LEGISLATIVE COUNCIL.

Tuesday, September 2, 1958.

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

QUESTIONS.

HILTON BRIDGE.

The Hon. K. E. J. BARDOLPH—The week before last I asked the Minister of Local Government whether he would see that the safeguards to the Hilton Bridge were more firmly constructed. I have since noticed that nothing has been done to the guard rails, which are still in a bad state of repair. Will the Minister personally investigate the matter in order that greater protection may be afforded those using this bridge?

The Hon. N. L. JUDE—I shall endeavour to make a personal investigation this week.

SOUTH-WESTERN DRAINAGE SCHEME.

The Hon. E. ANTHONEY—I ask leave to make a brief statement with a view to asking a question.

Leave granted.

The Hon. E. ANTHONEY—I have received a letter from one of the councils interested in the South-Western drainage scheme, the substance of which I shall read as an explanation of the matter. It is as follows:—

The council at a meeting held on 25th instant expressed its disappointment and concern with respect to the undue delay in implementing the South-Western districts drainage plan and has approached the Brighton and Glenelg councils to express their views and support the following resolution which was passed at the meeting:—

> That council request the Minister of Local Government to bring before Parliament, as a matter of urgency, the serious flooding of the South-Western districts, caused by lack of effective drainage, and that the Minister seek Parliament's approval, prior to it being prorogued, for sufficient finance to provide the drains necessary, as contained in the report of the S.W. districts drainage committee, so that the work can be completed prior to the winter of 1959.

Has the Minister of Local Government any reply?

The Hon. F. J. Condon—It is the councils' own fault. They delayed it.

The Hon. N. L. JUDE—The subject matter should be directed to the Minister of Works whom I represent in this place. It has already been referred to the Public Works Standing Committee and, by interjection, one of the members of that committee suggests that some of the councils have been holding up the matter. However, I will refer it to my colleague and obtain further information for the honourable member.

SCAFFOLDING ACCIDENT AT PORT ADELAIDE INSTITUTE.

The Hon. S. C. BEVAN—Has the Attorney-General a reply to the question I asked last week relative to an accident in connection with scaffolding at the Port Adelaide Institute?

The Hon. C. D. ROWE—I have obtained the following report:—

The deceased person was working as a carpenter on the roof of the institute building fitting a rafter in place. It appears that he was working above but inside the edge of a two feet high parapet wall, and there is no known reason why he fell from that position. There will, of course, be a Coroner's inquest and more may be gleaned as to the cause of the accident at that inquest. Since the deceased was working on the roof of a building inside the line of a parapet wall two feet high, the provisions of the Scaffolding Act did not apply. The same contractors are to do other repair work on the front of the same building, for which work it is necessary to erect scaffolding. As was seen from a newspaper photograph, scaffolding was being erected at the time of the accident and had reached a height of approximately half way up the building. No previous notice of erection had been received as required by the Scaffolding Inspection Act, and action will therefore be taken in respect of this breach of the Act.

MARINE STORES ACT AMENDMENT BILL.

Read a third time and passed.

SECOND-HAND DEALERS ACT AMENDMENT BILL.

Read a third time and passed.

MAINTENANCE ACT AMENDMENT BILL.

In Committee.

(Continued from August 27. Page 543.)

Clause 4—"Other moneys received on child's account."

The Hon. Sir LYELL McEWIN (Chief Secrtary)—The purpose of reporting progress last week was to enable me to get certain information for Mr. Bardolph. I was out of town all the remainder of that week and I regret that the matter has been overlooked. In view of the undertaking I gave I suggest that progress be further reported.

Progress reported; Committee to sit again.

BENEFIT ASSOCIATIONS BILL.

Introduced by the Hon. C. D. Rowe—

The Hon. Sir COLLIER CUDMORE—On a point of order. How did this Bill suddenly get here? Today's Notice Paper has no reference to it.

The PRESIDENT—The honourable the Minister obtained leave last week to introduce the Bill, and Standing Order No. 273 lays down:—

The member having leave, or one of the Committee appointed, to bring in a Bill, shall present a fair copy thereof, signed by himself, to the Council, at the Bar, and may so present it at any time when other business is not before the House.

Bill read a first time.

MINING (PETROLEUM) ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 27. Page 539.)

The Hon. F. J. CONDON (Central No. 1)—The Minister of Mines fully explained the provisions of the Bill and said that they were necessary to assist the Santos and Delhi Companies in their search for oil in South Australia. I support the second reading. During the past few years rapid strides have been made by the Mines Department, and the Government deserves every encouragement in its proposals not only in this Bill but in other legislation, which will be a great help to the Commonwealth as a whole. The Bill seems to be the result of a bargain between the Government and the two companies mentioned. An important feature is that sufficient safeguards are provided so that if oil is discovered the interests of the people will be protected. The nature of the Bill is such that we must take it on trust, for it is new legislation.

When we considered the Mining (Petroleum) Act in 1940 we were not so far advanced in oil exploration as we are today. In these matters much must be left to the discretion of the Government and Government policy can be manifested only in the event of oil being discovered. The Act was passed without a full realization of the circumstances that might surround the search for oil, so perhaps the Government may be excused for making fairly radical amendments to it now. It is apparent that some of the provisions of the principal Act are unnecessary and inappropriate. It may have been possible to make a simpler arrangement for the two companies by treating them as operating jointly and holding the various licences jointly. It is hoped that oil will be discovered in South Australia although prospects at the moment are not very encouraging. Whatever the prospects, it is apparent that only companies having vast resources are capable of conducting the necessary investigations, and whatever co-operation the Government can give in this connection is commendable.

Recently a Delhi-Santos oil research expedition of 40 men went north to an area near Innamincka in the far north-east of South Australia. Included in it were two experts from U.S.A. and it is encouraging to know that people with high credentials are doing their best to find oil in Australia. The party will survey about 50,000 square miles. The Delhi company will send out more experts as the search proceeds. The Santos company, which has been investigating in the north-eastern area of South Australia, established a base, with another near Cordillo Downs Station about 100 miles further north. The Bill enables oil search programmes to be speeded up and encouraged. The Delhi company has been specially formed for the purpose of the agreement with Santos company by its parent company, the Delhi-Taylor Oil Corporation of Dallas, Texas.

The agreement provides that the two companies will checkerboard the area into alternate areas of about 940 square miles in each. It is hoped the arrangement between the two companies will be beneficial not only to South Australia but to the Commonwealth. The agreement extends to such matters as pipelines and refineries. Besides retaining 50 per cent of the area, Australian interests obtained a 15 per cent royalty from the Delhi production—10 per cent for the Government and 5 per cent for Santos. The Santos company, which was registered in Adelaide on March 14, 1954, holds an oil prospecting permit for over 120,000 square miles in the western portion of the Great Australian artesian basin and the Pirie-Torrens sunklands in South Australia, and an authority to prospect an area in the Bowen Basin covering 5,000 square miles.

Clause 3 of the Bill amends section 6 of the principal Act and deals with the granting of licences. The object of the provision in section 6 is to ensure that two or more different people do not hold separate licences over the same area at the same time and it is proposed to re-draft the provision to cover this. Clause 4 deals with the maps that have to be attached to applications for licences. Clauses 5 and 6 make amendments for the purpose of laying down a rule that a licence may be granted over two or more separate areas of land. Clause 7 enables the same person to hold two different licences over the same land. Clause 8 amends

section 12 of the principal Act, which deals with terms of reference, covenants and conditions which may be included in a licence, and it gives the Minister wider powers.

