

LEGISLATIVE COUNCIL.

Tuesday, August 26, 1958.

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

QUESTIONS.**WHEAT PRICES.**

The Hon. F. J. CONDON—Following on my previous inquiry regarding flour export, I should like to ask the Chief Secretary if he has a report from the Minister of Agriculture concerning the decisions of the recent meeting of the Agricultural Council?

The Hon. Sir LYELL McEWIN—Yes. I referred the honourable member's question to my colleague, the Minister of Agriculture, who has advised that at the recent special meeting of the Agricultural Council the position of the flour milling industry was discussed. It was learnt that the Australian Wheat Board has decided to supply millers with wheat for export flour at not more than the board's current f.o.b. selling price for wheat for export. Other matters relating to the flour milling industry will be referred to the Standing Committee of the Agricultural Council for discussion in October.

REGULATIONS UNDER THE INDUSTRIAL CODE.

The Hon. A. J. SHARD—I ask leave to make a brief statement before asking a question.

Leave granted.

The Hon. A. J. SHARD—Last week in my work connected with the Joint Committee on Subordinate Legislation I discovered that the Minister of Industry had some time back in August brought in regulations disallowing and revoking certain regulations under the Industrial Code. The particular regulation with which I am concerned is No. 45. In principle, it sets out in detail a number of sections of the Industrial Code which, under the old Act, should be exhibited in places and factories dealing in some respects with the safety of employees working therein.

As a result of a deputation of the Trades and Labor Council, the Minister admitted in writing that some of those regulations were important. That is the point I want to stress. I do not wish to go into their merits at present, other than to say that these regulations have been laid down in the Industrial Code for, I believe, about 30 years. In view of the revoking of those regulations, has the

Minister of Industry or the Cabinet given any consideration to some other form of regulation which will replace those particular regulations, or to some other means which will ensure that the regulations or conditions laid down in the Industrial Code are given effect to? If so, is the Minister able to tell this House what are his intentions?

The Hon. C. D. ROWE—The position is that the regulations which were revoked in no way affected the rights of the employees, which under the Code are exactly the same now as they were previously. The regulations revoked provided that some employers were required to display sections of the Act in certain parts of their premises. Over the past few years they have been carried out more in the breach than in the observance and from a practical point of view it was impossible to carry them out, and on the recommendation of officers of my department the procedure of revoking was taken. Subsequently, a deputation from the Trades and Labor Council waited on me and drew my attention to one regulation regarding keeping passage ways clear, which they thought was of some importance. I have not had time to give a detailed consideration to that point but will do so and let the honourable member know my views.

RIVER MURRAY FLOODWATERS.

The Hon. C. R. STORY—I ask leave to make a brief statement before asking a question.

Leave granted.

The Hon. C. R. STORY—I am somewhat apprehensive as the result of the press announcement last week, and the subsequent announcement this morning, by the Engineer-in-Chief relating to the quantity of water that is likely to come down the River Murray in the near future because of the Victorian and New South Wales floods. A figure of 23 feet at Renmark has been given and if this materializes it will put a fairly large section of the Sturt Highway out again for traffic, and cause the same inconvenience as was caused by the 1956 flood in severing the Upper Murray areas. Can the Minister of Roads say what action is proposed to keep this important highway open for traffic by banking or raising the road and does he intend to make an on the spot inspection in the near future of the problems of the Upper Murray districts?

The Hon. N. L. JUDE—The matter of the rise, which I hope will not last long, in the

river has already been under the notice of the Government for some weeks, and following advice from the Engineer-in-Chief's Department the Commissioner of Highways and the District Engineer have been there since the weekend, and are not only taking certain specific steps, which include the raising of the Paringa causeway forthwith, to deal with the situation, but are considering other problems which exist, for instance at Cadell and the necessity of making a by-pass to deal with Renmark and the Ral Ral Bridge.

KINGSTON AND NARACOORTE RAILWAY ALTERATION BILL.

Read a third time and passed.

LAW OF PROPERTY ACT AMENDMENT BILL.

Read a third time and passed.

MARINE STORES ACT AMENDMENT BILL.

