LEGISLATIVE COUNCIL

Wednesday, October 18, 1967

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

QUESTIONS

ADELAIDE AIRPORT

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my recent question concerning the Adelaide Airport?

The Hon. A. J. SHARD: The Acting Director of Civil Aviation in South Australia advises that evidence was given by the Civil Aviation Department, the Commonwealth Public Works Department and representatives of all airlines operating in South Australia. Advertisements were inserted in the press inviting members of the public to give evidence, but no-one accepted, and the Chairman of the Commonwealth Public Works Standing Committee expressed surprise at the lack of interest by the public.

TRANSPORT COSTS

The Hon. C. D. ROWE: I understand that at a dinner last Saturday evening the Premier said he was anxious that costs in South Australia should be kept as low as possible, and that transport costs were an essential element in manufacturing costs and in the costs of sale so far as this State was concerned. I am relying on a verbal report I received, but I think he acknowledged the important part that road transport must play in our economy. Can the Minister of Transport say whether the Government has decided on its policy regarding the question of rail transport *versus* road transport?

The Hon. A. F. KNEEBONE: The honourable member knows as well as I do that the Royal Commission on State Transport Services is still functioning. I understand that the Commission's report will be available either late this year or early next year. Regarding what the Premier said last Saturday evening, I point out that I, too, was present. Although I do not know the exact words he used regarding rail and road transport, I do not think anybody on the Government side denies the importance of both road transport and rail transport and, indeed, of all forms of transport in South Australia.

MUSGRAVE PARK SCHOOL

The Hon. JESSIE COOPER: Has the Minister of Labour and Industry obtained from the Minister of Education a reply to my question concerning the proposed primary school at the Musgrave Park Aboriginal Reserve?

The Hon. A. F. KNEEBONE: My colleague reports:

The Director of the Public Buildings Department expects to be able to make a recommendation for the acceptance of a tender for the erection of the Musgrave Park school buildings very shortly. A condition of the contract for these buildings is that they be completed by December 20, 1967. All arrangements have been made for the school to open in Februrary of next year.

REDEVELOPMENT

The Hon. C. D. ROWE: My question, to the Minister of Local Government in his capacity as the Minister in charge of town planning, relates to certain proposals regarding the redevelopment of an area near the Hackney bridge involving certain private houses, a caravan park, and also certain business premises. There seems to be some doubt whether these proposals are being sponsored by the Housing Trust, by another Government department, or by private enterprise. Also, there are doubts about whether the project will proceed and about what will be the basis of compensation to the people who will be displaced. Can the Minister give me any more detailed information regarding the suggested project?

The Hon. S. C. BEVAN: This is an area that is crying out for redevelopment, and the Planning and Development Authority established under the Act is investigating the matter with a view to redeveloping the site. I do not know how far the investigation into this matter has proceeded, but I know the suggestion at the moment is that the area will be developed partly by the Housing Trust and partly by private industry. I shall obtain a report on the matter and make it available for the honourable member as soon as possible.

DROUGHT ASSISTANCE

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Chief Secretary as the Leader of the Government in the Council.

Leave granted.

The Hon. L. R. HART: It is quite unnecessary for me to point out to the Council the very severe effect that the present drought is having on the well-being of many primary producers in this State. Indeed, the lack of income to these producers is having a very serious effect on the business people throughout the State, particularly those in country areas. Many primary producers are now facing the situation

that their only income will be through certain sidelines. Many of these producers will receive little or no income in this coming year through their normal farming activities. Their only income in many instances will be from keeping pigs. The problem facing these people is the question of being able to obtain pig feed. If this pig feed has to be obtained from a considerable distance from their own properties, which will be the case in many instances, this particular pursuit, because of high freight rates, will become uneconomic.

I realize that the Government may be prepared to give concession freight rates to producers who are bringing fodder in for starving stock, but in this particular case it is more a question of concession rates for producers to carry out economically the pursuit in which they are engaged. Will the Government indicate whether it is prepared to assist with concession rates on fodder being brought into areas for the purpose of allowing primary producers to carry out economically a pursuit in which they are now engaged?

The Hon. A. J. SHARD: The Ministers dealing with this question of drought, which has caused us all some concern, are the Premier, the Minister of Agriculture, and the Minister of Lands. I do not know whether this particular question has been discussed or considered. However, I shall be happy to bring the honourable member's question to their notice and obtain a reply for him as quickly as possible.

LOCAL GOVERNMENT ACCOUNTING

The Hon. C. D. ROWE: I wish to direct a further question to the Minister of Local Government following my previous question about local government accounting regulations. I ask this question on behalf of my colleagues in Midland and myself, because we have all received letters—one from the Kadina Corporation, one from the District Council of Bute and one from the District Council of Yorke Peninsula. The letter from the—

The PRESIDENT: Does the honourable member wish to ask for leave to explain the question?

The Hon. C. D. ROWE: Yes, I do.

Leave granted.

The Hon. C. D. ROWE: The letter from the Kadina Corporation states that it "feels that these regulations will be a burden on smaller councils" and asks for our "support in opposing the compulsory use of these regulations by smaller councils". The letter from the District Council of Yorke Peninsula states, in part:

However, this council seeks your support in having the commencement date of the regulations deferred for a period of 12 months, that is, until July 1, 1969, so as to allow a greater transition period.

The letter from the District Council of Bute raises a particular point (and this is the main burden of my question):

In the original draft of the regulations submitted to councils the following paragraph was included:

"4 (2) With the approval of the Minister, the system of full double entry accounting may be suitably modified to meet the requirements of a council; provided that, as modified, it will enable the council to prepare the statements required by these regulations."

Amendments were subsequently made to the initial copy of the regulations as forwarded, but no reference was made to the deletion of subparagraph (2) of section 4. It is considered that this would have been very misleading to quite a number of councils.

It appears that in the original draft the Minister had approval to allow some latitude in what was required, but that draft was altered and that latitude does not exist. I feel the answer to this problem may be to amend the regulations to provide that in a suitable case a date later than July 1, 1968, may be fixed by the Minister for the implementation of these regulations in respect of a particular council. Will the Minister of Local Government consider that request?

The Hon. S. C. BEVAN: It is advisable to have regulations approved by Parliament before we prorogue. Neither any officers in my department nor I intend to impose these regulations upon the councils. These regulations were drafted after considerable preliminary work had been done; they were submitted to the councils, in consultation with the Local Government Act Revision Committee, and they were asked for their comments. These were given and the regulations were amended from time to time to meet the desires of the various councils. I expected there would be some objections from the district councils, primarily because the town clerk does not understand anything other than the system under which he has been operating for a number of years. I can prove that by letters I can produce from my office.

I also have many letters on file (which, if necessary, I can produce) from district councils expressing the hope that the regulations will be put into operation as soon as possible. The regulations themselves state that they shall come into operation on July 1, 1968—eight

months hence. If it is possible for these regulations to be approved by Parliament before we prorogue, I shall appreciate that because I know what has to be done under them by the metropolitan and district councils. I assure the honourable member that I do not intend to unduly inconvenience councils any further than is absolutely necessary in regard to these regulations.

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question of the Minister of Local Government.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the matter raised by the Hon. Mr. Rowe with regard to local government accounting regulations. I appreciate the lengthy reply that was given by the Minister to my colleagues and me yesterday, but I remember that the Minister expressed the opinion earlier that the costs to a small council of implementing these regulations would be negligible. I subsequently asked him if he would give an estimate of these costs, because I know they are of considerable concern to the very small councils.

The honourable gentlemen, as I remember, agreed to do this, but with due respect to the answer he gave yesterday, I think he did not give any sort of estimate of the small cost he said it would be for these small councils. I ask the honourable gentleman if he will have another look at this and try to be a little more specific. Also, will the honourable gentleman tell the Council whether, when these regulations were referred to the councils at an earlier date, section 4 (2) referred to by the Hon. Mr. Rowe and which gave the Minister some discretion to modify the procedures, was included at that time?

The Hon. S. C. BEVAN: I will obtain an answer for the honourable member as soon as possible.

KIMBA WATER SUPPLY

The Hon. A. M. WHYTE: Will the Minister of Labour and Industry obtain from his colleague, the Minister of Works, a report on the latest progress regarding the negotiations between the Government and the Commonwealth Government for finance to be made available for the Polda pipeline?

The Hon. A. F. KNEEBONE: Yes.

MURRAY RIVER SALINITY

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

Leave granted.