Clause 9 amends section 16 and refers to the term of the oil exploration licence and renewal. It increases the term of the licence from two to five years. The licensee has the right of a renewal, subject to section 40 of the Act. Clause 10 amends section 17 of the principal Act, which requires the holder of an exploration licence to carry out a survey and to furnish periodical reports and maps. Clause 11 deals with the right to obtain oil mining licences, and amends section 18 of the Act so that the holder of an oil exploration licence may apply directly for an oil mining licence.

Clause 12 amends section 21 of the Act, and alters the provisions of the Act dealing with the shape of the area that may be included in an oil prospecting licence. Clause 13 repeals a section that is unnecessary because of the new provisions allowing any licence to comprise two or more separate areas. Clause 14 amends section 23 of the Act, and deals with the terms of oil prospecting licences and the rights of renewal. Clause 15 amends section 27 of the Act, and clause 16 is a consequential amendment. Clause 17 amends the provisions of section 30 of the Act relating to the shape of the area comprised in oil mining licences. Clause 18 amends the provisions of the principal Act relating to surrenders. Clause 19 makes amendments to section 40 of the principal Act and provides that the Minister, on the recommendation of the Director of Mines, may insert a covenant in a licence that the powers mentioned in section 40 will not be used against the licensee during a specified period. Clause 20 deals with the right to mortgage a licence, and clause 21 with the monthly and annual reports required from licensees. I commend the Government for introducing this legislation, and I support the second reading.

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

SHEARERS ACCOMMODATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 27. Page 540.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—In supporting the second reading, I wish to make a few observations concerning the criticism of this Bill by the Honourable Mr. Story and the Honourable Mr. Wilson. In my opinion, they found it difficult to fortify themselves with any argument as to why this Bill should not become law. They introduced an atmosphere of facetiousness regarding the provisions on which we are asked to deliberate. Mr. Story and Mr. Wilson were at a loss to find any salient points on which to weave an argument against the measure.

This measure will improve the conditions operating in a very important industry in South Australia. The Australian Workers' Union has played a prominent part not only in the development of the pastoral industry in Australia, particularly in South Australia, but also in moulding the political history of Australia. The A.W.U. has produced men such as the late W. G. Spence, the late Mr. Frank Lundie, who was secretary of the A.W.U. and with whom I think you, Mr. President, had many dealings in connection with the industry.

The Hon. L. H. Densley—Do you mean that the industry built up the A.W.U.?

The Hon. K. E. J. BARDOLPH—No. My friend cannot deny that the policy of the A.W.U. has always been one of co-operation, conciliation and arbitration. Whenever an agreement has been arrived at, whether by conference of those concerned, by a decision of a Conciliation Commissioner, or by an award of the court, the A.W.U. by and large has always kept strictly to the decisions made. In this State we have Mr. M. J. Murphy, who for many years was president of the A.W.U. It is men of that calibre who have moulded the A.W.U. to what it is today.

The Hon. R. R. Wilson—He did a good job, too.

The Hon. K. E. J. BARDOLPH—Yes. The present secretary is Mr. Eric O'Connor. These men have assisted to make the atmosphere of buoyancy in the Australian pastoral industry. We read in the press this morning of the opening of a large wool store of Bennett and Fisher, of which my honourable friend, Sir Arthur Rymill, is deputy chairman. The opening of that store indicates the importance of this industry to South Australia and the Commonwealth. It is interesting to recall that in 1919 the sheep population of South Australia was 6,500,000 and the total value of the wool was £3,850,000. In the last 38 years the sheep population has increased to 15,000,000 and the estimated value of wool produced to £42,000,000. That indicates that we should approach this measure not in an atmosphere of facetiousness, because it is an important one.

It is providing conditions for those people who assist by shearing the sheep and obtaining the golden fleece that provides the major portion of our overseas credits in other parts of the world. As an integral part of the industry, the shearers are entitled to some consideration, and I compliment the Government on bringing down this measure, which was the outcome of a conference between those vitally concerned in the industry—the pastoralists, and the shearers belonging to the A.W.U.—who unanimously agreed that these conditions should be brought before Parliament and this measure placed on the Statute Book.

Mr. Wilson asked why a shedhand should be classed as a shearer. If he can induce the Government to alter the wording of this Act so that it covers all rural workers, I think everybody will be happy. My friend laughs but, if Mr. Wilson attempts to introduce extraneous designations for the purpose of providing opposition to the Bill, I would remind him of the regulations under the Rural Workers Accommodation Act of New South Wales.

The Hon. C. R. Story—This is not political?

The Hon. K. E. J. BARDOLPH—No; this is factual. Section 9 of that Act say this, under "Refrigeration":—

(1) Between the fifteenth day of September in each year and the fifteenth day of May in the next following year, refrigeration shall be provided on premises for the use of the rural workers who are then employed and have meals on the premises. Such refrigeration shall be provided and used for the exclusive purpose of storing perishable foodstuffs intended for consumption of such workers.

Then it goes on to detail the type of the refrigeration to be provided.

The Hon. N. L. Jude—Would not that have a limited application?

The Hon. K. E. J. BARDOLPH—No. The section continues:—

(2) The refrigeration required by this Regulation to be provided shall be provided by means of—

(*a*) a refrigerator or refrigerators of the standard upright household type or of chest type; or
(*b*) a deep freeze unit or units; or
(*c*) a cool room of a type designed to store and preserve large quantities of foodstuffs.

I remind Mr. Wilson—although I may be charged with not knowing anything about this industry—that shearing in South Australia commences at the end of January. It is termed the "early run." Let him consider what shearing sheep without the necessary refrigeration near Copley and Farina is like where the temperature at times rises to 120 degrees and often is over 100 degrees.

The Hon. A. J. Melrose—They do not shear sheep during that time of the year.

The Hon. K. E. J. BARDOLPH—I am told on reliable authority that they do.

The Hon. C. R. Story—Were you told by Mr. Cameron?

The Hon. K. E. J. BARDOLPH—No, but by a very important person who has been working in that area for years. I am reminded of a case where a ratepayer wanted the stormwater drain shifted and one of the councillors was brought down by the ratepayer to look. The councillor looked at the drain and said "Well, Charlie, I don't know about shifting it; that has been there since I was a boy." That is the reply to Mr. Wilson's question.

The Hon. A. J. Shard—The same applies to every improvement.

The Hon. K. E. J. BARDOLPH—That is true; not only in this particular industry, but in every industrial undertaking, we find that there is always a grizzle.

The Hon. R. R. Wilson—That is all right if the industry can afford it.

The Hon. K. E. J. BARDOLPH—I am coming to that. The honourable member cannot say that this industry cannot afford it because when this award, which I shall read later, went before Conciliation Commissioner Donovan, it happened to be one of the industries which could afford to pay high wages and provide good conditions. My honourable friend will not deny that the industry is getting a pound per pound for wool.

The Hon. A. J. Melrose—When was that?

The Hon. K. E. J. BARDOLPH—I shall not tell the honourable member that because he knows more than I do about the price of wool, and he cannot deny that.

The Hon. R. R. Wilson—That was for one season; it is down to 43d. now.

The Hon. K. E. J. BARDOLPH—Members who are entrenched in the wool industry say it would pay them today to receive 2s. 6d. to 3s. for their wool. It is useless for the honourable member to attempt to say that this industry cannot pay. It is buoyant and will continue to be.

The Hon. F. J. Condon—Some people want to shear the workers.

The Hon. K. E. J. BARDOLPH—The sole opposition, not very strong opposition, to this measure was in respect of the accommodation to be provided, and the refrigeration. Let us look at the Federal Pastoral Industry Award.

