LEGISLATIVE COUNCIL

Tuesday, March 1, 1966.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS.

His Excellency the Governor, by message, intimated his assent to the following Bills:

Acts Republication,
Compulsory Acquisition of Land Act Amendment,
Criminal Law Consolidation Act Amendment,
Electricity Trust of South Australia Act Amendment,
Employees Registry Offices Act Amendment,
Impounding Act Amendment,
Kapinnie and Mount Hope Railway Discontinuance,
Nurses Registration Act Amendment,
Parliamentary Salaries and Allowances Act Amendment,
Public Service Act Amendment,
Renmark Irrigation Trust Act Amendment,
Road Traffic Act Amendment.

PETITION: GRAPE PRICES.

The Hon. C. R. STORY presented a petition signed by 446 electors and residents of the House of Assembly Districts of Chaffey and Ridley in the Northern and Midland Districts of the Legislative Council alleging dissatisfaction at prices paid for grapes by proprietary winemakers, the method of arriving at the prices for each year's crop, and the late payment for grapes. It contained a prayer that legislation be introduced during the present session to fix wine grape prices at a realistic level, taking into account the established cost of production.

Received and read.

QUESTIONS

UPPER MURRAY BRIDGE.

The Hon. C. R. STORY: On several occasions I have asked the Minister of Local Government questions pertaining to the proposed new bridge in the Upper Murray area. Has he any further information on this matter?

The Hon. S. C. BEVAN: As Minister of Roads I have some further information relating to the proposed new bridge and it is that investigations into a second bridge over the River Murray at or near Kingston are almost completed and it is expected that a report for the Minister will be ready at about the end of this month.

SUBSIDIES: HOMES FOR THE AGED.

The Hon. C. D. ROWE: We were all surprised and disappointed to hear an announcement by the Treasurer that no further moneys would be available for subsidy on homes for the aged for, I think, the balance of this financial year and also for 1966-67, the basis being that there was already a fairly heavy commitment in respect of such homes. My question is: what is the amount of the commitment in respect of subsidies to homes for the aged for the balance of this year and what is the amount for the year 1966-67?

The Hon. A. J. SHARD: I cannot give the honourable member an answer to his question relating to the amount of money, and nobody should know better than he that it is impossible to do so. Secondly, let me say that the press publicity over a certain incident last week was very unfortunate. I say candidly that the money allotted in the Budget last year to help homes for the aged, community hospitals, subsidized hospitals and everybody else will be provided.

The Hon. C. D. Rowe: I was not talking about subsidized or community hospitals.

The Hon. A. J. SHARD: We are speaking about homes for the aged and no-one who has been promised assistance has been refused. Let me make it clear that anyone who has been promised assistance for 1965-66 and the people who have been promised assistance for 1966-67 will receive that assistance. I do not know what the amount will be but, according to my officers, the matter has gone as far as the Treasury allocation will permit.

The Hon. C. D. Rowe: All I am asking is about the allocation for this year.

The Hon. A. J. SHARD: It is impossible for me to give it, and no-one knows that better than the honourable member. Unfortunately, a mistake has been made. If the party concerned had contacted my office, instead of rushing to the press, he would have got a satisfactory reply. Nobody is keener than I or the other Cabinet Ministers for the grants for these organizations to increase and for any further possible help to be given. No-one was more shocked or surprised than I when I read the statement in the press in another State, where I was last week, because nothing was further from the truth than that published statement. The Premier left no doubt in our minds that everything that had been promised would be honoured and that we would go further to help those in need. It is a tragedy, from my point of view, that the press and other people will

clutch at any straw, no matter what untruth is involved, to belittle the Labor Party.

WINE GRAPE PRICES.

The Hon. C. R. STORY: Can the Chief Secretary say whether the Government intends to introduce legislation today to honour the prayer of the petitioners with regard to wine grape prices?

The Hon. A. J. SHARD: I do not know whether it will go so far as to honour the prayer as read out, but I do know that legislation will be introduced in another place to meet some, if not all, of the requests of the petitioners.

SITTINGS.

The Hon. Sir LYELL McEWIN: Can the Chief Secretary indicate the Government's intentions as regards sittings this week? Persistent reports have been circulating about one day's sitting or more than one day's sitting. It has already been announced that more legislation will be introduced in another place.

The Hon. A. J. SHARD: Like my honourable friend the Leader of the Opposition, I was surprised to read in the press, when in another State, that it was proposed that Parliament would rise today. That is not true. I have examined the Notice Paper. I know that one, two or perhaps three Bills will be introduced in another place. One will deal with grape prices. I have discussed this matter with the Premier but have not had a chance to discuss it with the Leader of the Opposition so far, but I think we could complete the business by tomorrow evening.

The Hon. Sir LYELL McEWIN: In view of the Government's desire to prorogue tomorrow evening, will the Chief Secretary endeavour to have those Bills before us before we adjourn today so that members will have the opportunity of seeing what is in them and of studying them, so that they can give the Government every assistance for an early prorogation?

The Hon. A. J. SHARD: Yes. I raised this question this morning with my colleagues. I do not know how they will introduce the Bills in another place. I do not know whether it is possible in another place to introduce the Bills today but, even if they are not introduced there today, I shall try to make available to the Leader of the Opposition a copy of the second reading explanations. I understand that the Bill dealing with grape prices will not be long; it will be a simple Bill and non-contentious: a matter of "Yes" or "No". I understand, too, from the Minister of Agriculture that he desires, at the request of the police, to introduce a small Bill (something to do with the department), which will not be contentious. I believe it is intended to introduce another Bill and that may be contentious. If the Bills are introduced, we can only try to prorogue by tomorrow night. I will do my best to make the information available. Of course, if it is necessary, there is nothing to prevent our sitting on Thursday, but knowing the way that we work here I believe we could complete our business in time to prorogue tomorrow night.

BREMER WATER BEDS.

The Hon. H. K. KEMP: I recently asked the Minister of Mines a question concerning water tables at Langhorne Creek. Has the Minister obtained a reply?

The Hon. S. C. BEVAN: In 1963 a preliminary survey of the underground waters in the Milang district was carried out. Sufficient data was not obtained, nor probably available at that time, to clearly outline the underground water characteristics of the area. This would entail a detailed survey, measurements of bores over several years, and possibly drilling of some additional bores in critical areas to furnish this information with any degree of reliability. The preliminary work has clearly shown that there are at least construction problems, as salt water overlies the fresh water beneath. It is recommended that no major increased usage of underground waters in the area for such purposes as market gardens should be undertaken until a full-scale investigation has been completed.

The Hon. H. K. KEMP: In view of the highly dangerous condition of the Langhorne Creek water supply, as has been indicated by the reply I have been given on this subject, will the Minister representing the Minister of Works say whether any action is contemplated to limit withdrawals or to publicize the position within the district?

The Hon. S. C. BEVAN: I am not aware of any publicity that has been distributed within the district itself relative to the water in the basin of Langhorne Creek. However, I will call for a full report from the department and notify the honourable member as soon as possible.

HAMLEY BRIDGE.

The Hon. M. B. DAWKINS: On February 10 I asked the Minister of Local Government a question regarding the construction of a new bridge over the river near Hamley Bridge. Has he obtained a reply?

The Hon. S. C. BEVAN: The honourable member was concerned about the Bailey bridge in use and detours necessary in connection with the proposed bridge. A Bailey bridge 140ft. long and 11ft. wide has been erected adjacent to the existing bridge and the approaches have been constructed and sealed. Stop signs have been approved for erection at the ends of the bridge, as well as speed limit, load limit and adequate warning signs. The existing bridge has not been demolished and is still in service.

Tenders will be called in about two weeks for the demolition and reconstruction of the superstructure, and it is expected that the existing bridge will be out of service from approximately April until September. It is considered that the detour over the Bailey bridge will not be a hazard, although there will necessarily be some small delay to motorists.

SCHOOL SUBSIDIES.

The Hon. R. C. DeGARIS: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. C. DeGARIS: I have received several letters from individuals and organizations complaining about the subsidies being made available to school committees. The writers complain, first, that reductions have been made and, secondly, that it is difficult to follow the policy adopted in the allocation of subsidies. Will the Minister of Labour and Industry obtain from the Minister of Education the formula followed in the allocation of subsidies to school committees?

The Hon. A. F. KNEEBONE: I shall be pleased to convey the question to my colleague, the Minister of Education, and obtain a reply for the honourable member as soon as possible.

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. M. B. DAWKINS: My question relates to a similar subject to that on which the Hon. Mr. DeGaris asked a question, in that I have received several complaints from various schools about the amounts of subsidies. One complaint that I have before me is from Mr. H. P. Lucas, honorary secretary of the Mount Torrens School Committee, who states that the schools in that particular area will be worse off by $400 a year. In view of the fact that these school committees are providing essential teaching aids, etc., which become the property of the Education Department, will the Minister representing the Minister of Education ascertain whether the Minister of Education will not only provide the formula as suggested by the Hon. Mr. DeGaris, but will consider bringing the amounts of subsidy back to those provided by the previous Government in those cases where adverse circumstances are evident?

The Hon. A. F. KNEEBONE: I shall be pleased to convey the question to my colleague and get a reply for the honourable member at the earliest opportunity.

SCHOOL TRANSPORT.

The Hon. L. R. HART: Has the Minister of Labour and Industry, who represents the Minister of Education, obtained an answer to my question of February 16 regarding school transport?

The Hon. A. F. KNEEBONE: I have received the following reply:

The number of children travelling to and from schools by public transport varies from year to year, and as accurate information about school enrolments and the transport requirements of students is not available until the commencement of the school year, minor problems sometimes occur in the initial stages in adjusting bus services to meet students' needs. When schools re-opened earlier this month heavy loading was experienced on some buses serving Salisbury High School, but this position has been rectified by the operation of an additional bus and the service now provided appears to be adequate.

AGRICULTURE GRANTS.

The Hon. R. A. GEDDES: Has the Minister of Local Government, representing the Minister of Agriculture, a reply to my question of February 8 regarding financial assistance from the Commonwealth Government?

The Hon. S. C. BEVAN: Yes. My colleague, the Minister of Agriculture, states:

Under existing arrangements the Department of Agriculture receives an annual grant of $54,000 from the Commonwealth extension services grant, and $50,000 from the dairy industry extension grant. The total funds disbursed by the Commonwealth under each of these grants is $700,000. In a recent announcement the Commonwealth Minister for Primary Industry indicated the intention of the Commonwealth Government to distribute funds to the extent of up to $4,000,000 a year, commencing in 1966-67 with an annual grant of $1,500,000.

On the basis of previous distribution of Commonwealth funds, it might be expected that this State would receive up to about $125,000 in the first year, rising to not less than $300,000 a year within five years. These amounts will be additional to those covered by the existing grants. These additional funds will assist the department considerably in strengthening its regional research and extension facilities in the immediate future.

MOTOR INDUSTRY.

The Hon. R. C. DeGARIS (on notice): Has the rejection of the Road and Railway Transport Act Amendment Bill contributed in any way to the rising confidence and improved employment in the motor industries of South Australia?

The Hon. A. F. KNEEBONE: No. The decline in the motor industry in the latter part of last year was firstly Australia-wide and, secondly, related to the manufacture of motor cars, not trucks. If the honourable member can cast his mind back, the Road and Railway Transport Act Amendment Bill did not relate to this type of vehicle.

AIR SERVICES.

The Hon. R. C. DeGARIS (on notice): Can the Minister of Transport indicate what assistance the Government is prepared to offer to re-establish the Adelaide-Millicent-Naracoorte air service to conform with an election advertisement published in the District of Millicent?

The Hon. A. F. KNEEBONE: There has been quite some agitation in the past from Millicent and Naracoorte for an air service which, at times, has been provided by Airlines of S.A.—a subsidiary of Ansett-A.N.A. This service has been intermittent because of lack of patronage. At the present time the South Australian Government does not exercise any licensing powers over intra-State airlines.

It would be necessary for the Government to introduce legislation empowering it to license intra-State air services before any action could be taken to license another air line, such as T.A.A., to operate in this State. In view of the fact that the Commonwealth Government dictates T.A.A. policy, the introduction of such legislation does not seem to be the final answer. The patronage by those who desire the service at Naracoorte and Millicent, unless sufficient, will always provide difficulties in the maintaining of a service to these areas. However, the Government is keeping in mind the advisability of the introduction of such licensing powers.

OUTER HARBOUR PASSENGER TERMINAL.

The PRESIDENT laid on the table Report No. 2 by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Outer Harbour Passenger Terminal.

PARLIAMENTARY PAPERS.

The Hon. A. J. SHARD (Chief Secretary): I move:

That Standing Order No. 455, dealing with returns after prorogation, be so far suspended as to dispense with the necessity for incorporating in the Blue Book with the Minutes of Proceedings for the current session those Parliamentary Papers that are not laid upon the table during this session.

When the Standing Orders were amended in 1961, provision was made to eliminate the long after session paper resolution usually passed at the end of each session. Owing to the unusually long session that is now ending, it will be necessary to suspend this Standing Order to enable the Government Printer to complete the Blue Book for 1965-1966 in reasonably good time. A similar motion was moved on February 26, 1964, at the end of the 1963-64 session for the same purpose. I think we can all agree that the Government Printer may need some sympathy at the end of this session.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I second the motion. I know the problem that exists as far as the Government Printer is concerned and I rather interpret this motion as meaning that the Government Printer can decide the matter, and that it does not mean that he will not take in any particular paper into the Blue Book after Parliament rises, provided it does not interfere with its publication. The position is that the session has carried on into the third month of the year, and I am aware of the problem facing the Government Printer, which is different when Parliament prorogues before Christmas.

Motion carried.

PHYSIOTHERAPISTS ACT AMENDMENT BILL.

Returned from the House of Assembly with amendments.

Consideration in Committee.

The Hon. A. J. SHARD (Chief Secretary): The House of Assembly has made two amendments to the Bill. Each amendment has been made for the purpose of converting amounts shown in pounds to dollars. The first amendment is to substitute "$12" for "£6 6s." and the other is to substitute "$3" for "£1 11s. 6d." It will be seen that the amounts are not exact conversions, but they are simple amendments and I ask that they be agreed to.

Amendments agreed to.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL).

Consideration in Committee of the House of Assembly's amendments.

(Continued from February 17. Page 4143.)

The Hon. S. C. BEVAN (Minister of Local Government): I take it that these amendments can be taken *seriatim?*

The CHAIRMAN: Yes.

Amendment No. 1.

The Hon. S. C. BEVAN: The first amendment is a drafting amendment of the section dealing with ratable property as it relates to church property. I submit that the amendment should be acceptable to the Committee.

The Hon. C. R. STORY: The Minister has said that this is merely a drafting amendment, but I ask why it was left out in the first place. To leave out the words "used exclusively for public worship" seems a little more than a mere drafting amendment; it seems to take the teeth out of the section.

The Hon. S. C. Bevan: That is not right.

The Hon. C. R. STORY: What does the Act say when the amendment is made?

The Hon. S. C. BEVAN: The word used was "exclusively", and this Chamber discussed two clauses extensively as they dealt with ratable property in relation to church properties. From memory, one clause excludes such properties and the other brings them within the Act. For the sake of uniformity, it was suggested that the words as proposed in the amendment be taken out in order that both clauses would be identical as far as the Local Government Act was concerned when dealing with church property. One clause uses the words "used exclusively for public worship" and those words apply to a building or church used exclusively for public worship. However, there are other buildings owned by, and used in conjunction with, churches, such as a church hall. Such a building might not be used exclusively for public worship but would be used in connection with the religious order as a meeting place.

One clause excludes such buildings where they are not deriving income from the building; that is, where they do not let it four or five nights a week for different purposes and derive income from such letting. The other clause, which is the one to which I am now speaking, uses the words "used exclusively for public worship". The position is (and I think we all agreed to this at the time it was discussed) that there should not be two conflicting clauses dealing with the one matter. One clause excepts church buildings used by the church in conjunction with church business and the other excludes the buildings used exclusively for religious purposes. The other parts of the buildings used by the church, or by the community patronizing that church for meetings dealing with the business of the church, are not excluded under this clause. Some of the buildings have been rated by the councils when perhaps they should not have been. I agree that they should not have been rated. Church buildings are exempt from rates.

Amendment agreed to.

Amendment No. 2.

The Hon. S. C. BEVAN: This is purely a drafting amendment, and I ask members to accept it.

Amendment agreed to.

Amendment No. 3.

The Hon. S. C. BEVAN: This, too, is a purely drafting amendment, and I ask that it be agreed to.

Amendment agreed to.

Amendment No. 4.

The Hon. S. C. BEVAN: This amendment deals with the exemption of the Adelaide university from rates. At present under the Local Government Act it is exempt. It is not exclusive to that university: it applies also to the Institute of Technology. We now have a new university and it is intended in the near future to establish another technology institute. This amendment extends to the new university and the new technology institute the exemption from rates. Very soon, students will be starting to enrol at the new university. Once they are enrolled there, unless this amendment is made to the Local Government Act, the new university will immediately become a ratable property. It is not desired that either the new university or the new technology institute be classed as ratable property. The council of the new university has not so far made any move in this direction but, unless it is given the same facilities as those applying to the Adelaide university, it will be unjust for the Adelaide university to be exempt from being rated while the new university is not. I ask members to accept the amendment.