The Hon. C. R. STORY: Last week, I asked two questions regarding salinity: one dealing specifically with the matter of the publication of daily readings to interested persons in the river areas particularly, but State-wide is desirable; and the other dealing with a build-up in salinity in the area adjacent to Lake Victoria. Has the Minister a reply?

The Hon. A. F. KNEEBONE: I hope that the following reply supplied by the Minister of Works will answer the honourable member's questions:

1. The Engineering and Water Supply Department has been supplying salinity figures for seven stations to the *Murray Pioneer*. These are based on the Monday readings for salinity and are published by the *Murray Pioneer* on Thursday. For some time these figures did not appear until the second Thursday, but for some weeks the arrangement has allowed the Thursday publication to report the preceding Monday. A new system of reporting, covering a wider range of stations, is now being developed and will enable reports to be published in the country editions of the *Advertiser* three times a week. This will relate to the preceding day.

2. The Salinity Investigation Committee that was recently set up in terms of reference approved by the Minister of Works has been actively investigating some aspects of salinity control in the river. At the present time its activities have centred on work in the Waikerie area. There are many other areas where salinity problems are known or suspected to exist and consideration is now being given to proposals to extend the activities of the committee to enable wider investigations.

No investigations to date have proceeded far enough to allow firm proposals of control to be developed. The situation is very complex and the control of small salt contributions will have to be very widely spread before positive effects of a measurable size are achieved. One of the difficult areas is in the Rufus River, where ground waters are at a raised elevation due to the effect of storage at Lake Victoria, and control will involve quite elaborate investigation to enable effective procedures to be developed.

INDUSTRIAL CODE BILL

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

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

That this Bill be now read a second time.

The present Industrial Code has been amended on many occasions since it was passed by Parliament in 1920. Some of these amendments have been of a minor nature while others, particularly those made last year, which dealt principally with the re-constitution of the industrial tribunals having jurisdiction to make industrial awards, were of a substantial nature.

The 1966 Bill did not alter the matters that could be dealt with by the industrial tribunals. The Government considers that, after a period of almost 50 years, the time is opportune to repeal the 1920 Act with its many amendments and replace it with more modern provisions, rather than to attempt to make numerous amendments to the already amended Act. The present Act has not been consolidated since the 1966 amendments and it would have been very difficult to follow the further amendments which the Government desires to make.

The Industrial Code deals with two matters which are most important to wage earners and industry in South Australia—they are the provisions concerning the State industrial arbitration system on the one hand and on the other hand those which concern the working conditions which must be provided in factories, shops, offices and warehouses. This Bill does not alter in any way the constitution of the Industrial Court or the Industrial Commission or conciliation committees which were created under the 1966 legislation. The main alterations contained in this Bill so far as industrial arbitration is concerned, cover several very important Labor Party policy matters. To implement one of the promises contained in the policy speech of my Party, which was endorsed by the electors in March, 1965, provision is made by clause 80 of the Bill requiring the Industrial Commission and conciliation committees to award to adult females the same rates of pay as are prescribed for male employees who are doing the same work. The progress towards such equal pay will be spread over a period of five years. Clause 80 is based on the equal pay provisions of the Industrial Arbitration Act of New South Wales which has operated in that State since 1959, and notwithstanding the existence of those provisions industry has continued to expand and prosper in that State.

Provision is also included in the Bill (clauses 25 and 69) to empower the Industrial Commission and conciliation committees to grant preference in employment to members of registered trade unions, as has been the position for many years under the Commonwealth Conciliation and Arbitration Act and the Acts of the other States. I point out that this is not a direction that preference must be given to members of trade unions, but it simply empowers the appropriate industrial tribunal to include such provision in its awards, subject to such conditions as the tribunal considers to be reasonable, after hearing argument on any application for the inclusion of such provision.

Similarly, another restriction that has operated quite unfairly against agricultural workers for many years in this State has been removed. The Industrial Commission will now be empowered to consider an application made to it for an award to be made for persons engaged in agricultural operations and to make an award on such terms as it considers to be fair and reasonable. Much has been heard lately concerning the employment situation in this State and the need for keeping the State on a basis that is competitive with other States in Australia.

It may therefore be of interest to honourable members to know that there is no restriction in any other State in Australia on employees in agricultural occupations being made subject to an award of an industrial tribunal, nor is there any restriction in the Commonwealth jurisdiction; in fact, the Pastoral Industry Award was one of the first awards made by the Commonwealth Industrial Court after its creation in 1904. The removal of the restriction, therefore, will do nothing more than bring South Australia into line with the rest of the Commonwealth.

Another new provision included in the Bill (clause 28) empowers the Industrial Commission to determine the rates that will be paid to labour-only subcontractors in the building industry. Although the purpose of a second reading explanation is to explain the provisions of a Bill, I think it is only fair to say that in accordance with the policy of my Party there is no reference in the present Bill to strikes or lock-outs.

These are the main alterations that have been made to the industrial arbitration provisions of the present Code. Many sections have been reworded and consolidated and a considerable amount of rearrangement has been effected. Although the industrial arbitration sections of the present Code were substantially amended in 1966, the only real alterations that have been made to the sections dealing with working conditions in factories, shops, offices and warehouses since the Code was passed in 1920 were those inserted in 1943, under wartime conditions, and just at the commencement of the industrial development of this State. What is now Part V of the Industrial Code is notable mainly for the omissions rather than for what it contains. Although there are many new provisions concerning working conditions included in the Bill, all of them have been tested and accepted in other parts of Australia and in the United Kingdom.

Two new clauses that I am sure will commend themselves to all honourable members are clauses 189 and 190, providing for the constitution of a Factory and Industrial Welfare Board, which will have, as members, representatives of employers and trade unions under the chairmanship of the Secretary for Labour and Industry. The board will advise the Minister on any matter that he refers to it relating to the prevention of industrial accidents and to the safety, health or welfare of employees in industry. Bodies of this or a similar nature are now successfully operating in all other States of Australia; in some States they have been in existence for a number of years.

Another new provision, and one that operates in all other States (clause 157), is that no new factory is to be erected without the approval of the Secretary for Labour and Industry of the plan of the building. This is designed to ensure that all new factory premises are erected in accordance with the provisions of the Bill and the regulations to be made under it and so to obviate the unnecessary expense that has been occasioned in the past by factories being built and then having to be modified immediately because it was found, upon application for registration, that parts of the factory did not comply with the law.

The present Act places the onus on the occupier of every factory to ensure that all machinery therein is properly safeguarded. This is retained in the Bill, but in addition provision is made (clause 165) prohibiting any person from selling or hiring machinery that is intended to be used in a factory unless certain basic requirements concerning the guarding of that machinery are observed. Cases have occurred where machinery has been purchased in good faith, but then it has been found that essential guarding has not been provided. This matter was considered by the International Labour Organization conference in 1962 and 1963, and a convention was adopted on which the clause is based. Similar provision has already been made in the laws in New South Wales and the United Kingdom.

Many of the clauses dealing with safety, health and welfare matters authorize regulations to be made detailing the safeguards that must be supplied or the amenities that are to be provided in factories and warehouses and, in a number of cases, also in shops and offices. Clause 188, which regulates the hours of baking of bread in the metropolitan area of Adelaide, contains the provisions at present contained in section 8 of the Bakehouses Registration Act. The Government considers this matter should be administered by the Minister of Labour and Industry rather than by the Minister of Health.

As well as repealing the Industrial Code, the Bill provides for the repeal of the Country Factories Act, and the provisions relating to working conditions in factories, shops, offices and warehouses contained in the Bill will therefore apply to those premises in the metropolitan area and in areas to which the Country Factories Act at present applies. These areas are set out in the Second Schedule to the Bill. Clause 155 enables the Governor, by regulation, to apply the provisions of the Act relating to factories, shops, offices and warehouses to additional parts of the State.

Many of the clauses of the Bill repeat existing sections of the Industrial Code, either in precisely the same words or with some drafting alterations. I do not, therefore, propose to weary the Council by referring to every clause other than those I have mentioned, but will deal only with clauses which differ significantly from existing provisions. In the interpretation clause (clause 5), apart from some drafting amendments, the omission of definitions of "agriculture", "strike" and "lock-out", and the inclusion of a definition of "contractor", the definition of "employer" has been altered to include the Lotteries Commission, the Totalizator Agency Board and proclaimed statutory bodies. The definition of "factory" now includes laundries and Government factories, and the definition of "industry" now includes the St. John ambulance service.