I assume that all honourable members opposite believe in conciliation and arbitration.

The Hon. Sir Collier Cudmore—That is where this ought to be.

The Hon. K. E. J. BARDOLPH—It is there.

The Hon. Sir Collier Cudmore—No.

The Hon. K. E. J. BARDOLPH—It is. If the honourable member does not want to support this measure, let him support the Federal Pastoral Industry Award (1956-57) given by Conciliation Commissioner Donovan and if this Act does not become law, let all those honourable members who oppose it carry out the full dispensation which applies here as to other States:—

Allowance where employer does not provide accommodation.

(*a*) If the employer is unable to provide accommodation for the employee at the employer's premises and does not arrange for accommodation for the employee to be supplied elsewhere at the employer's expense and the employee is consequently forced to obtain and pay for accommodation elsewhere, the employer shall pay to the employee an allowance at the rate of 12s. per day for each complete day during the employee's engagement upon which the employee is so forced to obtain and pay for accommodation.

(*b*) If the employer is unable to provide accommodation for the employee at the employer's premises, the employer shall, where the distance is one half-mile or more walking distance between the employee's place of accommodation and the shed, provide or pay for the transport of the employee between the place of accommodation and the shed.

(*c*) Where the time taken in journeying between the place of accommodation and the shed exceeds, in the total for the day, one hour, the employer shall pay the employee an allowance for travelling time for such excess time at the rate of 6s. per hour in the case of an adult employee and the rate of 5s. per hour in the case of an employee under 21 years of age.

The Conciliation Commissioner has already given a decision on this issue. If the honourable member desires to vote against the measure then the provisions of this award can come into operation. The Bill is brought in by the Government to enhance the prospects of the better working of this particular industry.

The Hon. R. R. Wilson—What is the duration of shearing 3,000 sheep?

The Hon. K. E. J. BARDOLPH—I prefaced my remarks by saying that I was not attempting to be an expert on this. I know something about working conditions of employees in the industry and my friend may be termed a gun shearer, a shedhand or a picker-up—I do not know. I have quoted the Rural Workers Accommodation Act of New South Wales to support my remarks, and also the Federal Pastoral Industry Award. I can see no reason why members of this House should attempt to oppose something that has been determined unanimously and cordially by both sides working in the industry. They constitute an integral part of our economy. Wool now surpasses cereal production so far as wealth is concerned and where both sides are prepared to come together to agree to some proposal such as this, then we are in duty bound compelled to support it.

The Hon. A. J. MELROSE (Midland)—I scarcely know where to start, but I think I could very well begin by thanking members for agreeing to postpone the debate in order that I might be able to take part in it. I thank members sincerely for their tolerance and patience. At the same time I think it fair to say that they have been very wise in doing so because, probably, it has given a chance for someone who knows what he is talking about to speak on this measure. In the interim I have made the opportunity to read the speeches, as reported in *Hansard,* of those who have already spoken, beginning with the introduction of the Bill by the Attorney-General and followed by Messrs. Condon, Wilson, Densley and my colleague, Mr. Story. The outstanding impression I have gained is that most of them seem to have taken the stand that this Bill is the result of an agreement between two outside organizations and therefore we, as a Parliament, should not waste our time in discussing it, but should pass it holus bolus. That is a point of view and an attitude which, I think, we have all opposed whenever the opportunity has occurred. The responsibility of legislating rests on our shoulders and we would be recreant in our duty if we accepted anything that came here merely because it was the result of an agreement between two interested bodies.

The Hon. F. J. Condon—That is what we found with the Wheat Acquisition Act. We had to take what they sent us.

The Hon. A. J. MELROSE—The honourable member must accept his own responsibility, but each of the previous speakers has apparently believed that this Bill, in the long interim between the time when it was before us previously and today, has received the earnest consideration of both the Stockowners' Association and the A.W.U.

My own opinion is, firstly, that they have not looked at it and secondly, if they have

they have not done so with intelligence, for we find that the Bill before us has been altered very little from the Bill we considered 10 years ago. At that time, in the Committee stage, I think, I pointed out some of the glaring stupidities of the measure, and an adjournment of the debate was agreed to in order to enable me to discuss the points I had raised with officials of the A.W.U. in the hope that they would then bring down a reasonably up-to-date measure.

I called on the secretary and was received with the greatest courtesy, and foolishly thought that I had made some progress; no-one could have been kinder or listened more attentively than this officer, but apparently, in those days, the A.L.P. still had some hope of sitting in the seat of Government in this State and consequently this particular officer felt that he could not allow a respectable person such as myself to have the credit of introducing any sensible legislation on behalf of the working people, and that he would postpone it until perhaps he was himself on the seat of Government. "Hope deferred maketh the heart sick," and apparently this official has given up any hope of being in such an executive position in South Australia; in fact, he has moved into the much larger Federal political sphere.

The net result is that after 10 years of alleged careful attention by both the Stockowners' council and A.W.U. officials we have this Bill back again. If it has been changed at all it is not materially, and we are trying to legislate for things already in operation. Mr. Bardolph read some of the awards pertaining to the industry. We have been working under very similar awards and in my opinion such legislation as this should not be included in the Statute law of South Australia. It is definitely an industrial award such as is made by the Arbitration Court dealing with this industry. It seems to me extremely ridiculous that we should include in our Statute law such things as specifying the size of beds and mattresses and whether female cooks should have separate W.C.'s; we certainly have not gone to the lengths of specifying the size of such seats, but it would not be any more ridiculous to do so. The whole thing should be thrown out of the window and relegated to its proper place—the Arbitration Court.

The Bill includes other ridiculous matters—not ridiculous as an agreement between a union and an employers' association, but certainly ridiculous as Statute law—such as the size of fireplaces and the provision of props for clothes lines.

This raises another point, and that is the justification of the Legislative Council itself in the public eye. We all know that amongst the uninformed and ill-informed of the electorate there are people who do not know why we function at all, and Sir Collier Cudmore, in his speech on the Address in Reply, attempted to bring home to the public the real reason for our existence and the real justification for the Legislative Council. Every session a great number of Bills comes before us from another place and to many of them we suggest amendments, virtually all of which are accepted by the other place. Therefore, we can say that every session we justify our existence by the fact that our amendments are included in proposed legislation. We know that, but we want the public to know it, and I think the most interesting thing that the Premier found on his visit to America was that South Australia was regarded as one of the bright stars by reason of the fact that we have a properly functioning Legislative Council. I think that was a bit of a surprise to the Premier. This is something of which we should be proud but, if we pass legislation like this and include in our Statute law something which regulates the numbers of clothes props to the number of feet on the clothes line for each shearer, even the Americans might think they ought to give the matter another thought. It suggests that the whole thing should be tossed out and put in its proper place, the Arbitration Court.

During this debate there has been much loose talk about prosperity in the industry. No-one denies that it is prosperous or that it has been extremely so, but it is prosperous because it stands on its own feet. It has not run wild. The day when it had more money than it knew what to do with was the best time to make these amendments.

Mr. Bardolph said that in 1950-51 the price of wool went to 240d. a lb, but generally it did not go to that price. I think the average price in South Australia was about 129d. a lb. Those engaged in the wool industry were able to make up the leeway in maintenance work that had not been done during the war and the time of restrictions. I think that year the average price in South Australia was £167 a bale. In the next year it was only half that, and it steadily declined until last year it was £75 a bale. Since then it has gone down further and now is only about 50d. It is well below £60 a bale in Australia.

