. Indeed, I think all other members desire that. Some changes will be necessary to achieve this purpose and I hope to have the support of at least some other members in this regard.

Several queries have been raised about the general principles in the Bill, one being about the provision for adulthood at 21 years of age. This provision is necessary because we have apprentices who are improvers and we have minors working under various awards. I point out that, in the age of majority legislation, which this House passed in an earlier session, we provided that, in regard to industrial matters, the age of 18 years would not apply and the age of 21 years would apply. The old common rule seems to me to have disappeared because of the modern practice, with which I agree, that where a new award covering a section of an industry is opened, any other sections in that industry can receive a hearing.

This, of course, is essentially a Committee Bill but I intend to deal with the provisions in their order. We note a radical departure in the definition of employee. I consider that the old definition is adequate and, in terms of the new definition, some employees strictly are not employees at all. However, the Government intends to embrace several types of non-employees in this definition. For example, owner-drivers of vehicles are covered under the term "employee". How can the Government logically claim that these people are employees, and how can the legislation apply to them? It simply cannot. What happens, for example, in relation to an owner-driver? Does he give himself sick leave? How does he apply. The same applies to taxi-drivers who are not employed by another person. Cleaners are usually contractors or subcontractors and not employees, and the same applies to many building workers. These examples illustrate the Labor Party's avowed hatred of the subcontracting system in South Australia and of subcontracting generally. That fact was well illustrated to those of us who were members during the term of the Walsh Administration.

It is undoubtedly the Government's intention to abolish subcontracting work altogether. If this system is abolished, especially in relation to building work, the immediate result will be not only to dry up opportunities and incentives but also to increase building costs. In any event, the persons to whom I have referred are not, as the Minister admitted in his second reading explanation, strictly employees for the purposes of this Bill. Although the Government's action will not assist this class of person, it could severely restrict opportunities for people to advance. Why clutter up this Bill with these new provisions, especially when the Minister has not shown that any problems exist? Indeed, he was silent on this aspect in his second reading explanation.

The old definition, which is indeed wide, has stood the test of time. The same reasoning regarding this definition flows on to the definition of "employer", which should be corrected. The so-called employer could, in relation to paragraphs (*c*), (*d*), (*e*) and (*f*) of the definition, be continually changing, if not daily then weekly. Such a person is his own employer. Indeed, a carrier driving his own vehicle will sometimes take a load one way for a client and will backload for another on the return journey. How will such a situation relate to the definition in this clause? It simply will not work where there are different clients

and different employers. This illustrates how stupid these clauses are and how they simply will not work.

Mr. McRae: They work in New South Wales.

Mr. COUMBE: Is that so? I suggest that they will not work here in practice. They will merely make a mockery of this Bill, which we really want to see work. We want this Bill to be really effective and, to be effective, it must be simple. We should therefore eliminate any ambiguities that may creep into it and keep the legislation as simple as possible. The phrases used in various clauses, such as those regarding judgments being governed by equity, good conscience and the substantial merits of the case without regard to technicalities, legal forms or the practice of other courts, have been retained—an aspect with which I agree.

These phrases have been used not only by advocates but also by the commission itself when dealing with cases, and they have often led to more speedy settlement of disputes. With respect to my legal friends (and I am sure I have most members on side when I say this), the court is not charged with the responsibility of observing all the legal technicalities that may be raised. This is indeed a good principle, which has worked well in relation to some aspects of the legislation. Indeed, regarding some aspects legal practitioners are not permitted.

The phrases to which I have referred appear in clause 18 and other clauses; the term "industrial peace and harmony" appears in clause 25 (3), which enables the full commission to intervene in a dispute, which does not appear to be an industrial dispute, by declaring it to be such. Although the wording is verbose, the intention is clear, and I believe it should help to settle disputes by conciliation by enabling these disputes, which are not really industrial disputes within the meaning of the term, to be so declared to enable the commission to bring them on for hearing.

I turn now to clause 25 (1) (*b*) under which, where a workman is dismissed, the commission may direct his reinstatement and the employer shall pay that man for the time that elapsed between his dismissal and re-employment. To clarify this clause, one must examine the position regarding a summary dismissal. Paragraph (*b*) refers to employees who have a right of appeal such as the right granted by clause 157 and by other clauses. Therefore, to make this really workable and to limit the types of dismissal to what I believe is intended, the first line of paragraph (*b*) should be amended by inserting "summary" before "dismissal". I should like members to think about that matter. To clarify the provision further and to prevent abuses, it is logical that such an appeal against a dismissal should be lodged with the commission within 21 days of the dismissal. The period of 21 days is provided for elsewhere in the Bill and is not, therefore, a figure that has merely been plucked out of the air. This would solve the problem of a workman perhaps appearing months after his dismissal, during which time he could easily have obtained employment with another employer. Those two aspects should be seriously considered in order to clarify and improve the provision.

I now refer to clause 29 (1) (*c*), which provides for preference in employment to unionists. It is, of course, a complete reversal and negation of section 25 (3) of the Industrial Code, which provides that the commission expressly shall not have the power to grant preference, whereas this clause provides that the commission shall have power to grant preference. What does it all mean? We see once again the naked desire of the Australian Labor Party to abrogate the fundamental rights of common law by granting preference in employment to unionists.

What does "preference" really mean? That is a question well worth asking. I know that the Government and the A.L.P. state as their policy that preference should go to unionists, but what is really meant, in practice, is compulsory unionism. There is no real difference, although the Government is at considerable pains to play it down. Let me give an example. Let us assume that two men apply for a job that is advertised. The man who is not a union member will not get that job, no matter how well qualified he may be. Therefore, he is in effect discriminated against by a Government which professes to be against and which has legislated against discrimination in other fields. The non-union man is discriminated against so, in effect, the employer has no choice but to employ the man who is the union member, although he may prefer the other applicant. He would not be game to do otherwise: if he did, he would have all his employees out on strike. Also, if this Bill passes, he would be breaking the law.

I have already said that the employer has no choice in the matter. Where are his rights under the law? He has none. They are to be taken away by the stroke of a pen. If that employer had the temerity to employ

the man who was not a unionist, he would run the risk not only of being penalized by the court under this Bill but also of having a strike in his factory or his shop being declared "black". So we are not talking only about industry: we are talking about the whole of South Australia and about any factory, shop, or farm. No matter where it may be, that is the position.

But, more importantly—and I address this to a Government that professes to care for the people: what about the plight of the non-unionist applying for the job in the case I instanced? He will have lost not only the job he might have got but also his right and chance of getting that job. He could not get it unless he joined a union—that is what the Bill means. So he is forced into joining a union, even if he does not want to.

Mr. Langley: But he will take the benefits, won't he?

Mr. COUMBE: He has no choice: he must join a union or not get a job.

Mr. Wright: He has to pay income tax, too.

Mr. COUMBE: I would not mind if I paid as much income tax as the honourable member does.

Mr. Wright: I would put it the other way round.

Mr. Langley: That man would take the benefits.

Mr. COUMBE: That is the cry we always hear. I know the member for Unley is always coming forward with that argument. This is straight-out compulsory unionism under the cloak of "preference in employment". If we follow the industrial activities of recent months, we can take, for instance, the cement industry, where the recent disputes started, to see what is going on. We do not have to read the newspaper closely to understand that. The aim of the Australian Labor Party is compulsory unionism. Preference to unionists is only a cloak. That is the wording used but it is straight-out compulsory unionism, to which I object wholeheartedly. This paragraph providing for compulsory unionism is against our fundamental rights, the common law, and the rights of human freedom; it should be struck from the Bill. Members opposite are keen on quoting, when it suits them, the Universal Declaration of Human Rights, Article 20 of which provides:

(1) Everyone has the right to freedom of peaceful assembly and association.
(2) No-one may be compelled to belong to an association.

A union is an association. The Government itself is very fond of quoting from this Declaration from time to time, but it is significant that it closes its eyes to it and deliberately inserts this provision in the Bill. The real effect of the provision is to take out the clause in the Industrial Code that provides that the commission expressly shall not grant preference and to insert a clause providing that the commission shall provide a preference.

Paragraph (*f*) of the same subclause should be amended, in my opinion, so that no such direction of the commission should be made where an industrial agreement made under this Act is in force; otherwise, I believe that industrial agreements arrived at by consent and agreement could be jeopardized. I think members would agree with that. Wherever industrial agreements have been arrived at, I believe that it should be provided that, where the commission makes variations to awards, it should not interfere with industrial agreements registered with the commission. If the parties to an industrial agreement want to vary it, they should return to the commission. I am sure that there is a drafting error in paragraph (*g*). It appears also in clauses 69 (*g*) and 99 (*f*). It is common practice to bring down an award to take effect from a date prior to the actual handing down of the award but, as the paragraph reads, there is no limit to the amount of retrospectivity provided. I am sure that this is not intended. All members can see the flaw in this draft. An amendment is required to provide that no such award shall take effect earlier than the date on which the application is first lodged with the commission. That is common sense and it is common practice, and the paragraph should be amended accordingly. I refer to section 28 (1) of the Industrial Code regarding this provision.

Clause 69 (1) (*c*) concerns the conciliation committee's power to give preference to unionists. I find this objectionable and I think it should be struck out. Clause 78 deals with equal pay, a principle which was supported by my Party when it was introduced in 1967 and which is still supported now. Previously, applications for equal pay were heard before the Full Commission, as is provided by section 79 of the Code. The Bill provides that a single commissioner may hear such claims, the sole reason given being that such claims could be expedited if heard by a single member rather than by the Full Commission. Members on this side strongly believe that, as this matter of equal pay is of such importance not only to the claimants themselves (who

wish to obtain benefits from such claims) but also to members of the community generally. such applications should be heard by the Full Commission and not by a single commissioner. The provision should remain as it is in the Code. What is the Minister afraid of? What is wrong with the Full Commission's hearing such claims? Much litigation has occurred, particularly in the Eastern States, regarding this matter, and I believe that the Full Commission should continue to hear such claims as in the manner provided by clause 82, concerning annual leave. Why is this matter handled in this way in this instance but not in other instances?

Regarding equal pay, the word "volume" has been deleted from clause 78 (2), and section 79 (6) (*b*) of the old Industrial Code has also been deleted. That section provided that equal pay provisions did not apply to work essentially or usually performed by females but on which male employees might also be employed. I do not argue about that, but I suggest that the Government may be in trouble in the future operation of those provisions. Clauses 80 and 81 break new ground by writing sick leave provisions into this legislation for the first time. I believe that it is not a function of a Government to lay down working conditions, because they should rightly be handled by the Full Commission. The Commonwealth commission inserts into awards conditions relating to sick leave. In the recent metal trades award, it increased the sick leave entitlement. Without citing other precedents, I say that I firmly believe in the principle that the provision of working conditions is not a function of Government and that this responsibility should rest with the Full Commission. Conditions of work such as sick pay are different and should be treated differently from such matters as annual leave and equal pay. Long service leave is dealt by a separate Act,

I referred earlier to the Commonwealth metal trades award decision on sick leave where, apart from accumulation, the provision for 40 hours was on application varied so that in the first 12 months of service with an employer the entitlement was to be 40 hours and in the second and subsequent years thereafter it was to be 64 hours. That was changed by the commission itself, not by the Government. I believe that provisions relating to sick leave are not really functions of the Government and should be decided by the Full Commission.

Clause 82 (4) provides for average weekly earnings to be paid during the taking of annual leave, which is a new provision. The operative words are "average weekly earnings". As this plain statement will embrace all allowances, overtime, over-award payments, and travelling, shift and other allowances, this provision is not correct or proper. It is contrary to the recent decision handed down by the Commonwealth Conciliation and Arbitration Commission, which flatly rejected the granting of average weekly earnings for annual leave, but instead ruled that, in addition to an employee's current weekly earnings, certain allowances should be paid and some should not. That is the logical approach to this matter. The Bill's provisions mean that, when a man works much overtime and receives certain allowances, they will be considered when calculating his average weekly earnings.

Mr. Wright: Why shouldn't they be?

Mr. COUMBE: I suggest that the procedure contained in the award handed down by the Commonwealth court is the logical approach to this matter, and, to provide that this can be done and to avoid conflict with subclauses (1), (2), and (3) of this clause, we should amend the subclause by deleting "average weekly earning" and inserting "such amounts as shall be determined from time to time by the Full Commission in addition to the current weekly earnings".

Mr. Brown: The commission would be busy.

Mr. COUMBE: That may well be.

Mr. Brown: You can't get it now.

Mr. COUMBE: This would leave the way open for the extra amounts, where applicable, to be added to the current earnings by the Full Commission. I point out that some employers have followed the practice of paying in excess of current weekly earnings when an employee takes his annual leave, but in many cases they do not pay the current award rate but pay the current weekly earnings, which includes over-award payments. I commend that practice, but that is different from considering overtime and certain other allowances paid which have been added to the average weekly earnings. I believe that the last two lines should be deleted from clause 82 (4), because they provide that, irrespective of the reason for terminating employment, proportionate annual leave shall be paid. This cuts across the case of summary dismissals and, in any case, if an employee is aggrieved, rights of appeal are available in other provisions of this Bill.

Clause 83 is important: it relates to automation and redundancy therefrom. Automation has been available for some time and,

unfortunately, because of the varying technology of modern processes, it may grow in some industries to an extent that was not considered possible by many people. I believe that this clause has real merit, because of the increasing introduction of automation in some industries today. However, I hope that the provision works correctly, and that it is not used against an employer who faces the loss of markets for his products. He must have control of his output and his establishment, and I suggest that this provision should be confined to the effects of automation and to take care of redundancies. I support that provision, but it should not be used in an oblique way.

I turn now to clause 145, which deals with torts, and I presume that this provision will be controversial. Although I find it objectionable I am not arguing the point, because the member for Mitcham will elaborate on this clause. Not only do I find it objectionable but also I find that some of the premises advanced by the Premier, when this subject was debated during the Kangaroo Island dispute, were wide of the mark. They were of dubious foundation, as I have been able to ascertain by considering some of his references.

I turn now to clause 156. For the peace of mind of the Minister, I inform him that I shall not discuss every point that I wish to query. However, I will raise these matters in Committee: during this speech I am selecting the major items to discuss, because I believe that is the correct course. I have capable colleagues who will speak on relevant matters. However, I shall also query details in Committee, when I hope I will receive the correct information from the Minister, who is usually so communicative and informative about these matters. Clause 156 deals with penalties and is probably one of the most curious although smallest clauses in the Bill.

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

Mr. COUMBE: This is the first time that I have seen such a clause as clause 156 in any type of legal matter, whether civil, criminal or industrial, that has been brought into the House. The clause provides that any fine imposed in respect of certain proceedings shall go to a complainant or to the Treasury (that is, to the revenue of the State). We are not talking about costs or damages, but about the fine imposed by the court or the commission. The clause provides that the fine may go to the complainant. The commission has the alternative: the fine may go to the complainant or to the Treasurer. This means that the fine may go to a complainant of either side; I believe that this is a complete negation of the present practice.

What court in any jurisdiction in this State awards a fine to a complainant? Courts certainly award costs and damages, but they do not award a fine to a complainant. The fine automatically goes into the general revenue of the State. So I believe that we are initiating a dangerous practice. Therefore, the principle contained in clause 156 is bad in practice, bad in law, and bad in conscience, and the whole clause should be deleted. Admittedly, there was an obscure case in New South Wales some years ago in this regard, but here, in South Australia, there is no case to my knowledge of any court awarding the fine to the complainant. It is bad in practice, in law, and in conscience. I support the idea that damages and costs should be awarded where applicable, but I am strongly opposed to the fine going to a complainant, because that could lead to many abuses. I believe that that is wrong in principle and that the whole clause should be deleted.

The clauses to which I have referred are, in the main, major matters. However, several minor matters will be raised in Committee because, after all, members would no doubt agree that this is essentially a Committee Bill, and it will take us some time to go through the 177 clauses of the Bill and the schedule. I submit that of the matters I touched on earlier, three or four major matters must be studied carefully by the House and eventually by the Committee. They are the definitions, to which I referred, of "employee" and "employer", because they simply will not work and are stupid in concept. Regarding subcontractors, we see displayed the Government's open hatred of the subcontracting system, which is an essential part of many of the activities carried on in this State. The Government has often expressed its open desire to get rid of the subcontracting system, but I believe that that would be a bad day for the economy of the State, especially in the building industry.

I referred also to the preference clauses and postulated that if they were put into practice they would really amount to compulsory unionism. I object to that term and to that practice because, no matter by whatever name compulsory unionism is called, preference to unionists leads to compulsory unionism. I gave a striking example of how it could work to the detriment not only of the employer

but more particularly of the employee. After all, the Bill is basically designed to protect the employees of the State and to advance their aims and rights. I have touched only briefly on the question of torts, because that subject will be handled by the member for Mitcham. Although I object to that facet of the Bill, I know why it has been included. I went on to say that I believed that the Full Commission should have further powers. Certain aspects of the legislation could more properly and more rightly be handled by the Full Commission, and not by Parliament; in one case, from the commission to the Full Commission, and in the other case from Parliament to the Full Commission. Regarding equal pay, I have said that, instead of one commissioner hearing the claim, it should be referred to the Full Commission, as is the present practice. No speaker has yet put up a case to say why this should not be so.

Mr. Langley: We have had only one speaker.

Mr. COUMBE: But that speaker did not refer to it.

The Hon. D. H. McKee: What about yourself?

Mr. COUMBE: There has been only one speaker from the Government side. Legislation covering sick pay should be handled by the Full Commission. I am aware that some of the matters to which I have referred, such as preference to unionists, are included in the legislation of some other States and of the Commonwealth, but that does not necessarily mean that those provisions are right. We are concerned that the workers of South Australia should get the best possible deal, and whether such matters are included in the legislation of other States or of the Commonwealth does not necessarily make them right. I have argued logically that, as we are responsible people, we should put these provisions in their right perspective and place them in the hands of the Full Commission. At the outset, I said that all members believed in certain fundamentals. We want this Bill, for which we have waited so long, to be as simple as possible. We do not want it cluttered up with ambiguities that give rise to contention: we want people to be able to understand its provisions clearly, so that it can work efficiently and properly to the benefit of the whole community.

When they are ready, I will give the Minister a copy of my amendments. Although I do not expect for a moment that they will all be accepted (I would be foolish to expect that), I believe they are worth considering. I put them forward constructively in an effort to improve the working of the Bill, as it applies to the court, the commission, and the conciliation committees. I hope honourable members will consider these amendments in that light. I have already indicated that the Opposition believes in the continuing function of industrial tribunals in this country. If we did not have such tribunals, we could easily revert to the law of the jungle. We also believe in the proper functioning of trade unions, working under democratically elected leaders for the benefit of their members. Having put forward these principles, I support the second reading.

Mr. CRIMES (Spence): I, too, support the second reading of the Bill but, unlike the member for Torrens, I do not intend to criticize it. However, in some ways, I could agree with certain of his comments. I heartily agree with his contention that it is appropriate that a Bill of this type should be introduced to deal with industrial matters, and that a separate Bill should deal with matters affecting safety, health, and welfare in industry. I believe that it is a step forward in this State to regard both of these subjects as of major importance. We have only to consider the regrettably large number of industrial accidents that take place to realize the need for legislation dealing specifically with safety, health, and welfare in industry. Moreover, it will be much easier for a layman to find the provision he is looking for, whether it relates to industrial matters, or to safety, health, or welfare, by being able to refer to two separate Statutes.

The Bill presents the principle of conciliation before that of arbitration. It brings conciliation and arbitration into areas in which they were previously denied. Furthermore, they are not limited strictly to industrial disputes. I see conciliation in industry as a process of dialogue between the contesting parties, and I think that is absolutely essential. When one leaves the field of communication or dialogue one automatically enters a situation that denies civilized human existence. In effect, by making conciliation the prime requirement of the Bill, we are emphasizing the need for a spirit amongst employees and employers of getting together. This is necessary if they are to have some real understanding of the problems and difficulties that beset both sides.

I was interested and pleased to hear the member for Torrens say that disputes would continue. I agree with that because, in a competitive economy, disputes are inevitable from time to time. In fact, the very word "competition" implies that disputes will occur.

The provisions of the Bill will truly enable workers to be dealt with as human beings. Job implications and the problems forced on employees will be considered. Through their official representatives in the unions and by representations in the conciliation area, employees will have the opportunity to discuss, at conferences, problems that they have in their jobs. We know how important this is from the psychological point of view. Some industries have many more difficulties associated with them than have other industries. This is illustrated by the automobile industry in which there exist these soul-deadening repetitive jobs in the system of the production line. It has been increasingly recognized that something must be done in order to relieve workers, who perform such jobs, of the types of pressure that bear so heavily on them.

In industry we are dealing with contesting parties, because basically the employer section of the community seeks to draw towards itself as great a proportion of the gross national product, in terms of wealth, as it can achieve. On the other hand, it cannot be thought odd that workers should adopt practically the same attitude, seeking through their organizations as great a share of the gross national product as their activities warrant. Therefore, the need for dialogue in industry is necessary, and it is admirably emphasized in the Bill. In this connection, I remember with interest my experiences some years ago as an industrial officer for the Australian Workers Union and the frustrations that occurred from time to time in that position. Instead of being able to deal with the various problems with the direct representative of the employers, we had to discuss the various matters on a purely legalistic basis, a basis of arbitration rather than of conciliation. In other words, we were cut off from the employers and had to face the arguments of representatives in the persons of industrial officers of the Chamber of Manufactures and, on rarer occasions, the South Australian Employers Federation.

In contradistinction to my experience in those days, which were happier in other ways, of course, I remember my experience as Secretary of the South Australian branch of the Gas Employees Union. Here I experienced that kind of dialogue, conciliation, and conference which I believe is the spirit and motivation of this Bill, because there was never an occasion when I failed to gain the attention of the management of that company regarding any problem which came before the members of the union, or before the union itself as a collective entity. Indeed, quite apart from dealing with problems which did arise from time to time, we had the pleasant experience of having conferences agreed to at periodical intervals, at which we could discuss problems which possibly could arise. In this way we were looking at situations which had inherent in them some dispute, and we were able to solve the problem on many occasions before it arose.

One must say, it seems to me, that the presence of third parties during industrial discussions or disputations is always unwelcome, whether the third party be some body, such as the Chamber of Manufactures, or the Employers Federation, or even the arbitration authority itself. Here we have a Bill which provides machinery whereby the two parties can come together under a legally protected umbrella which gives them opportunity to speak freely on their problems one to the other and attempt to reach some solution. It is gratifying that all (and I emphasize "all") persons in this State, whether covered by an award or not, will be entitled to agreement or award coverage. I refer again to my experience in the Australian Workers Union when, as an industrial officer, I was asked time and time again by people in rural industries what were the conditions of their awards. I had to tell them they had no legal protection whatever from an arbitration authority. This was, of course, because the Industrial Code precisely denied them the right as individuals, collectively or through a union, to approach an arbitration authority to gain legal protection against the depredations of any employer.

It is especially pleasing, too, that all (and again I emphasize the word) employees will be entitled to annual leave and sick leave on a specified minimum basis. There should be no discrimination on the basis of the occupation chosen by a worker, or perhaps more often an occupation into which a worker is forced by economic circumstances because it is the only job available to him. There should be no discrimination regarding such fundamental requirements, on a human basis, as sick leave and annual or recreation leave.

