

LEGISLATIVE COUNCIL.

Wednesday, November 5, 1952.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

MARGARINE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 28. Page 1076).

The Hon. R. J. RUDALL (Attorney-General)—One of the purposes of this Bill is to increase from 312 to 624 tons the annual aggregate quota of table margarine which may be manufactured in this State. Before such a proposal is agreed to it is necessary to consider the reasons which prompted the enactment of the Margarine Act. This Act was passed for the protection of a very important primary industry and one which is essential to our well being. Parliament, in the past, has come to the conclusion that this industry, which is so important to this State, should receive protection against an industry which relies for its raw materials on other places and which obviously is not so important in the scheme of things as our dairying industry. It should be realized that every pound of margarine which is sold means a corresponding reduction in the sale of butter and a direct loss to South Australian primary industry.

The Hon. C. R. Cudmore—Not necessarily.

The Hon. R. J. RUDALL—It is obvious that the majority of those who buy margarine do so instead of buying butter.

The Hon. F. J. Condon—Why do we import so much butter every year?

The Hon. R. J. RUDALL—That does not get over the fact that those who buy margarine buy it instead of butter. Since the present margarine quota was established the population has increased by some 25 per cent. Therefore there is no justification for an increase of 100 per cent in the quota and the utmost which the Government is prepared to approve is an increase of 50 per cent. I propose to move an amendment to the Bill providing that the quota increase will be 50 per cent instead of 100 per cent. In addition to increasing the aggregate margarine quota the Bill provides that the annual quotas fixed for 1952 are to be increased by 100 per cent. The notice fixing the quotas for 1952, which was published in the *Government Gazette* on November 1, 1951, allots the full present quota of 312 tons between two companies, giving to each 156 tons. The effect of the Bill, as it is now before

the House, is that for this current year each of the companies' quota will be increased by another 156 tons.

In his second reading speech Mr. Condon stated that if the Bill passed in its present form the result would be that these two companies would be entitled in future years to the same quota as that proposed by the Bill. In point of fact the Bill does not so provide although I understand that the honourable member intended it to do so. The Assistant Parliamentary Draftsman who drafted the Bill for the honourable member subsequently discovered that Mr. Condon's intentions had not been given effect to and he wrote to the honourable member on the matter. I may mention that Mr. Condon has agreed that it would be better that this letter should be disclosed by me so that the position could be made plain to honourable members. The letter was dated October 31 and was as follows:—

I regret that I made a mistake in my letter explaining the effect of section 20 of the Margarine Act when I stated as follows:—“Subsection (2) of section 29 provides that when a declaration is made fixing the quota of any person for any period that quota shall be not less than the quantity of table margarine manufactured by that person during the last previous period. Thus, if in fact the two companies concerned take up their quotas increased by the Bill, they will be automatically entitled to the same quota in future years”. I am afraid I overlooked the fact that subsection (2) reads “The quantity of table margarine to be declared in the first declaration made under subsection (1) . . .”. The important word is “first” and subsection (2) therefore only applies to the first declaration made under section 20 after the passing of the 1939 Act, that is, to the first declaration made many years ago. Thus, if your Bill is passed in its present form, the effect of it is that the two companies which now have quotas will have their quotas for the year 1952 increased by 100 per cent but, as regards future years, it will be competent for the Minister, if he thinks fit, to give quotas to other licensees in which event the quota of the two existing companies would necessarily have to be reduced in order to provide for the new quotas.

To remedy the defect in the drafting of the Bill from the point of view of the honourable member he has now an amendment on the files which will, combined with what is already in the Bill, achieve what he desires, namely, that the two companies now operating under a quota will continue in future years to have the same quota. Thus, if the Bill were passed in its present form and with the amendments to be moved by the honourable member the total quota for future years would be 624 tons.

Each of the two companies would be entitled to 312 tons and the Minister would have no discretion in the matter at all.

The Government does not consider that this is desirable and considers that whatever is done as far as the increase of the quotas is concerned the discretion of the Minister as to the allotment of quotas between individual persons should be retained. I therefore propose to move an amendment which will provide that as regards the variation of quotas for 1952 the Minister will still have a discretion to decide how the quotas are to be varied so that, if thought fit, the Minister could allot a quota to some one other than the two companies now operating under the legislation. In conformity with that policy it will, of course, be necessary for the Government to oppose Mr. Condon's amendment, as the view of the Government is that the discretion of the Minister should be maintained not only as regards the operation of the 1952 quotas but as regards quotas for future years.

The Hon. W. W. ROBINSON (Northern)—The Bill provides for an increase in the production of margarine from 312 to 624 tons. At first I felt sympathetic towards Mr. Condon when he introduced this Bill because I believed he had in mind making available a product cheaper than butter but which to some extent replaces butter for domestic and cooking purposes. We all realize that the cost of living is embarrassing many people on fixed incomes or receiving superannuation and they find it difficult to make ends meet. The Government and the Opposition are as sympathetic towards these people as any other section of the community but why should the dairy industry be obliged to suffer in order to ease their position? Last year we passed legislation to provide for the stabilization of the dairy industry. After a long survey by the Commonwealth Dairy Industry Stabilization Committee the cost of production was determined and we passed legislation to implement the proposal by the Commonwealth to provide the dairy industry with that cost of production. Now, while the ink is barely dry on the page, this measure, which will in some degree cut away the privileges gained by that stabilization measure, has been introduced. I do not suggest that an additional 312 tons of margarine will have a disastrous effect on the dairying industry, but a principle is involved. Actually 312 tons will represent just under 1 lb. of margarine per head of population in South Australia and with an average family of 4.5 it will represent

slightly more than 4 lb. of margarine, or, in money, 6s., which is the difference in the price of margarine and butter.

The Hon. F. T. Perry—It will only affect those who want to use margarine.

