

LEGISLATIVE COUNCIL.

Wednesday, October 2, 1957.

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

QUESTION.**PRICE CONTROL.**

The Hon. Sir ARTHUR RYMILL—Does the Minister of Industry agree that current developments confirm the fact that price control is amphigouri, sciamachy and galimatias?

The Hon. C. D. ROWE—I do not quite understand the purpose of the question, nor am I aware whether Standing Orders require the proceedings of this Chamber to be in English. If I may hazard a guess as to what the question means, I take it that the honourable member is asking whether I agree that there is a case for the continuance of price control. A Bill dealing with this matter will be introduced a little later, and I will then have the opportunity to give the honourable member a very full reply.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

Second reading.

The Hon. F. J. CONDON (Leader of the Opposition)—I move—

That this Bill be now read a second time.

The Bill was introduced in the House of Assembly, where it was passed in its present form after being amended at the suggestion of the Government. When it was first introduced in the Assembly, it provided for the repeal of sections 34 and 35 of the Act. The present Bill amends subsection (1) of section 34, repeals subsection (2) of that section and repeals section 35. These sections relate to disputes between the Board and its employees.

Section 34 (1) provides for the reference of disputes to an arbitrator acceptable to both sides or, failing agreement on this, to the Industrial Court. Clause 2 provides for the reference of disputes to the appropriate industrial board or, in the absence of such board, to the Industrial Court or an authority to which the functions of the Industrial Court are delegated. Clause 2 also provides for the repeal of section 34 (2). This amendment will have the effect of removing the time limit of one year now provided for the re-opening of any dispute upon which a decision has been given.

Clause 3 provides for the repeal of section 35. This section defines a strike and provides maximum penalties of £1,000 fine and/or imprisonment for six months for striking. The effect of the amendment will be to bring employees of the board under the Industrial Code, which defines strikes and provides maximum penalties of £500 fine and/or imprisonment for three months.

The general effect of the Bill will be to bring employees of the board under the Industrial Code. There is no sound reason why they should not be subject to exactly the same conditions as any other workers in industry, and the fact that they have continued to be subject to special conditions as laid down in the Abattoirs Act may be due to the fact that this Act was passed before the Industrial Code and the differentiation has been overlooked by the authorities.

In particular, we have taken objection to the discriminatory provisions relating to penalties for striking. We do not approve of the penalties provided in the Code, but they represent the lesser of two evils, and that is why we desire the repeal of section 35. I do not expect any great opposition to this Bill. It had the unanimous support of members of the House of Assembly, and its enactment will remove a long-standing grievance of meat industry employees. I commend it to the favourable consideration of members.

The Hon. C. D. ROWE secured the adjournment of the debate.

APPROPRIATION BILL (No. 2).

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.

For the year 1957-58 the Government is budgeting for a deficit on Consolidated Revenue Account of £520,000. Proposed payments total £71,615,000, and receipts are estimated to amount to £71,095,000. The figure of £71,615,000 for proposed payments includes:—

£	
Moneys which are required annually and the appropriation of which is contained in existing legislation	17,830,000
The amount to be appropriated by this Bill	53,785,000
	£71,615,000

For 1956-57 the actual deficit amounted to £49,000 as compared with the original estimated

deficit of £853,000. Actual receipts at £65,761,000 were £632,000 above the estimate, and payments at £65,810,000 fell short of the estimate by £172,000. The excess of receipts over the estimate was due largely to the decision of the Commonwealth Government to assist the State to meet the heavy expenses arising from the River Murray floods. Water and sewer rates, irrigation rates, recoveries of debt charges, and royalties on minerals were also above estimate.

Before I pass on to the provisions of the Bill I propose to follow the procedure of previous years and to give honourable members some information about the larger items of receipts which, as I have already indicated, are estimated to total £71,095,000. This figure is made up of:—

Taxation, £9,769,000, an increase of £459,000 over actual receipts last year.
Public works and services and other receipts, £36,866,000, an increase of £3,162,000.
Territorial, £556,000, an increase of £29,000.
Commonwealth, £23,904,000, an increase of £1,683,000.

The increase of £459,000 for taxation is expected to arise mainly from the normal annual increase in business, but partly from the operation for a full year of higher stamp duty charges and publicans' licence fees introduced during 1956-57. The principal items which make up the estimated increase of £3,162,000 for public works and services and other receipts are—

Anticipated
Increase.
£

Railways.—Due to increased passenger fares, increases in rates on contract haulage and greater volume of business	1,103,000
Waterworks and Sewers.—Due to the completion of a revision of assessments in line with post-war increases in property values, and to a greater number of services	799,000
Recoveries of Interest and Sinking Fund.—Due to increased loan moneys made available to semi-governmental undertakings and for departmental purchase of stores, etc.	673,000
Harbors and Marine.—Due to greater volume of business and to the operation for a full year of increased charges introduced last year	154,000
Hospitals.—Due to an increased number of patients, greater reimbursements from the Commonwealth, and the operation for a full year of charges introduced last year	134,000

The increase of £29,000 for territorial is estimated on the basis of increased land sales, and increased tonnages for minerals subject to royalty. Under Commonwealth the increase of £1,683,000 is made up of a greater taxation reimbursement to the extent of £1,783,000, offset by a decrease to the extent of £100,000 in the special grant under section 96 of the Commonwealth Constitution.

As the Honourable the Treasurer stated in his financial statement this year, the reduction in the special grant is no matter for concern, but rather one for considerable satisfaction for it means that the State is still progressing more rapidly than Australia as a whole.

Dealing now with the expenditure, £17,830,000 is expected to be spent this year on purposes for which appropriation already exists under various Acts. The principal items are:—

Payment of interest and sinking fund in respect of the State Public Debt	13,693,000
The transfer to the Highways Fund of the net proceeds of motor taxation	3,043,000
The Government contribution to the South Australian Superannuation Fund	839,000
Statutory salaries and allowances	191,000
Grants and Subsidies	64,000

The sum of £53,785,000 is required for the normal departmental provisions which are set out in clause 3, and I shall give explanations of the main lines included therein.