Persons who are employed in non-profit organizations will be entitled to the benefit of awards, and I suggest this could be helpful to the unions because it is obvious that, if groups of workers who previously have been denied coverage by awards suddenly find that they can be so covered, they will be anxious to have an organization representing them and this, of

course, will help the very necessary strengthening of a responsible trade union movement in South Australia. The Bill provides that the Minister may exclude, in the public interest, any non-profit organization from being covered by an industrial award. This indicates the wish of the Government that there shall not arise any circumstances in which a helpful charitable body shall be hampered in its activities on behalf of needy people in the State. I hope, however, that the Minister never finds it necessary to examine a situation which could lead him to exclude such organizations.

The Bill gives the Industrial Commission the right to provide for preference to unionists and it is, as the member for Torrens said, Australian Labor Party policy, not compulsory unionism. We have had the experience of compulsory unionism in Australia, particularly in Queensland.

Mr. Mathwin: You can say that again!

Mr. CRIMES: We have had an unhappy experience in the State of Queensland, and I am grateful to the member for Glenelg for wanting me to repeat what I said. The difficulty with compulsory unionism is that it sometimes reacts against the effective and efficient administration of trade unions. Trade union officials are not always paragons of virtue, although most of them are people striving to do the best they can. However, it must be clearly understood that a situation of genuine compulsory unionism brings with it the problem of who holds the union tickets, because the employer, knowing that his employees have to be members of a union, does not worry to tell them that they should be interested in being members. He buys the tickets, and frequently puts them in his safe or strongroom. The situation has arisen in Queensland where a union representative or organizer has called for a ticket show and has found that none of the employees is holding a ticket: all the tickets are in the possession of the management. Then again, there is the "easy money" aspect of compulsory unionism: money coming into union coffers without a great deal of effort on the part of union officials. Here we do find some hampering effect upon the efficiency of the officials.

The prevention of civil proceedings in essentially industrial matters has been recognized on a world-wide scale, yet tonight the member for Torrens has argued on a basis that could be more properly related to the attitudes on this matter in the early 1900's. The need for ridding civil action from dealing with industrial disputes was recognized in the United Kingdom as long ago as 1906 (and I think the member for Glenelg realizes this), at the time of the passage of the Trade Disputes Act.

Mr. Mathwin: I was not even born then.

Members interjecting:

The SPEAKER: Order!

Mr. CRIMES: I regret that I have been instrumental in submitting the member for Glenelg to a barrage of attacks. However, it was found that the 1906 Trade Disputes Act was not effective in barring the entry of civil action into industrial disputes, and it was in 1965 that the Wilson Government made the position clear. In this respect, one who has already been quoted by the member for Torrens—

Members interjecting:

The SPEAKER: Order! The honourable member for Spence has the call and will not be subjected to crossfire across the Chamber. Honourable members on both sides of the House must conduct themselves properly so that the honourable member for Spence can be heard in silence.

Mr. CRIMES: Thank you, Mr. Speaker. It is gratifying that one can always count upon you for defence when one is unduly interjected upon.

Mr. Gunn: You'll get on.

The SPEAKER: Order!

Mr. CRIMES: I am about to quote a person who has already been referred to in quite pleasant terms by the member for Torrens. I am referring to Mr. Clyde Cameron, M.H.R., who, regarding this unhappy entry of civil law into industrial disputation, said:

> If unions are not to be given immunity from actions for torts a situation could arise whereby, for instance, in the 15-working-day dispute in 1964 between the Vehicle Builders Union and General Motors-Holden's the union could be sued for well over $100,000,000. This is absurd—

that is, the situation is absurd—

> and becomes more absurd when it is realized that under the law once liability is established it is not within the competence of a court to award one single cent less than the full extent of the damage suffered by the employer concerned. So, once General Motors-Holden's is able to prove liability, to prove that the union is culpable and to prove that it has suffered damage, all that remains to be done is to assess its damages, which could amount to more than $100,000,000.

This is not flying into cloud cuckoo land; this is practical fact. This is the extent to which this wretched impingement of civil law upon industrial law could carry us. In the United States, the United Kingdom and, indeed,

everywhere else where there is collective bargaining, except during the currency of an agreement, there is a debarring of the entry of civil law into industrial disputation. Closer to home, we have the situation in Queensland, where for 50 years the situation has remained unchanged. Of course, in Queensland the happy situation prevails where the threat of the entry of civil law into industrial disputes does not exist. The significant part of this is that in the years of Country Party and Liberal Party coalition in Queensland no attempt has been made to change the situation. One may be excused for recommending to Opposition members that in this precise matter they could well follow the example of their colleagues in Queensland.

One sees in the Bill a recognition that we are entering into what one may logically term the second industrial revolution. The Bill recognizes this by making a rather tentative approach to the situation, and requiring employers to give no less than three months notice of displacement of their employees by technological change in order to give them an opportunity to seek, and hopefully to find, other employment. This is in keeping with the changing times (and indeed they are changing times), and this statement is validated by a recent statement by the Victorian Chamber of Manufactures, which on September 3 last made a forecast (which is horrifying, to say the least) that 250,000 Australian workers would lose their jobs within a year because of technological changes in industry. The statement continued that many of the workers did not yet know this.

Therefore, the position, according to an employer organization and not according to union agitators or militants within the unions, is that this situation factually faces 250,000 Australian workers. The report said that many skilled workers made redundant by technology would be able to find new jobs, but many others would have to learn fresh skills. About 100,000 people, or 2 per cent of the work force, were unemployed already and about 300,000 more a year went through a period of unemployment. People from this group were finding it more difficult to find jobs in their own field.

This Bill recognizes the existence of this grave industrial problem. Although it is perhaps not going as far as I would wish in catching up with the industrially revolutionary times in which we live, it is making a welcome start in its approach by requiring that three months notice must be given to any employee who is to be displaced in his industry by technological change. It is in keeping with the times also (and perhaps I should say that we are way behind the times here but, happily, we are doing something about it) that the Bill removes the restriction on the Industrial Commission to grant equal pay to women. One may safely say that this action was inevitable. But, even though there may be within the community many groups and individuals who would like to maintain a lower financial status for women in industry than exists for men, they no longer have the courage to speak their feelings. Perhaps they recognize the growing strength of the women's movement, exemplified lately, of course, by the somewhat alarming, in some ways, Women's Liberation Movement. In relation to this move, complete discretion is permitted to the commission in relation to the claims that may come before it for equal pay for women, which means that this is not a blanket proposal. It means that the commission will look at each industry, and the womenfolk employed in each industry, on the basis of the merits of the situation.

I think it is to prevent delay that claims can now be made in increasing number to a single member of the commission—a presidential member or a commissioner. Too long in the past has arbitration (certainly arbitration and sometimes conciliation) been proscribed and made ineffective by the delays that have occurred, during which unions and workers have had to wait to have their claims heard. I think that this frustration will be done away with by the provisions of this Bill that aim at speeding up dealing with disputes. One of the best provisions in the Bill, to my mind and, I believe, to the minds of my colleagues, is the fact that the commission will be enabled to hear any question involving the dismissal of an employee on bases harsh, unjust or unreasonable. None of those qualifications could be regarded as unreasonable. The Bill provides to the commission the power to reinstate workers who have been dismissed on unreasonable terms, to place them back in the job on an equal basis of remuneration and conditions to what obtained before. In other words, the employer must pay the full wages between the time of dismissal and the time of reinstatement. This is a most important provision. I say that because my experience showed me time and again, when I was operating in the trade union field, that an employee could be dismissed because he was personally disliked by a

foreman or a superintendent in the enterprise in which he was engaged, and it was almost inevitably the case that, when the employer looked at the situation and listened to the representation of the union covering the dismissed employee, the employer took the word of the person representing him in the hierarchy of the administration of his business. In other words, the word of a foreman, a supervisor or a superintendent counted much more heavily than did the word of the worker who had been dismissed, or even of other workmen who were aware of the circumstances.

Dr. Eastick: Doesn't that apply to shop stewards and organizers?

Mr. CRIMES: Yes; particularly in the olden days this frequently occurred. It is not occurring so regularly now, and I put that down to the fact that workers in industry are demanding more involvement than ever before in the protection of their rights on the shop floor. There are many machinery provisions in this Bill designed to update the treatment of industrial problems and streamline the approach to them. I do not intend to refer specifically at this stage to clauses in the Bill because here again I agree with the member for Torrens that this is essentially a Committee Bill. The member for Torrens somewhat sarcastically said that we were dealing with the ninth draft of the Bill. I do not think that is a basis for real criticism. On the contrary, this is a worthy indication of the fact that the Government and its relevant committee have paid much attention to the need for a modern, up-to-date and humane Bill to deal with industrial problems.

Dr. Eastick: You do not think it indicates pressure, do you?

Mr. CRIMES: Of course there has been pressure. I do not understand why the Leader of the Opposition sees something wrong in pressure in the community. Our whole community is built up by pressures from certain interests, no matter what they are—interests represented by people on the Leader's side of the House, pressing his colleagues to do what the people would have them do. It would be extremely odd if there were not people on our side of society who did not press us to do the things we should rightly do. There is nothing strange about that. It would be strange if there was no pressure. Pressure indicates interest and, above all, we want the interest and involvement of the people outside Parliament. The more pressures we get, the better I see it as being because those pressures are coming from people, and people are represented by the principle of democracy, which we are expected to uphold. Therefore, we welcome pressure.

We always accept pressure because we are certainly allowed our opinions on things and frequently we know a little more than do laymen outside Parliament; but, if there can be a marrying of the opinions that people outside Parliament have with the knowledge that we have of problems, then we are approaching as nearly as possible perfection in dealing with these problems. The "stormy birth" of this Bill is how the member for Torrens describes it. Of course it is. When we have something as fundamental as this dealing with the workaday problems affecting practically every person in the community, the employers as well as the employees, it is inevitable that this Bill should have a stormy birth. After all, it deals with a stormy situation, the situation which always exists in industry and which, through the agency of this Bill (and many others to follow, I hope) we try to bring on to a civilized, conversational basis.

The member for Torrens has agreed with the Government that conciliation should come first, and then arbitration. This stems somewhat from his knowledge of what I have already referred to—the gas industry of South Australia. I consider that he, too, because of his connections with this industry has realized the value of discussions and negotiations that have been common to that industry. It is important to note that that industry has in its award a provision for preference to unionists, and I do not think the member for Torrens, with all his condemnation for preference for unionists, could argue that this principle has but worked as a charm in the industry with which he has had such intimate connections.

The Hon. Hugh Hudson: He probably supported it when he was a director of the Gas Company.

Mr. CRIMES: I do not know whether he supported it verbally, but he would realize its value.

Mr. Coumbe: I supported the redundancy moves made to assist your union.

The Hon. Hugh Hudson: Did you support preference to unionists?

Mr. CRIMES: Far be it from me to denigrate the honourable member about the redundancy agreement in the gas industry. When the introduction of the use of natural gas reduced the number of employees in that industry, the honourable member supported the agreement, and I am grateful to him now,

even if I failed to say so earlier. The member for Torrens, the only Opposition speaker I have heard in this debate, says that the alternative to arbitration is the law of the jungle. He is saying that collective bargaining is the law of the jungle, but I think that statement is exaggerated: it may come in Australia, but I do not know. At present we are in a transitional period, but we believe in arbitration for minimum wage rates and conditions, and we do not object to collective bargaining taking place for pay and conditions over and above that minimum.

Mr. Brown: It is here now.

Mr. CRIMES: Of course, and it will continue to exist. Nevertheless, we must continue to maintain the process of conciliation and arbitration. This is a big country with divisions between groups of employees, and we must have the minimum protection afforded by arbitration available to those people who are divided one from the other. The member for Torrens has foreshadowed amendments. Knowing the honourable member, I expect his amendments to be constructive. I do not expect that we will agree with most of them, because we have our policy on this matter and we are reflecting the present needs of industry in South Australia. I hope that none of his amendments will be deliberately designed to alienate the trade union movement in South Australia because this, in itself, will contribute to the disharmony that this Bill (as I think the honourable member agrees) is designed to eliminate.

Several present non-employees are now included in the definition of employees. Much has been said about owner-drivers, as if they could not possibly be covered by an award or an agreement. I remember the Commonwealth country council's agreement, which covered owner-drivers and provided them with loadings for sick leave and annual leave. It can be done, and if owner-drivers move from one employer to another, they can be covered in relation to their major employer. This would enable them to ensure that minor employers would grant them sufficient remuneration to cover their requirements of sick and annual leave. The question has arisen about payment of average weekly earnings during annual leave, but it has been recognized, even by industrial tribunals today, that there is a need for extra remuneration during recreation leave periods to enable the worker and his family to enjoy that leave properly.

I am grateful to be able to speak in support of this Bill, which represents the requirements of a responsible section of the trade union movement in South Australia, and it gives me great pride to be able to make that statement, as the trade union movement is fundamental to the progress of South Australia and to the advancement of the people of this State. I support the second reading.

Dr. EASTICK (Leader of the Opposition): As my colleague the member for Torrens said, we on this side support this Bill, but we will ask members to consider a series of amendments. The member for Spence, who has just resumed his seat, said that he would not be critical and, generally, he followed that course. In the first instance he said that he would not be critical, because he implied that he had played an integral part in the Bill's creation. However, later he said that he criticized the fact that the measure was not going as far as he would wish it to go. He did not tell us whether he was like Mr. Cavanagh and Mr. Giles, whether he was dissatisfied and unhappy about the sanctions it contained, or whether he would like sanctions included that were of greater moment. He said that the worker's word was not as meaningful as the word of the shop foreman or superintendent, but he failed to reply adequately to the question I asked him about the situation of the shop steward or the union organizer. Many workers would indicate that they had failed miserably in being able to put their point of view, because the word of the shop steward or the organizer was believed before theirs was accepted. I see no real difference in the situation as outlined by the honourable member. He indicated that the member for Torrens had spoken of the stormy birth of the Bill: indeed, as one would imagine from the details in the press, it has been a Bill with a long gestation period and with eight or nine reincarnations.

Mr. Coumbe: And plenty of fathers, too.

Dr. EASTICK: Of course, and from a host of areas. It is my assessment of the Australian industrial scene that we have never before witnessed such a nation-wide outbreak of industrial lawlessness as we have experienced in the past year.

Mr. Payne: You had better look up the figures.

Dr. EASTICK: The honourable member should allow me to develop my argument, because he may be pleased to hear it. I suggest that the campaign, whipped along by a dangerously militant left-wing element within

the trade union movement, has reduced productivity, raised production costs, disrupted the flow of goods and services to the community, reduced the quality of living for countless thousands of Australians, struck crippling blows at many families who live virtually from pay packet to pay packet (I am sure no Government member would deny that that is a fact), and generally increased living costs. The Commonwealth Government has, for years, encouraged union and employer organizations towards conciliation and/or arbitration. It has set up the Commonwealth Conciliation and Arbitration Commission in order to allow this process to be implemented on a basis fair and amicable to the employers and the employees, whether they be winners or losers.

Mr. Langley: What about the oil dispute?

Dr. EASTICK: What did the member for Unley find in that situation but the same left wing organization, to which I earlier referred and which is the hallmark of the union movement, telling the trade union organization that it would not accept or agree to the terms suggested by that organization.

Mr. Langley: What did the Commonwealth Government do?

Dr. EASTICK: It did what was responsible, and the honourable member knows that that is the case. Recently the Commonwealth Government, in order to strengthen the power of the commission, strengthened the Conciliation and Arbitration Act to ensure that the parties in a dispute before the commission would heed the judgments of the commission. Yet, despite this action by the Commonwealth Government to bring some order to the industrial scene, we have all been witnesses to a deliberate campaign by militant unionists aiming to destroy industrial law and order. This mob rule, industrial blackmail, union standover (call it what you like), this industrial sabotage by a radical section in the trade union movement, has to be stopped. I believe that members opposite who adopt a responsible attitude are in firm agreement with that proposal. I do not want to be taken wrongly, because I believe in the good which can and has been achieved over the years by the trade union movement for its members. I believe that it is important that the trade union movement be strong and recognized to be so by the groups it serves and that it be responsible always in accepting its responsibilities rather than abdicating them. In this respect, I refer especially to the comment made by the member for Unley concerning the oil dispute. Trade unions have a responsibility to the nation and to the people who represent it. I again state my belief in the right of people to strike, but I also believe most firmly in the principle of a fair day's work for a fair day's pay.

Mr. Wright: You believe in the right to strike?

Dr. EASTICK: I believe in the right to a lawful strike; I am not denying the right of people to strike nor do I deny the principle of a fair day's work for a fair day's pay. Australia is one of the top 12 trading nations of the world. In 1971-72 we exported about $4,900,000,000 worth of goods. We cannot hope to prosper on the world economic scene if we cannot match our cost increases with increases in productivity, and this we are not doing. In the last calendar year, productivity (the actual increase in real production and income from the economy) was about 2½ per cent or 3 per cent. Yet during that year average weekly earnings increased by 11 per cent, and prices increased by 7 per cent. I need not repeat those figures because I can see from the faces of members opposite that they know those figures are correct.

Members interjecting:

Dr. EASTICK: Several factors have contributed to this economic imbalance. One is the exercise of industrial muscle by powerful and militant union groups. This is one question at the heart of the inflationary problem, and one which must be dealt with by State Governments as well as by the Commonwealth Government before we can be confident of restoring price stability. I said earlier that last year was one of the worst years ever experienced in Australia for industrial lawlessness. Time lost through strikes in that year increased by 28 per cent on the previous year.

Mr. Wright: Is that nationally or on a State basis?

Dr. EASTICK: Nationally. Total wages lost in that year were over $45,000,000. How can we hope to increase productivity and keep down costs if we allow this sort of problem to hit our manufacturing industries? It is this issue that brings the matter back to our own State. How can we in South Australia, who are so dependent on our ability to manufacture consumer durable products for the national market, hope to survive economically if we cannot be assured of our manufacturing capacity. This is all involved with the situation we are currently discussing in the light of the industrial climate that will evolve from the acceptance of this Bill.

Who in Australia gets hit first when industrial strife affects the average man's ability to buy the goods we produce, whether they be motor cars, refrigerators, or washing machines? When people stop buying in either South Australia or throughout the nation, the South Australian manufacturers who supply these markets are suddenly faced with over-production. Every member of this House has seen such a situation develop. When a company cannot sell its products it cannot pay its workers, and this reduces the available overtime and adversely affects the living standards of the workers affected.

Mr. Langley: They shouldn't have to work overtime to get a living.

Dr. EASTICK: I agree that we should not have to have overtime, but we find that many of the people who subscribe to the same philosophy as that of the member for Unley want overtime and seek overtime as a component or even as an integral part of their acceptance of the 35-hour week, but that is another matter altogether. As the Minister of Works told me today, overtime payments at this State's abattoirs last year amounted to over $1,700,000, even though absenteeism during the week was of mammoth proportions. The Opposition believes these industries must be afforded protection against the economic repercussions of industrial disruption. Even if we cannot influence the industrial situation in other States, we can play a guiding role in our own State. This is the responsible role that this Government and this Parliament must play through this Bill. We have already seen put on the Statute Book of this State workmen's compensation legislation in advance of similar legislation in other States.

Mr. Payne: Your side fought tooth and nail against it. The member for Torrens—

Dr. EASTICK: And with what result? The member for Torrens and other members stood up for what they thought was correct. Many Opposition members fought for alterations to be made to the Workmen's Compensation Act, which made it a very—

The DEPUTY SPEAKER: Order! The honourable Leader had better return to the Bill under discussion. The honourable Leader of the Opposition.

Dr. EASTICK: A responsible attitude must be taken if we are to be leaders and to give a guiding role in this State to the other States. The help and the acceptance by the Government of the help offered by the Opposition on so many features of the Bill could be a guide

to other States. We should legislate for what is best for the entire community, not just for one section of it. It is on this basis that we should have the opportunity of influencing the Governments of other States to do likewise, if we lead the way. Such a situation would be advantageous to both employer and employee, and not to one at the expense of the other. We can do this by acknowledging that, although we support the role of the trade union movement where it represents the majority opinion of its members, we will not let minority groups hold a gun at the rest of the community. That is why I ask the Government to let me know whether the eighth or ninth draft of the Bill is the majority draft and what the minority will do when the Bill becomes law.

The South Australian industrial scene of the past 12 months is not one of which the Labor Government can be proud. We have always been led to believe that, with a Labor Government in office, we can expect fewer strikes. Certainly in 1969 the trade union movement successfully set out to show the opposite, and the effect it had on the then Administration (a Liberal and Country League Government) has often been referred to in the House since I became a member.

Mr. Langley: That Government did nothing about a cement strike when it was in office.

Dr. EASTICK: That strike was an interesting one, because it involved people in the metropolitan area and people at Angaston. It is the strike which the people at Angaston were told was all fixed. They were told that there was no need for them to attend the meeting and that their votes were not required to get the wheels of industry turning again. So they stayed home, and the motion to end the strike was lost by two or three votes.

Mr. Langley: How can you support that?

Dr. EASTICK: Because it was stated in the press by the people at the Angaston works.

Mr. Langley: If they were interested enough they would come down.

Dr. EASTICK: The member for Kavel could tell the honourable member, because he represents that area now. They are still incensed over what took place then. At that time, the union movement was happy to pull its members out at any opportunity so that its political arm could promise better things from a Labor Government. One must admit that, on paper, fewer man-hours have been lost each year since the present Government came into office than were lost in 1969. However, that is the result of a special issue which was

engineered for effect, but since the Labor Government came into office it has seen fit to undertake such unprecedented actions as paying court fines and involving itself in so many other ways.

Mr. Hopgood: We got the teachers on our side in those days, so I was told.

Dr. EASTICK: I have mentioned the oil strike, in which the Government did not have control of the situation. In explaining the Bill the Minister highlighted this fact by saying:

> It is of fundamental importance to the welfare of this State that good industrial relations be maintained between employer and employee and the Government considers that this can be best achieved by the maintenance of a system of conciliation and arbitration.

This is what we agree with wholeheartedly, but I point out to the Government and to the public of South Australia that it requires co-operation from both sides, namely from employer and employee, and in this form of co-operation there must be an element of compromise on many occasions. The Minister, in saying that the term "employee" was greatly enlarged by the Bill, said:

> The Bill enlarges the range of employees who can obtain the benefits of an award and also ensures that all employed persons in the State, whether subject to an award or not, shall be entitled to annual leave and sick leave.

The Minister pointed out that he might deny some members classified as employees the opportunity to receive some of these benefits, if any, since they might be excluded from the provisions of the award if that were in the public interest. So we will have Big Brother Minister deciding something that might deny some members of the work force this opportunity.

The Minister said there would be this improvement, advance or broadening of the concept of the word "employee". He said it was a significant change, and I do not argue with that. Not only is it a significant change; it is also an extensive and disruptive change that will remove the initiative from various fields, more particularly as it relates to subcontractors and owner-drivers who make their services available to other organizations and to a whole group of people in that area. This matter has been canvassed by my colleague and it will no doubt be canvassed by other speakers in this debate. The one part I wish to highlight particularly is the part which I suggest is a form of blackmail introduced by the Minister and by the Government in regard to sick leave. The Bill provides specifically that the sick leave entitlement shall be increased to 10 days and that it shall be cumulative but, if the person does not happen to be covered by a Commonwealth or State award, although he will qualify for the 10 days sick leave it will not be cumulative. In other words, the Government is saying that, if a person wants to enjoy the same benefits industrially as other people in the community enjoy, he must come under either a Commonwealth or State award because, if he is not covered by such an award, he may enjoy the provision of 10 days sick leave in a year but he may not accumulate that sick leave as is the case with people covered by a State or Commonwealth award. I claim that this is an area of blackmail that will not be tolerated by the people of the State.