In the years when people obtained enormous incomes they paid out enormous sums in income tax. This has been sternly denied by the Commonwealth Minister but at that time some people were paying at the rate of 28s. in the pound. The Minister said that was impossible and that no-one paid more than 15s. to 16s. in the pound, but during the first year from out of the blue a great number of woolgrowers had to pay not only a heavy income tax but also a provisional tax, and the two combined brought the rate up to between 25s. and 30s. in the pound. These are big figures and they had a steadying influence on all people who found themselves in the high income group, with no corresponding general running expenses.

The Hon. S. C. Bevan—Didn't they get it back next year?

The Hon. A. J. MELROSE—They did not get it back really.

The Hon. A. J. Shard—They did not pay 28s. in the pound. You cannot have it both ways. If they paid it one year they got a benefit in the next year.

The Hon. A. J. MELROSE—That was the argument used by the Commonwealth Minister. I am sure my banking friends would know how difficult it was to find 28s. in the pound for their customers. That was the time to introduce legislation increasing costs in the sheep industry. Now the income from primary production is falling, but not costs. This Bill tends to increase them. In times when wool was dear there was no great hardship in providing a refrigerator that might be used only a few days in the year, and hot water and other things, but today when the industry is struggling to make both ends meet is not the time to bring about added costs. Earlier I referred to my remarks on the previous Bill and the difficulties I mentioned at that time have not been mitigated; perhaps they are worse now. At that time I said it was illegal to have an innerspring mattress in shearers' accommodation and the Bill restricts the material of which mattresses can be made to wool flock, kapok, and flock. I understand the Minister has spent much time in considering this legislation, but after 10 years of careful consideration by the two parties it is still illegal to use a sponge rubber mattress or an inner spring mattress. A sponge rubber mattress is vermin proof, dust proof and practically everlasting, and I see no reason why it should be declared illegal in connection with shearers' accommodation.

The Hon. F. J. Condon—Even if the Bill had been introduced when prices were high you would have voted against it.

The Hon. A. J. MELROSE—Ten years ago was about the period of high prices. I waited on the high and mighty A.W.U. on this matter and nothing has happened over these 10 years. The principal Act says that a W.C.—I think it is now called a sanitary convenience—shall be 100ft. from sleeping quarters.

The Hon. C. D. Rowe—The sleeping accommodation must be so far from a pigsty. I don't think it refers to a W.C.

The Hon. A. J. MELROSE—It does in the principal Act. It is illegal to have a nice bathroom with hot water and a W.C. in it, because the W.C. must be 50yds. away. It would not be possible for the South Australian Hotel to be used as shearers' accommodation, for the mattresses and the sanitary conveniences would not be in accordance with the Act. How are we going to get away with that one and at the same time impress upon the general public that we are worthy of our jobs as members of the Legislative Council?

The Hon. C. D. Rowe—If the honourable member likes to move the inclusion of rubber mattresses as an alternative, I will agree.

The Hon. A. J. MELROSE—If I move anything it will be to throw the whole thing out and let it remain, as it does now, under the control of an Arbitration Court award.

The Hon. S. C. Bevan—If you toss this out there is still the Shearers Accommodation Act.

The Hon. A. J. MELROSE—I would toss the Act out, too. If we had only the old Act, which is very little different from this one, we would be drawing public attention to our rather ridiculous behaviour, not by saying that the Shearers Accommodation Act has been drawn to our attention and we think it is rotten, but by saying that we have had another look at it and we think it is wonderful. Whatever we do with the present legislation it will be ridiculous. It is time to recast the Act to include even the things I have suggested—to make a major operation on the Act. The better thing would be to drop the whole Act and let the matter be controlled by an Arbitration Court award.

I am seriously concerned that the general public may be a wake-up to what we are so carefully considering and varying, and I do not know how we could then persuade them that we are a serious-minded lot of legislators. There is nothing very much I can add to that. I have already said that it seemed to me that many who have spoken on this Bill have done so without giving it very careful consideration. I still think it would have been better if the Bill had never been introduced, and better still,

if those people who supported it had not done so. I would like to see the whole matter thrown out.

The Hon. S. C. BEVAN (Central No. 1)—I wholeheartedly support the Bill in its present form. I was amazed at some of the statements made by members during this debate because, although they stated that they supported the Bill, their contentions have been against that statement. In the recent Address-in-Reply debate members generally referred to the great prosperity in this State. They spoke of the strides we have made and are still making, and they claimed that this was the most prosperous State in the Commonwealth. However, when we get legislation such as the Bill now before us we hear cries of poverty from some members. How can they now say that we have no prosperity? It is a fact well-known to the ordinary people that our prosperity depends not so much on our heavy industries, but on our rural production and our exports of that production. When they go, our prosperity must go. If we can place full credence upon some of the remarks during this debate our prosperity must have departed and we are now on the bread line. Members cannot have it both ways. One day they say we have all the prosperity under the sun and the next day, because of legislation such as this, we are on the down-grade.

The Hon. R. R. Wilson—What about new settlers?

The Hon. S. C. BEVAN—I intend to refer to those. I have had an opportunity of seeing some of our soldier settlers in the South-East and the results of their work. We all appreciate that perhaps a settler going on the land without any capital behind him has a struggle for the time being.

The Hon. F. J. Condon—He does not want to engage any shearers; he does it himself.

The Hon. S. C. BEVAN—Some years ago I had experience of the shearing industry in large sheds on four stations controlled by the Beltana Pastoral Company, which was administered by Elder Smith's at the time, and I saw some of the conditions under which shearers were living and working.

The Hon. Sir Arthur Rymill—How long ago was this?

The Hon. S. C. BEVAN—I admit that it is going back some years. Those conditions apply not only to the shearing industry, but also to many other industries. I was employed on those large sheep stations where they had thousands of sheep running within their boundaries, and I experienced the living conditions in the few seasons of shearing that I had. In my opinion, this Bill does not go far enough. It confines accommodation to shearers, but it should go further and cover accommodation for station hands, because I think those people are entitled to decent comfort in these days. I have seen those station hands sleeping on the ground, and they have had to make a mattress out of whatever they could find.

The Hon. C. R. Story—So did a lot of soldiers.

The Hon. S. C. BEVAN—We know perfectly well of the conditions that members of the armed forces were forced to put up with in an emergency, because the circumstances would not allow comforts in the front lines; but does the honourable member suggest that these conditions should apply in peace-time, or that employers should continue to do what they did 35 years ago? Because of the conditions I have mentioned and because of the laxity of the employers in not providing any decent conditions, we were forced finally to come to Parliament with legislation. That legislation became known as the Shearers Accommodation Act. The original Bill introduced in 1905 provided for certain conditions. It has been amended. The old Act was repealed and a new Act was introduced in 1947. Comparing the present Bill with the Act of 1947, we find that the conditions set out in this Bill are not very different. Because of the refusal of most, but not all, employers to have decent accommodation installed, it was found necessary to introduce an Act of Parliament for that purpose. It has been suggested that we should not be deliberating upon this Bill, but that even in the first instance the matter should have gone to arbitration and been embodied in an Arbitration Court Award.

Over the years that may be so, but it is apparent from the award cited by Mr. Bardolph that there was an allowance where an employer did not supply the accommodation. My experience in the Industrial Court has always been that parties enter into a conference and after deliberations, perhaps over a period, they finally reach an agreement, as in this instance. Then they apply to the court for an award by consent. There would be no difficulty in having those conditions as agreed to by the parties written into an award if necessary but, because this Act was in operation in South Australia, the court would not do that and over-ride it. When we say that the Act should be repealed altogether and these conditions made the subject matter of arbitration, it would be simple, industrially, to have written into an award the conditions embodied

in this Bill, because there would be no adjudication upon their merits or demerits. Both parties would go into court and prove that they agreed with the application, and the court would grant the application by consent. In fact, the award would include the words "by consent." That would not be difficult.