The Hon. W. W. ROBINSON—That is so, but I have been told by someone in authority that those on lower incomes are not more likely to be affected because margarine is more widely used in residential areas than in industrial areas. For many years the dairying industry has laboured under difficulties and adverse conditions and until recently Prices Ministers strongly combated any suggested increase in the price of butter. For over two years, while the survey was being made, the dairying industry languished to such an extent that many farmers sold stock on the beef market and the position became so alarming that the Prices Ministers, in conference, decided that something should be done. However, the New South Wales and Queensland Ministers resisted to the last degree any increase in the price of butter to 3s. 0½d. a pound. They suggested a price of 2s. 6d., but farmers refused to sell at that price. As New South Wales and Queensland had Labor Governments I could quite understand their combating any suggested increase but even in this State Mr. Bevan, when speaking on the Prices Bill, said:—

I would like to see the whole of our manufacture kept for our own consumption, for we would then find that the retail price would fall to about 2s. a pound and the producer would still be getting a good price.

He is President of the Labor Party in this State and no doubt speaks with some authority.

The Hon. S. C. Bevan—When I speak in this Chamber I do so as a member and not as President of the Labor Party.

The Hon. W. W. ROBINSON—I suggest that there is no restriction on anybody going into the dairying industry and if Mr. Bevan or any industrial union decides to allocate money to the dairying industry in order to supply consumers with butter at 2s. a pound we will welcome it because it will have a bearing on the cost of production and the cost of living. Many statements have been made regarding the nutritive value of margarine as compared with butter. Margarine is manufactured from hydrogenated coconut oil. It is coloured by palm kernel oil and consists of 83 per cent coconut oil, 1 per cent salt and water up to a maximum of 16 per cent. The coconut oil is produced in Australian mandated territory and New Guinea by cheap labour. If we believe in a reasonable standard of living for our people we should

oppose competition from cheap island labour. As regards the relative values of margarine and butter let me quote from a reply given by the Minister of Agriculture in the West Australian Parliament to a question he was asked. He gave the following analyses of butter and margarine:—

	Butter.	Margarine.
Edible portion .. (grammes)	100	100
Water (grammes)	16.0	14.0
Protein (grammes)	1.0	nil
Fat (grammes)	81.6	85.3
Carbohydrate .. (grammes)	nil	nil
Calories (grammes)	739	768
Calcium (milligrammes)	15	4
Iron (milligrammes)	0.1	0.3
Carotene .. (Interntnl. units)	2,341	nil
Vitamin A .. (Interntnl. units)	3,038	nil

Doubtless members will contend that vitamins A and B can be obtained from any fruit or uncooked vegetables, but they cost money. There is no real saving in purchasing margarine, as against butter. It seems that the Bill will take away some of the advantages which the dairying industry has striven for over many years. Any vitamin deficiencies can easily be made up from fruit and vegetables. A good housewife can utilize butter in such a way that the necessary vitamins can be made up. From my knowledge of earlier years, dairy farmers deserve all they get for their product. Several years ago Victorian housewives complained about dairy producers and members of the Victorian Housewives Association were invited to go to Gippsland, not to work, but to go out in the mornings with dairy farmers and see the climatic conditions under which milk was produced. They did so and upon their return to Melbourne informed the association that they were prepared to pay the price asked. Although I do not think the extra quota of 312 tons will undermine the dairying industry it must go some way towards lessening the hard-earned returns from which dairy farmers have fought for years, and I therefore oppose the Bill.

The Hon. S. C. BEVAN (Central No. 2)—I support the Bill because it is most necessary. I listened with interest to the remarks of the Attorney-General and Mr. Robinson, neither of whom submitted any good argument against the Bill. The Attorney-General mentioned that the Margarine Act was passed in 1939 and apparently was to protect the dairying industry in this State. It fixed a quota system for margarine production. The Attorney-General's statement means that we should still protect the dairying industry and should do nothing to increase the margarine output,

but actually he admits that the Bill is definitely warranted. He suggested that the increased quota sought is too much, and then said that he would move an amendment to provide for a 50 per cent increase. The Attorney-General made out a good case why we should pass the Bill. He has admitted that something should be done to increase the quota.

Mr. Robinson apparently has fears for the dairying industry and thinks that if the margarine quota is increased it will have an adverse effect on dairymen. I was always under the impression that it was the Government's policy to have free enterprise, but an established industry in this State is today out of production and has had to dismiss employees because it has reached the quota allowed by law.

The Hon. W. W. Robinson—Some dairy factories have done the same.

The Hon. S. C. BEVAN—Mr. Robinson is conversant with the dairying industry and must agree that it is the practice to engage additional men in the flush period and immediately it is over to dismiss them.

The Hon. Sir Wallace Sandford—What is wrong with that?

The Hon. S. C. BEVAN—I am not saying there is anything wrong with it, but employees in that industry are dismissed.

The Hon. Sir. Wallace Sandford—It is a seasonal industry.

The Hon. S. C. BEVAN—I know, but additional hands who are engaged to cope with milk produced in the flush season are put off when the season ends. That is not the case in the margarine industry where employees are put off until the following year and are not allowed to produce anything. Production does not cease in the dairying industry and if we could keep up a supply of good green fodder all the year increased milk supplies would be maintained for the whole of the year. Unfortunately, in the summer when the feed goes off so does the milk supply and therefore employees are put off and only brought back when supplies pick up again.

The Hon. J. L. S. Bice—How many employees are engaged in the margarine industry?

The Hon. S. C. BEVAN—I do not know and I am not concerned if there are only three or four or 2,000, but I do know that there are factories in this State producing margarine.

The Hon. N. L. Jude—How many?

The Hon. S. C. BEVAN—I know of two, but there were others. Not long ago there was a margarine factory in the hills district.

The Hon. F. J. Condon—Has the honourable member noticed advertisements recently for substitutes?

The Hon. S. C. BEVAN—Yes. Perhaps there is a fear that they may not be able to get in if the margarine quota is increased. It has been asserted that if the quota is increased the dairyman must suffer, but I cannot subscribe to that view because when the quota of margarine is reached it is imported from other States.