Clause 25, dealing with the jurisdiction of the Industrial Commission, now includes, besides the provision for preference, power to authorize officials of registered employees' associations to inspect records (paragraph *(b)* (iv)) and provision for employers' associations to apply to the commission. Subclause (2) of clause 26 is new in that it empowers the President to determine questions as to dismissals, a power hitherto exercised only by consent of the parties. Clause 32 (1) *(d)* differs from section 47 of the present Code in that it provides that awards will affect contracts only in so far as the terms of the award are more beneficial.

Clause 37, dealing with the recovery of amounts due under awards, now includes claims under industrial agreements, and increases the period within which claims may be brought from 12 months to six years. Part V of the Bill dealing with conciliation committees remains substantially unchanged. Clauses 62,

67, 72, 74 and 76 are different from the corresponding provisions of the present Code in certain procedural respects.

I draw attention next to clause 82, which deals with payment to employees engaged in two or more classes of work, a matter at present covered by sections 120b and 201 of the present Code. The main alteration in this respect is that subclause (2) (*b*) provides for payment at higher applicable award rates, rather than the lower rates as at present provided.

Subclause (3) is new. It provides in effect that, if the metropolitan employee works for more than a week in the country, the country award applies, while if he works in the country for less than a week the metropolitan award applies. Provision has also been included to cover the position of country employees working in the metropolitan area. Clauses 86 and 87 simplify procedures. Clause 89, dealing with allowable deductions, now includes association subscriptions.

Clause 90 contains two new provisions. It authorizes the Government to pay its employees by cheque, and requires any stamp duty incurred by virtue of wages being paid by cheque to be paid by the employer. In addition, the period during which wages may be recovered has been increased from 12 months to six years. Subclause (4) provides for an injunction to restrain the commission of further breaches of awards and orders.

Clause 92 differs from the old section 122 in providing that the new section is qualified by the initial words "except pursuant to an award or order". It also omits the existing provision that an employer may not dismiss an employee because he is not a member of an association. Clause 94, which corresponds with sections 132a and 216 of the present Act, now contains a requirement for keeping all records of long service leave, and requires time and wage records to be kept for six years instead of 12 months as at present provided. Clause 97 restricts premiums as regards all apprentices and improvers, and not only females working on clothing or wearing apparel.

Clause 101, apart from drafting amendments, provides by subclause (3) (*c*) that the commission may direct a commissioner to furnish a report in connection with an appeal. Subclause (7) is also new in providing that once an appeal is made a committee or commissioner may not alter the part of an award or order that is under appeal. Clause 111 differs from existing section 96 in providing that a party may withdraw from an industrial agreement and not terminate the agreement completely. It is unsatisfactory, where agreements have many parties, for one party to be in a position to terminate it altogether. Clause 124, dealing with payment of arrears of wages, now extends the period from 12 months to six years.

Clause 125 provides for proceedings for offences to be brought within 12 months and not six months as at present. Clause 130 (2) adds to the existing provisions, relating to the refusal of registration of an association where there is already in existence a registered association to which the members of the applicant association might conveniently belong, a provision that they do not apply where both associations are registered under the Commonwealth Act. Clause 136 (3) differs from existing section 71 in providing that where alterations to rules have been made under the Commonwealth Act the alteration may be registered under the State Act.

Clause 158, providing for approval for the erection of cranes in factories, is new. Approval already has to be obtained for the erection of cranes except in factories under the Lifts Act. The new provision will cover the position in factories. Clause 159, which combines existing sections 282, 283, 284 and 286 requiring the registration of factories, will require the registration of warehouses as well.

Clause 163 (2) contains a new provision that records of outside work may be inspected not only by the Secretary for Labour and Industry and inspectors but also by persons authorized by the Industrial Commission or a committee by award or order. Clause 164, dealing with records and notices of accidents, has been extended to cover warehouses as well as factories. It also covers accidents incapacitating an employee for more than one working day instead of 24 hours as at present. Clause 166 extends the existing section dealing with dangerous machinery to warehouses as well as factories. Clause 167, relating to the prohibition of the use of dangerous machinery, substitutes the Chief Inspector for the Minister.

Clause 168 (2) provides for a space between a fixed structure and a traversing part of any machine to be as prescribed by regulation and not fixed at 18in. as at present. Clause 170 makes special requirements regarding lead processes because of the dangers associated with such processes. Clause 171 extends the provisions regarding protective equipment to all factories, not only to factories where welding takes place. Clause 173 differs from existing

section 348 in prohibiting cleaning by any person in dangerous circumstances, and not only persons under age.

Clause 175 (1) (*d*) and (*f*) are new. Clauses 176, 178 and 179, besides covering warehouses as well as factories, are more embracing than the corresponding provisions of the present Act. Clause 181, dealing with doors, stairways, etc., will now apply not only to shops but also to factories, offices and warehouses. It is somewhat wider than the corresponding sections of the present Act, and provides by subclause (2) that an owner shall provide fire-prevention appliances. Clause 183, making provision regarding unsafe clothing or hair, is new.

Clause 187 (2) is wider than existing section 359 in applying not only to factories but also to shops, offices and warehouses, and in providing for meal breaks for all employees, not only women and young persons. Clause 206, corresponding to sections 306 and 327 of the existing Act, is wider in scope, in particular enabling an inspector to order an occupier to desist from using dangerous machinery.

I have endeavoured to deal with the principal amendments to the law made by this Bill and to draw attention to the main alterations made to sections of the principal Act, without going into too much detail. A lengthy Bill such as this is largely a Committee Bill, and I trust that the Bill as a whole will receive the favourable consideration of all honourable members.

The Hon. F. J. POTTER secured the adjournment of the debate.

IMPOUNDING ACT AMENDMENT BILL

The Hon. S. C. BEVAN (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Impounding Act, 1920-1966. Read a first time.

LONG SERVICE LEAVE BILL

Read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (RATING)

Read a third time and passed.

BUILDERS LICENSING BILL

Adjourned debate on second reading.

(Continued from October 17. Page 2694.)

The Hon. H. K. KEMP (Southern): I indicate at the outset that I strongly favour the registration of builders if it will in any way guarantee the quality of the work that goes into the construction not only of dwellinghouses but also of buildings generally. Every honourable member realizes that for most people the big investment of their lives is the house they live in.

The purchase of a house not only absorbs a great portion of their savings but also, in many cases, involves their taking on financial obligations for many years. So this matter must be viewed seriously. If, by legislation, we can protect the person who is buying such a valuable asset and ensure that it has genuine value, that is a good thing.

There are some worrying aspects of this legislation that I do not think have been fully considered, in view of the many people who will be affected by it—in many cases adversely if these provisions are not modified in some way. I do not propose to go into too much detail, because these matters have already been dealt with ably by the Leader of the Opposition, but I have considered closely the implications of the definition of "building work" in clause 4.

The Hon. Mr. DeGaris illustrated how wide this definition was, and pointed out that it included, for instance, all the construction work done in respect of agriculture. It is not only in the field of agriculture that people are involved in this Bill: many of our smaller businesses and factories (in my own case, I am interested in a co-operative connected with the packing and processing of apples) erect their own valuable building structures using their own labour.

A person building on his own land with his own labour is largely relieved of obligations under a later clause of the Bill, but providing that it is a defence against a conviction under this legislation if he can show that the structure is for his own use and enjoyment is a roundabout way of doing it.

The Hon. R. C. DeGaris: He is still subject to a limitation on selling it.

The Hon. H. K. KEMP: He is still subject to a limitation of not selling within 18 months. The necessity for including structures built by the owner himself in the legislation is a point I want to deal with and on which I should like to hear the Minister's opinion, because it would be so much simpler for those structures to be automatically excluded by a provision such as that suggested by my Leader yesterday. It cannot be over-emphasized how important these structures can be.

Most of our small businesses and factories in their early years do all their own construction work. Certainly in the farming community it is comparatively rare to find a structure of any kind erected by contract or outside labour.

There would be no difficulty in excluding such structures. I cannot see any advantage to the building trade in having them included. Much inconvenience will be caused if the only way in which responsibility in this matter can be determined is by evidence being advanced after a complaint has been made under the provisions of this legislation.

I do not think there is any necessity to go further than that in this matter. It applies just as much to non-agricultural as to agricultural work. It comes right into the city area, so the suggestion (which I have heard discussed unofficially) that the provisions of this measure should apply only in the metropolitan area would not overcome this problem.

For instance, in the metropolitan area there are still many glasshouses worked by small gardeners. These are valuable assets far exceeding the limit of value laid down by these provisions. A man may own 50 or 60 glasshouses, measuring some 700ft. in length and 20ft. in width. These are valuable assets erected, maintained and moved by the man himself, and they could not easily be handled in any other way. I shall not speak at length on the construction in other types of business done by the owner himself and his staff in the course of a year's work.

