LEGISLATIVE COUNCIL

Wednesday, March 2, 1966.

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

QUESTIONS

SURPLUS WINE GRAPES.

The Hon. C. R. STORY: It has been reported to me that the Premier has made a statement to the effect that the Government will not be prepared to make any money available for the taking of surplus grapes this year. In view of the fact that I have read in the press that there is likely to be some resistance on the part of the winemakers to the taking of grapes, can the Chief Secretary say whether I am correctly informed that funds will not be made available by the Government for this purpose this season?

The Hon. A. J. SHARD: The only information that I can offer is that I have heard suggestions along these lines. However, the question has not been discussed in Cabinet and no Cabinet decision has been made.

LIQUOR LAWS.

The Hon. F. J. POTTER: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. F. J. POTTER: A juvenile court magistrate has recently drawn attention in his report to the major part that the use of motor vehicles by teenagers plays in delinquency and crime. Recently I was approached by some constituents, one of whom had made a personal investigation into this matter. It concerns, and is often associated with, the use of motor vehicles by teenagers, and in itself is serious. I refer to the fact that liquor is being freely sold at drive-in liquor stores of hotels and in hotel lounges, but little attempt is made to police the law that persons under the age of 21 years may not be sold liquor. In the personal investigation conducted by the constituent the attention of a barman in a suburban hotel was drawn to a group of obvious teenagers who had just left the bar. The constituent spoke to the barman and asked what the teenagers had been drinking and he was told that they had been drinking double gin squashes. When it was pointed out to the barman that the persons were obviously under 21 years of age the barman merely shrugged his shoulders and said, "Really. I thought they were over 21". The barman obviously had no reason for making that statement.

It has been pointed out to me that a well-known magistrate has privately expressed his alarm at the extent of the problem existing in this State. Can the Chief Secretary say what steps are being taken to police the laws regarding the supply of liquor to teenagers and what further can be done to tighten up the administration of these laws?

The Hon. A. J. SHARD: This is the first time that my attention has been drawn specifically to this question. I understand (I think I am right in this) that the policing of hotel licensing is under the Police Department, while it may be agreed that the Licensing Act comes under the Attorney-General. What has been done and what further can be done is not for me to say, but I assure the honourable member that I will discuss the matter with my colleague the Attorney-General, refer it to the Commissioner of Police, and let the honourable member have a reply in writing as soon as it is available.

NORTHERN HOSPITAL.

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

Leave granted.

The Hon. M. B. DAWKINS: Over 12 months ago the present Government, when in Opposition, announced that if returned to power it would construct a very large new hospital at Tea Tree Gully to replace the plans which were in an advanced stage at that time; in fact, I think the foundations were either down or about to be put down for a hospital of moderate size to serve the present needs of that part of the expanding city. Can the Chief Secretary say whether the Government is yet able to give details of the site of this new hospital and when the construction of the large 500-bed hospital as a whole will commence; and, if that information is not available, can the Government indicate what portion of the hospital will be proceeded with and how many beds it will contain?

The Hon. A. J. SHARD: I have answered this question on numerous occasions, but I do not mind answering it again. Some people may like to make political capital out of it. We had difficulty in acquiring the site that was selected. We failed in our negotiations for that site and steps were taken to acquire another one. Under the new legislation I hope to be able to say within a month where the exact site will be. Planning will then be commenced for an overall hospital of 400 to 500 beds, although it will not all be built at once.

However, the equipment section, the essential part of it, will be built to such an extent as to be readily able to be developed into a 400- or 500-bed hospital. I hope that the plans will be allowed to go to the Public Works Committee as soon as possible and that if not occupied by the end of the present term of this Government, at least the building will be sufficiently advanced to prove that we were sincere when we said that we would build a hospital at Modbury.

The Hon. L. R. HART: My question follows the Chief Secretary's reply to the question asked by the Hon. Mr. Dawkins about the building of a hospital at Tea Tree Gully. The Chief Secretary stated there was some difficulty in acquiring land for this purpose. Can he say whether the land in question is privately held, or is held or controlled by another Government department or by a public utility?

The Hon. A. J. SHARD: I never said we are having trouble. We have got over our troubles, but we did have some when negotiating for land privately held. Had it been held by another Government department the plans would have been much further advanced.

ROAD SURFACE WORK.

The Hon. Sir ARTHUR RYMILL: I ask leave to makes a statement prior to asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL: I have often referred to work on the South Road, but this question does not relate to the Hackham crossing! I have noticed what appears to be an interesting experiment taking place recently. Until now, it has been my observation that the surface soil is carted away, at great expense, and no doubt used for various things; but it is obviously an expensive process. I have noticed just south of Morphett Vale what seems to be an interesting experiment taking place with the surface soil, whereby there seems to be some attempt to consolidate it, so to speak, by the use of a white substance, which may be lime, gypsum or something of that nature. I believe also there are other interesting experiments going on in the Highways Department. I think the Minister of Roads would know about them. It would be of great interest to all members of this Council, particularly as it could, if successful, result in great savings, if we had some details. Can the Minister tell us something about the matter?

The Hon. S. C. BEVAN: The Hon. Sir Arthur has used the word "experiment" in relation to the work on the portion of South Road to which he has referred, and perhaps we could say that it is an experiment. The substance being used is dehydrated lime, which is used for the purpose of consolidating the base preparatory to the building of the road itself. Perhaps this process is new in South Australia, but it has been used extensively in America for a considerable period in the consolidation of new highways and freeways and has proved very successful. Dehydrated lime is mixed with the subsoil itself, as a consolidating base.

Previously, the Highways Department has adopted the consolidating process of mixing cement on the base. The lime is less expensive and it is claimed that it is more effective, hence the presence of the white substance that the Hon. Sir Arthur has mentioned.

I do not really know at present what the honourable member refers to as other interesting experiments that are going on. If he means the use of the machine that is in operation in the city at present, I can say that it is the only such machine in South Australia and is used to melt the existing bitumen to enable another spray of bitumen to be placed on the road in one operation. This process is experimental. As I understand, its use so far for resurfacing has been satisfactory.

Unless the whole top surface is taken off a road, it is difficult, especially in summer, when the bituminous surface has a tendency to become tacky and to lift in waves, to get the surface off. This machine melts the existing bitumen. Scouring then follows and then the hot mix of bitumen is spread and it immediately bonds to the existing surface. The road is then top dressed and finished. Again, this method is claimed to be highly successful in other parts of the world and we are using it here to see what the result will be.

ROAD SIGNS.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. A. GEDDES: On the Main North Road, just south of Elizabeth, a new "Children" sign has been erected. This sign is coloured red, which to my understanding is contrary to the accepted colouring of black on yellow for road signs. Can the Minister of Roads say what is the reason for the different colouring?

The Hon. S. C. BEVAN: I do not know the location of the sign to which the honourable member refers. However, I shall get a report from the department in relation to the sign

and any reason for the departure from the existing colour of signs. I shall let the honourable member have the report. This will have to be done outside the precincts of the Council, unless the honourable member desires to wait until the next session of Parliament. I will forward the information to the honourable member.

OVERSEA TRIPS BY MINISTERS.

The Hon. C. M. HILL: I direct a question to the Chief Secretary representing the Premier in this Council. I feel there is considerable public disquiet at the expense involved in sending the Premier and a Minister abroad in a few weeks' time. I am not critical of that decision.

The PRESIDENT: Order! Does the honourable member want to make a statement?

The Hon. C. M. HILL: Yes. I ask leave in the first instance to make a statement before asking a question.

Leave granted.

The Hon. C. M. HILL: I feel that there is considerable disquiet at the expense involved in sending the Premier and a Minister abroad in a few weeks' time. I am not criticizing that decision, but in view of the State's financial position I ask whether I can be given an assurance that no further oversea trips by other Ministers are contemplated?

The Hon. A. J. SHARD: I am one who advocates Ministers and members of Parliament going abroad. The expense incurred is returned to the State tenfold. If the Premier and the Minister of Mines are successful this time and the event they are going for takes place, the benefit this State will derive should be beyond the criticism of anyone. I say quite frankly that should a position arise so that it was essential that another Minister go abroad, I would support it to the hilt and, I believe, so would my colleagues.

SUBSIDIES: HOMES FOR THE AGED.

The Hon. C. D. ROWE: Yesterday I asked the Chief Secretary a question with regard to funds that were committed for this financial year for homes for the aged. I happen to be a member of the board of management of a certain organization that has over 500 sleeping under its auspices every night, and a large number of those is in homes for the aged.

The PRESIDENT: Order! If the honourable member wants to make a statement, he must seek permission.

The Hon. C. D. ROWE: Can the Chief Secretary supply me with the information I desire?

The Hon. A. J. SHARD: I asked my officers to provide some figures, and while they might involve a little more than homes for the aged, that is the kernel the honourable member wants, and I do try as much as I can to give members the information they seek. The total amount under the Chief Secretary Miscellaneous item provided on the Estimates is $10,154,130, which is made up as follows:

	£	$
Medical and Health Services:		
Subsidies to Hospitals	2,968,317	(5,936,634)
Subsidies to Institutions	1,343,596	(2,687,192)
Sundry Medical and Health Services ..	146,202	(292,404)
Total Medical and Health Services ..	4,458,115	(8,916,230)
Social Assistance	228,610	(457,220)

Social Assistance includes:

Approved on Estimates.	£	$	Payments to 2/3/66. $
Homes for the Aged ..	8,081	(16,162)	21,908
Aged Nursing Homes	10,850	(21,700)	5,730
Approved on Estimates ..	2,850	(5,700)	5,700

Cheque drawn for payment—$3,333—Current projects, sunroom and two-bed ward.

Furniture and fittings $7,992 approved for 1966-67. During 1964-65 the Church of England Social Welfare Committee received $31,518 as subsidy on approved projects.

The following would appear to be the item that caused the trouble. I think honourable members will see how some misunderstanding may have taken place, because somebody did not do his homework properly, and it was not my department. The report continues:

On June 30, 1964, approval was given by the Government for the acceptance of a tender of £21,939 ($43,878) plus architects' fees £1,536 ($3,072), for the conversion of the "Karingal" Youth Hostel to a nursing home. Approval was given for a £1 for £1 subsidy to be paid. The subsidy was subsequently increased to £2 for £1. An amount of £11,738 ($23,476) was placed on the Estimates for 1964-65. However, payments totalling £15,759 ($31,518) were made on account of that project during 1964-65, which included subsidy on a drying tumbler and provided for the increased rate of subsidy. A final payment of $2,396 on the project was made during 1965-66.

On the Estimates for 1965-66, an amount of £2,850 was provided for subsidy on the provision of a two-bed ward and sun room, about which an approach had been made to the Government in April, 1965. In a letter dated

October 25, 1965, the Social Welfare Committee, Diocese of Adelaide, submitted details of furnishings and equipment, already purchased, for consideration for eligibility for subsidy. This matter was reported on by the Auditor-General and approval given on December 17, 1965, for subsidy to be paid with the proviso that funds would not be available until 1966-67 as no provision had been made on the Estimates and in fact no request had been made until after the passing of the Estimates. No approval was sought by the Social Welfare Committee, Diocese of Adelaide, prior to the purchase of the furnishings and equipment, although on August 6, 1965, advice was received from the committee that "a claim for furnishings, etc., is in course of preparation".

On January 27, 1966, an approach was made to the Government to provide funds for further extensions estimated to cost $120,000, to which the Government replied that this project would be considered for the Estimates for 1967-68. May I state in conclusion (and I hope it will be the last we will hear of the matter) that no section of the Government could permit each organization and institution to buy what it wanted before getting approval and then ask the Government to pay for it. Nobody is keener or tries harder than myself to meet the wishes of these institutions and charitable organizations, but it must be done in a proper manner and through proper channels.

SOLICITORS.

The Hon. F. J. POTTER: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. F. J. POTTER: I noticed in a newspaper about a week ago that the Government was advertising for solicitors in the Crown Law Office, and included in the advertisement was mention of a solicitor being required in the office of the Attorney-General. The advertisement stated that the duties of this solicitor—I take it, he is to be in addition to the Publicity Officer the Attorney-General already has—are to assist the Attorney-General generally, to undertake research in connection with possible legislation, and to act as his junior when he appears in court. The court appearances were not specified in the advertisement and, as far as I can recollect and as far as other members of my profession can recollect, the only occasions on which the Attorney-General has appeared in court in this State for many years have been those special occasions when judges were being welcomed or farewelled in the Supreme Court. Can the Chief Secretary enlighten the Council as to what court appearances the Attorney-General is contemplating making in future, in addition to those functions already mentioned?

The Hon. A. J. SHARD: I am unable to give an answer to the question. My only knowledge of the possibility of solicitors being needed is in regard to the Crown Law Office, where there is a shortage.

The Hon. F. J. Potter: The Attorney-General's Department.

The Hon. A. J. SHARD: I do not know of one. If memory serves me correctly, I have not heard any discussion about a solicitor being sought or needed, as has been suggested by the honourable member. However, I am prepared to take the matter up with my colleague the Attorney-General and let the honourable member have a reply.

MOUNT BARKER ROAD.

The Hon. Sir NORMAN JUDE: Some weeks ago I asked the Minister of Roads a question regarding passing bays on the upgrade of the Mount Barker road, to which I received a somewhat unsatisfactory reply. Has the Minister any further advice on this matter?

The Hon. S. C. BEVAN: I have made further inquiries as promised, and the information I have is as follows:

The original plan of the department referred to by the Hon. Sir Norman Jude was to provide an additional lane for heavy vehicles travelling towards Adelaide on a section of the Main South-East Road between Aldgate and Stirling. When the plans were completed the department was satisfied that hazardous overtaking manoeuvres would result where the road width returned to a normal two lanes. In addition, it was considered that provision should be made for the overtaking of heavy vehicles travelling on the down grade in low gear. After full consideration it was decided, instead of constructing the climbing lane, to widen the pavement to 32ft. marked with a single line down the centre. This has now been done.

TRANSPORT.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. A. GEDDES: Late in January there appeared in the press a report that the Transport Officers Federation had submitted a 22-point scheme to the Minister of Transport in an endeavour to increase the public patronage and efficiency of South Australia's two main transport systems—the railways and the Municipal Tramways Trust. Has the Minister been able to study the plans and are there any points in it that can be implemented?

The Hon. A. F. KNEEBONE: In conjunction with the new Railways Commissioner (Mr. Fitch) I have looked at some of the proposals put forward by the Transport Officers Federation. Some of them are worthy of further

consideration, and that consideration is being given.

TEACHING HOSPITAL.

The Hon. F. J. POTTER: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. F. J. POTTER: I listened with great interest to the replies given by the Chief Secretary about the proposed hospital at Tea Tree Gully. The recent report of the committee set up by the Government to investigate the training of medical practitioners (which I note the Printing Committee recommended for printing) stressed the urgent need to build a new teaching hospital. It pointed out that this State was short of medical practitioners and the facilities for training them, and urged that planning should commence now for a new hospital at Bedford Park in association with the Flinders university. It was further pointed out in the report that unless planning was commenced now it would not be possible for the increase in graduate students to take place, in the first instance, in 1970 or 1971. In spite of the progress that he is making with the hospital at Tea Tree Gully, can the Chief Secretary say what is being done about the establishment of a new teaching hospital at Bedford Park?

The Hon. A. J. SHARD: I am pleased to say that the teaching hospital is further advanced than the hospital at Modbury. We have got the land, and discussions on priority are taking place. The Hon. Mr. Rowe said deep thought would have to be given to the priority of building, because adequate Loan money might not be available. We have had discussions with the Public Buildings Department and the Hospitals Department and have laid down the procedure. We are of the opinion that both these propositions can be dealt with jointly. I know that the planning for the teaching hospital in connection with the Flinders university has been commenced. There is a priority for a section at the Queen Elizabeth Hospital, for one to be built in the country, and for Strathmont and Elanora. The plans are in the hands of the Public Buildings Department. I assure the honourable member that the Hospitals Department and I are just as keen as anyone else to see a teaching hospital brought into use as soon as possible. We cannot do any more. If the money is there, I think we shall measure up to what was recommended. It was a good report.

STIRLING BY-LAW: NUISANCES.

The Hon. F. J. POTTER (Central No. 2): I move:

That by-law No. 34 of the District Council of Stirling for the prevention and suppression of nuisances—noisy machinery, made on August 25, 1965, and laid on the table of this Council on January 25, 1966, be disallowed.

I simply say that this is done with the consent and at the request of the District Council of Stirling, which realizes that the by-law that was laid on the table is not correctly drawn. It intends to replace it with another by-law at an early opportunity.

Motion carried.

HARBORS ACT REGULATIONS.

The Hon. F. J. POTTER (Central No. 2): I move:

That the regulations under the Harbors Act, 1936-1962, made on November 18, 1965, and laid on the table of this Council on November 23, 1965, be disallowed.

Honourable members will recall that on February 16, 1966, the Subordinate Legislation Committee reported to this Council that it thought the regulations should be disallowed on the ground that they might trespass upon rights previously enjoyed by law. The report said that the committee had not yet had time to take evidence but would be taking evidence on the matter. I have to report that the committee did take evidence, as a result of which the department concerned had its attention directed to certain definitions in the regulations, which, incidentally, dealt with bathing from jetties and craft in the water. As a result of this, I understand that the department is now happy to redraft the regulations and submit them anew. Accordingly, it consents to the regulations being disallowed.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): What the honourable member has said is quite true. I have a report from the General Manager of the Harbors Board in the following terms:

For a considerable time complaints have been made to the board regarding the activities of swimmers on wharves and in waters under its jurisdiction. Such complaints have come from persons objecting to the behaviour of swimmers on jetties, the wetting of seats and clothing and interference with rod fishermen. They also came from pilots in charge of vessels being navigated in shipping channels or being berthed alongside wharves. The attached schedule sets down a number of examples to which I refer.

In addition to them, complaints have been made by the board's officers concerning the practice of fishermen and others dangling their legs over the side of the wharves whilst mooring lines were being run or vessels being

berthed. From all such complaints emanated the board's desire to have its regulations covering swimming brought up to date, those in existence having been made many years ago and being inadequate for present-day requirements. It is quite true that the regulations as drafted present, technically at least, the situation that a person must not bathe within 600ft. of a rowboat being navigated in the navigation channel. The regulations are not intended to penalize such a practice and would be administered in a commonsense way and applied only to those cases where the practice was dangerous to the swimmer concerned or others. However, it seems that perhaps the best way to overcome that position is for the regulations to be disallowed and redrafted to provide for the application of the prohibition only in the cases of vessels in excess of a certain size.

For this reason, we are not opposing the motion.

Motion carried.

HINDMARSH REGULATION: ZONING.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I move:

That the Town of Hindmarsh zoning regulations made under the Town Planning Act, 1929-1963, on November 10, 1965, and laid on the table of this Council on November 16, 1965, be disallowed.

We have had the benefit of a report from the Subordinate Legislation Committee that contains much evidence taken by the committee. The committee was evenly divided on this question and the report was laid on the table for the information of the Council. I am grateful that that has been done, because I have received many personal approaches and much correspondence from industries affected by the regulation. Whilst I gave notice to move for disallowance of the regulation three weeks ago, I deferred speaking to it because I thought other legislation before Parliament might take care of the position. However, that is not likely to be brought to conclusion in this session and I have no alternative but to move for disallowance. A previous motion that I moved for disallowance affected the operations of the Town Planner and that was withdrawn, but this will not affect anything in the way of administration of town planning for a period, at least until another Bill is dealt with.

According to information that I have, about 100 industries are affected, because the regulation takes these industries outside an industrial area and zones the area for other purposes. It is easy for someone to sit in judgment and say, "That industry has to go. We want the area for something else." It is easy to do things at the expense of someone else but, when an industry is zoned out of an industrial area, it is not assisted to move to a new location. Further, many of these industries have been approved by the council and they now find, 12 months later, that the position has been reversed by a differently constituted council.

That is an untenable position for industry to be in and I am sure that nobody is more appreciative of the necessity to encourage industry to come to this State than Parliament itself. I think we should give some security to industries that have legitimately become established in certain areas after they have purchased property, otherwise we shall not attract industry to the State. I think we have to find a better approach to the problem. Any action taken should be fair to the people who have invested money and who hold what is tantamount to a freehold title and a right to conduct their properties in their own way.

I do not intend to take up the time of the Council by citing all the cases that I know: most of them have been referred to in the evidence taken by the committee. However, a private company (virtually a family company) employs, with its sister companies, about 100 people on a developed property that shows in the company books at cost as being worth more than £200,000. By the mere publication of the town plan showing the area occupied by this manufacturer as being other than a manufacturing area, the saleability of the property was greatly reduced. As far as I know, the company is not interested in selling its property at the present time but must, in the long run, be affected by the decision without any right of redress and without compensation for the wrong that has been done.

We know that factories have been erected in the area at considerable cost and, if the land were disposed of for residential purposes, with four housing sites to the acre at $2,000 each, $8,000 would be received for the land. Then, there is the cost of the factories, which are not eyesores by any means. One only receives demolition value for the structures placed on the properties. This was forwarded to me as a copy of a letter that went to the committee:

This company has for a number of years owned a large property at Torrens Road and Government Road, Croydon. It has for many years carried out certain sheet metal operations at Croydon and has conducted its fire protection engineering operations at its smaller premises at No. 663 South Road, Edwardstown. As part of the company's development plans it aimed to consolidate all its activities at Croydon where there would be ample room for expansion. In 1963 the company's architects were asked to prepare building plans for our Croydon development, and as a preliminary step they confirmed

with the Hindmarsh Town Clerk that the land was zoned for industrial use and our development plans for our Croydon property therefore fell squarely within the zoning contemplated by the by-law.

We were, however, prevented from going ahead with these development plans because the then proposed north-south freeway was shown as clearly affecting our Croydon land to a major extent. Considerable and protracted negotiations ensued which culminated in advice to us in July, 1964, from the Commissioner of Highways and Local Government Department that the north-south freeway was being resited, and the new line passed clear of our Croydon property. In consequence we once again instructed our Adelaide architects to prepare building plans to meet our new expansion requirements, and these plans were finally agreed to earlier this year.

We have in recent months come up against a further obstacle to the full development of our plans. The joint recommendation of the Town Planning Department and the Hindmarsh Town Council embodied in the Hindmarsh council proposed zoning regulations rezoning the area in which our Croydon property is situated as residential No. 1, and in this type of area the council has no power to consent to the use of land or buildings for light industry. This situation was not known to us in time to lodge an objection, but several objections were submitted by a number of industries in the Hindmarsh area to the proposed new zoning regulations and the South Australian Chamber of Manufactures formed a subcommittee to investigate the Hindmarsh zoning proposals.

The matter is now beyond the jurisdiction of the Hindmarsh Town Council and we believe the proposed recommendations have now been laid on the table of both Houses of Parliament. It would appear, therefore, that the only remedy which may still be open to us is for a motion of disallowance. We are heavily committed to our Croydon expansion and will be spending in the next few months well in excess of £60,000. You will appreciate that the task of proper planning for extension and development in any State by a company can only be carried out satisfactorily when factors of relative stability obtain. In this respect we have been gravely concerned over the difficulties and uncertainties affecting our Croydon property which we have had to face over such a prolonged period of time. It would be deeply appreciated by my board if your help could be given in having these proposed regulations disallowed, thus protecting our much delayed development plans.

