

LEGISLATIVE COUNCIL.

Tuesday, October 1, 1957.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO ACTS.

His Excellency the Governor's Deputy intimated by message his assent to the following Acts:—Audit Act Amendment, Marketing of Eggs Act Amendment, Public Purposes Loan, Veterinary Surgeons Act Amendment, and Water Rates Remission.

QUESTIONS.**INTERSTATE HAULIERS.**

The Hon. F. J. CONDON—In view of the decision of the High Court that South Australia's road tax legislation is invalid, will the Attorney-General inform me what is the intention of the Government on this matter?

The Hon. C. D. ROWE—I have not yet had an opportunity to peruse a detailed copy of the High Court's decision; consequently, the Government had not made any decision as to what action it will take.

SNOWY MOUNTAINS AGREEMENT.

The Hon. E. ANTHONY—Will the Attorney-General inform me whether the Government has yet briefed counsel in regard to the Snowy Mountains Agreement and whether, in the light of the recent communications from Senator Spooner the Government considers it advisable to go on with the action?

The Hon. C. D. ROWE—The Government has already briefed counsel in this matter, but has not yet had an opportunity to consider fully his opinion. Until it does so, I am not in a position to make a statement.

CONCESSION RAIL FREIGHTS FOR SHEEP.

The Hon. W. W. ROBINSON—I ask leave to make a statement with a view to asking a question.

Leave granted.

The Hon. W. W. ROBINSON—Recently the Minister of Agriculture announced in the press that arrangements had been made by the Abattoirs Board to slaughter drought-stricken stock for boiling down purposes with a return to the grower of 3s. 6d. plus the skin. As most of these sheep have to come a long distance, the rail freights in many cases make it prohibitive to rail the stock for treatment. In view of the drought conditions prevailing in South Australia, will the Minister of Railways

take up with the Government the question of the desirability of providing concessional freight rates where sheep are railed direct to the Abattoirs for boiling down purposes?

The Hon. N. L. JUDE—The answer is "Yes," with one reservation—that it should not only be confined to rail transport, but to any form of transport.

REPRESENTATION ON UNIVERSITY COUNCIL.

The Hon. F. J. CONDON—In view of the requests made from time to time by the Opposition for representation on the University Council, has the Government considered amending the Act to give that representation?

The Hon. C. D. ROWE—As the honourable member knows, the control of the University is not under my department, and consequently I am not in a position to give a firm answer, but I am prepared to refer the matter to Cabinet.

FRUIT FLY ERADICATION.

The Hon. C. R. STORY—In view of the report circulated at the week-end that an officer of the Queensland Department of Agriculture is being sent overseas to investigate fruit fly eradication, will the Attorney-General inquire from the Minister of Agriculture whether the information this man gains will be passed on to this State, whether he will investigate eradication by means of parasitic insects and whether it is thought by the department that they could be satisfactorily used in South Australia?

The Hon. C. D. ROWE—I shall be pleased to refer the question to the Minister of Agriculture, and will let the honourable member have a reply in due course.

EXTENSION OF ADELAIDE OVAL STANDS.

The Hon. K. E. J. BARDOLPH—Has the Attorney-General's attention been directed to a statement made by Mr. R. H. Wallman, vice-president of the Australian Olympic Games Federation, advocating the extension of stands at the Adelaide Oval in preparation for the 1962 Empire Games? Does the Government propose to take any part, financial or otherwise, in the extension of facilities at the Adelaide Oval for this specific purpose?

The Hon. C. D. ROWE—I will consider in detail the question raised by the honourable member, from which I gather he anticipates that the same Government will be in office in 1962. I will take up this matter and communicate with the honourable member in due course.

The Hon. K. E. J. BARDOLPH—I did not ask the Attorney-General whether this Government would be in power in 1962, but whether it would consider co-operating with the two bodies I have mentioned now in order to have the facilities in operation by 1962. I did not expect a facetious answer.

The Hon. C. D. ROWE—I am sorry that I stated the obvious in answering the honourable member's question. I shall be most happy to take up with the Government the point raised by Mr. Wallman, and I am certain that any reasonable assistance which the Government can give in this matter will be given.

STOP SIGNS AT LEVEL CROSSINGS.

The Hon. F. J. CONDON—The Australian Federated Locomotive Enginedrivers' Union is urging compulsory stops at level crossings in South Australia, together with more severe penalties for motorists who do not observe these stop signs. What is the Government's policy on this question?

The Hon. N. L. JUDE—It is unfortunate that the deterrent of stop signs has sometimes apparently had no effect with the result that recently several deaths have occurred. The question of compulsory stops at all railway crossings is one for careful consideration, and is now being considered by the Government. The matter of increased penalties is receiving consideration at this moment.

