LEGISLATIVE COUNCIL

Tuesday, October 24, 1967

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

QUESTIONS

KIMBA WATER SUPPLY

The Hon. A. M. WHYTE: I understand the Minister representing the Minister of Works now has a reply to my recent question about the Kimba-Polda main.

The Hon. A. F. KNEEBONE: This Government has approached the Commonwealth Government twice about a scheme for Kimba but so far the Commonwealth has made no decision in the matter.

The Hon. A. M. WHYTE: In view of the reply from the Minister of Works given by the Minister of Labour and Industry, will the latter Minister ascertain from his colleague the Government's attitude to the reply from the Commonwealth Government and what will be the Government's next step? Does it intend negotiating with the Commonwealth Government indefinitely, or will it make some start on this scheme if the Commonwealth Governwill not oblige?

The Hon. A. F. KNEEBONE: According to the answer I gave, the Commonwealth Government has made no decision on the matter. There has been no reply from the Commonwealth Government as yet, although the Government is pressing for one.

HOSPITALS

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my recent question about hospital beds in South Australia?

The Hon. A. J. SHARD: The public hospitals, with variations in numbers of beds between June, 1965, and June, 1967, are shown below:

	1965	1967	Increase	Decrease
Royal Adelaide Hospital	1,275	1,283	8	—
Port Lincoln	67	72	5	—
Wallaroo	68	76	8	—

A rebuilding programme is in operation for the Royal Adelaide Hospital. When completed, it will provide 310 additional beds. A 270-bed extension has been approved for the Queen Elizabeth Hospital and is now being planned.

Mr. President, with your permission and the concurrence of the Council, as there are many figures given for country subsidized hospitals, I ask leave to have the rest of the reply incorporated in *Hansard* without my reading it.

Leave granted.

GOVERNMENT SUBSIDIZED HOSPITALS

	1965	1967	Increase	Decrease
Angaston	40	52	12	—
Balaklava	30	29	—	1
Burra Burra	36	38	2	—
Cleve	25	30	5	—
Cummins	16	18	2	—
Elliston	8	9	1	—
Great Northern (Hawker)	14	18	4	—
Hutchinson (Gawler)	52	47	—	5
Kangaroo Island (Kingscote)	14	20	6	—
Kapunda	28	23	—	5
Keith	18	33	15	—
Kimba	17	24	7	—
Lameroo	13	19	6	—
Loxton	34	49	15	—
Mount Pleasant	16	18	2	—
Onkaparinga	24	26	2	—
Peterborough	35	42	7	—
Riverton	26	27	1	—
South Coast (Victor Harbour)	48	55	7	—
Southern Districts (McLaren Vale)	19	29	10	—
Strathalbyn	22	36	14	—
Streaky Bay	20	40	20	—
Tatiara (Bordertown)	31	27	—	4
*Lower Murray (Tailem Bend)	—	28	28	—

* (This hospital was not a Government subsidized hospital as at June, 1965.)

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

Leave granted.

The Hon. R. C. DeGARIS: I thank the Chief Secretary for his reply to my question concerning hospital beds in South Australia, but I asked him whether he could inform the Council what increase had taken place since June, 1965, in the total number of beds in the public hospitals in the State. He gave me the increase in certain hospitals. As far as I can ascertain, the position is that in June, 1965, the total number of beds available, excluding mental hospitals, was 2,471 and in June, 1967, the total was 2,459. Can the Chief Secretary confirm these figures?

The Hon. A. J. SHARD: No, I am not confirming any figures that may have been given, although I am prepared to have a look at them. I noticed that there were only three State hospitals quoted in the reply I gave. If the Leader wants the figures for all country hospitals I shall endeavour to obtain them.

The Hon. R. C. DeGaris: I want the total number of Government beds.

The Hon. A. J. SHARD: The Queen Elizabeth, the Royal Adelaide, Wallaroo, Port Pirie, Mount Gambier, Port Augusta and Barmera hospitals are involved in this. I think the total beds the Leader wanted were for 1965 and 1967.

The Hon. R. C. DeGaris: Yes.

GLENELG POLICE STATION

The Hon. C. M. HILL: Has the Minister of Labour and Industry a reply to my questions of September 28 and October 12, 1967, about the police station property in Moseley Square, Glenelg?

The Hon. A. F. KNEEBONE: Yes. This matter has been considered by Cabinet. It is at present intended that temporary alterations be made to existing buildings on this site to provide better accommodation for the police and the court. There are no proposals for new buildings to be built immediately on the site. However, before the Government spends money on these alterations, Cabinet considers that we should have a clear agreement with the Glenelg corporation as to the future development of the site so that we can make provisions and not spend, unnecessarily, any money on what are only temporary alterations. In order that we may negotiate on long-term future plans for this site before spending money on it, Cabinet has decided that the temporary alterations will not be started until February of next year, and existing tenants will be allowed to remain until then. However, they should be aware that after that date their tenancies will probably be terminated. Meanwhile, I hope that we may complete the agreement with the Glenelg corporation about the future of this site.