That industry, I understand, employs a large number of employees. There is also the case of a small industry that has had a rough spin. This is the second shift it has been threatened with in a short period. The firm states:

Fourteen years ago I approached the Hindmarsh Corporation in regard to purchasing land to erect a factory and continue my business as K.R.C. Enamelling Pty. Ltd. in the Brompton area. The reason for my inquiries was that I had to move from premises in Enfield as the locality had become a "residential" and prevented any extensions to the building. I was most insistent that the land I secured was in an industrial area as I did not want a repetition of my last experience. I was told by a council staff member that it would be in order to purchase property anywhere between Port Road and Torrens Road for my activities. I negotiated for a block in West Street, Brompton, then approached the council again telling them of the exact location of the land. They again assured me that this was definitely in an approved industrial area for my type of work. I finalized my purchase and proceeded to establish my factory to the plans and specifications submitted to the council. Now I find myself being faced with the possibility of being rezoned into a residential locality for the second time. This will cause a very considerable depreciation in value to my property; although I can continue to work at these premises, I would have no resale value if I decided to dispose of same.

This firm has only a 39ft. frontage, which would have little value except as a small building site. They are two or three examples. I have others representing quite stable industries that find themselves in the same position, although they have consulted the council in every way. I think I should refer to another letter, which reads as follows:

About 18 months ago this company purchased 2½ acres of industrial land in Blight Street, Croydon, in what is an industrial area. Prior to the purchase the company forwarded a letter to the Hindmarsh council indicating that it wanted to construct a cold store in which it would prepare and treat frozen foods and package foodstuffs. The company sent a sketch plan and said that before it purchased the land it wanted the council's assurance that it would be able to enjoy that which it purchased, and asked that the matter be decided at the next meeting of the council on March 9, 1964. At its meeting the council agreed, and informed the company accordingly by letter. In view of this permission the company purchased 2½ acres within the industrial area. Now, in less than 18 months, and nearer six months because this matter was passed by the Hindmarsh council early in January or February, 1965, we now have a situation which strikes at the foundation of our system.

These are cases that have been referred to me personally and also to the committee. In view of the effect of this regulation, I feel there is no other appropriate action to be taken to conserve the interests of these industries than that the regulation be disallowed. If it is desired to take these steps, I think some consideration should be given in regard to compensation and fair treatment to the industries if they have to move. I do not think there is need for me to labour this question any further.

The Hon. G. J. GILFILLAN (Northern): I rise to support the disallowance and in doing so I would like to state in common with most

honourable members here that I am not against the principles of town planning or against the principles of zoning, but I do feel that there is one thing we have to watch very closely and that is, when we have any move for rezoning in front of us, we should examine it very closely to make sure that people are being treated justly and that there is a very good reason for such zoning. I believe one of the main points about zoning is that, once an area has been zoned it should be, as far as possible, left in that condition. Zoning is a long-term matter and should not be changed from year to year, or even from decade to decade in most instances, because if we do this we will have a position where people will not have any security at all as far as the future planning of their affairs is concerned. I believe that we should give this regulation more attention than most because it will become a model zoning regulation under the Town Planning Act. Previously, rezoning by-laws that we have considered have been made under the Local Government Act, but this one is the first we have received under the Town Planning Act and, furthermore, it is before us before we have received the Bill in this Council to amend the Town Planning Act. The regulation is important, too, because it is expected that it will be adopted by about ten other councils in the metropolitan area which will, I have no doubt, involve most of the metropolitan area, so that the principles which we accept now will have a far-reaching effect throughout most of the metropolitan area. These regulations contain much merit, and there are only several points where I differ. As we have no power to amend a regulation or by-law, all we can do is to allow or disallow it, and then ask the authority concerned to prepare a new regulation or by-law more in keeping with the opinion of Parliament.

I am concerned with an aspect mentioned by Sir Lyell McEwin. I refer to the effect on industry and the security of industry in South Australia. I will use South Australia because this matter could have a much wider application than the town of Hindmarsh. Under the proposed regulations an existing industry will be permitted to continue, but it will be possible for it to expand only up to 50 per cent if it has sufficient land available and receives permission from the local council. This means, in effect, that an industry cannot expand without permission. Further, it would have no security as far as future expansion was concerned. I believe the problem goes back to the days when residential areas were allowed to be built amongst factories. The building was done by many people because of the cheaper land available, and because it was close to the place of work. In some cases an employee wished to have a small workshop in his backyard.

Now that we have these residential areas amongst our factories the general trend seems to be to zone out the factories. I believe that, in some instances, this could have a serious effect on industry in future and on employment. The firms involved are situated in what has been zoned as an industrial area, and they have gone there legitimately by permission of the council only a short time ago. Many of them are branches of interstate firms and I believe if they move their enterprises they may go further than the borders of South Australia. I also consider that if we get the reputation that South Australia is not attractive to industry (and we are concerned about this at the moment) and if industry, particularly outside industry that may consider coming here, has reason to believe that it will not have some security of tenure there will be a detrimental effect on our industrial development and employment position over a period of time. I do not say that this will occur, but I consider it is an aspect that must be seriously considered. I also believe that if this sort of zoning regulation is to operate generally some provision should be made to allow existing industries to carry on and expand if they wish, but a long-term plan should be established which would allow no new industry to start in a particular area. Perhaps some provision should be made for compensation on a reasonable and fair scale.

New legislation, not yet before this Chamber, proposes compensation for some things but not in connection with zoning and the loss of a particular industry. Whilst not opposing the principle of zoning or town planning, but because of one or two unduly restrictive clauses in the regulations, and the fact that we cannot amend them in this Council, I support the motion.

The Hon. C. M. HILL (Central No. 2): I also support the disallowance of the regulations, but I hasten to point out that it is rather unfortunate that in the machinery on this question of town planning we have this matter before us. I would be pleased to see regulations of this kind, or some measure along the same lines, re-introduced at a later date and after new town planning measures are approved. Surely we must settle the new town planning question before dealing with these facets. It seems at this stage, because of the

circumstances, we would be putting the cart before the horse if we continued dealing with proposals recommended by a town planning committee that may not be in existence in a few months' time. However, once the principle has been established and adopted, the various councils, interested in their own localities, plans and zoning problems, should bring the matters forward within a framework of new regulations.

I make the point that in supporting this disallowance I will give every consideration to the matter in the future if it is reintroduced in this Chamber. The second point deals with compensation. As I see it, if we allow these regulations we would be agreeing to the principle of no compensation. If we agreed to that principle under these regulations, it would be futile arguing any other way in a few months' time when possibly the principal measure comes before us. At this stage I will not be a party to agreeing to the principle of no compensation, as it applies here. On the question of need or urgency, I read from reports that the council in question has been dealing with the matter since 1955. Therefore, as a period of 11 years has passed, it seems to me that a few more months will not make much difference in the matter of time. I do not think there is any need at this juncture to push the matter through. I support the motion.

The Hon. F. J. POTTER (Central No. 2): I think my colleague, the Hon. Mr. Hill, has hit the nail on the head as far as these regulations are concerned. As a member of the Subordinate Legislation Committee, I and my colleagues from this Council voted for the disallowance of the regulations on one ground. It was that the foreshadowed town planning legislation might have some serious effect upon these regulations. At the stage when the vote was taken (and it was even in the committee) that new legislation had not been introduced. We know now that it has been introduced in another place. As far as I am aware, the provisions of that Bill, which we know something about—

The PRESIDENT: The honourable member must not discuss a Bill that is before another place.

The Hon. F. J. POTTER: I am not discussing it. The provisions of the Bill have been given in the public press.

The PRESIDENT: The honourable member cannot quote from press comments about a Bill before another place.

The Hon. F. J. POTTER: I am endeavouring not to talk about that. I am speaking about the announcements that have been made. To get back to the point I was endeavouring to make, we do not know what eventually will be the form or content of the new town planning legislation. The Bill has to be passed by another place and then pass in this Council.

The Hon. S. C. Bevan: Not today!

The Hon. F. J. POTTER: Not today, but I understand we shall hear something about it in the next session of Parliament. I do not doubt that that Bill when it reaches us will provoke lengthy, spirited and deep debate on its provisions, because it will deal with fundamental matters. We do not know what will be in it until we get it.

These regulations are made under the existing Act and, of course, are in order under that Act. They are within the confines and powers of that Act. But, like the Hon. Mr. Hill, I think it is putting the cart before the horse to ask us to agree now to the principles contained in these regulations without dealing with the final draft of the Bill that will govern them. There are two important fundamental things in the regulations. One deals with compensation for a restricted use of the land that these factories now have. It seems to me that this is the fundamental problem in all matters of town planning. We start this problem: can there and should there be compensation payable in these circumstances? I hasten to say that I know of no Government anywhere that provides compensation for these contingencies and circumstances. I have grave doubts whether any Government of any political complexion will ever be able to devise a satisfactory means for paying compensation in these circumstances.

So we are forced back to the fundamental problem whether or not we shall say "No compensation, no town planning." I, for one, am of the opinion that this will be an important question for this Council to debate, not on this occasion but next session when the new Bill is before us. I suspect that these regulations at another time will appear before us in precisely the same form, and we shall be presented with exactly the same problem as is before us today, but this is not the time for us to make a decision and commit ourselves in advance on some of the fundamental questions that arise. In saying that, I emphasize that I personally am not in any way opposed to the principle of town planning. In fact, the Town

Planner and his office and the Hindmarsh corporation are to be congratulated on the tremendous amount of work they must have put into the framing of these regulations and the drawing of the ground plan for rezoning the area. It was obvious to the members of the committee when they looked at the work that had been done and the plans that had been drawn that much effort had been put into the rezoning plan for the Corporation of Hindmarsh, which must be one of the worst areas for zoning in the metropolitan area of Adelaide. Other metropolitan councils have expressed great interest in this, because, as the Hon. Mr. Gilfillan said, we were told that at least 10 other councils were ready and willing to adopt this unique procedure for zoning regulations. I remind honourable members that this is not a by-law; these are new regulations under the Town Planning Act, an entirely novel method of having zoning regulations.

Having said that, I feel that this is not the appropriate time for us to make decision on vital matters, although my own doubts about these regulations centre around this matter of compensation and restriction of existing use. Although no attempt has been made to deal with them in these regulations, I am not satisfied at this stage that we can make a final decision on these matters. Unless we disallow these regulations, it will be alleged that we have made a decision and have given support to these principles by allowing the regulations to pass unchallenged.

The Hon. Sir NORMAN JUDE (Southern): It would be undesirable for me to record a silent vote on this matter as I am a member of the Subordinate Legislation Committee. My colleagues have already clarified this matter for the benefit of other honourable members. I find myself in entire agreement with all that has been said, and in some cases repeated, by all four honourable members who have spoken. The Government, knowing the importance of this problem and having had time to digest to some extent the voluminous but excellent town planning report presented to Parliament, should, if it regarded this matter in the proper light, have introduced it as one of the first Bills of the session instead of waiting until now and confronting us with this problem of regulations associated with a new Act that may appear as the result of legislation being introduced in another place and reaching this Council. If the Government had done that, surely it is almost logical that, until the results of that Bill and the fate of the Act and what form it would take were known, it would have left the regulations until that legislation had been passed. It is the Government that has placed the committee and certain members of it in the invidious position of having to move a formal disallowance of a regulation which they believed to be at least 80 per cent sound. As the Hon. Mr. Hill suggested and as I agree, we would certainly give consideration to it when introduced again at the appropriate time. I do not have to remind you, Mr. President, that there is a great strength in this Chamber of members representing local government. The Minister will discover that in due course, as I did. They are men of great experience in local government, who know the problems associated with it; also, they do not get paid much for doing work in connection with it.

I should draw the attention of honourable members to what I have thought for some time—the need for considering Standing Orders regarding the Subordinate Legislation Committee. This problem of having to disallow regulations or permit them to go through is well known to the members of the committee, and on many occasions the procedure is totally unsatisfactory. In order to draw the attention of honourable members to something in the by-law that they do not like, it is necessary to move a motion to disallow that by-law. However, it is merely desired to draw attention to something that perhaps all honourable members in general should look at. I submit that suggestion for what it is worth. It should be possible for the committee to amend regulations. I do not think it would be correct for Parliament to amend a by-law put up by a council, but I think the committee could refer the by-law back to the council with suggestions.

The Hon. S. C. Bevan: It has done that before today.

The Hon. Sir NORMAN JUDE: It cannot do anything official in that regard. In the past, regulations have been sent back to Ministers of the Crown with suggestions that they could be altered, and they have been altered. I think that should be done more often before the matters are ventilated in Parliament, because the committee calls evidence that can be revealing to honourable members generally and to members of the Government. Provision should be made for suggestions to be submitted before the by-law or regulation runs the gamut of this term "disallowance", which is not understood by the general public. It gives the impression that honourable members are hostile, but we know that there is nothing further from the truth. Is anyone going to

suggest that I am against doing something for town planning? I did my best to get a Town Planning Bill through Parliament on the last night of a session, but I did not succeed.

The Hon. S. C. Bevan: You came back again and got it through.

The Hon. Sir NORMAN JUDE: Yes. I want to see the new Town Planning Bill, followed by the consideration of regulations as soon as possible after that. I shall have to support the motion for disallowance.

The Hon. S. C. BEVAN (Minister of Local Government): Perhaps I shall be an orphan in this matter. Perhaps I have been an orphan on numerous occasions as far as some of these matters are concerned. It is possible that the equal division on the Subordinate Legislation Committee has brought this matter before the Council. I suggest that, if it so desired, the committee itself could have referred the matter back to the Hindmarsh Council so that it could have another look at it.

The Hon. F. J. Potter: This is not the council. It would have to go back to the Town Planner.

The Hon. S. C. BEVAN: It is a town planning regulation, under the Town Planning Act, brought in by whom?

The Hon. C. M. Hill: It is not a zoning proposal any more.

The Hon. S. C. BEVAN: The notice of motion on the Notice Paper refers to the Town of Hindmarsh zoning regulations.

The Hon. F. J. Potter: These regulations are made by the Executive Council.

The Hon. S. C. BEVAN: They are forwarded by Executive Council to the Crown Solicitor.

The Hon. F. J. Potter: Under the Town Planning Act.

The Hon. S. C. BEVAN: Yes, and it is the existing Town Planning Act that I want to deal with. The regulations were not forwarded to the Subordinate Legislation Committee by the Town Planner; they were formulated and initiated by the Hindmarsh council. I agree with what has been said in relation to industry and the effect of the regulations on industry in the area. I do not think that can be disputed. That will occur whether we do anything in the near future or in the distant future as far as town planning is concerned. The Hon. Sir Lyell McEwin referred to the displacement of industry and the inability of industry to expand, irrespective of whether it could or could not obtain land adjoining its present property.

However, we have to look at other factors. An argument has been adduced to the effect that we should not do anything in this matter at present until we have looked at the new Town Planning Bill. It has been said that it may be foolhardy to allow these regulations at present, and that we should not allow them. These regulations were made under the existing legislation and the report of the Town Planning Committee submitted to the previous Government. In any legislation that comes forward dealing with town planning, there must be provision for recreation areas, open spaces and zoning. It is useless if that is not done.

Someone suggested that no area is more worthy of consideration at present than the town of Hindmarsh, and I find myself in total agreement with that. The Hon. Sir Norman Jude asked what the present Government had done, or what was it going to do. However, this matter goes back to the previous Government. When the report was made to the previous Government, it was received with great enthusiasm as a remarkable report that the Government should set about implementing. The next move was made in the dying stages of the Parliament, when Sir Norman sought to implement part of the report. The Bill was defeated at that time and, as I interjected previously, Sir Norman brought it back. However, honourable members now find it convenient to say that the present Government should have done something in relation to compensation.

I ask why, when the present principal Act was being framed, the previous Government did not look at this question of compensation and why, if it considered that compensation was necessary, it did not include provisions such as those that we have heard so much about this afternoon. There was nothing done in relation to it at all. It was not lost sight of; it was because of the ramifications which could flow from it on the question of compensation that the previous Government very conveniently forgot all about it.

I agree with the Hon. Mr. Potter's remark in relation to the question of compensation and what it could have lead any past Government or any future Government into. I submit that the question of compensation in the present Act was not something that was forgotten and received no consideration. Perhaps it was conveniently forgotten. Some honourable members ask, "What has this present Government done?" I point out that this regulation was brought forward under authority that the previous Government had had given to it by Parliament

That is why we intend to introduce legislation in relation to town planning as soon as it is convenient, so that we might have a Bill that could, and I feel sure will, meet the circumstances in so far as town planning is concerned and give effect to town planning.

This Government has said right from its inception and even before it became a Government that it would give effect to the Town Planner's report and the Town Planning Committee's report and that it would legislate accordingly. All these matters have to be given consideration in so far as the present Act is concerned. What is the provision in so far as the municipalities are concerned? Here is one council crying out loud for some alteration. If we are going to do anything at all in relation to town planning, here is a council that would perhaps be the first to be considered or be requested to do anything. It has areas which could be termed rundown areas.

The Hon. F. J. Potter: That also makes it one of the most difficult areas.

The Hon. S. C. BEVAN: That may be so. It may be one of the most difficult areas, but it still makes it one of the necessary areas in which something should be done quickly if we are going to give more than lip service to town planning. There are all these questions embodied in it, not only the question of an industry being in an industrially zoned area at this stage but may not be in the future because we intend to give effect to the Town Planning Act. Other questions that have to be considered by honourable members are the necessity of zoning, zoning strictly for industrial areas and for residential areas, and the provision of open spaces in the community instead of people having to eat smog all day and every day.

The Hon. C. M. Hill: They have the parklands.

The Hon. S. C. BEVAN: Is anybody going to dispute that these things are necessary? The Hindmarsh council has been said to be the first council that wanted to move in this direction, and this regulation bears it out. The council is attempting to do something. We find that certain honourable members do not want to allow the regulation; at any rate, not until something happens in the future. They are not prepared to allow the regulation or act upon the present provisions that the previous Government was so enthusiastic about.

The Hon. Sir Lyell McEwin: What do you mean by "smog"?

The Hon. S. C. BEVAN: If the honourable member were in Hindmarsh when the atmosphere was heavy he would appreciate why I used the word "smog".

The Hon. Sir Lyell McEwin: The Royal Adelaide had a bit of that, too.

The Hon. S. C. BEVAN: It is perhaps more prevalent in the Hindmarsh area than in any other area. According to honourable members opposite, as long as we do not interfere with the establishment of any industry, everything will be all right, but if we are going to interfere with an industry that is established in an area under the Town Planning Act, then it is all wrong. I feel that these other matters should be given consideration, not only the fact that some industries might be displaced from an area because of zoning. Rezoning has to come and has to come in every council area. What will be the position if we adopt the same attitude in the future as we are adopting today? We may as well say straight out that we are not going to have a Town Planning Act or do anything in relation to town planning, as it may interfere with an established interest. I oppose the motion for disallowance of the regulation.

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 (teller), 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 (teller), A. F. Kneebone, and A. J. Shard.

Majority of 11 for the Ayes.

Motion thus carried.

PRICES ACT AMENDMENT BILL (WINE GRAPES).

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

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

That this Bill be now read a second time.

Its object is to provide for the fixing of minimum prices for grapes for the 1966 vintage. This action is considered necessary following the inability of winemakers and grapegrowers to reach agreement on prices to be paid. Every effort has been made to assist winemaker and grapegrower representatives to reach agreement. I will now give the background and details of the various meetings that have been held.

In an interim report the Royal Commission into the Grapegrowing Industry recommended

that minimum prices of each variety of grape to be paid to the grapegrowers by the winemakers for their 1966 vintage should be the subject of negotiations between the two parties and that a committee be appointed by the Government to conduct these negotiations, the committee to consist of a person to be appointed as chairman, two persons nominated by the Wine Grape Growers' Council of South Australia, and two persons nominated by the Wine and Brandy Producers' Association of South Australia Incorporated. This committee was duly appointed in January under the chairmanship of the Prices Commissioner. A meeting of the committee was held on January 25. At this meeting, growers requested increases of an average of $12.90 a ton in the dry areas and $17.85 in the irrigated areas. Winemakers offered to pay some increases and some reductions averaging an increase of 11c a ton in the dry areas and 37c a ton in the irrigated areas. The next meeting was held on January 27. At this meeting winemakers' representatives tabled a letter from the Wine and Brandy Producers' Association stating that, in view of the wide divergence of opinion on grape values between grapegrowers and winemakers, the executive had decided that it would be in the best interests of both growers and makers for grapes to be sold privately by individual negotiation.

A meeting was then called by the Minister of Agriculture on February 3, which the committee attended and at which it was decided that the committee would meet again on February 4 and the Prices Commissioner as Chairman of the committee would suggest reasonable increases for further discussion by members and for reference back by the winemakers' representative to their Executive. Following this meeting, winemakers requested a meeting with the Minister of Agriculture, which was held on February 10 and at which it was decided that the Prices Commissioner should act as Chairman of a meeting of eight winemakers and eight grapegrowers on February 16 to discuss the position further.

At this meeting on February 16, which lasted for five hours, neither winemakers nor grapegrowers would budge from their original proposals made on January 25, and no agreement was reached. Following further consideration, winemakers decided that they would offer to pay increased prices amounting to an average increase of $1.95 a ton in both dry and irrigated areas. This offer was submitted to the Premier on February 22.

The next day the Premier held a meeting with grapegrower representatives, who refused to agree to the offer on the grounds that it was inadequate. They were requested to submit the minimum prices that they were prepared to agree to for the 1966 vintage and, after further consideration, submitted desired increases amounting to an average of about $3.50 a ton in the dry areas and $6.20 a ton in the irrigated areas. As there appears to be no possibility of agreement being reached between winemakers and grapegrowers for this year's vintage, this legislation is necessary to protect the interests of grapegrowers.

The Government will proceed with the price-fixing proposals recommended by the Royal Commission. However, it is evident that, in the event of that mechanism breaking down, the Government must have means to enforce an equitable settlement. This Bill gives power to the Government to fix prices on the recommendation of the Prices Commissioner in the event of other means of getting satisfactory grape prices fixed having failed.

I deal now with clauses of the Bill itself. Clause 3 inserts in the principal Act four new sections. New section 22a is modelled on section 21 of the principal Act and will enable the Minister to fix and declare minimum prices for the sale or supply of grapes to winemakers and distillers of brandy. Under the principal Act the Minister is empowered only to fix maximum prices for declared goods and services. The provision for fixation of minimum prices for grapes is contained in new section 22a.

New section 22b, which is modelled on section 25 of the principal Act, will make it an offence to sell or supply to winemakers or brandy distillers any grapes below the minimum price. Subsection (2) makes it an offence for winemakers and distillers of brandy to buy or obtain grapes below the minimum price. In both cases the penalty is not less than $400. Subsections (3), (4), (5) and (6) of new section 22b are machinery provisions designed to ensure the carrying out of the earlier provisions.

New section 22c provides for the variation of agreements for the sale or supply of grapes by the substitution of the minimum price for the price otherwise payable, and those provisions apply to all agreements made this year, thus covering the present year's vintage. New section 22d is modelled on section 31 of the principal Act and provides that any offer to pay prices below the minimum shall be an offence. New section 22e will exempt from the

operation of the Bill transactions between co-operatives and their members.