My second point is the indefinite nature of the functions of the board in relation to prosecutions for shoddy and inferior work and over-charging, which I am afraid we must admit are not uncommon in the building trade. Clause 17 lays down the functions of the board. It states:

(1) Without limiting its power to refuse an application for any other cause, the board may refuse an application for a licence or renewal of a licence . . .

(2) The board may, for the purpose of ascertaining whether the applicant has the appropriate qualifications prescribed . . .

However, there is no clear definition of the board's responsibility for collecting complaints and inquiring into whether or not they are valid in each case. This duty should be laid down more clearly than it is in this Bill because, as far as I can gather the spirit and whole purpose of the Bill is to safeguard the small householder—in fact, any person who is having building work done. That point is glossed over.

The machinery of a board and an advisory committee and the issuing of builder's licences and restricted builder's licences are gone into in detail, but nowhere is it really laid down that the board shall investigate complaints and take the necessary steps to correct any injury that may have occurred. I am considering introducing an amendment in the form of an extra paragraph in clause 17 that will include this function, so that it will have some cautionary effect as well.

Unfortunately, when many people lay a complaint about the quality of building work that has been done for them it is not qualified criticism of the work, so that a very minor crack is often emotionally exploded into a very serious defect in the building. There must be some deterrent to the flood of complaints that is likely to arise if there is too much latitude allowed in the matter of laying complaints. It might be appropriate to lay down that if a complaint is laid a sum of, say, $50 should be deposited with it, which would be forfeited if the claim proved to be frivolous.

I question the necessity for the very extensive, completely unlimited and nebulous wording in the provisions relating to the advisory committee. There is the board, which has the function of licensing, and there is the advisory committee, which shall be paid and which has no limit to the number of persons who may be appointed to it.

There is no real definition as to who shall be appointed to the committee: it is left in nebulous terms, and the committee really has only the function of advising the board. This is something that should be closely examined. This could easily grow into a job that is a sinecure because there is no limit to the term of appointment. This is obviously a great weakness in the Bill. I should like the Minister to give detailed reasons for having this very costly committee without any other function but, when required, to advise the board. It should be quite possible to co-opt temporary committees as required. It is undesirable that this committee should be of a permanent nature.

The matter of restricted builder's licence also concerns me. Reading between the lines (because it is in no way stated directly), apparently the restricted builder's licence is to be issued to a selected list of tradesmen who can be engaged in building only if they hold the restricted builder's licence.

That all-embracing scope of the Bill is laid down in the definition in clause 4. This means that anybody who has a function in any way attached to building must be the holder of a restricted builder's licence and must keep it up to date and conform with all the needs laid down as the conditions under which the licence can be granted.

In some cases these people are already tradesmen but in a few cases they are not. In some cases, before they can engage in this work they must have a special licence. This applies particularly in the electrical and plumbing trades. Many of these people work as subcontractors quite commonly in the sub-metropolitan areas but only as a sideline to their main work, which is of a maintenance function in the district.

An electrician probably makes most of his earnings from the installation of, say, pumping equipment in the district and the maintenance of all the electrical machinery and household gear that is inevitable in the district. In this case he must be the holder of a restricted builder's licence before he can help the local contractor to carry out the building of a house and in doing the work that only he in the district is qualified to do.

This might very easily have an undesirable effect in greatly increasing the costs of building in the sub-metropolitan area, which is a densely populated area and which has to make use of these electricians and plumbers as they are available in the district. I have talked to many local contractors in the last day or two and I do not think they have any idea of the implications behind clause 16 and the following clauses.

As the Leader of the Opposition said yesterday, if this Bill is considered in conjunction with the Industrial Code, which is soon to come before the Council, this materially limits the function of subcontractors. If this is so, it is practically the end of the small contractor who does most of the work in the country districts of the State. He does practically the whole of the building work, except for major construction jobs, such as schools, wheat silos and such other buildings.

The Hon. C. D. Rowe: What is the registration fee?

The Hon. H. K. KEMP: There is no mention of that. If this is so, we must recognize that it is the policy of the Labor Party that it does not like subcontracting work; in fact, I think it has laid down that it does not like anything that smells of piece-work. We must accept this, but does the Labor Party realize that this blanket restriction, which will mean the end of subcontracting work, will throw people who are employing many people out of business? This must be the inevitable effect of the Bill.

A minor point arises in clause 18 where it is laid down that if a person has committed a certain offence as a result of poor quality work or high cost (although that is not mentioned) he immediately loses his licence. This is an impractical measure that possibly will penalize an innocent party.

As I see it, any offence under the Bill would normally be detected and the offender prosecuted some time after work on a particular project had finished. By that time the offender would probably be engaged on another job, but it is laid down in subclause (3) that such a person, after conviction, shall be deprived of his licence for three months. After that time he would be permitted to apply to have his licence returned, but it might not be given him if the board considered that his offence was serious.

What, then, would happen to the work on which he was engaged at the time he was notified of the offence? It would mean that it would have to be suspended, with all the associated costs and delays. It may be a minor point, but I think it is one that should be dealt with in the Committee stage of the Bill.

The defect in clause 24 has, I think, been sufficiently emphasized. I can only say that I endorse the remarks that have been made about the evil effects that could ensue if the clause is left in the Bill. I cannot see any alternative but to exclude from the Bill all agricultural work and work carried out by people who own or lease property. It is not possible to provide for the needs of such people in a Bill of this nature without costly rigmarole. I think the purpose of the Bill can only be preserved if a simple mechanism is set up to deal with offences under the Bill; that is, that it will be set down clearly how a complaint can be laid and investigated.

The purpose of the Bill is not primarily the investigation of offences by licensed builders or tradesmen, but to ensure that the quality of the building work is up to standard. That seems to have been overlooked in drafting this legislation because the architects of this Bill have become so mixed up with the mechanism and their beautiful licensing system, together with various boards and committees, that its original purpose, which is the only excuse for the Bill, has been completely forgotten. In chasing after what might happen when a man builds his own fence, fowlhouse or dwellinghouse, the main purpose of the Bill has been overlooked.

It will be interesting to hear the further debate on this matter, but I think good ground exists for excluding from the Bill all reference to a permanent advisory committee. There is much more need than appears from the Bill

for direct elected representation from those who control the quality of work in the building industry, that is, the Master Builders Association and similar associations. Such people exert considerable control over the quality of the work in the building trade. They are interested in its ethics and its standing in the community, and they do that work well. They should be the people with the power to say who is to represent them, but at present they are not allowed any say.

The Government has the power to appoint whom it may, and it is only laid down that one shall be a lawyer, one an accountant, and so on. I support the Bill, but I sincerely hope that the Government will view with a friendly eye some of the serious amendments that must be made to it before it can become law.

The Hon. C. R. STORY (Midland): I rise to speak to the Bill but not with much enthusiasm because it seems to me that we are using a steamroller where we could easily use a tack hammer. When I look at legislation that seems to have accomplished the same thing in perhaps an even better way in Western Australia, where that Government got down to the business of licensing builders and left it at that, and compare it with what South Australia is attempting to do, then I believe we have a polyglot type of legislation being put through with a certain amount of subterfuge.

The Hon. F. J. Potter: Are you very surprised?

The Hon. C. R. STORY: I am not at all surprised, because I remember a most remarkable piece of legislation put before this Council called the Road and Railway Transport Bill which had the same type of approach where matters were left to the Minister's descretion. Also, so much was buried under the blankets and it had to be gently exposed by members pulling back blanket by blanket until eventually we got down to the sheets, and they were not clean. The same applies to this measure: as we unfold it so we get down to the soiled sheets again.

The Hon. C. D. Rowe: The Government had expert advice on the Road and Railway Transport Act.

The Hon. C. R. STORY: That is right, but matters were left to the Minister's discretion. The advisers have reached even greater eminence because they are now Queen's Counsel whereas they were, at that time, only ordinary lawyers. In the second reading explanation the Government said that the Bill fulfilled a long-felt need in South Australia by ensuring quality standards of building.

This is an age of licensing; no doubt about that. People seem to have a desire to inflict pain upon themselves by placing themselves under the control of a board or having to apply for some type of licence. I do not know how long this will go on. At one time there used to be a hue and cry when Governments introduced such restrictions but now people involved seem to enjoy, and indeed to abet, Governments bringing control into a particular industry. There must be an advantage, otherwise people would not do this, and I think it is obvious, when reading this legislation and reading certain letters to the editors of newspapers as well as listening to discussions held with responsible people in industry, that there are distinct advantages to two groups of people. One group comprises the trade unions concerned with the building industry.