Police Department, £1,884,808.—This provision, which is £199,000 greater than last year's actual payments, will enable the force to be brought up to and maintained at the strength consistent with efficiency.

Sheriff and Gaols and Prisons Department, £360,248.—Of the total increase of £57,000 over last year, £37,000 is for Yatala Labour Prison where the number of prisoners held is expected to be of the order of 360 as compared with an average of 270 last year, and it is now necessary to provide for additional staff and for increased running expenses.

Hospitals Department, £4,254,596.—The Queen Elizabeth Hospital is responsible for £113,000 of the departmental increase of £397,000 over last year. The increase at Queen Elizabeth Hospital arises largely from the operation of the maternity block for the whole of 1957-58 as against part only of 1956-57. The new block will provide 114 beds for the maternity section as against 55 available under the previous temporary arrangement in the nurses' block. At hospitals other than the Queen Elizabeth salaries and wages

will require an additional £174,000 this year, purchase of X-ray and similar equipment an additional £11,000, and normal running expenses an additional £99,000.

Children's Welfare and Public Relief Department, £651,167.—This provision is £47,000 greater than last year's actual payments, £14,000 of the increase being for salaries and wages and £33,000 for contingencies. An increased scale of relief and an increase in the rate of subsidy payable in respect of State wards placed in private homes are provided for.

Department of Public Health, £232,441.—The increase of £39,000 over last year will enable medical services to schools, particularly in country areas, to be expanded further.

Chief Secretary (Miscellaneous), £1,752,313, increase of £69,000 over last year. Grants and subsidies to various medical and health services are estimated to cost £1,539,000 in 1957-58, an increase of £55,000, and the principal items included are:—

	£
Grants to hospitals and institutions	1,220,000
Subsidies to institutions	95,000
Subsidies to hospitals where Government assistance is conditional upon the hospital board raising portion of its maintenance requirements from fees and other sources	139,000
Special subsidies to hospitals towards additions, alterations, purchase of equipment, etc. . .	40,000
Grants towards ambulance services	40,000

The £1,220,000 listed as grants to hospitals and institutions includes provision for assistance to—

	£
Adelaide Children's Hospital	453,000
Queen Victoria Maternity Hospital . .	261,000
Institute of Medical and Veterinary Science	168,000
Home for Incurables	95,000
New Salisbury Hospital	65,000
Mothers' and Babies' Health Association	60,000
S.A. Blood Transfusion Services . .	40,000

Registrar-General of Deeds Department, £128,325, an increase of £26,000 over last year. Of this increase £22,000 is due to the setting up of a new Town Planning Section.

Publicity and Tourist Bureau and Immigration Department, £244,802.—This provision is £10,000 less than actual payments last year, the decrease being due to the completion of a number of construction jobs at national pleasure resorts, and to the fact that a large

grant made last year to the West Beach Recreation Trust will not recur.

Treasurer (Miscellaneous), £6,673,351.—The principal appropriations under "Treasurer—Miscellaneous" are the transfers to Railways towards working expenses and debt charges, total £1,000,000 this year, an increase of £100,000. These transfers are designed to reduce the prospective deficit in the Railways accounts to a figure which could possibly be eliminated by further achievements such as cutting operating expenses or attracting more revenue. The possibility of balancing the departmental budget serves as a real target and incentive for the Railway administration.

The contribution to the Municipal Tramways Trust towards working expenses at £420,000 is £90,000 less than last year. Instalments of principal and interest payable to the Commonwealth under the terms of the Commonwealth and State Housing Agreement will amount to £635,000 this year, an increase of £143,000 over 1956-57. These payments are recovered in full from the South Australian Housing Trust. Instalments of principal and interest payable to the Commonwealth pursuant to the Railways Standardization Agreement will amount to £74,000, an increase of £7,000.

Lands Department, £740,201.—This provision is £42,000 greater than actual payments last year. The main item contributing to the increase is the photogrammetric survey for which £67,000 is provided, an increase of £18,000. Aircraft charter in connection with this survey will commence as soon as necessary modifications are completed on the aircraft.

Engineering and Water Supply Department, £3,390,467, an increase of £722,000 over last year's actual payments. The principal increase is in Adelaide Water District where rainfall in catchment areas and reservoir intake have been very low and it has been necessary to resort to extensive pumping through the Mannum-Adelaide Pipeline. Reasonable spring intakes would permit pumping to be reduced to off-peak periods and the provision for the department is based on this reduction being possible, but if reasonable intakes are not received it will be necessary to continue full scale pumping, and additional provision may have to be sought.

Aborigines Department, £261,000.—This provision is an increase of £45,000 over actual payments for 1956-57. The major increases are in development of reserves, in grants to aboriginal missions to assist in the purchase of

equipment, and in the purchase of houses for aborigines.

Public Works, £1,092,850, an increase of £157,000 over last year. This provision covers the cost of alterations and additions to Government buildings, painting, repairs, and renovating, and also the cost of replacement furniture. The main requirements this year are:—

	£
School buildings	385,000
Hospital buildings	336,000
Police and courthouse buildings . .	66,000
Other Government buildings	278,000

Education Department, £7,509,096, an increase of £700,000 over last year, of which £535,000 is for salaries and wages and £165,000 for contingency lines. School enrolments continue to increase and it is essential that the Government provide for the recruitment of further teachers and trainee teachers. As part of the programme of keeping the number of teachers up to the required level the Government is continuing to enlist the services of teachers from overseas. During the last 10 years the number of students at State schools has nearly doubled, and in the same period over £9,000,000 has been spent from the Loan Fund in providing increased school accommodation.