As the member for Mitcham will deal with clause 145 as it relates to torts, I do not intend to refer to it now. Referring to the re-employment of a person who is stood down, in his second reading explanation the Minister said:

> The Bill gives the Industrial Commission jurisdiction to hear any question about whether the dismissal of an employee was harsh, unjust or unreasonable. If the commission, on hearing such a matter, finds that an employee has been harshly, unjustly or unreasonably dismissed, it will have the power to direct the employer concerned to reinstate the dismissed employee in his former position on terms not less favourable than those which he had previously, and it will also have the power to order that the employer should pay to the dismissed employee full wages for the period between his dismissal and reinstatement.

There is nothing at all about the period during which a claim can be made by the dismissed employee. Therefore, the situation arises in which a person could, some weeks or even some months later, seek to be re-employed. Moreover, the Minister does not consider that conceivably there could be incompatibility between the employer and the employee; so even after reinstatement, the problem may not be solved, and additional problems may arise.

Mr. Wright: Do you honestly think that an employee would wait?

Dr. EASTICK: That is interesting. What if he is dismissed and, in the first instance, is happy to get an alternative job? What if he is an employee who has two jobs and some time later, after discussion with a member of the union hierarchy or some other authority, he decides to make a claim that is subsequently substantiated? It could be said that this is a hypothetical situation, but I think that it could conceivably happen. Therefore, it behoves the Minister to consider seriously making or accepting an alteration to this provision so that the matter can be settled beyond doubt.

As the Bill consists of over 170 clauses, it can best be dealt with in Committee, when the clauses can be discussed separately. On this basis, I support the Bill. However, I hope that the Minister or some other Government member will interpret for us the following report that appeared in this morning's newspaper:

Mr. Hawke, one of the leaders of Adelaide's Labor Day procession yesterday, had been asked to comment on what the South Australian Premier (Mr. Dunstan) referred to as a "tiny group of union leaders" who alleged that the Labor Government not only had retained penal powers in its new Industrial Conciliation and Arbitration Bill but also had broadened them.

"There does appear to be a conflict with Australian Council of Trade Unions policy," he said, "but I understand there was some misunderstanding between the industrial section and the political movement which is in the process of being resolved."

Perhaps the Minister will say whether it has been resolved.

Mr. Crimes: This was in the newspaper last Friday afternoon.

Dr. EASTICK: So often am I told not to believe what is in the newspapers that I want to hear from the Minister whether the situation as outlined in that report is correct. The report continues:

Despite Mr. Hawke's statement and the South Australian Trades and Labor Council's defeat on Friday night of a move to call on the Government to remove the penal powers from its Bill, Communists and their supporters distributed thousands of pamphlets calling for "repeal of penal powers" along the route of the Labor Day parade.

Who was responsible for introducing that suggestion?

The Hon. Hugh Hudson: Whom are you going to blame?

Dr. EASTICK: Does any member opposite accept the responsibility for having tried to pull the wool over the eyes of the people in this respect? Last week, in the first instalment of his autobiography, speaking about Mr. Whitlam, a wellknown Labor gentleman said:

He would like to make sweeping constitutional changes that would greatly increase the authority of the Commonwealth Parliament.

I should like to know whether in this case we are seeing an attempt by the Labor movement to introduce ways and means of taking over all aspects of this type of legislation in the Commonwealth sphere. This wellknown Labor gentleman also said:

All political Parties are coalitions, and men and women in all Parties will always continue to differ on the priorities to be laid down on important issues.

What priority has been laid down by members opposite as to the various issues involved in this case? I refer particularly to the reprehensible provisions of clause 145 to which I have referred already and which will be referred to by the member for Mitcham.

Mr. WRIGHT (Adelaide): As I will attempt to confine my remarks to the Bill, I shall not be able to reply to anything said by the Leader, who did not speak to the Bill at all. I am somewhat surprised that you, Mr. Deputy Speaker, did not pull him up. I support the Bill almost entirely, first, because I firmly believe in industrial relations between employers and employees, having had some experience in this field myself over 25 years. I know that relations between employers and employees can be destroyed, and when this happens usually the employees suffer. In those circumstances I am pleased to see this Bill, which I believe will set in South Australia a new standard that I hope will be applied nationally. By this means workers can obtain a fair and just award, the methods by which they are able to apply for award variations being facilitated. In addition, conciliation will be able to be introduced in respect of various matters. One must ask what is meant by industrial relations. I see such relations as a set of rules, such as any organization has, to bring together the two parties in dispute. I have no doubt this Bill will do that. Certainly, it will go much farther than does the Bill introduced by the Commonwealth Government in May.

The emphasis in the Bill is on conciliation. We know it is better to get the two parties together to iron out their differences collectively, sitting around the table, rather than have a third party entering the field. If this Bill becomes law, that will be the result; certainly, the responsibility will be taken from the commissioners in the arbitration courts and laid fairly and squarely at the feet of the employers and the unions. The Bill will set the standards by which this can be done. In my view, the working people in this State have suffered a tragedy and an injustice. One-eighth of the work force has been award free, with no possible way of obtaining award coverage. This Bill will overcome that situation in almost every field. I do not suppose it will cover all workers, but it will come very close to giving everyone in the State the coverage long desired and necessary to make their way of life a better one.

For many years certain people in the trade union movement and also in the employer

class have been most discontented with our arbitration system. Since its introduction in 1904 or 1905, the system has been criticized and pulled apart. It has been suggested that the arbitration system has reached the cross-roads and that collective bargaining should take its place. I have never been sure whether these circumstances should apply. I have mixed feelings, because certain people in the community could exist on collective bargaining. They are the stronger unions. I do not mean that they are numerically strong, but their members are people in key positions who could survive and barter their way out of almost any circumstances, and probably create new standards; on most occasions, in fact, they are doing so now.

Some workers have no strength at all industrially, and these are the people who must be considered when thought is given to the structure of the arbitration system. Some people have no way of banding together to present a force to disrupt the machinery of the employer. Station hands, for example, work in isolation in the back country with hardly any contact with their trade union. People in the non-productive force, council workers, and so on, depend heavily on arbitration. For that reason I, and the organization from which I came, supported the arbitration system for many years. There are those who criticize it and will continue to do so. However, the people in the non-productive force and those who have strong control over the employers, as well as those who do not have, need two sets of circumstances for survival. The Bill provides clearly that people must get around the conference table to negotiate. If failure results through lack of industrial strength then, of course, arbitration can be relied on.

If my faith in arbitration had been destroyed over the preceding years, it was restored today, at least to some extent, when the commission handed down what I consider to be one of the most important decisions ever given in South Australia. It relates to service pay. The case commenced in 1966, so the breakthrough has been a long time in coming, but at last the Australian Workers Union has been able to obtain from the commission and from the Full Bench, on appeal, service pay, introduced voluntarily by the Government, in respect of local councils. This tremendous decision could affect the whole structure of payments in South Australia, where service pay hitherto has been regarded as untouchable, although the courts in New South Wales had seen fit to grant it. I have said that I support almost all aspects of the Bill. I believe it to be a good Bill. However, I do not favour the penal powers remaining in it.

Mr. Millhouse: Will you vote against them?

Mr. WRIGHT: We might just see about that. The policy of the Australian Labor Party on penal powers provides for the repeal of penalties for strikes and lockouts against arbitral decisions of the commission or conciliation committees. Workers must have the right to strike. I was pleased to hear the Leader of the Opposition agree that the workers should have this right. Although he went on to say that only lawful strikes should be recognized, he did not explain what he meant by lawful strikes. The Bill contains a provision whereby, on 14 days notice to the Minister, any union has the right to withdraw its labour. Most unions today are exercising that right when a strike is imminent, but that is insufficient coverage for those organizations, because many strikes cannot be planned. It is impossible to plan a strike on principle. One could wake up in the morning and find that, as a result of something that had occurred overnight, labour should be withdrawn. That situation could not wait 14 days. Perhaps a man has been dismissed. It would not be possible, in those circumstances, to wait 14 days to get him back. The workers must have the right to withdraw their labour when and how they see fit.

In 1917, in an arbitration decision, Mr. Justice Higgins said:

> Surely no man is guilty of a crime because he refuses to accept work for paltry wages.

Some people in this State (and not only in South Australia, but perhaps more so here) receive paltry wages. Some receive less than $60 a week. I would resign my job tomorrow if anyone could properly bring me evidence that it is possible to live in South Australia today on less than $70 a week. We all know this. None of us has to live on it. It is a crime and a shame that people must live on such low wages. Such people are just bashing out an existence; some are starving and others are in debt, with many hire-purchase commitments. Others owe money on their cars and it is almost impossible for them to exist. Surely, these people should be able, if they cannot obtain increased wages, to strike. However, it is no good some of them striking because many are non-productive and it is these people that the industrial courts have not looked after. A starvation cycle is operating

not only in this State but also in the other States, for which I blame the arbitration system.

I declare here and now that I will next year when this Government is re-elected support the abolition of the penal powers. I will also strongly support this Bill, as many matters will be delayed if it does not pass. Next year, the Minister should as soon as possible introduce legislation abolishing the penal powers in accordance with the policy of the Australian Labor Party.

Clause 81, which relates to sick leave, is a diversion from the situation obtaining in previous years. I believe this is a good provision, although the Leader said tonight that there was discrimination between those who were working under awards and those who were not. He said, too, that the people working under awards would be entitled to receive accrued sick leave, whereas those who were not working under awards would not be entitled to the same benefit. I say without hesitation that, although I support this provision, I do not sympathize with those people who do not belong to an organization that can protect their rights. I see no reason why the Government should go any further than it has in this respect.

The annual leave provision sets a new standard, and this is a move in the right direction. It covers those people who previously have had no coverage but who in future will be able to enjoy the benefit of annual leave. How many situations have I experienced over the years, in which people not working under any award have received only half their annual leave entitlement; in some cases people have received only one quarter of their entitlement, and in other cases they have received nothing. Indeed, a constituent who saw me recently had worked in Adelaide for three years without receiving any annual leave at all.

The Hon. D. H. McKee: And that is not an isolated case.

Mr. WRIGHT: That is so. This has occurred several times, and this is an important facet of the Bill which will ensure that these people will in future receive annual leave. The preference to unionists clause has come under some attack by the member for Torrens, who criticized the Labor Party for its policy in this respect. It is not, as he said, compulsory unionism: it is preference to unionists, and why should not this apply? Surely any unionist applying for a job in the industry he has followed all his life, and in which he has seen fit to take out his membership, should be given preference over an outsider. Such a unionist could have lost his job in another industry for any number of reasons and, when someone new comes along who has paid no contributions to the organization which protects the industry, and ensures that those employed in it receive award rates of pay, and so on, why should he not have the right to walk into a job? That is a common and, indeed, a lawful right.

In Western Australia, where a Liberal Government was in office for 12 years prior to the present Government's taking office, they have gone even further and written into the award that one is obliged to join the appropriate organization and, if one does not do so, one is subject to penalty, as is the employer. They have gone one step further than that, because they have insisted in their awards that the employees must elect a job representative. If such a system can work in Western Australia to the satisfaction of the Western Australian trade unions, Government and people, surely the same system can work properly here. This is a move in the right direction, which will overcome many disputes, several of which occur each year concerning people who refuse to join trade unions. These people are termed scabs in industry and are regarded as people who will not pay contributions and who dodge their responsibilities. Many of them would not pay for their driver's licence unless it was compulsory. I have no hesitation is saying that such persons ought not to be employed where it is possible to employ unionists.

I was recently given an example by the Miscellaneous Workers Union where the watchmen at Tubemakers, who were not receiving the proper penalty rates, decided to do something about the matter. The only way in which they could do something was to join the appropriate organization. They therefore approached the Miscellaneous Workers Union; it did not approach them. Four of these men were immediately threatened with dismissal, and two were told that they had better behave themselves or they could be severely punished. That threat has been hanging over their heads for three or four weeks. They are, therefore, frightened to join the union although, when he last spoke to me, the union official said that they were still going to join. That sort of situation can apply, even though the present Industrial Code is supposed to protect workers. This is reasonable proof that the system is not working properly.

The Leader of the Opposition had much to say regarding the reinstatement clause, which is probably one of the best new provisions in

the legislation and, indeed, one of the best that has ever been written into industrial legislation in South Australia, if not in the Commonwealth. There is nothing worse for an employee than his dismissal; there is no return from that. The railways and many Government departments will take other courses of action before an employee is dismissed: they will suspend employees while investigations are conducted, they will charge employees, and some have the right to impose fines. However, in private industry these things hardly ever happen, and the ultimate action is taken by employers right from the start; that action is normally dismissal, which is the end of the road for the employee concerned. He is faced with the prospect of receiving social services; he does not know where to turn, and he is placed in an awful predicament.

This sort of protection must be written into the legislation; otherwise it will not be possible for an employee to be re-employed. It is no good our saying to the court, "We give you certain authority by saying how you can reinstate this employee." I have known cases in which an employer has been ordered to re-employ a person, and that person has subsequently been re-employed but possibly on the worst job in the factory. Under the Bill, such a person must go back into the same job he had previously, with the same pay and conditions, and this can occur if it is proven (and this is important) that the employee has been sacked unjustly, unreasonably or harshly. There have been 12 or 14 instances of this in South Australia. Surely we cannot win them all, and I do not suggest that we can win them all.

The Hon. D. H. McKee: There is one going on now.

Mr. WRIGHT: Yes, there is. If anyone is bothered to look at the recommendations made or decision given by President Bleby last Friday, he will find that he has strongly recommended to the employers that they re-employ that individual. There is some technicality preventing him from ordering reinstatement, and that is that the employee got in first because he knew he would be sacked; so, instead of waiting for the employer to act, he said, "That is the end of the road. I know I shall be sacked, so I am finished." If it had not been for that, that dispute would have been over last Friday.

Mr. Millhouse: Have you anything to say about those people?

Mr. WRIGHT: So far as I am concerned, the principle in this clause is good and sound. It will develop and overcome this situation industrially; it will engender a new feeling into the workers so that they will have some way of remedying the situation when they have been dismissed.

I now come to the part of the Bill concerning the Supreme Court. As someone said this evening, this may be the most controversial part of the Bill. I hope it will not be too controversial and that it will pass through this House without much trouble and through another place with even less trouble, because I expressed the view in this place some weeks ago when the Kangaroo Island dispute was at its height that, if we were to be allowed to continue to deal with industrial matters in the Supreme Court, I was afraid we could find ourselves heading for a revolution. This is the only State that bothers to use it. In its wisdom, Queensland, under a Liberal Government (a Country Party Government perhaps, to be more accurate) has not attempted to write back into its Industrial Code the right to take action in the Supreme Court. Indeed, it has never been in that legislation. Neither a Labor Government nor a Liberal Government has ever attempted to write it in; but here, in South Australia, the employers are using it at will. I should not be surprised if it was used in the next few days.

I want to make my position clear on this because I am not one to support all sorts of tortious acts. I certainly would be supporting any tortious acts, torts or civil wrongs committed while trying to achieve an industrial objective, etc., but I do not think any member of the Australian Labor Party would support the destruction of property or any kind of civil wrong. If we look at it internationally for a moment, in the United States of America, in regard to the tort situation, only the employer has the right to act in civil proceedings for resumption of any work or of any expense that the employer may have been caused because of strike action taken in cases where agreements have been broken. The policy of the A.L.P. and the Australian Council of Trade Unions is that agreements should not be broken. For instance, the waterside workers have never broken an agreement in their lives; neither has the Seamen's Union. Both unions have had the most militant leadership but no Government can say they have ever broken an industrial agreement. They have certainly led the way in the industrial sphere in pay, annual and sick leave, and so forth, but they stand unaccused of ever breaking an industrial agreement. That is the sort of harmony that, in my view, can be obtained if one tries to encourage

employer organizations to adopt the agreement system rather than the arbitration system.

In Sweden and the United States, two highly industrialized countries, the only way that tortious law there can be used against a union is in circumstances where an agreement is broken and then, if the executive of the union can prove to the court that it had no part in the stoppage or did not organize or support it, the only way that a civil action for breakage of contract can be established is by fining the individual unionist on the job $50. I do not need to reiterate that the costs in the recent Kangaroo Island case were $10,000. That sort of situation, in my view, should not be allowed to exist. It is imperative for good industrial relations that the whole of this Bill pass in its present form, and in particular the tortious acts part, because, if it does not—

Dr. Eastick: I thought you were going to challenge some of it.

Mr. Millhouse: After the next election.

Mr. WRIGHT: I did not say that at all. I said that I did not support it in full. After I was reminded that, if I did not support the penal powers, I would have to vote with the member for Eyre. I changed my mind, because I could not imagine myself doing that. I support the Bill.

Mr. MILLHOUSE (Mitcham): I do not propose to go over the ground that has already been covered by both the member for Torrens and the Leader of the Opposition.

The Hon. D. H. McKee: You'll speak on clause 145.

Mr. MILLHOUSE: I have had a couple of good notices already but I propose not only to deal with clause 145 but also to make a few mentions in earlier parts of the Bill of some matters that occurred to me as I read it through. Those which have been covered by the member for Torrens I may not even mention. Sometimes, I may even overlap, but I hope I do not. The honourable member has, I am sure, referred to the expansion of the definition "employee" in clause 6. It now goes far beyond what it was and includes people who are certainly not employees in the generally accepted sense. We now have included taxi drivers, taxi drivers owning their own vehicles, cleaning contractors and, of course, subcontractors.

The Hon. D. H. McKee: You believe that everyone should be protected?

The SPEAKER: Order! The Minister is out of order. The honourable member for Mitcham.

Mr. MILLHOUSE: I am looking forward to the Minister's reply in due course.

The Hon. D. H. McKee: You may as well give me some meat to reply to.

Mr. MILLHOUSE: The point I am making is that I do not like the definition of "employee", or of "employer", for much the same reason. I draw attention to the fact that under the definition of "industry" we now have the Crown or any instrumentality or agency of the Crown included, and it occurs to me that there is a conflict between the powers thereby given to the tribunal under this Act and the powers given to the tribunal under the Public Service Arbitration Act. I suppose it is all right for the two to exist side by side and for public servants to be able to take their pick. However, it occurs to me that it is a little strange. I do not know whether the Minister can tell me why the definition now includes some charitable organizations which were not included in the old definition. Just before the member for Adelaide sat down, I was looking at the definition of "industry" in the present section 5 of the Act. That perhaps is something that can be justified. I make a general observation about Part II. For the life of me I cannot see why we need to have a court separate from the Local and District Criminal Court. We have already provided for judges of that court to deal with workmen's compensation matters, but for some doctrinaire reason these powers were transferred to the Industrial Court. I do not begrudge the judges any advancement in status and salary that may come to them, but rather than promote Judge Bleby and Judge Olsson it would be better to amalgamate the two courts and have one court dealing with all topics. I do not like clause 15 (2), which provides that a claim under paragraph (*d*) of subsection (1) of this section may be made on behalf of an employee or former employee by a registered association. I do not know whether it is intended to rely on the principle of *expressio unius,* that only unionists may make a claim.

Mr. Wright: Where were you taught that?

Mr. Jennings: Were you taught it at the kindergarten on Friday night?

Mr. MILLHOUSE: No, that was at secondary school. It means if one expression is used, others are excluded. If that principle does apply here, it means that only a registered association may make a claim, and we are one step closer to compulsory unionism than we are now. This may not be the intention,

but it is the effect of the way in which that subclause has been drafted. I hope, modestly, to put it right when the time comes. I see no reason why there should not be a power in the Industrial Magistrate to state a case to the Full Court. The power to do so has been deliberately cut out in clause 17 (5). Even though the Industrial Magistrate's jurisdiction is up to $1,000 only, there are many knotty points of law occurring in cases for much smaller amounts. There should be power for him to state a case, and I hope the Minister will agree with me later.

I do not believe that clause 25 (3) provides a desirable power, and I hope that this subclause will be cut out. It means that the commission will have jurisdiction in matters that do not seem to be industrial disputes, say, whether the Springbok tour should continue or not. I believe it is inappropriate for the commission to have a power in such circumstances as that, and it would improve the clause if subclause (3) were struck out. Clause 27 is a very wide clause, dealing with compulsory conferences and the power of the commission constituted of a Presidential member either on its own motion or by application from a registered association to convene a compulsory conference. However, there is no limitation to the subject matter of that conference, because none is set out in subclause (1), where it should be set out.

I believe that that power should be confined to industrial matters. I cannot understand why there should not be a power to order the payment of costs under clause 28 (1) (*g*), and I intend to do something about that. The member for Torrens has dealt with the question of preference, and the member for Adelaide stoutly defended clause 29 (1) (*c*). I disagree with him, and we can have a row about that matter when the time comes.

I should have thought that the time had passed when it was necessary to retain provisions concerning the living wage in South Australia. It has not been determined by our Industrial Court for a long time; now, we formally adopt whatever is laid down by the Commonwealth court. I am surprised that, in streamlining the Act, Part III Division III, Living Wage, has been retained, because it seems to have no purpose. Likewise, Part V, Conciliation Committees, could be dispensed with, because they have a limited area of operation and there is power in commissioners to conciliate. I cannot understand why we should have two sets of machinery: it is a waste of time and manpower, and I believe that all of Part V should go out. I suppose some people have a vested interest in retaining it, but to me it is a waste of time.

The member for Torrens has dealt with clauses 78, 80 and 81, and the member for Adelaide did his best to defend them. Clause 80 is unnecessary and undesirable. The question of sick leave has been one for the tribunals up to date, and I see no justification for taking that matter away from them and for Parliament to indicate provisions for sick leave. We know what has been done in these clauses: the usual sick leave provision is for five days, but the Government would make it 10 days by law, and I oppose that provision. Under clause 95 the powers of appeal have not been set out, and this is in distinction to clause 94, in which is provided an appeal from a single judge to the Full Court. Under subclause (3) powers of the Full Court are set out, and powers should be inserted in clause 95 in the same way. Why they have been left out is unclear.

I may have something to say on clause 134 later. But I want to say (and this is what I know the Minister has been waiting for) something about Part X, Division I, particularly clause 145, which would essay to abolish any actions such as that in the case of the Kangaroo Island dispute. I certainly oppose this clause. I do not mind whether, as the member for Adelaide said, this is the only State in which such actions are allowable; that does not matter to me. There is the action, which has been used effectively to secure justice in the last few months in this State, and I am utterly and absolutely opposed to its abolition. Let us remember that if there had been no such action as is now permissible or is now maintainable at common law, the island dispute would not have ended in the way it did. A very grave injustice would have been done to the settlers on that island, who took what was the only course of action available to them to obtain a remedy, and they obtained that remedy.

The Hon. D. H. McKee: They should not have found themselves in that position in the first place.

Mr. MILLHOUSE: The Minister had better be quiet, because he said the most absurd and outrageous things at the time. He suggested that the settlers were back in the last century and were like feudal lords. He had not one word of sympathy to say for them at the end of last year when the matter was first raised in the House. If it had not been for the assistance of the law, as enunciated by Mr. Justice Wells in his judgment, there would

have been no redress for that section of our community.

Mr. Wright: Mr. Justice Wells didn't want to use that law.