The Hon. L. H. Densley—What brand has been imported?

The Hon. S. C. BEVAN—I do not know because I do not buy it, but I know that we import margarine from other States.

The Hon. C. R. Cudmore—Table margarine?

The Hon. S. C. BEVAN—I presume so. I suggest that it must comply with the Pure Food and Drugs Act.

The Hon. C. R. Cudmore—Where can it be bought?

The Hon. S. C. BEVAN—I understand margarine cannot be bought today.

The Hon. W. W. Robinson—I bought some this morning.

The Hon. S. C. BEVAN—Possibly it is available in a store conducted by the Vidale Company, but in general stores it is very hard to get table margarine. By legislation we have curtailed this industry contrary to the frequent assertion that we at all times legislate for free enterprise. I suggest that the dairymen will not suffer, as we are led to believe, if we can place any reliance on figures contained in the statement which I have quoted previously in this place, and which is worth repeating, as follows:—

At a stormy annual meeting of the Archie's Creek Dairy Produce Co. Ltd., the chairman of directors (Cr. F. Durling) revealed that 12 members had collected over £1,000 for one month. Another 23 had been paid more than £800, he said. Some had gone on "wild buying orgies" with the money. Local dairyman, Mr. E. Ireland, claimed that the figures should not have been released. "It gives housewives a chance to throw it up at us, and is detrimental to our organizations fighting for higher prices," he said. Another farmer, Mr. P. Dwyer, said that the figures were embarrassing but it should be remembered that expenses had to come from the payments. The company showed a profit for 1951-52 of £31,724 from a record turnover of £928,374. Higher returns are expected this year following further retail price rises in butter.

The Hon. F. J. Condon—When was that published?

The Hon. S. C. BEVAN—It appeared in the *Advertiser* of September 19, 1952. It shows that a considerable number of dairymen have been in receipt of £1,000 a month.

The Hon. Sir Wallace Sandford—That does not mean anything.

The Hon. S. C. BEVAN—To me it means that the argument advanced by Mr. Robinson falls to the ground.

The Hon. Sir Wallace Sandford—But those men are not dairymen in this State.

The Hon. S. C. BEVAN—No, they are in Victoria, but we have been told this afternoon that dairymen are in difficulties. I suggest that it is not the dairyman whom Mr. Robinson is so much concerned about, but the manufacturer. He stated that the overseas price of butter was 3s. 6½d. a pound compared with the local—and I assume retail—price of 4s. 1½d., so it should pay handsomely to sell as much butter as possible on the local market at 4s. 1½d. and avoid the cost of packing and export for a return of only 3s. 6½d. a pound. I was closely associated with the dairying industry for 10 years from the employee's point of view, and several years ago I went to the trouble of taking out certain statistics which revealed that if every employee in the industry, including those engaged in the manufacture of butter, cheese, condensed milk, dried milk powders and so forth received an increase of 10s. a week it would be the equivalent of an increase of ½d. a pound in the price of butter. The only increase in wages in this industry for some considerable time has been the basic wage increase, the highest on any one occasion being 13s. Mr. Robinson complained that the industry has always had difficulty in obtaining an increase in the price of butter from the Prices Commissioner and I believe that to be so, for when we were fighting in the Arbitration Court for an increase in wages the Prices Commissioner pointed out that the dairyman received returns from various sidelines and he wanted further proof that an increase in the price of butter was justified. I know that he repeatedly refused it because he said that, on the evidence before him, it was not warranted.

The Hon. F. J. Condon—We are not objecting to the price of butter.

The Hon. S. C. BEVAN—No, but I am trying to show that if the quota is increased by the 100 per cent, it will not affect the manufacturer of butter. A considerable number of housewives do all their own cooking and like to serve tasty dishes, pastry, and cakes. At present they are forced to use butter or alternatively fat, which does not turn out a

good product. If they could procure margarine it would assist them materially and still allow them to use the quantity of butter they desire to use. They cannot, however, afford to use butter for both cooking and table purposes.

The Hon. L. H. Densley—Is not butter taken into consideration in fixing the basic wage?

The Hon. S. C. BEVAN—It is to a small degree taken into account in the "C" series index figures, but the honourable member would be surprised to learn the small quantity allowed for each person annually. As I have stated here previously, I have heard children returning home from school ask for a piece of bread and butter and the mother tell them that she has not much butter and they must have a piece of bread and jam. If this measure were carried, margarine would be more freely accessible to the housewife and it would have no detrimental effect on the dairying industry in view of the considerable increase in the population since this legislation was first enacted in 1939.

The Hon. R. J. Rudall—A 25 per cent increase.

The Hon. S. C. BEVAN—Yes, but there has been no corresponding increase in the quota of margarine. I support the Bill.

The Hon. Sir WALLACE SANDFORD secured the adjournment of the debate.

NARACOORTE TOWN SQUARE (PRIVATE) BILL.

On the motion of the Hon. R. J. Rudall, the date for presentation of the report of the Select Committee was extended to November 12.

EARLY CLOSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1112.)

The Hon. E. ANTHONY (Central No. 2)—In reading the case in support of the Bill I was reminded of the story of the Scotsman's refusal of admission into heaven on the ground that they could not make porridge for one, because the Bill deals with one specific case. In country towns inconvenience has been caused by the early closing of hairdressers' shops. This measure deals solely with country hairdressers although it does not make it obligatory for hairdressers to remain open.

The Hon. K. E. J. Bardolph—Wouldn't it lead to unfair competition?

The Hon. E. ANTHONY—No, because there are a number of safeguards in the Bill.

The Hon. K. E. J. Bardolph—Tell us some of the merits of the Bill.

The Hon. E. ANTHONY—In some country districts not far from the metropolitan area there are industries and the employees who work late haven't time to

The Hon. K. E. J. Bardolph—Have such employees asked for an extension of hours?