The Hon. C. R. STORY: When I was a small boy at school and lost the place in my book I was severely rapped over the knuckles by the teacher. I may be rapped over the knuckles by the Minister now, but I cannot follow this amendment. I am still looking at the provision about a place of public worship, with which we have already dealt. I cannot see what we are dealing with now.

The Hon. Sir Lyell McEwin: It is a new paragraph.

The Hon. S. C. BEVAN: Paragraph (*a*) has been inserted, so this will be paragraph (*b*); it is a new paragraph.

The Hon. Sir Norman Jude: It is another reference to "ratable property".

The Hon. S. C. BEVAN: Yes; it follows paragraph (*a*). At present, this provision applies only to the Adelaide university.

The Hon. Sir Lyell McEwin: There is no mention of that university.

The Hon. S. C. BEVAN: No.

The Hon. M. B. Dawkins: It is mentioned in the principal Act?

The Hon. S. C. BEVAN: Yes. That is what we are amending. We want to put in this provision. I think it is plain. I see nothing wrong with it. We have already inserted paragraph (*a*); we are now inserting paragraph (*b*) in the principal Act.

The Hon. C. D. ROWE: The difficulty is that the honourable member is looking for the words "and used for the purposes of the University of Adelaide" and so on in the amending Bill, but it is an amendment to what appears in the principal Act. I tried to find these words and I, too, was in difficulties. However, I think I understand it now.

Amendment agreed to.

Amendment No. 5.

The Hon. S. C. BEVAN: This amendment deals with footpath moieties. Honourable members will remember that in the original legislation we discussed it was proposed to increase the moiety from 1s. 6d. to 5s. After discussion here the amount was reduced to 3s. The proposal now is to strike out this clause, which will mean that the footpath moiety will remain at 1s. 6d. as set out in the principal Act. I ask members to accept the amendment.

The Hon. Sir NORMAN JUDE: If we accept this amendment I do not think it will be acceptable to the Local Government Association or the Municipal Association. These organizations have to raise revenue in the same way as the Government, and I think we were trying to help by increasing the 1s. 6d. to 5s., which I consider fair and reasonable. Members discussed this matter at length and to find that, at a moment's notice, we are going back to where we were originally, is not acceptable to me without a further explanation.

The Hon. C. R. STORY: I was present at a Local Government Association meeting the other day where the considered opinion of the representatives present was that we have not gone far enough with moieties, particularly the road moiety. Mention was made of increasing it from $1 to $2. I am surprised that the Minister suggests that we go back to 1s. 6d., because I think that when we dealt with the matter he was adamant that it should be 3s. Councils have to live like the rest of us.

The Hon. L. R. HART: I would be pleased to hear why the Government has performed a complete somersault in this matter. When this Bill was before us earlier we pressed the Minister to state who had requested the increase from 1s. 6d. to 5s. It was only after much persuasion that he agreed to reduce the amount to 3s. Now the Government is prepared to return to the original amount of 1s. 6d. If it is correct for us to increase taxes in various ways, why is the Government not prepared to increase the footpath moiety, particularly as councils are requesting that it be done? We should have a better explanation before accepting the amendment.

The Hon. M. B. DAWKINS: I do not have any great enthusiasm for moieties. They are not a very acceptable way of collecting revenue, but my limited experience in local government has shown that it is a necessary way of collecting revenue in order to effect improvements in certain areas. I would like to know why the Government has gone back to the 1s. 6d. The original amount was 5s. That was later reduced to 3s. I also was present at a Local Government Association meeting the other day when the proposal to increase the road moiety by 100 per cent was debated, and, if my memory serves me correctly, it was unanimously supported.

The Hon. S. C. BEVAN: When our amendments were examined in another place members there thought that an increase in the footpath moiety could, in many instances, impose a hardship on persons with low incomes. It was said that they would not be able to meet any increase in the moiety, so under the circumstances, and in the interests of all concerned, it was thought better not to alter the original amount of 1s. 6d.

The Hon. C. R. STORY: I distinctly remember that an amendment was made to the Local Government Act providing for the moieties to be paid by people in poor financial circumstances to accrue against the estate. Some people in my home town had difficulty in meeting the moiety on very large frontages and they were able to defer it until later. I I cannot see that we should be governed by the few people who cannot afford to pay the moiety. Local government, the same as the Government, needs revenue. If I am right in my assumption that we have made provision for these amounts to be charged to the estates of these people, then I do not think any hardship will come upon them during their lifetime. After all, I imagine that able-bodied children who are beneficiaries could afford to pay against that

estate any amount that is approved. I should like to know whether the Minister agrees with my thinking on that matter.

The Hon. L. R. HART: I trust that the Government will be prompted by the same motives when we are dealing with land tax as it is at present in relation to people who are not in a position to pay. We must remember that, when a footpath is provided abutting a property, the value of the property is enhanced and the property can become subject to a higher rating. If these people whom the Minister is trying to protect can prove hardship, then they can obtain remission of rates. I do not think we can have it both ways. There is good reason why the footpath moiety should be increased at this stage.

I think the Government has made a complete somersault on this and that some pressure has caused it to do so. Obviously, the pressure is not coming from district councils or the Municipal Association, but from somewhere else. When these particular bodies come to the Government for extra grants, they will be able to say, "We were prepared to go along with the footpath moiety, but the Government denied that to us. Therefore, we consider that we are in a position to get increased grants." Will the Government then give sympathetic consideration to making increased grants?

The Hon. S. C. Bevan: They don't do too badly out of grant money now.

The Hon. L. R. HART: They do not, but they can always use a little more. In many cases, the grant money is based upon the ability of the councils to raise money under their own powers. This is one way for them to get a little more grant money than they are getting at the present time. I do not think we are entitled to reduce the footpath moiety until we receive requests from district councils and the municipal associations to do it. This Chamber has been accused of standing in the path of the Government's efforts to obtain more finance during the past few months. Yet, here is a case where we are prepared to go along with the Government but it is not prepared to go along with us. I consider that the clause should stand as it is.

The Hon. Sir NORMAN JUDE: I am not unmindful that this Bill is in the charge of the Minister of Local Government, who is in this Council, and that it was dealt with in another place. I think I should remind honourable members that the Minister of Local Government, in accord with almost everything that has been said this afternoon, stated in this Chamber on September 28:

The charge of 5s. could be justified in view of the present-day cost of constructing footpaths. The request from the organization concerned was for the amount to be 10s., and at the time I felt as the Hon. Mr. DeGaris now does about the increase to 5s. I said that I could not agree to an increase to 10s., but would agree to one of 5s. Under the circumstances, I am prepared to accept the amendment.

I suggest to honourable members that we support the Minister in his original intention in regard to this Bill, and have done with it as quickly as possible.

Amendment disagreed to.

Amendment No. 6.

The Hon. S. C. BEVAN: I move:

In the House of Assembly's new section 27b. to strike out "Notwithstanding anything in this Part contained," at the beginning of the new section.

I ask honourable members not to insert the new section as it stands, but to carry my amendment to the amendment. The words "Notwithstanding anything in this Part contained" refer to anything contained in Part II of the principal Act and, if those words were inserted, the provisions of the new section would override anything contained in that Part. This matter deals primarily with the ceding, for instance, of an area from one council to another. In these circumstances, various facts have to be considered, such as the geographical surroundings and the general interest of the ratepayers. I mean by the latter whether the ratepayers would be served better by being in another area because of their close proximity to community facilities, shopping facilities, playing areas, swimming pools, ovals, schools, and everything that goes with them.

Under the Act, this ceding can be achieved by one of two principal ways, or in a third way. First, councils, by agreement, can request the Minister to cede a portion or a ward to one of the councils. In these cases, the councils agree that, because of the community interest, certain people should be in area B, not in area A. Another way is by petition of the ratepayers in the area concerned, in which case the Minister can act. Thirdly, the Act empowers the Minister to hold a magisterial inquiry before making a decision. These provisions have been used. In all instances that I am aware of, it has been desired to cede a part of an area or ward from one council area to another. A petition is forwarded to the Minister setting out the grounds on which the people consider they should be put into another area.

Naturally, there can be counter petitions. As far as I am aware, there has always been a

counter petition, setting out why the area should not be ceded. We get conflict right through. As I have said, this new section as it stands could override the provisions of Part II of the Act. The two councils could get together and, with the interests of the section of ratepayers concerned in mind and also taking into account the geographical position of the area, arrive at an agreement. However, such agreement could become ineffective, as could the decision of the ratepayers, because of this clause. I am well aware that it says, "the Minister may order the council to have a poll if on the request of not less than one-tenth of the ratepayers of any ward".

It may be only a small area that is concerned and because of various circumstances the inhabitants of that area consider that they should belong to the adjoining district council area while the rest of the ratepayers in the ward are not concerned at all. If that is the position, it is probable that the interests of the ratepayers of that small area would be swamped by the rest of the ratepayers in the ward. Quite often the council itself does not wish to lose any ratepayers because it would lose much revenue from the people if they were permitted to move to another area. That is a reason that has been submitted by councils, and they submit that certain areas should not be permitted to cede to another area, irrespective of the circumstances. As far as I am concerned, if I received an application or petition from ratepayers on the ground that they wanted to cede or transfer from council A to council B merely because the rates in B would be cheaper, they would have no chance of transfer in such circumstances. However, if the community interest in the area was such that it was best for everybody to change, then I would be in favour of it. This happened in two different district councils not so long ago, one being the District Council of Angaston and the other the District Council of Kapunda.

A small area adjacent to Nuriootpa was concerned where the ratepayers used Nuriootpa as their centre for shopping, schools for their children, swimming, tennis and all types of recreation. Equivalent facilities for these people were available a considerable distance away in Kapunda. Under those circumstances, I had a petition from the ratepayers of this area who belonged to the Angaston District Council and they asked that, because of facilities available, they should transfer to another council. Shortly after that, I received a counter petition that they should not transfer to this other council, that is, the District Council of Kapunda. The council concerned did not wish to lose any ratepayers and said, "These people amount to a tidy sum as far as rates are concerned and we think they should remain where they are." When I examined the counter petition I discovered it was almost a duplication, as far as signatures were concerned, of the petition.

The Hon. Sir Arthur Rymill: Nothing unusual about that!

The Hon. S. C. BEVAN: What can be done in those circumstances? What is fair and just? Perhaps it would be to set up a magisterial inquiry, where the magistrate would go to the area, hold an inquiry and report to the Minister. However, because of the circumstances in this case (and it could be argued that I overstepped my jurisdiction) I decided the fair thing to do was for me to conduct a poll of the ratepayers in the area concerned and from the results of that ballot make a decision, and I did so. It has been stated that the Minister has no authority under the Act to take such action, and that may be so.

The Hon. C. D. Rowe: It is not necessary to have an Act to do things.

The Hon. S. C. BEVAN: That is so, but nothing in the Act says that the Minister cannot do it. I thought it the fairest thing to do. When the ballot papers were returned I called both interested parties to my office. The envelopes were opened, the ballot papers counted and allocated "yes" or "no". On the result of that ballot I gave a decision.

The Hon. C. D. Rowe: None of that was about the Port River?

The Hon. S. C. BEVAN: No. It was not a small ballot from the point of view of the number of ratepayers; to my surprise, it was a heavy ballot of the ratepayers concerned and it left no doubt in my mind, even though the margin was not a large one. The majority said they desired to stay where they were, and I acted upon that. I am suspicious of the amendment before us, which deals with an area that has jumped backwards and forwards three times.

The Hon. A. J. Shard: Half a dozen times.

The Hon. C. D. Rowe: What percentage voted in the poll that you speak of?

The Hon. S. C. BEVAN: From the area, approximately 86 per cent voted, and it was a voluntary vote. What I propose in my amendment is to leave out from the House of Assembly's new section 27b the words, "notwithstanding anything in this Part contained".

The CHAIRMAN: We will deal with that first.

The Hon. Sir NORMAN JUDE: I find myself for the second time in succession supporting the Minister's personal views on this matter. His remark about a voluntary poll is an important comment and if he found that it did not work he could make his own decision accordingly. I have had the privilege, if I may put it in that way, of disagreeing with the legal suggestions that it was not in order to hold such a voluntary poll; nevertheless it worked. However, I would make one point: I am entirely in agreement with the amendment moved to the amendment from another place—of course, it is not a Government amendment—and I draw attention to the words "request the council to". The Minister leaves that out, and I think quite rightly, because in many of these cases, or in some of them, they are not ratepayers but people outside a district council area and, as such, the council has no right to order them to join in a poll, but the Minister may request that they take part in it.

That was the case I was concerned with originally. Some of the people were not in the district council at all, and no district council could tell them to vote, either voluntarily or compulsorily. I consider there is no need to take up the time of the Committee on this amendment, and I am prepared to agree to the Minister's suggestion.

The Hon. C. R. STORY: I agree with the Minister's amendment. I wonder, if ever there were a change of Government—

The Hon. D. H. L. Banfield: Not for many years; the honourable member will not be here then.

The Hon. C. R. STORY: It is what will happen, because I remember political capital being made out of such a problem and the Minister has taken the teeth out of the matter in putting this forward. As Sir Norman has said, it is difficult when an area that does not belong to any council is being invited forcibly to join a council area. In the past this has caused much friction. Sir Norman took the bull by the horns and did the logical thing. The Minister is now making it legitimate. This is a good amendment; it is better than the one that came from another place. It still does what the member who moved his amendment in another place intended it to do—to put the onus directly on the Minister and give some power to his arm to institute proceedings himself rather than request a council to do it.

Amendment carried.

The Hon. S. C. BEVAN: I move:

In line 3, after "ward" to insert "or part of any ward".

The amendment, as at present worded, deals with a whole ward. If that one word were used, it would mean that all the ratepayers of any ward would have to be dealt with. It is suggested that the ratepayers in the part of the ward concerned be the ones to be consulted, and in that way they would not be swamped by other ratepayers in the ward who had no interest in their problem.

Amendment carried.

The Hon. S. C. BEVAN: I now move:

In line 5, after "ward" to insert "or part thereof, as the case may be".

The reasoning here is the same as for the last amendment.

Amendment carried.

The Hon. S. C. BEVAN: I move:

In line 8, after "ward" to insert "or part thereof concerned".

This gives the Minister jurisdiction over a specific area, and not the whole ward, in respect of a poll.

Amendment carried.

The Hon. S. C. BEVAN: I move:

In line 8 to strike out "request the council to".

It will then read "the Minister may hold such a poll".

Amendment carried.

The Hon. S. C. BEVAN: I move:

In line 10, after "poll" to insert "in such manner as he thinks fit".

The Minister is authorized to hold a poll, and he will hold it in an area in such manner as he thinks fit. The "manner" is similar to what has already been done: the ratepayers in that particular area would be approached.

Amendment carried.

The Hon. S. C. BEVAN: I move:

In lines 10 to 13 to strike out all words from and including ". Upon" to "poll".

It is believed that these words are not necessary; they do not serve any purpose.

Amendment carried.

House of Assembly's amendment No. 6, as amended, agreed to.

The following reason for disagreeing to amendment No. 5 of the House of Assembly was adopted:

Because the present moiety is totally unrealistic in relation to present-day costs, and municipal and district councils are finding it exceedingly difficult to construct footpaths, particularly in newly-developed areas.

INDUSTRIAL CODE AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from February 16. Page 4088.)

The Hon. C. D. ROWE (Midland): I support this Bill but I do so without any great enthusiasm. I believe it is perhaps the most important legislation that has been brought before us this session. We can have a matter heard in the Supreme Court involving much money but normally it involves only two persons, who are the only parties affected by the legislation; but, so far as the Industrial Code is concerned, the position is that in South Australia there are about 150,000 employees under State awards of one kind or another. Most employees are under Commonwealth awards and jurisdiction, but there are still about 150,000 under our State awards, so a decision of the Industrial Court can affect many people and the financial circumstances of many organizations. Consequently, I believe it is more important that our industrial legislation be such as to be acceptable to the people of this State and to work smoothly and efficiently than it is that our Supreme Court should operate as efficiently as possible—although I do not for one moment underrate the importance of the work of the Supreme Court. As I understand it, under our Industrial Code in South Australia there is the Industrial Court and industrial boards and wages boards that have worked efficiently and given us a period of industrial peace that cannot be equalled by any other State in the Commonwealth. I am at a loss to understand why the Government has found it necessary to interfere with the legislation, because it has worked very efficiently and very satisfactorily.

The history of the Industrial Court goes back a long way, but I only want to go back as far as 1948 when Sir Edward Morgan was appointed President and Mr. Pellew was appointed Deputy President. In 1952 Sir Edward Morgan went to the Commonwealth Conciliation and Arbitration Court and Mr. Pellew became President of our Industrial Court. Mr. Pellew continued in that position for five years until 1957, when Mr. Williams was appointed Deputy President. In 1964, when Mr. Pellew retired, Mr. Williams became President, and at that time, as we were approaching an election, no Deputy President was appointed. The Government of the day took the view that major appointments should not be made by a Government that was nearing the end of its term. Everybody will agree that this was a wise and proper decision. That was the reason why the position of Deputy President was not filled.