Mr. MILLHOUSE: I have a copy of his judgment, which I will refer to later. Let me read some of the garbage put out at the time of the dispute on this particular matter; presumably it is the kind of tripe (if I may mix my metaphors) with which the Minister agrees. This is what was put out by, I think, the Australian Workers Union under the heading *B. Woolley, employer,* v. *Jim Dunford for trade unions.*

The SPEAKER: Order! The member for Mitcham can refer to the part of the judgment that deals with this clause, but I will not permit the Kangaroo Island dispute to be debated in the Chamber. As the dispute has already been the subject of debate this session, it is not in accordance with Standing Orders, and I warn Government members that any interjections are out of order. The honourable member for Mitcham.

Mr. MILLHOUSE: As you, Mr. Speaker, so rightly remind us, the matter has been debated and very uncomfortably for the Government, but I do not intend to go over it again. I shall quote two sentences from the hand-out that deal with this matter, as follows:

Last year the ruling class in South Australia sought to turn back the clock to the period of the Tolpuddle martyrs by prosecuting Jim Dunford, Secretary of the Australian Workers Union, for taking action to force two non-union shearers on Kangaroo Island to join the union which had met the cost and sacrifice needed to win the wages and working conditions which they were only too willing to accept . . . We ask you to think about this case. We ask you to talk about it to your fellow workers. We ask you to prepare yourselves to fight for the right for the right of working men to join a union and to refuse to work with ticket dodgers who, while grabbing off all the benefits of unionism, refuse to pay their fair share of the cost.

If it had not been for the common law action taken, that point of view would have prevailed. Because there was a remedy available at law, that particular nonsense did not prevail. I am determined, if I have any influence on the course of events in South Australia, to see that that remedy remains so that it may be used in the appropriate case. The member for Adelaide, by interjection a few moments ago, referred to the judgment of Mr. Justice Wells.

The SPEAKER: Order! I have already ruled that interjections are out of order. The honourable member for Mitcham has quoted from the judgment, but he must now return to the Bill.

Mr. MILLHOUSE: I have referred only to that part of the judgment which relates to the tort, which this clause would remove; it is on page 26 of the judgment, which reads:

I should preface this examination by pointing out that in formulating his final submissions after the evidence was all in, Mr. Williams disclaimed any reliance on intimidation or coercion as the basis of a separate cause of action, and relied exclusively upon the tort usually described as that of inducing or procuring a breach of contract.

That is what would be cut out. The judgment continues:

The modern tort so described may be said to date from *Lumley v. Gye* 1853 2 E. & B. 216 where the principle that intentional procurement of the violation of a right could found a cause of action in tort received a secure lodgment.

His Honour then deals with subsequent cases down to one in 1923. The judgment continues:

It may safely be inferred from these fundamental authorities that, provided consequential damage is proved, the gist of the action supported by them is proof that the defendant knowingly and intentionally interfered with the plaintiff's contractual relations recognized by law, without justification for that interference. During the last two or three decades, however, the courts—especially in England—have been working out the implications in practice of the principles abovementioned, and have in consequence elaborated them in some important respects so that they can now be more readily and smoothly applied in practice. The argument before me was centred upon the later developments in England embodied in the decisions.

His Honour then lists a number of decisions and continues to set out the nine elements in such torts. I can see no reason why that should not stay or why the short extract which I have read out and which describes the torts should be regarded by anyone as being bad. If there is an intentional interference with the contractual rights of others, why should there not be a remedy for that? I have heard no answer to that, and the unions have given no answer why there should not be. I assure the Government that the inclusion of this clause will be strongly resisted by the Opposition.

The Hon. D. H. McKee: If you're going to be narrowminded about it.

Mr. MILLHOUSE: I am not being narrowminded, but simply being just. I see no reason for the inclusion of this clause in any form of justice whatever. I do not know what will happen. In the House the Government will roll us because its ears are closed. As the

Government is determined that the clause should go through, it does not matter what we say.

Mr. Clark: Aren't you determined, and aren't your ears closed? You may lose Mitcham out of it.

Mr. MILLHOUSE: Even if I thought that, I would still be opposed to the clause, because there are some things that are above my own personal interest, and this is one of them. I do not think, as the member for Elizabeth said, that I am likely to lose my seat over this matter. Even if I were likely to lose my seat, it would not deflect me from my resolve to oppose the clause.

Mr. Jennings: You could run for Boothby against McLeay.

The SPEAKER: Order!

Mr. MILLHOUSE: I now leave that clause. I could not work up much sympathy for the complaints made by the member for Adelaide regarding clause 150 and other clauses thereabouts, dealing with penalties. These clauses are weak indeed, and by the time a person went through all the procedures in clause 150 he would have retired and be on a pension. Indeed, it will take some time to work the machinery in that clause. According to the member for Adelaide, these provisions will remain in force until the Government has won the next election and, if it does win the next election, it will cut them out after that. It is interesting that, even if the honourable member is opposed to those clauses, his Party will not let him vote against it. It is interesting the way that members opposite are bound, whatever they may personally think, to follow a Caucus decision. We have had many such instances, and I see the member for Mawson laughing sapiently. He, too, has had bitter experience in this House.

Mr. Hopgood: I have never had that in this House.

Mr. Wright: It's a matter of loyalty.

Mr. MILLHOUSE: How the honourable member can reconcile loyalty to one's Party with a clause he so obviously dislikes, I do not know.

Mr. Wright: I accept the decision of the majority.

Mr. MILLHOUSE: The answer is that the honourable member must accept it whether he likes it or not, or else he loses his job.

Members interjecting:

Mr. MILLHOUSE: This clause is so weak and it takes so long to work out that it might just as well not be included.

Mr. Hopgood: In other words, you have wasted the last five minutes.

Mr. MILLHOUSE: I was led on by members opposite.

Mr. Clark: You are a policy director.

Mr. MILLHOUSE: That is right, and a most successful one.

Mr. Clark: At a kindergarten level.

Mr. MILLHOUSE: Some of the most successful meetings are held in kindergartens after the children have gone home. I now refer to the clause which allows the court to punish for acts which constitute contempt. This allows lay commissioners to convict and impose penalties of imprisonment. I suppose that is not too bad, because justices of the peace can do it now, but I believe that there should be a speedy right of appeal when that situation occurs, and I am thinking of ways in which that could be embodied in this Bill.

I do not oppose the second reading, because it would be useless to do so even if I wanted to. However, the Bill could be improved in the ways I have suggested and as the member for Torrens has suggested in his speech. It is a pity that the ears of the Government are stopped, as we have learnt from the member for Adelaide. After all, there should be acceptance by the Government of some of the suggestions whichever side of the House they may come from. Indeed, at one stage the Minister did suggest publicly that this could be the case but, as his position has improved in the trade union movement, he has found it unnecessary, and that is a matter of regret.

Mr. HARRISON (Albert Park): I support the Bill and congratulate Government members who have spoken in support of it. I listened with much interest to the remarks of the member for Torrens regarding clause 29 and I must contradict his statements which confused preference to unionists in employment with compulsory unionism. Successive Governments in this State have taken great pride in attracting industry to this State. A previous Government brought two industries to this State and, having done so, the industries concerned were told, "You have to approach the appropriate union covering the industrial awards under which your employees will work so that you will not have any industrial problems in your establishment."

Mr. McRae: Was that the Playford Government?

Mr. HARRISON: Yes. Before 1965, that Government attracted to South Australia the Canadian firm of World-wide Camps, which

became established at Elizabeth. That company, which built huts for outback projects and camp sites, went to the union concerned and said, "We were told to see you." Unlike members opposite, I am dealing not with hypothetical matters but with facts. The Vehicle Builders Union contacted that company and obtained preference for unionists in its establishments. The second company attracted to South Australia was A. V. Jennings. Officers of that company came to the Vehicle Builders Union, of which I was Secretary, and said that they had been advised to approach us to obtain the best terms of employment for the people engaged in that industry. Naturally, we obtained preference for unionists so that that industry became almost a closed shop. I cannot understand why the member for Torrens (the then Minister of Labour and Industry) now takes umbrage and says that preference for trade unionists is the same as compulsory unionism in the terms of this Bill.

We have seen nothing but good come from preference to unionists. It improves the conditions of employment in a workshop and improves the relationship between employer and employee organizations. It puts them on a plane whereby they can negotiate on conciliation aspects. However, I am still fearful of the fact that, if members opposite adopt the attitude towards this Bill that they have shown this evening, they could find themselves in no end of trouble when they face their constituents at future elections, because workers, wherever they are (and they are in Liberal-held seats as well as in Labor-held seats), will be up in arms over the attitude taken by members opposite on this clause.

Another point concerned with preference to unionists is the fact that employer organizations are adamant that employers shall join their organization. On the one hand, we are castigated because we insist on preference to unionists under the terms of the Bill, yet employer organizations adopt such an attitude that, if an employer does not join up, he is left out on a limb. The Leader referred to the provision with regard to sick leave. He took umbrage at the fact that a mere worker can accumulate sick leave. If an employee is fortunate enough to enjoy good health during three or four years of work, he should have the benefit of accumulating sick leave in that period so that he will be covered if he is stricken with a serious illness. Why should he not have the opportunity to accumulate sick leave? In the case of an appendix operation, an employee is off from work for three or four weeks. Previously, with only five days sick leave a year being accumulated, a worker would have only 15 days sick leave available after three years. Under the Bill, with the provision for 10 days sick leave to be accumulated each year, after three years he will have 30 days sick leave available, so that he will have an opportunity to recuperate after such an operation, before going back to work.

The member for Torrens spoke about conciliation, and I appreciate the fact that he agrees with this. The provision for conciliation in the Bill is one of its strong points. Through conciliation methods, the workers of South Australia have obtained conditions which, in some cases, give the lead to the rest of Australia. Apart from public servants, motor vehicle industry employees were the first in South Australia to get long service leave, under a Commonwealth award. Secondly, our employees were the first to have sick leave provisions included in the award. Thirdly, we were the first to get equal pay for equal work provisions applying to females, with the proportion of the female wage rate gradually increasing from 80 per cent of the male rate to 100 per cent over four years. This has been achieved, without disadvantage to the worker, by sitting down and talking it out. We hope the provisions of the Bill will extend conciliation procedures. By conciliation, we have also obtained a retiring allowance for employees after they have been employed for a certain time. I am sure that all Government members have had experience of industrial problems of one kind or another. We hope that when this Bill is passed we will be able to say that we have at least justified our existence with regard to the workers of South Australia. I sincerely hope that the Bill is passed.

Dr. TONKIN (Bragg): I am sure the Bill will be passed in this House, but I sincerely hope that it comes out of the Committee stage in a better form than that in which it is now framed. If that does not happen, it may be improved in another place. I congratulate the member for Torrens on the tremendous amount of work that I am sure all members will agree he has put into considering this Bill. Compared to the time that the Government has taken to prepare this Bill, it has not been long before the House. However, as one would expect, the member for Torrens has shown great knowledge of the various intricacies of the legislation. I hope that the suggestions he has made and will make later will be considered by the Minister, for I am sure they are constructive.

Mr. Langley: We always do.

Dr. TONKIN: I am not sure exactly what it is the member for Unley says he always does.

The SPEAKER: Order! The honourable member for Unley is out of order.

Dr. TONKIN: I congratulate the member for Mitcham.

Mr. Langley: You should've been here when we were on the other side.

Dr. TONKIN: Sitting opposite the honourable member this session has been enough for me. I had great hopes for the member for Adelaide. I am sorry he has left the Chamber.

Mr. Langley: He'll be back.

Dr. TONKIN: I had great hopes for him. He came out with what I thought would be a firm stand. In fact, I thought he was so carried away that he would make Labor Party history in this Chamber, because I thought (and I think members opposite will agree with this) that he was almost tempted to cross the Chamber. However, the iron discipline and the conditioned reflex came to the fore, and he sat down quietly. I thought he was a man: I cannot call him a mouse, as he does not have the right build for that. I am disappointed in him, for I really thought he would make a stand.

Mr. Langley: See how you would go against him at the next election.

Members interjecting:

Dr. TONKIN: I thank the member for Price for interceding on my behalf.

Mr. Ryan: You need glasses.

Dr. TONKIN: I don't need new ears, though. I agree with the member for Spence that it is right that this legislation should be introduced in this form, divorced from areas of industrial welfare, safety, and health. I agree that there must be an emphasis on conciliation. This is a most important part of the Bill and a thing I cannot find any fault with. I just do not agree with some of the ways in which it has been brought about in the drafting. I think the member for Torrens has covered this point very well, as has the member for Mitcham. In this world there is a great need for dialogue.

Members interjecting:

The SPEAKER: Order! I warn honourable members that if they insist on interjecting they will be named. The honourable member for Bragg has the call, and I will not tolerate continued interjections. The honourable member for Bragg.

Dr. TONKIN: Thank you, Sir. The dialogue to which I refer should be two-way dialogue, and there is a right and proper place for this. There is a great need for communication. It is one of the things we believe nowadays we are having too little of, especially with our young people. Certainly there has been in the past too little free communication between employers and employees. The honourable member for Spence (and I congratulate him on his contribution, although I do not agree with everything he said) has said that a better atmosphere is engendered in discussions between two parties.

Members interjecting:

Dr. TONKIN: I am willing to sit down, Sir, if you are going to stand up.

The SPEAKER: I will continue to insist that there must not be continual interjections. The honourable member for Bragg.

Dr. TONKIN: Discussions between two parties are conducted in a much more free atmosphere when there is not the interposition of a third party, a lawyer or an industrial advocate. These people intrude to some extent, and I agree that that must be correct, because it applies in so many other forms of discussion: the more dialogue there is the better. I recall a television programme dealing with a course in business management, conducted in Victoria, and attended by a senior union official from Victoria. He was interviewed after the course and said that, after the course, he had a better understanding of the problems of management and realized that those problems, in their way, were just as difficult as the problems he had as a union official. This interchange of ideas during the course, he said, was beneficial both to management and to him as a union official.

There should be more of this, and I think probably we would find ourselves in agreement on a far greater number of points than we are now if this could come about. While I was in London recently, I saw an advertisement in the daily press showing two people facing each other. The photographs had been changed so that, although the bodies were facing one to the other, one figure representing management and the other the worker, the two heads had been turned around so that they were back to back. The advertisement was headed "One way of seeing eye to eye". It was meant to typify the old style of employer-employee relations and the fact that so often people do not talk and do not try to see each other's point of view or come to any understanding.

The remarks of the member for Spence show an enlightened attitude in this regard.

Indeed, in the overall aim of this Bill an enlightened attitude is being shown, but it is surprising to me that the provisions for compulsory unionism are still written in. It does not matter whether we refer to clause 29 (1) (*c*) or clause 158, relating to dismissal. We can say as much as we like that it is not compulsory unionism but preference to unionists, but we cannot forget (or at least I will not ever let him forget as long as he stays in this House and as long as I do) the remark attributed to (and I believe made by) the Minister of Roads and Transport at page 1743 of *Hansard* of October 14, 1970, which is as follows:

It is my intention that such an officer would contact the employee concerned and offer him the necessary motivation to join the union by way of ultimatum.

That is exactly what is going on still. I am disappointed to find that in what is generally an enlightened attitude in the Bill this prejudiced attitude is still allowed to creep in. It does nothing—

The Hon. G. R. Broomhill: What about the other States?

Dr. TONKIN: I do not care what is going on in the other States. All that interests me is what is happening in South Australia and what is best for the people of South Australia. Perhaps if the Minister for Environment and Conservation would give a little more thought to South Australia and not to what is going on elsewhere we might get a little bit further in this State.

Members interjecting:

The SPEAKER: Order!

Dr. TONKIN: It is an unfortunate attitude. I cannot accept, in spite of the way it is written in, that it is not compulsory unionism. The member for Adelaide disappointed me when he trotted out all the old hackneyed excuses and the time-worn reasons. He quoted an example of four men who wanted to join the union, and obviously this was such an exception that it more than adequately proved the point. No-one should be forced to join a union or any other body against his will. It is part of the United Nations Charter.

Mr. Curren: Are you speaking on behalf of the Optometrists Association?

Dr. TONKIN: Thank goodness, that is one thing I can say I do not. I will have a little talk to the member for Chaffey later. Whatever can be said, it is directly against the terms of the United Nations Charter, to which the A.L.P. at least pays lip service as being dedicated to uphold. It leaves workers open to standover tactics by union officials, and employers, too. We have seen workers and employers held to ransom either in a small way or a big way by this desire, this obsession on the part of members opposite for compulsory unionism. I am sure many people have learned at first hand, by their own experience, the ruthless disregard of the fundamental rights of the individual exhibited by a few irresponsible union officials concerned only with their own positions within the union.

On that unsettled note, I shall turn to the question of equal pay for women, which, of course, will turn out to be equal pay for equal work. I agree with the member for Mitcham that this is for the court to decide rather than the commission.

The Hon. G. R. Broomhill: What does your wife think?

The DEPUTY SPEAKER: Order!

Dr. TONKIN: I despair of the Minister. Indeed, I am worried about him. I agree with the member for Mitcham that there seems to be a tendency to take powers away from the court. The same applies to sick leave. I agree again with the member for Mitcham that these are not matters for Parliament to decide. I am surprised to find that I agree also with the member for Albert Park in one respect: that sick leave is a good thing and it should be cumulative, because serious illness can strike a man or woman down. This provision is, therefore, a necessary one.

Having had some experience of this matter myself, I am a little disturbed (and I can see no way out of the problem) about the unnecessary taking of sick leave. In one instance I recall, one could predict the day when a certain employee would be away sick, because it would be after the requisite number of weeks when one more day's sick leave was clocked up. It is a great shame that it has become a way of life for some people to take sick leave in this manner. I wish people would show a little more responsibility in this respect, because one never knows when one could be pleased to have cumulative sick leave up one's sleeve. There is too much of an attitude that everyone else can be sick but that I cannot, and that it will not happen to me.

The Hon. G. R. Broomhill: Have you figures to support the claim you are making?

Dr. TONKIN: I am not sure to which claim the Minister is referring. If I can find figures to help reassure him, I shall be happy to talk to the Minister about it afterwards.

Members interjecting:

The DEPUTY SPEAKER: Order!

Dr. TONKIN: My major concern about this Bill is Part X, which one honourable member referred to as "tortuous activities", which did not sound correct to me: it had other connotations. The Government aims to abolish actions at common law in respect of industrial occurrences. Once again one sees the chip on the A.L.P. shoulder showing up as the size of a log. Common law is the basis for much of our law and order and the protection of the rights of the individual. The member for Playford will certainly agree that, without common law, it would be difficult indeed to have a basis on which to found our South Australian laws and legal procedures.

Mr. McRae: You are in deep waters here.

Dr. TONKIN: It dates back before the time of the modern Parliament, and before the signing of the Magna Carta. Although that was a landmark in the progression of the development of common law, I think it existed before then. It has evolved and developed in response to the needs of individuals to protect individuals. We are going to take away these rights at common law. Certainly, Government members will not lose their rights at common law; this is happening to someone else. If we make this a precedent and take away these rights at common law from one section of the community, in this case in relation to industrial disputes, from which section of the community will we next take away these rights? When I say "we", I am referring to the Government, which will be responsible.

Government members may laugh as much as they like, because this does not affect them. However, if they start by taking these actions, it will be a most serious matter, which will create a precedent that could have serious repercussions on our future. This complete change in respect of individual rights and freedoms will represent a step towards the Middle Ages.

Mr. McRae: Would you comment on Queensland?

Dr. TONKIN: I have adequately dealt with my attitude towards what goes on in other States. It is all very well for the Government to deprive a certain section of the community of its potential rights. This is typical of the brand of legislation we have come to expect from this Socialist Labor Government, which, as I have said many times before, pays only lip service to the rights of the individual. It has no basic consideration for any other individual's rights except its own. For this reason, I support the second reading of the Bill, which I believe could be amended later. Despite what Government members say (and the longer they go on performing the more they make my point for me), I look forward to the changes foreshadowed by the member for Torrens.

Mr. McRAE (Playford): I am never one to resist a challenge and, when the member for Bragg speaks about the common law, I must give him the history of the common law in this matter.

Mr. Clark: Does it go back before the Magna Carta?

Mr. McRAE: Its origin would not go back quite that far. This aspect finds its origin in the Black Death of 1348. If the honourable member cared to look at the *Law of Torts* by Dr. Fleming (Professor of Torts at the Australian National University in Canberra) fourth edition, at page 599 and following pages, he would find a learned dissertation on the background of all these matters. More important, he should look at page 603, which in a nutshell will give him the archaic background for the loss of services. Dr. Fleming states:

> One prominent type of interference with economic relations is the tort of intentionally inducing or procuring breaches of contract. Its origin stretches back to the fourteenth century when, by analogy to the writ of trespass for abducting a servant, a remedy was devised to deal with cases where a stranger had taken another's servant by persuasion rather than force.

I come now to the pith of the melodrama, as follows:

> This common law action was shortly reinforced by a statutory action based on the Statute of Labourers which was passed in order to cope with the economic chaos in the wake of the Black Death that struck England in 1348 and produced a great scarcity of labour and rise in wages. The statute made it an offence for a labourer or servant to leave his agreed service prematurely, as well as for a stranger to receive or retain him in his service.

There is the origin of the writ for tort that we are discussing in relation to clause 155.

The Hon. G. R. Broomhill: Is that what the member for Bragg wants to retain?

Mr. McRAE: I am not sure. In dealing with common law, the member is well away from his field, and I think he should leave that field as far from him as I will leave his field from me. The common law stretches back far into the past but, the dubious origin of the writ for tort is in the Black Death of 1348. There are some more extraordinary cases that I have yet to recount to show just how the writs for tort worked out in practice. I want to give an example from Dr. Fleming's

work, to which I have just referred, and this time these examples can be found in contrasting the way in which the courts have approached the attitude of two different groups of people —the employers and the employees.

The member for Bragg was at some pains to say that this Government was behaving badly by attacking one group (the employers) and continually backing up the employees to the detriment of other people. That is what I understood him to say about clause 145 of the Bill. To give the honourable member an instance of what the common law was, I should like to cite two examples. When we are talking about these writs, let us know what we are talking about. If we talk at all, let us adopt Dr. Fleming's work as the basis for our material. For the record, let us say there are four causes of action. The first is the action for loss of services, which, by the way, stretches far back beyond the common law and finds its ancestry in Roman law, where the employee was far less than a serf: he was a slave. The original action to which I have just referred, based on the Statute of Labourers after the Black Death, was preceded by Roman law.

The second cause is the tort of inducing breach of contract. It shows how the law dealt unfairly with two different groups of people. The third group is conspiracy, and the fourth is intimidation.

To show honourable members how the law dealt with two different groups of people, let me refer again to Dr. Fleming's work. First, I shall deal with a case involving employers and then I shall deal with a case involving unions. I shall contrast the different ways in which the House of Lords dealt with the two different groups. In the first case, we are dealing with a group of employers who banded together with the avowed aim of breaking a competitor in his legitimate business. These examples can be found at pages 617 and 618 of Dr. Fleming's work. In the first example, Dr. Fleming says:

> The decisive starting-point of this development was the *Mogul Case,* in 1891. The defendants, a group of shipping companies, associated together in order to obtain a monopoly of the tea-carrying trade between China and England and to keep up the rates of freight. To this end, they deliberately undercut the plaintiff, at a temporary loss to themselves, and threatened his agents with boycott, if they continued to act for him.