VERMONT GIRLS TECHNICAL SCHOOL.

The PRESIDENT laid on the table the final report of the Parliamentary Standing Committee on Public Works on the Vermont Girls Technical Schools, together with minutes of evidence.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

SUPPLY BILL (No. 3).

Received from the House of Assembly and read a first time.

The Hon. C. D. ROWE (Attorney-General)—I move—

That this Bill be now read a second time.

Supply of £14,000,000 already granted this financial year will be sufficient to carry on the public service of the State until the second week in October. This House is now asked to grant supply for a further £5,000,000 so that

normal services may be carried on until the passing of the Appropriation Bill for 1957-58.

Clause 3 provides that payments shall not be made in excess of amounts provided for 1956-57, except for the payment of increases in salaries or wages prescribed by wage-fixing tribunals.

I am indebted to honourable members for permitting Standing Orders to be suspended. This is the usual Supply Bill, and I move the second reading.

The Hon. F. J. CONDON (Leader of the Opposition)—In supporting the second reading I point out that this is the third Bill introduced this session for the purpose of carrying out public services, and with the other two Supply Bills, it makes a total of £19,000,000. This is the normal Bill to meet the Government's commitments and I support the second reading.

The Hon. Sir FRANK PERRY (Central No. 2)—I support the Bill. It seems rather unfortunate that the Budget is so long delayed that it is necessary to have a third Supply Bill. Now that the value of money has decreased to such an extent it would probably be better to provide for larger sums and have fewer Supply Bills. I think we could with advantage deal with the Budget a little earlier.

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

METROPOLITAN DRAINAGE WORKS (INVESTIGATION) BILL.

Read a third time and passed.

LONG SERVICE LEAVE BILL.

Adjourned debate on the motion of the

Hon. C. D. Rowe (Attorney-General)—

That this Bill be now read a second time—which the Hon. F. J. Condon had moved to amend by deleting all the words after "be" with a view to inserting "withdrawn and redrafted to provide for three months' long service leave after ten years' continuous service."

(Continued from September 25. Page 811).

The Hon. L. H. DENSLEY (Southern)—I think it can be said that we are in general agreement on this Bill, but I consider that the amendment moved by the Leader of the Opposition is undesirable. The value of long service has quite a big bearing on all types of industry, for it is of great benefit to the employer to be able to keep his employees for a long time. Possibly one of the greatest difficulties facing industry in recent years has been the practice of employees to change their jobs

from week to week and, indeed, almost from day to day. Particularly as it affects country industries it is most desirable that an employee of a pastoralist or farmer should remain for a long term so that he falls into the routine of the place and thereby becomes a far more valuable servant than a casual labourer. Consequently the employer will benefit almost as much as the employee from long service leave and on that ground I am happy to support the Bill.

My first reaction to the measure was that the Government should not be the authority to determine long service leave conditions. It has been the practice for a long time for the Arbitration Court to make awards as to wages and conditions of service, and at first sight I believed that it was undesirable that the Government should be involved in the new departure of setting down the general conditions of employment for the purposes of long service leave. However, on looking more closely at the Bill it became more obvious that there are many employees who are not members of unions and consequently do not enjoy the benefits of an award governing wages and conditions, whereas this Bill will cover all classes of employees, and it was for this reason that I changed my mind and am prepared to support the Bill.

I thought that Mr. Bevan stated the case for the Opposition extremely well; he knew where he was going and made progress to the point. He drew the attention of this Council to the fact that the Government had its own measure of long service leave for civil servants and consequently it was desirable that others should benefit to the same extent. I thought he made out a really good case, but we are reminded that it is not the Government, but the Public Service Commissioner, who determines the conditions for civil servants. One looks upon the Civil Service as rather a favoured body, not only because it has good conditions and long service leave but because, by reason of its numbers, it has a tremendous influence on the Government of the day. I have often thought that perhaps it would be better for public servants to have their own representative in Parliament rather than that they should be in a position to affect the whole electorate.

One week's long service leave after seven years of continuous employment is a very good provision, and in most regards as good as, or perhaps better than, some of the awards in other States which give 13 weeks' long service leave after 20 years' service. The proposals before us are very generous although I know

that the Labor Party looks for still more generous conditions. However, the general worker has no provision for long service leave unless it is by the good graces of his employer and I should say, as a start at any rate, the conditions provided in this Bill are very generous indeed.