What has made the parties reach an agreement? Here all the interested persons have met in a conference, have sat down at a conference table, have discussed their problems and have reached final agreement. Do not let us fool ourselves into thinking that the employers themselves will just hand out something on a plate if it is not justified or warranted. I have never known an employer to be that much gracious or generous. If something is justified I have met many employers who will sit down at a conference table and finally reach an agreement because they recognize that it is only common justice so to do. That is what has happened here. After all, it is only bringing this Act into conformity with what operates in other States. Should we drag behind in our legislation compared with other States as we do in nearly all our industrial legislation? It is obvious that the Bill and the Act are not very far apart from each other. The Act was amended previously and in the Bill are one or two clauses altering only a word here or deleting a word there. It is amending legislation doing nothing more than bringing about conformity.

The question has been asked: what constitutes a shearer? Mr. Wilson raised the point and asked for clarification when the Minister replied. What is meant is an employee connected with the shearing sheds—not only the shearer himself but others because, where shearers are employed, others are employed as well. There must be a shed hand who does the picking up; there must be the wool classer, the wool presser. They all go to make up the "six." As I interpreted the honourable member's meaning, it was that the Act should be confined to shearers only and that there should be an interpretation clause written into the Bill to that effect—that he is a person who in actual fact shears the sheep and does nothing else.

The Hon. R. R. Wilson—I said that the definition was misleading.

The Hon. S. C. BEVAN—There is at present no definition of a shearer in the Act. An employee includes a shed hand. If I interpret Mr. Wilson correctly, he desires to eliminate those people and have the term "shearer" apply only to the man who does the actual shearing, whether he is a blade shearer or whether it is done by machine. Surely the other employees are entitled to like consideration in their accommodation or is it suggested that they should just throw a blanket on a ground sheet under the stars and camp out like a station hand, the only person to enjoy any semblance of decent accommodation being the shearer? The Act should apply not only to shearers but to station hands, for surely people other than shearers should be entitled to decent accommodation too. The Act should say so; they should be included. Nobody should be excluded. It would come back to what Mr. Story said, that in his opinion the Bill tended towards class distinction, because the cook would have to have separate accommodation from that of general shearers. If we followed Mr. Wilson's suggestion, it would be out and out class distinction: we supply the shearer with accommodation; it is stipulated that he is entitled to a mattress on the bed, hot and cold water for a shower, decent living quarters, a refrigerator and so on but, when it comes to the other man, he is just nobody and is out of it altogether.

The Hon. R. R. Wilson—That is your interpretation, not mine.

The Hon. S. C. BEVAN—If my interpretation of the honourable member's remarks is correct he eliminates those people referred to.

The Hon. R. R. Wilson—I want them correctly named. You are putting a different story altogether.

The Hon. S. C. BEVAN—If I am wrong the honourable member should have clarified the position. Did he intend to include these employees, and if he did why did he raise the question himself? Why did he query it and ask that the Act should apply to the shearer, and not these people as well?

The Hon. R. R. Wilson—I want the shearer classed as a shearer.

The Hon. S. C. BEVAN—We have in these days what are known as shearing contractors, but the shearer himself is a contractor because he contracts to shear at so much per hundred sheep.

The Hon. E. H. Edmonds—He is employed by the contractor.

The Hon. S. C. BEVAN—Some are, but the shearer is a contractor himself for he contracts to shear at a given cost. Then we have the middle man, who goes to the owner of a property and contracts to shear his sheep at a given figure. If he gets such a contract he

employs shearers to do the shearing, but it still does not exempt him from providing accommodation as specified under the Act.

The Hon. R. R. Wilson—They provide their own accommodation. They have caravans, or go to hotels if they are available.

The Hon. K. E. J. Bardolph—Then why squeal about the owner having to provide these things if it will not affect him?

The Hon. S. C. BEVAN—There are properties in this State carrying 50,000 or 60,000 sheep, and some of them more, and the shearing is done by contract. Such stations have very large shearing sheds with numerous stands, and a multiplicity of employees are engaged—shearers, cooks and their off-siders, wool classers, pressers, pickers-up, and penners-up, and so forth. Does that contractor go around with numerous caravans to supply the accommodation required? No, it is supplied by the station owner and it is his responsibility. I cannot see that some owners will be exempted merely because they let their shearing out by contract. If an owner employs six employees or more it will be his obligation to supply the accommodation specified. The only people who can be exempt are those expressly exempted by the Minister, who has power to grant an exemption to an employer under certain conditions, for a period of 12 months, and the Minister can extend that period for a further 12 months.

In the earlier part of his speech Mr. Wilson said that if this measure is enacted it will cause unemployment. By interjection, he was asked how that would be the case and he replied that the employer would mechanize his work and would therefore not employ so many men, and so would not be required to provide the specified accommodation. I think that shearing is fairly well mechanized already and that the only further mechanization that could take place would be to have mechanical sheep and mechanical men to shear them. A few farmers may still use blade shears, but those who do not can be said to be using mechanization.

The Hon. R. R. Wilson—Not if they let the work by contract.

The Hon. N. L. Jude—The contractor brings his own stand with him in many cases.

The Hon. S. C. BEVAN—Is not that mechanization?

The Hon. R. R. Wilson—The farmer will buy a machine and do the shearing himself.

The Hon. S. C. BEVAN—He is doing that in many instances now. Reference has been made to soldier settlers, but how many of them will be compelled to come under this Act?

The Hon. R. R. Wilson—Quite a number of them.

The Hon. S. C. BEVAN—I doubt it because there is a community spirit among soldier settlers, who get together and help one another. Therefore, they do not become employers and will not come under this measure. Consequently, it is not much good saying that these people will be driven out because they will not be concerned whether this legislation goes through or whether it is defeated.

The Hon. R. R. Wilson—Are they not going to progress and develop their holdings?

The Hon. S. C. BEVAN—When they have reached that stage they should be in the same position as any other employer and be compelled to abide by the law. They should then have reached the stage when they could afford to do it. When first they go on to their properties they usually have limited financial backing and a limited flock, and they are not then compelled by this Act to provide the conditions laid down. It would cost more than £2,500, a sum they could ill afford, and I agree that in those circumstances the settler should not be required to give effect to this legislation until he has reached the stage of development that warrants it. He has only the one property at that stage, but he needs more land as his flock increases. He may start with 1,000 acres and finish with 50,000.

The Hon. R. R. Wilson—These people have not had the advantage of the high prices.

The Hon. S. C. BEVAN—I agree, but the wool industry is not in the precarious position financially that we are led to believe. The landholders have done a lot of work and I take off my hat to them. They still have the pioneering spirit. Even if they are not getting the advantage of the previous high prices their overhead is very small because most of them do their own shearing. I thought that most of Mr. Story's comments about the various clauses were sarcastic. For a while he did not do a bad job but when he mentioned toilet paper and other things I realized he was being sarcastic. Then he got serious and spoke about the conference between the two parties. He said that reaching an agreement was a laudable act and I agree. If we had more of this sort of thing we would have less industrial trouble. Mr. Story said he was afraid the agreement in connection with shearers' accommodation would become a yardstick for other industries. I see no reason why effect should not be given to an agreement in any industry if that is reached after the parties have met around the table

and discussed matters. Perhaps the honourable member is afraid the matter will come up in the industry in which he is engaged.