I hope the member for Bragg is listening. He continues:

> This scheme had its desired effect of driving the plaintiff out of the market; but the House of Lords held that he had no cause of action, because the combination was inspired by the lawful purpose of protecting the legitimate trade interests of its members. The defendants had done nothing more than pursue to the bitter end a war of competition waged in the interests of their own trade, and it was not the proper function of the courts to police prices at which traders could sell or hire, for the purpose of protecting or extending their business. Competition between rivals, even when carried out in combination, did not have to meet the test of "fairness", so long as it stopped short of the use of unlawful means, such as fraud, intimidation or interference with contractual rights.

That is a clear example of a group of monopolists banding together with the avowed aim of driving out a man in fair competition by bankrupting him. They achieved this end and, as a result, pushed up prices, but that black ban was held to be lawful by the House of Lords. That is in sharp contrast with the next case. Shortly thereafter, the question arose whether the same formula was applicable to concerted union action aimed at enforcing the 'closed shop'. In *Quinn* v. *Leathem,* the defendants, five trade-union officials, demanded of the plaintiff, a flesher, that he discharge certain non-union men employed by him. He refused to comply, though offering to pay all fines and back-dues for his employees if they were admitted to the union.

Instead of accepting this compromise, the defendants compelled a butcher, who had been a regular customer of the plaintiff's, to withhold further orders from him, under threat of calling out his men. The jury found that the defendants had maliciously conspired to induce the plaintiff's customer to cease dealing with him, and judgment against them was confirmed by the House of Lords. Although it seems to have been assumed that the principle of the *Mogul Case* applied as much to concerted union action as to conflicts between trade rivals, the conclusion, that the defendants had not acted in pursuance of legitimate trade interest, reveals a thorough lack of understanding of the aspirations of organized labour. Whilst there may have been no conscious discrimination, the decision proceeded on the naive view that, as the defendants' purpose was not immediately concerned with wages or working conditions, their refusal to accept the plaintiff's compromise could only be attributed to a desire for vengeance. Yet there was clearly no evidence of any personal vindictiveness, and their action, though ruthless, was no less directly connected with the attainment of

a legitimate economic object than that of the combination in the *Mogul Case*.

That is how the common law worked for monopolists engaged in an active enterprise of destroying a legitimate competitor because he dared to sell at a lower price than they did, but the House of Lords found that legitimate, although for a trade union group to do the same thing it was wrong. I refer now to the action of the British Liberal Government in 1906, and refer to the Parliamentary debates of March 30, 1906, on the Trade Disputes Bill in Great Britain. The person I quote is the Prime Minister and First Lord of the Treasury, Sir H. Campbell-Bannerman, not a violent revolutionary in any circumstances. Among other things the honourable gentleman said:

I wish to say comparatively few words on this matter. I am old enough as a Parliamentarian to have been in the House at the time when the legislation with which we are dealing was commenced.

He is referring to the original Trade Union Acts of the 1870's. The quote continues:

I remember following with great interest what took place at the time. But I never have been, and I do not profess to be now very intimately acquainted with the technicalities of the question, or with the legal points involved in it. The great object then was, and still is, to place the two rival powers of capital and labour on an equality, so that the fight between them, so far as fight was necessary, should be at least a fair one. At that time workmen were prohibited from combining for the purpose of protecting their interests, and in many other ways were under restrictions. The Bills which were passed between 1870 and 1880 had a most beneficent effect. They gave life and strength to the trade unions, very much to the alarm of a great body of opinion in the country, which had contracted a habit of looking upon those associations with dread and suspicion. That prejudice still lurks in some quarters; but the great mass of opinion in the country recognize fully now the beneficent nature of the trade union organizations, and recognize also the great services that those organizations have done in the prevention of conflict and the promotion of harmony between labour and capital. I believe myself that all the best employers—I almost hope, I might say, all the good employers—in the country welcome anything which gives freedom and power to associations of so useful and beneficent a character as these.

Again, I need not repeat, hardly the words of a revolutionary. He completed his address as follows:

I cannot but hope, nay, I confidently expect, that it may have been found possible before further progress is made in the matter to adjust the differences that exist—differences which are not differences in spirit or tone or in ultimate effect, but in method, and even to some extent in phrase—so that we may attain that which is our common end, namely, the freeing from impediments and risks of those beneficent institutions to which we owe so much in improving not only the conditions of the working classes, but the relations between masters and men.

The efforts of successive British Governments, both Labor and Liberal, over the last 60 years have been pitiful in reducing the difference between the classes. Our efforts in Australia have been so much better, but we must continue. If we reach the extraordinary stage where honourable members (I do not criticize the member for Bragg, but I do criticize the member for Mitcham) without any reference to an easily available source, without one reference to the British trade union legislation, and without one reference to the debate which took place in the House of Commons in 1965 try to delude the public that what we are introducing is a revolutionary thing of such danger, it is a pitiful effort. What can one do? There is nothing to answer, because no case has been put up to answer. If the Opposition cared to research material and put up something that was worthy of a reply, I suppose we could go on.

I have cited the kind of material; all I can say is that the Opposition should borrow it, read it and come back with something useful. Sir H. Campbell-Bannerman, in 1906, did not consider there should be any penal clauses. The British never had any penal provisions, even though the people lived in slum conditions. If that man could say it was self-evident that the rules for tort should not apply, does the Opposition believe that it should support such a proposal? I am stunned to think of it. Unfortunately, I do not think the Opposition has done its research; it is in the dark, trying to deal with something it has not read about. Every reputable employer organization in the country is supporting clause 145 for obvious reasons. If the Opposition wants to smash the arbitration system, it should go to its colleagues in the Upper House and get them to smash that clause. It would mean that the arbitration system will be smashed, and the member for Torrens well knows that. What would his position be if he were a trade union secretary? I use some of his analogies. The Bill was carefully nurtured; it had a very good paternity; it came from very good stock; it had good blood running through its veins; it was carefully looked after in its gestation period of nine months; it is not an abortion, but a healthy child; and, after nine months of checks and monthly reviews, this healthy

child has been produced. Members opposite should look at the question of torts in this way: trade union secretaries will now have the penal clauses there. They do not like them because of the way in which they have been brought up. Let us get off the rights and wrongs of penal clauses, accepting the fact that the Government has got them there. The trade union secretary has to accept that they are the law. Not only does he have to accept the penal clauses but he must also accept a civil writ. This is an absurdity. Even Great Britain, that rather primitive industrial country, which is class-ridden, conservative and backward, does not demand any penal clauses, nor does it demand any torts.

Are members asking an Australian trade union secretary living in a country which has fought for a classless society to retrograde behind the period of Sir Campbell Bannerman, back behind 1870 and into the 1820's? I do not believe it; I am stunned. I could accept this from the most retrograde conservative, tucked away somewhere in the dim reaches of the State, but I can hardly believe it of the Lower House. It is more remarkable to make that demand without having done any research at all. I cannot proceed on that topic any longer, until honourable members do a little research. I suggest they look at one or two of these matters before talking about the common law, writs for tort, and clause 145 much more. I am afraid they are looking rather foolish.

It is a credit to the Parliamentary Counsel, the judges of the court, and the industrial magistrate that we now have before us a splendid redraft and restructuring that was only achieved by a great deal of work over a long time. All these people deserve our congratulations. I think that the member for Torrens will agree that, if we have achieved nothing more, at least we have a Bill that in terms of drafting is splendid and in terms of restructuring much clearer than was the old legislation. We must look at the Bill in its overall context. It is not a piece of *ad hoc* legislation thrown in somewhere in the session. The Bill fits into the Government's overall plan. In place of the Industrial Code, by the end of this session we should have this Bill dealing with industrial relations, another Bill dealing with industrial safety, health, and welfare, and a third Bill that I could call, not inaptly, the rump of the old Industrial Code, dealing with trading hours and shopping hours. Therefore, we must deal with an amalgam of topics that currently exist. These Bills must be seen in context alongside the Government's legislation on workmens' compensation. I believe we can support this Bill strongly. It has been carefully examined and is moderate indeed. I know it is moderate because not one member opposite has been able to say much by way of criticism. Members opposite were alarmed by the fact that the penal clauses were still there, because they were hoping against hope that there would be a conflict between this Government and the Trades Hall.

Mr. Mathwin: No. You are ruining a good speech.

Mr. McRAE: In deference to the honourable member, perhaps members opposite were a little wistful in the expectation that there could be such a conflict. There was no such conflict and, for good or ill, the penal clauses are there.

Mr. Gunn: What did Mr. Cavanagh say?

Mr. McRAE: What Mr. Cavanagh thought had nothing to do with our discussions.

The DEPUTY SPEAKER: Order! The honourable member for Playford.

Mr. McRAE: The penal clauses are there, but I hope the member for Eyre will not support them as well as clause 145, because that is asking altogether too much of him. I now refer to the important provisions of this Bill. First, we have repealed the Trade Unions Act. That Act was an anachronism on our Statute Book except to this extent, and this shows how archaic some parts of the law are. Were it not for that Act and the continuation of some parts of it in this Bill, trade unions would still be illegal organizations, and that includes employer organizations such as the Farmers and Graziers organization. At least we have been beneficent to members opposite in this matter. The Masters and Servants Act is still on our Statute Book. It is an offence for any person under section 13 of that Act to harbour a servant who has broken a contract with his master. Indeed, the member for Florey could have been in all sorts of difficulty when perhaps having drinks with one of his trade union colleagues who had broken a contract with one of his masters and who was on strike, because he was in breach of section 13. He should have been dealt with by criminal law. That is how archaic our law is.

Section 13 actually provides that, if a person on strike or who is even in dispute with his employer is harboured (and we are back to the Black Death days again), that person harbouring the servant involved is guilty of a criminal offence. I remind honourable members to be

careful in dealing with constituents who are on strike or who are in dispute with their employers, because honourable members could be in grave difficulty if any person knew sufficient law to take them to court. This Act is so archaic that we have still provisions bonding servants from London to the province of South Australia and the rather drastic remedy.

Mr. Mathwin: That is the scheme under which I came out.

Mr. McRAE: Unlike the Commonwealth Act, this Bill provides simple procedures. The amendments in 1972 to the Commonwealth Act have produced a chaotic shambles and the Commonwealth Government in its wisdom, or lack of it, chose to introduce a bastardized collective bargaining industrial conciliation and arbitration procedure, which pleases no-one: it does not please employers, because they have got no further; it does not please the trade unions because, to deal with industrial disputes, the unions must now confront a panel. It is first necessary in a dispute to see a justice, a deputy president, and he has no power to do anything except at presidential level. He then refers the parties to a conciliation committee, and that committee, too, has no power to do anything, but refers the parties to an arbitration commissioner who refers them to the president in the hope that he can do something but who refers the parties back to the justice they saw in the first place. However, all this nonsense, I am pleased to say, has been driven from this Bill. We have now a simple procedure of lodging an application and having a commissioner deal with it.

Disputes such as the private bus case, the seven stars case and the Kangaroo Island case would not have occurred if the people concerned had taken the steps open to them under the existing Industrial Code, let alone under this Bill. There is no excuse for those situations to occur again. Unlike the member for Torrens, I rejoice in the fact that at long last we have extended the definition of "employee". I was rather stunned to hear the member expatiating at such length on the difficulties he foresaw with owner-drivers and subcontractors. Does he really ask me to believe that there is any difficulty in this area? Of course there is no difficulty.

Mr. Gunn: There is. You know it is aimed at getting rid of subcontracts.

Mr. McRAE: This Government supports legitimate subcontractors just as much as our colleagues opposite. We are looking at the so-called subcontractor, and I know him well. He is the man who rats on his mates in the union. He supplies labour only. He has a so-called contractor who supplies all the material, supervises him, gives him a timetable, who underpays him in comparison with the award and who gets a so-called subcontract prepared to give a thin veneer of legality to what is otherwise most plainly a shonky transaction. That we will not tolerate. The genuine subcontractor, the man who produces his own material, his own sketches and plans, his own quotations and estimates, is not the man we are interested in. The member for Torrens well knows that we are looking at the shonky transactions that have gone on in the building industry over the past 10 years. When the member for Torrens was Minister of Labour and Industry his desk was filled with complaints along the same lines.

Then we come to owner-drivers. The honourable member told us we had all sorts of difficulty in our way here. Of course, we have not. It is as simple as this: if a man is a genuine owner-driver, contracts as a carrier, whether a common carrier or not, we are not interested in him. We are looking at the shonky operator who is undercutting the legitimate employer of drivers by these devious means of so-called subcontracting.

Mr. Evans: Such as the Engineering and Water Supply Department, the Electricity Trust and the Highways Department?

Mr. McRAE: If any of the examples given by the honourable member fall within this field then those drivers will be entitled to apply for an award, and I hope they do.

Mr. Evans: Why not give it to them now, while we have the opportunity?

Mr. McRAE: If these people are employees I believe they should receive their award provisions.

Mr. Evans: Your Cabinet has not accepted that.

Mr. McRAE: I do not know about that. These examples have been suddenly sprung on me, but the general principle—

Mr. Mathwin: You are not allowed in the inner sanctum, the Cabinet?

Mr. McRAE: No, I have no more access to Cabinet than have members opposite. The general principle I am putting is that it is nonsense to suggest that there will be difficulty relating to subcontractors, owner-drivers or cab drivers. They should be covered by awards.

Mr. Mathwin: It is not in the Bill.

Mr. McRAE: It is clearly provided in the definition clause, and in the Committee stage we can look at this matter. The Bill has been

most carefully drafted. The member for Torrens picked up one or two legitimate mistakes, and I have no doubt these will be accepted. The example just given relating to the definition of "employee" has no substance at all.

The next positive fact is that 13 per cent of employees in South Australia are not covered by awards. This Bill will give an opportunity for certain minimum provisions to apply to these people. I refer briefly to equal pay. Here is something I stress very strongly. If there is one thing that justice demands it is that the very large section of our work force comprising nurses, typistes, female clerical workers and others who just have not got a male counterpart, should receive wages calculated on the adult male rate of pay. I can see no argument in justice or in logic that could defeat that proposition. I refer also to the provision enabling the commissioner to make orders in respect of automation and technological change. Only a couple of years ago these words were considered to be airy-fairy words of academics but they are not today: they are with us, and members representing metropolitan districts (and perhaps some representing country districts) have probably seen examples of constituents who have been removed from their jobs as a result of mergers or because of technological change, ranging from the minor change of installing technical devices right through to the system of automation via the computer. All those members will know of examples of persons who have lost their jobs with disastrous consequences, particularly towards the middle or later years of their lives. That aspect of the Bill is indeed important and should be enthusiastically supported by members.

I turn now to the clause dealing with preference to unionists. For some reason, Opposition members have referred to this as a compulsory unionism clause; but it is not, because there is a clear distinction in the law between compulsory unionism and preference to unionists. I am sorry that there is a provision for preference to unionists, because I believe in compulsory unionism. I go even further on this matter and say that it is safer not only for employees but also for employers to have compulsory unionism. I congratulate the Government on having been so moderate in taking the mid-way course between my view on compulsory unionism and the view of other people on no preference and no advantages whatsoever being given.

Mr. Mathwin: Do you mean to say you believe in compulsory unionism?

Mr. McRAE: I do.

Mr. Mathwin: What is its advantage?

Mr. McRAE: As the member for Albert Park was trying to explain, reputable employer organizations all over Australia today are trying to convince employers (and have convinced them on a large scale) not just about preference to unionists but about closed-shop agreements, and the member for Glenelg knows of cogent reasons why this should be so. However, as I am not now pressing for compulsory unionism, I will not enlarge on that matter. The honourable member will be able to tell his colleagues that there are significant advantages in compulsory unionism. Also, those Opposition members on the front benches who were Cabinet Ministers will have to admit that they were involved in deliberate plans for closed-shop agreements with some employers, who knew that it was to their advantage.

Mr. Mathwin: How do you get over the political levy if you have compulsory unionism?

The DEPUTY SPEAKER: Order! Interjections are out of order. I will certainly not allow any discussion on a matter such as that.

Mr. McRAE: I am not pressing for compulsory unionism at this stage: I merely support preference to unionists as a second best and, if the Opposition wants to knock it out, I suppose it can; but it will not have achieved a great deal because employer representatives are pressing for compulsory unionism anyway. The next matter with which I wish to deal is the common rule order, which is a more technical aspect. This State now has a two-step procedure: first, the award is obtained and then a common rule order is applied for. In future, however, any order made will be automatically applied throughout the whole industry. This is indeed an important provision, which I support.

The next matter is the elevation in status of the President of the Industrial Court to that of a Supreme Court judge. As the member for Torrens said, it is not a true elevation in status but merely recognizes the position held. I congratulate the honourable gentleman on his being accepted in his true status. This is an important thing for this State. I have said before in this House (and I say it again) that I am not a centralist but a Federalist, and I believe, in contrast to some of the views expressed by the Prime Minister and the Leader of the Opposition in the Commonwealth Parliament, that Australia could find itself in all sorts of difficulty in the industrial area if

we have forced on us a rampant centralism. I hope that the status of our court and commission will remain as high as it has always been, that they will continue to produce officers of the calibre they always have, and that we will maintain a balance of federalism in this country, for that will best look after our industrial problems rather than people in an ivory tower in Canberra hopefully thinking they will solve Australia's economic and social problems from their lofty position. That is sheer nonsense.

Next, I refer to the great progress made by the Government in union registration. Members who have not been involved in that area will not be aware of the great legal and technical difficulties caused by the *Moore v. Doyle* case in New South Wales. The legislation has gone to great lengths to enable a *bona fide* organization to maintain its registered status and, if there have been technical and legal difficulties, to give it a limited time (two years) to put its affairs in order. Members opposite say they support the general notions of the Bill, including conciliation. So what? Of course it is in the area of conciliation that we shall make the greatest progress and it is in the area of simplicity that we shall make the greatest progress. Members opposite say they support those areas of trade unionism where there is democratic control of the unions and democratic support by the rank and file. It is that very kind of unionist that supports this Bill, and that sort of unionist does not deserve mockery from members opposite supporting a double-barrelled penal clause, when they already have what they have asked for, and in some cases far more than they ever expected. In short, it seems to me that at least these things have happened: the industrial relations provisions of the old Code, the Masters and Servants Act and the Trade Union Act are repealed and a new Bill covering that territory has been introduced. This Bill corrects and regularizes the drafting difficulties that have been found to exist in the present legislation and has restructured the legislation beneficiently for all concerned.

Finally, 10 or 11 important new provisions have been introduced, every one of which I support, every one of which is entirely moderate, and every one of which, if members opposite had done the slightest research, they would be bound in all honesty to support. I conclude by saying that it is a travesty that members opposite should have the effrontery to attack clause 145 of the Bill, with no preparation or knowledge of the history of the matter, with a series of generalizations that are wrong, and with a series of views on the law that are totally wrong. I only hope that between now and this Bill's reaching another place some more expert research will be done. As this Bill will be a splendid contribution to the working people of this State, I strongly support it.

Mr. CARNIE (Flinders): I support the Bill in its general principles. It is important that industrial relations between employer and employee be harmonious. I was interested to hear the member for Adelaide say earlier this evening that he is a confirmed believer in industrial relations. Unfortunately, he did not say whether he believed in good or bad industrial relations—he was just a believer in them. However, everyone in this State, employer or employee, has a vested interest in the State. Industrial unrest helps no-one: productivity slows down and producers' costs rise. Unfortunately, there is an element in unions (in some more than in others) that seems to deliberately provoke industrial unrest. I am sure that responsible members of unions and responsible members opposite do not approve of this element, which is undoubtedly present in some cases, because any responsible person must realize that industrial lawlessness must add to the overall cost to the community: not only in direct costs, but because goods must cost more to produce the cost to the Government is greater, and that means an increase in taxation for everyone. Obviously, from what we have read and heard this Bill did not have an easy passage to reach this place.

We saw in the press that the Minister said that the Bill presented a significant advance in many matters for South Australian employees and at the same time, secretaries of two unions claimed that it was an anti-union Bill. There seems to be a difference of opinion between the Government and the unions to the extent that there were discussions for three hours behind closed doors between the Minister and the unions concerned. I have no doubt that there have been many prior discussions, because this is the ninth draft of the Bill. The member for Spence said that the fact that this was the ninth draft was not relevant and that there was nothing wrong with pressures and pushing one's point of view. I agree, because in most cases we push our own view in order to have it accepted, but I hope that the pressure did not take the form of blackmail.

Mr. Crimes: Certainly not.

Mr. CARNIE: I understand now that the member for Spence attended at these discussions, but I was not previously aware of that. So often we have seen this type of industrial blackmail: the threat of widespread industrial action if certain courses were not followed, and, in this case, if certain clauses were not changed. It seems that there were eight drafts of which the unions did not approve, otherwise these drafts would not have been altered. The Bill has been covered extremely well by previous speakers, and I endorse the remarks of my colleague the member for Bragg in relation to the work done by the member for Torrens who opened the debate for the Opposition. I am sure that all members agree he has researched this Bill extensively and has made a worthwhile contribution to the debate.

However, I deal briefly with one or two aspects of the Bill. The first, compulsory unionism, was referred to at the end of his speech by the member for Playford. I cannot accept what the honourable member said, that there is a difference between compulsory unionism and preference to unionists. By way of interjection I challenged the honourable member to define the difference, but he did not reply. Perhaps he could have one of his colleagues (if they intend to speak in the debate) to define exactly what the difference is between compulsory unionism and preference to unionists. What is the position of a non-unionist who constantly misses out on a job because it is given to a unionist? In fact, he is being told to join a union or he will not get a job. If this is not compulsory unionism, I do not know what it is. It could be called preference to unionists but let us be honest: if one believes in compulsory unionism one should say so, call it that, and not try to split hairs.

The Hon. D. H. McKee: What about scabs?

Mr. CARNIE: I will return to that revolting term later. I know they are known as that only in certain quarters by certain people.

The Hon. D. H. McKee: Are you a member of the Commonwealth Parliamentary Association?

Mr. CARNIE: The Minister does not have the drift of what I am talking about: what I am talking about is the difference between compulsory unionism and preference to unionists.

The Hon. D. H. McKee: There's a great difference.

Mr. CARNIE: The Minister may clarify the situation for me when he replies. I do not believe in compulsory unionism, as the Minister rightly surmises. If the Minister believes in it, he should have the courage to say so and not hide it in a synonym such as preference to unionists. I was the first to raise the subject of compulsory unionism in this Parliament, on July 22, 1970, when I asked the Attorney-General whether he was in favour of compulsory unionism. He replied:

> Compulsory unionism would, if it ever became a live issue, be a matter for Cabinet decision. To the best of my knowledge, there has been no suggestion that the Government will introduce a measure providing for compulsory unionism nor is it the policy of the Australian Labor Party anywhere in the Commonwealth to legislate for compulsory unionism. Personally, I am not in favour of compulsory unionism.

On the following day, I quoted to the House a directive that had been issued to departments by the Government, to the effect that Cabinet had decided that preference in obtaining employment should be given to unionists. The Premier's reply was that a similar directive had been issued. I asked a further question, in which I said then as I did a few moments ago that the policy of preference to unionists was a synonym for compulsory unionism. My views have not changed since then: preference to unionists is still compulsory unionism. The subject of compulsory unionism continued to be discussed for some time, because matters brought to us as members of the Opposition were raised by various members. The member for Eyre asked a question concerning subcontractors with the Highways Department at that time. We found that subcontractors in Government departments were forced to employ unionists by threat of losing the contract if they did not do so. We saw the action of this Government operating within its own orbit, its own departments and its own employees. It was carried even further to firms that contracted for Government work.