Clause 4 covers nearly every possible reason for absenteeism, and consequently provides for continuity of service in almost every case. One could argue that subclause (1) (e) is perhaps too generous, because the workers are almost encouraged by this provision to go out on strike if they desire to do so. Any system of long service leave should be an appreciation for good service and there should be a return of appreciation by the employee, so I do not know if we are justified in making this subclause so generous. Subclause (1) (f) is entirely to protect the worker by making sure that the employer will not capriciously sack him to avoid providing long service leave. I think all the provisions in this clause are extremely generous, so I see no reason why there should be any great objection to it. Subclause (3) provides:—

Where a business has been, whether before or after the commencement of this Act, transferred from an employer (in this subsection referred to as "the transferor") to another employer (in this subsection referred to as "the transferee") and a person who at the time of the transfer was a worker of the transferor in that business becomes a worker of the transferee in the business—

- (a) the continuity of the service of that worker shall be deemed not to have been broken by reason of the transfer; and
- (b) the period of the worker's service with the transferor or any previous transferor shall be deemed to be service of the worker with the transferee.

This, like the rest of clause 4, provides a very great protection for a worker and an assurance that he will get good treatment in relation to continuity of service.

The Bill provides that long service leave shall commence after the seventh year: that is, in the eighth year employees shall be entitled to one week's leave. Members of the Opposition have said dogmatically that employers will insist that leave be added to annual leave and taken with it, but the Bill gives employees a choice. If they want to allow leave to accumulate until they have 13 weeks, they are at liberty to do so. They are entitled to take it at the end of seven years if they wish, or to take pay in lieu of leave. If a workman does not take his leave each year, but puts a week's pay a year away in investments from which he might get 5 per

cent interest, when he becomes entitled to 13 weeks' leave he will be able to take a longer period because of his savings and accumulation of interest, and there is a lot to commend that system.

I do not think anyone could argue that the worker of today suffers any hardship over the time he is called upon to work. Most employees are granted two weeks' leave a year, sometimes more, and a good many public holidays. Apart from this, the length of the working week does not cause any hardship to anybody. They could work for 20 years without taking long service leave and then have a long holiday. We must take all these things into consideration when deciding what to do in this matter. I do not think anyone would suggest that employers should immediately be called upon to give 13 weeks' long service leave to employees who have worked 20 years in one position. The seven years' retrospectivity is a good provision in the circumstances.

I oppose retrospectivity because I think it would have a disastrous effect on some small industries and on the finances of the country. I have in mind a machinery company in this State that employs nearly all long service men. If that company were called upon to give three months' leave to all employees who had served 20 years, it would probably have to close down. I do not think retrospectivity for a long period should be granted. The Bill provides something that the workers have not had before, and the fact that it is being made retrospective for seven years is a big step. If we are to have long service leave, the basis provided in this Bill is something that I think every worker and every organization will be happy to obtain.

There are one or two provisions in the Bill that one can look upon with an element of doubt when considering whether they will be making the position too difficult for employers. After all, we must maintain industry if the workers are to get any benefit, so I would be prepared to support amendments in one or two instances. I think it is laid down that the period in which the worker takes leave is to be agreed upon between employer and employee, and if no agreement is arrived at, it is only natural that someone must make a decision; naturally, this must be the employer, and I think that should meet the position very well. It is open to the worker to decide whether he accepts payment in lieu of the leave or allows

it to accrue. I cannot see that there is room for anyone to cavil at the arrangements that have been made.

I know many people in industry and in small businesses in South Australia who provide gratuities and percentages for employees to provide for long service leave, and as there are many employers who do not make such provision it is desirable that it should be done more uniformly. The Bill provides almost all the conditions necessary to make a successful commencement on a long service leave scheme. It envisages that some industries are providing greater benefits than those set out in the Bill, and those people will be able to continue granting such benefits and will not be compulsorily brought within this legislation. That is a decision which will have to be made by someone.

The Hon A. J. Shard—Do you think that the Public Actuary is the right person to decide that?

The Hon. L. H. DENSLEY—I cannot see that he would not be a satisfactory person, and I think he would be a person who could make that decision. An opportunity exists to amend legislation such as this if it does not work as envisaged. The Bill is a big step forward, and I am sure that almost every worker will be glad that it has been introduced by the Government. It does not provide quite as big a benefit as some people had hoped, but I think that any disappointment will be minimized by the fact that it is a start.

The Hon. F. J. Condon—Why not alter the title of the Bill and call it the "Annual Leave Bill?"

The Hon. L. H. DENSLEY—If the honourable member likes to take his week every year he can call it an annual leave Bill if he wishes. I feel it is a big step forward. The legislation will not only be a great benefit to the worker but will help industry and the employer generally to maintain a better standard of service. As a farmer I can say that I am quite sure that a man is worth a lot more when he stays on and learns the run of a farm than he is when he keeps moving on. I have pleasure in supporting the second reading.

The Hon. E. ANTHONY secured the adjournment of the debate.

ADJOURNMENT.

At 3 p.m. the Council adjourned until Wednesday, October 2, at 2.15 p.m.