LEGISLATIVE COUNCIL

Thursday, October 12, 1967

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

ASSENT TO BILLS

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

Primary Producers Emergency Assistance,
Road Traffic Act Amendment (No. 2).

QUESTIONS

ADELAIDE AIRPORT

The Hon. R. C. DeGARIS: It was announced in the local press recently that the Commonwealth Government intended spending considerable sums of money on improvements to the Adelaide air terminal at West Beach. Can the Chief Secretary say whether the Commonwealth Government's Public Works Standing Committee investigated this matter and, if it did, whether any evidence was given to that committee from the South Australian viewpoint?

The Hon. A. J. SHARD: I should like to have time to inquire about these matters, for I am not able to give the Leader an answer at this stage. I hope to have an answer next Tuesday.

HOSPITALS

The Hon. V. G. SPRINGETT: Can the Chief Secretary tell the Council how many new hospitals have been started during this Government's term of office and how many of these have been completed? I am thinking not of the hospitals registered under the Mental Health Services but of new hospitals starting.

The Hon. A. J. SHARD: From memory, I think one new hospital has been started and completed. That was a completely new hospital and will be opened on Sunday fortnight. I think that is the only one that has been started and completed, but there have been some really good extensions to and renovations of hospitals. I am speaking from memory. If I am wrong, I shall be corrected.

The Hon. C. M. HILL: In view of the reply by the Chief Secretary, would he feel that a claim by the Leader of his Party that "we are producing instant hospitals" was justified?

The Hon. A. J. SHARD: Yes, most definitely. It is "instant" compared with the time the Playford Government spent on the Queen Elizabeth Hospital, which took 10 years to plan and is still uncompleted. We are in a position to start the Modbury hospital very soon. The honourable member is playing Party politics and I can come into that with a strong heart. Let me tell the honourable member that the planning for the Modbury hospital is the most expeditious ever. Within the space of two and a half years the plans have been prepared and been before the Public Works Committee, and the hospital will be commenced this financial year. It will have taken less than three years from the preparation of the plans to actually getting the work under way. That is instantaneous compared with the record of the Liberal Government.

The Hon. C. R. STORY: I ask leave to make a short statement with a view to asking a question of the Chief Secretary.

Leave granted.

The Hon. C. R. STORY: In view of the reply the Chief Secretary gave the Hon. Mr. Hill about the speed with which the plans for the new Modbury hospital had been drawn up, can he say whether this has detracted in any way from work on the extensions to the Queen Elizabeth Hospital, approved 15 months ago by the Public Works Committee? I understand that at that time those plans were almost completed, yet I have not noticed any building movement at the Queen Elizabeth Hospital. Has that hospital, which is a teaching hospital, been sidetracked in order that an election promise made by this Government can be kept at Modbury? Has staff been taken away from the actual planning of the Queen Elizabeth Hospital extensions to ensure what the Chief Secretary has just claimed as "the most expeditious planning of a hospital ever done"?

The Hon. A. J. SHARD: No. I do not know just how far the extensions for the Queen Elizabeth Hospital have proceeded but I know that a small building accompanying those extensions has been erected and people are working and planning at the hospital now. The extensions to accommodate 300 beds, I believe—

The Hon. C. R. Story: At a cost of $8,000,000.

The Hon. A. J. SHARD: —will be carried on. The Modbury hospital will in no way prevent that work from being proceeded with.

The Hon. C. D. ROWE: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. C. D. ROWE: My question relates to the Modbury hospital, and it is on a somewhat different angle from what has been

dealt with here this afternoon. The Chief Secretary has said that he does not play politics regarding hospitals, and in general terms I agree with that statement. However, I must say that I noticed a while ago the Chief Secretary, the Premier and the member for Barossa appearing on television when the announcement about this hospital was made, but the members for the Midland District, who have represented this district considerably longer than has the member for Barossa, were not invited on that occasion, so I think there was a political overtone in that matter.

The Chief Secretary has said that work will commence in connection with the Modbury hospital within the next 12 months, but I do not think that, provided the forms and procedures are followed, anyone is in a position to make that statement until the Public Works Committee has made a favourable recommendation in the matter. This causes me concern, because different people say to me regarding various projects that they have heard an announcement that such and such a thing was going ahead, and I have to say, "I do not see how that announcement can be made until after the Public Works Committee has made a favourable report." The Chief Secretary has said this afternoon that work will commence, and I take it that means that this is subject to a suitable and satisfactory report from the Public Works Committee.

The Hon. A. J. SHARD: Anyone would think we were the only people who made these statements, whereas this sort of thing has been going on over radio and television for as long as I can remember. Actually, it is always taken for granted that it is subject to a favourable report being received from the Public Works Committee. I am not surprised that the honourable member has asked this question. However, I point out that we need not take any notice of the Public Works Committee's recommendation, and no-one knows that better than the honourable member. If we care to make the statement that we will start a project this year, and even if we care to go on with it without receiving any recommendation at all, we can do so.

The Hon. R. C. DeGARIS. Following the information given by the Chief Secretary to this Council regarding hospitals, can he tell me what increase has taken place since June, 1965, in the total number of beds available in public hospitals in South Australia, and can he say also in which public hospitals that increase has occurred?

The Hon. A. J. SHARD: I could not possibly give the answer offhand. However, I shall check for the honourable member and if possible get the information for him by next week.

MUSGRAVE PARK

The Hon. JESSIE COOPER: Can the Minister representing the Minister of Education confirm the date of the opening of the primary school at the Musgrave Park Aboriginal Reserve, which was promised, I understand, for February next? There are 80 children ready, anxious and requiring education, but so far there are only pegs in the ground.

The Hon. A. F. KNEEBONE: Naturally, I cannot give dates and figures regarding this matter, but I shall convey the honourable member's question to my colleague and bring back a reply as soon as it is available.

MONEY-LENDERS ACT

The Hon. F. J. POTTER: Some time ago the Chief Secretary said his Government would make a complete review of the Money-lenders Act and he hoped a Bill would be "ready soon", or words to that effect. Can he say whether an amendment to this Act will be introduced this session?

The Hon. A. J. SHARD: I am not able to make a definite statement now, but I shall ascertain the position and let the honourable member have a reply next Tuesday.

DROUGHT ASSISTANCE

The Hon. A. M. WHYTE: Has the Minister of Local Government obtained from the Minister of Agriculture a reply to my question of October 5 regarding the availability of wheat in silos?

The Hon. S. C. BEVAN: A similar question was asked in another place on July 19, when the Minister of Agriculture reported:

This matter was discussed generally at the council meeting, when I outlined South Australia's position and expressed concern on many aspects, including the one mentioned by the honourable member. As the honourable member no doubt realizes, barley is controlled by the Australian Barley Board, with which we have direct contact. I assure him that the board is being made fully aware of my feelings on this matter. It is conscious of the problems facing us, as, indeed, is the Wheat Board although, unfortunately, we have no direct representation on the latter board. However, the Wheat Board has done what it has thought to be correct, and has held back large stocks for this purpose. I believe that it is watching the position with the same concern as we are experiencing.

BURRA COPPER

The Hon. G. J. GILFILLAN: Has the Minister of Mines a reply to my question of last Tuesday regarding the future of the copper ore deposits at Burra?

The Hon. S. C. BEVAN: At present one drill only is operating at Burra, testing the deeper possibilities. Results to date have not been encouraging. With regard to the oxidized "leavings", several million tons of low-grade copper has been indicated. A feasibility study into the commercial possibilities of treating this low-grade copper is expected to be completed very soon.

MURRAY RIVER SALINITY

The Hon. C. R. STORY: I ask leave to make a short statement prior to asking a question of the Minister representing the Minister of Works.

Leave granted.

The Hon. C. R. STORY: Salinity figures for the Murray River are published on a weekly basis by the Engineering and Water Supply Department. However, by the time these figures are available to the public they are two weeks old. The corresponding department in Victoria provides a daily reading which is published in the *Sunraysia Daily* each day, of course, and this enables private irrigators and those controlling Government and private irrigation schemes to trace salinity slugs in the river and to speed up their irrigation, or to wait a few days if they know that better water is coming. We have not been able to get this information in South Australia. Will the Minister take up with his colleague the question of making this information available on a daily basis, at least at the seven stations where the reporting is done on a daily basis, through the local A.B.C. stations, instead of on a weekly basis, which is two weeks out of time?

The Hon. A. F. KNEEBONE: I appreciate the honourable member's concern in this matter. I shall discuss this question with my colleague and see what can be done.

The Hon. C. R. STORY: I did not want any confusion regarding the two matters that I wished to deal with, so I have broken my question into two parts and this is the second part of it. On the second day of this session I asked a question of the Minister regarding the suggestion I had made last session about the setting up of some sort of committee to fully investigate the problem of salinity in South Australia. I also made some suggestions regarding deep boring through the plasticene clays in the river area. On June 28 I received the following reply from the Minister:

The Minister of Works has informed me that the committee entitled the Murray Basin Irrigation Areas Drainage Committee was set up under the authority, and first met in February. Four meetings have been held.

I am very interested to know whether this committee has some interim report to bring down at this stage. It was also stated in reply to this question that the River Murray Commission was looking into the matter of salinity. This is extremely urgent: we do not have two years in which to look at it. It has come to my notice that Lake Victoria, which is the only storage available to South Australia, is at present being used to channel off some fairly sizable slugs of salinity. The water in the lake at present is a little higher in salinity than it was a fortnight ago. The water at the inlet at Lake Victoria has a salinity of 330 parts a million, but after it has stood in the lake for some time it is mixed up with better water and at the outlet the salinity is down to 255 parts, which shows a very nice decrease after storage.

However, I am alarmed to find that in the three miles stretch between the outlet of the lake through the Rufus River into the Murray the salinity picks up to 350 parts, which is an increase of 95 parts in those three miles. It is futile our talking to Victoria or New South Wales or anyone else when we have a problem like this. I am extremely interested in this matter, because the livelihood of so many people in all parts of the State depends on reducing salinity. I want to know what action this committee is taking to correct the present problem. Incidentally, the figures I quoted are not departmental figures but have been ascertained by individuals who are equally as interested in the matter as I am. I can vouch for the authenticity of the figures.