The Hon. E. ANTHONY—I do not know who asked for it but I would imagine that employees who have been inconvenienced because they could not get their hair cut or whiskers shaved in regular hours would want it.

The Hon. F. J. Condon—Does the Bill relate to ladies' hairdressers?

The Hon. E. ANTHONY—I do not know but I should not think it would because ladies would have more time to get their hair done than men who work long hours.

The Hon. S. C. Bevan—Where are the country industries which work long hours?

The Hon. E. ANTHONY—There evidently is some need for the Bill, otherwise it would not have been introduced. It was introduced as a result of a petition signed by several hundred people. It is to the credit of Parliament that we do not legislate entirely for the majority but for a minority also and this is an attempt to legislate for a section of the community which is unable to benefit from the services which are provided within restricted hours. It is a simple measure which will do no-one any harm. There is no likelihood of it being a thin end of the wedge to destroy the Early Closing Act and I commend it to members as being reasonable and support the second reading.

The Hon. S. C. BEVAN (Central No. 1)—I oppose this measure for several reasons. I am rather surprised that Mr. Anthony should suggest that it will do no harm. He was most eloquent but that is all he told us. In 1945 shopping hours were altered by legislation and that legislation included hairdressers and their establishments. It provided for a late shopping night but during World War II, under national security legislation, the late shopping night was eliminated. Those conditions have prevailed ever since and no case has been made out for any alteration. Most hairdressers and certainly their employees do not desire any alteration to the hours and if this Bill is passed it must ultimately lengthen working hours and create industrial unrest. If any employer attempted to lengthen his employees' hours he would definitely meet with resistance.

The Hon. E. Anthoney—The Bill does not suggest that.

The Hon. S. C. BEVAN—But the Bill leaves it open and hairdressers could remain open as long as they liked for seven nights a week and there is nothing to prevent it. It lends itself to all kinds of malpractices. Prior to the 1945 Early Closing Act there were people known as pirate hairdressers who worked elsewhere during the day but obtained rooms and acted as hairdressers after their normal work had finished at night and at week-ends. They would again become operative.

The Hon. N. L. Jude—Don't carpenters and painters do that now?

The Hon. S. C. BEVAN—The difference is that hairdressers are registered and carpenters, builders or bricklayers are not. There are registered hairdressers in the metropolitan area today who do not carry on that occupation and no doubt there are such men in the country who, if this legislation is passed, will be able to work as hairdressers at night to the detriment of the genuine hairdresser.

The Hon. N. L. Jude—The point is that the hairdresser will only cut hair when someone wants it.

The Hon. S. C. BEVAN—I am sure no-one goes to a hairdresser unless he wants his hair cut. We are supposed to safeguard the interests of people who conduct these businesses but this measure leaves the door wide open for the practices I have mentioned. A man could establish a business as hairdresser and tobacconist in the country at great cost to himself but a pirate hairdresser could operate around the corner and deprive the genuine man of his livelihood.

The Hon. E. Anthoney—The Bill only applies to hairdressers' shops.

The Hon. S. C. BEVAN—If I converted the front room of my house to a shop and registered it I could carry on business there and the same could happen in the country because there is nothing in the Bill to prohibit such practices. The measure is supposedly directed to country districts and more especially to the hills districts but will create an anomaly and an unfair discrimination between country and city. The excuse that people in the country now have no time to visit hairdressers in normal business hours and must take time off for a haircut will not stand a close investigation. These conditions have continued for the last seven years, but are we to believe that country people have not visited

hairdressers during that period? If there is a hardship, then people have been putting up with it for seven years and have not complained. I realize that country people work hard but the man outback usually visits the town at least once a week for supplies and surely avails himself of the opportunity of visiting his barber if necessary.

Clause 3 provides that the Governor may by proclamation declare a shopping district or part thereof exempt from the Early Closing Act. If it is possible for one part of a shopping district to be declared exempt it could happen that one hairdresser would remain open and another would be compelled to close notwithstanding that their business premises were in close proximity. We must remember that hairdressers also carry on business as tobacconists and handle other stocks including hair oils and shaving requisites which would be non-exempted goods, the sale of which would be prohibited after 6 p.m. This measure will encourage hairdressers to break the law and be tempted to sell goods to customers after hours on any night and perhaps on Sundays. If that were allowed it would create most unfair competition with mixed businesses and general storekeepers who stock cigarettes, cigarette papers and tobacco. The goods I have mentioned are non-exempt goods and cannot be sold after 6 p.m.

The Hon. Sir Wallace Sandford—Doors have to be closed over shelves containing cigarettes and tobacco.

The Hon. S. C. BEVAN—But when a hair-dressing saloon is open and regular customers want a packet of cigarettes or a couple of ounces of tobacco they will undoubtedly get it. General storekeepers cannot supply these goods.

The Hon. Sir Wallace Sandford—But they have regular customers, too.

The Hon. S. C. BEVAN—If it is good enough to close general stores at 6 p.m. it is good enough to close hairdressing establishments. The temptation to sell these goods is not so great if both shops are compelled to shut. Hairdressers and their employees are entitled to some consideration and because of the nature of their employment they should be allowed some relaxation and fresh air and not be compelled to stay in a stuffy saloon all hours of the night and at week-ends. If the Bill is agreed to it will not be long before its provisions are extended to the metropolitan area, and even to the whole State. If that is done, what will happen? Are hairdressers in

the hills districts to be allowed to open for business and those in the metropolitan area or in a declared area not allowed to do so?

The Hon. E. Anthony—We are trying to help the workers.

The Hon. S. C. BEVAN—But not by the Bill, which says that any employee engaged by a country hairdresser must continue to work so long as his shop is open. The Government has always prided itself on the State's progress and its consistency.

The Hon. C. R. Cudmore—The Bill is not a Government one.