The Hon. C. R. Story—You have taken the point correctly.

The Hon. S. C. BEVAN—And it may be forced to provide similar amenities.

The Hon. C. R. Story—"Forced" is the right word.

The Hon. S. C. BEVAN—My experience in Parliament has been that if two parties agree and approach the Government for legislation the Government will introduce it, but if only one asks for it and the other says it objects the Government will not introduce the legislation. I instance the taxicab legislation. Deputations waited on the Premier asking for it to be introduced, but one body said it objected and the Premier wisely told the parties concerned to go away, iron out their differences and after reaching an agreement to come back to him.

The Hon. Sir Collier Cudmore—What is the Arbitration Court for?

The Hon. S. C. BEVAN—If this matter went to arbitration—

The Hon. Sir Collier Cudmore—We have heard all that.

The Hon. S. C. BEVAN—I suggest that the honourable member contact the parties concerned in this matter, have the legislation repealed and its provisions written into an award. Then we would find that some employers exempt under the legislation would not be exempt under the award. We cannot have it both ways. No doubt the Government ment was reluctant in the early stages to introduce legislation, but it was forced to do so in the interests of the industry.

Some members have objected to refrigeration being supplied. Mr. Bardolph has dealt with that subject and given reasons why he thought refrigeration should be installed. It has been said refrigerators would only be used over a comparatively short period and for the rest of the year would stand idle, but I feel that refrigeration is an absolute necessity in our climatic conditions. The days when refrigeration was looked upon as a luxury are far past in Australia, and especially at places such as those I have mentioned in the far north where men start shearing around about the end of January each year. The shearers are employed in various districts for about nine months of the year, and surely they are entitled to live decently and have decent amenities. After all, refrigeration is necessary to keep foodstuffs in a decent edible condition. Those of us who have had experience of the far north of Australia in the summer months know what it is like trying to keep milk and meat in good condition when there is no refrigeration or other means of keeping food. I do not think that the provision of this amenity is going too far.

If the amendment as foreshadowed is moved to postpone the operation of the Bill to 12 months after Assent I will oppose it. This legislation was foreshadowed 12 months ago and the round table conference took place about two years ago. Employers who will be affected by the legislation have had ample time to prepare for it. In addition to that they will have six months from the date of Assent to give effect to these provisions, which means that in most cases they will have until the next shearing season. Six months from the passing of this legislation will not bring in next January, February or March, which is the time for shearing in the northern parts of the State, and it will be January, 1960, before those employers are asked to have these amenities in operation.

Let us look at the legislation in a realistic light. There is only one shearing season in a year, and it is always at approximately the same time of the year in any district. Very few people will be called upon to supply the conditions within the six months, and if we make it 12 months it will only be shelving the matter. If the amendment is moved I will oppose it.

The Hon. Sir COLLIER CUDMORE (Central No. 2)—This legislation has been before the House twice, I think, since I have been a member, but I have refrained from joining in the arguments at any stage. I feel that there has been a lot of loose talk over this particular Bill—which has, unfortunately, been introduced in this Chamber—and so little homework done by certain people that it is necessary to clarify the situation to some extent. The Shearers Accommodation Bill was first introduced here by the Price Government in 1905, and for the information of the Honourable Mr. Wilson and others it had similar provisions to the present Act. One or two small things were different, but it provided:—

This Act shall not apply to buildings connected with shearing sheds where less than six shearers are employed.

Then it went on:—

"Shearer" means and includes any person employed in or about a shearing shed in the shearing of sheep or any work connected therewith.

That was in 1905, and it has gone on in exactly the same way in the repeals and amendments and in the Act under which we are working today. That is the definition now, and it goes on to say:—

But does not include a person who is employed on the holding on which the shearing-shed is situated when shearing is not in progress.

The person who works there all the year around is not included in the definition. Honourable members talk about these things as if something new had been brought up. What I cannot understand is why we must have a Shearers Accommodation Act at all. It seems wrong. I have tried to look it up and I find that we had a State Conciliation and Arbitration Act in 1894, long before this Bill was introduced in 1905. I have looked up the whole thing and how it worked under Mr. Commissioner Russell, and I find that actually no-one took much notice of that Act. When certain employees took a dispute to the Commissioner one Alexander Dowie, their employer, who had a boot shop in Rundle Street, sacked the lot, so there was nobody with whom to have a dispute.

Generally, that Conciliation and Arbitration Act of 1894 did not seem to work well, and apparently there was no court for employees to go to in 1905. The Honourable Mr. Kirkpatrick therefore introduced in this Chamber the original Shearers Accommodation Bill. Apparently it had been discussed before without much success. In introducing it, he said that the Bill was not required as far as perhaps 80 per cent of the pastoralists were concerned, because they provided good facilities for the men. The Bill was rather heatedly opposed by the Honourable Mr. Warren, and it is interesting to see that the second reading was declared negatived. The Chief Secretary, the Hon. Mr. Kirkpatrick, called for a division, which resulted as follows:—Ayes (8)—Hons. J. G. Bice, G. Brookman, J. J. Duncan, J. H. Howe, E. Lucas, T. Pascoe, G. Riddoch, and A. A. Kirkpatrick; Noes (4)—Hons. J. Lewis, B. A. Moulden, A. von Doussa, and J. Warren.

The Hon. K. E. J. Bardolph—What has that to do with the present Bill?

The Hon. Sir COLLIER CUDMORE—It shows how the original Bill came in. Some of the present provisions are exactly as they were then. The Act has been amended again and again, but still I do not know why we must have a special Act of Parliament. In big issues, like the provision of water for the Broken Hill Proprietary Company and problems of that size, I can understand why we need Parliament to confirm an agreement already made, but surely Parliament need not go into such details as the pay and conditions of shop girls in Rundle Street. This debate has shown how futile and stupid it is that this measure should be here at all; it is a matter for the consideration of the arbitration machinery, which began to operate only in 1912. I imagine that, because there was nothing like it functioning at the time, we had to have this Shearers Accommodation Act of 1905. I regret that we have to do this. It is ridiculous that we should be discussing here how wide kapok mattresses should be and for how long refrigeration should be operating. The best we can do to show our feeling on this matter is to let it continue under the Act as it exists and drop this Bill, in which I see very little merit. Then let the Government examine the matter and decide whether it is right and proper that it should be dealt with by Act of Parliament or whether it should be referred to the machinery of arbitration and decided there as similar matters are.

The Hon. C. D. ROWE (Attorney-General)—I appreciate the contributions made to this debate. I feel I must deal in some detail with the reasons why the Bill was introduced and the negotiations that took place prior to its introduction. It all started with a letter I received from the Australian Workers' Union dated November 9, 1955, which was as follows:—

Following a series of conferences between my Union and the Stockowners Association of South Australia, it has been finally agreed by our respective organizations that the Government should be requested to amend the Shearers' Accommodation Act, 1922-1947, as per the attached.

Yours faithfully, E. O'Connor, Secretary.

Attached to that letter were suggested amendments to the Act, which with one or two exceptions are those before us today. Immediately I received that letter, I wrote to the Stockowners' Association and attached to my letter a copy of the communication I had received from the A.W.U. I asked them whether in fact they agreed with the views of the A.W.U. on the matter. They replied on November 10, 1955, that they did agree with the submissions made by the A.W.U.