The Hon. A. F. KNEEBONE: As I said before, I appreciate the honourable member's concern, and I assure him that all members of the Cabinet are concerned about the salinity problem and are looking into it. Regarding the honourable member's specific inquiry, I cannot tell him whether an interim report is available. However, I will discuss the matter with the Minister of Works and bring down a reply. I assure the honourable member that the Government is as concerned as he is about what is happening in the river as regards

salinity. The slugs that the honourable member talked about are a cause of great concern to us, and we are endeavouring to do what we can about it.

DANGEROUS DRUG

The Hon. R. C. DeGARIS: In view of the publicity that has been given to the manufacture of the drug L.S.D. in the Eastern States, can the Minister of Health say whether the Government intends to introduce legislation in this session to increase penalties in relation to deleterious drugs in South Australia?

The Hon. A. J. SHARD: At the moment I am unable to give a definite answer. I know there were some inquiries being made as to the position in South Australia. A report has been called for, but in view of what has happened in other States, I shall take up the question in Cabinet and bring back a definite reply as soon as possible.

CERAMICS INDUSTRY

The Hon. R. A. GEDDES: Will the Minister of Mines report what progress has been made regarding the establishment of a ceramics plant at Port Pirie?

The Hon. S. C. BEVAN: An application was made by the interested company recently in relation to an option on the plant, and negotiations are still being conducted by the company for the necessary machinery. The company's application to the Industries Development Committee has not yet been determined. The company asked for a further extension of three months on its option on the plant at Port Pirie, and this I granted. Until negotiations have been finalized I shall not be able to give any further information on the likelihood of the establishment of the industry.

GILES POINT

The Hon. C. R. STORY: Has the Chief Secretary an answer to my question yesterday regarding certain amendments that may be necessary to the two Acts concerned with the Australian Wheat Board and the Australian Barley Board in relation to the bulk handling installation at Giles Point?

The Hon. A. J. SHARD: Knowing the importance to the honourable member of this question, I asked for a prompt reply. Discussions have been held with the Australian Wheat Board and the Australian Barley Board and, whilst both of those authorities desire to co-operate fully in the matter of collection of the special charges for use of the proposed Giles Point facilities, some difficulties have arisen in both the legislative and constitutional aspects of the arrangements proposed. It now seems likely that these difficulties can be overcome, but there is still a good deal of consultation and detailed examination of procedures to be undertaken. Accordingly, legislation will not be presented to Parliament this session. However, the delay in presenting legislation will in no way interfere with construction work, and fully considered amendments next session will be in plenty of time to permit use of the Giles Point facilities as planned.

CROSS ROAD RECONSTRUCTION

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

Leave granted.

The Hon. F. J. POTTER: My question refers to the section of Cross Road between South Road and Anzac Highway, which I understand is under the jurisdiction of the Highways Department, although any construction work there would be performed by local councils (using grants from the department) under instructions from that department. That section of road is not in a good state of repair and a considerable quantity of mud and dust rises from the edges of the road and enters nearby residences, which for the most part are of a superior type. Will the Minister state if any reasons exist for delay in the reconstruction of that section of Cross Road, and when such reconstruction can be expected to commence?

The Hon. S. C. BEVAN: Construction work is proceeding on that portion of Cross Road and it will continue until completed. However, it is hoped that drainage works will be carried out at the same time as the road work proceeds. If, as the honourable member has suggested, the mud and dust problem is inconveniencing nearby householders, I will make inquiries from the department. Because of the intention to go ahead with drainage works while road works are carried out it could be some time before the project is completed.

NOXIOUS WEEDS

The Hon. G. J. GILFILLAN: Has the Minister of Transport a reply to my question of September 26 regarding control of noxious weeds in those railway station yards from which stock is trucked to Western Australia?

The Hon. A. F. KNEEBONE: Yes. Officers and staff of the South Australian Railways have been made aware of the importance of the eradication of noxious weeds, and in

fact an instruction was included in the *Weekly Notice* of September 25, 1967. In addition, any specific instance where the department has been notified of the presence of noxious weeds has received individual attention. In this regard the yards at Dry Creek, Gladstone, Jamestown and Port Pirie were all treated prior to October 4, 1967. The honourable member is assured that any outbreaks of noxious weeds observed by railway staff, or to which attention is drawn by others, will be treated promptly.

GLENELG POLICE STATION

The Hon. C. M. HILL: I ask leave to make a statement prior to asking a question of the Minister of Transport.

Leave granted.

The Hon. C. M. HILL: On September 28, I asked the Minister a question concerning the police building property in Moseley Square, Glenelg, but as yet I have not received a reply. I realize that two, and possibly three, departments are involved in this matter, but I stress that civic-minded people in Glenelg are particularly anxious to have the opportunity ultimately to extend their municipal buildings fronting Moseley Square over at least part of the property in question. That property includes both the police station and some shops adjoining it. At the time of my question on September 28 the tenants of those shops were concerned because notices to quit had been received and they were seeking a reasonable extension of time in order to derive benefit from the coming Christmas trade. I mentioned on that date that some of these parties understood that decisions at departmental level were to be made that week or possibly on that particular day. Yesterday, the whole question received considerable publicity on the front page of the Glenelg newspaper, the *Guardian*. In view of these circumstances, will the Minister be good enough to get a reply to my original question as quickly as possible?

The Hon. A. F. KNEEBONE: Yes. This building is on property that originally belonged to the Railways Department, and it has been passed on to another department for disposal. The normal thing in these cases is that before a property is made available to the general public various departments are asked whether they need it, and this is what is now going on. The matter involves two or three departments. As the Hon. Mr. Hill has said, the Police Department and the courts are interested in it. Also, the Public Buildings Department is looking at the matter. The question is receiving consideration. Every effort is being made to see whether some of this property can be made available for the purposes referred to by the honourable member. I assure him that the matter is well in hand, and that I will get a reply for him as soon as possible.

LOCAL GOVERNMENT ACT AMENDMENT BILL (RATING)

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.

I have to apologize for this Bill not being on honourable members' files. It will be available later this afternoon. The amendments to the Local Government Act proposed by this Bill are mainly consequential on the provisions of the Real Property Act Amendment (Strata Titles) Bill, which was passed by Parliament earlier this session. These amendments have become necessary for a variety of reasons. Under the definition of "ratable property" in section 5 of the principal Act as it now stands, it would, in a great majority of cases, mean that the common property comprised within a deposited strata plan would be ratable property. This should not be so, as the common property cannot be held except as incidental to the ownership of the units defined on that plan and, therefore, should not be separately ratable or capable of being separately sold for non-payment of rates.

Clause 3 of the Bill, accordingly, amends that definition to exclude common property from the meaning of ratable property. The amendment, however, goes on to provide that every unit together with the equitable estate of the owner of that unit in the common property shall be ratable. Clause 4 makes an amendment to section 301 (1) of the principal Act that is consequential on the enactment of the Planning and Development Act and on the proposed new section 223nn of the Real Property Act as amended by the Real Property Act Amendment (Strata Titles) Bill. Clause 5 amends section 319 (2) of the principal Act which deals with the liability of owners of ratable property abutting on public roads to contribute towards the cost of constructing certain works in relation to those roads. The clause provides that, where land that abuts on a public road is common property comprised within a deposited strata plan—(*a*) the

units defined on that plan shall be deemed to be ratable property abutting on that road; and (*b*) the council may recover from the owners of the units the cost of the work ratably according to the frontage of the common property abutting on the road and in accordance with the unit entitlements of the units.

Clause 6 amends section 328 (2) of the principal Act, which deals with the liability of owners of ratable property abutting on a newly constructed footway to contribute towards the cost of its construction. This amendment is on the same lines as the amendment made by clause 5 to section 319 (2) of the principal Act. Clause 7 amends section 342 of the principal Act, which empowers the council in certain cases to construct and repair private streets in the city of Adelaide and to recover the cost of doing so from the owners of property abutting on those streets. The clause specifically deals with the case where the land that abuts on a private street is common property comprised within a deposited strata plan and provides that the cost of construction or repairs attributable to the common property abutting on the private street is to be apportioned among the owners of the units defined on the plan in proportion to their respective unit entitlements. Clause 8 amends section 343 of the principal Act, which empowers other councils to make and repair private streets and to recover the expenses incurred thereby from the owners of ratable properties abutting on such streets. The clause inserts in the section a new subsection (7a), which is on much the same lines as the amendment made by clause 7.

Clause 9 amends section 344a of the principal Act, which deals with the power of a council, at the request of not less than three-fourths of the owners of ratable property abutting on a private street, to construct or repair that street and recover its expenses in doing so from all the owners of ratable property abutting on the street. This amendment is on lines similar to clauses 7 and 8. Clause 10 amends section 345 of the principal Act, which deals with the power of a council to fence land adjoining any street and recover the cost from the owner of the land. The clause deals with the case where the land that adjoins the street is common property comprised within a deposited strata plan and this amendment again is on lines similar to those contained in the preceding clauses. Clause 11 amends section 348 of the principal Act, which empowers a council to construct retaining walls where necessary on land abutting on a public street and recover the cost from the owner. The clause deals with the case where the land abutting on the public street is common property comprised within a deposited strata plan and this amendment also is on lines similar to those contained in the preceding clauses.

The Hon. C. M. HILL secured the adjournment of the debate.

BARLEY MARKETING ACT AMENDMENT BILL

Read a third time and passed.

APPROPRIATION BILL (No. 2)

Read a third time and passed.

STAMP DUTIES ACT AMENDMENT BILL

Read a third time and passed.

STATUTES AMENDMENT (ORIENTAL FRUIT MOTH CONTROL, RED SCALE CONTROL AND SAN JOSE SCALE CONTROL) BILL

Read a third time and passed.

CROWN LANDS ACT AMENDMENT BILL (LEASES)

Read a third time and passed.