Second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The Act provides that marine store collectors and dealers are to be licensed. Part II of the Act provides that every dealer, that is a person engaged in buying and selling marine stores, is to be licensed by a local court to carry on his business at the premises specified in the licence. Licences continue in force until December 31 next after their issue. Section 10 provides that an applicant for the issue or transfer of a dealer's licence is to give notice in writing of his application to the clerk of the local court and to the Commissioner of Police. It is provided that the Commissioner or any person authorized by him may show cause to the court against the granting of the application.

The Municipal Association has suggested that, in view of the fact that a dealer's premises can cause unsatisfactory conditions in a neighbourhood, the council of the area in question should also be given notice of an application for a dealer's licence and should have the power to show cause to the court against the granting of the application. Clause 2 amends section 10 accordingly and provides that notice is to be given to the council by the applicant and gives the council the right to appear before the court and oppose the application.

A further drafting amendment is made by the clause. Section 10 now provides that the

fee for a dealer's licence is to be £1, but in November, 1927, this fee was increased to £3 3s. by a regulation under the Fees Regulation Act. Clause 2 substitutes £3 3s. for £1 in section 10. This amendment does not alter the law, but it is obviously desirable that the section in question should state the actual law on the subject and not that in force before 1927.

The Hon. S. C. BEVAN secured the adjournment of the debate.

MAINTENANCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 20. Page 450.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I compliment the chairman and members of the Children's Welfare Board upon the work they are doing in looking after the wards of the State, and also upon the other social aspects of their work. I understand there are about 3,000 wards and other children placed under its care, and we should compliment the members for the efficient discharge of their duties. In his second reading speech the Chief Secretary mentioned that the Bill provides for the transfer to the Comptroller of Prisons of children up to 18 years of age and over under certain circumstances. On my first reading of the amendment it appeared to be harsh, but I think a safeguard is provided in that a person can be transferred to the custody of the Comptroller only on the recommendation of the board.

The Minister also mentioned that clauses 4 and 5 deal with a problem which arose because of departmental accounting difficulties and stated that section 132 of the Act authorizes the department to receive and deposit in the Treasury any moneys due to a child who has been placed out as an apprentice or in some other suitable employment. From time to time the board is asked to receive and hold moneys due to State children, and the new section 132a will enable the department to deal with such moneys by depositing them in the Treasury in the name of the board and on the child's account. I can see nothing radically wrong in the proposal, but submit for the consideration of the Chief Secretary that if a person under the board's control is sent out as an apprentice or to work on a farm it would be preferable if any money due to him was deposited in the Savings Bank in his name and that of the board. It could be placed in a trust account instead of being under the

control of the Treasurer. The Minister may be able to advise whether the Treasury could carry out such a proposal.

Clause 6 enacts a new section 152a for the purpose of altering the name of the institution formerly known as the "Industrial School, Edwardstown" and more recently as the "Industrial School, Glandore." I am pleased that the Government proposes to change the name to the "Glandore Children's Home," as the previous names more or less gave the impression that the children were outcasts.

I am also pleased that the Government has introduced a clause relating to those who have deserted their wives and are residing in other States with the object of avoiding their responsibilities to their family. Under the present law these people are not compelled to maintain their wife and children. I understand that this responsibility has been evaded in a number of cases. At present it is necessary that such people be brought back to the State before action can be taken against them. In this respect the Minister mentioned the case of *Hunter v. Hunter* which was heard in our Supreme Court, and it is as a result of the learned Judge's decision that the Government decided to introduce this amendment, which provides that such people living outside the State will be compelled to maintain their wives and families. I support the second reading.

The Hon. C. R. STORY secured the adjournment of the debate.

SUPPLY ACT (No. 2.).

His Excellency the Lieutenant-Governor intimated by message his assent to the Act.

SHEARERS ACCOMMODATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 20. Page 454.)

The Hon. R. R. WILSON (Northern)—The amendments contained in the Bill affect the owners of approximately 2,000 sheep and upwards. They will concern station people in the main, but many others who are engaged in mixed farming will also be affected. One matter which I would like to see clarified, and one which is causing a lot of confusion, is the provision relating to six shearers. Who is a shearer? In my experience a shearer is a person who can shear sheep. That person has quite a lengthy period of apprenticeship, and he has to satisfy sheep owners as well as get through certain numbers. A shed hand

is in an entirely different position, because this type of work can be performed by any casual employee. The shearer is highly paid whereas the shed hand receives the ordinary wage.