Clause 4 makes necessary consequential amendments. Under section 50 of the principal Act the punishment for offences differs according to whether they are prosecuted summarily or upon information. As in the case of summary prosecution for general offences under the principal Act, the maximum penalty is $200 or six months' imprisonment, and new sections 22b and 22d provide for a minimum penalty of $400, it is necessary to make consequential amendments to section 50 to avoid inconsistency. I commend the Bill for the consideration of honourable members.

The Hon. C. R. STORY (Midland): This Bill is designed, in the first place, to get over a difficulty that has arisen in the wine industry. It is not necessary for me tonight to speak at any great length on the fact that the industry is in some difficulty. This is not necessarily a new problem—it is a built-up problem. We are faced this year with a difficulty that we had to some degree overcome in the last few years. By that I mean we have been successful in negotiating a price between the buyers and sellers of wine grapes. This is a good method provided one can get the parties to agree.

This year we have had a protracted negotiation. It has been going on since early February. It has been carried on at the highest level, with the Premier of the State interceding in an endeavour to get some uniformity in price fixation. One can say that we are all most disappointed that this method has broken down, because if one is working in an industry on a supply and demand basis and one can reach agreement it is better for the whole industry. One cannot go halfway in this type of thing: one does it either on the open market system or on a system of orderly marketing or control. This Bill is only a palliative. It is to apply for one year, but it may become like some of the school buildings, which began as temporary buildings and then became permanent. Above all things, I do not want this to happen, because I do not believe that this measure is the answer to the wine industry problem in South Australia.

The Government is responsible, to a large degree, for seeing that the growers get a fair price and that the winemaker also is considered in the deal. When I say that the Government has a responsibility in this matter, in my opinion it finds itself in this position because it went to some pains prior to the last election to inform the grapegrowers of South Australia that they would "Live better with Labor" and that they would get a much better deal. In fact, the Government went to the extent of rubbishing the then Premier of the State by cartoon and advising the grapegrowers of South Australia to beware. I have often said before that I think the advertisement that went into the paper at that time under the name of Mr. Virgo was not a good thing for the grape industry. It was a very bad thing from the Labor Party's point of view, and certainly, to say the least, it was inaccurate and untrue. It was certainly in extremely bad taste. I can say that without equivocation. It depicts the Premier of the State (Sir Thomas Playford) dancing around with grapes strung over his ears and hands; he was made to look quite ridiculous. I took exception to the wording. It was published just before the election in March 1965, and it said:

"Grapegrowers, beware! The Prices Commissioner has recommended the price for wine grapes for this year's vintage and this decision must not be interfered with by the Premier. If Playford is still Premier on Monday when he meets the Wine and Brandy Producers Association, he could deal a death blow to the growers. Safeguard the livelihood of the growers by voting Australian Labor Party, and live better with Labor!"

That is the invitation, so to speak, given to the grapegrowers of South Australia by the Labor Party: that they (the Labor Party) would accept the responsibility of looking after the grapegrowers. On the day prior to the election the advertisement referred to appeared in the *Advertiser* and I took immediate action in an endeavour to inform grapegrowers of the true position, because it must be remembered that the negotiations had previously been successfully managed by the Prices Commissioner with the assistance of the then Premier. They covered the period of the 1960 to 1963 vintages and were dealing with the fourth vintage, 1964, when the final touch was to be put to that year's negotiations by the then Premier of the State meeting the grapegrowers and the winemakers. Such action was denied to the then Premier because the election intervened and the new Premier took over. Those negotiations broke down. However, on the same day that the advertisement appeared in the *Advertiser* I sent a letter to the grapegrowers of the district of Chaffey setting out what appeared in the paper under the heading "Grapegrowers' interests protected." It said:

The Premier of South Australia, Sir Thomas Playford, has made a statement to the *Advertiser* as follows. He said "I support the Prices Commissioner's recommendations on grape prices for this vintage. The purpose of the meeting I am having with the Wine and Brandy Producers Association on Monday is to urge the acceptance of the Prices Commissioner's recommendations. The intervention of the Prices Commissioner in fixing the prices for grapes has been of very great advantage to the growers over the years. It is my Government's policy to support the recommendations of the Prices Commissioner."

I added some of my own words, as follows:

It should be pointed out that it is at the express wish of the S.A. Grapegrowers' Association that the Premier had been asked to intercede on their behalf. As requested, he has arranged a meeting of representatives of the Wine and Brandy Producers' Association. I would strongly suggest that wine grapegrowers and all others connected with the industry endorse the Prices Commissioner's recommendations and give solid support to the Premier in his desire to see that their interests are fully protected.

I added the words, as one does at election time "See that he is the Premier next Monday by voting the L.C.L. ticket for Chaffey". That was, as I understand it, fair comment following upon the advertisement by the Labor Party and, what is more, it was good advice to the grapegrowers of the Upper Murray and to other parts of the State, because ever since that time we have had great difficulty in the industry. This has been brought about largely because of the negotiations that have taken place, and in these negotiations the Premier (Mr. Walsh) has had a number of meetings with the grapegrowers and winemakers. Judging by the response and the result, one can only say that apparently he is not a good negotiator, because previous to this there did not appear to be a great deal of difficulty in getting both sides to come to an agreement.

Following the election, when the Government took over, the L.C.L. members of this Chamber were purposely, I would say, kept out of the early negotiations with the grapegrowers and winemakers. I issued a very strong protest to the Wine Grapegrowers' Council of South Australia over this matter, because I believe that the L.C.L. representative of the district should have been included in the negotiations, and not just two members of the Party supporting the Government at the time. Now I come to another phase of this unhappy turn of events. The present Premier decided, under much pressure, that he would have to honour another of his election undertakings, which was to set up a Royal Commission, but it was June, 1965, before that Royal Commission got under way. When it was set up its first terms of reference were for an inquiry into the grapegrowing industry. That was not what was promised to the growers in the first place: they were promised a Royal Commission into the grapegrowing and wine industries as appears in a certain document which I have here and which is headed "Labor policy on grape prices". It reads:

The member for Chaffey (Mr. A. R. Curren) after consultation with the Leader of the Labor Party (Mr. F. H. Walsh) announced yesterday that a Labor Government would immediately set up a Royal Commission to inquire into all aspects of the wine grapegrowing and winemaking industries. In view of the present unsatisfactory arrangement of annual bargaining over prices, it was essential that a more definite method of fixing prices, at an economic level to the growers, be instituted at the earliest possible time.

Honourable members will remember that I moved a motion of urgency in this Chamber in order to discuss the terms of reference of the Royal Commission. As a result, the terms were widened to include some facets of the winemaking industry. The Royal Commission has brought down its report. I remember saying during the debate that it was wishful thinking when the commission was set up in June and told to have its report completed by September 30. I remember saying at the time that it was quite impossible for the commission to do the job at all if it had to do it in that time. That was right, because the report of the Royal Commission came to this Chamber on January 28 last. That was late, but I am not castigating the members of the Royal Commission because they were set an impossible task in the first place. They have reported upon many facets of the industry. The commission did not recommend the legislation that we have before us at the moment. This legislation has been asked for by the Grapegrowers Council, and it has been supported by a fairly large meeting in the Upper Murray, and by petitions presented in both Houses. Now we have the legislation before us. I do not think that one needs to dwell on the legislation. It is only necessary to say that we do not know what the effect will be. Opinions have been expressed by both growers and winemakers that this legislation will not solve the problem and that it could have some detrimental effect upon the industry.

Those opinions are borne out by some sections of the Royal Commission's report, where attention is drawn to the fact that the Murrumbidgee irrigation area in New South

Wales is fast becoming a producing area of some importance. In the last six years or so, that area has doubled in size. It has a supply of Snowy Mountain water and land has been made available cheaply by the Government. The same can be said of the Robinvale area in Victoria, where a big interstate winemaker has set up a winery. I have intimate knowledge of the packing company in that area and its pack of dried fruit over the past two years has dropped considerably because of diversion to this winery, which I understand to be taking about 8,000 tons of grapes from the Robinvale area this year. These grapes are sultanas and gordos, in the main.

The Hon. R. A. Geddes: Is that for wine?

The Hon. C. R. STORY: Yes, in the main. The end effect does not worry us much. It will certainly be turned into grape juice. Our problem is that large plantings are coming to the bearing stage and family winemaking groups have planted large areas on the River Murray in South Australia. In addition, there has been improved production in many areas, including the Barossa Valley, and growers are getting higher yields in the river area, where the drainage has been improved. All in all, our production is going up.

In my opinion, the facilities for disposing of the wine are not keeping pace with production. They may be keeping pace over the State as a whole but they are not keeping pace in many areas where higher production is coming in. This statement applies to the river co-operatives. Although they have managed to handle the vintage well up until this year, one co-operative has had to reduce its intake and that will have a serious effect in that part of the State, particularly in view of the statement in the newspaper today that one large winemaker has ceased buying grapes because this legislation has been brought in, and it will not buy until it knows what price it will be asked to pay. It is like buying a pig in a poke at the moment.

It is fairly difficult to fix a schedule of prices at the moment, when there is no power to do so until this Bill passes. However, there has been much negotiation and the Prices Commissioner and Agriculture Department officers have spent much time in arriving at what they consider will be a fair price. After all, if this Bill is passed, the Prices Commissioner will be the final arbiter on the price and I think we should have been furnished with some information at this stage. If that had been supplied, it would be easier for many honourable members to decide how to vote on the measure. I think we could have been told what the Prices Commissioner considers to be a fair price as between the winemaker and the grower.

The Hon. C. D. Rowe: Would he have told the parties that already?

The Hon. C. R. STORY: I do not think so, although I am not in a position to answer that. The parties certainly know what each one is prepared to do at the moment. The Prices Commissioner has been chairman of the negotiating committee and knows exactly what the growers' representatives are prepared to accept and what the winemakers are prepared to pay.

The Hon. C. M. Hill: How do the costs in the Murrumbidgee irrigation area and the Robinvale area compare with costs in your area?

The Hon. C. R. STORY: The cost of production in those areas would be similar to ours. Growers in those places are receiving more for their grapes than are growers in this State and that has applied for some time. One of the catches in all this is that the Murrumbidgee area is much closer to the main seat of the trade, which is New South Wales and Victoria, and the differential on freight is 10c a gallon. It costs us 10c a gallon more to get it to the market than it costs in the areas to which I have referred. That is a nice profit and is attractive to winemakers that are developing. I do not visualize that this Bill will make any winemaker suddenly close down here, but any development by these companies will take place in the areas closer to the seat of the trade.

At one stage, we had in this State 77 per cent of the wine production in Australia and well over 90 per cent of the brandy production. The figure for wine production has now dropped to 71 per cent, and that is not good. Regarding the present propects for the vintage, the Barossa Valley suffered a severe setback. Production will be considerably down this year in many areas because of lack of rain and the upper river area has had losses as a result of rain. Consequently, the vintage will be much less than it otherwise would have been.

The Royal Commission has given the figure for this year as about 10,000 tons less than that for last year. However, I think that the drop will be greater than the Commission visualized in January when it prepared its final report. The position has deteriorated considerably. There is no problem about placing wine grapes this year within the facilities available; the difficulty will be man-made. The winemakers have said that they will not pay the prices the growers' representatives ask.

They have not said that they will not pay the price fixed by the Prices Commissioner under this legislation, but it is reasonable to assume that the Commissioner will fix prices somewhere between the prices of the two parties, and at the moment there appears to be about a $10 difference and it is entirely in the lap of the gods whether the winemakers will buy in quantity this year. If they do not, the growers will be faced with a position similar to that which has existed in the last two years when there has been a surplus.

This is where there is some difficulty because, if there is a surplus of grapes, will the Government do something about placing the surplus? Will it make available money to provide the co-operatives with more capital, which is what the Royal Commission recommended—that there should be no more emergency pools but rather that the grapes should be absorbed into existing wineries and that money should be made available for expansion, storage and financing the whole operation? I do not think the Treasurer is in the mood to advance money for surplus grapes.

The Hon. C. D. Rowe: He could easily clear it up by making an announcement.

The Hon. C. R. STORY : I think he made an announcement in closing the debate in another place.

The PRESIDENT: Order! The honourable member must not discuss debates in another place.

The Hon. C. R. STORY: I am not discussing debates in another place but am merely stating that it has been reported to me that this is the attitude of the Treasurer. I will not enter into a discussion about debates in another place, but I want to make it clear that the Treasurer has said that he does not at the moment see his way clear to make the money available. I am somewhat in a quandary, because these people cannot just let grapes rot on the vines, and this Bill will make it compulsory for winemakers to buy at a certain price and for grapegrowers to sell at a certain price. If either contravenes the legislation, there will be a fine of $400. This is completely binding on the parties, and the Prices Commissioner will be the person who fixes different minimum prices for different parts of the State, minimum prices on a sliding scale, minimum prices on condition, and minimum prices for cash, delivery or otherwise, and, in any such case, inclusive or exclusive of the cost of packing or delivery.

I do not understand the drafting or the meaning of "packing", which is not a term usually used in relation to wine grapes. Under new section 22a (2) (*f*) the Commissioner may fix and declare minimum prices based on such standard of measurement, weight, capacity or other principles as are specified in the order. New subsection (3) provides that every order made in pursuance of this section shall be published in the *Government Gazette* or served on the persons bound thereby. This is final, with no let-out. I am vitally interested in what happens to growers who have grapes if winemakers cannot buy them at the price fixed, and I will ask the Minister for a clear indication of the Government's policy on this.

Today I asked the Chief Secretary a question about the Government's policy, and he said that Cabinet had not discussed the matter or come to any decision, yet last night his Leader said that he would not provide money for this purpose. This is the crux of the matter, as this legislation has been asked for by the Wine Grapegrowers Council, a body which is elected and which represents all parts of the grapegrowing industry. I am not sure whether it has the full support of people selling grapes, because at a meeting the other night I heard some growers ask whether, if they were to "try on" the winemaker, so to speak, who would compensate them if they lost their crops? The Chief Secretary would understand this type of thing in industrial matters.

The Hon. R. A. Geddes: This is the $10 question.

The Hon. C. R. STORY: This is the $64,000 question. I should like the Minister to give me a clear explanation of the Government's policy if winemakers will not take grapes.

The Hon. A. J. Shard: You cannot get it because the decision has not been arrived at, as I have told the honourable member this afternoon.

The Hon. C. R. STORY: My research and reading lead me to believe that the Treasurer has made a statement on this matter. I want to know the answer, as this has an effect on the vote. I will leave this until the Committee stage, when the Minister may be able to tell me something about it. The Royal Commission's report is probably one of the best documents we have had about this industry. From a fact-finding point of view the Commission did a magnificent job. It collated the evidence and on the material it had I think it made a correct report, but there is no conclusion about the future of the industry. It made certain suggestions, but there was no immediate

recommendation for legislative action and no plan was put forward.

For the last two or three years, tremendous pressure has been applied for some more permanent arrangement. I think this industry must be organized on a Commonwealth basis, as there is no future in messing about with grape boards on a State basis. On July 30, 1964, the Federal Grapegrowers Council of Australia held the first national convention of wine grapegrowers in South Australia, and a major decision was a resolution to seek a Commonwealth control board for the industry.

The Hon. S. C. Bevan: The Commonwealth has had these powers delegated by the States.

The Hon. C. R. STORY: I know that. It did not have the authority when the Wheat Board or other commodity boards were set up, but it soon arms itself with authority if the other States agree to get together. I know that the Ministers of Agriculture when they met for their conference were asked to discuss this matter of a Commonwealth control board, something similar to the set up of the Wheat Board and the Dried Fruit Export Control Board. Until such time as we have a Commonwealth board, we cannot under any circumstances go to the Commonwealth and get some of the money back which it takes from the industry, and it is a considerable amount of money, approximately $5,000,000 in excise alone. The position is quite farcical. A ton of grapes that returned the grower $50 brings in to the coffers of the Commonwealth Government $300 in excise plus 12½ per cent in sales tax. This is a ridiculous position, for an industry that is having real difficulty is being milked to this extent. Some of this money ought to come back into either promotion of oversea exports or sales promotions to assist in reducing the surplus production. There have been surpluses of wine and they will continue as production increases.

There are also people who have ideas about restricting plantings. That just won't work, because if we restrict our plantings in South Australia at this stage Robinvale and Murrumbidgee will go flat out to plant as much as they can and this will further aggravate the position by shifting the South Australian industry interstate. It has been advocated by certain groups of people that the easiest way out would be to stop further plantings. I do not believe that we can afford to stop planting if we are to remain the main State for grape production and winemaking.

The Hon. R. A. Geddes: If the scheme were on a Commonwealth basis, do you think it would be possible to control growing?

The Hon. C. R. STORY: Most certainly. If it were on a Commonwealth basis the board appointed would see that it had the position under control and would restrict plantings if the position became chaotic. It would also have control of the selling and the development of export markets. I have let the Government down as lightly as I possibly could over its handling of the position and still kept a little dignity, but I must say that this Bill is only a palliative. It is an experiment that could prove a fairly costly one.

The Hon. S. C. Bevan: It is an attempt to give the grower a fair deal.

The Hon. C. R. STORY: I explained earlier that this might be an attempt to give the grower a fair deal.

The Hon. D. H. L. Banfield: It is an answer to a prayer you put up yesterday, when you presented to this House the growers' petitions.

The Hon. C. R. STORY: Yes, but it is not an answer to a maiden's prayer. This is not the real McCoy at all. What we have to do is look very much further ahead than one year; we have to look 10 to 15 years ahead in planning this industry. One of the things we do not have is an accurate survey of the actual vines in the State, let alone the production. The Royal Commission has mentioned this and has also said that it had difficulty in getting figures of cost of production. We also know that we need to have accurate yearly estimates of what the vintage will be, so that we may plan ahead and not find ourselves in this position of the annual haggle over grape prices.

The price of grapes ought to be fixed two or three months before the actual start of the vintage, though I know there are difficulties in this. We cannot tell whether we are going to get good rains, but we must have a basis in order to get under way. We must be able to guarantee growers some sort of stability, the same as is provided to people who pick our grapes. People who pick grapes know what they are going to receive as their rates are fixed by the court. They know that if they work a certain number of hours they will be paid a certain number of dollars. In this industry there is not one person in grapegrowing areas or in any other primary production sphere who has the slightest idea of what his income will be. He would have a better idea if there were an orderly marketing scheme.

The Wheat Board at least knows what its price is going to be under fixation, but the grapegrowers haven't the slightest idea from year to year what their price is going to be. As I said earlier, I am doing my best to be charitable, but I do not think that this Bill is the way to surmount our problems. There are matters in this Bill that I do not want to raise at this stage. We will get it through, and hope and watch it with a great deal of interest. I support the second reading.

The Hon. M. B. DAWKINS (Midland): At the outset I wish to indicate that I do not intend to delay the Council long on this matter, because the Bill has been covered in considerable detail and with great competence by the Hon. Mr. Story, who has had a lifetime of experience in this industry and knows far more about it than I do. I support the Bill at the second reading stage, although I cannot regard it with any great enthusiasm. I have doubts about the Bill and am afraid that it will not do what the grapegrowers think it will. I give the Government credit for being sincere in this attempt to do something for the grapegrowers. I agree with the interjection of the Minister of Roads just now to that effect but I still have my doubts about the effectiveness of the Bill, which is somewhat contrary to the recommendations of the Royal Commission. However, I have consulted the representatives of the Wine Grapegrowers Council and representatives from the Barossa Valley and the Upper Murray. The whole of the Barossa Valley and much of the Upper Murray areas is in the Midland District.

I have been assured by those gentlemen that it is the desire of the grapegrowers themselves, and that assurance has been reinforced by evidence in the form of petitions. Therefore, I support the Bill but I endorse the comments of the Hon. Mr. Story, because I see the need for a Commonwealth scheme to make this Bill work. A Commonwealth authority, in my view, is no easy matter to set up. As I think the Minister interjected just now, the various States would have to agree. While this is no unsurmountable problem, because it has happened with various other commodities, wheat in particular, there would be many difficulties in the setting up of a Commonwealth authority in this case. As the Hon. Mr. Story has said, wine grapes or any grapes are a perishable commodity, and what one can do with wheat one cannot do with grapes. It is not possible to produce the legislation for wheat and cross out the word "wheat" and write in "wine" or "grapes", any more than it is possible to cross out "wheat" and write in "citrus": in fact, it is rather less possible, because we know that citrus is a perishable commodity, but it is a relatively permanent commodity compared with wine grapes, which will not last very long.

With the Australian Wheat Board, of course, it is possible, as the Minister has said, to put wheat into silos, hold it for a very long time, and have time to bargain for a satisfactory price, whereas with wine grapes one cannot necessarily force the winemakers to buy at the price suggested tomorrow. A fortnight or so may make it too late. We can hold wheat for long periods if the price is not right, but we cannot hold wine grapes because, as the Hon. Mr. Story has said, they can well be allowed to rot on the vines if there is buyer resistance.

Nevertheless, despite the troubles and difficulties of setting up a Commonwealth authority in this industry, I am convinced that this must be the final solution and some effort must be made to come to this desirable end in respect of these troubles. A few days ago, as I have indicated earlier, I was in conference with representatives of this industry and was shown the latest prices—those required by the grapegrowers and those offered by the winemakers. They were not very far apart and I am assured in my own mind that had the negotiations been conducted by the former Premier (the Hon. Sir Thomas Playford) agreement would have been reached.

The Hon. A. J. Shard: Ah!

The Hon. M. B. DAWKINS: It is all very well for the Chief Secretary to laugh.

The Hon. R. C. DeGaris: It has always been so in the past.

The Hon. M. B. DAWKINS: Yes. Why is it that for the previous five years successful negotiations have been concluded, whereas in the last two years successful negotiations have not been concluded in any reasonable time, and prices generally are lower? There is certainly no increase of consequence: in fact, in many cases the prices are lower. The prices paid for grapes under the new Government were far lower than those paid under the previous Government. I suggest in all sincerity that the grapegrowers were led up the garden path, as mentioned by the Hon. Mr. Story, by this Government, because they were promised that they would live better with Labor. Many people, and in particular the grapegrowers, so far from living better are living significantly worse under this Government. Negotiations were recommended by the Royal Commission, which has just concluded its inquiry, and negotiations were on practically

every occasion successfully concluded by the former Premier. I wonder why it is that several years of successful negotiation has been transformed into two years of relative failure. I can only feel that the present negotiations have not been conducted in as able a manner, by any stretch of the imagination, as they were previously. However, the Government, although it has not been able to conclude successful negotiations for acceptable grape prices as between the winemakers and the grapegrowers, has introduced this Bill, which to my mind is unsatisfactory and contains some problems. However, the grapegrowers themselves are optimistic enough to believe in this Bill and that it will cure their ills. Therefore, they want the Bill.