MINING (PETROLEUM) ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Its purpose is to modernize and repair deficiencies in the Mining (Petroleum) Act, 1940-1963. The Mining (Petroleum) Act was enacted substantially in its present form in 1940. It was at that time regarded as a model Act and served as the basis upon which a number of other States enacted legislation relating to petroleum exploration and production. The Act has in the past provided an acceptable climate for petroleum exploration but has, in the course of time, become increasingly out of touch with modern conditions and methods.

The amendments that are set out in the Bill arise from actual experience in the administration of the Act so far as petroleum exploration is concerned and from the need to provide specific and adequate provisions to cover the production of petroleum and the construction and operation of pipelines. The principles upon which this Bill has been drafted have been submitted to the petroleum industry for their consideration and comment. Formal meetings

and discussions have been held with representatives from the industry and the present Bill embodies many of the constructive submissions that have been made. The principles of the Bill have been approved and commended by the petroleum industry.

Honourable members will notice that the Bill makes a number of formal amendments to the present Act. The first and most immediate of these is to change the title of the Act from the "Mining (Petroleum) Act" to the "Petroleum Act". This title is more consistent with modern terminology. It will also be noticed that the terms "oil exploration" and "oil mining" are to be replaced by the terms "petroleum exploration" and "petroleum production", as the use of the word "oil" as synonymous with "petroleum" is falling out of common usage.

The Act as it exists at present provides for three types of licence through the stages from petroleum exploration to production, namely, the "oil exploration licence", "oil prospecting licence" and "oil mining licence". It is found in practice that the intermediate stage, the "oil prospecting licence", serves no useful purpose except that under section 40 the Minister may require that on the expiration of an oil exploration licence the holder must apply for an oil prospecting licence instead of the renewal of the oil exploration licence. This procedure is a device to enable the Minister to require a reduction in the area of the licence upon its renewal.

Under the proposed amendments, the provision for an oil prospecting licence is repealed along with section 40 and the provisions requiring a licensee to relinquish portion of the area held by him are incorporated in the Act. The term of a petroleum exploration licence, which was previously "not exceeding five years", is now fixed at five years, and as long as the licensee has complied with the Act and the licence and has sufficient resources to continue effective exploration, a renewal for successive terms of five years is assured, subject to the relinquishment of 25 per cent of the original area upon each renewal.

It is considered that at the present stage of exploration in South Australia in which considerable basic exploration has been completed, there is no hardship in requiring a licensee to undertake sufficient work in a five-year term to enable him to surrender a quarter of his area. This arrangement is by no means severe by international standards and the petroleum industry prefers it to the completely discretionary arrangement that obtains at present. In addition to substituting an automatic right of renewal and a relinquishment obligation, the amendments provide an obligatory scale of expenditure on approved works. This arrangement is considered by industry to provide a more predictable basis upon which to plan an exploration programme.

The proposed transitional provisions preserve existing licences until their expiration and provide that on their expiration renewals for the entire area held by the licensee will be granted if requested as though these were initial licences; subsequent renewals will be subject to the full provisions of the amended Act. This is a generous arrangement, as under the principal Act the Minister could use section 40 to require a reduction in area. In a case in which the Minister has covenanted as provided in subsection (2) of section 40 not to invoke the provisions of subsection (1) for a period of time (that is, the provision by which the Minister could compel the surrender of portion of the licence area) the proposed transitional provisions honour this arrangement.

As the owner of all petroleum in the State, it is incumbent upon the Crown to ensure that petroleum production is undertaken without waste and with maximum possible recovery. Accordingly, new Part IIA, which is to be inserted in the Act, contains provisions that will ensure that waste and wasteful operations can be effectively prevented and natural deposits of petroleum preserved. The Act at present makes only very inadequate provision for pipeline construction and operation. The amendments repair this deficiency by adding completely new provisions requiring the issue of a licence covering the construction and operation of pipelines.

In a field in which the circumstances that may arise are as diverse as they are in petroleum exploration and production, it is, of course, impossible to legislate for every contingency and consequently the exercise of an amount of Ministerial discretion is an inevitable necessity. In the normal course of events, this discretion is only exercised after consultation with the licensee. However, there is always the possibility (however remote it might be) that some person might be prejudiced by the exercise of a Ministerial discretion. The present Bill frankly acknowledges this possibility and creates an independent Petroleum Advisory Committee to which any person who believes that he has been unfairly or improperly prejudiced by a Ministerial act may appeal. Honourable members might compare this with the situation under the present Act

where Ministerial discretion is, in some respects, greater than it is to be under the amended Act, yet there was no right of appeal.

The clauses of the Bill, in detail, are as follows: Clause 1 deals with citation and alters the short title of the Act from the "Mining (Petroleum) Act" to the "Petroleum Act". Clause 2 provides that the Act shall come into operation on a date to be fixed by proclamation. Clause 3 is merely formal.

Clause 4 amends section 3 of the principal Act, which deals with interpretation. A number of definitions which are now redundant are struck out and a number of new definitions are inserted. The most significant amendment is the insertion of new subsections (1a) and (1b). It sometimes happens that in the course of exploration for petroleum, hydrogen sulphide, nitrogen, helium, carbon dioxide or other substances are discovered in commercial quantities. It is desirable that the production of these substances should be subject to substantially the same controls as those applicable to petroleum.

Subsection (1a) thus provides that the provisions of the Act (except section 35 (1), which imposes a 10 per cent royalty on petroleum) are to apply to such substances in all respects as if the word "petroleum" denoted or included such substances. Subsection (1b) provides for a flexible basis upon which royalty is to be paid on such substances, as the 10 per cent royalty which the Act imposes upon petroleum will, in most instances, be too high.

Clause 5 amends section 4 of the principal Act by striking out a number of provisions that are now redundant. It inserts a new subsection (2) which vests the property in any petroleum that is extracted or flows from a natural reservoir in which it has been contained in the person by whom it has been extracted or released. This provision enables a licensee to sell petroleum that he has recovered and obviates any possibility that the Crown might be liable in tort for any damage done by the petroleum.

Clause 6 enacts a number of transitional provisions. New subsection (1) provides that an oil exploration licence in force at the commencement of the amending Act will continue in force until its expiry and will be subject to the same terms as those upon which it was previously held. New subsection (2) provides for the granting of a petroleum exploration licence to the holder of such a licence. New subsection (3) is enacted to honour an agreement made by the Minister with the Delhi-Santos group of companies. As explained earlier, under section 40 of the principal Act which is now to be repealed, the Minister had the power to require an applicant for the renewal of an oil exploration licence to make application for an oil prospecting licence or vice versa. By this means he could compel a licensee to relinquish portion of the area held by him. However, under subsection (2) of that section the Minister could covenant with a licensee not to exercise this power during the period of the covenant. This was in fact done in the case of the Delhi-Santos companies. Thus, new subsection (3) exempts these companies from the obligation that is now to be a statutory obligation to relinquish portion of the area held by them. It also exempts the companies from the new expenditure provisions. New subsection (4) provides that a licensee who holds an oil exploration licence that continues in force under new section 4a shall have the same rights to apply for and be granted a petroleum production licence as the holder of a petroleum exploration licence.

Clause 7 enacts new section 4b. The provisions relating to licences in the principal Act are mostly inapplicable to pipeline licences, with which the Act is now to deal. Section 4b thus limits their application to petroleum exploration and petroleum production licences. Clause 8 amends section 5 of the principal Act. The relevant classes of licence are now petroleum exploration licenses and petroleum production licenses. Thus, the prohibition in section 5 against petroleum exploration or production without a licence is amended accordingly. Clause 9 amends section 6 of the principal Act. The amendments are mainly of a drafting nature, but new subsection (2) does require the date upon which a licence will expire to be published in the *Gazette*, in addition to the previous requirement that notice of the grant of a licence should be published in the *Gazette*. Clause 10 amends section 7 of the principal Act. The fees payable on the application for a licence are increased to accord with the changing value of money.

Clause 11 substitutes a new section 11 in the principal Act. The amendment is merely of a drafting nature and does not alter the previous law. Clause 12 amends section 13 of the principal Act. It provides, first, for a decimal currency amendment and then inserts a passage that empowers the Minister to require security for the satisfaction of a bond under section 13. This provision is necessary to

prevent the provisions of section 13 from being rendered nugatory by a licensee who dissipates his assets and is unable to satisfy a bond that he is required to enter into under the section.

Clause 13 strikes out the present provisions relating to oil exploration licences and inserts new provisions in lieu thereof. New section 15 provides that the area comprised in a petroleum exploration licence shall not exceed 10,000 square miles and fixes the term of the licence at five years. New section 16 provides that a licensee is to submit a programme of works that he proposes to carry out for the approval of the Minister. New section 17 specifies the expenditure that a licensee is required to undertake upon approved works. The section requires a licensee to expend $20 for every square mile of the area comprised in the licence during the first two years of the term of the licence and $30 for every square mile during each year of the remainder of the initial term of the licence. However, the section provides that if the licensee expends more on approved works than he is strictly required to expend, that expenditure can be carried forward and is deemed to have been made during the next ensuing year and so on. Subsection (2) of new section 17 preserves the right of the Minister to accept tenders for a licence. Subsection (3) of new section 17 enables the Minister in special circumstances to alleviate the obligations imposed by the section. New sections 18a and 18b deal with the renewal of a petroleum exploration licence and the obligations that flow therefrom.

On each renewal, one-quarter of the area originally comprised in the licence is excised and the expenditure on approved works in relation to the area comprised in the licence is increased. Thus, operations in connection with petroleum exploration are intensified after each period of five years, without requiring any substantial increase in the total expenditure that the licensee is required to undertake. Under subsection (3) of new section 18a, the licensee is given the option of selecting the area to be excised, but if he fails to do so the Minister may select the area to be excised. New section 18c specifies the obligations of a licensee on the discovery of petroleum, and provides that a licensee shall not dispose of petroleum that has been recovered from land comprised in a petroleum exploration licence until he has obtained a petroleum production licence or unless he obtains the approval of the Minister. New section 18d imposes licence fees on the licensee. These are on a sliding scale and increase after each renewal in the case of an ordinary petroleum exploration licence, as such a licence can be renewed only three times. In the case of the Delhi-Santos licence, which can be renewed more than three times, they increase to 25c a square mile and then remain stationary.