These were outstanding men who filled their positions with great competence and efficiency, and to the great satisfaction of people, whether representatives of employers or employees. Over the period they built up a reputation for the Industrial Court, and it became recognized as the best industrial tribunal in Australia. It operated with caution: some may have said that it was too conservative and that its judgments were perhaps too much in favour of one side, but from an impartial point of view nobody could come to any other conclusion than that it held the scales very fairly and justly between the opposing interests, and gave a degree of satisfaction that cannot be equalled by any other industrial tribunal in Australia. If any evidence is required as to the truth of this statement, it is provided by some statistics that I shall give. It is also provided by the fact that it is the only court in Australia that has provided judges for Commonwealth tribunals. Two members of the Industrial Court, Sir Raymond Kelly and Sir Edward Morgan, were appointed from our Industrial Court to fill important positions on Commonwealth tribunals. That is evidence of the opinion that people have of the efficiency and effectiveness of the industrial set-up in South Australia.

It seems to me that the court has been scrupulously careful to give all advocates a full and proper hearing, and it has based its decisions on the cases that have been presented and not on factors, opinions and experiences of the judges, and on matters that were not raised or debated during the cases. The judgments of the court have been clear and specific, and have dealt with the major points raised. The judgments have rested on these matters and have always been of a very high order. The President has always been friendly and helpful to all advocates, and I think each President has earned the respect and esteem of everyone who has had anything to do with the court. For those reasons, I find it difficult to understand why the Government is trying to alter the present set-up.

Along with the Industrial Court itself, we have the system of industrial boards, or wages boards as they are known. They consist of equal representation from each side, and one of the representatives on each side need not be a worker in the particular industry. From an employer's point of view, one representative could be a man who was associated with the industry and had some knowledge of it. A union representative could be a member of the

board or an employee advocate. A board consists of two, three or four members on each side, according to the nature of the industry and the requirements necessary to ensure that each section of the industry is adequately represented. Board members are appointed for a period of three years. They receive $2.50 for attending a meeting, with a higher fee for the Chairman, who has always been somebody of an independent nature. The Industrial Code does not set out specifically that he must have certain qualifications, but he has always been a man with some judicial knowledge, generally a magistrate.

The Hon. D. H. L. Banfield: But not with much industrial knowledge.

The Hon. C. D. ROWE: Not necessarily industrial knowledge, but the chairmen of boards have always been efficient and have performed their duties very well indeed.

The Hon. D. H. L. Banfield: Yes.

The Hon. C. D. ROWE: Proof that these boards have worked effectively is that appeals against decisions are unusual. I admit that the decisions apply mainly within the metropolitan area and are known not as awards but as determinations. Generally, the boards meet either before 9 a.m. or after 5 p.m. It is proposed that this will be altered and that they will in future meet in the employers' time and, apparently, the employers are to meet the wages of a man who is absent attending a meeting of a board.

The Hon. D. H. L. Banfield: It doesn't say that in the legislation.

The Hon. C. D. ROWE: I am seeking information. I didn't draw the Bill.

The Hon. A. F. Kneebone: The Government will meet out-of-pocket expenses.

The Hon. C. D. ROWE: If that is so, I am very pleased to hear it, because it is reasonable. Nevertheless, the employer will have to pay for the time the man is absent. He does not do it at present. Therefore, my point still stands. The proof that our South Australian system of conciliation and arbitration has worked better than any other system in the Commonwealth is found in statistics obtained from the Commonwealth Bureau of Census and Statistics. Since 1960 in S.A. the average loss through industrial disputes was 1.24 man-days per employee against an Australian average of 1.53. For the first nine months of 1965 the average in S.A. was .86 man-days per employee compared with the Australian average of 1.66. On that basis our record is certainly very much better than any other State, or, looking at it another way, we have 9 per cent of the population in S.A. but have had only 3.6 per cent of the industrial disturbances that have occurred. It seems to me that one of the main reasons for our record being very much better than that of the other States in this regard is the standing, efficiency and quality of our Industrial Court, and I am at a loss to understand why the Government wants to interfere with it. We must remember that the tribunal has operated during a period of very great expansion in secondary industry in this State. In this period, under the Playford Government, new industries came to South Australia almost every day. There has been tremendous growth at Elizabeth, with all that this has meant to the people; there has also been tremendous growth at Whyalla, which grew up almost entirely under the regime of the Playford Government; and there has been the development of the forests and associated industries in the South-East and the development of the quarrying industry at Nuriootpa and Angaston. In this period there was tremendous industrial development, but that has now ceased, and we no longer hear of new industries of any great magnitude coming to South Australia. We have been told on one or two occasions that there will be new industries.

The Hon. D. H. L. Banfield: Isn't the Broken Hill Pty. Co. Limited expanding?

The Hon. C. D. ROWE: I understand that it is expanding at Whyalla, but this is mainly carrying on with plans it has had in mind for some years.

The Hon. A. F. Kneebone: Negotiations for new industries take some time, of course.

The Hon. C. D. ROWE: They do, and the time is getting longer.

The Hon. A. F. Kneebone: This lag is the result of the slowing down of the previous regime.

The Hon. F. J. Potter: We are still waiting for new industries.

The Hon. C. D. ROWE: We are, and we have been waiting since last March. I sincerely hope that new industries will eventuate, as I think they are important for the State, but I am sorry that we have had only promises. For better or for worse, I occupied the position of Minister of Labour and Industry for several years, during the whole of which time I did not make any announcement of an industry that did not eventuate.

The Hon. D. H. L. Banfield: You left it to the man in charge!

The Hon. C. D. ROWE: I am pleased that the Premier and the Minister of Mines are

going overseas to investigate the possibility of developing natural gas in this State. I wish them well in this enterprise, because I believe it offers very great opportunity for the future economic development of the State. Although it is rather a long-term project (my view is that a considerable sum will be spent before we discover fields and make them an economic possibility), I think the Government is to be commended for making a positive approach, and I sincerely hope that the two Ministers will have a successful trip and have something definite to report on their return. However, I think it is too much to expect that any firm announcement will be made in the next few months, as it is a long-term project. I am still waiting to hear announcements of new industries. If the present Minister of Labour and Industry is nervous about this and has any announcements to make I shall be pleased to make them for him. We want to see new industries established.

I think I have said enough to show that there cannot be any valid criticism of the present set-up under the Industrial Code or of the Industrial Court and wages boards in this State. In fact, I do not think the Minister alleges that there can be, as I think he has said that they have operated satisfactorily. Nevertheless, he proposes to alter the set-up of the Industrial Court in a major way. The name of the tribunal will be altered, and although there will still be a President there will be two commissioners to assist him.

The Hon. A. F. Kneebone: There will be a court and a commission.

The Hon. C. D. ROWE: I think the Minister has said that the President (Judge Williams) will continue in his position. I think everyone recognizes that he has done his job extremely well, and I am pleased that he is to continue. One of my main criticisms is of the qualifications of the new Commissioners, which can lead to considerable trouble. New section 29a (8) provides:

One Commissioner shall be a person experienced in industrial affairs by reason of having been associated with the interests of employers. The other Commissioner shall be a person experienced in industrial affairs by reason of having been associated with trade union affairs.

We are going to get away from the position of appointing someone who is entirely independent and who has a trained legal mind to study in an impartial way the problems brought before him. He is to be replaced by two people who have obviously partisan backgrounds—in other words, people who will strongly advocate one side or the other of a case. I think that is a backward proposal. I would much prefer the two Commissioners to be people with the qualifications necessary to enable them to be appointed judges of the Supreme Court. Such people would be objective in their appraisal of the facts and would weigh the evidence and arguments in an impartial way, direct their minds to the reality and substance of the argument, express themselves clearly so that their judgments would be unambiguous, raise developmental issues that might otherwise not be debated, and understand other tribunals' decisions quoted before them. They would have the capacity to grasp the essentials in an extraordinarily wide range of subjects, and I think they would be admirable appointments. Instead, we are to have people whose only qualification is that they have been biased in their views previously.

The Hon. D. H. L. Banfield: Do you say the Commonwealth Arbitration Commissioners are not acting fairly?

The Hon. C. D. ROWE: I am not discussing the Commonwealth arbitration system.

The Hon. D. H. L. Banfield: They did have the same background.

The Hon. C. D. ROWE: The answer is that the Arbitration Commission has not been able to produce anything like the freedom from strikes and disturbances in industry that our own industrial tribunal has been able to produce. Surely the objects of this exercise are to have industrial peace, and to see that the time loss and disturbances that occur because of friction between the parties are reduced to a minimum. That has been done more effectively by our own industrial authority and by our wages boards than by any other industrial tribunal in Australia. That cannot be denied. The evidence is here in the statistics I have given to the Council. Why are we disturbing and interfering with something that has worked so efficiently and well during a period of unprecedented expansion in South Australia, when one would have expected disturbance to be more widespread because of the setting up of new industries?

The Hon. D. H. L. Banfield: Most of the new industries are covered by Commonwealth awards.

The Hon. C. D. ROWE: Not more than half of them.

The Hon. D. H. L. Banfield: Yes, more than half.

The Hon. C. D. ROWE: Be that as it may, our industrial system has worked better than any other. What is the reason for interfering with it? No reason has been given; I do not

think any reason can be given. As far as I can see, this Bill boils down to so much window dressing on the part of the Government. I do not think it will achieve anything. I think it will make our industrial record worse.

The Hon. F. J. Potter: It will increase costs.

The Hon. C. D. ROWE: It may increase costs.

The Hon. D. H. L. Banfield: At present, we have solicitors on our tribunals. Under this Bill, we will not.

The Hon. C. D. ROWE: I always thought that one left alone things that worked well and efficiently. However, for some reason that has not been explained, in this case the Government proposes to interfere with the system.

The Hon. F. J. Potter: I think perhaps some pressure has been brought to bear on it.

The Hon. C. D. ROWE: That may be the case. I do not understand all the ramifications of the Australian Labor Party and its Federal Executive.

The Hon. C. M. Hill: Have a look at today's *News*.

The Hon. D. H. L. Banfield: We only get a Tory paper to read about it, not a Labor paper.

The Hon. C. D. ROWE: I am talking about some of the serious implications of this Bill as far as all the people of South Australia are concerned. The system that we have had has been the best in the Commonwealth. There is no criticism of it from any source, and that is proved by the statistics on industrial unrest. However, we are going to get rid of that and, in its place, we will have a President, who, I am delighted to see, will be the person who occupies that position at present, and two commissioners whose only qualifications are to be that they start by being biased because of their previous experience.

The Hon. F. J. Potter: Who are they?

The Hon. D. H. L. Banfield: We don't know yet.

The Hon. C. D. ROWE: I hope that this new scheme will work satisfactorily so that there will be a continuance of the industrial peace and tranquility that we have experienced in South Australia. However, I express my anxiety and concern in regard to this particular matter. I shall mention other aspects in the Committee stages of the Bill but should like to refer to one or two points in regard to the conciliation committees, which are to be the new counterpart of the present wages boards. Incidentally, I think that the wages board system has worked remarkably well and I congratulate the chairmen and members of the boards, from whatever side they have come, on the effective jobs they have done. They have set about their responsibilities in a business-like fashion. Now, of course, the wages boards, as we know them, are to be no more and we are to have conciliation committees, which are to meet in working time.

The Hon. A. F. Kneebone: Not necessarily.

The Hon. C. D. ROWE: That has been said, and I assume that that will be where we will get to ultimately.

The Hon. D. H. L. Banfield: That has its advantages.

The Hon. C. D. ROWE: It may have advantages and it may have disadvantages. Section 114c of the new Act provides that where a chairman of a committee has been unable to bring the majority of members of the committee into agreement, the chairman shall refer the unresolved difference of opinion to himself. Apparently, if the conciliation committee members cannot agree on all matters, the decision of the committee on those matters on which it can agree will be accepted and those matters on which the members cannot reach agreement will be left for the chairman to decide. I am not sure whether I read the Bill correctly, but I understand that, ultimately, if a committee cannot get agreement in regard to a matter, the matter will go to the appeal court.

The Hon. A. F. Kneebone: No. The position is similar to that operating with the wages boards. If agreement cannot be reached by the members, the chairman makes a decision. There is a right of appeal from that decision.

The Hon. C. D. ROWE: That is what I am dealing with.

The Hon. A. F. Kneebone: This is similar.

The Hon. C. D. ROWE: As I have said, the matter will go to the appeal court, which consists of the other commissioner, the President and the Registrar of the commission. The commissioner who was not involved in the matter previously will sit on the final appeal, and that is fair enough. I have every confidence in and respect for the present Industrial Registrar. My experience has been that he is an extremely experienced and competent officer. Personally, if I were involved, I would have no objection to having him as a member of the appeal court.

The Hon. A. F. Kneebone: Hear, hear!

The Hon. C. D. ROWE: Nevertheless, we have to look at this Bill not from the point of view of existing personalities, but from the point of view of the principles, and I think it is wrong to have a person who is an administrative officer one day sitting on an

appeal on the next day. In other words, the Registrar is a junior to the President of the court. Perhaps he can be adequately described as a secretary to the President. I think it is unfortunate for the President to have a man who acts as his junior on one day (one who must take instructions from him) sitting with him on the next day and giving a decision that possibly overrides the President's own ideas. I am not satisfied that that is desirable. I can understand that the Government has considered that one person to constitute the appeal court will be the commissioner who is not involved and that another will be the President. Then it looked for the third person, because I assume it wants three persons in order to ensure that there will not be a deadlock. I am in a position similar to that in which the Government found itself when it had difficulty in finding the third person to fill this position adequately.

If we appoint someone outside the Industrial Court altogether, we probably select a person without wide experience of industrial matters, a man who would come in on odd occasions and who, therefore, may not bring wide experience and knowledge to the hearing of the matter. We would expect that a person involved in hearing industrial matters all the time would bring such a knowledge.

The Hon. A. J. Shard: I think your fears may be unreal because previously Mr. Bowen did a remarkable job in a similar position.

The Hon. C. D. ROWE: I am indebted to the Minister for raising that matter; in the back of my mind I had remembered that. However, we are not dealing with personalities and I have made clear my views as far as the present Registrar is concerned. I am looking at it from the point of view of principle over the years and, unfortunately, we will not be here forever and must look at the matter on the basis of trying to make the Act work for many years to come. I regret that I have no suggestion to make that I think could improve the situation, but I consider we are interfering with something that might well have been left alone. We are disturbing a system that I maintain is the best in Australia; a system that has resulted in less industrial disturbance and industrial unrest than any other arbitration system in Australia. For the life of me I cannot understand why we want to interfere with something that is working so satisfactorily.

I do not think it is necessary for me to take the matter any further, but I believe that this Bill is something that, unfortunately, I must regard as window dressing as far as the Government is concerned. I think that, as far as its practical effect on the economy is concerned and on industrial relationships generally, the result will be rather worse than better. That is something I regret, as I think in South Australia we have an enviable record of industrial peace and industrial good sense, and that is something we wish to see continued if the progress of this State is to continue as it is at present. I support the second reading.

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

ELECTRICAL WORKERS AND CONTRACTORS LICENSING BILL.

In Committee.

(Continued from February 17. Page 4154.)

Clause 2—"Interpretation."

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I move:

In the definition of "electrical work" to strike out "performed or carried out".

The definition can be placed beyond doubt by omitting those words entirely from the definition of "electrical work". We do not want those words in the past tense in the definition.

Amendment carried.

The Hon. F. J. POTTER: In the second reading debate some mention was made of the definition of "electrical installation". Although I do not propose to move any amendment to this definition, I ask the Committee to look at the definition again and I will endeavour to show that it includes the electrical parts of a motor car engine. Let us not be under any misapprehension about this. The Hon. Mr. Banfield apparently attempted to say, "This does not happen; this is nothing to do with it. You would not be playing around with a car engine while the engine was going." The only answer I can give is that neither would a person mend a toaster with the electric current turned on. It is clear that the words "electrical installation" mean the whole or part of any appliance, wire, system of wiring, conduit switch fittings, etc., and include line 10, which states, "insulating or protecting material or casing thereon". It seems clear to me that this definition would cover the matter of the wiring from a coil to a distributor and then on to the spark plugs of a motor car engine.

The Hon. S. C. Bevan: Would it be more than 40 volts?

The Hon. F. J. POTTER: Of course: thousands of volts, no question about that. Certainly it would be in excess of 40 volts. Nothing is generated when the engine is not going, but the same situation applies to appliances when the current is not turned on. I point this out for the benefit of the Committee. I do not think it will matter if we leave the definition as it is, but it will have a vital impact on amendments I propose to move when we later reach clause 7, because, as honourable members will see on their files, I propose to introduce the principle that only those people who charge a fee or receive some profit or reward for their work must be licensed. Of course, it will not matter if the definition of "electrical installation" is left as it is if honourable members accept the principle that only those who hold themselves out as competent would get a licence. However, I point out that this particular definition includes all kinds of things, including, quite clearly, the matter of wiring in a motor car engine. With that note of warning, I do not propose to say any more on this definition except that it seems to me the whole wording of the definition in this section is far from satisfactory. I should have liked to see the whole Bill redrawn and redrafted. My attention has been drawn to the definitions of "electrical installation" and "electrical appliance" given by the Australian Standards Association. They are satisfactory and far more along the lines of what should be in this Bill.

The Hon. A. F. KNEEBONE: I draw the Committee's attention to clause 9 (1), which overcomes this difficulty.