I am not at all sure that it will do what they want, because I believe that, although the winemakers could probably take all of the reduced crop in the Barossa Valley and the Upper Murray this year, I question whether they need to take that crop if prices are imposed upon them that are unsatisfactory. If they do not want to buy, we cannot force them to buy. I hope that I am wrong in these assumptions and that the grapegrowers' representatives are correct in their optimism. I have over many years developed a sincere regard and concern for the grapegrowers in the Upper Murray and Barossa Valley areas, many of whom I value as my friends, and I support this Bill at their request. Of course, many of them are in the Midland district. Therefore, I support the second reading, hoping that the Bill may achieve what the grapegrowers expect it will achieve.

The Hon. R. A. GEDDES (Northern): I wish the Bill Godspeed and every possible hope for the future, because of the needs of the growers, particularly those in the irrigated areas of the State. They require a fair and equitable price for their products so that they and their families can live in prosperity, whether under this Government or any other, and also so that the towns where they live can progress.

The problem of over-production, which is one of the reasons why the Bill is before us, is not new to any of us. In the Old Testament we read of the problems of famine and the pleasures of plenty that were numerous in ancient history. We have had the problem of over-production in the grape industry in the last three or four years. The present and the past Goverments have tried legitimately to do the best they could in the circumstances, and the method of subsidizing the pools appeared to work well when it first started. However, as the reserves of grape juice accumulated, it became much more difficult for the wine and brandy producer to buy an excess of the product for processing and sale.

The reserves of grape juice within the State increased and I doubted whether it would have been possible this year to reach a compromise. The merit of price control in the case we have before us is interesting. I often wonder whether price fixing in this industry cannot be compared with farm subsidies. Subsidies on agriculture are not new in Australia. We have subsidies in the dairy, tobacco and wheat industries. The American farmer is heavily subsidized and the farmer in the United Kingdom enjoys an income far in excess of what his farm can produce, thanks to a price subsidy. So, we could substitute "price subsidy" for "price control" in relation to the wine industry.

The arguments that some people use on the success of price control need not necessarily apply here. In the past, when the Government was unable to purchase the surplus of grapes to the benefit of the growers, the growers were reasonably satisfied, but this is not a wealthy State. Its resources are not such that it can continue to be a fairy godmother to a section of the State.

Therefore, at this moment, I can see little alternative to this Bill. It has been said that it is similar to the Arbitration Act, which makes provisions for wages and conditions of employment in industry. I do not agree with this argument that this could be considered similar to arbitration, because when wages rise the manufacturer has the opportunity of adding some of his cost excess on to the cost of his finished product and thereby of passing it on to the consuming public.

However, in this case, the Prices Commissioner must reach a compromise. He must find a price that is acceptable to the grower and that the wine and brandy producer will be agreeable to pay. The grower cannot pass on his price. He has to live with it, and it becomes his basic income. The wine and brandy producer then has the problem of selling the raw product that he has bought in excess of the prices being obtained in the Eastern States or elsewhere in Australia in the same season.

The Hon. C. M. Hill: One would go to another State to buy, in those circumstances.

The Hon. R. A. GEDDES: That is possibly true. However, to continue with the argument regarding arbitration, arbitration does try to

be fair. It applies to the whole industry and increases or decreases are passed on to the public. Here we have the grower with a fixed income that may not cover his cost of production and we have the manufacturer with the problem of markets in other States with possible price variations. Nevertheless, this Bill attempts to enable the two parties to live in love and charity with one another. The efficiency of what is proposed in the Bill depends on forward planning and a knowledge of the expected production rate, not this month but next year and the year after, and this planning for the next season must start now, not tomorrow. Irrigation provides one essential and climate provides another, but the grower still has the problems of wind and rain. However, he is sure of having water when it is needed to make the product grow.

It is obvious that production and efficiency will plague the State unless the Government can persuade the Commonwealth Government of the dire need for Commonwealth control of the industry that will have regard to planning, the types of grape to plant and orderly marketing, particularly in view of the fact that irrigation has become so far flung in the Eastern States. It must have, first of all, orderly marketing. The irrigation industry with its orderly growing must have orderly selling. I hope that this Bill will give relief and make it possible for the industry to progress and so enable the Government to get down to work, not in February or March, 1967, but straight away to plan how to beat the problem in 1967. For the sake of the growers and manufacturers there must be some orderly thinking. I support the Bill.

The Hon. H. K. KEMP (Southern): I give my heartfelt support to this Bill, and I think that most people who have observed the wine grape industry over the last year will give deep thought and sympathy to the dilemma, disorganization and chaos confronting the industry today. I do not think anybody with sympathy and understanding of the industry as a whole would do anything but sincerely hope that the measure before us will help to solve the problems. There has been much cynicism, lobbying and underground pressure in the last few days on this matter, and I think it is a great pity that it has contaminated thought on the Bill. The position is that this year there should have been no trouble as the vintage will be greatly reduced, due to the dire drought that has affected much of the wine grape acreage. In spite of this, a chaotic condition exists and negotiations between grapegrowers and winemakers have broken down. This is a terrible state of affairs, despite the fact that the true position in the last few years has been that in a large industry a small surplus has completely upset the economy of buying and selling grapes. It is an extremely small surplus, taking into account the whole crop. The winemaking industry is of tremendous basic importance to South Australia and it seems a sad state of affairs when a five to six per cent surplus can bring an industry to its present position, because of the stupidity of people responsible. This was put to me this afternoon by two people for whom I have the highest regard, and I have held them in high esteem all my life. The comment passed on to me struck me as being true commonsense, and it was:

It is the fault of each side of the wine industry that this Bill is before us and they truly deserve what they receive as they have not been able to get together and sort out their troubles.

Here is a year in which there is materially no surplus; every grape will be wanted and there is no fear that every grape cannot be sold. However, there has been a complete breakdown in negotiations and everybody concerned must accept some responsibility for that breakdown. As a member of the Opposition it is easy to say this because I have not been directly responsible, but I think that the responsibility must be placed on the heads of those who lead the industry, and they must be made to realize that it is their fault that the present position exists. I think everybody observing the industry will hope that the measure before us will solve the problem, but I believe that it will increase the existing chaos. I hope that will not be so. The last thing anybody with responsibility would want to do would be to oppose this legislation, because many people consider that it could be the answer to the problem. We have seen the publication of many statements, and the threat of this legislation is leading to the complete cessation of buying. This is not an industry where the product can be left lying about while people make up their minds. In a few days of ordinary weather the crop will lose its value, so there is little time for negotiation. Nobody will profit if arrangements for the purchase and sale of the grapes are held up for any length of time. We must beseech those connected with the industry to get together and sort out their problems. I strongly support the Bill.

The Hon. L. R. HART (Midland): We have before us a very important Bill dealing with

a very important section of primary industry. This is placed before us in the dying hours of this session. Only a few months ago we had a somewhat similar Bill before us dealing with the citrus industry, and that also was introduced in the final hours of the first part of the session. This legislation is important and should be dealt with at a time when we are able to give it adequate consideration. Legislation of this type deserves better consideration than we can give it in the dying hours of a session.

The Bill sets up a new principle in price control. Price control, as we have known it over the years, has set out to fix the maximum price that can be charged for a commodity, but this Bill sets out to fix the minimum price that can be paid, and as such is in the nature of an experiment in which the buyer (in this case, the winemaker) cannot be forced to buy. That is perhaps one of the great weaknesses of the Bill. Although it sets out to provide what may be regarded as a reasonable minimum price, there is no guarantee that the grape producer will obtain that price for the whole of his crop unless the winemaker is prepared to buy.

I believe this Bill is only a stop-gap and is not the answer to the problems facing the industry, as it does not get down to the grass roots of the problems facing the industry. Although we must accept it, the Bill is only a measure that we hope will tide the industry over the present period of uncertainty. We have this problem when we have a small crop brought about by a dry season in some producing areas and excessive rain in some of the irrigation areas that has brought about a deterioration of the crop. The economic state of the industry is dependent upon the law of supply and demand, a law that applies to practically all primary-producing industries, and the situation varies over the years through the vagaries of the weather. In dry years there is a low crop and small production that can be absorbed by the industry, and in years of high production there is an excess of the requirements of the industry. Between the periods of high and low production there is always a period of levelling-off, but now we are having excessive production practically every year, which is brought about largely by the opening up and bringing into production of huge irrigation areas.

Any form of price control tends to stabilize the market, but when we do this we bring in other problems, as more growers are attracted into the industry and there is a consequent increase in plantings, which brings about a permanent increased production. In the irrigation areas of the Upper Murray the growers have faced problems of salt-affected soils that have in some cases ruined vineyards, but with drainage the affected vineyards are now coming back to life and being replanted. All this tends to bring about a huge production that the industry cannot absorb. In other forms of production there are alternative crops. If there is over-production of wheat, for instance, the farmer changes to barley, oats or livestock production. However, that does not apply in this industry in which, if there is over-production, it is present always.

The Hon. A. J. Shard: But don't some growers grow apricots and citrus fruits as an alternative?

The Hon. L. R. HART: That is done a little.

The Hon. A. J. Shard: It is done more than a little.

The Hon. L. R. HART: One does not rip up a vineyard in full production because apricots are bringing a high price.

The Hon. A. J. Shard: You want to go to the river districts and look around!

The Hon. L. R. HART: I often go there, where I have many electors.

The Hon. S. C. Bevan: Next time have a look around!

The Hon. L. R. HART: I have a look around and know there is increased production of apricots, peaches and other fruits. Probably there will be these problems in other industries unless suitable markets can be found. Market surveys tend to show a swing towards quality wines, and this means that the growing of certain varieties of vines should be encouraged. However, with price fixation on a stabilized basis there is a tendency for the grower to grow the high-producing varieties which do not necessarily give the highest price but which return to him the highest net profit to the acre.

We must set out to overcome some of these problems and grow the varieties that can be absorbed. There is over-production of certain varieties and diminishing sales of others. Oversea markets, which are very important to the industry, are plagued by the problem of multiplicity of brands, and this matter should perhaps be considered. We should perhaps consider whether we should not market more wines under one brand that is known all over the world and is identified as Australian. I consider that oversea markets must be exploited. With many products, we look to Japan to take our excess production, which it is doing in relation to wheat and wool, but

excessive duties are imposed in Japan on the importation of alcoholic beverages. Perhaps we should also consider producing a non-alcoholic beverage from grapes that could perhaps be sold in all shops in this country.

The Hon. C. R. Story: You should get some publicity in the *Farmer* for this suggestion!

The Hon. L. R. HART: When one wants to obtain increased consumption there are ways to go about it, one of which is to reduce prices. Perhaps this is something that the wine industry could look at over a period when we have this excess production that we cannot handle. We must get the community into the habit of drinking wine if we are to absorb surplus production. Perhaps there is no better method of achieving this end than by selling it to the community at prices it can afford.

The other method is promotion. Here, huge sums of money are required but it is possibly the only way in which the industry can increase its sales, by setting up a scheme of high pressure salesmanship and promotion in all countries of the world. The weakness of this legislation is that the winemaker does not have to buy the crop. He may buy a portion of it but does not have to buy it all. So the grapegrower may be left with a portion of his crop still on the vines.

The Hon. C. M. Hill: Will the Government buy the rest?

The Hon. L. R. HART: I will come to that. The Government has put up money for the purchase of surplus grapes over the last two years. We now understand that the Treasurer has announced that on this occasion the Government will not put up any money. Therefore, it is obvious that, unless the winemakers are in a financial and physical position to take the grapes that are offering—because many of them have a surplus of spirit at present and perhaps it is physically impossible to take an increased amount—we can easily reach the position where the grapgrower will be out on a limb. Perhaps it would be more appropriate to say that he would be left out on a runner—and a runner on a grape vine is not a very stable thing to be left hanging to.

The Hon. A. J. Shard: Grapes hang on very well.

The Hon. L. R. HART: Yes, and they may have to hang on for a long time on this occasion unless the Government is prepared to come to the party better than it is at present.

The Hon. A. J. Shard: Leave that out. We took the lot last year. You stick to actual fact.

The Hon. L. R. HART: The Government did not take the lot.

The Hon. A. J. Shard: We took everything that was over last year.

The Hon. L. R. HART: Most of what was over, but not everything.

The Hon. A. J. Shard: Everything.

The Hon. L. R. HART: This year I have no doubt that the growers will be completely happy. This industry must be saved, for it is an industry in which many people are employed. It provides a large export income for this country. Therefore, it is essential that it be saved from economic ruin. A Royal Commission has come up with a splendid report. It should be commended for it. The sooner that most of the recommendations of that report are put into operation, the better it will be for the industry. However, in the meantime we must endeavour to get a little sanity back into the industry, a little better co-operation between the grower and the winemaker, because, after all, one is complementary to the other: the winemaker cannot live without the grapegrower and the grapegrower cannot live without the winemaker. I hope that in the days to come these two bodies will be able to work together more closely than they have of late. Although this legislation contains many weaknesses, I believe it is acceptable to the growers. They have no alternative but to accept it. In those circumstances, I am prepared to support the second reading.

The Hon. R. C. DeGARIS (Southern): I have listened to those who know this industry particularly well, to those who represent districts that claim large grapegrowing areas and to those who have had much experience in this industry, both in growing and in wine production. I have listened to the Chief Secretary giving his second reading explanation. I, too, represent a grapegrowing area in my district. It may not produce the largest quantities of grapes in South Australia but it is a good area for quality.

My own knowledge both of growing grapes and of wine production is limited, although I have had some experience as a consumer. Therefore, I am not saying that I speak with any authority on this industry; but I can see that some concern has been expressed by honourable members who have spoken. I think I can speak of the probable effects of the Bill. We have seen how the problem of grape production in South Australia has been handled in the short term over the last four or five years.

The Hon. A. J. Shard: Since 1959.

The Hon. R. C. DeGARIS: Yes, efficiently, and agreement has always been reached. I have heard the Hon. Mr. Story speak of the many lavish promises made by the present Government at the last election and of some of the advertisements and cartoons published by the Australian Labor Party as regards the fixing of grape prices. We know the results of the promises made in those advertisements concerning grape prices. The first intention of this Bill is to save the face of the Government in the promises made at the last election. This answer in the Bill before us will not work. Therefore, I intend to oppose the Bill.

The Hon. D. H. L. Banfield: You do not come from a grapegrowing district.

The Hon. R. C. DeGARIS: I do. I shall give the reasons why I oppose this Bill and, if one assurance is given me when the Chief Secretary replies, I shall vote in favour of the Bill. Let us look at the opening two sentences of the Chief Secretary's second reading explanation:

The object of the Bill is to provide for the fixing of minimum prices for grapes for the 1966 vintage. This action is considered necessary following the inability of winemakers and grapegrowers to reach agreement on prices to be paid.

The Bill before us, which is fixing minimum prices, is supposed to be the answer to those two sentences. Whatever happens there still must be a contract or an offer from the winemaker to the grower, and one cannot negotiate for prices once the other party has the big stick.

The Hon. A. J. Shard: That is why the negotiations failed.

The Hon. R. C. DeGARIS: They have never failed before, and this year we have the lightest vintage since 1959. This is the first time that negotiations have broken down. I made a statement that I opposed the Bill, but I will support it if one guarantee is given by the Government. I am prepared to support the Bill if the Government is prepared to meet the problem of the surplus grapes that I think this Bill will create. This means, of course, applying State funds to purchase, process and store the surplus grapes in the State. I would not know what the cost would be to the Government, but the Government has taken this step and if it is prepared to carry the Bill to its logical conclusion, that is, take the matter in its own hands and take up the surplus grapes, I would say the cost to the State Treasury would possibly be $2,000,000.

I believe the statement has been made that the Government will not put any money into the grape industry and, if I have the assurance that the Government will, after having caused a surplus (by attempting the negotiations with a big stick) come to the party with State funds to purchase and process the surplus grapes, then I will support the Bill. I cannot support it when I feel that its result will be a surplus in South Australia that will not be processed. I cannot see where this Bill will assist the grapegrower in any way. The Hon. Mr. Story, in a very excellent speech, touched on the answer to this problem when he said that any control of this particular type must be at the Commonwealth level. It is impossible to get any effective control of the type envisaged in this Bill at the State level. Unless the Government is prepared to face the responsibility it is creating in this Bill, I must oppose it.

The Hon. A. J. SHARD (Chief Secretary): I want to be brief at this hour of the morning. I thank honourable members for the attention that they have given to this Bill. It is an important Bill dealing with an important industry and will affect a large number of people living in various parts of the State. I am prepared to say that with my knowledge of the grapegrowing industry I do not think that the Bill is the answer to all the problems. I would like to know the answer to all the problems. No Minister of the Crown can give an assurance that surplus grapes will be taken by the Government as an emergency co-operative.

The Hon. C. M. Hill: Why not?

The Hon. A. J. SHARD: If the honourable member had listened yesterday afternoon he would have known why. Yesterday afternoon, in reply to a question, I said that the question had not been discussed or a decision arrived at by Cabinet.

The Hon. Sir Arthur Rymill: Any Minister would be able to say whether he supported it or otherwise personally.

The Hon. A. J. SHARD: He would be very foolish if he did. Have no misgivings on that. Nobody can say what the Government will do until the question has been decided by Cabinet. I have consulted my colleagues, as I have been out of the State recently, and they have informed me that the question of what would happen to any surplus grapes has not been discussed nor has a decision been reached.

The Hon. Sir Norman Jude: It was the Premier of the State.

The Hon. A. J. SHARD: Perhaps somebody said it would be done, but it was not a

Cabinet or a Government decision. We have heard statements made by the former Premier that were not Cabinet decisions. Don't put that one up.

The Hon. Sir Arthur Rymill: You used to say that his opinion was Cabinet's decision.

The Hon. A. J. SHARD: How often was it given effect to? My job as Leader of the Government in the Council is to comply with the request of the growers to get this Bill carried. I want to join with the Hon. Mr. DeGaris in saying that, with a few exceptions, the speech by the Hon. Mr. Story would have been a very good one if he had left politics out of it.

The Hon. R. C. DeGaris: I think you started it.

The Hon. A. J. SHARD: If you read his speech you will see that in the first part of it I did not interject once. It was a good educational speech and one worth listening to. I thank honourable members for the friendly manner in which this Bill has been debated, much more friendly than in another place.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Determination of minimum prices for grapes."

The Hon. C. R. STORY: I think this is the appropriate clause on which to raise this matter. I was not talking about wine surplus so much when I was talking of the finance necessary in the co-operatives. It will be necessary to expand the co-operatives in conformity with the Royal Commission's report. I understand that loans to producers' funds at this time are low and that money will have to be pumped into the Loans to Producers Fund by Parliament. That fund is the financing source for the co-operatives, in order to keep up the progress that we are getting with the additional grape production year by year.

The Hon. S. C. Bevan: You will have to change the attitude that you have adopted during this session. You denied the Government finance.

The Hon. C. R. STORY: I do not understand what the Minister refers to. If he is trying to get over some propaganda at this stage about what the Council has done in restricting the Government in the matter of finance, he has another think coming. I still say that money will have to be pumped into the Loans to Producers Fund in order that the development in this and other industries can be catered for. This is not political propaganda at all; it is reality. At present the State Bank is advancing money out of the Loans to Producers Fund on the basis that one-third of the total requirement must be found by the company that wants to borrow. However, a year ago it was necessary for a company borrowing to find only from 17 per cent to 20 per cent of the total amount that it required.

The Government will have to look closely at the need to provide money that is required. I am not unrealistic enough to think that pools are a solution. In fact, I have spoken against them on numerous occasions. Grapes have to be got into distilleries and wineries in such a way that the product can be sold, and that can be done if more money is provided in the fund so that co-operatives throughout the State can expand. I do not like the snide dig that this Council has restricted the Government in the matter of finance. The Government has been given a fair go by this Chamber on the normal type of legislation that has been brought forward. The Council has rejected legislation only when the Government changed an established system so radically that many people would have extreme difficulty in getting by.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

INDUSTRIAL CODE AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from March 1. Page 4187.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading but in doing so, like my friend the Hon. Mr. Rowe, I cannot say that I have much enthusiasm for the fundamental changes that the Bill will make in the South Australian industrial system. I stress that the Bill will make substantial changes in the existing set-up, and I further agree with the Hon. Mr. Rowe that that set-up is one of the best in Australia, for it has worked remarkably well over the years. At present we have an Industrial Court comprising a President only. There is provision in the Code for the appointment of a Deputy President. Until recently His Honour Judge Pellew was President and His Honour Judge Williams was Deputy President. That court had power to deal with many matters: questions of law, making of awards in the first instance, and general overseeing of the whole of the industrial affairs of this State. This is all to be changed. The Bill provides for a court comprising only a President. The court will have power under the Bill to deal with legal matters

only, and such matters would be questions arising from prosecutions, determination of questions of law, and interpretation of awards. Industrial matters are to be determined by a new Industrial Commission, which will comprise a President and two Commissioners. They will comprise the full bench of the commission, or it may be constituted by the President and one of the two Commissioners.

Important cases are to be heard by the full bench. Under the Bill conciliation committees will take the place of the old industrial boards. On these boards, which have functioned extremely well, there is an equal representation of employers and employees. In future, the chairman of each board will be one of the new Commissioners to be appointed under the Bill. I understand that 67 boards operate in this State and they will continue under the new set-up with one of the Commissioners as chairman. It is obvious that this jurisdiction had to be transferred to the proposed two Commissioners because, if it were not done, the Commissioners would virtually have nothing to do; and there is not the slightest doubt about that. However, that is to be the new position, and important matters in dispute before those committees can be dealt with by the full bench of the commission. Under the Bill an appeal may be made from a committee to the commission, which will comprise the President, the Commissioner who is not the chairman of the board concerned, and the Industrial Registrar. Under this Bill the Board of Industry, which has, perhaps, not functioned for some time in this State but which was active some years ago—

The Hon. D. H. L. Banfield: It still functions.

The Hon. F. J. POTTER: Yes, but it does not carry out the same duties originally intended for it. The Board of Industry is to be replaced by the full bench of the commission. Power is given in the Bill to the President, a Commissioner or the Industrial Registrar to hear claims for recovery of sums due under awards, but they will have no power to award costs against either party. Where the amount of a claim exceeds $60 (which is the equivalent of the old limited jurisdiction of local courts) an appeal may be made to the President. Judgments in this area of operation are to be enforceable in the same manner as judgments of a local court.

I think this is a brief summary of this fairly lengthy Bill. It makes a substantial alteration to the existing satisfactory set-up. I am aware that in appointing these new Commissioners, and having them as lay Commissioners, we are only doing what, in the process of time, has been developed as the pattern in other States and in the Commonwealth sphere. I am not certain, but I think the Hon. Mr. Banfield in an interjection the other day implied that this was a very good set-up, that it had worked well, and therefore it was a good reason why we should have it in South Australia. I cannot join with him and say that the arbitration system in Australia, which has been largely developed through courts and industrial tribunals and conciliation committees, has produced very happy results as far as wage-fixing is concerned. I am not saying that because there has been a gradual increase in wages over the years. I do not say that is bad and that we should not have increases in wages. I think the regrettable aspect about the arbitration system in Australia is the completely chaotic result of the system of wage regulation that has resulted.