Clause 15 enacts new sections 27a and 27b of the principal Act. New section 27a provides that the holder of a petroleum exploration licence shall, if he is not in default of his obligations under the licence or the Act, be entitled, subject to his complying with the provisions on which licences are granted, to be granted a petroleum production licence in respect of the area in which petroleum has been discovered. Subsection (2) of new section 27a provides that if a licensee is in default of his obligations under the licence or the Act, the Minister shall stipulate a reasonable period within which the licensee may remedy his default. Subsection (3) of new section 27a provides that, if the licensee fails to remedy his default, the Minister may excise the area of the field from that contained in the petroleum exploration licence and grant a petroleum production licence to any person in respect of the field. New section 27b is intended to deal with a licensee who has discovered petroleum of economic quantity and quality but who fails to bring it into production within a reasonable period. The section provides that the Minister may serve notice on the licensee, and if he fails to apply for a petroleum production licence within 12 months of the service of the notice or such longer time as the Minister may stipulate, the Minister may excise the area of the field in which petroleum has been discovered. Clause 16 makes a drafting amendment to section 28 of the principal Act. Clause 17 inserts new section 28a in the principal Act which provides that where two fields are so situated that they may be comprised in a single undivided area not exceeding 100 square miles in extent, the Minister may grant a single petroleum production licence in respect of that area.

Clause 18 inserts new section 30 in the principal Act. The section deals with the definition of an area to be comprised in a petroleum production licence. Clause 19 repeals section 31 of the principal Act which is not now considered necessary. Clause 20 repeals sections 32 to 37 (inclusive) of the principal Act and enacts new provisions in their place. New section 32 deals with the term of a petroleum production licence and its renewal. New section 33 defines the rights of the licensee under the licence. New section

34 provides for the fee to be paid by a licensee. New section 35 deals with the payment of royalty on petroleum. Subsection (1) of new section 35 provides that royalty shall be paid on the basis of 10 per cent of the value at the well-head of the petroleum.

Subsection (2) provides that royalty is not payable on petroleum that is properly expended in the course of operations in connection with petroleum production. Subsection (3) permits a licensee to set off against the amount of royalty payable in any one year the annual fee paid by him under section 34. Subsections (4) and (5) deal with the obligation of the licensee to furnish information for the purposes of calculating royalty. Subsection (6) sets out the basis upon which the value at the well-head of petroleum is to be calculated, and subsection (7) provides that the Minister's valuation is to be conclusive evidence of the value of the petroleum at the well-head. New section 36 requires the licensee to submit for the approval of the Minister a schedule setting out the rate at which he proposes to produce petroleum and a programme of works whereby he proposes to develop a petroleum field. The licensee is required to carry out operations in accordance with the schedule and programme. New section 37 deals with information to be furnished by the licensee and with records to be kept by the licensee.

Clause 21 repeals sections 39 and 40 of the principal Act. Section 39 is to be replaced by other provisions later in the Act, and section 40 is no longer necessary as the provisions requiring the relinquishment of areas held under licence are now incorporated in the Act. Clause 22 amends section 42 of the principal Act. The first amendment is merely for the purposes of decimal currency. The second provides that the Minister may require a person who acquires an interest in a licence to enter into a bond in the same way as he may make this requirement in the case of the original licensee. Clause 23 strikes out paragraph (*b*) from section 45 as it is now redundant. Clause 24 amends section 48 of the principal Act. The amendment enables the Minister to give approval for the conduct of operations on or under a road or street which are otherwise forbidden.

Clause 25 makes a decimal currency amendment to section 48 of the principal Act. Clause 26 makes a drafting amendment to section 49 of the principal Act. Clause 27 amends section 52 of the principal Act. The amendment merely simplifies the present section. Clause 28 makes a drafting amendment to section 53 of the principal Act.

Clause 29 repeals sections 54 and 56 of the principal Act. Section 54 refers to pipeline easements and is not necessary in view of the new Part to be inserted relating to pipelines. Section 56 has been supplanted by new section 37. Clause 30 makes a drafting amendment to section 60 of the principal Act. Clause 31 makes a drafting amendment to section 63 of the principal Act.

Clause 32 amends section 65 of the principal Act. It frequently happens that, whilst a licensee might be unsuccessful in finding petroleum in a well that he drills, he does discover valuable supplies of water. The licensee will probably not want to use this supply of water for his own purposes but it may be of great value to other people. If the licensee proceeds to withdraw the casing that he has inserted in the well, the well will collapse. The Act at present enables the Minister to forbid a licensee to withdraw casing from the well but it does not provide for payment of compensation to the licensee. The present amendment provides for the payment of fair compensation to the licensee. The amendment also provides that the Director of Mines rather than the Minister is to approve the method of plugging a well. This amendment is made merely in the interests of convenience.

Clause 33 repeals sections 69 and 72 of the principal Act. Section 69 is now redundant, and section 72 is re-enacted in a modified form in Part IIA of the Act, where conservation and prevention of waste is dealt with. Clause 34 makes a decimal currency amendment.

Clause 35 inserts new Parts IIA, IIB and IIC in the principal Act. New Part IIA deals with conservation and prevention of waste. New section 80a empowers the Governor to make regulations governing the conduct of operations for the exploration for or production of petroleum. New section 80b empowers the Minister to make orders in relation to conservation of petroleum and the prevention of waste. This is necessary because regulations cannot possibly cover the infinite variety of circumstances that may arise in the course of petroleum exploration or production. The section also gives the Minister certain specified powers that may be exercised to conserve petroleum deposits or prevent wastage. New section 80c provides for the case where a petroleum field extends beyond the limits of an area actually held by the licensee under licence; the Minister may vary the licence to

include the whole area of the field if it does not extend into an area held by another licensee or, if it does, he may require the licensees to come to some agreement as to the working of the field as one unit. New Part IIB deals with pipeline licences. New section 80d requires any person who constructs or operates a pipeline to be licensed.

New section 80e prescribes the documents and information to be provided by an applicant for a licence. New section 80f empowers the Minister to require an applicant to give notice of his application. New section 80g deals with the factors that are to be taken into account in considering an application and, where there is more than one application for a licence, the Minister may refer the applications to the Petroleum Advisory Committee for a recommendation. New section 80h deals with the conditions upon which a licence may be granted. New section 80i provides that the term of a pipeline licence shall be 21 years and provides for its renewal. New section 80j deals with the acquisition of land by a pipeline licensee. The licensee is required to make diligent endeavours to acquire the land that he requires by agreement but if he fails to do so he may apply to the Minister for permission to acquire the land compulsorily. If he obtains this permission, he may proceed under the Compulsory Acquisition of Land Act, 1925-1966, to acquire the land.

New section 80k empowers the Governor, on such terms as may be recommended by the Minister of Lands, to grant to a licensee such interest in unalienated Crown lands as the licensee requires for the construction or operation of the pipeline. New section 80l empowers the Minister to require a licensee to convey petroleum produced by a licensed petroleum producer on such terms as they may mutually agree upon or, if they fail to agree, on such terms as the Minister may determine. New section 80m prevents the licensee from making unauthorized alterations to a pipeline. New section 80n requires the licensee to respect the safety of all persons in his operation of the pipeline. New section 80o imposes a fee of $20 for every mile of the pipeline. New section 80p requires the licensee to furnish information in relation to the pipeline in accordance with the regulations.

New section 80q empowers the Director of Mines or any person authorized by him to inspect or test a pipeline. New Part IIC establishes the Petroleum Advisory Committee. New section 80r establishes the committee, which is to consist of three independent persons appointed by the Governor. New section 80s provides that two members may form a quorum of the committee and that a decision of any two members shall be the decision of the committee. New section 80t establishes the right of appeal to the committee. Any person who believes that he has been improperly or unfairly prejudiced by a Ministerial Act may appeal and, if his appeal is not frivolous or vexatious, he may be heard before the Petroleum Advisory Committee. New section 80u provides that the Minister is to consider any recommendation of the committee but is not to be bound thereby. New section 80v sets out the powers of the Committee.

Clauses 36, 37 and 38 make drafting amendments to sections 84, 85 and 86 of the principal Act respectively. Clause 39 inserts new sections 87a, 87b and 87c in the principal Act. New section 87a makes it an offence to contravene a provision of the Act, a term of the licence or an order or lawful instruction of the Minister. The section also provides for the penalty applicable to such an offence and to a continuing offence. New section 87b deals with an offence by a licensee. The Minister may suspend the licence until the licensee makes good his contravention or default or cancel the licence. The section empowers the Minister to seek the advice of the Petroleum Advisory Committee on whether he should suspend or cancel a licence. New section 87c facilitates the proof of a Ministerial act. Clause 40 repeals section 89 of the principal Act, which is now redundent.

The Hon. A. M. WHYTE secured the adjournment of the debate.

BUILDERS LICENSING BILL

Second reading.

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

That this Bill be now read a second time.

It fulfils a long-felt need in South Australia and is principally designed to improve the quality and standards of building, to afford protection to the home builder and home buyer in this State, and to protect the building industry and the public from exploitation by unqualified persons who, without accepting any responsibility for their negligence and incompetence, make full use of the industry to promote their own interests to the detriment and, often, the financial loss of many.

The principal method by which this Bill will achieve its objects is by requiring certain persons who carry out building work to be licensed and qualified in every respect to

carry out the work. The Bill provides for two kinds of licence: a "general builder's licence" (which is dealt with in clause 15 and authorizes the holder thereof to undertake and carry out building work of any kind); and a "restricted builder's licence" (which is dealt with in clause 16 and authorizes the holder thereof to undertake and carry out building work within such classified trade as is specified in the licence). "Building work" is defined in clause 4 of the Bill, and clause 29 (*i*) contains a regulation-making power enabling building work to be classified into various "classified trades" for the purposes of the Bill. It is intended that a master builder will need a general builder's licence, while a person who undertakes subcontracting work within a classified trade would need a restricted builder's licence authorizing him to undertake and carry out building work within that classified trade. Work that is already adequately dealt with by legislation need not be included in a classified trade.