Clause as amended passed.

Clauses 3 to 6 passed.

Clause 7—"No person to perform any electrical work or contract or perform such work or hold himself out as an electrical contractor or worker, etc., unless licensed under this Act."

The Hon. F. J. POTTER: I move:

In paragraph (*a*) before "perform" first occurring to insert "for profit or reward".

This is a vital and fundamental amendment. It attempts to apply a principle that is, I think, the correct principle and should be the guiding principle in legislation of this kind—that only those people who are performing electrical work for fee or reward, or for some profit or reward, should be required to have a licence. If this amendment is carried, it will mean that all those persons who hold themselves out to the public as being capable of doing electrical work and undertaking electrical repairs will need to have a licence either as an electrical contractor or as an electrical worker. It will leave the ordinary competent home handyman free to do his own electrical repairs and whatever he wishes as regards the wiring of his own premises, subject to the approval of the Electricity Trust, whose approval must be obtained for any major electrical installation. He will be free to continue to do this as he has done in the past. He will be performing the work, not for fee or reward but simply for himself.

He will not, of course, be able to do this work for anybody else unless he does it for absolutely nothing. In my opinion, this is the correct principle to be introduced in this type of legislation: only those who are working for fee or reward and holding themselves out to the public as competent people should be required to be licensed. That sums up my whole attitude to this Bill. It is consistent with what is done in other spheres of life. It is an important principle that should be established by this Council in foreshadowed legislation connected with other trades.

The Hon. A. F. KNEEBONE: I oppose this amendment, because it strikes at the fundamental principle of the Bill.

The Hon. F. J. Potter: I did not say that. I said it was an important amendment affecting the whole Bill.

The Hon. A. F. KNEEBONE: I think it strikes at the fundamental principle of the Bill, because the position is that, in addition to the person to whom the honourable member has referred as a "competent handyman", it provides an opportunity for the incompetent handyman to do this work. The honourable member referred to the fact that any major installations have to be examined by the trust. I admit that the trust requires that before any connection is made to its mains it has to be inspected but, once a connection is made to a main, many competent and many incompetent people extend that service and add power point after power point to the original connection, without ever notifying the trust.

The Hon. R. C. DeGaris: They can still do that under the Bill.

The Hon. A. F. KNEEBONE: That is possible, but this amendment does not recognize the fact that this can be done. The insertion of the words "for profit or reward" does not protect the innocent users of these connections (wives, children, etc.) that may have been made by an incompetent person. We know that many fires in temporary houses in the old days were caused by people who considered

themselves competent handymen making all sorts of connections to electrical installations. For this reason, I must oppose the amendment.

The Committee divided on the amendment:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), Sir Arthur Rymill, and C. R. Story.

Noes (5).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone (teller), C. D. Rowe, and A. J. Shard.

Majority of 9 for the Ayes.

Amendment thus carried:

The Hon. F. J. POTTER: I move:

In subclause (2) (*a*) before "make" to insert "for profit or reward".

The clause as drafted means that one cannot do anything with an appliance; one cannot even plug it in. This is ridiculous, and I shall move later to insert the word "permanent". The Minister has said that if this amendment is carried there will be no protection for people, because some incompetent handymen will do the work. During the second reading debate the Hon. Mr. Banfield became very emotional and said that if the Bill saved only one life it would be worthwhile. If we legislated to stop motor vehicles from operating outside the square mile of Adelaide we would save many lives each year. However, no Government would do that, as it would be completely impractical, and one does not pass impractical legislation just to save one life.

The Hon. A. F. KNEEBONE: On the grounds previously stated, I oppose the amendment. The honourable member's statement that motor cars should be stopped is ridiculous.

The Hon. F. J. Potter: I said "if".

The Hon. A. F. KNEEBONE: The honourable member said that the Hon. Mr. Banfield's argument meant that all cars should be stopped. Something is done in an attempt to save lives by controlling the use of motor cars, and here the Government is attempting to control the use of electricity.

The Hon. F. J. Potter: But this says that people are not even allowed to plug in an appliance.

The Hon. A. F. KNEEBONE: Clause 9 gives people power to plug in appliances, operate machinery, and so on.

The Committee divided on the amendment:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), Sir Arthur Rymill, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone (teller), and A. J. Shard.

Majority of 10 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER: I move:

In subclause (2) (*a*) before "connection" to insert "permanent".

It is important that the word "permanent" be there. Although the Minister has said that clause 9 (1) exempts people who plug in an appliance, I am not convinced that that is so, because I do not think "attend, operate, or be in charge of" means to plug in an appliance. I should like the Minister to explain the meaning of subclause (2).

The Hon. A. F. KNEEBONE: This clause was originally drafted for the purpose of preventing people from connecting to the undertaking's mains illegally and "milking" the meters. This is not an invention; it has happened that people have done this and the current has not gone through the meter, because connections have been made from one side of the meter to the other. However, because there has been so much discussion on this clause and the effect of its wording, I propose to move an amendment to delete the words "and a source of electrical energy generated or supplied by that undertaking" and to insert "any electrical installation of that undertaking". This amendment would remove much of the objection to the words at present in the subclause. However, the effect of inserting the word "permanent" would be that anybody would be able to make a temporary connection and be within the law.

The Hon. F. J. POTTER: It seemed to me that the Minister was apologizing for this part of the Bill—

The Hon. A. F. Kneebone: No.

The Hon. F. J. POTTER: Or for the way in which it was worded. He thought his foreshadowed amendment would clarify the matter, but the wording of the subclause does not back up what he has said. We are dealing with a permanent connection of an appliance (because "electrical installation" includes an appliance) to a source of electrical energy. The source of electrical energy seems to me to be at the plug. I have been puzzled by this provision and have listened to what the Minister has said about someone trying to "milk"

a meter, but the provision does not say that. It deals with a connection between an electrical installation and a source of electrical energy. That is why I think it is only in the case of permanent connections that we should have a prohibition.

The Hon. C. M. Hill: I think subclause (*b*) covers the Minister's point.

The Hon. R. C. DeGaris: Do you think anyone can plug in a toaster without breaking the law?

The Hon. F. J. POTTER: Definitely not, under this provision. The only argument that a person plugging in a toaster can have that he is not breaking the law is that he is covered by clause 9 (1), but does that deal with a person operating a toaster? If it does, what does subclause 2 (*a*) mean? I appreciate what the Minister has said about not wanting anyone interfering with the trust's supply.

The Hon. A. F. Kneebone: "Unauthorized connections" would cover it.

The Hon. F. J. POTTER: I wish the Minister had put it that way. In that case, perhaps I would not be pressing the amendment, but at the moment I think it is essential.

The Hon. A. F. KNEEBONE: According to my information, the source of electrical energy in any building is at the main. From it there are extensions.

The Hon. R. C. DeGARIS: I refer the Minister to the marginal note and point out that "electrical installation" covers an appliance. I think it is clear that under subclause (2) (*a*) any person can connect an appliance to a source of power, and this obviously means the plug. I support Mr. Potter's amendment for the insertion of the word "permanent".

The Hon. S. C. BEVAN (Minister of Local Government): This is a matter of interpretation. We are inserting the words "make any connection with wires or by other means between an electrical installation and a source of electrical energy generated or supplied by that undertaking". Where is the supply generated by the undertaking?

The Hon. Sir Lyell McEwin: Port Augusta!

The Hon. S. C. BEVAN: The source of supply is, as I think all honourable members will say, at the main. It is at the point where the liability of the Electricity Trust ceases. As I interpret it—and I put in no fullstops or commas—it means that a person would not take a connection from the source of supply (that is, from the opposite side of the meter) and so stop the current from passing through the meter and registering. If that were done, a person would not have to pay for the supply that he obtained. Dealing now with the matter of the plug, the honourable member states that a person cannot put a plug in, but I cannot understand such reasoning.

The Hon. R. C. DeGaris: What is an electrical installation?

The Hon. S. C. BEVAN: It is not an electrical installation; it is "between an electrical installation and a source of electrical energy".

The Hon. F. J. Potter: It does not say "the source of electrical installation".

The Hon. Sir Norman Jude: It refers to an electrical appliance. An electric shaver is an appliance.

The Hon. S. C. BEVAN: Honourable members are saying that if I plug in a wire it is a source of generated energy.

The Hon. Sir Norman Jude: Where else is it?

The Hon. S. C. BEVAN: At the main; not at the meter. It could be at the fuse box. It could be anywhere. Honourable members are aware that power has been "pinched" from the trust on occasions, and that is what we are trying to eliminate. It is not a matter of putting in a plug or taking a lead away; it is a matter of people "pinching" power from the Electricity Trust without paying for it.

The Hon. Sir Norman Jude: But surely that can be done now?

The Hon. S. C. BEVAN: It can be done, provided the person concerned is not caught. That applies to other things: a person may not be charged unless he is caught committing the offence. The Hon. Mr. Potter asks that the word "permanent" be inserted, but if that is done the door is open for people to take electricity, provided that there is no permanent fixture. If there were a permanent fixture a person would be breaking the law if he took electricity illegally.

The Hon. Sir Norman Jude: Does the Minister suggest that such a thing cannot be done now?

The Hon. A. F. KNEEBONE: Clause 7 (2) (*b*) states:

Tamper or interfere in any way with any electrical installation of that undertaking.

Clause 7 (2) (*a*) provides that a person cannot connect by wires or other means an electrical installation. The source of electricity is the main. This clause was drafted by the Electricity Trust because it believed it would prevent people from connecting installations to the source of supply. I did propose an amendment to try to improve the position, but in view of the argument that has taken place

regarding the definition of "source of supply" I do not propose to proceed with it. I think the clause as it now stands effectively covers the position, because it refers to the source of supply; the source of supply is the Electricity Trust main and not the connections from the mains that run through a house. This is an attempt to clarify the position, and to cover a position that has existed.

The Hon. F. J. POTTER: After listening to the Minister I am convinced that he is talking about something that should be in another Act. I do not know what this has to do with the licensing of electricians. This is a subjective matter, and subclause (2) states:

No person shall, except with the consent of an electricity supply undertaking—(*a*) make any connection with wires or by other means between an electrical installation and a source of electrical energy . . .

It refers to "no person". To me, the source of supply is the plug and not the main. Even if it is the main, as the Minister says, there is nothing in the Bill to say so. The more I listen to the Minister the more I am convinced that this is a shockingly-worded subclause. I do not think the Minister knows what it means, and, frankly, I do not know. I think I know how it reads, and while it remains in its present form I am going to insist on my amendment. Then, if we have the opportunity we can look at the matter later. I think now that it is essential to include the word "permanent".

The Hon. R. A. GEDDES: Section 23 of the South Australian Electric Light and Motive Power Company's Act of 1897 states:

No person shall fit up any apparatus or fittings whereby electricity shall be obtained from any main, service, line, or wire, or circuit of the company, without the consent in writing of the Secretary or other officer first obtained for that purpose.

My interpretation of that section is that it means the illicit use of power on the other side of the meter. There is nothing to show that the old Act has been amended or is being superseded here.

The Hon. A. F. Kneebone: It is not superseded here.

The Hon. R. A. GEDDES: First, we have an Act stating that one cannot connect on the other side of the meter. Surely, then, there must be another reason in clause 7 (2) (*a*), and I have to agree with Mr. Potter in his interpretation when we have an interpretation in this old Act that has not been repealed.

The Hon. L. R. HART: It seems to me that certain undertakings are being carried out by people on the trust's side of the meter. If that is correct (and I do not think it is) the proper Act to amend is the Electricity Trust of South Australia Act. What we are doing under this subclause does not alter the position, because it says:

No person shall, except with the consent of an electricity supply undertaking—(*a*) for profit or reward make any connection with wires . . .

It is "no person", irrespective of whether he is licensed or not. This does not prevent a licensed person doing this: it prevents any person, whether he is licensed or not, from doing it for profit or reward. Therefore, Mr. Potter's amendment does not prevent what the Minister says he is trying to prevent in this subclause. It states clearly:

No person shall . . . (*b*) tamper or interfere in any way with any electrical installation of that undertaking.

That makes quite clear what the Minister is trying to prevent happening.

We have heard much about safety, that the Government is motivated by thoughts of safety in introducing this Bill. If we want to discuss safety and the saving of people's lives, let us bring in legislation to prevent people from smoking, because we have read recently an authoritative statement that 2,000 people a year are dying in this country from smoke-induced lung cancer. Such legislation would be as ridiculous as some provisions in this Bill are. The truth is that the Government is setting out to restrict the movement of the private individual in this country, not only in this legislation but also in other legislation. It is the duty of this Council to look after all sections of the community. In this case the people affected would be the majority of the people of the State. If this Council accepts this amendment moved by Mr. Potter, it will be looking after the majority interests of the people of the State. I am prepared to support it.

The Hon. D. H. L. BANFIELD: It amazes me to think that Mr. Potter does not know where the source of electrical energy is. He suggests it is between the plug and the toaster. I suggest that, if he disconnects the power from outside, installs 12 electric toasters and connects plugs to a dozen points around the room, he will not get his toast done unless the source of energy is connected from outside. It is the source of electrical energy "generated or supplied by that undertaking". That does not mean that we are generating and supplying electricity simply because we connect the toaster to the plug; we have to have a source of energy from outside supplied by an outside

undertaking. It does not surprise me that Mr. Potter is using these ridiculous interpretations, because last Saturday morning I read, under the political commentary supplied by the Liberal and Country League, another ridiculous interpretation. I quote:

Under the Electrical Workers and Contractors Licensing Bill it would be illegal to cut a piece of flex in half, even if not connected to any appliance at all.

I thought I had finished reading the "funnies" until I got to that, when I found another column of "funnies". I took the matter up with the Minister and asked him whether this item was misleading, ridiculous and untrue. The Minister said that in regard to the cutting of a piece of flex no suggestion could be more ridiculous, for it must be established for what purpose the flex is being cut. Assuming the article means it was being cut for the purpose of shortening it to connect to a trailer, the suggestion borders on lunacy. The interpretation of honourable members is, I think, verging on lunacy. °If they stop to consider the position, they will find that the source of electrical energy generated or supplied by an undertaking must be the power supply up to the meter. Therefore, I oppose the amendment.

The Hon. A. F. KNEEBONE: There has been much discussion on this clause. The Hon. Mr. Hart raised a point: I fail to see its connection. He said that the Opposition in refusing to pass this clause in its present form (which shows how much he knows about the purposes of this clause) was looking after the majority of the people of this State. If he is implying by that that the majority of the people of this State are using illegal connections to electrical installations, I am surprised that so many people are doing it.

The Committee divided on the amendment:

Ayes (13).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), and Sir Arthur Rymill.

Noes (6).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone (teller), C. D. Rowe, A. J. Shard, and C. R. Story.

Majority of 7 for the Ayes.

Amendment thus carried.

The CHAIRMAN: Does the Minister wish to sustain his argument?

The Hon. A. F. KNEEBONE: No, I do not propose to continue with the other amendment.

Clause as amended passed.

New clause 7a—"Restriction on making proclamation under section 7."

The Hon. F. J. POTTER: I move to insert the following new clause:

7a. (1) No proclamation shall be made under section 7 of this Act until regulations authorized by paragraphs (*a*) and (*b*) of section 12 of this Act have been made and such regulations have come into effect.

(2) Any regulation authorized by paragraph (*a*) or (*b*) of section 12 of this Act shall come into effect at the following times, namely—

(*a*) If no notice of a motion to disallow the regulation has been given in either House of Parliament within fourteen sitting days after the regulation was laid before such House of Parliament the regulation shall take effect upon the expiration of the time when it has lain before both Houses of Parliament for fourteen sitting days:

(*b*) If any notice of motion to disallow the regulation has been given as aforesaid the regulation shall come into effect if and when such motion or all of such motions if more than one notice has been given is or are negatived.

(3) Except as provided by subsection (2) of this section, the provisions of the Acts Interpretation Act, 1915-1957, relating to regulations shall apply to regulations made under section 12 of this Act.

Clause 7, which is the operative clause, is to be brought into operation on a date fixed by proclamation. The effect of the new clause is to delay the date upon which such proclamation is issued until the regulations under clause 12 have been promulgated and approved by this Parliament. Clause 12 gives wide powers to the Governor to make regulations to prescribe who is to be licensed, the different classes of licence, qualifications, and fees. These are very important powers. Some of the regulations may be all right, but others may be restrictive on both electrical workers and the public. The purpose of my amendment is to ensure that we see precisely how this legislation operates through the regulations before the Governor can proclaim the operative clause, which is clause 7.

The Hon. A. F. KNEEBONE: I have never heard an amendment that would so effectively limit the operation of legislation as this amendment would do. This is, in effect, a three card trick, and I do not fall for such tricks. If the amendment is passed, a motion could be moved for disallowance of a regulation and, as this could be adjourned from time to time, the regulation could thereby be delayed indefinitely. All members who have spoken in opposition to some of the provisions of this

Bill would have only to vote against the regulations for them to be held up for all time, and I have no doubt that they would do so, as they seem to be opposed to the Bill. If they did this, it would prevent the Bill from being proclaimed. I therefore oppose the new clause.

The Committee divided on the new clause:

Ayes (12).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), and Sir Arthur Rymill.