The Hon. D. H. L. Banfield: They would be the more important.

The Hon. C. R. STORY: I put them first because I believe they would be the people who put the pressure on.

The Hon. D. H. L. Banfield: They might need protection.

The Hon. C. R. STORY: They have been protected for 100 years.

The Hon. D. H. L. Banfield: Not sufficiently.

The Hon. C. R. STORY: The only thing is that until the present time they have not had compulsory unionism, but we are getting fairly close to that. The second portion of the Bill confers upon master builders a distinct advantage. I do not see where the subcontractors get a guernsey at all; in fact, they will become a thing of the past. I point out that the subcontractor played a big part during pre-Labor Government days, when this State was progressing at a rapid rate and when we needed housing quickly. By his own strength, ability and initiative the subcontractor sought to get on.

At present we appear to be setting out to inhibit anybody who wants to get on and use initiative. The master builders of today were the subcontractors of yesterday; the only reason they are master builders today is that they came through the golden age of the Playford era. It was during that era that they built themselves up to the level of master builders.

The Hon. D. H. L. Banfield: They built themselves up through doing shoddy work.

The Hon. C. R. STORY: If the honourable member says that these people who are now master builders built themselves up on shoddy work, they will be interested to read his statement. The very people to whom the honourable member refers are the people whom we are going flat out to protect in this Bill. We are creating a closed shop.

The Hon. S. C. Bevan: The honourable member is supporting anybody who enters the building industry with no experience whatever.

The Hon. C. R. STORY: No, I am not. The Minister did not pay attention to what I said earlier; I believe there is a need for a standard and for licensing of builders, but we should not bring all the other side issues into this Bill. Western Australia did not do so.

The Hon. R. C. DeGaris: Western Australia is the only State that has an Act along these lines.

The Hon. C. R. STORY: Yes. The Western Australian legislation requires that a builder must provide evidence that he is a person competent to undertake the work. However, in the Bill now before this Council there is an appeal from Caesar to Caesar. Who decides whether a person has sufficient qualification? It is the board.

The Hon. C. D. Rowe: There is no guarantee that a person who has operated as a builder will get a licence.

The Hon. C. R. STORY: None whatever. If veterinary surgeons and electrical contractors provided evidence that they had been practising in a satisfactory manner, they were let in under the legislation dealing with those occupations. However, I do not see a similar guarantee here. There is every reason to believe that the subcontractors will be in a fairly shaky position. This board, which will be the alpha and omega of the building industry, will hold the industry's destiny in its hands. The board is composed of vested interests to a large extent. The Bill is better now than it was when originally introduced in another place.

The Hon. D. H. L. Banfield: The other place stole the honourable member's thunder.

The Hon. C. R. STORY: No; it did not, because I was not thundering then. The Opposition in another place challenged the Premier's very rash statement that all sections were in complete agreement with this legislation; when a challenge was issued, people in some sections of the industry began to realize that all was not well. Then, the Premier used the old tactic of saying everybody was trying to incite the public into believing something was wrong with the Bill. There was something wrong with it all right, because the Premier immediately brought in a sheaf of amendments. After discussions with the Housing Industry Association, which apparently had not agreed to the legislation (despite what the Premier had said earlier), the boot was on the other foot completely. So the honourable member should concentrate on what I am saying; he has not been lip reading properly.

The Hon. Mr. DeGaris, the Hon. Mr. Kemp and I are concerned about the definitions. Clause 4 states:

"building work" means work in the nature of—

(*a*) the erection, construction, alteration of, addition to, or the repair or improvement of any building or structure;

or

(*b*) the making of any excavation, or filling for, or incidental to, the erection, construction, alteration of, addition to, or the repair or improvement of any building or structure.

As was said yesterday, we have some English purists in our midst; consequently, I point out that "structure" can mean anything at all. I do not know whether the persons desiring this legislation realize just how wide is the meaning of this word. If they do realize this, there is no doubt in my mind that they made it so wide in order to catch everybody in the net. Once one catches one's head in a gill net, one cannot get out. People whose heads were caught in the net established in connection with the Totalizator Agency Board cannot get out of it. I believe that the building trade is getting its head through the gill net, and once it gets it in it will not be able to get it out, no matter how much it pulls. I consider that the definition should be changed and that it should include specific things and exclude other things.

To impose the provisions of this Bill on the people in the industry that I know best would increase costs and make it absolutely prohibitive for those persons to get in a licensed builder to build a drying rack. With union conditions applying, there is a loading for every mortal thing that a builder has to account for, including holidays and everything else. Under the provisions of this Bill, if the cost goes above $100 or if the total cost of the construction of a building, inclusive of labour and materials, exceeds $500 I must have a builder, otherwise when I am allowed to sell my property after 18 months I have to disclose that I built a drying rack myself.

The Hon. S. C. Bevan: Don't you think a buyer is entitled to know whether or not something is substantial?

The Hon. C. R. STORY: Where does the Minister get the idea that just because the Government has brought in this Bill a structure will be substantially built? Where is the guarantee that a structure will be any more substantially built under this Act than previously?

The Hon. S. C. Bevan: Many people build their own houses. Don't you think I would be entitled to know whether a house I was contemplating buying was home-built or built by a builder?

The Hon. C. R. STORY: I am not objecting to that.

The Hon. C. D. Rowe: He is talking about his drying rack.

The Hon. C. R. STORY: The Minister seems to have the idea, just because the Government window dresses by bringing in this Bill, that building will be better. Under the Bill, people are merely registered. The penal clauses are in the hands of a board. We have a Building Act and building inspectors. Is it suggested that the building inspectors did not do their jobs properly with these jerry-built houses some honourable members are so prone to talk about? What was happening under the Building Act when those houses were built, and where were the building inspectors and the council inspectors? Just because the Government brings in this Bill, it does not mean that the construction of buildings will be any better policed.

The only penalty in this Bill is a substantial fine or the cancellation or suspension of a licence. If somebody got away with an offence, it would simply mean that some unfortunate person would be living in a fool's paradise because he would think that his building was put up by a licensed builder and therefore it should have the imprimatur of perfection. If it is a shoddy job, a person has asbolutely no redress so far as I can see, and he is saddled with his building. The Bill does not prescribe that that person will get a new house or that someone will be forced to go around and repair or re-erect it for him.

The Hon. F. J. Potter: Or that he is going to get some of his money back.

The Hon. C. R. STORY: No. This is purely window dressing. Without doubt, the Bill will have a salutary effect on some people. However, it will not achieve the things that some people believe it will achieve. The Building Act is pretty stringent, and with what it costs to administer one would think there would be much more careful policing of it. If ever a member of Parliament ought to be grateful to an organization, I should be grateful to the Housing Trust, because the trust has filled a need in the Midland District that no private builder could have fulfilled.

The Hon. C. D. Rowe: It has 700 unoccupied houses at the moment.

The Hon. C. R. STORY: Yes, it got slightly ahead; it was working under different rules and it did not know that the brake had been put on.

The Hon. M. B. Dawkins: It did not notice the change.

The Hon. C. R. STORY: No. The trust has filled a very great need. It has never built a house in its life, because it does not build houses. The builders who build for the Housing Trust are exempted from the provisions of this Bill. I know that those builders will become licensed, because they will be doing other things as well. I have handled a fair number of cases where people who have bought or rented Housing Trust houses have had the greatest difficulty regarding the standard of building of those houses. The trust has housing and building inspectors, and its work is supposed to be done under supervision. It is also an authority for the building of war service houses and certain State Bank houses, yet I have had numerous complaints about the standard of building under its auspices.

The Hon. S. C. Bevan: You got all of those under the old regime: you did not get them in the last couple of years.

The Hon. C. R. STORY: I think the Minister is romancing a little. The point I am making is that this has been done without authority. The trust has always had its inspectors and supervisors.

The Hon. F. J. Potter: Fully qualified, too.

The Hon. C. R. STORY: Yes, yet this sort of thing has happened. When I was Chairman of the Industries Development Committee we inspected in Whyalla a certain type of plasterboard which was to be used in the construction of new houses, and to say the least of it, with some of those houses, which had been under construction for some little time, the standard of building was not what I would call first class. The person who was showing us around the area agreed with me on this, and the contractor concerned was duly pulled into gear. Therefore, these things do happen, even with the Housing Trust.