Minister of Education (Miscellaneous), £1,220,225, an increase of £95,000 over last year. This appropriation includes the following grants—

	£
University of Adelaide—additional to the £44,000 to be paid under the authority of special legislation	815,000
S.A. School of Mines and Industries	225,000
Kindergarten Union of South Australia	120,000
Institutes Association	23,000
Townsend House School for deaf and blind children	14,000

Department of Agriculture, £756,000.—This appropriation is £62,000 more than was actually spent by the Department in 1956-57, and will enable services to primary producers to be expanded further. The Government hopes that the State will be free of a fruit fly outbreak this year, but in view of the fact that an outbreak has occurred in nine of the last 10 years it has been thought wise to provide the funds to permit an immediate start on a control programme should an outbreak occur again.

Minister of Agriculture (Miscellaneous), £282,508, an increase of £98,000 over last year. The principal item under this appropriation is the proposed grant to the Waite Agricultural

Research Institute, which at £200,000 is £65,000 more than was actually paid in 1956-57.

Department of Lands (Irrigation and Drainage), £458,220.—Provision is made for a full year of normal activity in pumping, supplying water, and maintaining channels and pipelines, whereas last year operations were restricted by the floods. Appropriation sought this year is £78,000 greater than actual payments made last year.

Minister of Irrigation (Miscellaneous), £640,300.—A sum of £420,000 is provided as the probable cost this year of restoration and rehabilitation of Government reclaimed areas, removal and re-siting of embankments, etc. An appropriation of £220,000 is sought so that when the Commonwealth's share of the cost of restoration of flood damaged roads is received and paid to Consolidated Revenue it may be transferred to the State road funds from which the expenditure was made originally.

Mines Department, £738,574, an increase of £50,000 over last year. This provision will enable the department to carry out extensive searches for new uranium bearing areas in the vicinity of Radium Hill, and for new iron ore deposits in the Middleback Ranges, and will also permit some expansion of the search for other minerals.

Harbors Board, £1,450,000.—The increase of £124,000 over last year's payments arises mainly from the provision for an increased maintenance programme.

Railways Department, £15,799,254, an increase of £603,000, or approximately 4 per cent, over last year's actual payments. The Railway administration has done an excellent job in recent years in keeping expenditure well under control, while in other States there has been a rapid upward movement. In the face of wage increases, and increased costs of materials, a rise of only 4 per cent in expenditure over last year is an achievement of which the responsible Railway officers may be justly proud.

Turning now to the Bill, clause 2 provides for the further issue of £34,785,000, being the difference between the total of the three Supply Bills passed—£19,000,000—and the total of the appropriation required in this Bill. Clause 3 sets out the amount to be appropriated and the details of the appropriations to the various departments and functions. This clause also provides that increases of salaries or wages which become payable pursuant to any return made by a properly constituted authority may be paid, and that the amount available in the

Governor's Appropriation Fund shall be increased by the amount necessary to pay the increases.

Clause 4 authorizes the Treasurer to pay moneys from time to time authorized by warrants issued by the Governor, and provides that the receipts obtained from the payees shall be the discharge to the Treasurer for the moneys paid. Clause 5 authorizes the use of loan funds or other public funds if the moneys received from the Commonwealth and the General Revenue of the State are insufficient to make the payments authorized by the Bill. Clause 6 gives authority to make payments in respect of a period prior to July 1, 1957, or at a rate in excess of the rate in force under any return made by the Public Service Board or any regulation of the South Australian Railways Commissioner. I commend the Bill to honourable members and move the second reading.

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

STATUTE LAW REVISION BILL.

The Hon. C. D. ROWE (Attorney General), having obtained leave, introduced a Bill for an Act to repeal certain obsolete enactments and to make certain consequential and minor amendments of the Statute Law. Read a first time.

ACTS INTERPRETATION ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney General), having obtained leave, introduced a Bill for an Act to amend the Acts Interpretation Act, 1915-49. Read a first time.

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 October 1. Page 847.)

The Hon. E. ANTHONY (Central No. 2)—In addressing my few remarks to this very important question I realize my shortcomings in the matter. Mr. Condon has moved an amendment which if given effect to will completely destroy the Bill, which I think is his object. I do not claim to have had very much experience of industrial legislation, which is a very important subject and one to which many people

have devoted almost the whole of their lives. I think it is therefore an unfair proposition to ask Parliament to try to solve such an important question. It would have been much better in my opinion to have left it to the court which has always been the body to settle disputes and deal with conditions in industry. It is a body which is more experienced in taking evidence and assessing differences between employer and employee than Parliament.

The Hon. K. E. J. Bardolph—Don't you think that it is the responsibility of Parliament?

The Hon. E. ANTHONY—No. I should have thought the court could have dealt with and adjudicated on this important question. I subscribe to the principle of long service leave and always have done. If a man has worked continuously for an employer in industry for a long time he should be entitled to long service leave.

The Hon. F. J. Condon—Why not give him long service leave instead of annual leave?

The Hon. E. ANTHONY—I hardly look upon this as a long service leave Bill myself, but that is what it is called and as such we have to try to deal with it.

The Hon. K. E. J. Bardolph—It is a subterfuge.

The Hon. E. ANTHONY—I am sure that the framers of this Bill tried to cover all the cases of people who are deserving of long service leave in a just way and to make the coverage as uniform as possible. I think the Premier's intention was to include people not formerly covered by legislation of this kind and to try to give them justice. This Bill does that and covers people who have never been covered previously and never would have been covered. The worker may not be getting all he thinks he should get but I suppose he never will get all he thinks he should. I believe that quite a number of people in South Australia are very happy about this Bill. It will not please everyone and it does not please quite a number of my friends in the Labor Party for some reason I do not understand. It may not suit all employers either.

The Hon. A. J. Shard—It does not suit any of them.

The Hon. E. ANTHONY—It is going much further than any previous legislation to cover fairly difficult cases. I venture the opinion, though not an expert one, that the legislation will bring in its train many difficulties.