Clause 5 provides for the establishment of a board to be known as the Builders Licensing Board of South Australia. The board is to be a body corporate that will hold all its property for and on behalf of the Crown. Clause 5 (4) provides that the board is to consist of four members appointed by the Governor who have in their respective professional capacities substantial knowledge of, and experience in, the building industry, and of whom:

(*a*) one is to be a legal practitioner of at least five years' standing who will be chairman;

(*b*) one is to be a member of the South Australian Chapter of the Royal Australian Institute of Architects;

(*c*) one is to be a corporate member of the Australian Institute of Building; and

(*d*) one is to be an accountant.

The board as so constituted will be well balanced and well suited to discharge its duties and functions and is to be assisted on the technical side by an advisory committee. Clause 6 provides that a member shall be appointed for such term of office, not exceeding three years, as shall be specified in the instrument of his appointment. This would enable the terms of office of members, if so desired, to be staggered.

Clauses 7 and 8 deal mainly with proceedings of the board and contain mainly machinery provisions. Under clause 7 (8), however, the board may refer any matter to the advisory committee for its consideration and recommendations and shall have regard to, but is not obliged to give effect to, the committee's recommendations. Clause 9 provides that the chairman and members of the board will be entitled to receive remuneration and allowances at such rates as are fixed by the Governor. Clause 10 deals with annual reports of the board and with the keeping and auditing of the board's accounts. Clause 11 provides for the appointment of the secretary and other officers of the board who shall be subject to the Public Service Act. Clause 12 provides for the keeping and maintaining of a register of licensees and deals with incidental matters.

Clause 13 provides for the constitution of the advisory committee, its nature and functions and matters incidental thereto. The committee is to consist of such number of members as shall be prescribed and such members appointed by the Governor as shall be representative of the various sections of the building industry. The committee is to consider and make recommendations to the board on such matters as are referred to it by the board, and for that purpose may establish and appoint such subcommittees as may be approved by the Minister. Clause 14 provides that a licence shall be valid for such period not exceeding 12 months as shall be stated therein, but is capable of being renewed from time to time for periods of 12 months. Clause 15 prescribes the procedure and qualifications for obtaining a general builder's licence. Subclause (2) of the clause provides that an applicant, who is an individual, must satisfy the board:

(*a*) that he is over 21 years of age;

(*b*) that he is a person of good character and repute and a fit and proper person to hold such a licence;

and

(*c*) that:

(i) he is a registered architect or a corporate member of the Institution of Engineers or the Australian Institute of Building and has not less than three years' practical experience in building work generally; or

(ii) he possesses the prescribed qualifications for the holder of a general builder's licence; or

(iii) although not satisfying either of the above requirements, he nevertheless has had such experience of building work generally as would render him

fit to be the holder of a general builder's licence.

Subclause (3) of the clause deals with the case of an applicant that is a body corporate or a partnership. In such a case the board must be satisfied:

(*a*) that all the directors or all the members of the board of management of the body corporate, or all the partners in the partnership, are persons of good character and repute;

(*b*) that the body corporate or partnership has the power and capacity to undertake and carry out building work of any kind; and

(*c*) that at least one of the directors or of the members of the board of management of the body corporate or at least one of the partners in the partnership is the holder of a general builder's licence.

Subclause (5) of the clause deems the South Australian Housing Trust to be the holder of a current and valid general builder's licence under this section. This will give the trust power to undertake and carry out building work, but any contractors employed by the trust would have to be licensed. Clause 16 contains provisions, in relation to restricted builder's licences, that are appropriately similar to those contained in clause 15 in relation to general builder's licences.

Clause 17 gives the board power to refuse an application for a licence or renewal of a licence on any ground upon which the licence may be cancelled or suspended and to require any applicant for a licence to undergo a test or examination approved by the Minister. Clause 18 empowers the board by order to cancel or suspend a licence and to disqualify the holder of a licence from holding or obtaining a licence for any period. Subclause (3) of the clause enables a person whose licence has been cancelled or suspended for over three months, or a person who is disqualified from holding or obtaining a licence, to apply to the board for an order annulling such cancellation, suspension or disqualification.

Clause 19 requires the board to give reasons for any order made against a person and gives an aggrieved person a right of appeal to the Local Court of Adelaide of full jurisdiction. The court has power to postpone the date from which the order appealed against becomes effective. The advantage of having one court to hear appeals against decisions of the board is that a consistent body of case law will emerge from that court and persons in the building trade will know where they stand in their relations with the board. Clause 20 confers certain powers on the board for the purposes of enabling it to consider or deal with any application or to conduct any inquiry, and gives a person into whose conduct the board is holding an inquiry the right to be represented at the inquiry.

Clauses 21 and 22 contain the teeth of the legislation. Clause 21 (1) is linked with the powers of the board when dealing with matters referred to in clause 20. It also makes certain acts done in contempt of the board punishable. Clause 21 (2) prohibits a person, after the appointed day, from describing his occupation as "Builder", "Building Contractor", etc. or by any description likely to lead persons to believe that he is entitled or willing to carry out building work generally, unless he holds a general builder's licence. It also prohibits a person from holding himself out as being entitled or willing to carry out building work within a classified trade unless he holds a general builder's licence or a restricted builder's licence authorizing him to carry out building work within that trade. The appointed day is defined in clause 4 as the day declared by proclamation to be the appointed day for the purposes of clause 21. It would be necessary to fix as the appointed day a day some time after the Bill becomes law, as some time would be needed after the Bill becomes law for the necessary machinery to be set up for the licensing of persons, etc.

Clause 21 (3) provides that on or after the appointed day a person shall not carry out for fee or reward or undertake or submit a tender to carry out, either personally or through the services of others, any building work within a classified trade unless he holds a general builder's licence or he holds a restricted builder's licence authorizing him to undertake and carry out building work within that classified trade. Subclause (4) of that clause gives the defendant a defence to a charge under subclause (3) if he proves that the total amount charged by him for the building work was wholly in the nature of wages or that the total amount charged for the building work, inclusive of labour and materials, did not exceed $100 and approval by any council of plans, drawings or specifications in respect of such work was not required under the Building Act. Subclause (5) of the clause provides an additional deterrent in depriving a person who contravenes the clause of any right to recover any fee or

charge for the building work with reference to which the clause was contravened. Subclause (6) provides that, on or after the appointed day, a person shall not knowingly construct, or cause to be constructed, or employ another to construct, any building for immediate sale or for immediate letting under lease or licence if such construction is not carried out under the personal supervision and control of the holder of a general builder's licence.

Subclause (7) provides a defence to a charge under subclause (6) for the defendant to prove that the total cost of the construction of the building, inclusive of labour and materials, did not exceed $500 or that at all times during the construction of the building he was the holder of a general builder's licence and at all material times the construction was carried out under either his personal supervision and control or the personal supervision and control of a competent person employed by him for that purpose, or that the building was built for his own use and occupation. Subclause (8) provides that, for the purposes of subclause (6), a person who has constructed, or caused to be constructed, or employed another to construct, a building which he sells or offers for sale or for letting under lease or licence within 18 months after the completion of the construction shall, in the absence of proof to the contrary, be deemed to have knowingly constructed, or caused to be constructed, or employed that other to construct, the building for immediate sale or for immediate letting under lease or licence. Subclauses (6) and (8) have as their main object the elimination of shoddy and substandard workmanship found in many houses built by unqualified persons and offered for sale to the public.

Subclause (9) makes it an offence to include in an advertisement of a building for sale a false statement that the building was constructed by or under the supervision of a master builder or the holder of a general builder's licence, or to include in an advertisement of a building for sale a statement that the building was constructed by or under the supervision of a master builder or the holder of a general builder's licence unless the advertisement also states the name and address of the person by whom or under whose directions or supervision the building was constructed. Subclause (10) makes it an offence for a person who, after the appointed day, has constructed or caused to be constructed any building the construction of which has not been carried out by or under the supervision of the holder of a general builder's licence to advertise the building for sale or to sell the building unless he states in the advertisement or, as the case may be, he informs the purchaser of the building in writing that the construction of the building has not been carried out by or under the directions or supervision of the holder of a general builder's licence.

Subclause (11) provides that, on or after the appointed day, a person shall not for fee or reward construct or cause to be constructed any building or for fee or reward undertake to construct any building, whether by himself or through the services of any other person, unless he holds a general builder's licence and the construction is carried out by or under the personal supervision and control of the holder of a general builder's licence. Subclause (12) provides a defence to a charge under subclause (11) if the defendant proves—

(*a*) that the total amount charged for the construction of the building was wholly in the nature of wages paid or payable to him;

(*b*) that the total cost of the construction of the building, inclusive of labour and materials, did not exceed $500; or

(*c*) that at all times during the construction of the building he was the holder of a general builder's licence and, at all material times, the construction was carried out either under his personal supervision and control or under the personal supervision and control of a person competent to supervise and control the carrying out of such construction and who is employed by him for that purpose.

Subclauses (13), (14) and (15) impose on individuals, bodies corporate and partnerships that are licensees the obligation to inform the board when any of those individuals becomes or ceases to be a partner in a partnership or a director of a body corporate. Subclause (16) requires the holder of a licence to erect in a prominent position on the outside of any building work being carried out by him or on his behalf a sign with his name and licence particulars. This provision, however, does not apply to alterations or repairs to existing houses. Subclause (17), however, provides that, where the holder of a restricted builder's licence is carrying out building work in association with the holder of a general builder's licence, it shall be a sufficient compliance with subclause (16) if the provisions of that subclause are complied with only by the holder of the general builder's

licence. Subclause (18) provides that, subject to that clause (clause 21), when any licensee undertakes any building work after the appointed day, that person shall cause the work to be carried out under his personal supervision and control or under the personal supervision and control of a person competent to supervise and control the carrying out of such work and who is employed by him for that purpose. Subclause (19) requires any person carrying out, or supervising the carrying out, of any building work, when required by the board, to supply the board with any specified particulars relating to any contract or undertaking entered into by him in connection with that building work. Subclause (20) makes it an offence to furnish the board with false information in response to such a requirement.