The Hon. S. C. BEVAN—We are supposed to legislate for all the people and not only a few. I can imagine the outcry if the Government introduced a Bill to extend hotel trading hours.

The Hon. C. R. Cudmore—Did the Government introduce this Bill?

The Hon. S. C. BEVAN—No, but it supported it in the House of Assembly. What would be the outcry throughout the State if legislation were introduced by any member or the Government to extend hotel trading hours, it being contended that country people did not have time to get to an hotel by 6 p.m. and purchase a bottle of beer? The same argument could be used as regards hairdressing establishments. We have been told for the last seven years that employees in the country cannot get into a township to get their hair cut. Mr. Anthony contends that country employees work long hours and cannot get into a township, but he should make further investigations into the position in the hills district. The excuse that the Bill will enable employees in industry to get their hair cut will not stand investigation. Employees in many industries in the metropolitan area work long hours, but I have not seen any of them walking around the streets with pig-tails. The man on the land himself has ample opportunities of getting his hair cut. This is the first time in seven years we have heard that a person has been unable to get his hair cut.

The Hon. E. Anthony—It is the workers who want to get their hair cut.

The Hon. S. C. BEVAN—No.

The Hon. E. Anthony—Who signed the petition?

The Hon. S. C. BEVAN—Employers and employees generally say they do not want the Bill; only a few people in one area want it.

The Hon. Sir Wallace Sandford—The public want it.

The Hon. S. C. BEVAN—If that is so they would have clamoured for it long ago. The Bill was carried in the House of Assembly on the casting vote of the Deputy Speaker. I recall the ruling given by the President in this Chamber on the third reading of the Electricity Trust of South Australia Bill. It will be found at page 1406 of *Hansard*, 1945. Had the same action been taken when the Bill was before the House of Assembly it would not have been passed.

The Hon. Sir Wallace Sandford—That does not affect us politically.

The Hon. S. C. BEVAN—I agree, but if the view of the Deputy Speaker in the House of Assembly was the same as that expressed by the President in this Chamber—

The Hon. C. R. Cudmore—You are entirely out of order in referring to the Deputy Speaker of another Chamber.

The Hon. S. C. BEVAN—I fear what will happen if the Bill is passed and I oppose it.

The Hon. C. R. CUDMORE (Central No. 2)—Mr. Bevan has given the Bill much more attention than it deserves; in fact, he made a very long speech on a most trifling measure. I have often said that we are asked to legislate on small and stupid matters, and if ever there was a stupid Bill this one is. I propose to deal with it in the shortest possible terms and simply say that both Mr. Bardolph and Mr. Bevan have approached the problem with the idea of stopping people from working and refusing men work which could and will be done in the country. I approach it from exactly the opposite point of view; if anybody wants to work let him work, and this country will never get on until we get that idea into our heads. By and large, this is a very poor sort of effort. I point out for the benefit of Mr. Bevan, who talked about all sorts of things, that this Bill deals only with people who want one thing—the alteration of the business hours of hairdressers—and has nothing to do with the sale of tobacco, or cigarettes, or other things. It gives them the right to come to the Government and ask for a proclamation that, in a certain part of a shopping district, the Early Closing Act will not apply with respect to the hours of business of hairdressing shops. I therefore support the Bill because if anybody wants to work and render a service to the public he should be allowed to do so. The second part of the Bill which has been scarcely mentioned, even by its sponsor, gives

the Government power to accept or reject a petition for the closing of certain premises. That is a Government amendment inserted in another place, but I am opposed to the whole of the legislation enacted by those sections in the Early Closing Act. If the Government wants to delete them it should seek to do so, but I am not at all happy about the idea that, under the Early Closing Act, we should leave it to the discretion of the Government whether or not it accepts a petition. I am opposed to the whole Division IV. of the Act and would like to see it knocked out, and I do not think that this is the way to deal with it satisfactorily.

The Hon. F. J. CONDON (Leader of the Opposition)—It was not my intention to speak on this Bill, but as a matter of courtesy to the sponsor I thought it only right that I should make a few comments because I had the honour and privilege of introducing, in 1945, the Bill which enacted the present law. I do not agree with Mr. Cudmore that 'this is a piffing measure. It affects a matter of principle and is a step in the wrong direction. It cannot be said that, when six members speak to it in one afternoon—which is quite exceptional in this place—it is regarded as a piffing measure. On the other hand when on another Bill it was a question of putting more men into employment only three members were prepared to speak before the debate was adjourned. In 1940, under National Security Regulations, hairdressers' shops, amongst others, were closed for late shopping, and that was in operation for five years. When it was suggested that the National Security Regulations were to go by the board, and another place passed a Bill, it was my privilege to introduce it here, and I well remember the reception it got in certain quarters. It is well that we should have good memories and recall what happened on that occasion. A strong attempt was made to defeat it by amendments moved at very short notice. It has been said by the sponsor that a petition has been presented asking for this measure, but when I introduced the Early Closing Act Amendment Bill of 1945 132 letters from 71 towns were received supporting it. I have not heard one word from anyone to show why the Act of 1945 should be rescinded. I will read a list of the towns from which letters were received asking for the present law, and I hope members are sufficiently interested in what is a rather important matter from my point of view, for I regard this Bill as the thin end of

the wedge to introduce longer working hours in South Australia. We know that an attempt has been made in other directions.

The Hon. E. Anthoney—There is nothing compulsory about this. It is purely voluntary.