We see in the Bill that this compulsion will apply to the whole of industry throughout the State. Clauses 29 (1) (*c*) and 69 (1) (*c*) have been dealt with by several speakers. I believe that a person in a trade or profession should belong to the union or organization that represents his trade or profession. I will not apply the term the Minister used a short while ago, because I find it abhorrent. At the same time, I believe that anyone who receives benefits as the result of action by an association should belong to that association. I belonged to an association when I was in

business, before entering this Chamber. However, I do not believe that people should be made to join associations. If a person wishes to suffer what he will suffer from his workmates because of the principle involved in his refusal to join an association, he should be allowed to suffer. However, I believe that people should join associations. I hope that in most cases people do join. The member for Glenelg referred in an interjection to political levies. This is one aspect of joining associations that I do not like.

The DEPUTY SPEAKER: Order! The honourable member for Flinders may not refer to any matter that has previously been ruled out of order.

Mr. CARNIE: For the reasons I have given, although I believe that people in trades or professions should join these associations, I cannot support the compulsion inherent in the Bill. The member for Playford gave a long dissertation on the English common law as it applies to torts. He went back as far as the Black Death. Later he referred to black bans, so he seems to have had a morbid outlook this evening with everything appearing black.

Although I am not an expert on common law (and a few members in this House are experts on it), I still intend to deal with clause 145, since I can think of it in no other way than as the Dunford protection clause, because it was in this connection that it was included in the Bill. As this clause would set a precedent that could have serious repercussions, I cannot support it. Although I do not believe that any responsible union officials would abuse the provisions of clause 145, all union officials are not responsible, any more than all members of the community are responsible.

Mr. Slater: Including chemists.

Mr. CARNIE: Certainly; any section of the community has its irresponsible members. As I believe that an irresponsible person could take advantage of clause 145, I do not like it. We all know the history of the Kangaroo Island dispute, which was covered well by the member for Mitcham.

The DEPUTY SPEAKER: Order! Any reference to the Kangaroo Island dispute is out of order. The matter has already been discussed in this House, and Standing Orders prevent the repetition of debates.

Mr. CARNIE: I intend to link up my remarks to clause 145; I do not intend to develop a debate on this matter.

The DEPUTY SPEAKER: The honourable member will have to link up his remarks or he will be out of order.

Mr. CARNIE: It is obvious that the events on Kangaroo Island, the sequel in court, and the Government's action have led to the inclusion of this clause in the Bill.

The DEPUTY SPEAKER: Order! During the course of this debate, it has been ruled that reference to the Kangaroo Island dispute is out of order. In addition, Standing Orders provide that a matter may not be referred to if it has already been debated, so I will have to rule the honourable member out of order.

Mr. CARNIE: I consider that, as this clause obviously relates to that matter, you are not allowing free debate on it.

The DEPUTY SPEAKER: The honourable member can debate the clause, but he will not be permitted to deal with a matter that has already been debated this session.

Mr. CARNIE: The embarrassment caused as a result of certain actions in this State recently has led to the inclusion of this clause in the Bill. I point out that, even as the clause is drafted, not always will a union official be protected. There are times when, if a union official kills or assaults or defames someone, he becomes as other people and is subject to the normal processes of the law. Until then, under this clause it seems to me that he does not. That is wrong. The member for Mitcham rightly said South Australia is the only State that did not have a similar clause in its legislation, and that it had nothing whatever to do with the Government. However, it is rather interesting that the Minister for Environment and Conservation said the member for Mitcham was guilty of narrow thinking and that he should enlarge his reference to the whole of the Commonwealth, yet the member for Adelaide accused the member for Mitcham of going too far afield in speaking of industrial relations in Australia, and said he should bring his remarks back to South Australia. Someone obviously is wrong.

Opposition was expressed to this clause before it was presented in the House. On September 26 I presented a petition on behalf of 300 or 400 persons, expressing concern at the apparent intention of the Government to introduce an Industrial Conciliation and Arbitration Bill to protect unions and union officials from the normal processes of the law, and praying that the House of Assembly would not vote the Bill into law. This was a spontaneous action on the part of farmers in my area. If more time had been available, I am sure the petition would have carried many more signatures. The word "apparent" is rather

significant, because they read things rather well. They referred to the "apparent intention"; now it is obvious that their fears have been realized with this clause in the Bill. The petition prayed that the House of Assembly would not vote the Bill into law. To me, it means that I should vote against this clause, although, as I indicated earlier, not against the Bill. I find clause 156 an incredible clause. It provides:

> Where in any proceedings under this Act a registered association is a complainant, or an official of a registered association in his capacity as such is a complainant, any fine imposed in respect of those proceedings shall be paid to the registered association, otherwise such fine shall be paid to the Treasurer in aid of the general revenue of the State.

We are speaking not of costs or damages, but of fines. Why should a fine be paid to the association which is a complainant? Like the member for Torrens, I can think of no other case where this is so. We could create a very bad precedent if we wrote into the law of this State that fines would go to what were, in effect, private bodies. Fines traditionally go to Treasury and become part of Consolidated Revenue. Certainly, if costs or damages are awarded against a complainant that is an entirely different matter, but the fine itself should not go to the association. For this reason I oppose this clause, too.

There is no doubt that this Bill is a Committee Bill, because of its size and complexity. I support most of its contents, but there are clauses that I hope to see amended and others that I hope to see rejected. With those reservations I support the second reading.

Mr. RODDA (Victoria): I support the Bill. As the member for Flinders has pointed out, it has caused much discussion and many points have been raised in opposition to it. It is important that members on both sides make a contribution to this important debate. The title of the Bill is as follows:

> . . . an Act to consolidate and amend the law relating to industrial conciliation and arbitration, and for other purposes.

I believe it to be important that the word "conciliation" takes precedence over the word "arbitration". The Minister in his explanation referred to the Government's policy and the reasons for it, and no fair-minded person would deny the rights of the person working for a living to access to a fair go. My colleagues have referred to matters inherent in our philosophies which differ from those of members opposite.

Mr. Keneally: Are you in favour of workers getting a fair go?

Mr. RODDA: I am all for the worker getting a fair go, and on the small undertaking with which I am associated in the South-East, the people with whom I work always have a fair go and the same people come back year after year (although we have no permanent employees).

Mr. Harrison: They certainly did not get a fair go under the previous Code.

Mr. RODDA: Perhaps such progress should be part and parcel of all legislation and we should amend the situation applying to all people in this way. I hope that also satisfies the query of the member for Stuart. Much has been said on this side of the House regarding compulsory unionism. We heard a learned dissertation from the member for Spence.

Mr. Harrison: He did a good job.

Mr. RODDA: He put a good case for his side. Indeed, no person loses marks from me if he plays a good game for his side, even if he is not on my side.

Mr. Burdon: He's not going to change his guernsey.

Mr. RODDA: The last thing I should want would be for any person to change his guernsey, though I do not mind if a member changes his tie. I speak with some experience about the changing of guernseys. It reminds me of the football matches in which I used to play on the West Coast, where there were not enough guernseys to go around and one had difficulty knowing who was who.

The DEPUTY SPEAKER: Will the honourable member link up his remarks with the Bill.

Mr. RODDA: I am trying to do so, Sir, because it always seemed to involve the side with which I was playing, and nothing is worse than being in a team when one does not know with whom one is playing and in which direction one is kicking.

The Hon. L. J. King: Or even what rules they are playing under.

Mr. RODDA: If I thought the Industrial Code could be applied to some of the things that members opposite obviously think I am referring to, I would be much happier. One could say much about this Bill, which is a Committee Bill. However, I will leave it at this stage and raise certain matters with the Minister in Committee. The Bill breaks new ground, and there are obvious reasons for this. I hope that when it becomes law the legislation will work as the Government

intends it to. I hope that conciliation takes precedence of arbitration and that it acts in the best interests of everyone in this State. Bearing in mind what my distinguished colleagues have said, I support the Bill.

Mr. GOLDSWORTHY (Kavel): I, too, support the second reading. I should like to make a few points regarding the Minister's second reading explanation. Although Government members have said that the aim of the legislation is to increase conciliation as opposed to arbitration, a perusal of the Bill certainly does not make this point readily apparent. The Minister said this in his second reading explanation, and other members have alluded to it in the debate. Despite that, it is not apparent to me that a great emphasis is being placed on conciliation. The Minister said it was significant that "conciliation" appeared before "arbitration" in the title of the Bill. I could not see much weight in that point; nor can I see from a perusal of the Bill that there is any revolutionary switch from arbitration to conciliation. Indeed, the Bill spells out descriptively industrial conditions regarding most employees in this State.

The Minister highlighted his remarks with the fact that the definition of the word "employee" had been considerably widened. Indeed, this has happened, an aspect to which other speakers have referred. It seems to me, however, that persons are included in that definition who ought not to be encompassed by it. Reference has been made to building subcontractors, and other persons such as taxi-drivers, owner-operators of trucks and office cleaners, all of whom are (I believe wrongly) brought within the definition of "employee". Persons such as those who own and operate their own trucks are certainly self-employed, and the Government has obviously included them in the definition in order to restrict them. I refer particularly to the building subcontractors in this regard. That part of the provision has been questioned and will be questioned further in the Committee stage of the Bill, when I expect some amendments will be moved to remove some of these classes of people from the blanket definition of "employee". The definition of "employee" is completely unrealistic. For that reason, some questions will be asked during the Committee stage.

The next part of the Minister's second reading explanation seems to me to deal with matters that should more properly be the function of the court than the subject of detailed provisions in this Bill. I refer here to the sick leave provisions and other related matters, including conditions of employment, that are properly the function of the court and should not be included in this Bill. The Minister said that leave or payment in lieu of leave was to be paid at the rate of the employee's average weekly earnings for the previous 12 months or the award rate or the current weekly earnings, whichever were the highest. Without taking too many examples, it is apparent that some employees are on regular overtime, sometimes for the whole of their employment. This Bill requires the employer to send them on their three weeks annual leave and pay them overtime payment, in those circumstances, on top of the normal award or agreed rates, that becoming the holiday pay. That seems to be unrealistic. Little thought seems to have been given to the man supplying the employment. One cannot consider the overtime payment of an employee who has normal employment, yet this Bill prescribes that the employer is obliged to pay overtime payment to the employee who normally works overtime periods of employment if that employee is on annual leave, which seems to be a completely unrealistic approach to fair and just remuneration for an employee's annual leave.

Mr. Harrison: More than overtime comes into it; there are over-award payments.

Mr. GOLDSWORTHY: I am not arguing about over-award payments. If the employee is employed at over-award payments, that is fair enough. I do not argue in that case that it is not realistic that he should have his normal pay during his periods of leave; but, according to the Minister's second reading explanation, it is whichever is the highest rate of pay. The employer works out the employee's normal wage and then considers his overtime employment. If the employee has worked overtime for the whole year, he is paid at overtime rates during his annual leave. That is not realistic. I would certainly not quibble about the employee's getting over-award payments as his normal wage. However, as it reads in the Bill, it is anomalous.

Another point is the clause permitting preference to be given to unionists. The Minister says that this is not a compulsory unionism provision, but the example given by the member for Torrens indicated that it was the finishing point for non-unionists. Two employees present themselves for employment and the

employer is obliged to give preference to the unionist. There is really no choice in the matter—the unionist gets the employment. That is a clear case of discrimination, and it amounts to compulsory unionism. If a person requires a job and the condition of preference to unionists is applied, he must join a union, and that amounts to compulsory unionism, a provision with which I disagree. In an action that may arise where an individual or a group of individuals has suffered an alleged injustice the Government may find difficulty, in the light of recent experience, in convincing the public and Opposition members that the present provisions regarding legal disputes are justified. I am not arguing with the exemptions from these provisions.

The Full Commission should adjudicate on the question of equal pay. The Minister said that, in order to expedite claims, they should be heard by a single member of the commission, but because of the dissenting rulings it seems that, in this case, the decision of a Full Commission is most likely to be more readily accepted, and I do not favour this provision. The Bill provides that if an employee has been dismissed, and it is proved that he has been wrongfully dismissed, he may claim full wages for the period between his dismissal and reinstatement. This part of the Bill should be tightened, because as it is drafted it is possible for this provision to be abused. The Minister has drawn attention to some of the major changes contemplated by this legislation: much of the Bill's content would not be opposed by Opposition members, but the matters to which I have referred (some more important than others) should be discussed fully in Committee.

I hope Government members will consider the amendments to be moved by the member for Torrens on behalf of the Opposition. Despite the numerous interjections from Government members, I and other Opposition members are not opposed to the trade union movement. This movement has done much to improve working conditions for those whom they seek to represent and much good for the whole community. However, although saying that, I believe that the activities of some leaders of the trade union movement are not in the best interests of those they represent or of the community. I make no bones about making that point, and I know that Government members would share that view. Penal clauses work both ways, and I do not believe that employers should have the right to lock their employees out. The matters I have raised have been dealt with more fully by previous speakers, and they should be considered in Committee. I hope the Government will view seriously the amendments the Opposition intends to move to this important Bill. I support the second reading.

Mr. MATHWIN (Glenelg): I support the Bill and congratulate the member for Torrens on the work, research and excellent job he has done on it. Obviously, great pressure has been brought to bear by the unions on the question of compulsory unionism, which has been bandied about much this evening. The Minister knows the implications are there: join the union, or else!

The Hon. D. H. McKee: How did you work that out?

Mr. MATHWIN: It is simple, and I can read between the lines. Another undesirable feature of the Bill is that Parliament is usurping a responsibility that should be taken by the Full Commission, particularly regarding clauses 80, 81 and 82, which cover sick leave and annual leave and which the Leader referred to as blackmail. This is another method of saying: join an association, or else! Paragraphs (*b*) and (*c*) of the definition of "employee" relate to persons such as taxi-drivers, who own their own vehicles, and subcontractors. One subcontractor who comes to mind is the truck owner who contracts to cart products for tile manufacturers such as Monier Besser; such a man would come into this category. Paragraph (*d*) of the definition "employee" includes cleaners, such as school cleaners. Recently, when I asked a question of the Minister of Education regarding the payment of pension, he said that such people were under contract to the Education Department. It greatly concerns me that the many thousands of hard-working people in the building industry, who come under the category of subcontractors and who prefer to work for themselves on a share basis, are affected by this legislation. These people enjoy working as subcontractors, whether the Government likes it or not. For many years, I worked as a subcontractor.

Mr. Payne: Is that why you were expelled from the union?

Mr. MATHWIN: I worked hard as a subcontractor for many years and I was able to make my way in this country. The many thousands of people to whom I have referred who work in the building industry enjoy their independence and the right to work as they wish. It is well known that, particularly in the

building industry, unions hate subcontractors, and the Government is supporting the unions. It will be a sorry day indeed if the unions and the Government between them strangle this type of work, which has been responsible for great achievements, especially in South Australia.

[*Midnight*]

The Hon. D. H. McKee: Did you resign or were you expelled from the union you belonged to?

Mr. MATHWIN: The Minister can resign, but if he listens to what I am saying he may learn something.

The Hon. D. H. McKee: Why are you so dirty on the unions? Were you expelled?

Mr. MATHWIN: I am not dirty on the unions. I support them, as I always have. My main objection now is that unions are riddled with Party politics, and this has spoilt them. Clause 12(2) states:

The President of the Court or a Deputy President of the Court may complete the hearing and determination of any proceedings part-heard by him before attaining the age of sixty-five years, and, for the purpose of completing any such hearing and determination shall be deemed to continue in the office of President or, as the case may be, of Deputy President.

Although a log of claims in this State may not take as much time to be dealt with as matters take in the Commonwealth sphere, the President or Deputy President could have a long term of office after they have reached 65 years of age because of a long case. In the Commonwealth sphere, the professional engineers case and the bank officers case were adjourned *sine die* by the President after the initial hearings. Such cases can be held over for many months. I listened with great interest to the member for Spence, who I thought gave a good account of the Bill, although I did not agree with all he said. He spoke about the pitfalls of compulsory unionism. Provisions in this Bill force the issue in this respect.

Part VI, on page 56, relates to general conditions of employment, and clauses 78 to 80 should be considered carefully. Parliament should not fix these rates; they should be fixed by the Full Commission. The member for Spence mentioned some aspects of collective bargaining. He said he thought he supported it. Mr. Hawke (President of the A.C.T.U.) supports collective bargaining, yet the same man cannot run a haberdashery store in the middle of Melbourne. That store is losing money; that shows how good Mr. Hawke is.

The ACTING DEPUTY SPEAKER (Mr. Burdon): I draw the attention of the member for Glenelg to the fact that haberdashery is not mentioned in the Bill.

Mr. MATHWIN: Clause 123, on page 77, provides that printed copies of the rules shall be supplied to any person who applies for them. This is an interesting point. I have found from experience that it is difficult, even if one belongs to a union, to get a union rule book.

Mr. Langley: Have you ever belonged to a union?

Mr. MATHWIN: I have belonged to a union. Men in the ordinary rank and file and workers on the line at Holdens and Chrysler have great difficulty in getting a rule book, yet if one were to join a bowling club or any other organization one would get a book of rules immediately on payment of dues.

Mr. Harrison: You are wrong there.

Mr. MATHWIN: Whether one can understand the rules or not is another thing.

Mr. Langley: In your case, I would say so.

Mr. MATHWIN: I can understand it. I am pleased to see the member for Albert Park, who spoke earlier, trying to suggest that it is simple to get a union rule book. I should say the honourable member has lost his memory, because it is a most difficult thing to do.

Mr. Harrison: Did you try?

Mr. MATHWIN: I did not try, but I know of other people who have, and they have been unsuccessful.

Mr. Harrison: If you are not a member you will not get one.

Mr. MATHWIN: The provisions of clause 123 should be enforced: all members should be supplied with these books. Another interesting aspect is mentioned in clause 133, subclause (1) (*b*) of which provides:

(*b*) the rules of a registered association or their administration do not or does not provide reasonable facilities for the admission of new members, or impose or imposes unreasonable conditions upon the continuance of membership, or are or is in any way tyrannical or oppressive;

Subclause (1) (*c*) provides:

(*c*) the proper authorities of a registered association wilfully neglect to levy and collect the subscriptions or levies prescribed by its rules.

That is an interesting provision, because one gets down to the old and weathered matter of political levies. Recognizing the trouble that this provision would cause certain people, the Government should have seen in this measure the ability for a union member to contract in instead of having to contract out.

Had it done this, the Government would have had to include a different provision. However, rather than introduce the matter of contracting out, the Government had to include the other two provisions. Why should a member of an organization or union have to write to his secretary requesting him to stop making payments to the Labor Party? Why should he not say when he joins the union that he is willing to pay his 20c or 40c a quarter to a certain Party, no matter which one it is? That is only fair, and I believe that that provision should have been written into this clause.

Members interjecting:

Mr. MATHWIN: I have before me the rules of the Amalgamated Engineering Union, with which the member for Albert Park would be familiar.

Members interjecting:

The ACTING DEPUTY SPEAKER (Mr. Burdon): Order!

Mr. MATHWIN: This book contains that very provision: the ability to contract out rather than the necessity to contract in.

Mr. Langley: What do you think—

Mr. GUNN: I rise on a point of order, Sir. I draw your attention to Standing Order 159, which clearly provides that no honourable member shall interrupt another honourable member when he is addressing the Chair. The member for Unley has deliberately interrupted the member for Glenelg.

The ACTING DEPUTY SPEAKER: The point of order is not upheld.

Mr. MATHWIN: I refer now to clause 156, which refers to fines which are imposed and which are to be paid to a registered association. I believe they should be paid not to a registered association but to the Treasury. Subclauses (3) and (4) of clause 157 refer to employers being held to ransom. The member for Spence spoke on this clause applying to workers, and I agree with him on that, but the clause should apply on a two-way basis, because employers should no more be held to ransom than should employees. This matter should be looked into.

I now refer to the standover tactics of shop stewards who, I am glad to say, are not trained in Australia but who are brought here for the specific purpose of disrupting industry. In this way the rank and file members of unions are being penalized by their own union bosses, and this is most unfortunate. The member for Playford supports compulsory unionism, but I do not support that philosophy in any shape or form. The Minister of Labour and Industry stated:

There is a great difference between compulsory unionism and preference to unionists.

I hope that, when the Minister replies, he will make clear the difference not only to my colleagues and myself but also to his colleagues. What is the difference? The policy of union secretaries is that of compulsory unionism.

Mr. Crimes: That's not so.

Mr. MATHWIN: They approach one industry at a time. For example, in the retail industry, members of the union forced employees to join the union or to leave their jobs. If that is not compulsory unionism, what is?

Mr. Crimes: You just don't understand it.

Mr. MATHWIN: The Minister of Roads and Transport would agree, because he supports compulsory unionism in his departments and has had inserted in Government contracts under his control a provision whereby subcontractors must employ only union members. I support unions—

Mr. Keneally: Rubbish.

Mr. MATHWIN: That is not rubbish. I have told the member for Stuart before, and I will say again, that I support unionism. However, I believe that all union members should pay a union fee no matter where they work. They should pay a fee either to the union or to another organization. However, I do not believe that union members should pay a sustentation fee or the levy.

The SPEAKER: Order! There is nothing about sustentation fees, levies, or union dues in this Bill. The honourable member must link his remarks to the Bill.

Mr. MATHWIN: I refer you, Mr. Speaker, to clause 133 (1) (*c*), which provides:

The proper authorities of a registered association wilfully neglect to levy and collect the subscriptions or levies prescribed by its rules.

I submit that this does relate to political levies and to sustentation fees. In closing, I again emphasize that all union members wherever they work should pay union dues, but they should be able to pay it to a union or to another organization.

Members interjecting:

The SPEAKER: Order!

Mr. MATHWIN: All union members, wherever they work, should pay fees. They should not in any circumstances (and this applies to anyone) have to pay a levy or sustentation fee, because there are many people who belong to unions who support the Liberal

Party; there are also many people belonging to unions who support the Democratic Labor Party. They should not have to pay these fees.

Mr. Harrison: They do not.

Mr. MATHWIN: Oh, yes, they do. I have read it out to the honourable member before.

Mr. Harrison: I do not care what you have read out.

Mr. MATHWIN: The member for Albert Park takes issue on this.

Mr. Harrison: They do not have to pay.

Mr. MATHWIN: The only way to avoid that levy is to approach the union secretary.

The SPEAKER: Order! There is nothing in the Bill about political levies.

Mr. MATHWIN: I have dealt with that, but I must ask you, Mr. Speaker, to bear with me, because this is contained in the Bill. However, I shall not pursue it further.

Mr. Brown: You are wrong.

Mr. MATHWIN: If there is a challenge coming from the member for Whyalla, I should like to take him up on it.

Mr. Brown: You prove it.

Mr. MATHWIN: There are many matters to be discussed in Committee, because this is a Committee Bill. I support the second reading.

Mr. BECKER (Hanson): I support the second reading. In doing so, I refer to the remarks of the member for Adelaide, who said, I believe, that the present legislation applied to 37.4 per cent of State employees and that this new Act would apply to an additional 12 per cent not previously covered. In other words, less than 50 per cent of State employees will be covered by this new legislation. By making this legislation more beneficial than the Commonwealth legislation to only one-half of the employees working under State awards, this Government is fast creating an industrial dispute that the commission will be incapable of solving by either arbitration or conciliation. We shall be creating an Industrial Code that will have far greater effect in certain areas than the Commonwealth legislation has.

Mr. Brown: History has proved that wrong.

Mr. BECKER: In some Commonwealth awards there are certain clauses applying to employees in the various States. I have worked under a Commonwealth award that simply stated that, if conditions in the State were better than those under the Commonwealth Act, those conditions should apply. That related particularly to long service leave. I want to dispel the theory generally held that my Party is opposed to unionism.