Clause 22 provides the board with certain powers to police the provisions of the legislation by giving any authorized member or officer of the board the right to enter council premises for purposes of examining papers, documents and records relating to any matter that concerns the board and to enter building sites to inspect building work and take necessary steps to prevent contravention of the legislation. Clause 23 is designed to protect licensees from disclosure by members of the board of information concerning the business of any licensee which they acquire by virtue of their positions as members. Clause 24 will have the effect of nullifying any provision of a contract for the performance of any building work that submits any matter or dispute to arbitration unless and until, after the matter or dispute arises, the parties to the contract expressly agree in writing that such provision is to apply in relation to that matter or dispute. In other words, it will not be possible, after this Bill becomes law, to submit a dispute relating to building work to arbitration before the dispute arises.

Clause 25 is an evidentiary provision in relation to the signatures of the chairman, members and the secretary of the board. Clause 26 deals with proceedings for any offence under the legislation. Clause 27 gives the board power, with the approval of the Minister, to exempt any person or class of person or any building work or class of building work from the operation of all or any of the provisions of the legislation, either generally or subject to conditions. This would enable work of a highly technical nature that might be undertaken by interstate or oversea specialists to be exempted. Clause 28 contains the financial provisions necessary for the administration of the measure. Clause 29 contains the regulation-making powers necessary to give effect to the Bill.

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

LONG SERVICE LEAVE BILL

Adjourned debate on second reading.

(Continued from October 11. Page 2585.)

The Hon. D. H. L. BANFIELD (Central No. 1): The introduction of this Bill just adds to the long list of Bills introduced by this Government in accordance with its promises given prior to the last election; there can be no question about this. This Bill crosses the "t's" and dots the "i's" of our intentions regarding long service leave; it puts our promises into operation. So, we can claim without contradiction from the Opposition that we have a mandate for this Bill.

I am particularly happy about the provision for pro rata leave after five years' service. As I indicated during a debate on another Bill that contained no such provision, females, in the short term they serve in industry, have not been receiving proper recognition for the valuable service they give to industry. The average continuous service given by females is between eight and nine years and, unless the pro rata provision in this Bill is passed, these girls receive no benefit at all, compared with the men.

South Australia was very slow in getting off the mark in granting long service leave to employees other than public servants. The present Act came into operation in 1957 and, incidentally, it provided for long service leave after seven years' service. The New South Wales Act came into operation in 1951, the Queensland Act in 1952, and the Victorian Act in 1953. Honourable members now say that we should not provide long service leave that is better than that provided in New South Wales. However, I point out that they were not prepared to provide long service leave as good as that provided in New South Wales during the Playford Government's term of office. The Liberal Government here was six years later than the New South Wales Government in bringing forward any type of long service leave for employees in industry generally.

Long service leave is nothing new, and it is nothing new for it to be granted by a State Government here. South Australian public servants were granted long service leave in 1874, when they were entitled to six months' leave after 10 years' service, and 12 months' leave after 20 years' service. In 1881 this was

reduced to four months' leave after 10 years' and eight months' leave after 20 years' service. In 1916 the entitlement was further reduced from four months to two months in the case of public servants who started in the Public Service after 1905.

In 1942 the entitlement was increased to three months' leave after 10 years' service, plus nine days for every year after the first 10 years. Although public servants have been receiving long service leave since 1874, it was not until 83 years later that the Playford Government introduced the present Long Service Leave Act, which provides for one week's leave after seven years' service. The public servants of this State have enjoyed long service leave for nearly 100 years.

Under the present Act employees have one week's leave after seven years' service, and one week for each year thereafter. This means that employees receive four weeks' leave after 10 years' service, but the Bill now introduced gives nine extra weeks after 10 years' service, compared with the present Act. Also, the Bill now introduced provides pro rata leave after five years' service.

Members opposite say that they agree in principle with long service leave but, true to the employers' form, they continue to say that now is not the time to give a decent length of long service leave. From my experience in the trade union movement I can say that we can always get employers to agree to the principle of increased wages and better conditions, but "now" is never the time for the introduction of these benefits.

Members opposite are simply continuing this tradition. They have said they do not want to see any burden added to our cost structure; they say that the cost structure in this State must be lower than that of other States.

The Hon. R. C. DeGaris: The Premier said that.

The Hon. D. H. L. BANFIELD: And members opposite have said it. The Hon. Mr. Geddes said this State's cost structure should be lower than that of the other States. The Leader himself has said repeatedly that this State should have a wage and cost structure that is lower than in other States.

The Playford Government even went to the court on one occasion and opposed applications for an increased basic wage, pleading this State's poverty. We had the spectacle of Sir Thomas Playford on the floor of the House of Assembly extolling the bouyancy of the State and at that very moment he had an officer in the court opposing a wage increase. He was smartly asked embarrassing questions by the Labor Party members at that time, and the officer was quickly withdrawn from the court because of the Premier's *faux pas* on that occasion. The Hon. Mr. Potter in another debate said the average male earnings in South Australia were nearly $5 a week less than those for Australia; the figure was $57.90 for South Australia, compared with $62.30 for Australia.

The Hon. F. J. Potter: That is at the present time.

The Hon. D. H. L. BANFIELD: But the Bill is coming in at the present time.

The Hon. F. J. Potter: Doesn't the honourable member think that this has something to do with the level of economic activity in this State at present?

The Hon. D. H. L. BANFIELD: These figures were given by the honourable member, and these are the figures I am using now. Members opposite have said repeatedly that we must have a low wage structure compared with that of the other States. According to the honourable member's figures this State is already $5 lower than—

The Hon. F. J. Potter: I said we should not be so low.

The Hon. D. H. L. BANFIELD: The honourable member said we are already $5 lower than the average of the other States. I can quote from *Hansard*, page 2462.

The Hon. F. J. Potter: I am not denying the statistics.

The Hon. D. H. L. BANFIELD: If the honourable member is not denying it, it will not be necessary to quote from *Hansard*. So, as the Hon. Mr. Potter said, this State is already $5 a week better off, compared with the wage structure in the other States.

The Hon. F. J. Potter: I said we were worse off.

The Hon. D. H. L. BANFIELD: The honourable member implied that industry was better off. It is no use the honourable member shaking his head and denying it. Because I do not want any doubts cast on what he said, I shall quote from *Hansard*, page 2462:

> Over that same period, however, the average weekly earnings for males per capita in Australia rose from $52.20 in March, 1965, to $62.30 in June, 1967, an increase over the period of 19.03 per cent, whereas the average weekly earnings for males in South Australia over the same period rose from $50.10 to $57.90, an increase of only 15 per cent.

On my calculation, that is nearly $5 less than the average being paid in Australia and, therefore, industry must be benefiting as a result. If these figures are correct (and I am

not denying their accuracy, because I believe the honourable member quoted from the Commonwealth Statistician's figures), over a period of 10 years South Australian industry is better off than industry in other States to the extent of $2,500 for every male employee. As the Bill gives only an extra nine weeks' leave in a 10-year period than the present Act provides, the cost in that period will be $511 for each male employee, so that the costs of industry in this State compared with other States will still be better off by $2,000 for each male employee.

Surely, the employees of South Australia are entitled to better conditions than they have been getting. If the Government can give 13 weeks' leave to public servants after 10 years (this, of course, is less than the six months' leave after 10 years' service granted in 1874), people in industry in this State are equally entitled to the same benefit. Because it is Government policy, because the Government has a mandate to provide for this, and because the Labor Party had promised this to the people if it were elected, I support the Bill.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I do not intend to speak very long in closing the debate. I had intended to answer the criticism that the Bill was introduced at a time when the State could not afford these provisions, but the Hon. Mr. Banfield seems to have answered all the protests of the Opposition. I thank honourable members for the way in which they have handled the Bill. I am looking forward to the way the Bill will be dealt with in Committee, but I hope that the Hon. Mr. Potter's foreshadowed amendments will not be accepted.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

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

In the definition of "ordinary pay" after "with" to insert "free".

This is a drafting amendment. If the definition does not mean free board, it does not make sense. Obviously, if an employee is provided with board and lodging for which he pays or for which an amount is deducted from his wages, when going on long service leave he is not paid that amount in addition to the normal wage.

Amendment carried.

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

In the definition of "ordinary pay" after "rates" to insert "or commissions paid for work not actually performed by the worker".

This is to ensure that the ordinary pay in relation to the payment an employee is to get for long service leave is, in fact, payment for personal exertion (for work actually performed). Often overriding commissions and other payments are made to a worker which are related not to that person's work but to some other extraneous factors. For long service leave, these types of commission should not be included. In the Bill I introduced last year I excluded commissions, bonuses and other like payments as constituting any part of the payment that an employee was to receive on long service leave.

I made it plain that I had excluded them because, as far as I could see, they were excluded in other awards and industrial agreements and there appeared to be no satisfactory way in which these types of payment could be dealt with, because of their very nature. I freely admitted that there were difficulties: some people were being paid by commission, or partly by commission, as a regular thing, perhaps weekly, fortnightly or monthly; this, in fact, was a real wage, not subject to awards, and they were not subject to regular salary payments. Consequently, I considered that, although I had excluded them previously, there was a case for them to be included. In the Bill the Government seems to have adopted what I consider is not a bad way out of the problem, as the definition of "worker" includes a person employed under a contract of service, which I think are the important words. I intend later to move in the definition "worker" to insert "for work performed by him". I think I have explained the amendment. In this Bill the Government has not seen fit to exclude bonuses.

The Hon. Sir Arthur Rymill: Are they included?