Just where do we go in trying to bring in so many things under one Act? All that happens is that we get legislation which is highly restrictive and which will considerably increase the cost of building. No-one can tell me that this legislation will not increase the cost of building. Under this the smaller contractors will not be included in the way they have been included in the past. Why we tilt at these people I do not know. The master builders and the unions have a tilt at them, yet they are prepared to work hard to get on. Many of them are the immigrants that we keep saying are necessary. We keep on saying we want more of them to come to Australia. After all, we are still a pioneering country. Surely we have not yet reached the point of opulence where we can afford to sit back, control everything and live in a bed of roses. We should still be developing this country. Therefore, we should be only too happy to think that people will get on with the job of building up their faith in this country. This Bill will inhibit that; it cannot but do that. Because a person is capable of laying so many bricks a day, why should he be inhibited and permitted only to lay a smaller number? Is this an admission that we have not enough work in the building trade?

The Hon. A. F. Kneebone: Will the Bill do that?

The Hon. C. R. STORY: Why do we have contractors and contract builders? Why do we have subcontractors? Why do not these people just take their union wages?

The Hon. A. F Kneebone: Do you mean "labour only" subcontractors?

The Hon. C. R. STORY: Bricklayers, terrazzo workers and people of that nature.

The Hon. A. F. Kneebone: Labour only?

The Hon. C. R. STORY: Subcontractors who have a subcontract from a builder to do a certain job—to erect walls or lay a bathroom floor.

The Hon. A. F. Kneebone: They do not subcontract for the work. They charge a price for doing it.

The Hon. C. R. STORY: We have been arguing this point for some time. It is a moot point whether it is contract work. If I enter into a verbal agreement with somebody to do some tiling I then ask him how much it will cost. He tells me, and I then tell him to go ahead and do the job. Is not that a contract?

The Hon. D. H. L. Banfield: That is all right.

The Hon. C. R. STORY: If I believe that man, I do not want his signature on paper.

The Hon. D. H. L. Banfield: But that is not the way it happens.

The Hon. C. R. STORY: It does. Obviously the Minister and the architect of this Bill have an idea so firmly in their minds that they cannot see the forest for the trees.

The Hon. Sir Norman Jude: I do not think the term "architect" is deserved here.

The Hon. R. C. DeGaris: You should say "author".

The Hon. C. R. STORY: That would be a better word. I do not think the Minister should rubbish himself by persisting with this one-track idea that contract work is always nefarious.

The Hon. A. F. Kneebone: Obviously, you do not know what really goes on.

The Hon. S. C. Bevan: Go to the master builders and tell them what you are telling us.

The Hon. C. R. STORY: They will have the opportunity of telling me, because they will read it all in *Hansard*.

The Hon. D. H. L. Banfield: The way you are talking, they will be down to see you tomorrow.

The Hon. C. R. STORY: It will be permanently recorded in *Hansard*. The master builders are only one section of the building trade, not the whole trade. After all, the master builders of today were the subcontractors of yesterday, They all started in a very small way. Most of them started as bricklayers, carpenters or plaster fixers.

The Hon. A. F. Kneebone: And most of them on a weekly wage.

The Hon. C. R. STORY: That is probably right. The Minister keeps on saying that subcontractors should not really be allowed to exist, but I like to do my business in this way because, if I engage a person to do a job and he can get it done for me in a hurry, that suits me down to the ground because I am a person who usually leaves it to the last minute to get things done.

The Hon. A. F. Kneebone: Nobody is objecting to the legitimate subcontractor.

The Hon. C. R. STORY: I am pleased to hear that because the Minister will have an opportunity of accepting some amendments concerning what I consider to be legitimate subcontractors.

The Hon. D. H. L. Banfield: What is your interpretation of "legitimate"?

The Hon. C. R. STORY: The President would be cross with me if I gave it, and *Hansard* would not print it! The Bill does not really tell us what this advisory committee is.

The Hon. M. B. Dawkins: It does not tell us what it is for.

The Hon. C. R. STORY: In the Bill concerning electricians—

The Hon. A. F. Kneebone: That Bill mentioned the trade organizations.

The Hon. C. R. STORY: Not so long ago this Council approved that Bill without much amendment. That legislation spelt out for us who would constitute the board and told us something about the advisory committee, but in this Bill the advisory committee is simply defined in this way:

13. (1) There shall, for the purposes of this Act, be a committee which shall be called the "Builders Licensing Advisory Committee".

(2) The advisory committee shall consist of—

(*a*) such number of members as shall be prescribed; and

(*b*) such members appointed by the Governor as shall, in the Governor's opinion, be representative of the various sections of the building industry.

The Hon. M. B. Dawkins: That is most specific!

The Hon. A. F. Kneebone: What are you objecting to—that some sections of the industry of which you do not approve may be represented?

The Hon. C. R. STORY: I represent all people and approve of all people.

The Hon. A. F. Kneebone: I thought you were objecting to the trade union movement being represented.

The Hon. C. R. STORY: As one who has been a card-carrying trade unionist and has always earned his living, I have never advocated depriving the trade unionist of representation. He should be represented. Do not let the Minister get the idea that members of his Party are the only ones to think about the rights of trade unionists.

The Hon. A. F. Kneebone: Your objection to this is that the trade union movement is envisaged as being represented on the advisory committee?

The Hon. C. R. STORY: That is quite wrong; I do not object to the trade union movement being represented.

The Hon. A. F. Kneebone: That is all I asked.

The Hon. C. R. STORY: I thought the Minister put it in a positive way and said that I was objecting because of that. I am not objecting on that ground at all. I am objecting because this legislation seems to be typical of so much that we have had lately—hastily drafted and incorporating hastily conceived ideas in order that the Government may keep some election promises. In the dying hours of the session the Government has suddenly become enthusiastic about it. It has been said that provisions relating to the licensing of builders have been worked on for three years, but the provisions dealing with the advisory committee have been put in at the last minute and under pressure.

The Hon. A. F. Kneebone: I believe the Master Builders Association asked the Playford Government for this.

The Hon. C. R. STORY: There is no denying that, and I make no secret of it. If the advisory committee is necessary, why is its personnel not delineated?

The Hon. A. F. Kneebone: They will be prescribed by regulations, and you have the chance to move for their disallowance.

The Hon. C. R. STORY: We want to make these things work. With the regulations relating to electricians, we said that we should have a look at them before they were gazetted. There was a great hue and cry that the Opposition was trying to hold up the implementation of the legislation. This has now come to pass, and the legislation is operating quite satisfactorily.

The Hon. A. F. Kneebone: You asked for a provision that the regulations had to be passed by both Houses of Parliament.

The Hon. C. R. STORY: It was concluded satisfactorily without any problem. This Bill provides that the advisory committee shall comprise representatives of the various sections of the building industry. Why is it restricted to the building industry? At what point of time does the public (the vital element) get a say? Is any provision made for the public?

The Hon. A. F. Kneebone: The Minister is answerable to Parliament and therefore to the public.

The Hon. C. R. STORY: The Minister is not on the advisory committee, which advises the board. I am sure that the Minister, who works very hard, would not want every one of these matters to come before him. He must rely on the board. It is interesting to see how the cat has been swung and how far we have come in two years. Two years ago the Government would not have a bar of boards. It disbanded some of them, so that all matters would come under the Minister.

The Hon. S. C. Bevan: There are plenty of boards in the building industry.

The Hon. C. R. STORY: In its third year of office, when the Government is approaching the people—

The Hon. D. H. L. Banfield: With confidence!

The Hon. M. B. Dawkins: It remembers last November very well.

The Hon. C. R. STORY: We are all entitled to our opinion on that matter, but this Government was not in favour of boards.

The Hon. A. F. Kneebone: You must have boards in the building industry.

The Hon. C. R. STORY: Yes, because this happens to serve the purpose. The Government did not like the Harbors Board, nor did it like various other boards whose wings were clipped or whose personnel were changed. Now the Government is back in the board business because it has just woken up that it is better to refer matters to boards. By doing this the Government has something to shelter behind. This starry-eyed idea that the Minister must take responsibility at all times, stand up in Parliament and take the whole thing on his chin has been given up.

The Hon. A. F. Kneebone: It's only an advisory committee.

The Hon. C. R. STORY: Quite, but the members will be paid and the committee will be properly constituted. First, I do not know why there is need of an advisory committee and, secondly, I do not agree with the way the committee will be set up.

The Hon. L. R. Hart: It will mean a few jobs for Party hacks.

The Hon. C. R. STORY: I do not want to become political in this matter. I am disturbed by the inconvenience that will be caused to many people as a result of this legislation. I do not know whether the Minister is in a frame of mind to accept amendments.