There is no question that we have now reached the position where comparisons cannot be made between wage rates paid in one industry and those paid in another. We have reached the stage where the various industries are now, from an arbitration and wage-fixing point of view, in water-tight compartments. Comparisons cannot now be made in the same way as they were made some years ago. The results are chaotic. I should like to illustrate this by a simple matter that occurred not long ago when Conciliation Commissioner Finlay in the Australian Capital Territory ordered a margin of $19 a week for a stenographer capable of writing shorthand at 100 words a minute. That is a qualification required of a girl who passes the Intermediate examination in shorthand in this State. Compare that with the margin of $11.20 a week for a competent and fully trained tradesman who has gone through his period of training. I could give innumerable examples of this kind, illustrating that we cannot make sensible comparisons between one industry and another.

There have been suggestions by the Government that it will introduce the principle of equal pay for women for equal work, starting with the teachers. If one reads the recent award one perceives that it was not an award of the commission but one made by the consent of the Government. We have heard it said in this Council that the principle will be extended to other jobs in the Public Service. This question of equal pay will have an enormous effect on our present chaotic wage structure. I strongly suggest to

the Government that, before it goes any further with this principle of equal pay, it refer to the new Industrial Commission set up under this legislation the question of introducing **equal pay for women and men**, and the economic, social and industrial desirability and consequences of equal pay. That would give the new Industrial Commission, replacing the Board of Industry, an important task to perform, something that it could really get its teeth into, so that it could present to this Government a comprehensive report on the implications of its avowed policy.

If the Government were prepared to do that, this Bill in itself would be worth while, because we would have a full bench of the commission reporting on a matter that will play such an important part in our future. The Hon. Mr. Rowe said the other day that he was at a loss to understand why the Bill was brought in: frankly, I am, too, but I have a strong suspicion that it was the result of certain pressure on the Government to introduce this policy. I know that perhaps it was talked about at some stage before the Government assumed office, but at the same time it is this Government that saw fit to give it the final burst. I strongly suspect that it was subjected to strong pressure to introduce the system, because I see no reason at all why the existing set-up that has worked so well should be replaced by this new procedure. I do not think it will contribute to industrial peace and harmony in this State. I know that it is consistent with what is done elsewhere. I do not agree with the Hon. Mr. Banfield that it will cost less. In fact, it will cost considerably more, because, as opposed to having, say, one Deputy President, which is the alternative, at about $9,700, we shall have two Commissioners and I would be amazed if they were paid less than $8,000 each; and there would have to be at least two extra employees at about $3,000 each. In working out these figures, I looked only at what is paid in other States for the same sort of work.

The Hon. C. D. Rowe: Would this Commission increase Parliamentary salaries?

The Hon. F. J. POTTER: No; we have a special tribunal for that. So we shall have to have these Commissioners and extra staff as well. We shall find that this will cost us more than our existing set-up does. This is typical because, although this Government is continually complaining that it has not the money to do various things because the Council has blocked its plans to raise taxation, we find that everything it does costs more. Two Bills before us at the moment will, if passed, result in increased costs. We shall have a newly created Apprenticeship Commission. We have a new set-up here in the Industrial Court. Both these things will cost more money. The Government has yielded to pressure to bring in this Bill. As far as I can ascertain, there has been no move or urging by any employers' organization for the Bill to be introduced. I wonder exactly whence the pressure is coming, because this will create extra positions—at least one will come from the trade union field. In doing this, the Government has shown that it is not only a Government out to get as much money as possible from the people: it is also a fundamentally weak Government if it yields, as I think it has yielded not only on this issue but on other issues, to pressure groups. If I was asked to develop that further, I could give a number of examples of what has happened in the history of this Parliament since the Government took office.

However, I am not opposed to the Bill. I recognize that it is in line with what obtains in other States and the Commonwealth. I cannot imagine it will be an improvement on our existing set-up or that it will in any way do more than make its own contribution to the chaos in our existing system of arbitration. One or two matters in the Bill need amending. They are fairly straight forward amendments and should be dealt with in Committee. I shall move them when that stage is reached.

The Hon. D. H. L. BANFIELD (Central No. 1): I have pleasure in supporting the last two speakers. I indicate that I also support the second reading. The constitution of the Industrial Court will be altered so as to provide for a President and two members, and the tribunal will be known as the Industrial Commission, which will have the same award-making jurisdiction as the Industrial Court now has. The Bill also provides for matters to be referred to the full bench for initial hearing and for right of appeal against decisions of Commissioners, and this is a very wise move.

At present, many different types of people act as chairmen of boards. I do not reflect on these gentlemen, who have done a good job, but because so many different types act there are different conditions in the various industries, and that does not always lead to harmony. The Chief Secretary could probably comment on this. The rate of pay prescribed in the Breadcarters' Award is much higher

than that prescribed in an industry in which people who have served a term of apprenticeship are employed. Although that is good advocacy on the part of the representatives of the breadcarters, I consider that the advocacy on behalf of the other industries was as good. The differing rates cause discontent between those employed in industries with apprentices and those in other industries without them.

The fact that the chairman will be chairman of a number of conciliation committees will mean more uniformity in conditions, and this will eliminate much of the present discontent. I am pleased that it is proposed that the committee shall meet during working hours. The Hon. Mr. Rowe referred to this yesterday and I thought that he was a little disappointed that the committees would not meet outside working hours. I have sat on some of the boards that have met outside working hours and have found that not only members of the board but also the chairman have been anxious to get away quickly. Consequently, either the hearings were adjourned from week to week, entailing delay, or due consideration was not given to the matters involved. I do not think it was satisfactory when a committee adjourned after sitting for half an hour or three quarters of an hour because the wife of one of the members wanted him to take her to the pictures, or for some other reason.

I consider that proper consideration will be given to matters under this new provision. The clause authorizing the President, Commissioners and Industrial Registrar to decide claims for underpayment or wrongful payment of wages, as an alternative to the launching of prosecutions in a court of summary jurisdiction, is a good move. At present it is necessary to go to the court of summary jurisdiction in cases of underpayment of wages and the chips are then down, with everyone at each other's throat. That will not happen under the new provision, and the fact that penalties cannot be awarded will mean more harmonious relations between employers and employees.

The Hon. F. J. Potter: Do you agree that the same facility should be extended to employers?

The Hon. D. H. L. BANFIELD: I have no doubt that the employers will have the same facilities. They will have the right to go before the Commissioners. The provision will also mean that the recovery of wages will be achieved without the high cost of a solicitor's fees. I remember having to take to court a claim for 3c. The cost to the union of seeking to recover that 3c was more than $200, and we did not recover it then! A principle was involved and the union had no hesitation in going on with the matter. Although the magistrate's decision was not in our favour, before the decision was given the union and the employer's representative considered that the union had won the case. On the day of the hearing, the magistrate was citing instances of why we were right. After the hearing the case was adjourned and the decision was given on the resumption. On the day set down for the giving of the decision, as we walked into court, the employer's solicitor said to the union's solicitor, "How much do you think the old fellow will charge us for this one?" That solicitor nearly fainted when the decision came down for $200 in his favour and we nearly passed out when we lost the case.

The Hon. C. D. Rowe: You should not talk about the judiciary like that.

The Hon. D. H. L. BANFIELD: I am talking about a well-respected magistrate who was referred to as "the old fellow". The result of that court case was much disharmony among the employee and the employer concerned and the union. However, such disharmony will not arise under this Bill. I agree with the Hon. Mr. Rowe's statement that the President of the Industrial Court (Judge Williams) has done his job extremely well. The appointment of two Commissioners, one having experience in industrial affairs by reason of his association with the interests of the employers, and the other having experience in industrial affairs by reason of association with trade union affairs, will no doubt be of much assistance to the President and will be beneficial to industry generally. I do not agree that the decisions of the Commissioners necessarily will be biased because the Commissioners have been associated with the employers or with the trade union movement; in fact, I think the contrary will apply. No-one can say that the Commonwealth industrial system has not worked satisfactorily, although decisions do not always please both sides.

The Hon. R. C. DeGaris: Do you think it has worked as satisfactorily at the Commonwealth level as it has worked in South Australia?

The Hon. D. H. L. BANFIELD: Both employers and employees have been disappointed at decisions of the court here. Because there has been a fair amount of industrial peace, it does not follow that it is because of the set-up of the court.

The Hon. C. D. Rowe: I think that has much to do with it.

The Hon. D. H. L. BANFIELD: I do not think so. If we look at this State generally, we find that the people take a more liberal view of court decisions and accept them. Relations generally between employers and employees are on a higher plane here than elsewhere. Obviously, it is because of the leadership of the trade union movement in this State that there have been so few industrial disputes.

The Hon. C. D. Rowe: I do not dispute that.

The Hon. D. H. L. BANFIELD: There is no question about it. For 15 years I was a leader in the trade union movement, and I know that in nine cases out of 10, where satisfaction could not be obtained from the employer, when the matter was taken up with the employers' representative at the Chamber of Manufactures and discussed with him, a fairly good solution was arrived at. This was so because we were able to prove to the employers that they were wrong, and disputes were therefore unnecessary.

The Hon. S. C. Bevan: The unions have been willing to co-operate.

The Hon. D. H. L. BANFIELD: That has always been the position in this State.

The Hon. R. C. DeGaris: It takes two to tango!

The Hon. D. H. L. BANFIELD: The union and its representatives danced the tango and the employers played the tune.

The PRESIDENT: I ask the honourable member to address the Chair.

The Hon. D. H. L. BANFIELD: Yes, Mr. President, I do not intend to do the tango on the floor of this Chamber, Sir. Because of the experience gained by the commissioners to be appointed, the tribunal will be of benefit to the community. I do not agree with the Hon. Mr. Potter that under the present system of conciliation and arbitration the wages position is chaotic. If we had not had such a system we would be in a worse position than we are in now. I do not think the bargaining system is the best way to achieve a reasonable wage. Under the present system all industry has the opportunity to get its share of employees and apprentices, because wages throughout industry are even. When this Bill is passed I am sure we shall find that it will work in the best interests of industry generally. Even though there have been very few industrial disputes, I think the number will be reduced still further with the passing of this legislation.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I thank honourable members for dealing with the Bill expeditiously. I agree with all that has been said in praise of the President of the Industrial Court (Judge Williams), who is an outstanding man in this field. I was amused to hear the Hon. Mr. Potter first praise the satisfactory situation that has existed in this State for many years and then refer to the chaotic conditions in relation to wages.

The Hon. F. J. Potter: I was speaking about the country as a whole, not just about this State.

The Hon. A. F. KNEEBONE: The honourable member did not say anything about other States. Approaches were made in 1964 to the previous Government in this matter. I have perused the docket and have noted that wide changes were recommended by both employers' organizations. They said that under the existing system usually only two people sat on the bench (the President and the Deputy President), and they and the trade union movement asked for a change so that there would be at least three on the bench. This information is in the docket, so there is no doubt about it. The only difference between the employers' requests and the trade unions' requests was that the employers said that another Deputy President should be appointed so that there would be three judicial people on the bench whereas the trade union movement asked for one judicial member and two other members who, because of their experience in industrial affairs either from the employers' or the trade unions' point of view, knew much about industrial matters. They wanted people from both sides of industry who, because of their experience, would be able to assist on the bench and arrive at fair and reasonable decisions. This is the position in other States, it was requested here, and the Government saw fit to agree. Talk about pressure from pressure groups is unnecessary, as we all know that people are sometimes exposed to pressure groups. This happened with the previous Government. Although I am not criticizing the Opposition, some of its recent actions have been brought about by pressure groups, some of which have been small groups of influential people.

The Hon. F. J. Potter: Will you comment on my suggestion about referring equal pay to the tribunal?

The Hon. A. F. KNEEBONE: Equal pay is part of Labor's policy, and I do not see why the Government should send its policy to a tribunal for approval: the previous Government did not ask an outside body to approve its policy. For this reason, I think it is

inappropriate to ask the commission to deal with this.

Bill read a second time.

In Committee.

Clauses 1 to 28 passed.

Clause 29—"Enactment of Divisions IIIA and IIIB of principal Act."

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

In new section 291 (2) to strike out "With the consent of both parties to such matter, but not otherwise."

The clause in the Bill reads, "With the consent of both parties to such matter, but not otherwise, either party may, at its or his own cost, be represented by a solicitor or agent." This is a silly provision that has been in the Act for some time. Practically all parties who appear before the court are associations or trade unions. An association can only appear by means of a solicitor or an agent of some kind. There was some trouble about this on one occasion when a trade union objected to employers appearing by means of an agent. It should be that a party may at its own cost be represented by a solicitor or agent, the same right as exists in any other court in this land, although this may be restricted in some courts to a solicitor.

The Hon. A. F. KNEEBONE: I would prefer that this clause remain as it is because it has worked well, although it has not been used on a great number of occasions. I cannot see how consent would be withheld unless for some sound reason.

The Hon. F. J. POTTER: Consent was withheld on one occasion and it caused chaos. It is unnecessary that this restriction should be put in the legislation. I am surprised that the Minister is not forward-looking enough to realize that this is a simple amendment and will not do any harm. I would urge the Committee to accept this quite important amendment.

Amendment negatived; clause passed.

Clauses 30 to 61 passed.

Clause 62—"Reference of award for reconsideration."

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

To strike out the clause and insert in its place "Section 62 of the principal Act is repealed."

Section 62 of the principal Act deals with referring a determination to a board for reconsideration. It states:

(1) After a determination of an Industrial Board has been in force for not less than one year, the court may make an order referring such determination or any part thereof back to the board for reconsideration.

This is a completely useless section; it is redundant and has no application now. It has never been used. I suggest to the Minister that opportunity be taken now to repeal it. If he does not want to I shall not press it. However, as there has been a fairly comprehensive review of amendments to the Industrial Court, I think the opportunity should be taken now to delete this useless section.

The Hon. A. F. KNEEBONE: The reference of a determination to a board is the way it shall operate. The fact that it has not operated does not mean that it will not be operated in the future, particularly in view of the changed set-up of the court. It may be that this provision will be useful in the future. I am sure that in this case the honourable member has not done all his homework. If we accepted his amendment, we should have to recommit several things that we have already dealt with. We would find that some of the things we have already dealt with would need consequential amendments, and there would be many such amendments in the rest of the Code. From a quick look over a few pages of the Bill, we find that three consequential provisions would have to be recommitted. I ask that this section be not struck out at this stage. Many provisions of the Industrial Code need a complete overhaul. The Government intends to look at the rest of the Code.

The Hon. F. J. POTTER: While I do not press this amendment, if the Minister looks carefully at it on another occasion he may be convinced that there is some argument for removing this section from the Code. While he is dealing with this point, will he look at the previous amendment, which I did not press? I think he will find some merit in it.

The Hon. A. F. KNEEBONE: Yes; we will look at them.

The Hon. F. J. POTTER: In the circumstances, I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 63 to 79 passed.

Clause 80—"Recovery of amounts due under awards and orders."

The Hon. F. J. POTTER: I have an important amendment to move here. As the marginal note shows, this clause deals with the new procedure for the recovery of amounts due under awards and orders. The Hon. Mr. Banfield and other honourable members have already praised this new streamlined section, which enables the employee to make easy and

quick recovery of money owed him. But why should not the employers have the same right to approach the commission or the Industrial Registrar for pay in lieu of notice or pay given in respect of annual leave allowed in advance and later found to be overpaid? It seems to me there is no reason to distinguish between employee and employer. It may well be that many employers will not avail themselves of the opportunity presented to them in this section, and that may also apply to employees. However, in principle, the same rights should be available to employers to get recovery of such payments, and the simplest way for this to be done is as I suggest. I move:

To strike out clause 80 and insert in lieu thereof the following:

> Where an employer alleges that an employee, or a former employee, is indebted to him pursuant to an award or order of the commission or of a conciliation committee such employer shall have the same rights as are given to an employee by the other provisions of this section and the other provisions of this section shall, *mutatis mutandis*, apply.

The Hon. A. F. KNEEBONE: I do not oppose the amendment.

Amendment carried.

Clauses 81 to 126 passed.

Clause 127—"Amendment of principal Act, section 194."

The Hon. A. F. KNEEBONE: I move:

In paragraph (*b*) to strike out the word "twice" and insert the word "second", and to strike out the words "'in each case".

These are drafting amendments.

Amendments carried; clause as amended passed.

Clause 128—"Amendment of principal Act, section 195."

The Hon. A. F. KNEEBONE: I move:

In paragraph (*a*) to strike out the word "wherever" and insert the words "second and third".

This amendment is necessary to correct a drafting error.

Amendment carried.

The Hon. A. F. KNEEBONE: I move to insert a new paragraph as follows:

(*f*) by striking out the word "determinations" in subsection (2) thereof and inserting the word "awards".

This corrects another drafting error.

Amendment carried; clause as amended passed.

Clauses 129 to 145 passed.

Clause 146—"Records and notices by employers."

The Hon. A. F. KNEEBONE: I move:

In paragraph (*a*) after "board" to insert "(twice occurring)".

Again, this corrects a drafting error.

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In paragraph (*a*) after "thereof" to insert "in each case".

Amendment carried; clause as amended passed.

Clauses 147 to 157 passed.

Clause 158—"Governing principles."

The Hon. A. F. KNEEBONE: I move:

In paragraph (*a*) after "Board of Industry" to strike out "first" and insert "twice".

This corrects a drafting error.

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In paragraph (*a*) after "thereof" to insert "in each case".

Amendment carried.

The Hon. F. J. POTTER: I propose to move to insert a new subsection dealing with the area of the State in respect of which the new committees will have power to make determinations. At present the boards, which will become the new committees, have jurisdiction in the metropolitan area only. There is power to make a common rule by the process of giving notice to people in the country who may be involved. However, because of the distance of people in the country from the metropolitan area, they will not have the opportunity to be on these new committees as delegates from their trades or unions.

The legislation contemplates that there will be power to make State-wide awards. I have no objection to that. In fact, this is probably the only State that still has the dual system. However, I think any decision that affects country people ought not to be made unless the opportunity is first given to these country people to know about it and to have the opportunity to appear. It could be that determinations concerning mainly the metropolitan area are made by metropolitan people.

A determination regarding cakes could come into effect in the metropoltian area and a baker in Port Lincoln or Mount Gambier could suddenly find that he was bound by a new award although he had not had the opportunity to make representations at the hearing. I think that opportunity should be given to people in the country. The Minister has been good enough to hand me a slight rehash of my amendment that I think will meet the situation satisfactorily. As far as I know, the only difference between his suggestion and the

amendment I proposed to move is the word "unanimously". It was in my amendment. However, I see that the inclusion of that word may bring about some difficulty, as one person may be obstructive.

The Hon. C. D. Rowe: Do you mean one member of the commission?

The Hon. F. J. POTTER: Yes. So long as this matter is given the consideration that I think it should be given, the difficulty will be overcome. I move to insert the following new paragraph:

(*d*) By inserting at the end thereof the following subsection:—

(3) The commission, before recommending that the area of the State in relation to which a conciliation committee should have jurisdiction to make orders and awards should extend beyond the metropolitan area, shall determine whether the general interests of the community and of the employers and employees engaged in the process, trade, business or undertaking in the area concerned will be best and most conveniently served by so extending such jurisdiction, and in making its recommendation shall give effect to such determination.

In other words, inquiries will be made by the commission. All I am seeking to avoid is the "sudden death" application of an award to the country without some consideration being given to the interests of country people.

New paragraph inserted; clause as amended passed.

Clauses 159 to 168 passed.

New clause 168a.—"Working hours for females and young persons."

The Hon. A. F. KNEEBONE moved to insert the following new clause:

168a. Section 340 of the principal Act is amended by striking out the words "or determination" therein.

New clause inserted.

New clause 168b.—"Powers of inspectors."

The Hon. A. F. KNEEBONE moved to insert the following new clause:

168b. Section 379 of the principal Act is amended by striking out the passage "award or order of the court or a determination of a board" therein and inserting in lieu thereof the passage "order of the court or award or order of the commission or a conciliation committee".

New clause inserted.

New clause 168c.—"Duty of inspectors."

The Hon. A. F. KNEEBONE moved to insert the following new clause:

168c. Section 383 of the principal Act is amended by striking out the passage "awards and orders of the court, and determinations of boards" therein and inserting in lieu thereof the passage "orders of the court and awards and orders of the commission and of conciliation committees".

New clause inserted.

Clause 169 and title passed.

Bill read a third time and passed.

BRANDS ACT AMENDMENT BILL.

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

The Hon. S. C. BEVAN (Minister of Local Government): I move:

That this Bill be now read a second time.

It is consequential on the repeal of the Travelling Stock Waybills Act effected by the State Law Revision Act of last year. Honourable members will recall that when the Statute Law Revision Bill was introduced the Minister stated that, as a more satisfactory measure for detecting any stealing of stock, the Commissioner of Police proposed the introduction of stock movement forms to be completed by police officers whenever stock was observed on the move. Inquiries would then be made at the places of departure and destination of the stock. Accordingly, this Bill confers on inspectors of brands and on members of the Police Force powers to stop and search vehicles conveying stock, to stop stock driven on the hoof and to ask questions relating to the place of departure, the route and the destination of the stock.

Clause 3 inserts three new subsections in section 59 of the principal Act. New subsection (1a) enables an inspector or a member of the Police Force to request the driver of any vehicle that is carrying stock to stop his vehicle or to request any person driving any stock to stop the stock, to ask questions for the purpose of ascertaining the name and address of the driver or the owner of the stock and the place of departure, route and destination of the stock. Also, he may, with assistance if necessary, search any such vehicle and examine and take particulars of the stock.

New subsection (1b), corresponding with a provision of the Road Traffic Act, provides for a penalty of $100 if a person fails to comply with a request made to him under subsection (1a) or to truly answer any question put to him under that subsection. New subsection (5) extends the scope of section 59, as amended by this Bill, to pigs so that the powers conferred by the section may be used in the detection of any stealing of pigs.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): The Bill is one to which I can give my support. Earlier in this session the Travelling Stock Waybills Act was repealed.

Everybody is conscious of the losses that occur through the stealing of stock and for some time we had legislation that provided for stock waybills and imposed on people the responsibility to make out stock waybills whenever they were conveying stock by vehicle. This was not a popular method of handling the problem so far as tracing stock was concerned and, when the Act was repealed, it was announced that the Commissioner had other suggestions that he thought would be just as effective and that would be perhaps less onerous on owners of stock.

This Bill gives effect to those suggestions. The suggestions of the Commissioner of Police have been stated by the Minister. Power is given to the police to question people and to make inquiries. I think the wording covers power to enter property to question people regarding stock on the move and power to obtain the necessary information regarding stock being moved on the hoof or by transport. I think we can accept the Bill and the assurance that it will be just as effective as the provisions under the old Travelling Stock Waybills Act, while being less onerous than the repealed measure.

The Hon. M. B. DAWKINS (Midland): I support the Bill and endorse the remarks that have been made by the Hon. Sir Lyell McEwin. He said that the waybill system that we had for a number of years was not very popular. I agree with that and add that it was not very effective. Many people did not carry it out effectively. It was necessary to have provisions to replace those that were repealed and this Bill seems to meet the case and to give the police or the inspector the necessary power.

The Hon. R. A. GEDDES (Northern): I have three points that I wish to make on this Bill. The first is the report in this morning's press of a plea by the Commissioner of Police for every endeavour to be made not to restrict police from questioning people in order to get the maximum information. This Bill gives the police the right to stop vehicles and examine them in connection with the problem of theft of stock, which I understand is becoming very prevalent in certain parts of the State. My second point is that section 3 (1a) provides that a member of the Police Force or an inspector may at any time request the driver of a vehicle that is conveying stock to stop the vehicle, and request any person driving any stock to stop such stock. I suggest that would be a physical impossibility. My third point is that I support the Bill.