The Hon. D. H. McKee: That is rubbish.

Mr. BECKER: I am talking of the Liberal and Country League. We have never been opposed to unions. Where we have failed in the past is that we have never done anything to encourage members of unions to hold office in those unions. We have not been like the Australian Labor Party, which has encouraged members of unions to hold office in their unions. I am criticizing my Party and myself for not encouraging those who are willing to offer their time and services in the trade union movement. Let us face facts: any member of a union can nominate for a position in that union. The successful people in the trade union movement have been willing to work hard and devote their spare time to the cause. Having served in my association for seven years, I know how much spare time is required and what is involved. I believe that we on this side should encourage people who are willing to do this.

I have received many complaints in the last few months from people who have been asked or forced to join a trade union. They ask me what they should do, and I tell them to join the union and take an active interest in it. I tell them that, if they are not happy with the management of the union, they should try to obtain a position in that union. I believe the average worker in this country does not take sufficient interest in his union: he is lackadaisical and willing to leave everything to the other fellow, so that he gets what he deserves in the control of his union. I was not satisfied with the management of the affairs of the association to which I belonged, and I was told that, if I did not like what was being done, I should contest a position on the committee, become a delegate, and then obtain other positions. I did that: three times they tried to expel me and three times they failed.

No union will expel a member if he is trying to improve the lot of workers in this country. Unions in this country have served the country well, and will continue to do so if workers demand a fair and reasonable go, and no-one will deny them that. We must encourage everyone to take part in union affairs. Some unions in Australia have been controlled by elements that are foreign to the Australian way of life and thought, particularly during the past 30 years. However, these days are ending, and I believe that the Australian worker will

rise to the occasion, defend his rights and country and, above all, defend his way of life.

Clause 6 defines certain types of employee and "adult" means a person of or over the age of 21 years. Why not 18 years? This Parliament, in the life of this Government, has given the 18-year-old the vote, the right to make contracts and wills, etc., but, apparently, these persons are not considered adult enough to receive the adult wage. In other words, the Government has dodged the contentious issue of whether an 18-year-old should receive the adult wage, and we know what the employers think of that. The Bill takes one step forward and one step backward. No wonder certain trade union officials have said in the press that this Bill could have been prepared by the Liberal Party. No Government member can deny that certain trade union officials in the State are not very happy with the Bill. One clause relates to general conditions of employment and another clause relates to equal pay for females in certain circumstances. Having campaigned in the banking industry for equal pay for equal work, I still uphold that principle. I support equal pay for equal work, but it would not make some employers happy to hear me say that. Clause 123, which relates to associations and which is one of the important parts of the legislation, provides:

> A printed or typewritten copy of the rules for the time being in force of a registered association shall be supplied by the association to any person applying therefor, on payment by the person to the association of a sum not exceeding one dollar.

If a person is asked to join a union, it is only fair and reasonable that he should ask to see a copy of the union rules. The first reaction by the shop steward or the union representative is usually to say that the rules are out of print. What is the reason for this increase from 50c to $1, because generally union rules are nothing but a roneoed sheet of paper? The rules change from year to year. There would hardly be a union in this country that would hold an annual conference at which the rules would not be changed. I object to this clause, because no-one should have to pay for a copy of his union's rules; that fee should be included in the union subscription.

The SPEAKER: Order! We are not discussing union administration.

Mr. BECKER: Every union member should have the right to ask for a copy of his union's rules and be given a copy without having to pay an additional fee. Clause 123 is a joke. In this State at present a concerted effort is under way to increase union membership. I believe that every citizen has the right to see the rules before he is compelled to join the union. Certain legislation, referred to as consumer protection legislation, has been introduced, and it provides that people shall see the terms of a contract before they sign it. If a person is requested to join a union without seeing its rules, he is buying a pig in a poke. Most application forms to join a union state that the applicant must abide by the rules of the union. It is difficult to obtain a copy of union rules, as they are never in print. This is how the unions get out of it.

Mr. Crimes: These are unsubstantiated statements.

Mr. BECKER: They are not, because I have used the typical phraseology of most Shop stewards. Plenty of copies of union rules should be available for those who wish to join unions.

Mr. Clark: They are.

Mr. BECKER: Only last week I heard of two people who could not obtain copies of the rules. A person can join a union without knowing that he can be expelled from the union. This Bill provides for preference to unionists. As a result of certain behaviour, unions can expel a person. The union can then say that this person is not a member and that it will call everyone out. This is industrial blackmail, because the employer must then transfer this person to another job to avoid a confrontation.

Clause 130 requires a registered association to send yearly financial statements to the Registrar. Many constituents of mine have told me that they have asked their union for a copy of its balance sheet and have been unable to obtain it. Not many unions will hand over a copy of their balance sheet. I believe any member of an organization has a right to see its balance sheet. Some unions publish monthly or bi-monthly journals in which they periodically include their balance sheet, and I give them credit for this, but most unions do not do this. I believe that all unions should provide a copy of their balance sheet to all their members. This is part of the so-called service which, after all, unions have been formed to provide to their members, whose interests they are supposed to look after. One would think that members would therefore be supplied with a balance sheet.

Mr. Clark: And management.

Mr. BECKER: Why should management not get a copy, because it has to publish its

balance sheets, if it is a public company? How many successful cases have been put to the arbitration commission that have been based on published balance sheets? How many unions have presented a case to the commission based on the ratio of the profit of a company compared to the number of its employees? We did this in the banking industry and, when the number of employees was compared to the profit of the individual banks, it made a fairly good picture as far as we were concerned. Why cannot the unions provide balance sheets? What have they got to hide? The Amalgamated Engineering Union is not frightened to publish its balance sheet and to show how much it has in the political levy account. More credit to it in that respect. I do not believe that a member should have the right to appeal to the Registrar, and more particularly to the President of the Industrial Commission, to obtain a balance sheet. The balance sheet is a right of membership and the clause should be amended accordingly.

Clause 132 deals with the service of notices on registered associations. I believe this is farcical. We could have a situation where a union officer makes sure he is not in the office at the time of serving of a notice. If he suspects that there is something going on, that certain situations have been created, then of course he will not be in the office and in that way he can avoid having the notice served on him. Clause 135 deals with the rules of a registered association and subclause (1) provides as follows:

> A rule of a registered association— . . .
> (*b*) shall not be such as to prevent or hinder members of the registered association from observing the law or the provisions of an award;

In comparing this to later provisions in the Bill I find it is contrary to the clause relating to torts. Subclause (1) (*c*) provides as follows:

> shall not impose upon applicants for membership, or members of the registered association, conditions, obligations or restrictions which, having regard to the object of this Act and the purpose of the registration of associations under this Act, are oppressive, unreasonable or unjust.

Let members opposite not deny that unions have a right to force upon their members compulsory levies. Many awards I have seen provide that if members do not pay their union levies they can be sued and fined, and many unions have taken court action to recover levies and fines.

Mr. Jennings: How do you see that in the awards?

Mr. BECKER: The honourable member should read the whole clause. If he does so, he will see that clause 135 contradicts certain clauses relating to torts. Clause 145 provides as follows:

> (1) subject to this section, where an act or omission was done or omitted to be done in contemplation or furtherance of an industrial dispute by or on behalf of . . .

and subclause (2) provides:

> In subsection (1) of this section an "act or omission" does not include a wilful act or omission that directly causes—
> (*a*) death or physical injury to a person; or
> (*b*) physical damage to a property,
> or a wilful act or omission that constitutes a defamation.

That does not leave very much. As I interpret it, the only chance is that a man must be killed before he is liable. I believe this heralds a new era of industrial lawlessness, and where it will end, no-one can say. I understood the member for Adelaide to say this evening that the Kangaroo Island dispute could have ended in revolution. That dispute was a shocking state of affairs and is probably a reason why this clause is included in the Bill. No wonder the public is asking who is running the country. In any event, we will find that out on December 2, when the people will demand that we have a sane and commonsense Government and that, therefore, the McMahon Government should remain in office.

The SPEAKER: Order! There is nothing about that matter in the Bill.

Mr. BECKER: Clause 142, which relates to the recovery of money owing, provides:

> All moneys payable to a registered association by any member thereof under its rules may, in so far as they relate to any period of membership after the date of registration of the association, be recovered in any court of competent jurisdiction by such association in its registered name as a debt due to the association.

Most unions insist on three months notice being given. This means that one must be paid up in advance, and generally they will not let one resign. Of course, if one does not pay, one will be sued. Clause 151, which relates to a defence, provides as follows:

> It is a defence to any proceedings under section 149 of this Act for the defendant to prove that—
> (*a*) the employers in relation to whom the illegal strike occurred or their servants or agents have by any unjust or unreasonable action provoked or incited the strike.

That could include any comment made in negotiations. It could be a facetious remark made by an employer in negotiations and could, therefore, be used against him. Such a person could be accused of inciting a strike. In other words, any word an employer used in negotiations could be claimed as being unjust by the union. What is the Minister trying to do to the employers of this country? Clause 158 provides:

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

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

Are we therefore to assume that, from the commencement of this legislation, no employer is to sack an employee if he is not a member of a union, irrespective of the pressure brought to bear on him by the union? Despite that, a clause in the Bill provides for union membership.

Mr. Evans: Do you mean they cannot sack you if you are not a member of the L.C.L.?

Mr. BECKER: They cannot sack one because one is not a member of an association. To me, clause 158 is contradictory. If what I have said is correct, how can a union cause a strike because an employer employs a person who is not a member of that union? That is what it says and that is how it is to be interpreted. Some of the interpretations are beyond the understanding of the Minister, I am sure. Clause 160 (2) appears to me to be impracticable. It provides:

Notwithstanding anything in subsection (1) of this section the record of the times of beginning and ending work of any employee in the building industry shall on each day be verified by that employee.

The big question we ask here is: why specifically the building trade? Is Mr. Robinson specially catered for in this Bill and this subclause? The Minister has been led on.

Mr. Brown: Do you claim that the Minister has been led on by a particular person?

Mr. BECKER: The building industry is specifically mentioned but everyone has a time card so why specify the building industry?

Mr. Brown: Because the men in the building industry are on an hourly rate of pay.

Mr. BECKER: I come now to clause 162.

Mr. Brown: It makes my blood boil when the member talks like this.

Mr. BECKER: Clause 162 provides:

Every employer . . . shall make available to any employee a copy of this Act and a copy of the Workmen's Compensation Act, 1971, as from time to time amended, when so requested by any employee for the purpose of inspecting such Act.

In other words, there could be 500 employees and the whole lot could line up and demand to have a copy of this Act as printed and a copy of the Workmen's Compensation Act. Some honourable members may think that is ridiculous.

The Hon. D. H. McKee: It may seem that way.

Mr. BECKER: Then why put it in the Bill? It can be demanded of an employer that he provide a copy of the Act for an employee, but no union is compelled to provide a member with a copy of the union rules or balance sheet. What is the Minister trying to do? Is he trying to boost the profits of the Government? An employee has no right to demand such a document: he cannot obtain the union rules or a copy of the balance sheet of his union. Clause 163 provides that no premium shall be demanded for apprentices or improvers. It states:

(1) No person shall either directly or indirectly or by any pretence or device (*a*) require or permit any person to pay or give, or (*b*) receive from any person any consideration, premium or bonus for engaging or employing a person as an apprentice or improver.

I shall be interested to hear the Minister's answer to the question whether it will include any premium or grant paid by the State or Commonwealth Government to encourage the employment of apprentices or improvers. The Minister's answer will be interesting indeed. Clause 164 provides that certain guarantees shall be illegal. It states:

(1) Except with the consent in writing of the Minister, no person shall require or permit any person (*a*) to pay a sum of money, or (*b*) to enter into or make a guarantee or promise requiring or undertaking that such person shall pay a sum of money, in the event of the behaviour or attendance or obedience of an apprentice, improver, or employee not being satisfactory to the employer.

I shall be interested to see how this relates to the banking industry because, as I have already said, there is a banking award which provides that certain State awards will apply. This Bill deletes bonding, but that has always been a part of the basic employment requirement in banking. Employees entering into service in banks are told on joining the bank that they are required to take out a life assurance policy of $1,000 in value, which is held by the bank. Before an employee reaches 21 years of age, he is required to take out another policy of $1,000.

Mr. Simmons: Does that apply in all banks?

Mr. BECKER: It applies to all the trading banks. How this will affect other organizations which require cashiers to take out bonds I do not know. Is the bonding system harmful? I can recall stories regarding the effect of bonding and the oath of secrecy taken at 16 years of age which was a most effective method in many respects, because it is impossible to guarantee the future behaviour of any employee and, in the handling of public moneys, there should be some form of bonding system. This system does no harm and does no damage. As I have said, in banks it was usual for a life policy to be held by the employer until such time as the employee concerned left the service of the bank, when he was given back his policy. If an employee left the bank (whatever the reason) with a clear conscience, the policy was given to him. However, if a person was dismissed because of embezzlement (regrettably this does happen no matter what safeguards are taken) the holding of the assurance policy was a means of security to ensure restitution.

Mr. Simmons: To what clause are you referring?

Mr. BECKER: To clause 164. I am sorry that that matter is included in the Bill, because the Bill has generally brought up to date the Industrial Code of this State and, with certain exceptions, I can find little to object to in it.

The SPEAKER: The honourable member for Florey.

Mr. Harrison: Here comes a blast from the past.

The SPEAKER: Order!

Mr. WELLS (Florey): I want to blast those know-alls and other people who hold themselves out as being capable of interpreting the feelings of trade unionists. With the exception of the contribution made by the member for Torrens, no other member opposite has made a worthwhile contribution in this debate. Their assumptions were astray, they developed arguments which do not exist and they displayed crass ignorance about the affairs of trade unions. The member for Hanson laboured his way through the clauses, made a remark here and there about some of them, and made the most outrageous and stupid statements about trade union principles that I have heard, certainly in this House. The honourable member said that members of the trade union organization had said that this Bill might have been prepared by the Liberal and Country League. If that were so, it does not reflect much credit, if any, on the L.C.L., judging by the criticisms that have been made. I admit that, if the L.C.L. tried to produce such a Bill, it would make one big mess, because its members have no knowledge of the requirements of the trade union movement. The member for Hanson said that a member could not get a copy of the rules of an organization. This is sheer fabrication, because any member of any organization may go to the head office and ask for and receive a copy of the constitution of that union.

Mr. McAnaney: What about the Australian Workers' Union?

Mr. WELLS: The member for Hanson also said that some unions sued people for unpaid union dues. What is unusual about this? He, as a bank officer, has instituted many proceedings that resulted in people being sued.

Mr. BECKER: I rise on a point of order, Mr. Speaker. I take exception to that remark.

The SPEAKER: Order! What remark?

Mr. BECKER: The member for Florey has said that, as a bank officer, I took proceedings against persons. In almost 20 years in the banking business I never instituted proceedings against any client of the bank, and I ask that that remark be withdrawn.

Mr. WELLS: I am willing to withdraw that remark, because I am not certain of my ground, but the honourable member is a young man, and who knows what will happen in the future. He also said that unions did not provide a balance sheet. Trade union organizations are very jealous of their affairs (as they should be), and do not broadcast their balance sheets to be perused by people who have nothing to do with those organizations. However, any member of a trade union organization may go to the registered office and demand and receive a balance sheet. Trade unions have reputable auditors. The Waterside Workers Federation produces quarterly balance sheets, which are displayed on the federation's premises so that any member is able to examine them. This practice is followed by all trade union organizations that I know of. At the annual meeting the officers are called upon to account for their stewardship of the organization's funds. To my knowledge no organization operates a system by which business is transacted other than by cheque and, in normal circumstances, three signatures are required on the cheque. This means that the trustees are perfectly protected, and they protect the membership of the organization. The member for Hanson, again in ignorance, said that union members queued up to see a copy of this Act or a copy of the Workmen's Compensation Act. Being

an ex-banking officer, one surely would credit him with enough brains and common sense to realize that the situation was covered by the posting of a copy of this Act on the premises of a business firm, be it a building firm in the country, a factory, or any other place where union members are required to work. Copies of the Act are posted and members are entitled to read them. I get sick and tired of hearing members vent their spleen and spite on trade unions. Every time a Bill that concerns trade unions is discussed, an absolute haze of hate covers the Chamber. Most Opposition members are self-confessed and professed trade union haters.

Mr. BECKER: On a point of order, Mr. Speaker. The member for Florey has said that most members of the Opposition are self-confessed haters of the trade union movement, and I object to his remark.

The SPEAKER: It is not an unparliamentary remark. The honourable member for Florey is entitled to express himself, as the honourable member for Hanson is entitled to express his views. The honourable member for Florey.

Mr. GUNN: Mr. Speaker, I wish to take a point of order. The remarks of the member for Florey are offensive, as they reflect on the character of Opposition members.

The SPEAKER: I have already ruled on that, and I warn the honourable member for Eyre that he is not to waste the time of the House unduly. The honourable member for Florey.

Mr. WELLS: I would not make an incorrect statement. I was attempting to show, particularly the Opposition, because the Government is aware of the situation—

Mr. Venning: I can tell you a thing or two.

The SPEAKER: Order! The same rules apply to the honourable member for Rocky River as apply to other honourable members of the House. He must cease his interjections immediately. He is being most unruly.

Mr. WELLS: I was attempting to show that the Government does not discriminate or differentiate between people who are members of a trade union organization or association and people who are not members of a union or an association. This fact worries me because, as I have said previously, any man who works in any industry from which he derives his livelihood and who does not join the appropriate union is not worth the name of "man". However, the Government has determined that there will be no discrimination. Almost 13 per cent of South Australia's work force is not covered by awards or agreements, but the Government is legislating to protect these people and to see that they enjoy the benefits that are rightly accrued by the members of the trade union organization who pay their fees. Clause 81 provides:

(1) Subject to subsection (2) of this section every employee, to whom this section applies, who is unable to attend or remain at his place of employment for any period by reason of illness, on complying with the conditions prescribed by the regulations, shall be granted by his employer, in respect of that period, paid leave not exceeding in the aggregate ten days on full pay per year.

(2) The regulations may prescribe the conditions under which the sick leave provided for by this section shall be granted.

(3) This section applies to every employee who is a full-time employee and whose wages or conditions of employment are not governed by—

(*a*) an award or industrial agreement;
or
(*b*) an award or industrial agreement under the *Conciliation and Arbitration Act* 1904-1972 . . .

This also applies in respect of annual leave, long service leave, and minimum pay, and shows that the Government is willing to legislate for the betterment of every worker in this State, not just for the betterment of members of the trade union movement. Surely this is the answer to the rubbish we hear so often from members opposite to the effect that the Government cares only for the trade unions. That is absolute rot.

I want to compliment the member for Glenelg (I never thought I would have the pleasure of doing this) on agreeing with me about compulsory unionism. He said that any man who works anywhere (and he referred to General Motors Holden's) should be a member of an association. I did not think the honourable member would make such a statement. I did not think he would be of this opinion, and I congratulate him.

Mr. Mathwin: I said he should pay his union dues.

Mr. WELLS: If he pays his union dues, he is a member of the union.

Mr. Mathwin: No.

The SPEAKER: Order! The honourable member for Glenelg has spoken in this debate. The honourable member for Florey.

Mr. WELLS: I am proud of this Bill and the Minister, together with the people who have assisted him, must be commended. This is a break-through, an opportunity for

this Parliament to prove to the workers of South Australia that it cares for them and for the welfare of their families.

I shall speak briefly on technological change and the clauses in the Bill dealing with it. The Bill provides that an employer must give notice of his intention to introduce into his business further technological changes and automation, and it also requires that a period of three months notice shall be given prior to redundancy. Although this is a great step forward, it does not go far enough, because I would like to see the man rendered redundant made the responsibility of his previous employer. That employer should pay his full rate of pay until he is trained to take another position or has found a position that will return him a comparable wage. However, he is now given three months notice. On the surface, to many people who are not aware of the tragic circumstances surrounding the introduction of technological changes in Australia, this might not appear to be of any great moment, but I have seen in northern sugar ports in Queensland cases where the work force of hundreds of men has been completely decimated. Technological changes having taken place, there is no work for any man in that port as a waterside worker.

Mr. Harrison: It can happen overnight.

Mr. WELLS: Yes. These people, some of whom were second-generation waterside workers who had worked there all their lives, had to go to the larger cities of Melbourne and Sydney in search of employment. The Waterside Workers Federation protected its members by demanding that these men be transferred to other ports at the expense of the shipping industry. This proves what can happen when technological changes of any magnitude occur: the decimation of the work force at ports almost overnight. I refer now to a matter that would interest the member for Rocky River, who is a producer of grain and wool. I am glad that the price of wool has gone up because he will get a better wool cheque.

The SPEAKER: Order! There is nothing in the Bill about the wool cheque of the honourable member for Rocky River.

Mr. WELLS: Bulk grain ships often came into Port Adelaide and, before the introduction of the silos, when bagged wheat was in vogue, wheat had to be taken aboard on the next slip; the wheat then went down the chute into the ship's hold. It took three shifts of men, each employing 120 to 130 men, 24 hours a day, three weeks to a month to load a 10,000-ton cargo of bulk wheat. After the silos were introduced, it took only 14 men to load 10,000 tons of wheat, and a ship could enter and leave port in about 16 hours. That is what technological change does to the work force, not only in this State, but in every State in Australia. It is therefore incumbent on the Government to ensure that this Bill gives these people the justice they deserve.

Mr. Venning: Tell us about the abattoirs.

The SPEAKER: Order!

Mr. WELLS: I am proud that the legislation gives the commission wide powers to place these responsibilities upon employers. We have heard so much about the South Australian Government's supporting compulsory unionism. Opposition comes from the L.C.L., but what is the position in the Federal sphere, where the Liberal Party has been the dominating force politically for many years? Employees of the Commonwealth Railways at Port Augusta and points north are members of a union. If a member of that union was non-financial, all benefits to that member would be stopped altogether, not because of the union's demands but because of the Commonwealth Government's demands, in respect of sick pay, annual leave or long service leave payments. So, who is supporting compulsory unionism? I do not desire to lengthen this debate by speaking further, unless I get some intelligent interjections that I shall probably be able to answer.

The SPEAKER: Order! Interjections are out of order.

Mr. WELLS: This Bill is very good. In my opinion, it goes half-way towards what is required by the work force of this State, but it is a big step forward. The workers support it. They will indicate their support at every opportunity whenever the occasion arises. It gives me the greatest pleasure to recommend this Bill to all members of this House.

Mr. GUNN (Eyre): I rise to support the second reading of this Bill, but I do not give it the same support as the member for Florey did. I begin by referring to one or two matters raised by the honourable member. First, I totally reject his assumption that members on this side of the House are haters of the trade union movement, that there is a haze of hate on this side of the House. All members on this side believe in trade unionism.

Mr. Harrison: You could have fooled me.

Mr. GUNN: I say that without fear of contradiction. I believe that groups of employees or employer organizations are entitled to have people to speak for them. I am proud to be a member of the United

Farmers and Graziers of South Australia Incorporated, one of the organizations speaking for the rural community of this State. The difference is, however, that that organization does not compel people to be members of it, but it is their democratic right to be members if they so desire. We expect them to be.

Members interjecting:

The SPEAKER: Order!

Mr. GUNN: No black ban is placed on any rural producer who is not a member of either the United Farmers and Graziers or the Stockowners Association of South Australia, and I challenge any member of this House to prove that any action has been taken against any primary producer who has failed to join or has cancelled his subscription.