The Hon. S. C. Bevan—Do you think it is capable of operation?

The Hon. E. ANTHONY—I do not know. The more I look at it, read about it and hear about it the more confused I get. I think it will be very difficult legislation to administer, but if my worst fears are not realized, and I hope they will not be, it will confer a great deal of benefit on a great many deserving people. When one looks at industry over the years one sees the tremendous strides the worker has made, assisted of course by his friends, the trade union movement, which has been a great thing in the world and has done a tremendous amount of good work.

The Hon. A. J. Shard—It has done that not only for the workers but the community at large.

The Hon. E. ANTHONY—There is a well-known French saying that what is good for the King is good for the people, and I think that what is good for the boss is good for the men in the long run.

The Hon. F. J. Condon—South Australia is far behind in the industrial field.

The Hon. E. ANTHONY—I think of the evolution of industry and the wonderful improvements the worker has gained over the last 25 years, even more so over the last 50 years. The worker has now got tremendous advantages.

The Hon. J. F. Condon—All opposed by Liberal Governments.

The Hon. E. ANTHONY—I would not say that. If the honourable member cares to look it up he will find that quite a number of reforms have been brought about by people entirely opposed to him and his politics. They have been brought about by big-minded people who wished to raise the general level of standards in the world. I am sure the honourable member and his friends have done a great deal. We rejoiced at the wonderful achievement in bringing about the 48-hour week, which meant 8s. a day, eight hours work, eight hours' rest and eight hours' play. That was a great achievement, but it has gone by the board. Now we have a 40-hour week and the A.C.T.U. is advocating a 35-hour week.

The Hon. A. J. Shard—Some South Australians work only 24 hours a week.

The Hon. E. ANTHONY—Quite so, and with the march of mechanical means of doing jobs we shall probably be able to reduce working hours as the years go by.

The Hon. F. J. Condon—Can the honourable member tell us something about increased profits over the period he is speaking of?

The Hon. E. ANTHONY—It is a good job that industry is flourishing; a good job for the honourable member and for me and everyone else.

The Hon. K. E. J. Bardolph—Are you supporting the measure?

The Hon. E. ANTHONY—I am. I think it will confer a great blessing upon thousands of people in this country and the fact that it does not run on all fours with legislation framed to do the same sort of thing in other States does not make it any worse.

The Hon. A. J. Shard—As long as we have the worst end of the stick it is all right!

The Hon. E. ANTHONY—I think the honourable member will live to see the benefits of this measure.

The Hon. K. E. J. Bardolph—You admitted that it is not true long service leave but only one extra week's leave.

The Hon. E. ANTHONY—I did not specify what it is, but I have pleasure in supporting the measure.

The Hon. A. J. SHARD (Central No. 1)—I oppose the Bill and support the amendment moved by the Leader of the Opposition, but before dealing with the Bill I desire to make one or two remarks about a debate in the House of Assembly concerning a particular person. I listened to that debate at almost every opportunity, and the attack upon Mr. Bannister, President of the A.L.P., was no credit to the members who made it or to this Parliament. Hearing the biting attack upon Mr. Bannister one would have thought that he was—

The Hon. C. D. Rowe—On a point of order! I do not feel that the honourable member is in order in referring to debates in another place.

The ACTING PRESIDENT (A. J. Melrose)—I think the Attorney-General's objection is in order.

The Hon. A. J. SHARD—I do not think it is proper that members of a certain Party should be permitted to say things about a gentleman who has no opportunity to defend himself, and has only done his duty as the President of his Party. Had any member of our opponents' Party at their annual conference been asked to give a ruling he would have done no other than what Mr. Bannister did. We have nothing to be ashamed of in our conference or in our President.

The Hon. Sir Frank Perry—It has not been questioned here.

The Hon. A. J. SHARD—But it has been in no uncertain manner in the press, and because of the actions of other people I think we have the right to defend our President and have it published in the press or at least in *Hansard*. Our Party has a conference each year and it formulates policy every third year. Having formulated a policy—rightly or wrongly, it does not matter which—in favour of 13 weeks' long service leave after 10 years' service the President had no alternative but to give the ruling he did. About 145 delegates were present including, if my memory serves me, nearly every Labor member in another place and in this Council and they had the right to disagree with the ruling, but no-one did so.

The Hon. N. L. Jude—Tell us what happened at the A.C.T.U. about this?

The Hon. A. J. SHARD—Give me long enough and I will tell the whole story. We did not disagree with it because it was a sound ruling.

The Hon. C. D. Rowe—Had Mr. Chambers made the statement would you have disagreed with it?

The Hon. A. J. SHARD—The first essential in every Party is loyalty and if one is not prepared to be loyal to the pledges one signs one should resign before criticizing.

The Hon. C. D. Rowe—I think the first essential is the interests of the public.

The Hon. A. J. SHARD—That is where I differ with the honourable Minister. I signed an agreement to do certain things and if the day comes when I am not prepared to abide by the pledge I signed I will resign and then make my complaint, and everyone who has loyalty and decency at heart would do likewise—and that does not apply to only one side of politics. Men have spent all their lives in the movement and got the best from it, only to turn traitor in the end.

The Hon. Sir Frank Perry—The movement changes, that is the trouble.

The Hon. A. J. SHARD—If you do not agree with it get out.

The Hon. Sir Frank Perry—That is what they did.