Following that, I gave detailed consideration to the proposed amendments and ascertained that the Stockowners' Association and the A.W.U. had agreed in effect that the Shearers Accommodation Act should be extended to cover not only sheds where six or more shearers

were employed, but also sheds where fewer than six shearers were employed, which would of course materially extend the scope of the Act and bring many woolgrowers within the ambit of the Act who were not then under it. Following on that, I wrote to the A.W.U. and the Stockowners' Association in these terms:—

I desire to acknowledge your letter of the 9th instant setting out details of certain amendments which you indicate have been agreed upon between your Union and the Stockowners' Association of South Australia relating to the Shearers Accommodation Act. The first point raised by you is that the Act should apply to all shearing sheds regardless of the number of shearers employed, except where the shearers are accommodated in the employer's residence or where the shearing shed is in a town. It is obvious that this amendment will very considerably extend the scope of the Act and it seems to me that the organizations which represent the farmers and graziers who employ less than six shearers have not been consulted with regard to this proposed amendment. In these circumstances the Government feels that before proceeding with the necessary legislation, it should have some evidence as to the number of additional sheds which will be brought under the scope of the Act by the proposed amendment, and also some indication as to the attitude of the owners of those sheds to the alteration.

I wrote in similar terms to the Stockowners' Association and, following the point raised, it was eventually agreed between the Stockowners' Association and the A.W.U. that they would not press for that particular amendment. Consequently, it is deleted from the Bill.

I also took the trouble to write on November 28, 1955, to the Australian Primary Producers' Union and the South Australian Wheat and Wool Growers' Association. I submitted to them a draft of the proposed amendments and asked for their comments. The reply received from the Australian Primary Producers' Union has been quoted by Mr. Densley; therefore it is not necessary for me to repeat it. Suffice it to say that in general terms they agreed to the amendments, but certainly did not agree to the proposal that the Act should be extended to cover sheds where fewer than six shearers were employed.

The reply from the Wheat and Wool-Growers' Association on February 22, 1956, was in these terms:—

Receipt is acknowledged of your letter regarding the Shearers' Accommodation Act amendment, and it is desired to state that this submission was approved by our organization before it was submitted. There would, therefore, be no further submissions from this organization. Thanking you, Yours faithfully, T. C. Stott, General Secretary.

Therefore, as far as I am concerned that indicates that those four organizations—the A.W.U., the Stockowners' Association, the A.P.P.U. and the South Australian Wheat and Wool Growers' Association—were in agreement with these amendments provided the clause relating to an extension of the scope of the Act was deleted.

At a later date I received further communications from the Stockowners' Association and the A.W.U. asking when it was proposed to introduce legislation on this matter because, they said, certain firms here were making prefabricated shearing sheds and those firms wished to know what conditions they had to comply with in order to make sure that their sheds would meet the requirements of the Act. I further considered the matter following on those representations and I had a draft Bill prepared. On June 12 this year I wrote to the Stockowners' Association and the A.W.U. in these terms:—

Some time ago your association and the Australian Workers' Union (South Australian Branch) jointly asked that a Bill be introduced to amend the Shearers' Accommodation Act. The attached Bill has been prepared by the Parliamentary Draftsman and I would be pleased if you would peruse it and advise me whether it meets with your approval. A copy of the Bill has also been forwarded to the secretary, Australian Workers' Union.

On July 1 the Stockowners' Association replied as follows:—

I can now advise having placed your draft Bill for an Act to amend the Shearers' Accommodation Act, before my executive committee and can confirm that it meets with the approval of this association.

On July 14 the secretary of the A.W.U., Mr. O'Connor, replied:—

I acknowledge your letter of the 12th instant and have checked the proposed amendments to the Shearers' Accommodation Act, which meets with my approval.

That indicates that negotiations have been going on with the interested parties over a period of three years and that everything which could be done has been done to assure that proper time was given to both parties to consider whether or not the amendments to the Act were reasonable.

The other point I want to deal with is the question of whether or not this matter should be dealt with by Act of Parliament or be the subject of conciliation and arbitration in the appropriate court or tribunal. If this were raised as a new matter I certainly think it would be appropriate that it should be dealt with by arbitration, but for better or worse, over a period of years and on several occasions since 1905, it has been the subject of legislation, and that being so and since these amendments are of a minor nature, the appropriate

way is to deal with them by way of legislation. I may say in that regard that these amendments could possibly have been dealt with by regulations, for section 17 contains regulation-making power, but since other matters, which could perhaps be considered very minor, have been written into the principal Act I think it much wiser from the point of view of clarity that the proposed amendments be written into the Act instead of covered by regulation.

There are only two amendments of consequence which I think need give members any anxiety. The first is the increase in the amount of air space per person which has to be allowed in sleeping accommodation, namely, from 300 to 480 cubic feet. I examined that carefully. To provide 480 cubic feet it is only necessary to have a cubicle measuring 8 feet by 6 feet by 10 feet high. By modern standards it is by no means extravagant and will not cause any great additional hardship.

The Hon. A. J. Melrose—How do you make a room bigger—by soaking it and stretching it, or what?

The Hon. C. D. ROWE—There is a provision which will answer the problem the honourable member has raised. The other point which has caused some criticism is the provision of refrigeration. I point out that the refrigeration mentioned in this Bill is not designed to provide for the personal liquid refreshments of the shearers, but in connection with facilities in the kitchen, and is to be under the control of the cook and for the keeping of fruit, vegetables and other foodstuffs necessary to provision the men. When one realizes that a fairly good second-hand refrigerator can be bought for as little as £25, and a very good one for £50, one must realize that there is not a very great imposition in this provision.

The other matter is with regard to the question of six shearers. Sir Collier Cudmore quoted the definition of shearer in the Act. The definition is—

"Shearer" means and includes any person employed in or about a shearing shed, in the shearing shed or in work connected therewith. It does not include the person who is employed on the holding on which the shearing shed is situated when shearing is not in progress, nor any member of the employer's family.

Therefore, in determining the number of people who have to be accommodated on the premises you exclude anybody who is normally employed on the property even if he is working around the shearing shed at the time, and also any member of the employer's family. This has the effect of excluding altogether what are known as the smaller sheds.

The final point I would make is that this amending Bill does not in any way extend the scope of the Act; those who were not under it previously will not be under it now.

The Hon. Sir Arthur Rymill—What is the principle whereby a shearer in a large shed should have better accommodation than a shearer in a small shed?

The Hon. C. D. ROWE—I think it is not a matter of principle. In nearly all smaller sheds the shearers are accommodated possibly in the home of the employer, and they do not have a separate cook to provide their meals which are often provided from the employer's homestead. For that reason, ever since the Act was first passed we have excluded the smaller sheds, so I do not think that it is a difference of principle but rather a difference of facts applicable to the particular case.

I do not propose to go in great detail into the various clauses, but in the Committee stage I shall be pleased to deal with any clause that members desire. I ask them, however, to compare the provisions of these amendments with those of the existing Act, when they will find that what the Bill does principally is to tidy up some of the discrepancies which have occurred since the passing of the previous legislation rather than to impose any serious or far reaching provision on the employers.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Date of operation of this Act."

The Hon. L. H. DENSLEY—I move—

To delete "six" and to insert "twelve."

The reason for this amendment was explained in my second reading speech.