Noes (7).—The Hons. D. H. L. Banfield, S. C. Bevan, R. A. Geddes, A. F. Kneebone (teller), C. D. Rowe, A. J. Shard, and C. R. Story.

Majority of 5 for the Ayes.

New clause thus inserted.

Clause 8 passed.

Clause 9—"Savings in certain cases."

The Hon. F. J. POTTER: I move:

To strike out subclause (2).

This subclause has become completely redundant, in view of the amendments to which the Committee has already agreed regarding work for profit or reward.

The Hon. A. F. KNEEBONE: I oppose the amendment. The subclause provides that it shall not be unlawful for a person to replace any lamp or fuse not being any lamp or fuse belonging to an electricity supply undertaking. I cannot see that it is necessary to delete the subclause and I ask that it remain.

The Committee divided on the amendment:

Ayes (11).—The Hons. Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, and F. J. Potter (teller).

Noes (7).—The Hons. D. H. L. Banfied, S. C. Bevan, M. B. Dawkins, A. F. Kneebone (teller), C. D. Rowe, A. J. Shard, and C. R. Story.

Majority of 4 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER: Following that amendment, Mr. Chairman, it becomes necessary for you to alter the numbering of the other subclauses. This is important, because the reference to paragraph "(5)" in subclause 7 (*a*) is a mistake as it stands in the clause without amendment, but it can correctly remain as paragraph (5) if the numbers of all the subclauses are altered, so that subclauses (3), (4), (5), (6) and (7) become (2), (3), (4), (5) and (6), respectively.

The CHAIRMAN: I think that will be done automatically.

The Hon. Sir LYELL McEWIN: I move:

After subclause (3), as renumbered, to insert the following new subclause (3a):

for a person to perform or carry out electrical work on any electrical installation used in a television station or a broadcasting station for the transmission by wireless telegraphy of television or radio programmes. (In this paragraph "television station" and "broadcasting station" have the meanings given to them by the Broadcasting and Television Act, 1942-1963, of the Commonwealth and its amendments.)

I spoke on this matter in the second reading debate and there is no need to repeat what I said. As it now stands, the Bill applies to anybody employed in radio and television stations, and that is undesirable.

The Hon. A. F. KNEEBONE: I can see the purpose of the amendment, but the Minister of Works told me that regulations will cover people in the categories mentioned. They will apply to people employed in radio and television stations, and many employees in places having something to do with electricity, although not to the extent of tradesmen. The Bill provides for restricted licences to people employed in radio and television stations, and also for an apprentice at each stage of his apprenticeship. My colleague said that if all people were included in this Bill who were eligible to receive restricted licences it would be completely cluttered up. For that reason, because provision is to be made in the regulations, I oppose the amendment.

The Hon. Sir LYELL McEWIN: The Minister's remarks have more than ever convinced me of the need to include my amendment. Why the Minister should want to be cluttered up with all kinds of exemptions is beyond me. They appear to be quite unnecessary, because it will only be a humbug by causing a needless amount of paper work. The amendment exempts a group of people who should be covered. I hope the Minister will not press his opposition to the amendment.

[*Sitting suspended from* 5.43 *to* 7.45 *p.m.*]

The Hon. A. F. KNEEBONE: I have looked at the amendment, but, as I said previously, we propose to issue restrictive licences under regulations.

The Committee divided on the amendment:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone (teller), and A. J. Shard.

Majority of 10 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER: I move:

In subclause (10) after "whose" to insert "profession".

The purpose of this amendment, coupled with another amendment to delete certain lines in this subclause, is to provide that people who are in a profession, trade or occupation engaged in electrical work (such as the professor at the university, the lecturer at the high school or the electronics mechanic who is fixing adding machines around the city) are free from the obligation to be licensed under this Act. It will be plain to all honourable members that, if these amendments are carried, there will be this effect, and it will meet, largely, some objections raised by some honourable members during the second reading debate.

The Hon. A. F. KNEEBONE: I do not oppose the first of the amendments but that does not mean that I do not oppose later amendments.

Amendment carried.

The Hon. F. J. POTTER moved:

In subclause (10) after "his" to insert "profession".

Amendment carried.

The Hon. F. J. POTTER moved:

In subclause (10) to strike out "so long as he does not perform or carry out work on any part or circuit which is, or may be, connected to a source of electricity supply".

The Hon. A. F. KNEEBONE: I cannot accept the striking out of these words, for the reasons I have previously stated. It would have the effect of throwing everything wide open again.

The Committee divided on the amendment:

Ayes (13).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), and C. D. Rowe.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone (teller), and A. J. Shard.

Majority of 9 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER: I move to insert the following new subclause:

(11) for an apprentice to an electrical worker to perform such work as may be prescribed.

This is to cover the person apprenticed to an electrical worker.

The Hon. A. F. KNEEBONE: As I understand it, this will be prescribed by regulation, whereas we propose that the apprentice will get a restricted licence in accordance with the standard he has reached. The Government considers that the latter is the better way to handle the matter, and I therefore oppose the insertion of the new subclause.

New subclause inserted; clause as amended passed.

Clause 10—"Establishment and constitution of committee."

The Hon. F. J. POTTER: The committee to be established under this clause has no real representative of the consumer and could finish up being a restrictive committee. In fact, it could be composed of nameless tyrants prepared to direct the Minister and the trust, yet the trust is not bound to accept its advice and recommendations. I cannot see why the licensing of electricians cannot be left to the trust, particularly as we are, by our amendments to this Bill, restricting its operation. I oppose the clause entirely.

The Hon. A. F. KNEEBONE: If the honourable member votes against the clause, because of its effect on other clauses I think he should prepare amendments to take care of what will happen if the clause is not passed. I ask honourable members to support it.

The Hon. Sir NORMAN JUDE: This matter is simple for members to follow. The clause states that the trust shall not be bound to accept any advice given or any recommendations made by the committee. The Hon. Mr. Potter has pointed out that this is a fanciful committee. I do not know why the Minister of Roads should not be represented. I see that the Minister of Education is to be represented. Even the Minister of Local Government might be represented. I always look after him in this Chamber. I think that those who are entitled to be licensed will start to voice some protest at what this is going to cost them, unless it is paid for by the general taxpayer and not by the electricians. On the other hand, if the electricians are going to pay for it, their licences are going to cost them plenty. The clause seems to be entirely redundant, because the matter can be well left to the trust.

The Hon. R. C. DeGARIS: I support the views of the Hon. Sir Norman Jude. The composition of the committee can be open to doubt. In regard to the Minister's statement in connection with clause 10 of the Bill that the committee should consider further amendments

to the Bill, I ask the Minister in what respect this should be done.

The Hon. S. C. Bevan: What are you going to do with clause 11?

The Hon. R. C. DeGARIS: The Minister can make statements only about the clauses that have been dealt with. I think he should reply to our queries, because the amendments already made leave the Bill in such a condition that the function of this committee would be redundant. The trust is capable of handling the administration of the measure. There is no need for the clause, and I support its deletion.

The Hon. A. F. KNEEBONE: I have been asked to refer to the previous clauses. Clause 2 is one. Clause 11 also refers to the committee, so we shall have to amend that, but I see no amendments on the file. The committee will serve a useful purpose and its members were selected with that in mind. The Hon. Mr. Potter has said that there are no consumers on the committee. He is saying that the representative of the trust is not a consumer. If he is not, he ought to be. Again, surely the representative of the Minister, who shall be the deputy chairman, is a consumer. The same applies to the representatives of the Electrical Trades Union, of the Electrical Contractors Association and of the Minister of Education.

The Hon. A. J. Shard: They think every housewife should be on it.

The Hon. A. F. KNEEBONE: This committee is being set up to advise regarding licences, and so on, and the members are eminently qualified to do that.

The Hon. R. C. DeGaris: Will the Minister agree that they are referred to in clause 2?

The Hon. A. F. KNEEBONE: I have not checked that. I think the committee is necessary and I ask that the clause be left as it is. We have always said that there should be advisory committees to advise us on our policy and the previous Government had advisory committees on all sorts of things.

The Hon. H. K. KEMP: I ask honourable members to consider whether this clause is not an unwarranted interference with the trust, which has provided a service unique in Australia and which the Labor Party is now trying to bring more and more under Government control. Contractors are at present answerable to the trust but this provision is a covert attempt to enable them to tell the trust what it can do. What is really wanted in South Australia is an extension of the power and authority of the trust rather than a provision that makes it answerable to a petty group of committee members.

The Committee divided on the clause:

Ayes (6).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone (teller), C. D. Rowe, A. J. Shard, and C. R. Story.

Noes (13).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), and Sir Arthur Rymill.

Majority of 7 for the Noes.

Clause thus negatived.

Clause 11—"Functions of committee."

The Hon. F. J. POTTER: This clause deals with part of the same subject matter that was dealt with by clause 10. Honourable members having voted against clause 10, they will need to vote against clause 11 in order to be consistent in their approach.

The Hon. A. J. Shard: Is there any consistency in it?

The Hon. A. F. KNEEBONE: I am disappointed with the result of the last amendment in that the Committee has seen fit to throw out clause 10. My only avenue of approach is to vote against the exclusion of clause 11.

Clause negatived.

Remaining clauses (12 to 14) and title passed.

Bill reported with amendments.

The Hon. A. F. KNEEBONE moved:

That the report be adopted.

The Hon. R. C. DeGARIS: Mr. President, I was on my feet.

The PRESIDENT: The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: I move—

The Hon. A. J. Shard: Would the honourable member like me to comment?

The Hon. R. C. DeGARIS: The Minister may go on if he likes. I move:

That this Bill be recommitted to consider a further amendment to clause 2.

Bill recommitted.

Clause 2—"Interpretation"—reconsidered.

The Hon. F. J. POTTER moved:

To strike out the definition of "Committee".

The Hon. A. F. KNEEBONE: I continue my opposition to these amendments. The honourable member has been diluting the Bill all day and it has been diluted to such an extent that it is hardly a shadow of what it was when introduced. I oppose the amendment.

Amendment carried.

The Hon. R. C. DeGARIS: I move:

In the definition of "electrical installation" to strike out all the words after "which" and insert the following words:

is intended for the conveyance control or use of electricity supplied or intended to be supplied by an Electricity Supply Undertaking at a voltage in excess of 40 volts; but does not include any appliances, wires, fittings or apparatus connected to and beyond any electrical outlet socket which is installed for the purpose of connecting electrical appliances, fittings or apparatus and at which fixed wiring terminates.

I have listened closely to the trend of this debate and I agree with the amendments put forward by the Hon. Mr. Potter; first, that the Bill should apply only to those who hold themselves out as electrical workers or electrical contractors for profit or reward. However, I believe there may be certain difficulties involved in the interpretation of words that have already been inserted and the consequential amendments that have been made. Therefore, to make doubly sure that this Bill does what I consider it should do, that is, stop at the socket, I move the insertion of this amendment, which restricts the application to the socket in a house.

I do not consider that a case has been made out in this debate for continuing the control of electrical workers and contractors or people who wish to perform any function in the home in connection with the repair of electrical equipment. I am aware that in other States (I think only in Queensland) that the matter is carried past the socket. In New South Wales and Victoria control stops at the socket. While I am in agreement with the amendments of the Hon. Mr. Potter, I consider that this amendment may also be necessary to ensure that this Bill does not go past the stage of the socket in any house.

The Hon. A. F. KNEEBONE: I have listened to the honourable member intently. I am not quite sure what he is trying to do. The way I see the amendment, it means that the definition would then read:

"electrical installation" means the whole or part of any appliance, wire, system of wiring, conduit pipe, switch, fittings, equipment, motor, apparatus or device wherever situated which is intended for the conveyance, control or use of electricity supplied or intended to be supplied by an electricity supply undertaking at a voltage in excess of 40 volts; but does not include any appliances, wires, fittings or apparatus connected to and beyond any electrical outlet socket which is installed for the purpose of connecting electrical appliances, fittings or apparatus and at which fixed wiring terminates.

The Hon. F. J. Potter: "and which": it refers back to the word "socket".

The Hon. A. F. KNEEBONE: I am thinking of what happens in relation to electrical wiring in the ceiling, and so forth.

The Hon. Sir Lyell McEwin: It does not affect that.

The Hon. R. C. DeGaris: It stops at the socket.

The Hon. A. F. KNEEBONE: This means that anybody can deal with any type of apparatus.

The Hon. F. J. Potter: They have to get a licence if they do.

The Hon. A. F. KNEEBONE: They can fool around with electric stoves.

The Hon. Sir Arthur Rymill: No; those are on a three-phase circuit.

The Hon. A. F. KNEEBONE: They are still plugged in. One was advertised on television the other day. It was a big type of electric stove that could cook any size meal. It was plugged in by a flex plug. This amendment means that anyone can fool around with these.

The Hon. C. R. Story: It does not mean that you get any bigger kick than from an electric razor.

The Hon. A. F. KNEEBONE: But 240 volts is enough to kill anybody, whether it comes from an electric jug, an electric razor or anything else. Anyway, as I have said previously, this puts one in the position of being competent to do it oneself. It also brings in the incompetent person who thinks he can repair any type of electrical appliance, whether it is an electric jug, an electric razor, an electric stove, or any other type of electrical machine that can be plugged in.

The Hon. R. C. DeGaris: Wouldn't you agree that the incompetent person would be just as dangerous changing a fuse?

The Hon. A. F. KNEEBONE: Not necessarily.

The Hon. Sir Arthur Rymill: I think you said more so on the second reading.

The Hon. A. F. KNEEBONE: I agree that this could be so. This was drafted in this way because we had to have a fuse repairable. It would be ridiculous to stop a person from putting in a fuse in an electric storm when a number of fuses could be blown. It would be ridiculous to say that people could not put fuses in then. We have been reasonable in that respect in this Bill.

The Hon. Sir Arthur Rymill: It shows the weakness of the Bill.

The Hon. A. F. KNEEBONE: That is why it was put in, whether or not it is reasonable to say that a tradesman, competent or incompetent, could fool around with these things to the absolute danger of his own family. I do not say, "If he kills himself, that is all right." I think people should be protected from themselves. Certainly their

wives and children and unsuspecting strangers handling such appliances should be protected from the unskilled and incompetent person. I oppose this amendment.

The Hon. C. R. STORY: The Minister has put up a good case from his point of view, but let me give an illustration. It is easy for most people to know when an electric motor is burnt out in a washing machine. Smoke and odour give a fair indication. To remove an electric motor from a washing machine merely necessitates the removal of two nuts. In my case, at Renmark, it costs about $2 to telephone for someone to come in. That is the service fee; then there is a mileage charge at 20c a mile. I live six miles from the village, which means a 12-mile trip for a man to come out to remove the motor from the washing machine. All that has to be done is the removal of two nuts off the cradle, and I can take the motor out. It is obvious that it is burnt out. I take it to him for repair. I am quite capable of both taking off that motor and putting it back again.

To carry it a little further, if my washing machine breaks down and it is obvious that the belt of the machine is stretched and not functioning properly, I can purchase a new belt and put that on. But, under the Minister's system, I pay $2 to call a man in and I pay an additional fee for his coming out to see what is wrong and going back again. Then he brings a belt out and he plugs it back. It is all right for me because I am a member of Parliament and am supposed to have sufficient money to pay for this sort of thing, but my unfortunate grapegrower friends around me cannot afford this. I will not inflict this on people who do not deserve it. This sort of thing is ridiculous. We have gone as far as I think we should go: we have allowed people to be licensed to wire houses but, when it comes to these small things, the Minister ought to be big enough to see that this is not allowed to be a charge upon unfortunate people.

The Hon. Sir NORMAN JUDE: The Minister has met with objections to many clauses of this Bill. He must realize that the present amendment is probably one of the more practical amendments that the ordinary layman can understand and that the honourable members of this Chamber can ram home. If a man cuts his lawn mower cable, he is able to mend it himself with some insulation tape until he can do a double joint and connect it up again. The Hon. Mr. Banfield this afternoon said that that was quite beside the point: of course a man can do that. I suggest that the honourable member ask the Minister whether he can or cannot mend a flex on a household iron when it needs repairing. I assure him that the Minister will tell him that he was entirely wrong in his remarks.

The Hon. D. H. L. Banfield: I did not say that. What I said was that it said in the *Advertiser* of last Saturday that a man could not cut a flex in half, whether or not it was connected to an appliance.

The Hon. Sir NORMAN JUDE: The Minister did not say he could mend it, either. I suggest to him that he accept the amendment so that a person who is reasonably competent to carry out repairs on equipment when it is not connected to electricity will be able to do so.

The Hon. A. F. KNEEBONE: I was interested to hear the Hon. Mr. Story's reference to repairs and to know how much he valued his own life: at about $2 or $4.

The Hon. C. R. Story: The cost was 48 miles at 20c, plus a service fee.

The Hon. A. F. KNEEBONE: Members opposite have agreed to the licensing of electricians provided that their work is done for profit or reward, but that is all they have agreed to, so anyone will be able to carry out wiring in the ceiling of a house.

The Hon. C. R. Story: It is subject to an inspection.

The Hon. A. F. KNEEBONE: Not necessarily. The trust must connect the supply to a new installation, but once this is done hundreds of people, who may not know anything about electricity, may repeatedly make extensions. I do not say this derogatorily about people from other countries, but often in their home countries the voltage is lower and they sometimes think they know as much as our electrician does. They make connections from one point to another and as long as the appliance works they go further.