The Hon. A. F. Kneebone: It's not my Bill; it's the Chief Secretary's.

The Hon. C. R. STORY: I am sorry. I have been addressing my remarks to the wrong Minister. I was getting more response from a Minister not in charge of the Bill than from the one who is in charge of it. Under the Bill, if a person wishes to employ a handyman to do some subcontracting type of work, he is restricted to the paltry sum of $100, or $500 if the total amount of work and material comes to that figure. The Western Australian legislation, which came into operation in 1939, commenced with $1,600 as the permissible downward limit. The figure has been amended twice in the meantime and now stands at $2,400, which is more realistic. It seems to me that the Minister should have another look at some of these matters.

The Hon. R. C. DeGaris: Why are the two sums mentioned?

The Hon. C. R. STORY: I should like the Minister to explain this, because this was not made clear in his second reading explanation. The point is that clause 24 is objectionable, not only to members of this Council but also to the Master Builders Association.

The Hon. S. C. Bevan: The Master Builders Association is supporting the Bill.

The Hon. C. R. STORY: I do not think so.

The Hon. S. C. Bevan: They have made it quite clear; you can see by the paper.

The Hon. F. J. Potter: I think the honourable member is at present referring to clause 24.

The Hon. C. R. STORY: For the edification of this Council I will read a letter from Mr. K. C. West, Executive Director of the Master Builders Association of South Australia, dated October 11, 1967, addressed to the Leader of my Party. Mr. West writes:

Dear Sir,

Builders' Licensing Act, 1967

I confirm today's telephone conversation in which I drew your attention to clause 23 of the proposed Bill.

I point out that because of re-numbering that is now clause 24. The letter continues:

As the clause stands it has the effect of negating any arbitration clause in any building contract, and a provision which so completely overrules a practice which has been a custom in the building industry for many years cannot be accepted by this association.

I cannot see how the Minister could say—

The Hon. S. C. Bevan: Is that letter from the Master Builders Association?

The Hon. C. R. STORY: Yes, the Master Builders Association of South Australia, Incorporated, of the Building Centre, 47 South Terrace, Adelaide, South Australia. It is signed by their Executive Director, Mr. K. C. West. Therefore, I draw the Minister's attention—

The Hon. A. F. Kneebone: Did you read all of the letter or only part of it?

The Hon. C. R. STORY: If the honourable member wishes, I will not only read the whole of the letter but I will table it. In fact, I will table the letter, which will save my reading it. It goes on to give the guiding rule presently covering arbitration proceedings as set out in *Scott v. Avery*.

The Hon. R. C. DeGaris: Is that a House of Lords case?

The Hon. C. R. STORY: Yes, volume 5, page 811 of the House of Lords cases. That is set out in the letter, together with certain

other items dealing with this matter. The letter concludes:

We repeat that this point may be a minor one and if, after due consideration, you feel that it is not worth pressing, we will have no objection.

This is something that has been with the building trade, as the writer says, for a very long time, and they want to retain it. I would not have quoted the letter but for the Minister saying that the master builders had agreed with everything that is in the Bill.

The Hon. R. C. DeGaris: Do you think that the master builders understand the Bill completely?

The Hon. C. R. STORY: I do not know whether they understand the full implications. Perhaps it would be charitable to say that it would be better if we admitted that they did not understand its implications because if they understood them (it is not perhaps a generous thing for me to say this, but I do not believe the master builders are thinking very much except of their own interest in this matter) they would not agree to the Bill. To say that the master builders are unanimous in support of the Bill would not be correct; the executive may be, but to say that master builders throughout the State were unanimous would be stretching it too far. The Minister said he thought they knew everything in the Bill but perhaps they did not know that the Bill embraced the whole of the State.

The Hon. D. H. L. Banfield: What did they think it was confined to?

The Hon. C. R. STORY: They thought it would be confined to areas where the Building Act operated and, with great respect, that is where it should operate. It has been inflicted upon people who have no interest at all in the building industry, such as those who want to erect windmills, put in irrigation schemes, erect drying racks, erect country sheds—

The Hon. S. C. Bevan: And other classes of structure.

The Hon. C. R. STORY: Yes, of a similar type. They have been inflicted with this all-embracing legislation and I do not believe that they should be. I have said a lot but I am not going to pursue the Bill through the clauses because that will be done in the Committee stage. Suffice it to say that I am encouraged to think from interjections made by an honourable gentleman on the front bench opposite that some of the objections put forward by members of the Opposition will be accepted. I say that because I think that honourable members opposite will see the wisdom of some of the amendments and their sense of fair play will lead them to believe that the points raised are valid and legitimate. I do not imagine that the movers of the amendments will have many problems in having them accepted by another place.

The Hon. C. D. ROWE (Midland): I had not intended speaking on the Bill but I think I should mention one or two matters. The first is that I think it is clear that this Bill will reach the Statute Book and with the Bill. in principle, I agree. I agree with the principle of the registration of builders because I am a member of a profession in which members must have certain qualifications and must meet certain requirements before being admitted. I believe that to be in the interests of the public, but unfortunately today I can give numerous instances of people who have got themselves into trouble because they have gone to people other than those qualified to give legal advice. That seems to have been the history of things in recent years as it concerned various bodies such as the hairdressers, electrical contractors, and plumbers, all of whom have said that they thought it would be in the interests of the general public (and, incidentally, in their own interests) that there should be a registered body to look after these things.

So that type of principle has been accepted, and I accept it as far as this Bill is concerned. The point I make is that I think this Bill is far too embracing both in regard to the area in respect of which it will have force and in regard to the types of construction that will be brought under its control. My view is that the major criticism with regard to jerry building arises in the home-ownership area because on larger buildings architects are engaged and that ensures proper supervision and design in accordance with the Building Act. This Bill will not achieve anything in its effect on the erection of multi-storey buildings, and that is why I am not worried about that aspect.

However, the second thing is that there is a lot of minor construction work going on about farm homesteads and in country areas where I think it will be difficult to get a registered builder if one is required, and that is not the type of construction that is used for human habitation. It is not the type of construction that necessarily needs a registered builder: a handyman could cope with it. In every country town there are people who earn a satisfactory living doing this kind of work, and I believe they should be exempted and allowed to build this kind of structure. In so

far as this Bill will prevent these people operating, it goes too far, and I should like to see them exempted.

In other Bills of this type we have nearly always provided that, where a person has been established in the industry or occupation, even though he has reached that stage without any proper training but by virtue of the work he has done, he is to be included. Many people in the country have built houses well for years, but they would not have qualifications; they might never have attended the trades school. These people should not be deprived of their livelihood.

The Hon. S. C. Bevan: What about a person who sets himself up as a builder but has never laid a brick in his life, and who subcontracts?

The Hon. C. D. ROWE: I think the Minister is referring to the building speculator, who decides he is a good businessman and that, consequently, he will build houses for profit. I certainly think that there should be control regarding the quality of the work he does.

The Hon. S. C. Bevan: Wouldn't the honourable member's proposal enable him to go on as he has been going on?

The Hon. C. D. ROWE: If the Minister interprets my proposal to mean that, I have given the wrong idea. I believe this Bill indicates clearly the value of a House of Review. This is not apparent to the public, but it has been apparent to me throughout the last two and a half years. Although this Council has been criticized, I firmly believe that the Bills amended here have nearly always left here better than they were when they arrived, not only from the drafting viewpoint but also from the viewpoint of being effective legislation.

This Bill is a typical example. It will be amended in this Council, but not in order to destroy the intent and import of the Bill; I believe the amendments will not hamstring the Bill in achieving its aims, but will remove many of its provisions that would serve no useful purpose. Although we hear criticism of the Legislative Council from Government members and although we hear of the frustrations we are supposed to impose on the Government, nevertheless I believe the Government should express its appreciation to the Legislative Council for the careful way it has vetted Bills that have come before it and for the worthwhile amendments it has made. We must always remember that, whilst the Government claims credit for much of the legislation that has been passed in the last few years, it should first thank the Legislative Council for supporting legislation because, without such support, the Government could not have got the legislation on the Statute Book. These things are important, and show the importance of a House of Review; this will become increasingly evident as this Bill is further considered.

The Hon. F. J. POTTER secured the adjournment of the debate.

TRAVELLING STOCK RESERVE: KOORINGA, BALDINA AND KING

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That the travelling stock reserve between Baldina Creek and Stone Chimney Creek and extending easterly, westerly around and beyond Douglas, and southerly, in the hundreds of Kooringa, Baldina and King, as shown on the plan laid before Parliament on September 12, 1967, be resumed in terms of section 136 of the Pastoral Act, 1936-1966, for the purpose of being dealt with as Crown lands.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

In Committee.