The Hon. F. J. CONDON—The following are the towns referred to from which letters were received from employers:—Aldgate, Angaston, Ardrossan, Auburn, Balaklava, Barera, Berri, Bowmans, Brentwood, Burra, Bute, Caltowie, Clare, Crafers, Crystal Brook, Farrell Flat, Freeling, Gawler, Gladstone, Hallett, Kadina, Kapunda, Kingston, Lameroo, Loxton and many others, and I have received no communication from any district asking me to reverse my vote. Mr. Edmonds opposed this legislation in 1945 and I remember the argument put forward by Mr. Jude that farmers living within five miles of a town should be able to go into a store and buy groceries, on the grounds that they did not have time to come into the town during the day, and that was included to assist the farming community, which is always receiving special benefits. Let me reiterate the reasons why we are opposing this legislation. The hairdressers' closing time formerly was 8 o'clock, with one late night until 9 o'clock, and under the National Security Regulations they had to close at 6 p.m. They remained open until 1 o'clock on Saturdays and they were able to convince the people that the statutory working hours were sufficient to meet the needs of the community. I say today without hesitation that a very important principle is involved here and I cannot see that any difficulty has been caused throughout the 12 years this law has been in operation.

The Hon. E. Anthoney—People have put up with it.

The Hon. F. J. CONDON—Exactly, and I do not know of any strong request to alter it.

The Hon. E. Anthoney—There were 300 petitioners.

The Hon. F. J. CONDON—That does not equal 132 letters from 71 towns, asking for the legislation, of which my friend was one of the greatest supporters. I do not know whether he has received any requests to alter this law, but I have not and therefore I cannot conscientiously support the Bill.

The Hon. E. Anthoney—It is only a specific case.

The Hon. F. J. CONDON—I know all about these specific little cases; when you are fighting a case it is always wise to establish a precedent for that is what counts. In the courts it is very important to be able to

refer to something already in operation. I have no doubt that this Bill will be carried, but I issue a warning that following it there will be an all-round attempt in other directions to do likewise and I say that in these times it is not necessary.

The Hon. E. Anthoney—It is not the hairdressers, but the customers who are asking for this.

The Hon. F. J. CONDON—“Mother of ten,” I suppose. I am not concerned with what my neighbour does, but only with principles. I am not concerned with petitions but if in my opinion something is wrong and against the principles for which I stand I will not support it. I believe that a petition has been received from one Assembly district out of the 39 in South Australia, so apparently there is no great demand for this alteration. A Hairdressers’ Registration Board was established under legislation and the annual fees received for the last financial year were £1,035. Hairdressing has been recognized as a profession by Parliament because we provided that before a person could operate as a hairdresser he must be registered. The Auditor-General in his 1952 annual report complained that increased prices had been fixed for haircutting but had not been gazetted until five months later; that is entirely wrong. For the reasons stated I oppose the Bill. I know it will pass, but I will stand by the legislation which I introduced in 1945.

The Hon. F. T. PERRY (Central No. 2)—This is a small Bill which has caused considerable discussion. It was introduced by a private member to relieve a condition in his electorate about which he received a petition from a number of voters who were inconvenienced because the barber in the area could not satisfy their requirements. From this afternoon’s debate it would appear that the curtailment of hours for hairdressing shops originated in 1941 as a war measure. Mr. Condon mentioned that he sponsored a Bill in 1945 to which this Chamber agreed, but the legislation was evidently an outcome of war-time conditions. However, it has been found irksome in one place and a protest has been received. No doubt other parts of the State are similarly affected but no other complaints have yet been received. We have, however, received this complaint of inconvenience and must consider it. The general mass of people should receive the attention and convenience they are entitled to. Some people work to certain hours and experience great difficulty in having haircuts when they are off duty.

The Hon. K. E. J. Bardolph—Don’t you think the Bill will lead to unfair competition between barbers?

The Hon. F. T. PERRY—I am not concerned with that.

The Hon. K. E. J. Bardolph—I thought you believed in private enterprise.

The Hon. F. T. PERRY—Yes, but I believe in a man accepting the conditions which exist and working under them to the best of his ability.

The Hon. K. E. J. Bardolph—In other words you believe in the survival of the fittest?

The Hon. F. T. PERRY—Some people call it that. When people need a service and an opportunity offers I do not believe that any person should be prohibited from providing that service. Moreover, I do not believe in any section of the community improving its lot at the expense of and with inconvenience to the remainder of the community. It is not right that pressure tactics should be imposed by one section of the community for its convenience against the bulk of the people. I support the Bill because it will afford relief to a small section of the community.

The Hon. A. A. HOARE (Central No. 1)—I oppose the Bill on principle. It involves a dangerous procedure and I agree with Mr. Condon that there is something behind its introduction and that it is the thin end of the wedge to make inroads into unionism and to upset what it has done for the Australian workers in general.

The Hon. K. E. J. Bardolph—It aims at extending shopping hours.

The Hon. A. A. HOARE—Yes, and my experience of shopping hours began about 50 years ago when shop employees at Port Adelaide requested people to make their purchases before 6 o’clock of a Saturday night. It was unfair that other workers could go to football matches and other sports on a Saturday afternoon while shop employees had to work. They fought hard to improve their conditions and ultimately shops closed at 1 o’clock on Saturday and the main shopping night became Friday with 9 or 10 o’clock closing. The fight continued and ultimately the shop employees obtained other rights. We have progressed a lot and won many reforms and improved working conditions. Men have been gaoled and have suffered for fighting for what they considered right and three Presidents of the United States were assassinated for their efforts on behalf of the under-dog. Workers do not want to obtain better conditions by striking but prefer to

have their problems settled amicably by arbitration. I do not want any privileges destroyed. It has been suggested that country people cannot get their hair cut during the present hours but I worked on farms before I was 14 and worked every day until sundown. Farmers do not do that now—they get into their expensive motor cars and travel to football matches and similar fixtures. I do not begrudge them that; they have the same rights and privileges as anybody. I would like to know whether there is any mandate to allow hairdressing shops to remain open for long hours. Many country people have said that they do not want the Bill.

The Hon. C. R. Cudmore—They need not have it; only those who have asked for it will get it.