The Hon. A. J. SHARD—No, they did not. They stayed there, and it is just as bad on your side of the fence if we go into history. Long service leave is not of long duration in the working life of the human being. It is only a few years old and it started with some very remarkable reactions and change of thought by various people. It was first implemented in New South Wales and Queensland, only a few years ago in Victoria and subsequently in Tas-

mania. It never met with approval of the employers until they apparently reached the stage of changing their minds. As the case in regard to many other reforms, long service leave was bitterly opposed by the employers and many others and this Bill has met the same fate. After the Victorian Act was approved the employers of Victoria challenged it in the High Court of Australia. They lost, and then appealed to the Privy Council, but lost again. During the course of the hearing before the Privy Council, the A.C.T.U. asked the Trades and Labor Council of this State to approach the Premier and ask him to bring in an Act along the lines of the Victorian Act. We did that two or three years ago, and we had quite a little hope that the Premier would see eye to eye with us, as he had informed us on more than one occasion that he would not have the workers of this State at a disadvantage compared with those in other States. He told us that he did not think it was right that he should make a decision as the matter was *sub judice*. We accepted that because we thought that his attitude was possibly right, and we were fortified in our stand because the Premier had said he wanted uniformity. It might be of interest to quote what he said along those lines as far back as 1949 when, as Minister of Industry, he was giving his second reading speech on a Bill to amend the Industrial Code to bring about uniformity in relation to the living wage. He then said:—

The object of the proposed quarterly adjustments of the State Living wage is to ensure a greater measure of uniformity between the State living wage and the Commonwealth basic wage.

Later in that speech he said:—

The Bill provides for amendments shown to be desirable over a period of years; they will remove difficulties existing in the fixation of the living wage. When the Industrial Code was first introduced price levels were much more stable than at present, but with price levels fluctuating quickly and with drastic currency alterations, as in the recent devaluation of sterling, a provision for fixation of wages not more than once in six months can result only in considerable difficulty and means that adjustments necessary to keep wages in conformity with price trends are not taking place frequently enough.

That is all based on uniformity. At the conclusion, the Premier said:—

I trust the Bill will have the support of both sides of the House. I feel that such measures should not be pushed through in opposition to any section of the community and I therefore hope it will have the support of both employer and employee interests. It is a

significant step towards maintaining that harmony in industry that is so essential to the economic existence of this State.

The whole of his argument then was based on uniformity.

The Hon. C. D. Rowe—But that was a different Bill.

The Hon. A. J. SHARD—But it was dealing with the same principle. It is no good having uniformity in wages without having uniformity in conditions; if uniformity is good in one direction, it must be good in another. The Trades and Labor Council accepted what was done then because it was a step in the right direction, and we were hopeful that, having achieved uniformity in the living wage, we would proceed to get it in other directions.

The next matter on which we went to the Premier was to obtain uniformity of annual leave for all employees within Government departments. At that stage daily and weekly paid employees were granted two weeks' annual leave, and the Trades and Labor Council secured information that the majority of workers in the Public Service in other States were getting three weeks' annual leave after five years' service. We went to the Premier and put our case to him, in the presence of the Public Service Commissioner and the late Railways Commissioner. We told the Premier that, as we had proved that the majority of public servants in other States received three weeks' annual leave after five years, we expected this to be granted here. To his credit, he asked to be excused for a few minutes, and left the room with the other two men, returning within five minutes with a favourable reply. We went away quite happy because at least we were getting uniformity.

The object of the Trades and Labor Council is not to create disputes, but to settle them, and the happier we have people in industry the easier is our job, but unfortunately that was the last time we had any success in obtaining uniformity. Whether that is because manpower was short in those days and it was difficult to keep people in industry, whereas we now have 4,500 unemployed in this State, I do not know, but we have not had any success since then. This legislation is a classic example of non-uniformity. The very things we did in 1949 with regard to uniformity in the basic wage to keep peace with our people will be negated to a great degree.

Mr. O'Halloran in 1954 introduced a Long Service Leave Bill in the House of Assembly, which was based on the Victorian Bill.

If we had stopped to think about what the Premier said in opposing the Bill we might not have been in such high glee. Referring to the Leader of the Opposition he said:—

Apparently he is pleased with it because it is headed "Prepared by Mr. M. R. O'Halloran, M.P."

Mr. Fred Walsh interjected:—

He has every reason to be proud of it.

The Premier's reply was as follows:—

I think he is reasonably proud of it, but I do not share his enthusiasm for it because it is one of the worst examples of class legislation that we have seen in this House for some time. It makes no pretence of being unbiased. It puts all the obligations on the employer and none on the employee, yet the Leader of the Opposition said he was sure that many employers would favour the Bill.

Let us compare the present Bill with the Premier's views in 1954.

The Hon. Sir Frank Perry—What was the nature of the 1954 Bill?

The Hon. A. J. SHARD—It was the same as the Victorian legislation. Had the Premier been in the same mind as he was in 1949 when he said that uniformity between workers in industry was desirable, he would have agreed to it. The Trades and Labor Council demands are uniform in all the States.

The Hon. Sir Arthur Rymill—The demands of your Party are not uniform.

The Hon. A. J. SHARD—I have not much regard for people who do not honour their word. I have been in a responsible position in public life for many years and have given the word of an important body on very touchy subjects, and it has never been broken. Coming back to the present time, the Trades and Labor Council went back to the Premier after the decision of the Privy Council and asked him to grant the workers in this State long service leave on the basis of 13 weeks after 10 years' service, and failing that on the basis of the Victorian Act. That was the unanimous decision of the Trades and Labor Council from the first time we approached the Premier.

The Hon. Sir Arthur Rymill—You said in effect, "If you won't give us all we want we will take none."

The Hon. A. J. SHARD—The Premier promised that he would look at the position and let us know. He had always until this occasion afforded our very important body the courtesy of a written reply. That responsible body, representing almost 100,000 people, on

this occasion learned the Premier's reply in the press. I was not in Adelaide at that time.

The Hon. C. D. Rowe—I think that in the meantime the Trades and Labor Council had made certain comments in the press.

The Hon. A. J. SHARD—I do not know about that.

The Hon. S. C. Bevan—The only comment made was that the Trades and Labor Council had approached the Premier for long service leave.

The Hon. C. D. Rowe—If one party goes to the press I think the other party should, too.