The Hon. F. J. POTTER: They are included. I have not moved an amendment on this. It is a general attitude by many employers of labour that bonuses, which are based on production, ought not to be received by a person going on long service leave. They consider that a bonus should not be paid if the worker is not producing, because a bonus is paid to some other worker still being employed. I know this is a difficult matter and I do not intend to move an amendment, because of the difficulty involved and because of the widely differing types of bonus. However, the term includes a bonus that has been paid during the previous year: subclause (2) makes that clear. I suppose some honourable

members may say that, if commissions are excluded, bonuses should also be excluded.

The Hon. Sir ARTHUR RYMILL: I cannot support the amendment. The overriding commissions referred to are merely a form of remuneration for work performed. I think the amendment is too far-reaching. I am associated with companies where, for instance, the manager is paid a salary but is also given a commission of possibly 1 per cent on a certain amount; that is an incentive payment, but it is still part of his pay. I see no reason why he should be deprived of long service leave entitlement for that portion of his pay.

This could be reduced to an absurdity by saying that a manager has a retainer of $2 a week and the rest of his pay is commission, not on work performed by him but on work performed by everybody in the company or under his leadership. That is why I think the amendment is too far-reaching. It would deprive people of long service leave to which they are entitled compared with other people employed in the same company. I do not think it has a practical application.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): Sir Arthur Rymill's comments cause me to look more closely at the clause. Perhaps the amendment does go too far. For that reason, I oppose it.

The Hon. R. C. DeGARIS: The words used in subclause (2) are "bonus work". Will the Minister give his interpretation of those words? Would they include a bonus pay, or does this apply to the type of work being performed?

The Hon. A. F. KNEEBONE: Subclause (2) (*a*) refers to "employed on piece or bonus work", and I think that makes it clear. Bonus work is work for which a production bonus is paid and, although not piece work, it is partly piece work and partly time work. Bonuses are of many varieties: one type is a bonus which is granted to a man each time he arrives early at work but which is not paid if he arrives late. That is a punctuality bonus. Bonuses are paid also on a production basis, and this type of bonus involves time study and a rate fixed for a certain production from a team or from an individual.

The Hon. F. J. POTTER: The provision in last year's Bill, which was taken from the Metal Trades Award, was:

The term does not include shift premiums, overtime, penalty rates, commissions, bonuses or other like allowances.

The Committee will see that the words "commissions, bonuses, or other like allowances" have been dropped from this Bill. The clause includes in the definition of "worker" the words "who is remunerated wholly or partly by commission".

My amendment relates only to commission earned by personal exertion. If honourable members think that overriding commissions payable to a person (he may be employed on commission and receive extra commission as leader of a sales team operating on a bonus system) should be wide open and that all commissions and bonuses on every amount earned in the previous 12 months should be included, then I will not press my amendment. However, long service leave is supposed to be a reward for personal exertion and services given over a long period. The problem regarding payment in respect of bonuses and commissions is one that no industrial tribunal has ever been able to solve.

The Hon. D. H. L. BANFIELD: The fact that an employee is not paid long service leave for bonuses and commissions is a problem for him. The long service leave provisions in the Metal Trades Award did not include bonuses and commissions, with the result that many employees found that they could not afford to take long service leave. If an employee suddenly finds that he is expected to take long service leave without any payment in respect of these extra earnings, he is in an impossible position, for he is not able to reap the benefit of such leave. The only benefit derived is by his estate after he dies on his feet at work.

Amendment negatived; clause as amended passed.

Clause 4—"Right to long service leave."

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

In subclause (3) to strike out "ten" first occurring and insert "fifteen".

I do not think this amendment needs any explanation. My intention is to bring the standard back to that provided in all other awards and agreements and in the legislation of the other States.

The Hon. A. F. KNEEBONE: This is the first of the amendments which, if carried, will increase the qualifying period for long service leave. The accepted policy of the Labor Party is that 13 weeks' leave should be granted after 10 years' service. We think that is necessary, because in our view 10 years constitutes long service. As the Hon. Mr. Banfield has pointed out, it has for nearly 100 years been considered by the Public Service to constitute long service. We make no apology for introducing

a Bill to grant people in industry the same entitlement to long service leave as exists in the Public Service. I intend to regard the vote on this amendment as a test vote.

The Hon. F. J. POTTER: The Minister has made it clear that he intends to apply uniformly the same long service leave provisions as are available in the Public Service. I do not deny that this provision for public servants has existed for a long time. However, the Public Service, the banks and certain other industries have long been known and regarded (and so dealt with by arbitration tribunals) as career industries. The long service leave provisions, salaries and industrial conditions generally in a career industry are not the same (and never have been the same) as those considered by the courts and other tribunals to be applicable to outside industries, in which it is quite common for people to change their jobs. An investigation carried out in America showed that on average a person in industry changed his job at least three times during his lifetime, whereas it was shown that this did not apply to people who entered a career industry.

The Hon. D. H. L. BANFIELD: I do not think people who enter what the Hon. Mr. Potter calls a career industry are any different from those who work all their life in industry. Frequently such places as General Motors-Holdens make presentations to people with many years' service. Many people work in an industry for 40 or 50 years, and if such service does not constitute a career I do not know what one would call it. A person would not have gone into such a job in the first place if he had thought it was to be only a temporary job.

Employees in industry should be on no different basis from people employed in the Public Service. Perhaps many years ago people in the Public Service were entitled to added benefits on account of their remuneration being so much less than it is today. However, they are now well up to the standards of everyone else. At one time during the last century public servants received six months' long service leave after 10 years' service. I see no reason why those people should be in any better position than any other employee who gives long and faithful service to an employer.

The Hon. S. C. BEVAN (Minister of Local Government): I oppose the amendment. The provision for long service leave to members of the Public Service has operated for a long time. This has always caused dissatisfaction and disagreement amongst the workers. The present long service leave conditions apply to Government employees working under Commonwealth and State awards; they apply not only to salaried officers in the various departments of the Public Service but to other State Government employees, too. In any case, it is not a straightout 13 weeks' leave after 10 years' continuous service: it is stipulated further that there shall be nine days' leave for each year's service in excess of that period.

Long service leave is cumulative in Government workshops, whether the employees are working under a Commonwealth award or a State award. These conditions have obtained for many years. Our argument is that, if these conditions apply to one section of the community, they should also apply to other sections, but the Hon. Mr. Potter by his amendment is expressing a different point of view—that, if these conditions apply to one section of the community, they should not apply to any other section. That is an anomaly. It is one reason why the Labor Party's policy favours 13 weeks' leave after 10 years' continuous service with the one employer. If employees of Government departments know that after 10 years' continuous service they will be entitled to 13 weeks' leave, plus nine days for every consecutive year worked after that period, this can influence, and undoubtedly has influenced, them in remaining in continuous Government service, because they get some concession over and above what other workers get. Most Government employees have been with their respective departments for many years and have no intention of leaving. However, there is a shortage of salaried staff, especially qualified engineers in the Highways Department.

The Hon. A. F. Kneebone: They can get better pay and conditions elsewhere.

The Hon. S. C. BEVAN: Yes. For instance, Tasmania pays at least $1,000 a year more to a qualified engineer than we can pay here. That is why we cannot get engineers.

The Hon. F. J. Potter: But they do not go away to get better long service leave.

The Hon. S. C. BEVAN: They go away to get better conditions and salaries. The man I am concerned about as regards this Bill is not the qualified man but the ordinary person, about whom we have heard so much in this Chamber. (He seems to have so many champions here!) When the Government asks for the same conditions for the ordinary working man in industry as have applied to Government servants over the years, the Hon. Mr.

Potter says that that is all wrong. I raised this matter many times when we were in Opposition of having long service leave extended to the ordinary worker. I raised it when the original legislation was being considered. After all, it was not long service leave: it was an additional week's leave after seven years' service. I opposed that provision at that time on the same ground that I am opposing this amendment today. We cannot justify these conditions not applying to all workers in the State. I hope the Committee will not accept the amendment.

The Hon. C. D. ROWE: In supporting this amendment, I am motivated by the feeling that I must do what is in the best interests of the employees concerned. We all want to ensure that everybody gets the best possible conditions. I have always felt that two things above all interest the worker—adequate housing and permanency of employment. It is more important to him that he have the guarantee of a job year in and year out than it is that he get certain fringe benefits. This State has a remarkable employment record. At almost all times we have had the lowest unemployment percentages of any State and a record of industrial peace that is the envy of many other States. Until recently we have had a progression of industrial development that has guaranteed jobs for children leaving school. We want to see that position maintained but, reading the present signs, I think the day of reckoning is at hand. The Housing Trust report reveals that the trust's expenses are increasing faster than its income is, and, although there was a 15 per cent increase in freight rates, the Railways Department for the past 12 months has made another considerable loss. Also, the chances of our electricity charges being maintained at their present level are not good.

We have in the last two years or so experienced a great slowing down in industries coming to this State. The truth of the matter is that, if we go on increasing Government expenditure at this rate, we shall undoubtedly be faced with severe tax increases in the not too distant future. I do not see how that can be avoided. The budgetary position shows that, no matter what type of Government is in power, we shall have to have tax increases, and those increases together with general increased charges will further reduce the possibility of expanding our economy and attracting new industry. The additional charges that this Bill will undoubtedly impose will be a pertinent factor in this regard. We should have regard to these facts and consider the general position. I think we shall be doing more for security of employment if long service leave continues to come into operation after 15 years' service.

Secondly, I have discussed this matter with relatively small employers in country areas. In many country towns the employers are the small garages, the small businesses servicing machines for primary industry, and the small builders. It is the proud boast of some of these people that they like to take a lad on when he is young and keep him throughout his working life, even though the total number of employees in the firm might be only 10 or 12.

One of these employers spoke to me last week regarding this Bill and the increased costs; he said, "I have kept my employees over a period of years; some of them have been with me for 15 years, and one for 20 years. It is galling for me to know that, whilst I have done this to keep the families together in the town and to provide permanent incomes for them, the fly-by-night builder who comes in and operates for only two or three years escapes all responsibility for long service leave." This man was very worried about whether he could retain his employees if these additional charges were imposed on him.