The Hon. L. R. HART (Midland): As other speakers have stated, the old Travelling Stock Waybills Act was not very effective. It caused much irritating form-filling by people who conveyed stock, and it served no real purpose. It seems to me that the onus of proof in this Bill has been moved to the person conveying stock. He must prove that the stock carried was not stolen. Under the Travelling Stock Waybills Act it would appear that if a person had a form correctly filled out it was on the shoulders of the police to prove that the stock was not stolen. I think the proposal in the Bill is a very good move. It will give the police adequate powers and remove the friction-causing job of filling in forms, particularly by carriers who have to move stock. I give the Bill my wholehearted support.

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

COMPANIES ACT AMENDMENT BILL (HOME UNITS).

Received from House of Assembly and read a first time.

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

That this Bill be now read a second time.

It is designed to ensure that a grant by a company administering a home unit scheme to any of its shareholders of the right to occupy or use a home unit owned or held on lease by the company does not amount to an unlawful return of capital to the shareholder or reduction of capital of the company if the grant is in pursuance of, or authorized by, the memorandum or articles of the company. It is a well recognized and long established rule that a company cannot make a return of capital to a shareholder or cause a reduction of its capital to be made except within the limits prescribed by legislation. In a recent case in New Zealand it was held by the Court of Appeal of New Zealand that a grant by a home unit company to one of its shareholders of the right to occupy a specified flat in a building owned by the company pursuant to a provision in the company's articles of association entitling the shareholder to occupy that flat amounted to a return of capital to the shareholder which had not been made in the manner required by the Companies Act of New Zealand and was therefore unlawful.

If that decision were followed by the Australian courts it would have the effect of inhibiting the sales of home units and of causing considerable loss to home unit owners and financiers of home unit schemes. The

matter has been of some concern to the Government of the Commonwealth and the States and has been discussed by the Standing Committee of Attorneys-General, who have considered the need for legislation to protect home unit owners and financiers from the possible impact of the New Zealand decision. Clause 3 of the Bill accordingly amends section 64 of the principal Act by adding at the end thereof new subsections (12) and (13).

New subsection (12) provides that where—

(*a*) a company makes or has made a grant to a shareholder of the right to occupy or use any specified land, building or part of a building owned or held on lease by the company; and

(*b*) in the case of a grant made before the Bill becomes law, the grant was in accordance with or authorized by the memorandum or articles of the company; or

in the case of a grant made after the Bill becomes law, the grant was in accordance with or authorized by a provision of the memorandum or articles whereby the shareholder is entitled as the holder of shares in the company to such a grant,

the grant shall not, for those reasons alone, be regarded as invalid and shall be deemed not to amount to, and never to have amounted to, a return of capital by the company to the shareholder or a reduction of the company's share capital.

New subsection (13) extends the application of subsection (12) to grants whether by way of lease, under-lease or otherwise and whether or not, in the case of a grant in respect of a building or part of a building, the grant entitles the shareholder to other rights of user associated with its occupation or use.

The provisions of new subsection (12) draw a distinction between grants made before the Bill becomes law and grants to be made after the Bill becomes law. This has been necessary, because hitherto home unit schemes have been promulgated in a variety of ways and the Bill seeks to validate them so long as they were consistent with and authorized by the promoting company's memorandum or articles. After the Bill becomes law, however, only those grants to shareholders will be validated which are in accordance with, or authorized by, a provision of the company's memorandum or articles whereby the shareholders are entitled, as the holders of shares in the company, to such a grant. This means that certain companies whose memoranda or articles do not contain such a provision will be obliged to alter them in order to enjoy the protection of this legislation and, in order to afford such companies time to alter their memoranda or articles, subclause (1) of clause 1 provides that the measure will come into operation on April 15, 1966.

The Hon. C. D. ROWE (Midland): I support this Bill, which becomes necessary because of a judgment given by the Court of Appeal in New Zealand. The effect of that judgment was that a grant by a home unit company to one of its shareholders of the right to occupy a specified flat in a building owned by the company pursuant to the company's articles of association entitled the shareholder to occupy that flat and that it amounted to a return of capital to the shareholder which had not been made in the manner required by the Companies Act of New Zealand and was therefore unlawful. It is thought in some circumstances that because of that judgment courts in Australia might be inclined to follow the same reasoning, and if they did it would create serious legal complications as far as a large number of home units are concerned, not only in South Australia but in other States of the Commonwealth. It was thought also that the method by which these home units have been held would not be legal and there would be some doubt as to whether the people who were living in and owning these home units did, in fact, have a valid title to them.

I know that the various methods by which people own and occupy home units have received the attention of many members of the profession who specialize in this sort of work. Within the scope of my own practice I came across a case where the ownership could be in doubt. Because of the decision of the Appeal Court in New Zealand, and apparently this was not only brought to the attention of the Attorney-General in this State but also to the attention of the Attorney-General of each of the other States, it was considered by a conference of the Attorneys-General. I take it that the Bill is the result of an agreement made at that conference to make certain that the title was, in fact, something that would stand the test of law. At present the matter of living in home units has become very popular and they are springing up all over the city. This method of incorporating a company and providing that because a person holds a certain number of shares in the company, he shall be entitled to the use and occupancy of one of the flats has become quite a common idea that will continue. I think some system has been evolved

of giving these people support under the Real Property Act, but no-one wants to proceed along these lines until we are certain that the schemes will comply with the conditions of the Real Property Act and of the Town Planning Act.

This legislation, because of the circumstances that I have mentioned, has to apply not only in the future but also in respect of arrangements that have been made in the past. Separate provisions relate to past arrangements and to those made in the future. As far as I know, this matter has been looked at by the conference of Attorneys-General, and I have no doubt that the people who have been doing this sort of work have been consulted and that the matter has been tied up from every point of view. I support the Bill.

The Hon. C. M. HILL (Central No. 2): I support the measure and the remarks made by the Hon. Mr. Rowe. It is not only desirable but absolutely essential that people who have entered into leases since the home unit practice has become established here should be protected now that this precedent has been established in New Zealand. This measure does just that. In regard to the strata title proposals that the Hon. Mr. Rowe mentioned, I make a plea to the Government to hasten that legislation as much as possible.

The Hon. A. J. Shard: I understand that legislation in this regard will be introduced next session.

The Hon. C. M. HILL: I am heartened to have that reply. I was hoping it might have been before that.

The Hon. A. J. Shard: In the next session.

The Hon. C. M. HILL: We have had so much legislation coming through that if we start to give some priority as to real importance, this matter of strata titles will be well up the list. I am heartened by the assurance I have just received, because the people involved in home unit ownership, and those who wish to buy these units but have in the past had some doubts about their title, are waiting for this strata title legislation to be introduced in South Australia. I make a plea that that legislation be brought down as soon as possible. I support the Bill.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL).

The House of Assembly intimated that it did not insist on its amendment No. 5, to which the Legislative Council had disagreed, and agreed to the amendments made by the Legislative Council to amendment No. 6.

[*Sitting suspended from 5.46 to 7.45 p.m.*]

APPRENTICES ACT AMENDMENT BILL.

In Committee.

(Continued from March 1. Page 4207.)

Clause 5—"Repeal and re-enactment of Part II of principal Act."

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

In paragraph (*d*) of new section 6 (1) after "Federation" to insert "Incorporated".

This is merely a drafting amendment.

Amendment carried.

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

To strike out subsection 7 (1) and insert "The Chairman of the Commission shall be appointed and hold office under, subject to and in accordance with the Public Service Act, 1936-1965."

This is an important amendment, because without it the chairman could be appointed from outside. This appointment should not be some plum of office handed out by the Government, as I think it will be unless the clause is amended. This is one for determination by the Public Service Commissioner. If the Public Service Commissioner fixes the salary, hours and duties of the position and calls for nominations in the usual way, someone with real background knowledge of apprentices will be appointed, and I think this is important. I doubt whether this will be a full-time job.

If the amendment is not carried, there may be fewer apprentices in industry than we have at the moment. This is a matter of fundamental principle; one believes it to be correct or one does not. I consider that the office ought to be one within the Public Service. The implications are important, if not in this legislation, then in other legislation that we may deal with. At present, the administration of the Act is handled within the Public Service, except so far as concerns the part-time members of the board.

The Hon. A. F. KNEEBONE: I do not agree with the honourable member. This is a statutory body and the chairman of a statutory authority such as the Apprenticeship Commission should not be a public servant. It would be incongruous for five members to be appointed by the Government and for the chairman to have to be appointed by the Public Service Commissioner. The chairman will need to have had experience of industry in connection with the training of apprentices. The Public Service Act provides in section 40 that persons outside the Public Service shall not be appointed to the Public Service unless

the Public Service Commissioner certifies that the person has sufficient qualifications, superiority and aptitude for the position to justify his appointment in preference to any officer already in the Public Service. I consider that it would be most inappropriate for somebody to be appointed by the Public Service Commissioner to be chairman of this commission. I ask the Committee to vote against the amendment.

The Hon. H. K. KEMP: I have a deep knowledge of the Public Service and of the high dedication most of those officers bring to their work. I think the appointment should be on the recommendation of the Public Service Commissioner and that the man should become answerable under the Public Service Act as soon as he is appointed. When a man is appointed by a Government, the appointment can be a plum of office, and his powers and functions after appointment are important in the administration of the whole Act. Possibly, the Hon. Mr. Potter's amendment goes too far.

The Hon. A. F. KNEEBONE: I consider that the honourable member has not read the Bill. Clause 7 (*c*) provides that the chairman shall be subject to the provisions of the Public Service Act, 1936-1965, other than the provisions relating to remuneration and the appointment of officers. He will be subject to the Act. I think that, when the Governor is appointing the other members, he should also appoint the chairman. It would be foolish to appoint someone who did not have experience of apprenticeship. I know many people in industry who have given service to apprenticeship and who would be suitable for this position. The way we suggest is the most appropriate way to appoint the statutory board.

The Hon. F. J. POTTER: This chairman is to be subject to the provisions of the Public Service Act. He will be an employee within the meaning of the Public Service Superannuation Act. The only thing is that his salary and appointment will be fixed by the Government. In other words, the person to be selected and his salary are the prerogative of the Government.

The Hon. H. K. Kemp: He gets all the plums and none of the costs.

The Hon. F. J. POTTER: Exactly. Provision is made in clause 12 for the appointment of an additional officer, at more expense. This officer will be a member of the Public Service and will be appointed by the Public Service Commissioner. I see no reason why we cannot have the same situation applying to this person as we have in relation to other quasi-judicial officers.

The Hon. S. C. Bevan: Why didn't you have this in other Acts introduced by the previous Government?

The Hon. F. J. POTTER: The Chairman of the former Children's Welfare and Public Relief Board was appointed under the Public Service Act. This is nothing new; it is a matter of whether this should be regarded as a new office that the Government can allot at its whim. I think this matter should be within the province of the Public Service Commissioner.

The Hon. A. F. KNEEBONE: The Hon. Mr. Potter has said that under a subsequent clause the Registrar of Apprentices is to be appointed, but there is a Registrar at the moment, and we do not intend to sack him and appoint another. The Registrar under the previous legislation will be the Registrar under this Bill.

The Hon. F. J. Potter: I did not say that.

The Hon. A. F. KNEEBONE: The honourable member said that a registrar would be appointed and that it would cost more money.

The Hon. F. J. Potter: This is to be a full-time registrar.

The Hon. A. F. KNEEBONE: The present Registrar is a full-time officer.

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 moved:

In new section 7 (2) to strike out "fee" and insert "fees".

Amendment carried.

The Hon. F. J. POTTER moved:

In new section 7 (3) to strike out "chairman and".

Amendment carried.

The Hon. F. J. POTTER moved:

In new section 13 (1) (*c*) to strike out the words "an indenture" and insert the words "indentures".

Amendment carried.

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

In new section 13 (2) (*f*) to strike out the words "or the appropriate trade union".

The question of disputes arising from an apprenticeship is something that intimately concerns the people who are parties to the indenture, namely, the employer and the apprentice and his parent or guardian. The appropriate trade union is not a party directly to the deed of apprenticeship, and I submit that it is not appropriate for a trade union to initiate the matter of an investigation. I see no objection to the trade union becoming a help-mate or an advocate for the apprentice concerned.

The Hon. A. J. Shard: The honourable member does not know his exercises if he believes that. Speaking from personal experience, a trade union can be a great help.

The Hon. F. J. POTTER: I agree that is so, but if the provision is left in its present form a trade union can initiate an investigation, and I think this is against the principle of the indenture. The initiation of an investigation should come from the employer, the apprentice or his parent or guardian.

The Hon. A. J. Shard: Surely the honourable member is not saying that it would be initiated without the request of the apprentice! If so, he has a lot to learn.

The Hon. A. F. KNEEBONE: This move is in line with the thinking of the honourable member on the other matter, and his whole attitude on that matter was that he did not want any plums to go to the trade union movement instead of to the employers. The same applies in this case; the mention of "trade union" causes hands to be held up in horror. When this Chamber was dealing with the matter of electricity the mention of a trade union resulted in a clause being defeated. I believe the Hon. Mr. Rowe will be with us on this occasion. He said that in his early training in the law his parents knew little about the matter and he was forced to make his own decisions at that time. The point is that many parents know little or nothing about apprenticeships, and some boys are too scared to approach anybody to discuss an apprenticeship. If they are members of a union they can be helped; that is the reason for this portion of the subsection. The honourable member wants this taken out as he is afraid that the union may be able to do something for a young apprentice. I have been a trade unionist and I was often glad of the assistance of the trade union. The words "trade union" seem to be regarded as dirty words by some people. I ask the Committee to support the provision as it now stands.

The Hon. R. C. DeGARIS: I listened to the remarks of the Minister with some interest and I was surprised at some of the things he said. He seemed to believe that whenever the words "trade union" were mentioned members on this side of the Chamber would jump up and oppose the Government. That is not so. All the Hon. Mr. Potter is doing is to remove the words "or the appropriate trade union" in the matter of the initiation of an inquiry. All the apprentice has to do is to ask for assistance and the trade union or its representative can give it under this Bill. Subsection (2) reads:

> In addition to the powers specified in subsection (1) of this section the commission shall have power—
>
> (*f*) to investigate either of its own motion or upon the application of any apprentice or the parent or guardian or the employer of that apprentice or the appropriate trade union any matter arising out of an indenture of apprenticeship;

I believe that takes it too far. If the apprentice wants assistance he can ask his trade union for it, but as the provision stands the trade union has the power to investigate and instigate.

The Hon. Sir Arthur Rymill: Even against the wishes of the apprentice.

The Hon. R. C. DeGARIS: Exactly. I support the amendment.

The Hon. S. C. BEVAN: I oppose the amendment. For the edification of honourable members, I was a trade union secretary in this State and a trade union advocate for many years in the Industrial Court. I had not one industry to look after but 18 different industries.

The Hon. Sir Arthur Rymill: Miscellaneous.

The Hon. S. C. BEVAN: Yes, and most of them had provision for apprentices. Some were semi-professional, such as dental mechanics and optical mechanics. I was instrumental in having a trade school set up because of the attitude of employers in relation to their apprentices. I want to discover how conscientious members opposite are in these matters.

This is a provision for the instituting of an investigation by the commission. Many times I, as secretary of an organization, had to take appropriate action because an employer had a boy doing anything but what he should have been doing as an apprentice. In many cases a lad is afraid to draw attention to what is going on, and his parents do not know about it.

As the Hon. Mr. Rowe has said, some apprentices are not learning their trade; their employers are not teaching them properly. Yet, the Hon. Mr. Potter wants to allow the employers to carry on like this and does not want the appropriate trade union to institute any action before the commission to safeguard the indenture of the apprentice. An employer can enter into a contract with the parents or guardian of a lad to teach him a trade but, according to the Hon. Mr. Potter, the employer need not teach him at all and the appropriate trade union should not approach the commission to have the position investigated to see whether or not the lad is being taught. These things are going on all the time. How often would an apprentice be game enough to take action by himself? How often are the parents aware of what is going on? And, if they are, how often do they know that they have the right to approach the commission? Apparently, it is all right for the employer to institute an inquiry, but not a trade union. The apprentice's union must drop out of it altogether.

The Hon. R. C. DeGaris: No.

The Hon. F. J. Potter: The employer is a party to the agreement.

The Hon. Sir Norman Jude: How do you know that the lad wants the help of a trade union?

The Hon. S. C. BEVAN: The appropriate union should be able to approach the commission on a boy's behalf.

The Hon. Sir Norman Jude: Even if he does not want his case taken up?

The Hon. S. C. BEVAN: Yes.

The Hon. Sir Norman Jude: You want to interfere with his rights as a subject.

The Hon. S. C. BEVAN: Apparently, we have to keep the trade unions out of this matter so that the things that are going on cannot be brought to the attention of the commission, and so that the employer entering into a contract can breach it every day of the week if he wants to. It is often done and the employer can get away with it. In days gone by, an apprentice was taught over a period of five years, at the end of which he knew little more than he knew when he started. The Minister of Education at the time was the Hon. R. J. Rudall. I went to him about the dental profession, where all that a lad could do was to go into a laboratory and mix up a bit of plaster, because there was no qualified tradesman employed by the dental surgeon to teach him. He was left to his own resources while the dental surgeon attended to his patients. That is why I made successful representations and the school was set up so that lads could have an opportunity of learning at least the rudiments of their trades. These things are still going on. Surely we should allow the appropriate trade union to make sure that the employer honours his contract and sees that the lad is taught his work within the stipulated time? Let us view this reasonably. Surely it is in the interests of the whole community that an apprentice should learn his trade properly? Industry must benefit if an apprentice after proper training can become a qualified tradesman. If that does not happen, we shall have no more qualified tradesmen.

The Hon. A. F. KNEEBONE: Let me give instances where I was called in to try to assist an apprentice to retain his status in an industry.

The Hon. R. C. DeGaris: Were you asked to come in by the apprentice?

The Hon. A. F. KNEEBONE: Yes. In this case the authority for cancellation or otherwise of the indenture was under a Commonwealth award. An apprentice got smashed up in a motor car accident. While he was in hospital, where he had the lower part of his leg amputated, his employer went to the court and asked for a cancellation of the indenture because the boy would be of no further use to him. The boy's parents came to me in tears, because they felt that the boy could carry on with the apprenticeship as they knew that it was not essential for him to have two good legs. But, the employer did not want this, and while the boy was still lying on his back in a hospital the employer wanted the indenture cancelled because he might not be as suitable as he had been before the accident. If the union had not worked on behalf of this lad and shamed the employer by asking the court to assist, the boy would have had his indenture cancelled. Another employer came to my assistance and said, "I cannot think of that boy remaining in that place. When he comes back with his artificial leg, they will not treat him properly".

The Hon. Sir Norman Jude: But, you were called in.

The Hon. A. F. KNEEBONE: I was called in and I had the right, under the award, to appear, in the same way as this provision gives the right to the union. I have had the same experience in other cases. One employer had a reputation of having a boy for about three years and not teaching him his trade properly, but only teaching him to operate a certain machine, whereas under the award the boy was supposed to be taught to operate all the

machines in the shop. Within six months the boy would be working the machine and would continue working it for three or four years. The employer would then find that the boy was not adaptable to the industry and would approach the court to cancel his indenture. If the union had not come to the boy's assistance on that occasion he would have been lost to the industry. There would have been three or four such boys in the employ of this employer in my time. Eventually the parents of a boy would come and ask where their boy should be apprenticed and we would say, "Don't take him to that place". Thank heavens parents know that the unions do come to the assistance of apprentices. In cases such as these, surely the unions should have the right to go to the commission and say, "The employer here is pushing his case for a cancellation of indentures". I have mentioned the cold-hearted employer who wanted to get rid of a boy because he had been smashed up in a car accident, but he would have been just as capable of doing the job with an artificial leg as any normal person. This is why the provision is in the Bill. There is no ulterior motive; only an attempt to assist the commission to see that the best is done for the boys.

The Committee divided on the amendment:

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

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

Majority of 6 for the Ayes.

Amendment thus carried.

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

In new section 13 (2) (*f*) to strike out the words "indenture of".

This is perhaps a drafting matter, but it is also an amendment that will have the effect of not limiting any inquiry by the commission. I think it will be very advantageous to the apprentice.

Amendment carried; clause as amended passed.

Clause 6—"Proclamation of trades."

The Hon. F. J. POTTER: I ask the Committee to vote against this clause, which says:

The Governor may also, by proclamation, declare in respect of any trade to which this Part has been applied that an employer shall not employ a minor in that trade except under an indenture of apprenticeship and may by proclamation revoke any such proclamation.

As I said in my second reading speech, this is a matter exclusively for the Industrial Court. It should not be a matter on which the commission has jurisdiction. It would affect the right of employers to take on minors and improvers. It is a matter to be left to the Industrial Court, which deals with it at the moment. To have this very restrictive power passed on to the commission as part of its duties is unnecessary and unwarranted. I ask honourable members ot vote against retention of the clause. The matter ought to be left within the jurisdiction of the court.

The Hon. A. F. KNEEBONE: I ask the Committee to retain the clause. As the honourable member has said, its purpose is to provide that, in certain classifications, anybody serving in the industry as a minor should be apprenticed. This would cover such trades as electrical, fitting and turning, and printing. I thought the honourable member, in his second reading speech, was in favour of this clause. He said that it was not right that improvers should receive more money than apprentices working in the same industry. My own opinion is that there should not be improvers in certain industries, otherwise we would have improvers not required to go to trade school, not receiving the training that an apprentice receives and not under control in the workshop.

There is provision for inspection of workshops to see that apprentices are being trained by the employer. However, the improver does not have to be trained. I think that the commission should have the power to look at these places and see whether apprentices are being trained. I thought honourable members were in favour of having more apprentices in industry, because we were in favour of the apprenticeship scheme. However, if improvers are employed, we do not get properly trained tradesmen.

The Hon. R. A. GEDDES: I take it that a minor is any person under the age of 21 years. I also understand that this Bill will apply to all parts of the State. Can the Minister indicate what types of trade may be proclaimed?

The Hon. F. J. Potter: Any trade at all.

The Hon. R. A. GEDDES: That would apply throughout the State to every person under 21 years of age?

The Hon. F. J. Potter: Yes.

The Hon. R. A. GEDDES: Well, how could this be implemented in the country, where boys work in motor garages or, as in my home town, in sawmills?

The Hon. A. F. Kneebone: Why shouldn't he be an apprentice?

The Hon. R. A. GEDDES: I am asking how this can be implemented.

The Hon. F. J. Potter: This is compulsory apprenticeship, whether we like it or not.

The Hon. R. A. GEDDES: That is the worry that I have. I am trying to find out whether this applies to any trade proclaimed. If it does and if it applies to all persons under 21 years of age, I see many difficulties in the country areas.