The Hon. Sir Norman Jude: But you are avoiding the point.

The Hon. A. F. KNEEBONE: Members opposite say that so long as these people do not do the work for profit or reward they should be able to do it. I do not know that members have read the Bill or listened to what has been said. Clause 9 (1) provides that it shall not be unlawful for a person to attend, operate, or be in charge of any electrically operated appliance, machinery or plant.

The Hon. F. J. Potter: That does not include repair.

The Hon. A. F. KNEEBONE: What part of an electrical circuit is interfered with when a belt is changed?

The Hon. C. R. Story: It must be switched off and the mechanism interfered with.

The Hon. A. F. KNEEBONE: This all comes into the operation of an appliance. When a man operates an appliance he switches it on and off. How else can he operate it?

The Hon. C. D. ROWE: This clause is a vital provision that determines whether the control that the Bill hopes to effect will stop at the power point or whether people will be prevented from doing work on installations that are disconnected. Although my vote on some other clauses has been different from that of my colleagues, I support this amendment. Most of the incorrect work is done in the ceiling of a house. That is where most of the trouble occurs.

The Hon. C. M. Hill: That is what happened at Woodville North.

The Hon. C. D. ROWE: Yes, and all the fires were not due to faulty electrical installations.

The Hon. Sir Arthur Rymill: Some of the work was done by qualified electricians.

The Hon. C. D. ROWE: Yes.

The Hon. D. H. L. Banfield: Some was done by plumbers.

The Hon. C. D. ROWE: Permanent wiring needs control, but when we control things disconnected from the supply I think we are going too far, because it is a cardinal principle that all legislation must be capable of being policed effectively. No matter what we put in this Bill, people will still interfere with electric jugs, frayed cords, and other things. If the Bill deals with fixed installations, it will go a long way. My attitude is influenced by the statistics of accidents. What the Minister should do is undertake to repeal the Bill if there is no reduction in the number of electrical accidents in two years.

The Hon. A. F. KNEEBONE: What I said previously about accident statistics was misreported in the press, and a letter was subsequently published that criticized the figures published. When I referred to deaths in the trade through the use of apparatus that was faulty, I said that in the 10 years from 1955 to 1964 there were 65 electrical fatalities in South Australia, that 25 of them were in the electrical trade and would not have affected women and children, and that of the remainder 10, or 20 per cent, were women and children. I was reported as having said that the remainder were women and children, but that was not so.

The Hon. Sir Arthur Rymill: What were the other 30?

The Hon. A. F. KNEEBONE: They were males who were not in the electrical trade.

The Hon. Sir Lyell McEwin: What are the comparable figures in other States?

The Hon. A. F. KNEEBONE: I do not have those figures.

The Hon. R. C. DeGaris: I can give them to you.

The Hon. A. F. KNEEBONE: I understand that the figures in the other States are comparable with ours, but that does not mean that our figures cannot be improved. We are trying to improve them, even though they are the same as or better than those for the other States. I have not heard of a member objecting to our figures in other fields being better than the figures for other States. If we can improve our figures, it will be a worthy object and we should try to achieve it.

The Hon. Sir ARTHUR RYMILL: I am glad that the Minister has given this break-up of the figures, because I was about to ask him to do so. In the 10-year period there were 65 electrical fatalities in the State and 25 of them were in the electrical trade. This leaves 40 other deaths in 10 years, or four a year, which is an incredibly low figure. One would not believe that there could be only four deaths a year in this way, whatever legislation we have.

The Hon. S. C. Bevan: In other words, you are not concerned about four deaths a year?

The Hon. Sir ARTHUR RYMILL: I should like to reply to that interjection. The Government has been harping on safety, but I do not think that is the motive behind the Bill. I have never thought so. If the Government wants me to tell it what I think is the real object of the Bill, I may be tempted to do so. The Government has tried to push it over to safety, but the figures do not support it. There have been four deaths a year of the uninitiated in the trade. We cannot legislate on four deaths a year from electricity in a totality of 1,000,000 people.

The Hon. S. C. Bevan: I would legislate to save one life.

The Hon. Sir ARTHUR RYMILL: I know what the Minister wants to legislate for, and I do not believe that it is safety. The Government has been harping on safety. I have been an onlooker for the major part of the debate, although I spoke on the second reading, and I have been interested in the trend of the debate, with safety having become more and more

important, with the real object of the Bill being obscured in the background. Members on the Government side know better than I what the object of the Bill is, and I propose to leave it at that, but I do not think I am so gullible as to think that the Bill is directed at safety.

The Hon. F. J. POTTER: I support the amendment, which does not run counter in any way to the amendments that I have successfully moved. It seems to me that there are areas of danger both before and after the plug. The Minister has given no breakdown of his figures to indicate where the danger lies and, as he said, it is probable that the 10 women concerned were involved in something beyond the plug. My amendment will take care of that, inasmuch as a man will need a licence before he can hold himself out to the public as being competent and able to repair electrical appliances. I think that anybody who undertakes for reward to repair electrical appliances in use beyond the plug ought to be licensed, and he will be licensed under the Bill. If honourable members think that the amendment runs counter to what has been done, I assure them that that is not so.

The Hon. G. J. GILFILLAN: The Minister's figures were interesting, because they showed that fatalities from electrocution in South Australia have been few, considering that almost all the State is connected to the 240-volt system. It would be possible to make an assessment if we had figures of the causes, such as whether a frayed wire had been repaired by the husband, whether the women were electrocuted when their wet hands touched a switch, or whether a circuit was completed through a concrete floor. If this Bill went through as originally proposed accidents would probably become more prevalent, because it would be an offence for anyone to put insulation tape around a cord.

If the Government is sincere about wanting to protect the public, it will take a more positive attitude, perhaps by conducting a safety campaign in schools. Schoolchildren are being taught about electricity in the physics course, and many teachers explain the implications of handling 240 volts. Another suggestion is that it look into the matter of requiring terminals on appliances to be clearly marked. The terminals on 3-pin plugs are marked but the terminals on some toasters, for instance, are not marked.

The Hon. D. H. L. Banfield: That is why we wanted to have the Minister of Education represented on the committee, but you refused that.

The Hon. G. J. GILFILLAN: The Minister of Education does not need to be represented on the committee to enable a safety course to be introduced in secondary schools. This amendment is necessary to ensure that the average man around the house will have the opportunity of protecting his family from faulty connections and frayed cords. Minor repairs can be carried out safely by any person with ordinary commonsense.

The Hon. A. F. KNEEBONE: I thought the honourable member was speaking in support of my objection to what has been done to the Bill when he said that the position is becoming more difficult every day and that for safety purposes the right screws and connections should be indicated. This shows the difficulty that confronts everybody, even people who have a high standard of intelligence. Some of them still need to have the terminals marked in order to know where the wires should go. I have more figures with regard to the number of faulty appliances. The information comes from the General Manager of the Electricity Trust. No record is kept of the number of appliances that become faulty. An incomplete assessment can be made from the number of reports received by the Electricity Trust of appliances (both fixed and portable) which have become faulty to the extent of causing electric shocks.

The number of reports of electric shock has averaged 261 a year for the past five years. Another point I make is that the number of faulty appliances causing electric shocks was 66 on average, and 26 were related to flexible cords that were faulty. The fatalities for the 10-year period amounted to 61, and of these 13 were due to incorrect wiring. The figures include work by both the competent tradesman and the incompetent handyman. As a point of interest, also, in the past 12 months Electricity Trust inspectors refused to connect 800 installations in the metropolitan area because they did not comply in some respect with the standards laid down.

The Hon. F. J. Potter: Most of those installations are done by tradesmen.

The Hon. A. F. KNEEBONE: Not necessarily so.

The Hon. H. K. KEMP: I hope the figures given by the Minister will be recorded in detail because I believe it is complete proof that the present system of operation adopted by the Electricity Trust is efficient and extremely effective. There were 261 cases of shock

despite the great number of electrical appliances in every household in this State—

The Hon. A. F. Kneebone: Any one of which could have caused a death.

The Hon. D. H. L. Banfield: It would not have worried the Opposition members!

The Hon. H. K. KEMP: We still have this low death and accident rate, even though 800 cases have been refused. That is an indication that we will be interfering with the work of the Electricity Trust if we go too far.

The Hon. D. H. L. Banfield: Is 261 a low figure?

The Hon. H. K. KEMP: I think it is an extremely low figure.

The Hon. Sir LYELL McEWIN: I agree with the Hon. Mr. Kemp that the figures quoted are remarkable—261 in a population of 1,000,000 who operate electrical appliances such as shavers, vacuum cleaners, floor polishers, mixmasters and so on! There would be about 20,000,000 appliances yet the number of shocks was only 261. When one considers what can happen with worn flex it is a wonder the figures are as low as they are. It shows the complete artificiality of the whole approach to this legislation. One honourable member opposite said that we are not interested in lives. If figures could be produced to show that lives could be saved I believe every member would be interested. No honourable member has the right to say that we are not interested in saving lives. Let us examine this legislation and evaluate it. I have figures for other States showing the incidence of accidents. The figures were published in 1963 and are the latest. Compare the population of New South Wales with 4,180,000 and the population of South Australia with 1,049,000. In one year between 1959 and 1963 the average number of total deaths and accidents was South Australia nine and New South Wales 39. In another year the figures were seven as against 28; in another year six as against 29; another year seven against 34, and in another seven against 40. Where is the argument that legislation helps to avoid accidents? It is just not there, and there is no case to support it. Western Australia has a population of 80,000 compared with our 1,049,000. The figures show that in the first year Western Australia had eight compared with our nine; then it was four against our seven, eight against our six, five against our seven, and then two against seven. If we add all this up, we find there is nothing to support this legislation. Queensland has the most restrictive legislation in Australia on this—at least, that is what I hear in other States. Queensland did not tell me that. Queensland has a population of about 1,600,000 while we have 1,049,000, so they are a little better than three to two. We get the comparison of nine accidents in South Australia with 17 in Queensland, which is nearly double, although Queensland has only a 50 per cent greater population. Then we get seven in South Australia to 10 in Queensland—more in keeping with the respective populations. Then we see six to 12—again double in Queensland compared with South Australia; then seven to 17—two and a half times as many with only a 50 per cent greater population. Then seven to 16, showing that Queensland's legislation produces worse results than South Australia, which has no such legislation.

All during the debate today the Minister has time and again repeated in practically every amendment his argument about safety, harping on safety, but he has not produced a figure to support any contention in that direction. We can have all the legislation in the world, for instance, to cover road accidents, but we do not stop them.

The Hon. F. J. Potter: We can stop them only by completely interfering with the liberty of the subject.

The Hon. Sir LYELL McEWIN: Yes. I am a little tired of listening to this safety argument all the afternoon, because it does not register. The figures are not there to support it. Usually, when someone advances an argument one compares the position here with that in other States. Victoria has sensibly drafted legislation, not this mixture that we have here. If we accept all the amendments, we shall have something equivalent to Victoria's legislation.

The Hon. A. F. Kneebone: Have you Victoria's figures here?

The Hon. Sir LYELL McEWIN: Yes, because they are published. I shall be pleased to give them to the Minister if he has not got them. Victoria has 3,195,000 people—roughly three times our population. In 1963 the figures were nine to 21—about two and a third times as great. This is Victoria, and we are trying to get our legislation somewhere near Victoria's, but with a garbled drafting. If we had accepted Victoria's legislation, we should have got somewhere. Then we have seven to 17 and six to 27—four and a half times as much. Then we see seven to 15; we were a little better that year. The average, taking 42 to 13, is still over three times as great in Victoria. Let us take the next year where it is seven to 22—three times as great. Victoria is the best comparison of any State in the

Commonwealth, and it does not go in for all this nonsense written into this Bill.

The Hon. R. C. DeGaris: It is the easiest State in Australia, apart from South Australia.

The Hon. A. F. Kneebone: The Leader is trying to sell Victoria.

The Hon. Sir LYELL McEWIN: I am not trying to sell Victoria.

The Hon. A. F. Kneebone: You are saying that we should accept this amendment because it is Victoria's.

The Hon. Sir LYELL McEWIN: Surely the Minister will permit me to say on this occasion that, if we are to accept a comparison from another State, we should accept the best and not the worst. That is the only reason why I am prepared to accept Victoria's legislation, because there is nothing in the figures that demands anything in the way of safety. But, even if there were, do not go to the ridiculous extent of controlling and interfering with the people of this State by putting all these restrictions upon them. They have been referred to by so many honourable members already that I do not intend to spend more time on them. I have spent nearly the whole day listening to arguments about safety, and there is not a figure here that indicates it has anything to do with it. I support the amendment.

The Hon. R. C. DeGARIS: I support the Hon. Sir Lyell McEwin on this. It is remarkable that throughout Australia in regard to deaths by electrocution the death rate is in inverse proportion to the depth of control of electricians. It is remarkable but true. The figures reveal that Queensland, which has the highest percentage of deaths per capita of any State in Australia, has the most stringent control of electricians. New South Wales runs second in deaths from electrocution. By comparison, it has the second most stringent control of electricians. Victoria and South Australia run roughly even. Victoria has only minor legislation in this respect compared with New South Wales and Queensland, while South Australia has no such legislation, and South Australia over the years has had the lowest proportion of deaths from electrocution. Sir Lyell has given definite figures. I repeat that the death rate from electrocution is inversely proportional to the amount of Government control and licensing.

The Hon. A. F. Kneebone: I wonder.

The Hon. R. C. DeGARIS: The figures will prove it. Let us look at 1960.

The Hon. A. F. Kneebone: Are you going to give us a comparison of the different Acts in the States?

The Hon. R. C. DeGARIS: Yes. I think the Minister would agree that Queensland had the most stringent control of electricians in Australia. He must agree with that.

The Hon. A. F. Kneebone: No, not necessarily. Why should I agree with that? It is a matter of interpretation.

The Hon. R. C. DeGARIS: Maybe, but the Minister must admit that Queensland goes beyond the plug. Victoria stops at the plug: there is no control once we leave the plug in Victoria. There is control further than the plug in Queensland. I think the Minister would agree with that, yet Queensland with the most stringent control has the highest death rate from electrocution.

The Hon. A. F. Kneebone. What is the difference between the New South Wales and the Queensland legislation?

The Hon. R. C. DeGARIS: The difference there is a difference of interpretation, again, but in New South Wales the control goes beyond the plug. I think the Minister would agree there?

The Hon. F. J. Potter: That is so.

The Hon. R. C. DeGARIS: Victoria and South Australia have the lowest death rates from electrical accidents. I make that statement clearly and can produce figures to show that the more stringent the Government control of electrical workers and contractors the higher the death rate. In the course of this debate, we have heard arguments on safety, but not one figure or statistic has been introduced in this Chamber to warrant this legislation. I am prepared to go along with the Government with licensing up to the plug. I agree with the amendments of the Hon. Mr. Potter that, if we want to license electricians that is all right, for profit or reward. I ask the Committee to support the amendment that control should finish at the plug.

The Committee divided on the amendment:

Ayes (15).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone (teller), and A. J. Shard.

Majority of 11 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER moved:

To strike out the definition of "member".

The Hon. S. C. BEVAN (Minister of Local Government): I rise on a point of order, Mr. Chairman. The Hon. Mr. DeGaris moved some time ago, after you resumed the Chair as President, for the Bill to be recommitted for the purpose of moving the amendment he indicated.

The Hon. F. J. Potter: He did not.

The Hon. Sir Norman Jude: "Clause 2" was the verbiage used by the Hon. Mr. DeGaris.

The CHAIRMAN: I point out that the Bill was recommitted for the further consideration of clause 2, and I would also say that if I went back into the Chair and the Hon. Mr. Potter then asked for a further recommittal I would grant it.

The Hon. S. C. BEVAN: I am not arguing that you would not, Mr. Chairman.

Amendment carried; clause as further amended passed.

The Hon. F. J. POTTER moved:

That the Bill be recommitted for the further consideration of clause 4.

The Council divided on the motion:

Ayes (15).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 11 for the Ayes.

Bill thus recommitted.

Clause 4—"Administration and delegation of authority"—reconsidered.

The Hon. F. J. POTTER: I thought all honourable members would have realized that I was only going to attempt to move some further alterations consistent with the Committee's deletion of clauses 10 and 11. I was extremely surprised that the Minister apparently saw fit to attempt to deprive me of the opportunity of doing this.

The Hon. A. J. Shard: It wasn't from that point of view at all, and you know it wasn't.

The Hon. F. J. POTTER: I can only presume that it was done in a fit of pique. I move:

In subclause (2) to strike out "and the committee".

Amendment carried.

The Hon. F. J. POTTER moved:

In subclause (3) to strike out "or to the committee established under section 10 of this Act".

Amendment carried.

The Hon. F. J. POTTER moved:

In subclause (6) to strike out "or a member of the committee".

Amendment carried; clause as amended passed.

Bill read a third time and passed.

APPRENTICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from February 16. Page 4093.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which I think for the most part is a desirable and necessary addition to the law. However, I am not absolutely convinced that it will increase the number of apprentices taken on in industry. I think that certain matters in the Bill, as it appears before us, will dissuade employers from entering into articles of apprenticeship with people who desire to train.