I cannot understand how all workers in a shearing shed can be classed as shearers. It has already been mentioned in the debate that the Act has always contained this provision relating to six shearers and it is difficult to take something away from people after they have been used to getting it. I recently visited New Zealand, and the hotel in Wellington where I stayed had a telephone in every room. I used mine extensively for making local calls. When I went to pay my bill I asked what I owed for telephone calls and was informed that no charge was made for local calls in New Zealand; they charge only for toll calls which we in Adelaide call trunk line calls. I asked how any country could carry a service of that kind with the obvious resultant loss, and I was informed that people had had those conditions for so long nobody had the courage to take them away. It appears that something similar may be the case with regard to this provision, namely, that all who work in a shearing sheds are classed as shearers.

It is true that the A.W.U., the Stockowners' Association, the Wheat and Wool Growers' Association and the Australian Primary Producers' Union have agreed to this Bill, but I cannot help but think that agreement was arrived at mainly by the executives. I have recently conversed with quite a number of people who own large numbers of sheep; hardly any of them knew that such a Bill as this was before Parliament and none knew that the various organizations had agreed to it.

The Hon. F. J. Condon—It was introduced last year, so they have had plenty of time to consider it.

The Hon. R. R. WILSON—Many woolgrowers do not worry about that sort of thing, and many do not belong to any organization. I will go so far as to say that the agreement to this legislation was made without the knowledge of many growers.

The Hon. F. J. Condon—They cannot blame Parliament for that.

The Hon. R. R. WILSON—I am concerned with the effect of this Bill on certain people. I agree that they are a minority, but it will be very difficult for some to comply with the proposed provisions and it will cause them hardships. We are faced with much lower prices for wool, which is now bringing between 4s. and 5s. a pound and is getting on the borderline of the cost of production.

With regard to prices for materials, cement, which is used extensively in any construction, can be purchased from retailers in Adelaide for 10s. a bag and I think one can get it for 8s. 5d. a bag at the works at Angaston, but at Cummins the retail price is 16s. 9d. a bag. On present wool prices it will be difficult to finance the erection of the buildings which these amendments will necessitate. Most of the shearing in my opinion will be done by contract. Contractors are available to do the whole job themselves, and a large proportion is being done by contract at present. All the owner will do is yard the sheep, and the contractor will do the remainder at £20 per hundred which is 4s. a head. Those who employ shearers and accommodate them are paying £16 per hundred or approximately 3s. 2d. per head. Those having their shearing done by contract maintain they will be far better off than others who are accommodating shearers because they will not have to comply with the conditions imposed by this Bill.

The Hon. Sir Frank Perry—How do the contracting shearers live?

The Hon. R. R. WILSON—They live very well. A contractor has employment for six to eight months of the year, but he has other jobs to do when he is not actually shearing.

The Hon. Sir Collier Cudmore—The contractor is the person who employs the shearers, isn't he?

The Hon. R. R. WILSON—No, the contractor is the man who contracts to do the shearing.

The Hon. Sir Collier Cudmore—The contractor employs the shearers.

The Hon. R. R. WILSON—No, the owner of the sheep employs a contractor. The A.W.U. is very enthusiastic about this Bill, but I have been on the land all my life and I know the conditions that exist.

The Hon. F. J. Condon—This Bill would not be before us if all parties had not agreed to the proposals.

The Hon. R. R. WILSON—In my opinion there will be less employment as a result of this legislation.

The Hon. K. E. J. Bardolph—In what way?

The Hon. R. R. WILSON—Because the producer will mechanize all he possibly can. That is only natural.

The Hon. K. E. J. Bardolph—You cannot get a mechanical machine to shear sheep.

The Hon. R. R. WILSON—He can mechanize, and he will not employ the six so-called shearers. That will create less employment.

The Hon. F. J. Condon—At Wallaroo and Port Lincoln there is no other alternative employment, either.

The Hon. R. R. WILSON—I think you will find that there will be employment for those people at Wallaroo and Port Lincoln. Those who are losing from bulk handling will gain from the new industry being established.

The Hon. K. E. J. Bardolph—Do you not think that the A.W.U. is well able to look after the affairs of its own members?