The Hon. A. J. SHARD—Courtesy demands that a body such as the Trades and Labor Council should receive a written reply from the Premier on an important question such as this. We would not have known to this day if the press report was his official reply but for the fact that we had another deputation. When I returned from my holiday I learned what the effect of the announcement was and my immediate comment was, "He can shove that up his jumper." I would have opposed it without any directions, and the reason I am opposing it now is not that I was directed. If we are to have long service leave let us have it and not what this legislation provides. After our first deputation returned I said, "I do not think there is any doubt that the Premier will submit a Bill dealing with long service leave." One of the members of the deputation said to me, "You will get a Bill for long service leave in May, but his big worry between now and then will be how he can make a Long Service Leave Bill which does not give long service leave."

If the Premier had that thought in the back of his mind he has done a very good job. We went to the Premier a second time and asked him whether, notwithstanding his press statements, he would give us what we thought was justified, namely, a Long Service Leave Bill providing for 13 weeks' long service leave after 10 years' service. We asked him whether, in the event of his not agreeing to that, he would give us the same as the Victorian Act, and he said "No." He looked over his glasses and said, "Look, boys, I want to tell you that this is the best measure I can get through; the boat is only just floating, and if any politics are played with it it will sink." I am sorry that the boat has not sunk, and if the Premier wants it to sink I will be quite happy about it. As far as this Bill and the boat goes it can sink tomorrow, because it is not a long service leave Bill. Up to that stage there was no

provision in the Bill for casual workers. We asked the Premier to provide for them because we felt that if one set of workers was to have long service leave it should apply, if possible, to all workers.

The Hon. C. D. Rowe—I do not think you had seen a draft of the Bill at that stage.

The Hon. A. J. SHARD—That is so, but the Premier informed us what it contained. His reply was that the Government was considering it but he did not know how it would work. When we pushed that request the Premier said that if it were at all possible he would provide in the Bill for casual workers, and in that respect he has kept his word. Nobody wants this Bill. I have discussed the Bill with a large number of people, many of whom are not Labor voters, and I am agreeably surprised how readily they endorse our opposition to it.

The Hon. S. C. Bevan—Don't the manufacturers want it?

The Hon. Sir Arthur Rymill—Who does?

The Hon. A. J. SHARD—Nobody as it is. No-one out amongst the people wants it.

The Hon. Sir Frank Perry—I would not say that.

The Hon. A. J. SHARD—Nobody that I have met.

The Hon. Sir Arthur Rymill—But they will all take the benefits, won't they?

The Hon. A. J. SHARD—No organization wants it.

The Hon. Sir Frank Perry—Then they don't know what is good for them.

The Hon. A. J. SHARD—When it is put to the people that it is only an extra week's annual leave and it is explained to them that it is only with the co-operation of the employer that it can build up to long service leave they do not want it. The public are not just dumb, and they agree with me on this question. I honestly believe that within a very short period we will have three weeks' annual leave throughout Australia; it has to come.

The Hon. Sir Arthur Rymill—And a 35-hour week?

The Hon. A. J. SHARD—That will be too long if half the things I hear about automation are true. A factory in this State is already working only 24 hours a week. The more I hear about automation the more I fear it because it will put many people out of work, and it will not be in the interests of the employer, for unless we have a community that is working there will be no-one to purchase the goods produced.

The Hon. C. D. Rowe—I think the future is much brighter than that.

The Hon. A. J. SHARD—Wherever automation has been brought into existence the army of unemployed has grown. Consider the position in England and America. Am I right or wrong? If I am right it is a very gloomy picture.

The Hon. E. Anthoney—It may be only temporary.

The Hon. A. J. SHARD—Once you dispense with a man in a factory he is never replaced. I think the honourable member had better stick to his school teaching for he does not know much about industry.

The Hon. E. Anthoney—If you read history you will see that I am right.

The Hon. A. J. SHARD—Automation has not been in existence very long. It is less than 12 months since the trouble occurred in England and the unemployed are still many; none of the people put off by the Standard Motor Company have been re-employed elsewhere, I am told. I believe that three weeks' annual leave will be given to everyone within a few years, and that the Premier foresaw it when he introduced this Bill as a counter measure. I consider that he is the sole framer of it. It is an effort to satisfy his ego—to prove that he is the saviour of the people, that he has a more sound knowledge than the Privy Council or any of the other four State Governments of what is best for the people, and he wilfully forgets all his talk about uniformity and of keeping people in industry in this State on an equal basis.

The Hon. C. D. Rowe—Uniformity is not always good. If the New South Wales Government puts men off it is no reason why we should.

The Hon. A. J. SHARD—With uniformity of long service leave we would be putting men on and not putting them off. In order to find out what certain words mean I bought myself a dictionary. I looked up the words "long," "service" and "leave" in my Twentieth Century Webster's Dictionary, and it is rather astonishing to find that not one part of this Bill completely fits in with those meanings. I find that—

"Long" means drawn out or extended in time; a considerable time; a long period of time; a long while.

The Hon. Sir Arthur Rymill—Such as 7 years.

The Hon. A. J. SHARD—No. "Service" means—

The act of serving; the performance of labour or office at the command of another; menial duties; the attendance of a servant upon a superior master or employer.

"Leave" means—

To withdraw or depart from; to quit for a longer or shorter time; indefinitely, as to leaving home.

Now I come back to seven years referred to by Sir Arthur Rymill. Consider the working span of a man's life. Let us accept the apprentice's age of 16 as the starting point. He retires at 65, so his working life is 49 years, of which seven years is one-seventh. Is that a long time? I would not say so. Is one week's long leave a long time? Of course not!

The Hon. Sir Frank Perry—It can accrue under this Bill.

The Hon. A. J. SHARD—I will have a word or two on that later. The Bill says a week a year and it is all loaded against the employee.

The Hon. Sir Frank Perry—Oh no!

The Hon. A. J. SHARD—In no sense of the word does this Bill provide for long service leave because a week at a time is not long leave.

The Hon. C. D. Rowe—That is a matter of opinion.