We are living in an era of great change, but the whole idea of training apprentices under indentures of apprenticeship has been with us since the middle ages. I sometimes wonder for how long this system will be perpetuated. Perhaps some other method may be devised in the near future, although I am not decrying the method that has proved a unique and successful way of training our tradesmen. The method is not unlike the system in my own profession, where people are articled to practitioners, and I was interested to hear the suggestion made recently that young lawyers could learn as much in six months in a concentrated course of school study as they could by being articled to a legal practitioner. Although that may seem difficult to stomach at first glance, perhaps there are alternative methods of training apprentices in trades and people in articles of clerkship.

The normal practice is for apprentices to be apprenticed for five years, although some are indentured for a period as short as three years. Most are required to attend trade school one day a fortnight in the employer's time and two hours a week in their own time. In addition to these items, apprentices are involved in study and travelling time. Some of these matters are dealt with by the Bill, but I do not think they are dealt with satisfactorily, and I propose to move amendments in the Committee stage. A few awards, such as the Graphic Arts Award, require four years' compulsory attendance at a trade school, but many brighter students voluntarily attend a fourth and even a fifth year at the school. The period is still the same: one day a fortnight in the employer's time and two

hours a week in the employee's time. Many instances occur where apprentices work outside the hours fixed. They do it in their own time. I know of an apprentice who is doing about 4½ hours a week in his own time, as well as the four hours in his employer's time, which is a commendable effort. However, that is not unique, because there would be others doing approximately the same amount of work. The system, with the effort being put in by the apprentice and the time spent by the employer in training him, undoubtedly produces good tradesmen, because of the practical experience apprentices obtain from the employers and the theoretical experience they obtain from their course of study.

The system has one big disadvantage to the apprentice because he does not obtain any extra wages for his study. During his apprenticeship he is generally paid the same rates as an improver, and on completion of his apprenticeship he is paid the same rate as a tradesman.

The Hon. D. H. L. Banfield: But the improver receives more than an apprentice.

The Hon. F. J. POTTER: Not in all cases. As a result of his apprenticeship, he gets a tradesman's rate and this is about what the improver is paid, anyway, so all the benefit of his going to trade school is not reflected in higher wages. I think this is one of the greatest disadvantages in the apprentice set-up. I know that practically all awards have some restriction on the number of improvers who can be employed, but this does not affect the wage situation. The tradesman's standard rate carries a margin of $11.20 a week. The living wage is $30.30, which gives altogether $41.50 a week. Compare this with the wage of a builder's labourer of $42.30 a week, or of a driver of a seven-ton truck who receives $41.70 a week. It can be seen how unattractive the apprentice system can be to lads because there is no remuneration to them for doing three to five years tertiary study.

I think this Bill with its improvements in administration, some of which I think are necessary and long overdue, will be more attractive to lads who are considering an apprenticeship, although it probably means that few will be given time off in the non-compulsory fourth and fifth years of their apprenticeship. Nevertheless, the general advantages they can obtain from the better regulation of their conditions of employment should attract more lads. From the employer's point of view, I doubt whether the Bill will do anything to assist them or encourage them to take on apprentice tradesmen. The advantage to the employers as a whole seem to be that the system will produce good tradesmen, but to the individual employer (and he is the one we have to consider) it is not so good because the apprentice works only 36 hours a week, compared with the improver who works the full 40 hours. This Bill makes the position more unattractive still to the employer because the apprentice will be working only 32 hours a week compared with 40 by the improver. I would think this would be one thing that could dissuade employers from taking on additional apprentices. Further, a provision in this Bill requires a country employer to pay travelling and living costs whilst the apprentice is in Adelaide attending a course of instruction. I think this is a further unattractive feature from the employer's point of view, and it is interesting to note that in Victoria, at least (and I have not looked at other States), the cost is borne by the Government from a fund appropriated annually by Parliament. It seems to me it is a matter that could be given serious consideration by this or any Government. The overall cost would not be great. It would be in line with the policy of the previous Government and the present Government of subsidizing country schoolchildren for education and for living expenses where they have to go to the city to obtain a tertiary course of education, or education to matriculation level.

Having said that about the general background of the Bill and as I have said I support it, I would like to say something about some of its provisions. I consider that they call for critical comment and, indeed, will be the subject matter of certain amendments that I have drawn. I will not deal with all of the amendments because I think they can be more effectively dealt with in Committee. Some are only drafting amendments. However, I would like to touch on one or two important points. The first deals with the appointment of an Apprentices Commission to consist of a chairman and five members appointed by the Government.

The PRESIDENT: I point out that the honourable member may make references to the proposed amendments but he may not discuss them.

The Hon. F. J. POTTER: I realize that, and I am not endeavouring to discuss them. As I have said, some are only drafting amendments. It seems to me that this new commission is acceptable as it stands, but I do not see the necessity for the chairman to be appointed from outside the provisions of the Public Service Act, and, in effect, for the

position to be an appointment completely in the hands of the Government. No qualifications of any kind have been laid down. It seems that here the Government is creating only a plum of an office to be handed out to a man who would come from a trade union background. The proper thing in these circumstances is that the chairman of this commission should be appointed under the provisions of the Public Service Act, where the Public Service Commissioner would call for applications and appoint the person who in his opinion was best qualified and had the best knowledge of the apprenticeship trades. It would have this advantage, too, that the Public Service Commissioner would have jurisdiction to determine whether or not the position would be a full-time or part-time one.

At the moment the existing board functions in a part-time capacity and is managed successfully under the jurisdiction of the Department of Industry. It seems that there is no justification for separation altogether from the Public Service. This is pre-eminently a position where the Public Service Commissioner should be the appointing authority.

The Hon. R. A. Geddes: Do you think that some of the other members should have an apprenticeship background?

The Hon. F. J. POTTER: One member is to be nominated by the Minister of Education, two by the United Trades and Labor Council, one by the South Australian Chamber of Manufactures, and the other one by the South Australian Employers Federation. These people will have sufficient background, but the key person is the chairman. He is the man who will have a full-time job, according to the Bill. I do not say that the position should not be full-time; I am saying that I doubt whether there is sufficient work for it to be a full-time position, and that gives me still more encouragement to say that it is something that should be under the provisions of the Public Service Act.

There is another aspect. I believe that in clause 6, where we allow the Governor to act by proclamation in respect of any trade, the provision that the employer shall not employ a minor in that trade except under an indenture of apprenticeship is completely unwarranted in this Bill and a complete usurpation of the powers of our Industrial Court. It should find no place in this legislation.

I come now to the important question of the hours during which the apprentice shall attend a class of instruction, particularly at school. As I see it, at present the apprentice works one day a fortnight in the employer's time, and two hours a week in his own time. This Bill contemplates a complete doubling of the employer's time, in that it requires that during the first three years of his apprenticeship he shall attend during working hours at a technical school or class of instruction for eight hours in every week—a complete doubling of the time that the employer must pay for. This provision goes too far: it will react against the employment of apprentices. I propose as a compromise that he shall work for 16 hours in every three-weekly period. This, I think, will be a compromise between the existing set-up and the rather extreme provisions of this Bill.

There is, too, the problem that I mentioned a moment ago of the person who has to attend away from his place of residence or work. He must attend during working hours, and there is a provision that the employer must reimburse the apprentice for the cost of accommodation. This, too, is an objectionable provision. In Victoria the Government pays for it. I doubt very much whether it is a desirable provision anyway for young lads to have freely available to them money for this purpose and be let loose to their own devices while they are away from home. However, that is another aspect of the matter. Generally, I think that the rest of the amendments I have mentioned and have circulated to honourable members are best dealt with in Committee. I support the Bill. It is necessary because the existing Act has not worked as well as it might have. I am opposed to the proposition that there shall be a political plum for someone as chairman of the commission. In due course, when we get to the Committee stage, I shall explain my amendments in more detail.

The Hon. C. D. ROWE (Midland): I support this measure. I shall speak only briefly because, after the excellent coverage given to the main points of the Bill by the Hon. Mr. Potter, it would be redundant for me to go over the whole ground again. The question of the whole apprenticeship system has been under consideration for many years. Committees have been set up, reports have been obtained and it has been generally agreed, both during the time of the previous Government and certainly during the time of the present Government, that it is a matter requiring attention. This Government has carefully looked at it and brought down this Bill. My regret is that it was not brought down earlier in the session.

Perhaps it is asking much for this place to consider this Bill in a matter of two days, as it is an important measure. Ever since I have been a member of this Council, either in or out of Government, towards the end of the session somebody gets up and makes a speech saying that the Government of the day should not bring down important legislation at the end of the session. I am sorry that the Bill was not brought to us a little earlier, when we could perhaps have had more time to consider it in detail.

The Hon. A. F. Kneebone: We have had it for over a week.

The Hon. C. D. ROWE: I agree with that but the sitting time is now limited to two days. I mention in particular one or two matters. The first is that it is wise that the new apprenticeship commission to be established shall have power to take more positive action where the employers are concerned. I think there has been some laxity that has worked adversely to the interests of some apprentices. It is important that the employer provide the apprentice with adequate training and proper facilities, but in certain instances, particularly in the country, these have not been provided. Sometimes the apprentice has been required to do odd jobs and has not been able to get on with his training.

I notice that action has been taken by the Government to take the administration of this legislation from the Minister of Education and give it to the Minister of Labour and Industry, and I think that, irrespective of the personalities involved, this is a wise move. The Hon. Mr. Potter has dealt with the new commission, which is to consist of a full-time chairman and five part-time members. Apart from the chairman, there will be two persons nominated by the United Trades and Labor Council, two by employer organizations and one by the Minister of Education. This means that the Government will appoint the chairman and one representative, and I think these appointments will be of people of proper standing who will give the commission the status it is entitled to have. The Apprentices Board has had power to make recommendations but it has had no power to implement them. The new commission will have power to determine rather than recommend. I take it that it will have that power because it will have a more extensive membership than the present board has, and I do not think that can be objected to.

Power is to be granted for the trade union, of which the apprentice is a member, to take up on behalf of the apprentice any matters it considers necessary to take up. Frequently, neither an apprentice nor his parents are familiar with the requirements of the apprenticeship, and even if they are familiar with them they are sometimes nervous about raising matters with the employer, so it is reasonable that the trade union should have power to intervene on behalf of the apprentice to see that his rights are protected. Apprentices are sometimes inexperienced, and certainly sometimes an apprentice's father and mother are not fully qualified to assist. Consequently, he will need someone to hold his hand, but I am not satisfied that that should be a union representative. I can remember that neither my father nor my mother were experienced in matters relating to the law, and that when I decided to follow the law it was left to me to make the necessary inquiries regarding matriculation requirements, being articled, and other matters connected with the profession. Looking back, I realize that if I had had enough commonsense and initiative to ask the right people the right questions at the right time I could have saved myself much expense and worry, and perhaps have had a better training. Therefore, I think we should see that these people have the protection they need, but I think there is a danger in appointing a representative of a trade union, who has other interests and masters to serve. This may not be a wise provision.

The Hon. Mr. Potter dealt with the time spent in training in both the employer's and the employee's time. I do not agree with the statement made in the second reading explanation that it is asking too much of an apprentice to give some of his own time for the purpose of his training and advancement in his occupation. In these days, when we work only 40 hours a week, there are still many hours of the week that have to be filled in. I spent many hours during my training (and I still do) outside the 40 hours doing work in my own interests, and I do not think it is too much to ask an apprentice to serve voluntarily in his own time. There is a moral angle in this: if a fellow is making some sacrifice and giving some of his time towards improving his own status he considers he is doing something worthwhile and is therefore likely to undertake it with more enthusiasm and application than if he is serving in what is colloquially referred to as the boss's time. Leaving aside the cost to the employer (which is not inconsiderable), I think in the interests of the efficiency and overall development of the apprentice he should make some sacrifice to train himself efficiently for his life's work. I realize, as the Minister

said in his second reading explanation, the position in other States.

In New South Wales all the training is done in working hours. In Victoria, generally, all the training is in working hours, although in some trades after the second year some evening tuition is given. In Queensland there is full-time training, but mechanical difficulties have caused this not to be fully implemented. In Western Australia all training is in working hours; in Tasmania it is partly in the employer's time and partly in the evening:; and in the Australian Capital Territory it is all in working hours. If we retained part-time training in the employee's time we would be out on a limb in relation to other States. Notwithstanding that, however, I think there is very good reason why the employee should give up some of his time, and I commend apprentices to the point of view that, even if this Bill becomes law and they are not required to give any of their time towards training, they would be well advised in the interests of their own qualifications and future possibilities to use some of the surplus time to take courses at the Institute of Technology, or elsewhere, so as to improve themselves beyond what may be required by their indentures. Whatever else may be taken away from us, education and knowledge cannot be taken away. I have never gained any knowledge that I have not found useful at some time. The wider the scope of knowledge, the more a person knows. That is particularly so in the apprenticeship trades, where the demand on apprentices is heavy, and I think they are to be encouraged to widen their knowledge as far as possible.

I wish to refer to the apprentices who are required to take correspondence courses because they live in country areas and are not able to attend a trade school. The Bill provides that they are to be granted four hours time off in each week to permit them to carry out the practical or theoretical work of the correspondence course they are studying. I am a little worried about that provision. I know a number of industries in country areas where apprentices are employed and I do not know of any place that would be suitable for use by apprentices as a place to sit down and do the correspondence work required of them.

In most instances, the only suitable places would be the manager's office or the accountant's office, but they are mostly cluttered up with books and records and, in any event, there is continual disturbance because people are coming and going. In these cases, it would be better for the apprentices to do the work in their homes.

The Hon. S. C. Bevan: I was going to mention sending them home.

The Hon. C. D. ROWE: It may be that the apprentice needs to be sent home for four hours, although I do not suppose apprentices are any different now from when I was young and I think that, in a certain town, the four hours off would be taken at the same time as the football practice and the work would be done at other times. However, I doubt the wisdom of that clause and perhaps we should provide for the apprentices to do the work in the best circumstances.

In addition to the provisions requiring the approval of the employer, the Apprenticeship Commission will now have the right to take some interest in the work that the apprentice does and see that he performs his part of the contract satisfactorily. I think that is a desirable provision and hope that it works out successfully. Clause 18, which amends section 27 of the principal Act, provides that every indenture of apprenticeship and every transfer of indenture is to be signed within 28 days of the commencement or of the transfer. There is no such provision at present, and the position is being corrected. The clause also requires that a copy of every indenture is to be lodged with the Chairman of the Commission, instead of with the Chief Inspector of Factories, and that is only procedural to bring us up with the new situation.

However, the clause also provides that the Chairman shall advise the secretaries of the United Trades and Labor Council of South Australia, the South Australian Chamber of Manufactures Incorporated and the South Australian Employers' Federation of the names of new apprentices and the employers to whom they are indentured. I think that that provision involves unnecessary paper work and that it will not achieve any good purpose. The United Trades and Labor Council will nominate two members of the committee and the employers will nominate two members. In view of that, I cannot see the necessity to give the names of all new apprentices to these organizations.

It appears that there has been an increase in the number of apprentices in the last year. The Minister said in his second reading explanation:

Although the number of young people who have commenced indentures of apprenticeship in recent years has increased quite remarkably (the intake for the year ended June 30, 1965, was 17 per cent in excess of that for two years

previously) the great shortage of tradesmen still continues.

The fact that there was an increase of 17 per cent is extremely gratifying to me and I hope that the percentage will increase in future. It is easy for young people to get a job at present and they do not realize the necessity of training as tradesmen.

The Hon. S. C. Bevan: We had the other adverse effect, too, that employers would not employ apprentices.

The Hon. C. D. ROWE: That is another matter, but irrespective of that, it is a pity that more people who have the opportunity and ability are not using their brains and intelligence to the maximum and are not seizing the opportunities that can be easily grasped today. I hope that this Bill and the establishment of the new commission will encourage more young people to make the sacrifice and qualify as efficient tradesmen, because that will not only help themselves; it will also help the economic development of the State. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Progress reported; Committee to sit again.

SOUTH-WESTERN SUBURBS (SUPPLEMENTARY) DRAINAGE BILL.

Adjourned debate on second reading.

(Continued from February 17. Page 4155.)

The Hon. Sir NORMAN JUDE (Southern): This is a supplementary Bill for additional work to alleviate the problem regarding drainage in our south-western suburbs. All honourable members are aware that during the past four or five years much work has been done in connection with this problem but, unfortunately, we have reached a difficult bottleneck in regard to the main drain in this area, which is the Sturt Creek. I cannot help registering my disappointment at this stage that it is taking so long to make a decision regarding the technical requirements for the deepening of Sturt Creek to take off the additional waters that are being loaded into the main Sturt Creek by virtue of the additional drainage done under the general plan of the south-western suburbs drainage scheme.

I say quite fairly that the Government is to be congratulated on seeing far enough ahead to develop additional schemes that will not add any additional load to the Sturt Creek but rather will permit egress of waters to the south-western and Brighton area direct to the sea. That is better than letting them find their way, as they do at the moment, to the general area of the Sturt basin. This matter is urgent, and I am glad that the Government is seized with its urgency.