The Hon. R. R. WILSON—I shall not deal with the various subclauses in detail but will mention one only, which I think goes a little too far. It concerns the installation of a refrigerator. Most shearing periods last for only two or three weeks, and a refrigerator must be available between October 15 and May 15. That will entail great expense for the very short period in which it will be used. Mr. Densley has commented on other subclauses.

The Hon. F. J. Condon—The honourable member believes in round-table conferences?

The Hon. R. R. WILSON—Yes.

The Hon. F. J. Condon—This is the outcome of one.

The Hon. R. R. WILSON—Yes; it is the outcome but it is not known to many people engaged in the industry. Mr. Densley has indicated that he will introduce an amendment that the period be 12 months and not six months for the woolgrowers to comply with the new conditions. I intend to support that because a long time and great expense will be involved in carrying out the conditions with which they will be faced.

The Hon. C. R. STORY secured the adjournment of the debate.

MINING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 19. Page 401.)

The Hon. Sir FRANK PERRY (Central No. 2)—This Bill seeks to amend the Mining Act, which has been in force for many years. The obtaining of minerals from the ground has been encouraged by successive Governments who have realized that minerals are a source of revenue and add considerably to the wealth of the community. However, it is necessary and advisable from time to time to amend the Act wherever necessary and desirable. This Bill seeks to amend it on three points, first in regard to royalties. There is an agreement in regard to royalties that is not covered in the Act.

Evidently, it is working at present but is not regarded as legal by the department. It is sought to bring the Act into conformity with present practice, that royalties should be calculated with due regard to the user or owner of the land in respect of which the royalty is paid.

Another clause deals with lapse of registration, which again seems reasonable. A miner's right is easily obtained. It lasts for 12 months and entitles the miner to operate in various areas. Evidently, if his claim is not productive he abandons it but does not necessarily notify the department so that his registration can be cancelled. Lapse of registration after a period is quite reasonable. Therefore, I do not propose to criticize either of those clauses. They will make the working of the Bill easier for all concerned.

I understood the Chief Secretary to explain that clause 5 sought to protect the owner of the land, which is necessary, and at first blush it seemed to me that that was a reasonable proposal. However, I understand that others think that this clause limits the miner's right and consequently is detrimental to the discovery of minerals.

The Hon. F. J. Condon—It is the owner's rights.

The Hon. Sir FRANK PERRY—This clause limits the miner's right, because it will preclude him from mining on certain lands. It is true that it deals only with substances of limited value but here again discretionary powers must be exercised by the warden and the Minister. We have heard this afternoon of the fear with which the Joint Committee on Subordinate Legislation regards an administrative licence or administrative acts of control. We appear to put on the warden and the Minister of Mines a liability and responsibility that may not be welcomed and may be severely criticized. This Act has been in force for scores of years. While we know that the protections for the owner forecast in this Bill are

not in force where a claim is pegged on land that has been cut up and is presumably not continued with, I think the Act provides that, when anybody pegs a claim and works it, he has to satisfy the owner, and the owner has the right of appeal to the courts. Under the present Act he has the right of compensation and all sorts of protecting rights.

As I have said, some are of the opinion that this clause limits and is detrimental to the continuing discovery and development of minerals in this State. If that is so, it must be carefully considered. I cannot say now that I will oppose it but I will have to have a satisfactory explanation of it in Committee. Three types of land can be pegged. They are Crown land, land where both the land and the minerals belong to the owner, and land where only the land belongs to the owner and the minerals to the Crown. Subsection (3) of the new section in clause 5 says:—

This section shall not affect any right of a person to have a claim or title registered if such right is conferred on him by a contract with the Government of the State or with a person acting on behalf of that Government. The clause provides protection in various ways to the land owner, but in one fell swoop at the whim of the Government it can be removed. I appreciate that the Government should have certain rights in the national interests but that is not mentioned in the clause and that matter is left to the whim of the Government, which is another reason why the clause should be carefully considered. It appears to be restrictive in its application and the protection granted can be taken away not only by the Government but by any person acting for it. I support the other clauses.

The Hon. L. H. DENSLEY secured the adjournment of the debate.

ADJOURNMENT.

At 3.12 p.m. the Council adjourned until Wednesday, August 27, at 2.15 p.m.