The Hon. A. J. SHARD—Then mine differs from yours.

The Hon. Sir Frank Perry—The honourable member must admit that it can accrue under this Bill.

The Hon. A. J. SHARD—It can, but it will not. I will tell you why later.

The Hon. Sir Frank Perry—You are putting it off.

The Hon. A. J. SHARD—I think I have dealt with every interjection that I said I would deal with. I won't squib any issue. I do not know whether Sir Frank Perry was correctly reported in the *Advertiser* last week as saying that long service under this Bill will cost industry £1,250,000. My experience of any innovation in industry is that it has cost industry nothing, or at most very little. What happened in connection with sick leave will happen in connection with long service leave. Industry will gain further profits because immediately a week's wages will be added to the ingredients of the costs of a particular industry for the whole number of its employees.

The wages of a man who does not qualify for long service leave will go as an addition to profits and will remain in the pockets of that industry. A number of industries are receiving profits to which they are not entitled in connection with sick leave. Until an employee takes the maximum amount of sick leave that has accrued to him that amount of wages goes into the profits of the company.

The Hon. Sir Frank Perry—They have to make provision for it up to the period, but they do not continue it.

The Hon. A. J. SHARD—My information is that it goes on each week. I am not an expert but I consider that would be sound accountancy. It could not be done in any other way.

The Hon. Sir Frank Perry—You can go on averages and on previous years.

The Hon. A. J. SHARD—In the industry with which I am connected I know that does not happen so I cannot see that this Bill will cost industry £1,250,000.

The Hon. Sir Frank Perry—I should have said industry will have to provide it.

The Hon. A. J. SHARD—That would have been a better word. I readily agree that industry will have to provide it, but it will recoup itself.

The Hon. Sir Frank Perry—If it can.

The Hon. A. J. SHARD—If it cannot industry will not go on making goods. I have never seen anyone continuing to manufacture goods that they cannot sell.

The Hon. C. R. Story—Then you have not watched the primary producer very much.

The Hon. A. J. SHARD—The primary producer has nothing to worry about. The vast majority have done very well, thank you.

The Hon. C. R. Story—They will be pleased to know that.

The Hon. A. J. SHARD—This Bill provides nothing more and will develop into nothing better than another week's annual leave. Our deputation asked the Premier why the qualifying period should be seven years when the Government employee has to serve only five years before becoming entitled to this third week's annual leave. If, to be uniform, it had been fixed on the basis of five years, it would have been in keeping with the other matters. Clause 7 provides:—

(1) The leave to which a worker is entitled in any year (including any leave postponed to that year) shall unless it is postponed be taken—

(a) at a time in that year agreed upon between the employer and the worker; or

(b) at a time in that year fixed by the employer and of which the employer has given at least four weeks notice to the worker.

If the employer and employee cannot agree, the employer can give four weeks' notice and the man must take leave. Subclause 2 of that clause provides:—

By agreement between a worker and his employer the taking of the long service leave

due to a worker in any year may be postponed from time to time to a subsequent year and the leave accumulated.

Although I have searched through the Bill, I cannot find out who will be the arbitrator if the parties cannot agree.

The Hon. Sir Frank Perry—The employer.

The Hon. A. J. SHARD—Of course he will be; he will tell the employee what he can do.

The Hon. Sir Frank Perry—Exactly, and that is customary.

The Hon. A. J. SHARD—My industry is not such a bad one. In the main it has good employers.

The Hon. Sir Frank Perry—But the employees still do what they are told.

The Hon. A. J. SHARD—An employer should not have the right to inflict his wish on the employee, but that is what this clause does. During the war one of the best firms in the bread industry, with which we never had a quarrel and one that we admired, wanted to alter the working conditions of its employees. The employer told me that he had called a meeting of employees, and that they had unanimously agreed to the alteration. I said that, although they might have agreed, they had no right to do so because what was proposed was contrary to their determination. He said he had spoken to all employees at the meeting and that they had said that they were happy about the proposal. I told him if he called them together I would be able to get a unanimous decision the other way, and he stated that if I did he would lose his faith in humanity. He arranged for me to talk to the men, and said that if the decision was contrary to what they had previously decided he would not carry the previous decision into effect. The meeting was called, and a unanimous decision directly contrary to the previous decision was obtained. An employee, out of fear, will not speak up and say what he wants.

The Hon. Sir Frank Perry—I think that is put too strongly.

The Hon. A. J. SHARD—A fear of the consequences has developed over the years, because shop stewards and others who speak within factories on behalf of employees are dismissed at the first opportunity. A case of that nature happened a month ago. That is why this Bill falls down. It is loaded against the employee, because what the employer wants will be given effect to. Instances may occur in which they will agree, but the vast majority of employees will get a week's leave each year or a week's pay in lieu of leave, and

that is not long service leave. Clause 8 provides for payment in lieu of leave. From my understanding of the word, to have leave a worker must have a holiday. This Bill does not grant long service leave, because it gives a choice between taking leave and receiving payment in lieu of leave, and there is nobody to arbitrate. Clause 13 (2) provides:—

If the Minister, after obtaining and considering a report from the Public Actuary, is satisfied that a scheme established or conducted by or on behalf of an employer provides for long service leave for any workers employed by that employer on a basis not less favourable than that prescribed by this Act, he may, subject to such conditions as he thinks fit to impose, exempt that employer from the duty to grant long service leave, or payments in lieu thereof, to those workers under the other provisions of this Act.

Why is it necessary to bring the Public Actuary into this matter?

The Hon. Sir Frank Perry—Who else would we get?

The Hon. A. J. SHARD—The President of the Industrial Court.

The Hon. Sir Frank Perry—There will be an amendment; perhaps I will get your support on it.