I have no hesitation in supporting the Bill. I have noted the financial provisions, which have been similar to the provisions in the main Bill, and I still say that the Government of the day and the Government of the previous day were very generous in their support to the extent of offering 50 per cent of the money required. After all, it is a large amount, and the amount involved, even in the supplementary Bill, is about $420,000. I sincerely hope it will be spent within the next 18 months, because it is a large sum that must be spent in a comparatively small area.

I warn the Government about the borrowings and grants that have to be made. In the Woodville district, for example, where the drainage scheme has already been approved and is going ahead, the Government has to find money for that scheme and it has, I understand, allocated money for it. I could have asked the question, "Where is the Government finding the money for this supplementary scheme?" but I have been informed by the Minister concerned that it will be made partially available from money that cannot be spent at the moment on the delayed work on the Sturt Creek. That will be a help as long as the Government goes on distributing funds where they are most needed, but I still sound a note of warning that we have not reached halfway in the metropolitan drainage scheme now that our hills are being covered with roof tops and water catchment areas which in heavy rain produce flooding very quickly. Any Government must watch the extent to which it can finance the drainage of new areas because it will be only a few years before there will have to be large projects referred to the Public Works Committee. That committee will have to approve such works, and it will be a matter of examining the details of the drainage from such areas as Magill Heights and down through St. Peters. They will all need considerable sums of money; they are further from the sea than most of our other metropolitan drainage schemes and they may need more money per mile than will be needed for present schemes that are comparatively close to the sea, although they do not have the same fall.

The Hon. C. M. Hill: Which Assembly district does this scheme come into?

The Hon. Sir NORMAN JUDE: It is in the area of the member for Glenelg. It would appear from the remarks of the honourable member that the member for Glenelg has impressed upon the Government the necessity to look after his district interests. Whilst it is in the general public interest I raise no objection, but I warn the Government that it must watch the interests of other districts, too. I do not consider it necessary to delay the Council further on this matter but simply say that I support the Bill.

The Hon. C. M. HILL (Central No. 2): Not only does this scheme come within the Assembly District of Glenelg but also within Central District No. 2. Therefore, I am pleased to see that the project is being undertaken. I have had personal experience with problems in this locality in time of floods and it is heartening to see that something will be done, and I hope done quickly, in regard to the serious problems of this area. Therefore I support the Bill, which brings into being a co-operative effort by the State Government and local government bodies, and this is pleasing to me.

I have strong views that as time passes and public works become greater and greater in cost, as they undoubtedly will, the need for the co-operation of State and local government in expenditure of this kind will grow. I notice that clause 12 (2) states:

After completion of the work the maintenance and repairs shall become the responsibility of the councils involved.

I am not critical of the existing plan, and I particularly mention the high regard I have for the two town clerks in the localities, namely, Mr. Chaston and Mr. McClure, both of whom have been consulted in this matter. However, I have had some experience in regard to the particular problem of flooding. I well remember some two winters ago when the slopes above Seacombe Road were flooded with an unexpected and heavy downpour, and the rain came down from the foothills in that area. The floodwaters were not halted by Seacombe Road but jumped that road and did extensive damage in the suburbs to the north of it.

I think the reason that it caught everyone unawares was that the catchment from the roofs of new houses was far greater in volume than was expected. At a time when roads were not made in that area, and few houses had been built, the catchment from the roofs soaked away into adjacent land. However, with the making of roads, kerbs and gutters and the building of many new houses this provided a huge flood potential. Much development has taken place in the southern foothills and the extent of future floods may be far greater than some people anticipate.

I return to the point that I made that on the completion of this project the Government hands over maintenance and repairs to the councils and I hope that, if the day arrives when more capital expenditure is required as a result of future flooding, the Government will be sympathetic if local government in the areas concerned approaches it. I hope that the current work will proceed quickly before this winter so that the people in this part of Central District No. 2 will not be affected by flooding as was the case at the time I mentioned. I support the Bill.

The Hon. S. C. BEVAN (Minister of Local Government): As has been pointed out, this is an important Bill and one of urgency. I think the honourable member who has just resumed his seat has stressed that urgency and I assure him that there will be no delay as far as the construction of drains is concerned. The Hon. Sir Norman Jude made reference to Sturt Creek and its ability to cope with floodwaters. I point out that the drain we are discussing is one that will not run into the Sturt Creek but go direct to the sea. Experimental work has already been performed on the outlet to make sure that, on its construction, it will carry any anticipated flash flood in that area. As a matter of fact, it is being constructed to carry more than some people imagine it will need to carry. This matter is being investigated by the engineering and science branch of the university.

Last Friday I visited the university and inspected the model of the outlet of this drain, to make sure that all this preliminary work is done so that there shall be no scouring of the beach, as sometimes occurs when a drain is not correctly constructed. The little scouring that may take place will immediately be wiped out by the next high tide. This matter is urgent. Sir Norman has sounded a note of warning to the Government about expenditure. I am well aware of the amount of money required. I anticipate it will cost the Government at least $7,000,000 before we are finished with the Sturt Creek. That matter is at present being investigated by the Public Works Committee.

The Hon. C. D. Rowe: That is future expenditure?

The Hon. S. C. BEVAN: Yes, to take away from these other areas the floodwaters that will be going into the Sturt Creek. This drain will not be going there: it will be going through

Marion and down to the beach. It is necessary that this drain shall be commenced as soon as possible so that, if the forthcoming winter proves to be wet, the drain will be ready to take away the floodwaters. At present the water runs down the hill and Seacombe Road is flooded, because there is no drain to take away the water. This scheme will eliminate that. I appreciate the attention given by honourable members to the Bill.

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

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from February 17. Page 4156.)

The Hon. C. M. HILL (Central No. 2): I support this Bill, though not with much enthusiasm. It has been introduced to conform to the Commonwealth Act and bring uniformity between the States. The best that can be said of it is that it is a measure to protect the public, which is not unprotected now; but nevertheless this Bill ensures that they obtain the right weights and measures.

I see little point in stressing uniformity. This principle has been worshipped too much by the present Government, to the extent that our costs in South Australia are now almost uniform with those of the large States, much to the detriment of South Australia and its industrial progress.

The peculiar special power given to the Minister in clause 12 (6) is a point to which I should draw the attention of honourable members. Recently, I was prepared to allow the Minister to act as an arbitrator, but here we see that he may, if he feels a machine will facilitate fraud, give notice that it must be changed or used in a different manner.

The Hon. C. R. Story: We have not got too many vending machines.

The Hon. C. M. HILL: I do not think it applies to vending machines. The Minister is not a technician; he will have to rely on reports from his inspectors. There is a penalty involved of $200 for an offence. I do not mistrust the Minister in any way but it appears to me that this is not good legislation unless more specific reasons under this subclause are defined.

Also, it seems that a machine could conform to Commonwealth and State standards and still be suspect, so where is the uniformity there? I hope that inspectors will not increase in number as a result of this measure. Law-abiding citizens are worried by the possibility of investigations. It can be said that if one has nothing to fear one need not worry about investigations. That is the attitude of the theorists, of course, but also it is the attitude of the Labor Party. The truth is that in our way of life in our society to which we have become accustomed no-one likes being investigated, and the fewer the number of investigations the better.

I trust that my fears will prove unfounded, that the relationships established and existing among business people and Government inspectors on weights and measures and similar matters will continue on the satisfactory plane which I believe now exists. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

Clause 13—"Repeal of section 28 of principal Act."

The Hon. C. R. STORY: In the second reading debate the Hon. Mr. Hill raised a point on clause 12.

The ACTING CHAIRMAN (Sir Arthur Rymill): I have already called this clause, so the honourable member will have to have the Bill recommitted. For the honourable member's guidance, this can be done after the title has been put.

Clause passed.

Clauses 14 to 21 passed.

Clause 22—"Repeal of Third Schedule and enactment of Fourth Schedule to principal Act."

The Hon. C. R. STORY: Would I be in order in raising the matter I mentioned earlier?

The ACTING CHAIRMAN: I think the honourable member would be a little premature. I think this is capable of being raised after the title has been passed, assuming that it is passed.

Clause passed.

Title passed.

The Hon. C. R. STORY: I rise on a point of order, Mr. Acting Chairman. May I ask under which Standing Order I am permitted to raise this matter while we are still in Committee?

The ACTING CHAIRMAN: I am not here to quote Standing Orders; I am here to give rulings. I have ruled that the honourable member is in order to reconsider, not recommit, the clause.

The Hon. C. R. STORY: Would I be correct in assuming that if you resumed the Chair as President I would be in order in moving to have the Bill recommitted?

The ACTING CHAIRMAN: The honourable member would be correct.

Bill reported without amendment.

The Hon. S. C. BEVAN moved:

That the report be adopted.

The Hon. C. R. STORY: Would I be in order in asking that the Bill be recommitted for the reconsideration of clause 12 (6)?

The ACTING PRESIDENT (Sir Arthur Rymill): I have already ruled that the honourable member would be in order in moving that, but he had a simpler procedure at his disposal had he cared to take advantage of it. Nevertheless, if the honourable member wishes to move that the Bill be recommitted, he is in order in doing so.

Bill recommitted.

Clause 12—"Stamping and verification of weights, etc."—reconsidered.

The Hon. C. R. STORY: I listened with some interest to what the Hon. Mr. Hill said about subclause (6), which to me is a little confusing. It provides:

Notwithstanding that any such approval has been given, the Minister may, if he has reasonable grounds for believing that the use of a weight, measure, weighing instrument or measuring instrument for trade might facilitate fraud, by notice in writing served by registered post upon the person using it for trade or having it in his possession for trade, specify the period, the purposes and the circumstances for or in which the weight, measure, weighing instrument or measuring instrument may be used for trade.

Subclause (7) provides:

Any person who contravenes or fails to comply with any specification in any such notice which is applicable to him shall be guilty of an offence and liable to a penalty not exceeding Two hundred dollars.

I think this legislation conforms to a Commonwealth Act, but I would like the Minister to explain how subclause (6) will affect us. The Hon. Mr. Hill had some doubts about the matter, and I have read reports showing that other people also have some doubts.

The Hon. S. C. BEVAN (Minister of Local Government): This clause was placed in the Bill in the first instance to prevent the perpetration of fraud and to prevent exploitation in relation to a measuring device. There have been instances of this in the past. The honourable member has asked for a full explanation and I am in the happy position of being able to give it. Clause 12 of the Bill proposes to insert new subsections (5), (6) and (7) in section 26 of the principal Act.

New subsection (5) is taken from the model State Bill now enacted by almost every other State. New subsection (6), though not contained in the model State Bill, is similar to subsection (7) of section 8 of the Tasmanian Weights and Measures Act. The new subsection proposes to give the Minister power to restrict the use of an instrument approved under subsection (5) if in the opinion of the Minister such an instrument in use for certain purposes might facilitate fraud, and enables him to lay down the conditions upon which the instrument may be used for trade. It is not envisaged that the power given to the Minister by new subsection (6) would be used very often, but occasion will arise where it is necessary to do so. Examples are:

1. When an instrument is submitted to the Commonwealth for approval the National Standards Commission may or may not place restrictions on the use of the instrument. It is an impossibility for the commission to envisage every use for which a trader who buys an instrument may wish to use that instrument. Instruments can be quite suitable for one purpose or several purposes but could be used fraudulently for other purposes. It is essential that the State have power to restrict improper practices in weights and measures. Indeed, section 4 of the Commonwealth Act specifically provides for this, the relevant part of the section being:

4. (2) This Act and the regulations do not apply to the exclusion of any law of a State or Territory except in so far as that law is inconsistent with an express provision of the Act or of the regulation.

(3) Without limiting the generality of the last preceding subsection, this Act and the regulations shall not be taken to apply to the exclusion of any law of a State or Territory—

(*a*) relating to improper practices in connection with weights and measures;

2. A weighing instrument for general use on a retail counter must have its balancing mechanism such that it can be altered only by mechanical means, *i.e.*, a screwdriver or spanner. If the balance of such a machine could be altered by fingers, then it would be such that might facilitate fraud if it is in general use. However, such instruments are used in packing houses for the quick taring of the containers before filling. The use of such an instrument for this purpose is quite satisfactory because the packages are subject to check weighing by an inspector at any time after filling until final sale. The packer is liable to prosecution for short weight.

Similarly, a flow meter used for retail sales of petrol must have its indicating mechanism interlocked so that the indicators must be at zero before a delivery commences. But flow meters used for wholesale purposes have no

such interlocking mechanism, although the actual flow meters may be the same as in the machine used in retail trade. It is desirable that, in the case of a machine used in wholesale trade, it should be possible to impose appropriate restrictions. I know that that fully explains subclause (6) of clause 12.

The Hon. C. R. STORY: The Minister has given an interesting explanation and I am sure that it is complete but if anybody here, including my legally trained friends, understands it, I will be most surprised. This is what we have been complaining about from time to time, where bureaucracy and regulation take over government. It is a typical example of what is happening in this country today with the Commonwealth Government (and I am afraid it may happen in the State Government), that we do not understand what is happening to us by legislation.

The explanation of this simple subclause covered a page and a half and that explanation was given to people who are supposed to be a little above the ordinary in intelligence, because they are members of Parliament. This is going to react with the general public, who will have to make the provision work, and it is a typical example of what we get when we deal with Commonwealth legislation that endeavours to clean up and make us conform. I am not impressed with that, although I am impressed by the Minister's reading of what he has been given.

The Hon. F. J. Potter: Are you any wiser?

The Hon. C. R. STORY: I am sure that the Commonwealth members who may have asked the same question were not impressed by their Minister's reply, but I defy anybody here to explain what the Minister has stated. There was not one word of explanation or illustration. All we can assume is that the thing is crook, because we cannot understand it. We complain from time to time that we do not like uniformity because we are simple country people in South Australia, and this is an excellent illustration of what we may get when we accept Commonwealth legislation and throw slabs of it into our legislation. I am not impressed by legislation that tries to get conformity over the whole Commonwealth.

The Hon. R. A. GEDDES: I am a little worried about the explanation, unless I did not get it properly. The Minister said that scales that could be balanced or adjusted by hand and were in fairly constant use would not be readily acceptable. Platform scales, on which the only adjustment is by a little nut or knob on the end that can be adjusted with the fingers, are in constant use in numerous places in the country, in the stores that sell flour or sugar and in the hardware stores that sell nuts and bolts by weight. Did I interpret the Minister's explanation correctly that this type of scale would not be acceptable or that the owner of it could be liable to be fined $200?

The Hon. S. C. BEVAN: No, that is not the explanation at all. I thought I made that clear. There is no scale "out" under this provision at the moment. All this does is give power to the Minister where a fraud can be perpetrated as far as the scales are concerned or where the general public can be taken down because the trader is not honest. In the first instance, the Minister is compelled under this clause to give notice in writing by registered post to the owner of the scales that those scales will be investigated because it has been considered that their operation is not in the best interests of either the trader or his customers. As to the illustrations given by the honourable member with relation to platform scales, there is nothing in the explanation which says that these scales are immediately taboo because they do not come within the Commonwealth uniform legislation. All the clause does is to give the power to the Minister, under certain circumstances, to have the scales investigated and made taboo if they do not conform to the proper standard.

The Hon. C. R. Story: Then why don't they say it in those words?

The Hon. S. C. BEVAN: I thought I gave the explanation quite properly as to the effect of the clause. I am only here to present that explanation to the honourable member and I cannot help him if he cannot comprehend what is in the Bill. I quoted two examples, and one of them dealt with the wholesaler or trader in connection with the weighing of packages. The machine weighed the empty package so that the trader would know of any variation in the packing and whether the contents did not conform with the proper weight. Such a machine would be totally inadequate in retail trade and would lead immediately to the perpetration of a fraud. If the Minister did not have the necessary power, what would happen? Every customer who entered the store concerned would be taken down, and this has been done. All the clause does is give the necessary power to the Minister.

The Hon. C. R. STORY: I am not satisfied, because a person could have the most intricate system of scales and, with the surreptitious use of a finger-nail, all kinds of things could be done. The Minister has said that some

obsolete types of scales may lead to fraud. It would not matter if a person had electronic scales—they would still be open to fraud. This clause does not give protection. After all, other laws deal with the case of goods sold that are underweight and the penalties in such cases are severe. The explanation does not help at all because the mere fact that the scales can be interfered with does not mean that they will be interfered with. This clause appears to be the work of a theorist who has not had to sell goods to the public. The public is discriminating, and a housewife checks the weight of goods purchased; if she has been defrauded she would certainly let it be known. She has her redress under the Weights and Measures Act, which is effective as far as the law is concerned.

The Hon. C. M. HILL: I am intrigued by the interjection of the Hon. Mr. Story, and I have great respect for the manner in which he, with his experience, can examine these clauses. I would like my mind cleared with regard to poker machines. Could the Minister give his unqualified assurance in relation to these three questions: first, should any matter in relation to poker machines be discussed in regard to this clause; secondly, does the Government expect any attempt to introduce poker machines in this State; and thirdly, has the Government considered any means to permit their entry into this State?

The Hon. S. C. BEVAN: Dealing with the last question first, the answer is "no". Dealing with the other two questions, poker machines are illegal in this State, and therefore cannot operate here and I would not have anything to do with them.

Clause passed.

Bill read a third time and passed.

ADJOURNMENT.

At 11.6 p.m. the Council adjourned until Wednesday, March 2, at 2.15 p.m.