Mr. Harrison: He'd be left out on a limb, though.

Mr. GUNN: I do not know of any action taken against anyone who has refused consistently to join one of those organizations. How could anyone take any action? This matter has been discussed on one or two occasions at annual general meetings of the United Farmers and Graziers.

The SPEAKER: Order! The honourable member must confine his remarks to the Bill. We are not here to have a report on the United Farmers and Graziers' annual general meetings. There is nothing about that in the Bill. The honourable member must confine his remarks to the Bill.

Mr. GUNN: The member for Florey and other members gave us a resumé on the activities of the trade union movement.

Mr. Clark: That's what this Bill is about.

Mr. GUNN: I expect to be given the same liberty.

The SPEAKER: Order! I have ruled that the honourable member must confine his remarks to the Bill, to which the trade union movement is relevant.

Mr. GUNN: Clause 6 defines "association" as an association, society or body composed of representatives of employers or employees, and I am referring to the United Farmers and Graziers, which is covered by this clause. I was trying to explain how on a few occasions certain people had endeavoured to make it compulsory for all farmers to be members of the United Farmers and Graziers. I point out that that suggestion was rejected by an overwhelming majority of those involved. The member for Florey spoke about technological change. I say that the reason why waterside workers were affected by technological change was that that union was the most disruptive union in the industrial field in this State, and its own actions forced the employers to cut costs. I challenge the member for Florey to deny that.

Mr. Wells: I do; the poor old wharfies.

Mr. GUNN: I am not attacking wharfies individually, but I am pointing out that they were victims of their own folly. Obviously, they were led by the people in charge of their union. I make no personal reflection on the member for Florey. Referring to the bulk handling of wheat, the honourable member was critical of the rural industry and wheatgrowers. However, I remind him that for many years wheatgrowers received only about 13c a bushel.

Members interjecting:

Mr. GUNN: In clause 6 "employee" is defined. This is designed solely to smash the subcontracting system in this State. It is clear from the terms in which this provision is drawn that it is intended to eliminate the subcontractor over a period. Members on this side are well aware of the Government's attitude regarding subcontractors. One of the first questions I asked in this House related to a dispute in my district involving a small subcontractor, with only one employee, who was ordered by a union official in a most vindictive standover manner to comply with his requests. When I asked the Minister of Roads and Transport why this was necessary, he replied that I had been reading *Alice in Wonderland*. I refer members to page 280 of *Hansard* of 1970. Only a few weeks later the Minister sent out that wellknown and obnoxious directive that endeavoured to compel employees of the Highways Department to join a union. This provision is deliberately aimed at people who have the initiative to improve their lives by setting out to own something or engage in their own activity. In the building industry, unions want to smash the small subcontractor.

Mr. Langley: That isn't correct, and you know it.

Mr. GUNN: It is correct, and I challenge the honourable member to read this provision closely, if he is capable of understanding it, and I doubt that. Perhaps the honourable member will contribute to this debate: he is capable of asking a Dorothy Dixer of the Minister of Works or of interjecting, but perhaps that is all.

Mr. Langley: I'll make my statement in your area.

Mr. GUNN: We have heard that it is the policy of the Labor Government to encourage unionism by giving preference to unionists:

in practice this is compulsory unionism. I believe the member for Playford had his tongue in his cheek when speaking in this debate.

Mr. Langley: Do you believe that a fellow not in the union should get the benefits?

Mr. GUNN: I believe in trade unions, but not in compulsory membership. I understand that Government members subscribe to the Universal Declaration of Human Rights.

Mr. Burdon: Yes, we do.

Mr. GUNN: Article 20 provides:

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No-one may be compelled to belong to an association.

That is the test to which members of the Labor Party and trade unions must direct themselves if they believe in and support that declaration.

Mr. Clark: What document are you going to quote now? Are you prepared to table it?

Mr. GUNN: No, it is a private document: it is a Liberal Party publication, which is readily available. I turn now to the most obnoxious clause in the Bill, clause 145, which will prevent a person from taking action under common law against those who act in a manner that can only be described as despicable. I refer to the unfortunate settlers on Kangaroo Island who were held to ransom.

The DEPUTY SPEAKER: Order! As it has been ruled many times in this debate that the Kangaroo Island dispute is out of order, reference to it will not be tolerated.

Mr. GUNN: I am happy to abide by your ruling, Mr. Deputy Speaker. Under this proposal people will not be permitted to take action against irresponsible organizations that hold them to ransom. The majority of the trade union movement would not act in an irresponsible manner; only a few officers in certain unions would take this unfortunate course of action, because they have no regard for the rights—

Mr. Langley: Who are they?

Mr. GUNN: The member for Unley may make his contribution at the appropriate time. I oppose this clause, and I do not think I need advance any further argument on it, because the member for Torrens and the member for Mitcham have amply dealt with it. It has been interesting during the last few weeks to read the press reports on the action of the trade union movement in regard to this Bill. There have been several interesting comments in the press, some of which have described the Bill as anti-union and some as a law and order Bill, while others have said that political strikes would not be permitted. I wonder what political strikes have to do with the benefits for this State's workers.

As the hour is now late, I do not wish to keep the House any longer. I support the second reading and intend to lend my support to the amendments that have been placed on file by the member for Mitcham and the member for Torrens because I believe the amendments will bring some sense and reason into the measure. Like my colleagues, I am pleased to support in principle a measure that will provide benefits and rights to the workers of the State. As a progressive Party, we are always keen to take such action.

Mr. GROTH (Salisbury): I rise to support the Bill and to answer some of the most despicable criticism of the trade union movement that I have ever heard.

Mr. Venning: What do you know about it?

Mr. GROTH: I have worked for farmers and, if the member for Rocky River would like me to tell the House about how I was treated as a young fellow when I worked on some farms, I am willing to do so. If he wants to be embarrassed, I suggest that he carry on with his interjections.

The Hon. D. H. McKee: I don't think you will hear any more from him.

Mr. Gunn: I am interested in hearing the Minister's summing up of the debate.

The Hon. D. H. McKee: I won't be able to sum up your contribution.

The DEPUTY SPEAKER: Order! The honourable member for Salisbury.

Mr. GROTH: The Government believes that the Bill is appropriate for resolving industrial disputes. It is designed to protect the working class people of the State, and protection is something they have been denied all their working life since the introduction of the present Industrial Code. Much was said by the member for Hanson about whether unionists were able to obtain copies of their union's balance sheet and rule books. By way of interjection the member for Heysen indicated that the Australian Workers Union had denied a member a copy of the rule book. That is not correct. Rule books are made available to all union members, irrespective of organization, upon their request. Balance sheets are made available to all members of the trade union movement if and when they attend meetings, held annually to present balance sheets, or upon demand. The assertion of the member for Heysen is without foundation.

Most members opposite say that they support trade unionists and the trade union movement, and they believe that workers should become members of an organization. I find this hard to believe. Who do they fear most? They fear the trade union movement. So why do they believe that workers should belong to trade unions? Much has been said, too, about compulsory unionism and preference to trade unionists. Members opposite claim that the preference clause virtually means compulsory unionism. I dispute this; it does not. Compulsory unionism means that it is compulsory to join the union of your calling, full stop. Preference to unionists does not mean that. Members opposite seem to forget that preference to union members is subject to all things being equal.

The member for Florey referred to the situation in the Commonwealth Railways. I defy any member opposite to quote one instance of a dispute on the Commonwealth Railways in relation to non-unionists. There has not been one, simply because of a clause in the Commonwealth Railways award, a Commonwealth award which has been in force for the past 25 years or more, which provides that a person who is not a member of an organization is not entitled to sick leave, annual leave or public holidays. That is just. Why should a non-unionist be entitled to benefits gained by a financial member of his union? Most of the provisions of the Bill have been covered and I do not think there is any need for me to repeat what other members have said.

Mr. EVANS (Fisher): I support the second reading and, in speaking to the Bill, wish to refer briefly to certain speeches made earlier this evening. The member for Florey raised a point that has concerned me for a long time regarding our country: I refer to the trade union movement and the work effort not only of employees but also of employers. He referred also to the time taken to load grain ships at Port Adelaide prior to the introduction of today's modern mechanization, and said it took three shifts a day, each shift comprising 120 men, one month to load 10,000 tons. Therefore, 360 men worked one eight-hour shift each day for that period. Assuming, therefore, that they worked 20 days a month after excluding Saturdays and Sundays, each man would have loaded 28cwt. of grain in his eight-hour shift. Could one blame automation for being introduced into an industry such as this? Could this country afford to continue operating in that manner? This is because we in this country are not willing to do the work from the top to the bottom.

Mr. Crimes: You know that machines are cheaper than men.

Mr. EVANS: Although the member says that, the machines are worked only to the extent of the effort made by the people handling them. When it comes to work effort, one man could load 25 tons a day on his own with a shovel and not ruin his health. Yet we were told tonight that, because men had to load 28cwt. of grain in an eight-hour shift, it was detrimental to their health. I think it might have been because those involved became overweight.

The DEPUTY SPEAKER: The honourable member should return to the Bill.

Mr. EVANS: I was referring, Sir, to a point made by the member for Florey, who also said that men had to be given three months notice if automation or technological change was liable to affect the plant or equipment used in an industry. I do not wish to speak for long, except to express my concern that this country is not progressing as quickly as it should, and that it is unable to offer help to under-developed countries because of a lack of interest and pride in our country.

Members know my feelings regarding preference to unionists or compulsory unionism. There is nothing wrong with a person who, wishing to do so, decides to join a union; that is entirely his decision. However, it is wrong to say that a man cannot obtain a job unless he joins a union, even though his talents may be equal to those of another person who is a member of a union. Because one is not a member of a union, one is considered a second-class citizen. That is exactly what is happening when we talk of preference to unionists. Members opposite, if they think back to the period between 1968 and 1970, will recall the present Minister of Roads and Transport (the then member for Edwardstown) making an outcry regarding some people as second-class citizens, but that is what he is doing now with his Cabinet colleagues and with the support of his backbenchers.

When this Bill reaches Committee, attempts will be made to amend it. I do not now wish to go through all the points raised by members on this side. My main concern is what I have already mentioned: that Australians should be ashamed of the work effort they are putting into Australian industry, from the top brass down to the lowest level. We do not deserve to have the country which we were

lucky enough to be born into or which we have entered as a result of our own desire.

Mr. McANANEY (Heysen): I support the Bill in general. I strongly object to some of the remarks made from the Government benches about members on this side hating trade unionists. That sort of propaganda fills me with alarm for the future of this country, because we on this side do not hate trade unionists. Sometimes we hate their actions when they adopt bullying tactics, as we do other sections of the community that act similarly. The point has been made that this is a Bill to look after the working people of South Australia, but this attitude of the Government fills me with alarm because surely every decision made by this Parliament should be made from the point of view of what is best for every individual.

This is a Bill for conciliation. We all advocate conciliation but sometimes it is not a good thing to have conciliation when two groups get together and have a difference between themselves about certain conditions. That is entirely a matter for them; but, when it becomes a case of conciliation between two groups of people, surely there must be a third party, someone representing the rest of the community. When conciliation is necessary, it affects far more people than two parties concerned in a difference. I admit that in 90 per cent of the cases that arise the groups concerned settle their differences without upsetting the rest of the community; but in some cases the community should be heard and have an opportunity, before arbitration, to decide whether that is in the best interests of the State. There are many strikes by some workers to achieve something, and they must take into account what the rest of the workers are getting.

The problem has arisen in Australia as it has arisen already in America, that one group of workers in power or with greater organization has a dispute with a wealthy company, and that group of workers is getting far more wages than are other workers. I have already in this House commended the speech made by the member for Playford on this matter earlier this session. As a result of conciliation between the Public Service Association and the Public Service Board, members of the Public Service obtain increases twice a year, whereas those members of weaker unions obtain a rise only once a year. It is this variation that upsets the balance earned by wage earners in South Australia. Statistics show that the wage component of gross national product varies little over a period and, if one group of workers obtains a large increase through conciliation, the remainder of the work force does not get it and the cost is at their expense. Surely with conciliation there must be an overall system through which all wages are assessed at one time, assessments made for the basic needs of people on the lowest wage, and additional sums for skill and incentive applied for those who wish to work and produce more. This Bill will improve matters in many areas, but there are still aspects with which I disagree.

The definition of "employee" has been widened too far. Why a person who wishes to be self employed, perhaps driving a taxi and earning in proportion to the amount of work he does, should be categorized as an employee I do not know. To work harder is a voluntary decision on his part. The Australian community has shown that it prefers freedom and does not believe in compulsory unionisms. I, too, am strongly opposed to compulsory unionism. People who do not join unions can be called scabs but, if people were satisfied with what unions are doing (if unions accomplish something, people do not resist joining them), the unions they would attract more members.

I concur with my young colleague the member for Hanson when he says that people should be encouraged to join unions. I am not opposed to unionism. The only area to which I object concerns that part of the union fee that is applied to the support of political Parties and this applies in respect of at least some unions. This is basically wrong, because people who support one political Party have in this way to contribute to another political Party. A Liberal-orientated Party must obtain at least one-third of the workers' votes to gain office.

The Hon. D. H. McKee: You'll never get there the way you are carrying on.

Mr. McANANEY: I am amazed at the irrational and silly remarks of the Minister: he cannot appreciate the quality of an argument and cannot argue constructively against it. I admire him as a Minister as he sits on the front bench and sidesteps questions for which we never receive replies. I admire his footwork, because he is a star at it. I refer to the question of being unable to obtain a copy of the rules of an organization. Previously, I interjected and quoted the case of the Australian Workers Union. A member of that union had not paid his fees and the union was trying to make him pay. He

objected, because he could not obtain a copy of the rules and said that he should not have to pay. I telephoned the union, which fobbed me off for a time, but when it realized that I was genuine it finally obtained a copy for him.

Mr. Wright: They actually told you they liked you?

Mr. McANANEY: Most people like me. I believe that penalties for strikes are essential. The legislation must have teeth in order to ensure that people obey the rules. I believe a strike in the Minister's district was caused because the men defied an agreement that they had agreed to support. Although Mr. Max Harris is fairly radical in his ideas generally, he was disgusted at the attitude of the union in breaking an agreement into which they had entered. In these cases there must be some penalties. An action like this horrifies most citizens: I hope it does, because we would be a sick community if it did not. Clause 145 prevents the right to take civil action similar to that taken in the Kangaroo Island case, but the Bill must provide for the Industrial Court to take action against people who inflict hardship on an innocent person.

Surely there must be a responsibility to take action in cases where hardship is inflicted on people. Sometimes the Government inflicts hardship on people, as it is doing at present in the watershed areas, where people are being penalized by the Government's action. We will do our best to right some of these wrongs, but penalties should be imposed on those who inflict hardship on innocent people.

I was amazed when the member for Florey said that it had taken 120 people a month to shift 10,000 tons of wheat. I remember shifting 40 tons of hay half a mile on my own, packing it in a shed, dipping some sheep, and playing tennis on the Saturday afternoon. Two or three people like me could load that quantity of wheat into a ship in a month. There is no doubt about that. I sympathize with the honourable member who said that changes in technology must be considered. In a number of cases we have to shift to machinery because we cannot get people to do a reasonable day's work. I do not expect anyone to work half as hard as I used to, but that would be a fair day's work.

I support the Bill in general, and I know that the House would like to listen to me for another half an hour. I will certainly support some amendments to bring justice and equity into the Bill so that it will benefit every citizen in the State but not, as some Government members have said, only the working people. We must have reason and logic in the Bill to assess how it will benefit one section and how it will affect another section, and even groups within the section the Government is trying to protect.

The Hon. D. H. McKEE (Minister of Labour and Industry): Although I do not agree with the general remarks of Opposition members, I agree with those who have said that the Bill is mainly a Committee Bill. To comment on the remarks made by every honourable member would necessitate a lengthy reply, and I do not intend at this late hour to do that. Apart from the member for Torrens, I am afraid that every other Opposition member has never bothered to concern himself with the conditions of the working class people, and that was obvious by their remarks in this debate. The member for Torrens, who is the only Opposition member who has some knowledge of the industrial field, set out by saying that he supported the second reading, but then set about criticizing the main sections in the Bill. Of course, other Opposition members attempted to follow his line or argument.

The first major attack made by the member for Torrens was on the question of preference, which was followed in parrot fashion by every other Opposition member. They mistakenly took preference to mean compulsory unionism; but that is not true, as was demonstrated by Government members. Preference is not the same as compulsory unionism.

Mr. Mathwin: What is the difference?

The Hon. D. H. McKEE: I cannot convince the member for Glenelg but, knowing how sure he is of himself, I am sure that he can convince himself. It is not compulsion, but preference, and any dictionary would explain the difference. The member for Torrens, who referred to subcontractors and owner-drivers, said that—

Mr. Venning: What about them?

The Hon. D. H. McKEE: The member for Torrens said that they should not be included in the coverage of the Bill, but it is my belief and the Government's belief that every person who works should be protected; it is as simple as that.

Mr. Venning: They might not want protection.

The Hon. D. H. McKEE: I know the honourable member's attitude is that everyone who works should not be protected.

Mr. Venning: Rubbish!

The Hon. D. H. McKEE: The honourable member thinks they should be left to be

exploited at will by people who would do so, and there are plenty of them about. If that were not so, we would not be arguing about this Bill at this hour this morning. The member for Torrens went on to attack equal pay.

Mr. Coumbe: I did not attack equal pay.

The Hon. D. H. McKEE: The honourable member made reference to it. He went on to talk of sick leave and annual leave, and again his colleagues supported him in this argument but they could not develop it in the same way as the honourable member for Torrens. I give him credit for that. I know that in the whole of his history as an employer the honourable member has had little, if any, industrial unrest within his organization, and that is simply because he believes people should belong to unions. I believe he encourages them to join unions, and the result is that there is no-one in his establishment who is not a member of a union. That is the proof of the pudding. Any member seeking further confirmation should discuss the matter with the member for Torrens, who would say this is a good policy because he has been free from industrial problems.

The honourable member thought that matters relating to sick leave and annual leave should not be the function of the Government, but should be matters for the court. We believe the working condtions of the people are the responsibility of any responsible Government. We have set out to protect these people. Why should anyone on annual leave or on sick leave—particularly on sick leave—receive less pay than when he is at work? The honourable member passed over a number of smaller items and then referred to the torts clause, saying that the member for Mitcham would be the speaker for the Opposition on that issue. To sum up the remarks of the honourable member for Mitcham, I can only conclude that he would like to delete at least half the Bill, and although he is not in the Chamber now I am afraid that he will suffer a severe setback during the Committee stage of the Bill.

It would be helpful at this stage, I think, if I informed members of the policy of the Australian Labor Party in relation to civil actions for torts committed or alleged to have been committed by members of unions, officers of unions, or by unions themselves in pursuance of industrial disputes or industrial matters. We do not endorse the destruction of property in pursuance of industrial disputes. We certainly abhor recourse to thuggery in pursuance of industrial disputes either between factions of a union or between unions and employers.

If honourable members listen they will hear the policy of the A.L.P. on this issue. The decision of the Labor Party's Federal Conference was that the legislation shall provide for participatory democracy in union affairs, including a provision for the immunity of unions from actions for tort in respect of torts alleged to have been committed by or on behalf of a trade union in contemplation or furtherance of a trade dispute. These are the precise words used by the Royal Commission of Lord Donovan, known as the Donovan Commission, which inquired into the question of trade unions in the United Kingdom. The Labor Party adopted the wording in toto because it expresses in the most sophisticated legal terms what the law of England has been or was thought to have been since 1871. In the original Trade Union Act of 1871, the House of Commons gave to the trade unions immunity from actions for torts which the Australian Labor Party says should be applied in this day and age. This immunity continued to be accepted as the law until the famous Taff Vale case in 1901, which went on appeal in July, 1902, to the House of Lords, when this was found not to be the case.

The Trade Disputes Act of 1906 was altered by the House of Commons to restore to the trade union movement of the United Kingdom the immunity from actions for torts which everybody thought until the Taff Vale case it had enjoyed. From 1906, the law remained as everyone thought the House of Commons had made it, giving trade unions the immunity to which the Labor Party refers. Then in 1964, in the case known as *Rookes* v. *Barnard*, the courts of England again took the view that the law of 1906 had not given to the unions the immunity that the House of Commons thought it was conferring upon them. The Wilson Government in 1965 therefore altered the law yet again to give to unions complete immunity from civil actions for torts in respect of normal industrial actions or in pursuit of industrial action to bring about a certain industrial result. The law of the United States, Canada and every other country where collective bargaining operates, provides for the same immunity except during the currency of an agreement. The law in Queensland provides for it and has done so for more than 50 years.

This law, which gives immunity to unions against actions for torts, has remained unaltered in Queensland for the last 15 years, during which Queensland has been governed by a Country Party and Liberal Party coalition. It has not been altered there and I suggest there

is a very good reason why it should not have been altered. If unions are not to be given immunity from actions for torts a situation could arise whereby, for instance, in the 15-working-day dispute in 1964 between the Vehicle Builders Union and General Motors-Holden's the union could be sued for well over $100,000,000. This is absurd and becomes more absurd when it is realized that under the law once liability is established it is not within the competence of a court to award one single cent less than the full extent of the damage suffered.

Until recently there had been only one case in Australia in which recourse to the Taff Vale decision was had, and that was in 1902. I refer to the case of *Warana Station* v. *The Australian Workers Union, Spence and Macdonell.* In 1902, the Industrial Arbitration Act of New South Wales introduced into that State for the first time the new system of industrial arbitration. This was followed two years later, in 1904, by the Commonwealth Conciliation and Arbitration Act. It firmly implanted in the minds of everyone that this was a new province of law and order in which the old resort to civil actions for damages was no longer part of the Australian law. Then, two or three years ago, a few smart lawyers decided that they would resurrect from the graveyard of ancient case law the old Taff Vale case. They started to use the civil law in order to impose penalties upon unions that used this form of industrial action.

The Kangaroo Island dispute was a classic example in which the employers dug into the graveyard of ancient English industrial law to drag out an old skeleton that had been put safely to rest in this country more than 60 years before, and in England in 1871, so the House of Commons in those dim, distant days believed. If the Opposition supports the idea that unions can be brought to the civil courts, prosecuted and ordered to pay damages as compensation, it will destroy arbitration as we now know it. This is exactly what members opposite are out to do: to establish a case of divided rule by destroying the arbitration system in this country.

I refer now to the Leader of the Opposition, who in his speech barely referred to the Bill. However, he did say that we should be playing a guiding role by leading the way. If the Leader is fair dinkum, he can play a major role by giving his full support to this Bill, but, of course, we know that he is not fair dinkum. Having made that statement as a bit of window dressing, the Leader set about criticizing clauses of the Bill that are intended to improve conditions for the workers. His whole argument supported the employers. It is my belief that no legislation should be put through any Parliament or supported by any members of Parliament that favours any one section of the community. This Bill is designed to give employers and employees a reasonable and fair deal.

Dr. Eastick: That is what I said.

The Hon. D. H. McKEE: I think the member for Spence gave this impression to the House when he said that this Bill represented the democratic principle of conciliation. I believe that fair play is bonny play, and that this Bill will improve industrial relations in this State, as most honourable members will agree. I believe, too, that the right of conciliation will improve relations between employers and employees in this State.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 2.19 a.m. the House adjourned until Wednesday, October 11, at 2 p.m.