The Hon. A. F. KNEEBONE: In South Australia, the Metal Trades Award is a Commonwealth award. There is no appropriate State Metal Trades Award for South Australia. In many of the classifications in the Commonwealth award, there is a total prohibition on the appointment of minors other than apprentices. However, there is no equivalent provision in the State, because there is no equivalent State award. I think there should be provision for proclamation, so that equivalent classifications can be proclaimed by the Government. In that way, the State will be brought into line. At present, nothing that the State tribunal can do will bring South Australia into line.

The Hon. C. D. Rowe: Isn't there some power at present for the tribunal to increase the number of improvers in relation to the number of apprentices?

The Hon. A. F. KNEEBONE: That cannot be done under the Metal Trades Award. This provision will enable those who are not respondents to the Commonwealth award to be brought into line. How can boys be encouraged to become apprenticed if we say, "You are going to be tied up for five years, but I am also going to employ a few improvers. The improvers can come and go, but you will be bound"? In some instances, the apprentice receives less than the improver. We hope that this Bill will encourage boys into industry. However, honourable members will not allow that to happen. They say, "Don't encourage boys into industry. Let there be improvers."

The Hon. F. J. Potter: This hits at the improvers, doesn't it?

The Hon. A. F. KNEEBONE: The Bill provides that there will be no improvers in a classification that is proclaimed for apprentices.

The Hon. F. J. Potter: Any juvenile workers, whether improvers or not.

The Hon. A. F. KNEEBONE: This applies in respect of any trade. I am a tradesman, because I have a trade.

The Hon. F. J. Potter: What about ancillary functions within a trade?

The Hon. A. F. KNEEBONE: The Bill does not cover that at all. It is an Apprenticeship Bill. It looks after apprentices, and is designed to do so.

The Hon. C. D. ROWE: I favour using pressure to see that every lad uses whatever abilities he has to the best advantage. Sometimes young people are quite satisfied to take a job but are not prepared to enter into an apprenticeship, but as I read the clause the Governor (virtually the Government) can by proclamation declare that in respect of any trade improvers shall be employed. I think this means that there will be a blanket provision in relation to improvers.

The position in a motor garage at Maitland will be different from that in a garage in the city that employs 200 people, as there may be sufficient people offering in the city for only apprentices to be employed whereas in country areas many lads could not successfully complete their indentures. If country garage proprietors were told that they could not employ improvers many young people who could be usefully employed would be excluded. I was satisfied that a boy I tried to have settled in a position could not stand up to apprenticeship in the trade for which he had some inclination but that he could do certain work in that trade. If we agreed to this clause he would probably lose his job. Although I think the commission should be able to say that in a certain trade in a certain year only apprentices should be employed, or that a percentage of apprentices should be employed, having a blanket cover for the whole of the State is going further than we should go.

The Hon. S. C. Bevan: This does not debar a lad from being employed in the industry.

The Hon. C. D. ROWE: I am merely trying to get an explanation. I am interested in the welfare of young people, and I do not like insinuations to the contrary. I have examined the matter constructively, and I should like the Minister to comment.

The Hon. L. R. HART: I view this clause from the point of view of a small country industry employing its full quota of apprentices. The Minister said that some businesses used apprentices to do menial tasks. Country motor garages, which probably employ two or three apprentices, have certain menial tasks to be done but cannot employ more apprentices to do them. However, many lads in the district are prepared to work as improvers until there are vacancies for further apprentices. If this clause is carried these businesses will not be able to employ such people.

The Hon. A. F. KNEEBONE: If the employer the Hon. Mr. Hart is talking about is employing others in addition to apprentices, he is contravening the Commonwealth Metal Trades Award and dragging down the very nature of apprenticeship. If improvers are employed for too long, they become too old to be apprenticed. The Hon. Mr. Rowe mentioned the boy who, because he did not have sufficient education and ability to finish an apprenticeship, should be able to work in a job that would normally be done by an apprentice. In my opinion, the boy thereby wastes three years. Surely if he is to be looked after and eventually obtain a position to keep himself and his family he should be endeavouring to become an apprentice instead of engaging in a dead-end job? Honourable members say that this would stop people from doing menial jobs in a trade, but I remind them that this is an amendment of the present Apprentices Act and under that Act "trade" means:

Any process, business, occupation or calling in which skilled handicraft is employed, but does not include any sea service or any professional pursuit.

The trade referred to is the apprenticeship trade, the skilled worker. This would not stop any minor doing manual work such as sweeping up.

The Hon. R. A. Geddes: Or serving petrol and cleaning a car.

The Hon. A. F. KNEEBONE: I think this is capable of being used by the commission. The commission cannot make an order with regard to it unless it deals with a matter in which an award has to be made in a certain industry or classification. It cannot prescribe unless the matter is brought forward. If the metal trade industry in this State had not asked for an award under the Federal Metal Trades Award, then nothing could have been done by the commission. The anomaly exists that people who have been "roped in" by a "roping in" award or who are original respondents to the Metal Trades Award are bound by it. However, the people not "roped in" are not so bound, and are free to do as they wish with regard to employing people other than apprentices. Surely all members agree with us when we say that we want more apprentices! If so, then let us try to legislate in that way and not do anything to discourage them. The Bill is supposed to look after apprentices and ensure that they receive a good deal. One of the duties of the commission is to encourage boys into apprenticeships and we should try to do this and not cut the Bill to pieces.

The Hon. R. A. GEDDES: I thank the Minister for his explanation, and in many ways I agree with what he has said. I also appreciate the comments of the Hon. Mr. Rowe that many boys have ten talents but sometimes use only two of them. Would it be possible to proclaim certain areas of the State such as Whyalla, Port Augusta and other industrial areas? I would ask the Minister if something along these lines could be done.

The Hon. C. D. Rowe: Areas in which the Industrial Code applies.

The Hon. R. A. GEDDES: Yes. I do not wish to be accused of not favouring apprenticeships, but if this clause becomes obligatory I cannot see how some employers will be able to maintain and teach apprentices. Many employers tend to migrate from the city to the country.

The Hon. S. C. Bevan: Surely the honourable member does not anticipate that the person he has described in such an uncomplimentary manner should be allowed to train an apprentice?

The Hon. R. A. GEDDES: I am worried as to how they could do so.

The Hon. A. F. Kneebone: Does the honourable member suggest that they should not be allowed to train apprentices?

The Hon. R. A. GEDDES: I am asking if it will be possible under this clause to proclaim the areas under the Industrial Code.

The Hon. A. F. Kneebone: Although this clause does not limit it to the metropolitan area, I think that in the proclamation a certain area can be named.

The Hon. C. D. ROWE: I follow my usual procedure of trying to be helpful to the Government. I wonder if it could be provided that the proclamation should apply only to such areas of the State that have been covered by the Industrial Code? Such areas are the centre of fairly heavy industrialization. There has been an extension of the area covered by the Code, but I put this forward as something in the nature of a compromise.

The Hon. F. J. POTTER: It is true that the principal Act defines what is meant by "trade" and that is:

Any process, business, occupation or calling in which skilled handicraft is employed but does not include any sea service or any professional pursuit.

However, in a business occupation there are other than skilled people employed. I am concerned that with the provision as it now stands it is not so much that the jurisdiction of the Industrial Court is ousted, but in the wording

of the clause it seems to me it is a blanket prohibition of the employment of an improver or any juvenile worker in a semi-skilled or ancillary function in that trade. I think it is extremely undesirable and presents a problem.

While the Hon. Mr. Geddes was speaking I handed to the Minister a slip of paper containing an alternative suggestion. I thought this might be met in another way, and my friend the Hon. Mr. Rowe has made a similar suggestion, that is, to leave the clause as it is and add a proviso. I believe this would meet most of the objections, and perhaps the Minister would give some consideration to this. The Minister has invited me to move an amendment, which I propose to do. I now move:

In subsection (3) after "proclamation" last occurring to add "Provided, however, that an employer may employ a minor other than an apprentice under such circumstances or conditions as may be proclaimed or determined in respect of a particular employer."

The Hon. A. F. KNEEBONE: I do not think this is necessary but, if the honourable member asks for it, I am prepared to accept the amendment.

Amendment carried; clause as amended passed.

Clause 7—"Times and occasions for attendance at technical schools."

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

In new subsection (4) to strike out "eight". If this amendment is carried I shall then move to insert "sixteen" in place of "eight". Considerable mention was made of this earlier. At present an apprentice does eight hours a fortnight in the employer's time and four hours a fortnight in his own time. The proposal is to double the work done at the school of instruction in the employer's time. This doubling is unreasonable, particularly as this is to apply to the first three years of his apprenticeship. I propose as a compromise that this additional work to be done in his employer's time be spread over a period of three weeks, so that in effect he will do 16 hours every three weeks instead of 12 hours every two weeks. I think this is a much better and fairer compromise than the proposal in the Bill as originally drafted.

The Hon. S. C. Bevan: Can you explain how it will work?

The Hon. F. J. POTTER: It will mean that, in effect, an apprentice will have two periods of eight hours straight in three weeks instead of two periods of eight hours straight in two weeks as proposed in the Bill. It is as simple as that.

The Hon. S. C. Bevan: It is not as simple as that.

The CHAIRMAN: Order!

The Hon. F. J. POTTER: I do not know how the provision in the Bill for eight hours a week could be managed, because it means virtually a complete doubling of the trade school facilities being used at the moment. They are being used only for an equivalent of four hours a week now. To double that means doubling the accommodation, or the complete staggering of classes.

The Hon. S. C. Bevan: Why? You still have the same number of apprentices whether it is four, eight or 10 hours.

The Hon. F. J. POTTER: The accommodation will be used exactly twice as much.

The Hon. S. C. Bevan: The facilities are there whether it is for two or 10 hours.

The Hon. F. J. POTTER: But it is a different method of training. However, I must confess that this is nothing more than a compromise amendment. It is the halfway house between what is done at the moment and what is proposed in the Bill.

The Hon. A. F. KNEEBONE: I understand what the honourable member is trying to do. The effect of the amendment will be to reduce the time for which an apprentice is required to attend trade school. At present all apprentices have to attend six hours a week for the school year of 42 weeks, in their first three years of apprenticeship—a total attendance of 756 hours in the three years. This amendment, while preserving the principle introduced by the Bill of all training being done in working hours, will reduce the period of attendance at trade school to 16 hours in each three weeks—or an average of 5⅓ hours a week. Over the three years of attendance at trade school the total hours of training would be reduced from 756 hours (at present) to 672 hours.

With the increasing need for tradesmen to acquire greater skill it would be ridiculous to reduce the period of time spent by an apprentice at trade school: in most trades this time is already less in South Australia than in most other States. Apart from this proposal to shorten hours of training being educationally unsound, the proposal of 16 hours' attendance at trade school is impracticable. It would not be practicable for apprentices just to attend for 5⅓ hours each week (too much time would be lost in travelling) and schools would remain idle for long periods. While attendance of eight hours for two weeks and none in the third week would be possible, it would be very clumsy, an improvident use of buildings and equipment, open to abuse by apprentices, and

educationally unsound in having irregular intervals between attendances at school.

This is the view of the Education Department. I do not want to put words into the honourable member's mouth but, if he wanted a compromise in this way, he could have got a much better one between the Bill and this. Perhaps he could think of one himself, but this is not the answer to a compromise between what is suggested in the Bill and what the honourable member is trying to do. I cannot accept this amendment, because it is impracticable and an infringement of Education Department policy. The honourable member must realize that these provisions are not necessarily proclaimed at the same time for all trades.

The Hon. C. D. Rowe: Is it expected that it will be some time before they can be?

The Hon. A. F. KNEEBONE: Yes. The process of introduction will have to be gradual.

The Hon. F. J. POTTER: Apparently, the Minister has gone to some trouble to find out what effect this would have on teaching in technical trade schools, although I am not convinced that the difficulties he has mentioned will be likely to occur, because of the staggering of attendance by apprentices to cope with the new situation. I agree that there is another compromise. It would be to provide that the eight hours a week to be taken in the employer's time (a doubling of the present situation) be confined to the first two years of apprenticeship, rather than to the first three years.

The Hon. A. F. Kneebone: This could work much more easily.

The Hon. F. J. POTTER: If the Minister assures me that he will accept it, I shall consider seeking leave to withdraw my amendment to enable me to substitute another.

The Hon. A. F. KNEEBONE: I would favour that, although I would prefer to have the Bill in its present form. If there is to be any compromise at all, then I prefer the one that the honourable member now mentions.

The CHAIRMAN: Is the Hon. Mr. Potter seeking leave to withdraw his amendment?

The Hon. F. J. POTTER: No. I am seeking information. I am wondering whether the Minister is expressing his personal views or those of the Government.

The Hon. A. J. Shard: Take it from me that we are with him and that he is expressing the Government's view.

The Hon. A. F. KNEEBONE: The honourable member wants me to say now that I accept it. Some of the amendments to the Bill will not be accepted in another place and I prefer to bargain somewhere else rather than here. For that reason, I must oppose the amendment.

The Hon. F. J. POTTER: In that case, I shall proceed with the amendment as moved.

The Committee divided on the amendment:

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 (teller), and A. J. Shard.

Majority of 11 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER moved:

In new subsection (4) to insert "sixteen".

The Committee divided on the amendment:

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 (teller), and A. J. Shard.

Majority of 11 for the Ayes.

Amendment thus carried.

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

In new subsection (4) to strike out the words "each week".

I point out to honourable members that these amendments are consequential on what has already been done.

Amendment carried.

The Hon. F. J. POTTER moved:

In new subsection (4) to strike out the word "week", and insert the words "three weeks", in line 21.

Amendment carried.

The Hon. F. J. POTTER: I move to add the following at the end of new subsection (4):

Unless he is prevented from such attendance by sickness or other reasonable cause.

Without this, it seems it is an order for him to attend.

The Hon. A. F. KNEEBONE: I oppose this proposal. What is sickness? Is it a cold? The present arrangement is working quite satisfactorily, and if an apprentice produces a medical certificate or is out of the State on annual leave he is excused from attendance.

In all other cases he must make up for the classes he does not attend. This has worked admirably over the years and has not been abused. The proposed amendment is hard to apply, as we would have to decide what sickness and a reasonable cause are.

The Hon. R. A. GEDDES: Does the principal Act say "on production of a medical certificate", or has it been assumed over the years that this is the sensible way of doing it? I am not familiar with the old Act. Would it be wiser to put in "on production of a medical certificate" or "when interstate on annual leave"?

The Hon. A. F. KNEEBONE: The technical schools apply it and there has never been any difficulty. It is much more sensible than the proposed amendment.

The Hon. F. J. POTTER: I agree with the Minister that there is nothing in the present Bill to cover this matter and that, indeed, there is the working arrangement he mentioned. After all, this is a mandatory section. It says he "shall" attend during these hours. I cannot understand why it does not allow for sickness or other reasonable cause. However, I am not going to be adamant on this. If the Minister has had advice on the matter and believes the position is adequately covered I will be satisfied.

Amendment negatived.

The Committee divided on the clause as amended:

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), C. D. Rowe, and Sir Arthur Rymill.

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.

Clause as amended thus passed.

Clause 8 passed.

Clause 9—"Commission to have power to require an apprentice in certain circumstances to attend technical school outside working hours."

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

In new section 19a (1) to strike out "his third" and insert "any".

This new section deals with the power of the commission to require an apprentice, when he has failed to reach the standard required for his particular year, to attend technical school outside working hours to recover the ground he has lost. As drafted, it provides that he must do this only after the completion of this third year, but my amendment provides that it will be in any year.

The Hon. A. F. KNEEBONE: I oppose the amendment. This would work harshly in relation to some apprentices, as many apprentices in the first year of attending school do not attend for the full year and they would be required, if they did not pass, to go to school the next year at night in addition to attending during the day, whereas with a three-year course they may reach the required standard.

The Hon. Sir ARTHUR RYMILL: The Minister's statement suggests to me that he intends to oppose any amendment to this clause. As he supports the commission, I would have assumed that he would support the amendment, because all it does is give further powers to the commission. If the Minister had to work as hard as some of us have had to work at courses, he would realize that it was not desirable to leave everything to the end but that something should be done to catch up. The amendment merely empowers the commission to make this direction; it does not have to make the direction. I cannot see why the Minister opposes the amendment.

The Hon. S. C. BEVAN: I oppose the amendment. In almost every trade school the apprentice is compelled to attend for three years, and these are the first three years of his indenture. The amendment instructs the commission that it may decide that where he has not reached the required standard he must attend school in his own time. This restricts the commission to doing this in each year of training.

The Hon. F. J. Potter: It provides for any year, not each year, and that he may be required to do it.

The Hon. S. C. BEVAN: I know it provides that the commission may do this. The apprentice does not do four or five years but goes compulsorily to a school for a period of three years, the first three years of his apprenticeship. To use the phrase "in any year" means that each year stands alone. In the first year, as the Minister has pointed out, the apprentice may do six months of that year because of the date of his entry. I know that the word "may" is there, but if it is given effect to, and the apprentice has not reached the required standard in the first year, he can be sent to any technical school outside and in his own time. This would mean that he would have to attend a night school where he would receive adequate training, not of a technical nature

but with relation to practical training. However, it is not always a trade where the apprentice can enter a school of technology, and I do not know where a school would be provided under such circumstances outside his trade school. I do not know where the lad could be directed to attend.

The Hon. G. J. Gilfillan: Where would he receive his training in the third year?

The Hon. S. C. BEVAN: At the trade school that he has to attend outside his working hours. The same thing could apply here, and I do not know where he would receive his training if it is not being done by the school of technology. He may not be able to enter it anyway. It is practical work, and it could be difficult to give implementation to such an order.

The Hon. G. J. Gilfillan: Wouldn't the commission take this into account?

The Hon. S. C. BEVAN: I have just said that the clause uses the word "may". The commission would take advice on this matter, but even if there is a school available he may not be able to attend it anyway. I think the overall position should be that he would be given an opportunity to reach the standard over his normal course of training in a three-year period and not just take it in his first year, or, if he slips back for some reason, in his second year. Perhaps he could reach the standard set by the commission at the completion of his training period of three years, and I cannot see why he should be sent out in any one particular year. If over the whole period he reaches the required standard that should be satisfactory. I think the clause as drafted is adequate.

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, F. J. Potter (teller), C. D. Rowe, and Sir Arthur Rymill.

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:

In subclause (2) to strike out "two" and insert "ten".

I do this because I think this is a ridiculous penalty for an offence. Under this clause a lad is required to attend a technical school outside his working hours and if he does not do so he commits an offence. However, all he would have to pay for a first offence would be a fine of $2. If I know anything about many young people of today they would rather pay that fine than attend a school. It seems a ridiculous penalty. However, I will listen with interest to what the Minister has to say about it.

The Hon. A. F. KNEEBONE: At the risk of being accused of opposing every amendment for the sake of opposing it, I must oppose this one. Where a boy did not attend school, he was up for a penalty of 50c. That penalty is increased fourfold in this Bill, and that is sufficient. Many boys would prefer to pay the $2 than go to school. The subsequent penalty is not to exceed $10. This means that, if a boy gets away with a penalty of $2 and commits a further offence, he is up for a penalty of $10. I do not think it is necessary to increase the amounts to $10 and $20.

The Hon. R. A. GEDDES: I oppose the amendment. In schooling, whether apprenticeship or any other type, it is wrong that the child or person concerned should be fined at all for the misdemeanour of not turning up at his class; but, if it is necessary, as it was under the old Act, to have a purely statutory figure so that a person could be fined a small amount of money as a possible deterrent to his not turning up at class, I feel that the penalty in the Bill of $2 and not exceeding $10 is adequate. After all, we are trying to educate people, not fine them.

Amendment negatived; clause as amended passed.

Clause 10 passed.

Clause 11—"Duty of apprentice to carry on correspondence course."

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

In subparagraph (*b*) of new subsection (1b) to strike out all words after "working hours". This is the controversial question that we discussed earlier, whether the employer should be compelled to provide accommodation or to reimburse his apprentice for costs of accommodation when attending a technical school or class of instruction. Until the Government can come up with some proposition along the lines of the provision that Victoria has, and is prepared to foot the bill for this type of cost, as it does in other fields of tertiary education, it ought not to be a burden on the employer.

The Hon. A. F. KNEEBONE: This concerns the apprentice who does a correspondence course in the week because there is no provision for a technical school in his area. At the moment, in addition to the correspondence course, we provide an intensive course of a

fortnight for boys in the city each year. The Government provides free rail travel for these boys to attend school. The cost to the employer in the country is nowhere near the cost to the employer in the city, if he allows the boy to come to the city and pay his accommodation costs. If he can make arrangements in the city, the employer is not required to reimburse him.

The Hon. C. D. Rowe: If the apprentice makes arrangements?

The Hon. A. F. KNEEBONE: Yes. This is done in Western Australia. It is cheaper for the employer in the country than it is for the employer in the city who has to send his boy to trade school every week. After all, the apprentice is not getting all the benefit from his training: the employer gets some benefit, too. The apprentice, because he is trained by the Education Department and through the apprenticeship system by attending technical schools, becomes a better apprentice than the apprentice I knew when I worked in industry. I have often quoted for apprentices under me at the adult rate. If I had not quoted at this rate, the quotations would have been rejected by my employer. That is how it is done. If we examine the cost of training an apprentice, we find that many apprentices are paying for themselves long before they finish their apprenticeships. I do not say that all employers treat their apprentices in this way, but many do. So let us have no crocodile tears about the cost.

This is a cost that we say should be borne by the employer. It is no great cost to him because of the return he gets from the training of the apprentice in his fortnight at the trade school, to whichever school he goes. That fortnight is amply repaid to the employer, because the apprentice is much the better for it. It is not unfair to ask the employer to meet some of the cost, since the Government is meeting some of it also.

The Hon. C. M. HILL: I may be wrong, but I understood the Minister to say the period would be two weeks, or would not exceed two weeks. If that is so, why is it not in the Bill?

The Hon. A. F. Kneebone: It is two weeks.

The Hon. C. M. HILL: If the words "but not exceeding two weeks" were included, my attitude would be different. The Bill as it stands and this talk of one or two weeks are entirely different matters.

The Hon. R. A. GEDDES: About how many youths would have to take advantage of this group training in normal circumstances at present? I would imagine that one group from the north would go to Whyalla and that some would possibly go to Port Pirie. Do many come down for this training?

The Hon. A. F. KNEEBONE: Unfortunately, the number is not as large as it should be, because it is not compulsory at present and many employers do not avail themselves of the opportunity. At one time, in the industry that I know, there was no correspondence course and the union and the employers got together and asked the Government that a correspondence course be instituted. This was done. The employers had told the Government that they wanted these boys to participate in the intensive training for a fortnight a year. Free fares were provided for when the Hon. Mr. Rowe was Minister, but before that time the employers had agreed to pay the cost of fares and accommodation. That showed that they appreciated the benefits. I am pleased that some employers look upon the training as being essential.

The Committee divided on the amendment:

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, F. J. Potter (teller), C. D. Rowe, and Sir Arthur Rymill.

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

Majority of 6 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 12 passed.

Clause 13—"Computation of time spent at classes."

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

In new subsection (2) after "course" to insert "for the period prescribed in section 21 of this Act".

This is a drafting amendment. No time limit is prescribed in the new subsection, whereas such a time limit is prescribed elsewhere.

The Hon. A. F. KNEEBONE: I agree that this clarifies the situation and accept the amendment.

Amendment carried.