Surely we are beyond the stage where a person becomes so depressed and so physically and mentally exhausted that at the end of 10 years he needs three months in which to recuperate from those 10 years' service. This is particularly true in the case of the younger age group. To say that a person who commences work at the age of 17 needs three months in which to recover at the age of 27 is stretching it too far.

I realize that the Bill provides that no employee may secure other employment during his long service leave, but in point of fact I know that this is going on. I can give the names of people who have told employers that they would soon be taking long service leave and that they would like a position durthe period of that leave.

The Hon. A. F. Kneebone: They are taking a risk.

The Hon. C. D. ROWE: Yes, but they are prepared to do so; one reason is that, whilst they are working normally, they receive additional benefits such as overtime, but whilst they are on long service leave such benefits diminish. They find that, unless they take

this risk and get an outside job, they are in difficulties regarding their commitments.

The Hon. S. C. Bevan: Doesn't this mean that the wage structure is too low?

The Hon. C. D. ROWE: That brings me to my next point. If I had a choice between giving a man a slight increase in wages and giving him extra long service leave, I should favour every time giving an increase in wages, because I think it would be more beneficial. It is sometimes suggested that we on this side of the Council are the people who always vote against the interest of the workers and that we are opposed to any additional advantages for them. This is not the motive that actuates me.

The Hon. D. H. L. Banfield: It has the same result, though.

The Hon. C. D. ROWE: My motive is to secure the guarantee of permanent employment to people who really need it, and one of the ways of doing this is to keep our costs on such a basis that our economy will continue to expand. I should like to know the cost to the Government of the proposed additional long service leave, and I should like to know by what means the Government will raise the money to meet the cost. I have not seen any figures regarding this. Therefore, I think we are completely premature in embarking on a proposal that will result in additional costs without knowing where the money will come from.

The Hon. D. H. L. Banfield: The same old story.

The Hon. C. D. ROWE: The people will quickly learn that the political promises of today are the increased taxation of tomorrow. If this Government goes on with the promises handed out at present, the taxation to meet those promises will have serious repercussions for South Australia. So, in the interests of the people whom this Bill is designed to help, I support the amendment.

The Hon. A. F. KNEEBONE: The honourable member first referred to Government departments and semi-government departments, and then to the cost to the Government of introducing this legislation. I cannot understand the honourable member's statement that this Bill will cost the Government much money because Government employees already receive long service leave. Highways Department employees work on roads alongside local government employees, and one group receives 13 weeks' leave after 10 years' service and the other group receives 13 weeks' leave after 15 years' service.

The Hon. R. A. Geddes: What about men working under Commonwealth awards?

The Hon. A. F. KNEEBONE: This is the situation we are faced with, and I cannot follow the Hon. Mr. Rowe's reasoning. He says he is championing the worker and protecting his interests in denying him this leave after 10 years' service. All I can say is that the people affected will give him his answer later on.

The only point I can get from the honourable member's speech regarding the cost to the Government is that he thinks public servants are receiving their long service leave too early; he said that he could not see any reason for people receiving long service leave after only 10 years' service. So, he is speaking against the long service leave that public servants receive at present. When the Public Service Bill is introduced he will have the opportunity to reduce public servants' long service leave from 13 weeks after 10 years' service to 13 weeks after 15 years' service. If that is the honourable member's principle, let him go ahead with it.

The Hon. F. J. POTTER: I listened with interest to the speeches of the two Ministers. It was interesting to hear them say that, because we give 13 weeks' leave after 10 years' service to public servants and because public servants must work alongside others who do not receive such leave, everybody should have it. What the Ministers conveniently omitted to say was that a public servant receives his long service leave only if he works for the full period of 10 years, to the very day. Otherwise, he does not receive any long service leave at all. If the Minster is consistent, he should delete the pro rata provisions from this Bill.

The Hon. A. F. KNEEBONE: I am not prepared to delete the pro rata provisions from this Bill. However, I forecast here and now that the Public Service Bill that will be introduced in another place next week will provide for pro rata long service leave for public servants. The Hon. Mr. Rowe, who was a Minister in the Playford Government, knows that there have been many occasions where a public servant has given good service for close to 10 years but, because he had worked for, say, only nine years 11 months 26 days and had then left or died or retired through invalidity, he has not received any pro rata leave at all.

The Hon. R. C. DeGaris: Wouldn't the same apply under a 15-year qualifying period if the employee had worked 14 years and 11 months?

The Hon. A. F. KNEEBONE: Yes, unless pro rata leave was provided, and we intend to provide that for the Public Service.

The Hon. D. H. L. BANFIELD: I was amazed at the back-handed compliment paid by the Hon. Mr. Rowe to workers in this State. He elaborated on what had happened in the State with regard to industrial peace and how good the workers were in this State. He concluded by saying, in effect, "God bless you; that is all we are prepared to give you; we are not prepared to give you the same benefits as have been given to Government employees for the last 50 years." If he was genuine in what he said regarding the way the workers have been treated, that gives them all the more entitlement to this added benefit. I cannot see the reasoning behind the honourable member's remarks. They were like the promises given to the agricultural workers: sooner or later you will receive something if everything goes all right.

The Hon. F. J. POTTER: In some respects I feel that the debate has proceeded along a somewhat strange and unexpected line, as the provisions in the Public Service have now been dragged into the debate. It has been said that these should apply to outside industry, but that is irrelevant. The conditions provided for employees outside a career industry throughout the rest of Australia by means of Arbitration Court awards, long service leave Acts, and industrial agreements are what I want to see uniformly applied in this State. With my amendments, I want to support the Bill because it will then confer on at least 20 per cent to 25 per cent of the work force in the State very material advantages they are not at present getting.

The Hon. D. H. L. Banfield: They could have material advantages under the present Bill.

The Hon. F. J. POTTER: Yes, but I want the Bill to be passed.

The Hon. S. C. Bevan: Your amendments would not give them anything that is not already provided.

The Hon. F. J. POTTER: There are people working in the State who are not subject to any industrial agreement for long service leave or to any other court awards. There are many people who are confined to the present State Act as far as long service leave benefits are concerned. These 20 per cent to 25 per cent of the people are the ones I want to bring into line with the remainder of the work force in industries outside career industries. My amendment will put the Act substantially on all fours with all other Acts in the Commonwealth and with all other industrial awards and agreements.

The Committee divided on the motion to strike out "ten":

Ayes (12)—The Hons. Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

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

Majority of 8 for the Ayes.

Motion thus carried.

The Committee divided on the motion to insert "fifteen":

Ayes (12)—The Hons. Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

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

Majority of 8 for the Ayes.

Motion thus carried.

The Hon. F. J. POTTER moved:

In subclause (3) (*a*) to strike out "ten" and insert "fifteen".

Amendment carried.

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

In subclause (3) to strike out paragraph (*b*) and insert the following new paragraph:

(*b*) in respect of each ten years' service completed with the employer after such fifteen years' service to eight-and-two-thirds weeks' leave.

This is merely consequential on the earlier amendment.

Amendment carried.

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

In subclause (3) to insert the following new paragraph:

"and

(*c*) on the termination of the worker's employment or his death, in respect of the number of years' service with the employer completed after such fifteen years' service, to a payment in lieu of leave on the basis of thirteen weeks for fifteen years' service."

This is again consequential. This paragraph appeared in the previous Bill, and I overlooked it when drawing my amendments.

Amendment carried.

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

In subclause (5) to strike out "five" and insert "ten".

The amendment provides that pro rata leave will commence after 10 years' service. The conditions provided in paragraphs (*a*) to (*e*)—

of this subclause in respect of pro rata leave are more generous than the provisions in other States, particularly the State of New South Wales, where only paragraphs (*a*) and (*b*) apply. The additional paragraphs follow the Metal Trades Award and the latest award of the State Industrial Court.

The Hon. A. F. KNEEBONE: The Government regards this as a most important matter. Although the provisions may go further than the New South Wales provisions, the principle of pro rata leave after five years' service has been established in that State. Therefore, it cannot be argued that these provisions are adding any greater cost to industry in this State than has been added in any other State. Only one or two provisions are any more favourable. For instance, a woman on becoming pregnant now becomes entitled to pro rata long service leave after five years. I do not think anyone would argue that such a person should be denied that right.

Paragraph (*d*) provides that a male who is required by his employer to retire at 65 and a woman who is required to retire at 60 should be entitled to the benefit of this provision. Paragraph (*e*) gives the same right to ex-servicemen and ex-servicewomen when they elect to retire five years earlier than the workers referred to in paragraph (*d*). We think that if such people wish to retire at that stage they should be entitled to do so and should have the right to the benefit of this provision. I ask the Committee to oppose the amendment.

The Hon. D. H. L. BANFIELD: The Minister has outlined the reasons for pro rata leave after five years. I ask the Committee to consider the valuable services rendered to industry generally by females. By this amendment, women who have worked continuously at a job for eight or nine years will not receive any recognition for their services, apart from their pay. Industry generally would be in a great mess if it did not have the benefit of the services of women. This Committee should show its appreciation of that and not approve an amendment prohibiting some women from getting long service leave. The average number of years that a woman works continuously in industry should be taken into consideration. It could be recognized by allowing pro rata leave after five years' continuous service. I oppose the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons. Jessie Cooper, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, 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 subclause (5) to strike out "as an adult"; to strike out "ten" and insert "fifteen"; and in paragraph (*f*) to strike out "ten" and insert "fifteen".

These are all consequential amendments.

Amendments carried; clause as amended passed.

Clause 5—"What constitutes service."

The Hon. A. F. KNEEBONE: As there are a number of amendments to this clause on which I want further information, I ask that the Committee report progress and have leave to sit again.

Progress reported; Committee to sit again.

ADJOURNMENT

At 5.19 p.m. the Council adjourned until Tuesday, October 17, at 2.15 p.m.