The Hon. A. A. HOARE—Only a small minority have asked for it. What is the motive behind it? Apparently it is something more than a haircut. All I want is fair play. If the public generally want all day Saturday to get their hair cut we should take a poll. Barbers do not want to work every Saturday afternoon and be tied to their shops. It has taken seven years for people to discover that they want Saturday afternoons and nights to get their hair cut. The Bill was carried by one vote in the House of Assembly, which shows the feeling of those who represent the vast majority of people. The measure should have been dropped, as I do not know what success it will meet with. How many people will trot along on Saturday nights to get a haircut or have their whiskers trimmed? I am surprised that the Bill was introduced, but I expect it will receive sufficient support here to be carried. I oppose it as it is unwarranted.

The Hon. J. L. COWAN (Southern)—I have listened with interest to members' speeches, some of which have been lengthy. Fears have been expressed by some members about the position of employees if the Bill is carried, but there is nothing in it which will break down any system that has been established for the employees' protection. It may be interesting to mention a few of the occupation of people who signed the petition. There is an employee of a South Australian rubber mill, a baker, butcher, bread carter, many gardeners, a salesman from Charles Birks & Coy., a baker at Balfours', painters, a welder, bank clerk, carpenters, a plumber, a motor mechanic and a number of railway employees, all of whom live in the district. No member can have any doubts about the

authenticity of the petition. I thank members for the interest they have displayed in the Bill and can assure them that their fears about the interests of employees are unfounded and that nobody will be required to work unnecessarily or against his will. I regret that some members desire to penalize any man who is prepared to work a little longer and harder in providing an essential service to the public.

The Council divided on the second reading—

Ayes (15).—The Hons. E. Anthony, J. L. S. Bice, J. L. Cowan (teller), C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin, A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, R. J. Rudall, Sir Wallace Sandford, and R. E. Wilson.

Noes (4).—The Hons. K. E. J. Bardolph (teller), S. C. Bevan, F. J. Condon, and A. A. Hoare.

Majority of 11 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Discretion of Minister".

The Hon. F. J. CONDON (Leader of the Opposition)—I intend to oppose this clause and am fortified in my attempt by the remarks of Mr. Cudmore and Mr. Perry who stated that they oppose it. I will therefore give them the opportunity to show their sincerity by supporting me. I think the sponsor should be satisfied in having carried the other clauses.

The Hon. A. L. McEWIN (Chief Secretary)—I hope the Committee will not support Mr. Condon. The position is that if the proprietor and the staff of, say, a chemist shop, sign a petition there is no power to do anything but accede to the request. No consideration can be given to the rights of the general public, and I do not think it was ever intended that this legislation should go that far. Whether it should be left to the discretion of a Minister may be a point on which members may have other ideas, but at least somebody should have the right to safeguard the interests of the general public, which is not provided for in any other way, and that is the purport of the clause. I do not think Mr. Condon gave any reasons why he opposed this clause. It will give the Minister the opportunity to investigate the position before he gives his approval or otherwise and it should remain in the Bill.

The Hon. K. E. J. BARDOLPH—I support the Leader of the Opposition in his objection to this clause. Again, without bringing politics into this debate, it appears to me that this is a Bill which was introduced by a private member in another place and sponsored in this place by a private member for the obvious reason that the Government fears that some unpopularity may attach to it. The Minister said that this clause will give the Minister power to protect the public, and he mentioned chemist shops. The Early Closing Act covers all classes of business and there is no need for any petition to be presented with regard to the opening of chemist shops because, in the majority of cases, particularly in the country, the chemist lives on the premises, or if not, in the district and is readily found for the purpose of compounding a script or providing essential medicines. I submit that this is another way of getting around the Early Closing Act and I recall that when you, Sir, were Leader of your Party on the floor of the Council you took the stand that to allow a Minister to have an overriding power was to take that power away from Parliament.

The Committee divided on the clause—

Ayes (13).—The Hons. E. Anthony, J. L. S. Bice, J. L. Cowan (teller), L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin, A. J. Melrose, W. W. Robinson, C. D. Rowe, R. J. Rudall, Sir Wallace Sandford, and R. R. Wilson.

Noes (6).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, C. R. Cudmore (teller), A. A. Hoare, and F. T. Perry.

Majority of 7 for the Ayes.

Clause thus carried.

Title passed.

Bill reported without amendment and Committee's report adopted.

ELECTRICITY TRUST OF S.A. ACT AMENDMENT BILL.

Read a third time and passed.

POLICE REGULATION BILL.

Second reading.

The Hon. A. L. McEWIN (Chief Secretary)
—I move—

That this Bill be now read a second time. The object of the Bill is to consolidate and amend the statute law relating to the management of the Police Force and other matters incidental thereto. It is not proposed to confer upon the police any additional powers

as regards their dealings with the public. The Bill is concerned with the internal administration of the force and does not raise any controversial questions. The present law as to the management of the force, though consolidated as recently as 1936, contains numerous provisions based on English Acts passed about 120 years ago. In recent years a number of these provisions have proved to be inadequate or unsuited to present day conditions, and in the interests of efficient administration a new Act is urgently desirable. I will explain the provisions in the order in which they occur.

Part I. contains the usual preliminary clauses. Part II. deals with appointments, resignations and retirements. No change is proposed in the law relating to the appointment and status of the Commissioner, but by clause 9 a provision is inserted dealing with the question of who is to take charge of the force in the absence of the Commissioner. This question has in recent years given rise to a good deal of debate and uncertainty. It is proposed to declare that if the Commissioner is absent from duty or is performing duties outside the State, the senior Superintendent of Police will automatically take charge unless the Governor appoints some other person to act. As regards members of the force other than the Commissioner, the provisions for the appointment of commissioned officers are not altered but the provision as to the appointment of constables and sergeants has been re-drafted so as to conform with the existing practice. The practice is that the total number of constables and sergeants of the various kinds who may be appointed is approved by the Chief Secretary. Appointments of constables in the first instance are made by the Commissioner without any further approval, but promotions of constables to any rank in the detective police or to any rank above senior constable are subject to the approval of the Chief Secretary. Clause 11 contains provisions in conformity with this practice.