The Hon. F. J. POTTER moved:

In new subsection (2) to strike out "under this Part".

Amendment carried; clause as amended passed.

Clauses 14 to 17 passed.

Clause 18—"Requirements as to indentures."

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

In new subsection (1a) to strike out "employment" and insert "his apprenticeship".

This is a drafting error, but it has an important bearing on the actual date on which the indenture is signed. It may well be that a person entering into an article of apprenticeship is employed for some considerable time in some other job before entering his articles. I hope the Minister will accept the amendment.

The Hon. A. F. KNEEBONE: I accept the amendment.

Amendment carried.

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

To strike out new subsection (1b).

This is in line with maintaining the privacy of contracts between employers and apprentices and their parents or guardians.

The Hon. A. F. KNEEBONE: I am confused about this amendment, as there is a previous amendment on the file. It seems to me that one of these pressure groups about which we hear so much has got to the honourable member and asked that this be struck out because the Trades and Labor Council is to be advised of new indentures. This provision was inserted so that that body would be notified of the number of apprentices entering a certain trade. Often an employer takes more apprentices than he is allowed to take under the award, and sometimes this is not discovered for a long time; in country districts it has sometimes not been learned for two or three years. When it is found out, the boy loses his apprenticeship. Existing records do not show how many apprentices an employer has, but this provision will ensure that employers and the Trades and Labor Council will be notified. This is not an invasion into the privacy of a contract. If this provision does not exist, how will breaches of the award be discovered?

The Hon. C. D. ROWE: The Apprenticeship Commission should know how many apprentices an employer has, and surely this is the appropriate body to deal with the matter. If the clause as drafted is passed, it is a sign that we have no confidence in the commission because, if it cannot pick this up from its records, neither can the Trades and Labor Council nor the South Australian Employers Federation. The commission is a full-time body. I take it that it will be efficient, and it must police this matter. The Land Agents Board investigates the licensing of land agents.

The Hon. A. J. Shard: Not as often as it should.

The Hon. C. D. ROWE: Perhaps, but the commission will have all it needs to enable it to do this. I therefore support the amendment.

The Hon. A. F. KNEEBONE: This provision is in some Commonwealth awards. Under this Bill the Registrar will be able to check on this and will send applications to the union not only for apprentices but also for probationers. This will assist the Registrar and Deputy Registrar to detect breaches of the Commonwealth award.

The Hon. L. R. HART: This clause should be read in conjunction with the principal Act, which provides that every indenture of apprenticeship in any trade entered into after the commencement of the Act shall be in triplicate and that the employer shall within 14 days after the signing of the indenture deliver one copy to the apprentice and one copy to the Chief Inspector of Factories. Under this clause the Chief Inspector will be replaced by the Chairman of the commission. It goes on to say that every indenture of apprenticeship shall be signed by the parties thereof within a period of 28 days from the day on which the apprentice commences employment with the employer. It would appear that the committee is advised of this on two occasions. Therefore, I do not see that, in addition to this, the chairman should have to advise the Trades and Labor Council and the other bodies named. The Minister says this must be done because employers employ in excess of the number of apprentices they are permitted to employ under the Act. Surely that could be ascertained without having to advise all these other parties.

The Hon. F. J. Potter: The commission will know about that.

The Hon. L. R. HART: Yes, and within 14 days of entering into indentureship. In addition, there must be advice within 28 days of commencing employment. I do not think the Minister's reasoning is a very good one.

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, 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 (teller), and A. J. Shard.

Majority of 10 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 19 passed.

Clause 20—"Particulars concerning apprentices to be furnished."

The Hon. F. J. POTTER: I had an amendment to this clause, but the Minister has very

kindly redrafted my amendment and in substance it is much the same as it was previously, so I will not move it.

The Hon. A. F. KNEEBONE: I move:

To strike out the whole of paragraph (*a*) of clause 20 and insert in lieu thereof the following paragraphs—

(*a*) by striking out the passage "Within fourteen days after the thirtieth day of November" in subsection (1) thereof and inserting in lieu thereof the passage "On or before the thirty-first day of January";

(*a*1) by striking out the passage "that thirtieth day of November" in subsection (1) thereof and inserting in lieu thereof the passage "the thirty-first day of December."

This will have the effect of the employers having to notify the number of apprentices they have on December 31 on or before January 31. It will look after the period the honourable member was concerned about when annual leave was taken. This amendment will give the employer the opportunity to make the return by January 31.

Amendment carried; clause as amended passed.

Clauses 21 to 23 passed.

Clause 24—"Right to terminate apprenticeship during first six months."

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

To strike out paragraph (*a*).

This paragraph deals with the time within which the apprentice has the right to terminate his apprenticeship. The existing provision is that he has the right to terminate that apprenticeship during the first six months. The provision in the Bill would cut that back and give him the right to terminate it within the first three months. All the employers' organizations are unanimously of the opinion that six months is the very minimum period in which an apprentice should be required to try out his apprenticeship and determine whether or not he wishes to go on. I have made some personal inquiries about people who are interested in and responsible for the training of apprentices: they, too, are unanimous that we require at least six months before the right of termination is allowed. Three months is altogether too short a period. At that stage the boy is hardly settled down in his apprenticeship.

The Hon. A. F. KNEEBONE: I must oppose this amendment. I spent six years on the Apprentices Board, under the present Act, and this point was agreed on many times there. On the board were representatives of the employers' organizations and the Trades and Labor Council; also, there were Government appointees. They were unanimous on more than one occasion that this period should be reduced to three months. There must have been a great change of heart on the part of employers recently for them to change their view on this matter, because they unanimously agreed that the period should be three months. That this provision should be included in the Bill was one of the things the present Apprentices Board requested. Representatives of the employers and the unions agreed to three months. It is accepted in Commonwealth awards.

This does not affect only the apprentice: the employer, too, has the right to make up his mind within three months under this new provision. This is sufficient in view of the better selection methods now available. There seems to be no ground for retaining a 6-monthly probationary period, especially as the right of appeal to the commission is available to cancel an indenture. Under recent amendments to the Metal Trades Award, there were boys with the educational prerequisites who had indentures reduced to as low as three years. When we add a probationary period of six months on to a three years' apprenticeship, it seems to overload the probationary period. Three months is ample.

The Hon. F. J. POTTER: The Minister did not deal with one of the most important aspects of this matter, that until examination results are available the question whether or not an apprentice should persevere with his apprenticeship is completely in the balance. These examinations are held twice yearly.

The Hon. S. C. Bevan: What examinations?

The Hon. F. J. POTTER: The school examinations. Many apprentices are involved in this. However, I am not particularly worked up about it. I mentioned it only because it was the unanimous opinion that we needed to retain the existing six months. I am surprised that there has been some opposition to this and at the advice that the Minister has received.

The Hon. A. F. Kneebone: This provision was the unanimous opinion of the Apprentices Board.

Amendment negatived; clause passed.

Clauses 25 to 28 passed.

New clause 29—"Act to bind the Crown."

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

29. The principal Act is amended by inserting the following new section after section 38—

38a. This Act shall bind the Crown.

There is nothing in the Act to bind the Crown. The Crown, through the Minister, is involved with the training and indenturing of apprentices within the Government service and consequently it should be bound.

The Hon. A. F. KNEEBONE: I again oppose this amendment as I cannot see the need for it and I think that when I have finished speaking members will agree with me. The Act has been observed by Government departments and instrumentalities, except the Railways Department, over the years. I have heard honourable members in this Chamber compliment the type of instruction provided at the Islington workshops in the training of apprentices. Apprentices from the workshops have attended the Institute of Technology and have eventually attained degrees as engineers, some as Masters of Engineering.

Some highly placed officers in this State began their training at the workshops. The Islington workshops have their own school, and apprentices from that school are the only ones in the employment of the Government and its instrumentalities who do not attend a trade school. If the Government is forced to abide by this proposal, those boys will have to leave the Islington school and attend the trade school as here provided. I do not think there is any need for this amendment because the Government has always abided by the apprentices' schools and in our opinion this should continue as it has in the past. I assure members that it will be continued whether this amendment is inserted or not, but I hope for the reasons stated that it is not inserted.

The Hon. F. J. POTTER: I accept the Minister's assurances as to the Crown and ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Title passed.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 3 to 5, 7, 8, 14, 15 and 17 and disagreed to amendments Nos. 2, 6, 9 to 13 and 16.

Consideration in Committee.

The Hon. A. F. KNEEBONE moved:

That the Legislative Council do not further insist on its amendments Nos. 2, 6, 9 to 13 and 16.

Motion negatived; amendments insisted upon.

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council granted a conference, to be held in the Legislative Council conference room at 6.30 a.m., at which it would be represented by the Hons. D. H. L. Banfield, A. F. Kneebone, Sir Lyell McEwin, F. J. Potter and C. D. Rowe.

At 6.13 a.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 10.8 a.m. The recommendations were:

As to amendment No. 2:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 3 (clause 5)—After line 34 insert new subsection (1a) as follows:

"(1a) Before making the appointment of chairman applications in respect of the appointment shall be called for in the public press. Upon receipt of applications in respect of the appointment they shall be submitted to the Public Service Commissioner for his consideration and for his recommendations thereon";

and make the following consequential amendment:

Page 3, line 38 (clause 5)—Insert "Chairman and".

As to amendment No. 6:

That the Legislative Council do further insist on its amendment and make the following additional amendment:

Page 5, line 40 (clause 5)—After "apprenticeship" insert:

"and it shall be competent for the appropriate trade union to bring to the notice of the Commission any matter arising out of an apprenticeship which the appropriate trade union considers should be investigated",

and that the House of Assembly agree thereto.

As to amendments Nos. 9 to 11:

That the Legislative Council do not further insist on its amendments but make the following amendments in lieu thereof:

Page 8, line 17 (clause 7)—Leave out "three" and insert "two".

Page 8, line 22 (clause 7)—After "instruction" insert:

"but in addition after the completion of the second year of apprenticeship he shall attend during working hours a technical school or class of instruction for four hours each week in every week that the school or class is open for instruction",

and that the House of Assembly agree thereto.

As to amendment No. 12:

That the Legislative Council do further insist on its amendment and that the House of Assembly do not further insist on its disagreement thereto.

As to amendment No. 13:

That the Legislative Council amend its amendment so as to read:

Page 10, lines 33 to 40 (clause 11)—
Leave out all words after "hours" and insert in lieu the following passage:
"and in that event the Commission shall, unless the employer himself provides accommodation, approve such costs of accommodation for any period not exceeding fourteen days in any one year as are reasonably incurred by the apprentice while so attending that technical school or class of instruction. Upon such approval as aforesaid the employer shall reimburse the apprentice to the extent authorized by the Commission".

As to Amendment No. 16:

That the Legislative Council do further insist on its amendment and that the House of Assembly do not further insist on its disagreement thereto.

The Hon. A. F. KNEEBONE: I wish to report that the conference was held amicably, that no heat was engendered in the discussion and that the managers of both Houses got together and came to a compromise on this group of amendments which I think is eminently satisfactory to this Council. I think these amendments will be equally acceptable to another place.

Consideration in Committee.

The Hon. A. F. KNEEBONE: Having described the compromise arrived at between the managers and expressed my appreciation of the assistance that the managers from another place gave me and of the fine manner in which the conference was held, which was in keeping with this type of conference where on most occasions there is co-operation between the Houses, I formally move:

That the recommendations of the conference be agreed to.

The Hon. F. J. POTTER: I support the motion and indicate my personal satisfaction at the result of the conference. We should be perfectly satisfied with the result, for the conference agreed, in effect, that there was merit in every amendment coming from this Chamber.

Motion carried.

Later the House of Assembly intimated that it had agreed to the recommendations of the conference.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 3 and 13 to 15, but had disagreed to amendments Nos. 1, 2, 4 to 12, and 16 to 19.

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

That amendments Nos. 1, 2, 4 to 12, and 16 to 19 disagreed to by the House of Assembly be not insisted upon.

Motion negatived.

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council granted a conference, to be held in the Premier's room at 1.45 a.m., at which it would be represented by the Hons. D. H. L. Banfield, R. C. DeGaris, A. F. Kneebone, F. J. Potter and Sir Arthur Rymill.

At 1.44 a.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 5.35 a.m. The recommendations were:

As to Amendments Nos. 1, 4 to 9 and 17 to 19:

That the Legislative Council do not further insist thereon.

As to amendments Nos. 2 and 16:

That the Legislative Council do further insist on its amendments and the House of Assembly do not further insist on its disagreement.

As to amendment No. 10:

That the Legislative Council do not further insist on its amendment but amend clause No. 7 as follows:

Page 5, lines 35 to 37 (clause 7)—
Leave out the words "a source of electrical energy generated or supplied by that Undertaking" and insert in lieu thereof the words "any electrical installation of that Undertaking"

and that the House of Assembly agree thereto.

As to amendment No. 11:

That the Legislative Council amend its amendment to read as follows:

Insert the following new clause—
"7a. Restriction on making proclamation under s. 7.—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 but if such regulations are disallowed by either House of Parliament the operation of section 7 of this Act shall thereupon be suspended until new regulations have been made and come into and remain in effect."

As to amendment No. 12:

That the Legislative Council do not further insist on its amendment but make an alternative amendment as follows—

Page 6 (clause 9)—Insert new paragraph—"(2) for a person to replace any fuse, switch or two-point outlet socket, not being any fuse, switch or outlet socket belonging to an Electricity Supply Undertaking."

and that the House of Assembly agree thereto.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): The conference was held in a amiable atmosphere and I am sure that honourable members of this Council will agree that the amendments that we have insisted upon and the other amendments that we

have been able to get are a reasonable compromise. During the course of the conference, two other drafting amendments were found to be necessary. As a result of the conference, these will be consequential alterations. The numbering of two cross references in the Bill was noted and I have been informed by the draftsman that these will be taken care of in the reprinting. I submit the report for the consideration of honourable members.

Consideration in Committee.

The Hon. A. F. KNEEBONE moved:

That the recommendations of the conference be agreed to.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I support the motion. As the Minister has said, the conference was conducted in the way one would expect in this Parliament and I would candidly think that the Bill is now quite a good one. I think that the Government has achieved what it wanted in the Bill and that the rights of the ordinary individual to do jobs that he is properly capable of doing for himself are protected. Regarding the safety factor, about which I cast some doubts last night, I think we have done all we can do about the safety of the individual. I think the compromise was most successful and that honourable members can support without qualms the agreement of the managers.

Motion carried.

Later, the House of Assembly intimated that it had agreed to the recommendations of the conference.

THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA BILL.

Received from the House of Assembly with an amendment recommended by the Governor.

Consideration in Committee.

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

That the amendment recommended by His Excellency the Governor be agreed to.

Motion carried.

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

That the Committee's report be adopted.

The Hon. JESSIE COOPER (Central No. 2): In speaking to the adoption of this report, I think that some explanation should be given to the Council as to why the amendment has become necessary. In the first place, an amendment went through with two words added in order to satisfy the Minister in connection with the matter. This was to bring the new Flinders university into a completely autonomous state so that convocation, when it was constituted, would have the powers that convocations in other universities have.

As I explained previously, convocation of Flinders university naturally would not be constituted for at least six years. Therefore, the words "when constituted" were added. Later, it was discovered that this completely spoilt the clause from a draftsman's point of view. It was found that the clause would not work, and this step was taken. I think it is only fair to let honourable members know why this situation has occurred. It has the same meaning as the clause that was passed previously and is completely in order.

Motion carried.

WILLS ACT AMENDMENT BILL.

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

Consideration in Committee.

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

That amendments Nos. 1 to 7 be not insisted upon.

I do not intend to debate the amendments, which have already been dealt with in this Chamber. It seems to be accepted that there will be a conference, and that may be the correct way to settle the matter.

Motion negatived; amendments insisted upon.

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council granted a conference, to be held in the Legislative Council conference room at 1.45 a.m., at which it would be represented by the Hons. S. C. Bevan, Jessie Cooper, M. B. Dawkins, C. D. Rowe and A. J. Shard.

At 1.45 a.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 5.35 a.m.

In Committee.

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

That the Council do not further insist upon its amendments.

The conference was held in a friendly atmosphere. There was not much scope for compromise, as the saying is. The discussion, which extended for about an hour and a half, was very informative, but no agreement was reached. I have moved the motion because I have a deep feeling regarding the effects that this Bill may have upon the Parliament. I have spoken before on what people may think

if conferences cannot reach agreement. There is also the effect on Parliament itself. I think that that is a paramount consideration. If anyone has any doubts that people outside are not taking notice of what the Legislative Council is doing, he had better have another think. I also move the motion because there is not much difference in effect between what this Council wants and what another place wants.

The bone of contention is whether persons between the ages of 18 and 21 years shall be permitted to make wills. This Council, as some sort of compromise rather than as a refusal, went quite a long way towards meeting the other place and did agree that married people between the ages of 18 and 21 years should be able to make wills. If we are prepared to go that far, I do not think it is going much farther to allow all people from 18 years upwards to make wills. I do not think it is sufficient for this Council to insist upon its amendments and lay the Bill aside. The number of people of 18 years who will want to make a will will be small. I think that we could say to those who want to make a will, "This is a vote that was decided unanimously by another place. It was put in by the Opposition and accepted." I think in that way the Council would come out of it with something to its credit, and it is not often that I extol the virtues of this Council.

The Hon. Sir Arthur Rymill: I believe you think fairly highly of the Council.

The Hon. A. J. SHARD: I am trying to be diplomatic. I think we would come out with something to our credit at this late stage if we were big enough to say, "All right, we will not insist upon the amendment. We will agree to the amendment of another place." I appeal to all honourable members to think about this carefully and I hope that the majority will agree to my request.

The Hon. Sir ARTHUR RYMILL (Central No. 2): If I had been one of the managers at this conference, I would have done exactly what they did. I think they did the correct thing in the interests of this Chamber. The first principle of a conference is that one upholds the position of his House. If a compromise cannot be reached, one does not let his House down. After that, it becomes a matter for the House itself to decide on the issues and on whether the issue in doubt or in disagreement is sufficient to throw the whole Bill overboard. I should like to quote what I said in the second reading debate on the point on which there is disagreement. At page 1862 of *Hansard* I said:

I am perfectly prepared to consider any measure of this nature in its proper context, but this proposal is brought along piecemeal, as it were; it does not enthuse me at all. It can be said to be brought along in these circumstances as the thin end of the wedge, which I have never liked at all. As I have said, I am prepared to consider the proper issues in their full context, but to agree to something like this as an isolated case is, in my opinion, out of order.

That was my argument: that whether or not 18-year-olds could make wills was not just a matter of whether they could make wills but whether they could make contracts (which is a fundamental matter in our law) and many other things.

The Hon. Sir Norman Jude: Whether they can vote, for example?

The Hon. Sir ARTHUR RYMILL: That is another issue, certainly. People have said that there are obligations at the age of 18, such as national service training. That is a very big thing.

The Hon. F. J. Potter: The other is whether they can marry without consent.

The Hon. Sir ARTHUR RYMILL: Yes, many things are involved. I object to the fact that this was not in the Bill originally: it was inserted by a member of my Party in another place. The Government seized on this, presented it to this Chamber and insisted on it. If I had been a member of the Government I would have done exactly what the Government has done. Therefore the question arises, taking into account these considerations, of whether we should, as the Chief Secretary colloquially has said, dump the whole Bill or whether we should let this point go, because it is not tremendously important if it can be regarded as an isolated case.

This Bill contains important matters which have been internationally recognized and which are of local importance. It also contains things recommended by the Commonwealth Government. Therefore, honourable members have to consider whether they will throw these important things overboard for the sake of this one matter which, as an isolated case, is not of much importance. I would be helped in considering what I propose to do if the Chief Secretary would give a clear answer on whether, if this Chamber considers that 18-year-olds should be able to make wills, they should be able to make contracts, as this may well arise soon, and the Government may say, "You have already recognized the principle because you have said they can make wills, so you have recognized that they are responsible for all things."

I think these things are in entirely different categories, and that is why I said what I did in the second reading debate—that, if this sort of thing has to happen, I shall certainly have to stick to what I have said before, but if the Government properly regards this merely as a Wills Act Amendment Bill and will not try to use it against us later, my consideration may be different. I shall be pleased if the Chief Secretary will discuss this matter and assist us in this regard.

The Hon. C. D. ROWE (Midland): I agree with the Chief Secretary that the conference was conducted amicably. It was cut short, as we were trying to reach a solution in about 1½ hours. At no time during the conference were the members of either Chamber able to agree to a compromise, so the conference reached the stage where individual managers made certain suggestions. These were discussed at length, I thought very thoroughly, and the managers thought that a compromise could not be reached, so we have come back to this Chamber without being able to reach an agreement. That is disappointing, because the managers of the two Chambers spent much time trying to get out of the difficulties that have arisen.

In my 18 years as a member of Parliament I have attended many conferences, but this is the first at which a compromise has not been reached. This came about not because there was any heated discussion but because each Party had made up its own mind and was not able to alter it. Rightly or wrongly, I have concluded that 21 is the appropriate age. I do not intend to argue this further, but one point arises that I am sorry I did not think of in the conference. In view of what Sir Arthur Rymill has said, I think I should mention it. We are arguing whether an 18-year-old should be able to make a will and the Government asserts that the minor is competent at that age. I point out that in the Apprentices Act Amendment Bill it has been said that an apprentice of 18 years needs assistance.

If it is considered that minors need assistance and that not only parents but some outside bodies should have powers in that matter, surely that is diametrically opposed to the attitude we are expected to take in this matter. I think 21 is the appropriate age.

The Hon. A. J. SHARD: It is not my purpose to delay the Council but I want to reply to the Hon. Sir Arthur Rymill's question. I have discussed this with my colleagues and I say that this Bill was not introduced with a view to creating a precedent as regards age; it is merely a question of whether a person at the age of 18 years should have the right to make a will. If a Bill stipulating that age was introduced into this Chamber it would have to stand on its own merits. I have never heard of a precedent in Parliament which followed automatically from something done previously. Every Bill introduced is dealt with separately. Even if the Council so decided, I give an assurance that I would not use this Bill as a precedent to put pressure on the Oppoistion in any way on another Bill.

Motion carried.

STATUTES AMENDMENT (FRIENDLY SOCIETIES AND BUILDING SOCIETIES) ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

INDUSTRIAL CODE AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

DISTINGUISHED VISITORS.

The PRESIDENT: I notice in the gallery two distinguished members of the National Assembly of Korea in the personages of Mr. Kim Dong Hwan and Mr. Kang Moon Bong and I extend to them a hearty welcome to this Council. I ask the Hon. the Chief Secretary and the Hon. Sir Lyell McEwin to escort the honourable gentlemen to chairs on the floor of the Council.

Mr. Kim Dong Hwan and Mr. Kang Moon Bong were escorted by the Hon. the Chief Secretary and the Hon. Sir Lyell McEwin to chairs on the floor of the Council.

PROROGATION.

The Hon. A. J. SHARD (Chief Secretary) moved:

That the Council at its rising do adjourn until Tuesday, March 29, at 2.15 p.m.

Motion carried.

At 10.28 a.m. on Thursday, March 3, the Council adjourned until Tuesday, March 29, at 2.15 p.m.

Honourable members rose in their places and sang the first verse of the National Anthem.