(Continued from October 17. Page 2697.)

Clause 4—"Land not to be sold, etc., except in allotments"—which the Hon. F. J. Potter had moved to amend by striking out all words after "1940" in new subsection 4 (*b*) of section 44.

The Hon. F. J. POTTER: Yesterday the Minister of Local Government replied to some of the matters raised by the Hon. Mr. Hill, and then progress was reported. I have considered again what the Minister has said and I find he did not answer one of the points made by the honourable member. The Hon. Mr. Hill believed that in future there would be no approval of the subdivision for unit purposes under the old company scheme unless strata titles were involved; he believed this was the main reason why the Director's approval would be necessary. The Minister did not deal with this matter, and I wonder whether he can deal with it now.

The Hon. S. C. BEVAN (Minister of Local Government): Once the plan is approved it certainly comes under this provision. However, if it is not an approved strata title plan it does not come under the Bill at all. I thought I made this point clear yesterday.

The Hon. R. C. DeGARIS: This is a complex matter. I understand that the Minister said that the amendment would take away from the Director the power to control these

types of unit. I think the Hon. Mr. Potter clearly pointed out that it would not take away the control from the Director and that the Director did have control under clause 36 (4). The Minister went on to say that in his opinion the amendment was being moved for the sole purpose of removing the obligation to pay the prescribed fee of $100. How can this occur? The only way the Director can get his $100 is to insist on a strata titles plan. Therefore, it appears that this extra power over and above the power he already has under section 36 is required as a method of insisting on strata titles for this type of development.

It seems that the provisions of this Bill will cut across the future development of the company set-up of these units with tenants in common, and I believe that is the very problem the Hon. Mr. Hill foresaw. Would the Minister comment on this matter?

The Hon. S. C. BEVAN: I thought I made the point clear yesterday. If the amendment is carried, there will be uncontrolled building of these double units not only in the metropolitan area but in country districts. A council that adopts the provisions of the Building Act cannot withhold consent to this sort of development provided the provisions of the Act are complied with. The problem facing the Director is what will happen if there is no control over the establishment of these units. I do not think any honourable member wishes to see this state of affairs arise.

First, it is necessary that there be a title under the strata titles plan. I suggest that the main purpose of the amendment is to release these places from control so that they can be established by a developer.

The Hon. F. J. Potter: What about section 36 of the Planning and Development Act? The Director has power there.

The Hon. S. C. BEVAN: If these words are taken out by the amendment, what would be the reason for having the Bill before us? We have already enacted amendments to two other Acts directly affected by this legislation. At present there is a conflict between the Planning and Development Act and the strata titles legislation, and this amending Bill has been introduced to remove that conflict. If honourable members want this class of development to go on in an uncontrolled way, they will achieve that by supporting the honourable member's amendment. I say that is definitely wrong, and I again appeal to honourable members, in the best interests of all concerned, to reject the amendment. We have heard much about the small man, and it is essential that his interests and the interests of pensioners be protected. These units cost up to $9,000 and $10,000, so they are not cheap by any means.

Although I do not criticize the development that has taken place with double units (I said yesterday that those that had been put up by very big developers in this State were very good and left nothing to be desired), I do criticize developers being allowed to indulge willy nilly in the old type of development, and this would occur if these amendments were carried. It is necessary for these things to be brought within the strata titles legislation. In that way, we will be able to control this type of development.

The Hon. F. J. POTTER: I agree with the Minister that the object of the amendment is to remove the necessity to obtain the Director's consent to development for which strata titles are not required. I think that was the whole object of the amendment. It is obvious from what the Minister has said that in future there will not be the opportunity for any development under the old system. Because of the necessity to obtain the consent of the Director, development will have to take place under the strata titles system and the old system will no longer be permitted.

True, the whole object of the amendment is to allow development to go on under the old system without the consent of the Director. For the life of me, I would have thought that under section 36 (4) this kind of control was pretty adequate. However, if it is the policy to insist on strata titles in the future we are really talking of entirely different matters and different conditions apply.

The Hon. R. C. DeGaris: Does it affect the control?

The Hon. F. J. POTTER: I should have thought it would. It is fairly wide. I should have thought the Director had sufficient powers to control this limited type of development by still using the old system of tenancy-in-common titles with the company set-up and a head lease and an under-lease. I do not think the Minister has answered that question. Perhaps he can add something to what he has already said.

The Hon. S. C. BEVAN: As I said yesterday, the crux of the whole matter is that the amendments would enable a person who fails to get approval to a plan of subdivision or plan of resubdivision of any land to effectively subdivide the land by erecting home units (or pairs of shacks in country areas) on the land.

Such a person would also avoid payment of the prescribed reserve contribution into the Planning and Development fund administered by the State Planning Authority.

The Hon. F. J. Potter: That is in the absence of any regulations.

The Hon. S. C. BEVAN: That is the honourable member's interpretation but I am giving the opinion of the Director, to whom the matter was referred. If a plan has been submitted, considered and eventually rejected, the person has a right of appeal, but under this amendment he could go ahead and establish these units.

The Hon. F. J. Potter: He could be stopped by regulation.

The Hon. S. C. BEVAN: I do not know about that. How can a regulation be made to stop something when the legislation authorizes it to be done? The regulation could be *ultra vires.*

The Hon. F. J. Potter: We are dealing only with future development, not past.

The Hon. S. C. BEVAN: But the amendment deletes the date. After the Act is proclaimed, a person would still be free to operate under it. This amendment is not desirable.

The Committee divided on the amendment:

Ayes (13)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

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

Majority of 8 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 5—"Penalty for dividing land otherwise than in accordance with plans."

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

In new subsection (2) (*b*) to strike out all words after "1940".

This amendment is similar and complementary to the one we have just approved.

The Hon. S. C. BEVAN: I oppose this amendment on the same grounds as I opposed the last one. I can add nothing further.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

MINING (PETROLEUM) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 17. Page 2688.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill. Its provisions were very well covered yesterday by the Hon. Mr. Whyte, who had put much research into its implications. As the Minister said in his second reading explanation, this is a Bill to amend what was virtually a new Act in 1940. Since that time, of course, both the Government and companies engaged in oil research have had considerable experience with this legislation, not only in this State but throughout the Commonwealth. Not only have they had experience, but the search for oil has been successful. Considerable commercial gas finds have been made in the Gidgealpa area and in other parts of Australia, both on the land and offshore. It is only too obvious that after 27 years and in the light of the experience that has been gained the Act should again come up for amendment.

I was interested in the Minister's statement that the principles on which the Bill had been drafted were submitted to the petroleum industry for its consideration and comment, that formal meetings and discussions had been held with representatives from the industry, that the Bill embodied many of the constructive submissions that had been made, and that the principles of the Bill had been approved and commended by the petroleum industry. It is not a new departure to consult the industry, but I consider that the Bill throughout shows more protection for the industry and for the Crown. I have studied the Bill in some detail to see whether any further protection is given to the owners of land where drilling and exploration work takes place, because of the experience the Mines Department has had of well drillers moving on to private property and perhaps because of some of the unpleasant incidents that have occurred. Clause 27, which amends section 52 of the Act, now places an obligation on the licensee to fence the part of the land he is using if so requested by the occupier of the land. This is some concession to the rights of the landowner. The original Act was passed in 1940, when somewhat different circumstances existed, in that the State was virtually virgin country as far as oil exploration was concerned; in fact, many people thought that oil or gas would never be found.

It was obvious then that the maximum amount of encouragement should be given to people who were prepared to take up oil exploration at great cost and that as few obstacles as possible should be put in their way. Now that we have the chance to review the Act after 27 years and we know that gas and, possibly, oil in commercial quantities exist in South Australia, I think that the Bill is due for revision. After listening to the debate on the Planning and Development Act Amendment Bill, I am surprised to find that the Director of Planning is not mentioned in this Bill, which deals extensively with the constructions necessary in the development of oil fields.

The Hon. D. H. L. Banfield: Do you think it was an oversight?

The Hon. G. J. GILFILLAN: I think it could have been, because this Bill deals extensively with the installations necessary to operate oil fields. Who knows where the oil field may be? It could easily be in a declared area. I do not wish to prolong the debate on the Bill, which I have examined in detail and which is an improvement on the old Act brought about by 27 years of experience. I support the Bill.

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

ADJOURNMENT

At 4.57 p.m. the Council adjourned until Thursday, October 19, at 2.15 p.m.