The Hon. F. J. CONDON (Leader of the Opposition)—I oppose the amendment. On October 29, 1957, in reply to a question by me the Attorney-General said that some time previously representations had been made to him by the Stockowners' Association and the A.W.U. for certain amendments to the Act. He said they would apply also to small sheds engaging less than six shearers, so he queried the position. Subsequently both parties agreed to the proposed amendments, but the Attorney-General pointed out that if any person provided new accommodation or improved old accommodation he would be well advised to see that it conformed with the new conditions in the agreement. In this debate some members have suggested that the matter should go to the Arbitration Court. I was most disappointed

when some members opposed round-table conferences. The industry has reached its present position because of them. More has been achieved around the table than in the Arbitration Court, and the conferences should be encouraged. Now after almost three years members want to postpone the application of the legislation for a further period. Everybody has had an opportunity to look at the amendments, and the best way to end round-table conferences is to accept the amendment.

The Hon. A. J. MELROSE—The amendment is a good one, but it does not go far enough. In these days the tendency is to speak frivolously about accommodation for shearers, but by and large it is as good as anyone can desire. It has been said that the air space available for each shearer is a trivial matter, and someone asked how it could be increased. In the old days the space provided for each shearer was about 300 cubic feet and much of the present accommodation has it, but the Bill makes it 480 cubic feet. There has been a reference to the height of a room. Previously it was 14ft., but now it is proposed to make it 11ft. If all this is agreed to some accommodation provided under previous legislation will have to be scrapped, and cubicles will have to be enlarged or scrapped.

The CHAIRMAN—I think the honourable member is anticipating the contents of clause 3, which deals with sufficient and proper accommodation.

The Hon. A. J. MELROSE—I was endeavouring to link up my remarks with the move to delay the application of this legislation for 12 months.

The Hon. C. D. ROWE (Attorney-General)—As has been indicated, negotiations in this matter have been going on for almost three years and the parties concerned have had a knowledge during that period of what is proposed. In the circumstances I think six months is a reasonable period, so I ask members to oppose the amendment.

The Committee divided on the amendment—

Ayes (8).—The Hons. E. Anthoney, C. R. Cudmore, L. H. Densley (teller), A. J. Melrose, W. W. Robinson, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Noes (9).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, J. L. Cowan, E. H. Edmonds, N. L. Jude, Sir Lyell McEwin, C. D. Rowe (teller), and A. J. Shard.

Pairs.—Aye—Hon. Sir Frank Perry. No—Hon. J. L. S. Bice.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 3—"What is proper and sufficient accommodation."

The Hon. A. J. MELROSE—I think that if we amend this legislation it should not apply to any accommodation that has been constructed in conformity with the legislation which has been passed and approved, or in conformity with agreement between the A.W.U. and the Stockowners' Association or specified respondents. The clause says that air space shall be increased from 300 cubic feet to 480 cubic feet, which is a very large increase. It also says that the height from the floor shall be 11ft., and that again is a major consideration. Accommodation provided by the Highways and Local Government Department in permanent camps is not more than about 350 cubic feet per cubicle, so why is the provision with regard to sleeping accommodation for those men so much more lenient—and justifiably lenient—than for premises occupied for perhaps only two or three weeks a year?

The men in Highways Department camps are apparently satisfied to live in unlined cubicles of about 350 cubic feet, and I do not see why men who are to be accommodated in a shed for perhaps only a fortnight want 480 cubic feet. I ask the Council to vote against this clause because I think it is completely unjustified.

The Hon. C. D. ROWE—I came to the conclusion that 480 cubic feet is not an unreasonable figure. Mr. Melrose has mentioned the cubicles provided for people working in Highways Department camps, but those cubicles have to be moved on vehicles from time to time from one place to another, and in working out the requirements regard must be had to that fact.

The Hon. A. J. Melrose—If we made ours portable could we have them smaller?

The Hon. C. D. ROWE—Where permanent accommodation must be provided it is reasonable that a reasonable size should be allowed. With regard to Mr. Melrose's other point that this may create hardship in cases where accommodation has already been constructed which does not comply with the amendment, I draw his attention to section 12 of the principal Act which gives the Minister power to grant exemptions. That section states:—

The Minister may, if special and unavoidable circumstances exist to prevent compliance with

any of the conditions for proper accommodation prescribed by the Act, grant an exemption from any or all of such conditions for such period, not exceeding 12 months at any one time, as the Minister thinks proper, and may, if sufficient reason is shown, grant a further exemption for any period not exceeding 12 months.

I think that is an answer to the objection which has been raised by the Hon. Mr. Melrose. I think 80 per cent of the accommodation provided today would conform to the provisions of the legislation, but unfortunately with this legislation, as with so much other legislation, we have to deal with a small minority of people who are not prepared to do the right thing. Under the circumstances, and considering the provisions of section 12 of the Act, I feel that I can confidently ask the House to accept this clause.

The Hon. Sir ARTHUR RYMILL—I am not so concerned with the cubic capacity of these rooms or cubicles as with the proposed height limit of 11 feet because that, as I understand it, is inconsistent with the general Building Act of the State, which provides that the minimum ceiling height shall be nine feet. Why should we have in this type of building a ceiling two feet higher than that authorized for any other building in the city or suburbs? There is an implication there, too, which I think is possibly more important than that which I have mentioned: many modern prefabricated buildings are built to comply with the Building Act of this State, and thus they are nine feet in height. They, of course, are the cheapest form of building one can obtain today, and it seems to me queer that the provisions laid down for this type of accommodation should demand a standard higher than that required by the Building Act of the State, which largely applies to the city and suburbs. I would like to hear the Minister on that point because it is in my mind to move that the word "eleven" be struck out and the word "nine" substituted.

The Hon. C. D. ROWE—I think Sir Arthur Rymill is perhaps not fully aware of what this clause means. The section as amended will read:—

Not less than four hundred and eighty cubic feet of air space shall be allowed to each person sleeping in any room or compartment; in calculating air space pursuant to this paragraph, no allowance shall be made in respect of any air space at a greater height than eleven feet from the floor.

That means that it is entirely up to the person to have a building as high or as low as he likes; there is no stipulation in that direction. However, when working out the air space, you must not count anything above 11ft. high. If you allow for a ceiling 14ft. high, that correspondingly diminishes the measurements of the cubicle. The height of 11ft. is reasonable and achieves something which perhaps the Hon. Sir Arthur Rymill does not quite appreciate.

The Hon. Sir Arthur Rymill—Yes, if that is the explanation, but I had understood from the tenor of the debate that this was to be the actual height.

The Hon. A. J. MELROSE—The Minister read out the clause in its amended form, that the Minister will have power under "special and unavoidable circumstances." Whatever can be conceived as "special and unavoidable"? "Special or" would be bad enough but "special and" can be interpreted only as being so remote that the material cannot be brought on to the site for altering the building.

When we were dealing with this legislation previously, we made a special concession. There was a war on and a control of building materials which made things difficult, especially for the owner of the property. Although now there is no war making materials difficult to come by, we are on the brink of a serious financial crisis where it will be difficult for many landowners and people who have passed the peak of their prosperity in the wool industry just casually to produce the money with which to make these alterations in accommodation—which, after all, would be used for only two or three weeks in the year. The provision of shearing sheds and accommodation, translated into terms of capital tied up for 52 weeks in the year although such accommodation is used for only two or three weeks in the year, is a heavy burden on the wool industry. I ask the Minister to view this more leniently. Do not let us imagine we are getting out of the difficulty by the Minister having recourse to this section allowing him to make dispensation for a period not exceeding 12 months at any one time.

The Hon. C. D. ROWE—I should like an opportunity to consider this matter and peruse carefully the succeeding clauses. In the circstances, I move that the Committee report progress and ask leave to sit again.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 4.50 p.m. the Council adjourned until Wednesday, September 3, at 2.15 p.m.