The Hon. A. J. SHARD—I have not yet seen any amendments. The job of the President and the Deputy President is to arbitrate on industrial matters, and they do a reasonably good job in keeping peace within industry, yet on an industrial matter of the greatest magnitude the Government has the audacity to make the Public Actuary the authority! If he has not a wider vision on industrial matters than he has on superannuation, I am afraid of the consequences.

Clause 17 provides that inspections under this Bill are to be made by the Factories Department. Unless there is a real upset in that department, there will be no policing of this Bill, because it is not doing its job. I do not worry that department very much now because we now have the right to inspect time books, but that was not always so. Before we had this right factories inspectors used to check the figures in time books against the wages received and then sign the books as correct, yet they did not know whether the starting and finishing times were correct or not. I do not see how a department that is not doing its job now can do another job that involves 321,000 employees.

The Hon. Sir Frank Perry—They are not all under State awards.

The Hon. A. J. SHARD—I thank the honourable member for the correction; about 78

per cent are engaged under State awards, but that is a considerable number. The Scaffolding Act in particular has not been policed as it should, but the Trades and Labor Council appreciates what the Minister is doing to see that it will be better policed. At a meeting of the Subordinate Legislation Committee recently, when dealing with a by-law that the Factories Department was to police, I raised this matter. The work of the department is continually being increased, yet it is not able to carry out the duties for which it was set up. Clause 21 provides:—

(1) A prosecution for an offence against this Act shall not be instituted without the consent in writing of the Minister.

(2) The consent of the Minister to any such prosecution may be proved by the production of an apparently genuine document purporting to be signed by the Minister and purporting to give his consent to that prosecution.

That means that if one of my members came to me and said that he had not received long service leave, and I complained to the employer, who might tell me that he would not grant leave because the employee had not been a good worker, I would have to obtain the Minister's consent to prosecute. When breaches of awards or determinations occur we can get our solicitor to issue summonses, so why should it be necessary to obtain Ministerial consent to prosecutions under this Bill?

The Hon. Sir Frank Perry—This provision is in the Industrial Code, isn't it?

The Hon. A. J. SHARD—No, the union can prosecute without going to the Minister, and that has been done repeatedly. This Bill is not popular with anyone. The Premier said in 1949 that Bills of this nature should not be pushed through against the views of one section of the community, but this Bill is going to be pushed through against the wishes of not only the Trades and Labor Council but also the Chamber of Manufactures, because that Chamber does not want it. Only this morning the A.C.T.U. contacted me and the Chamber of Manufactures to see if a date could be set next week for a conference in order to bring in by agreement long service leave conditions similar to those in the Victorian Act.

The Hon. C. D. Rowe—That does not mean that they do not want this Bill.

The Hon. A. J. SHARD—The Chamber of Manufactures does not want the Bill, and agrees with the Trades and Labor Council that the more uniformity we have in working conditions and wages in Australia the better it will be for everybody. If it wished to keep

in step with the body representing the vast majority of employees, the Government would bring in a Bill on the lines of the Victorian legislation. We will have at least three major long service leave schemes in this State, and there will be a return to all the discontent that existed in connection with the State living wage. There will be a scheme of 13 weeks' leave after 10 years' service for all Government employees. The Vehicle Builders Union has already signed an agreement with the motor industry covering 5,000 employees for long service leave on the lines of the Victorian legislation; the unions have signed an agreement with Stewart and Lloyds and the British Tube Mills covering 1,250 employees awarding leave on the lines of the Victorian legislation; and the metal trades employees will have similar long service leave conditions.

It is interesting to study the break-up of the working population of this State. The Federal award group, of which the metal trades would be the largest section, represents 82,400 or 25.6 per cent of the total; there are 171,200 under State awards or determinations, representing 53.2 per cent of the total; and the non-award group totals 68,000 or 21.2 per cent of the total. Those groups represent a total of 321,600 employees in South Australia. In my opinion, within a short time the whole of the 82,400 in the Federal group will receive long service leave similar to that contained in the Victorian Act.

Under the State awards or determinations group there will be the whole of the Public Service receiving 13 weeks' long service leave after 10 years' service and others receiving leave similar to the Victorian legislation. The remainder will be covered, for the time being at least, by whatever Bill this Parliament passes. I do not think it will remain there. I know that many employers will want their employees to have the best long service leave possible and will readily agree to adopt the Victorian legislation. I honestly believe that. There is no doubt that the baking industry will shortly award long service leave in accordance with the Victorian Act.

I have some sympathy for the non-award group of 68,000, and I do not see why we should give them the long service leave provided in this Bill when they have an inherent

right to the same leave as other workers. If the Government wants to show that it is magnanimous, sincere and decent and wishes to honour its promise that it looks after the workers, it should bring in a Bill to provide that no employee, whether covered by an award or otherwise, should be called upon to work more than the standard 40 hours weekly for less than the basic wage. I am sorry to have to state that many people are working more than the standard hours for a lot less than the basic wage.

The Hon. L. H. Densley—They must be hard to find.

The Hon. A. J. SHARD—No, they are not; they come into our building every week, and the greatest offenders amongst the employers are the charitable institutions.

The Hon. Sir Frank Perry—There must be certain circumstances surrounding that, surely.

The Hon. A. J. SHARD—No. Members would be astounded at the number who tell us their story and have to be told that they have no legal protection. I give full credit to the Party that introduced legislation in New Zealand to ensure that all workers received protection in this respect. I have travelled a good deal but New Zealand was the only country in which I found such legislation. We advise people what the standard working hours are and what the basic wage is, but we have to tell those not covered by awards that the conditions under which they work are purely a matter for agreement between the employer and the employee. I commend the New Zealand legislation in this respect to the Minister of Industry. Every individual should have the right to protection, irrespective of whether or not he is covered by an award or determination, and legislation should ensure that he does not work more than 40 hours a week or receive less than the basic wage. I oppose the Bill and support Mr. Condon's amendment.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

ADJOURNMENT.

At 4.10 p.m. the Council adjourned until Thursday, October 3, at 2.15 p.m.