Clause 11 also contains a new provision enabling the Commissioner to appoint members of the force to any rank, grade or class in an acting capacity. When such an acting appointment is made the appointee will retain the substantive rank which he held before the appointment, or any higher substantive rank which may be conferred on him, while holding the acting rank. There are certain specialist positions which sometimes have to be given to relatively junior men and in such cases it is desirable that there should be power to make appointments without disturbing the relative

seniority of the appointees in the force as a whole. Clause 11 will enable this to be done. Clause 12 contains authority for the appointment of police medical officers and clause 13 provides that in all normal cases new appointees will be appointed on probation for a period fixed by the Commissioner but not exceeding 12 months.

Clause 14 enables the Commissioner to give notice of an intended promotion by a notice in the *Police Gazette*. When such a notice is given there will be a right of appeal to the Police Appeal Board against the intended promotion in the same way as there would be against an actual promotion. By using this provision it will be possible for the Commissioner to have the question of who is entitled to a particular promotion determined before the promotion is actually made and thus the inconvenience which may arise when a promotion is disallowed on appeal will be avoided. Clause 15 makes it an offence to make false statements in connection with an application for entry into the force.

Clause 16 makes an alteration in the law relating to the police oath. At present this oath has to be taken by a member of the force on his first appointment and also on every promotion he receives. Without in any way discounting the value of an oath, it may be pointed out that the printing of the oath forms and the taking of the oath on every occasion when men are promoted involves much work and some inconvenience for which there is little justification. It is proposed, therefore, that in future an officer will take the oath on his first appointment and this will be sufficient to bind him to the proper performance of his duty in every office which he may hold. Persons who are now in the force, some of whom have already taken more than one oath, will be required to take one more oath when they are next promoted and that will be sufficient to cover their work in every office which they may subsequently hold. In clauses 19 and 20, which deal with offences such as relinquishing duty without notice, or failing to deliver up equipment, the substantive law is not altered, but the penalties are increased slightly.

Part III. deals with the regulation, duties and discipline of the force. The general principle that the Commissioner has the control and management of the members of the force, subject to the Act, is retained without alteration. In clauses 22 and 23, however, some important alterations are made in

the law as to the making of regulations, rules and orders governing the force. The present provisions on this subject are unsatisfactory. Section 10 of the Act provides that the Governor may make rules, orders and regulations for the general government of the force in certain matters and also all such other rules, orders and regulations as may be necessary for rendering members efficient for the discharge of their duties. The same section also says that the Commissioner, with the approval of the Chief Secretary, may make such other orders and regulations, for the general government, management and discipline of the force as he deems necessary. Under these provisions it is difficult to say what orders and regulations the Commissioner can make, because the Governor is given a very wide power to make regulations and the authority of the Commissioner only extends to matters not entrusted to the Governor. There has been a good deal of difficulty and doubt about the validity of some of the present regulations and orders, and more satisfactory provisions on this topic are urgently needed. It is proposed by clause 22 to enable the Governor to make general regulations for the administration of the Act and the regulation and control of the force and, in particular, regulations on all the more important aspects of control and administration. These include the general set-up of the force (that is to say, the ranks, classes, grades of the members and the division of the force into groups, branches, divisions and sections), offences by members of the force and the punishment for such offences, records, leave, transfers and a number of other matters. All these general regulations will be subject to the control of Parliament under section 38 of the Acts Interpretation Act.

By clause 23 the Commissioner is empowered to make or give general or special orders as to the duties of members of the force, that is to say, prescribing and allocating their duties and directing the manner in which and the time and place at which the duties are to be performed and prescribing any other matters relating to the performance of the duties. The Commissioner's orders which, of course, will be numerous and frequent, will not be subject to the Acts Interpretation Act, but they must be consistent with the Police Act and the regulations made by the Governor. If members desire to know the type of orders which will be given under this section they can be ascertained by reference to Part II. of the book of Police

Regulations and Instructions from which it will be quite clear that they are not of a kind which needs to be dealt with by Parliament.

The other provisions of Part III. do not make any substantial alterations to the law but the provisions have been re-drafted and some obsolete and over-lapping provisions have been omitted. Part IV. deals with the appointment of special constables. These provisions have been very considerably simplified. The present law is very old and dates from the time when justices of the peace in the counties of England could compel ordinary citizens to act as special constables for maintaining law and order. The present Act makes service as a special constable compulsory. It is proposed to abolish all reference to compulsory service and to place the power of appointing special constables solely in the hands of the Commissioner and special magistrates. The requirement that a special constable must take the police oath before acting in his office is retained, but the present penalty for failure to take the oath is abolished.

Part V. contains the provisions relating to the Police Appeal Board. It clarifies the law on this subject and makes some minor changes. The term of office of future members of the board is extended from one year to two years. The present system of annual appointments makes a good deal of work, including an annual election to select the representative of the members of the force. A new provision

is inserted to enable the candidate who received the second highest number of votes at the election to act as a member of the board during the temporary absence of the elected member. The powers of the board on an appeal are set out more specifically but the basic principle that the decision of the board is to be in the form of a recommendation to the Minister is retained.

Part VI. contains miscellaneous provisions which are of a technical nature and need no special mention. From what I have said it will be clear that the Bill does not make radical changes. Its object is to facilitate administration, to clear up a long-standing difficulty about police rules and regulations, to remove some obscurities and overlapping in the present Act and to give all concerned in the administration of the force a clearer code to work from. If members desire any more detailed information as to any of the clauses the Government will be pleased to supply it on request. The Parliamentary Draftsman, who is chairman of the Police Appeal Board, has brought these matters to my notice and has stressed the urgency for something to be done, and I commend the Bill to members.

The Hon. F. J. CONDON secured the adjournment of the debate.

ADJOURNMENT.

At 4.26 p.m. the Council adjourned until Tuesday, November 11, at 2 p.m.