GAUGE STANDARDIZATION

The Hon. R. A. GEDDES: In view of the statement by Mr. Wentworth, M.H.R., published in last Saturday's *Advertiser* regarding the possible standardization of the railway line from Adelaide to Port Pirie, can the Minister of Transport say what steps his Government intends taking regarding this matter?

The Hon. A. F. KNEEBONE: After seeing the report in the newspaper I was quite sure an honourable member would ask a question concerning it. In reply, I point out that South Australia has consistently pressed for an integrated standard gauge rail system connecting Adelaide with northern lines. In fact, the Rail Standardization Agreement provides for the conversion to standard gauge of all lines in South Australia, except those on Eyre Peninsula.

In April, 1966, the South Australian Railways Commissioner submitted to the Commonwealth Railways Commissioner his comments on the latter's proposed report to the Commonwealth Minister for Shipping and Transport on standardization north of Adelaide. Since then this State has pressed for this work to be approved and for work to be phased in concurrently with the phasing out of current work on the line from Port Pirie to Cockburn. The Premier wrote to the Prime Minister on August 3, 1967, pressing for an early decision. No decision has been made by the Commonwealth, but this State will continually press for this work to be put in hand. The importance of Adelaide's being connected by standard gauge to Sydney and Perth is ever present in the Government's thinking.

Unfortunately, the suggestion of Mr. Wentworth in last Saturday's *Advertiser* is not quite as simple as it sounds. The Government and the Railways Commissioner are well aware that between Adelaide and Port Pirie conversion, in some parts, involves only the moving of a rail. This is, however, an over-simplification of the work involved. It would be essential for the standard gauge to come right into Adelaide, with appropriate terminal and marshalling facilities. It also involves the problem of traffic flows on the remainder of the Peterborough Division and the consequent

inter-movement of trucks on both standard and broad gauge on the Adelaide Division. This latter point is of strong significance in the State's representations to the Commonwealth. It is essential for us to be involved in a minimum of expensive change-of-gauge transfer facilities, be they bogie exchange or otherwise.

In short, we want an integrated standard gauge system connecting Adelaide with Western Australia and New South Wales that will bring the maximum benefit to this State. The Commonwealth Government is well aware of South Australia's views on this, and the State will continue to press for an early decision.

DROUGHT ASSISTANCE

The Hon. V. G. SPRINGETT: In one of the Victorian newspapers published last Saturday I saw a statement that the total loss because of the drought in that State would be about $150,000,000. Can the Chief Secretary say what will be the approximate loss in this State?

The Hon. A. J. SHARD: I cannot answer that question offhand. The figure I have in my mind is $6,000,000, which the Government estimates will be needed to meet drought relief. I think the Victorian figure must relate to the overall loss in that State, but I have not heard the corresponding figure for this State. However, I shall endeavour to find out, and I shall let the honourable member know.

The Hon. G. J. GILFILLAN: I seek leave to make a short statement prior to asking a question of the Minister of Transport.

Leave granted.

The Hon. G. J. GILFILLAN: All honourable members are becoming increasingly concerned about the deteriorating position in this State as a result of the drought and about the question of drought relief. As honourable members are aware, the control of the storage of feed grains in South Australia is in the hands of the South Australian Bulk Handling Co-operative. The three main feed grains, of course, are oats, barley and wheat. Members would also be aware that most silo installations in South Australia are on railway property. In the original agreement between the South Australian Railways and the co-operative, it was a condition that in order to protect the railways a surcharge of 83c a ton should be put on any grain taken from the silos by other than railway transport. In view of the very serious position at present, and in view of the fact that the removal of this feed grain from the silo does not involve the railways in any cost, will the Government waive this surcharge?

The Hon. A. F. KNEEBONE: Some approaches have been made to me regarding this matter. As it has to be dealt with as a drought relief matter, the question has been referred to Cabinet for consideration.

The Hon. L. R. HART: Has the Chief Secretary an answer to my question of October 18 regarding concession rates on fodder?

The Hon. A. J. SHARD: Last week the honourable member asked a question in connection with freight rebates on fodder. This could tie up with the question asked by the Hon. Mr. Gilfillan. My colleague the Minister of Lands reports as follows:

It is anticipated that the Commonwealth will agree that funds that it will provide for drought relief, either jointly with the State or separately, may be used for provision of freight rebates on fodder which it is necessary to bring considerable distances to drought-affected areas. In this case applications of the nature specified by the Hon. Mr. Hart will be dealt with on their merits.

HACKNEY REDEVELOPMENT

The Hon. C. D. ROWE: Has the Minister of Local Government a reply to my question regarding the redevelopment of the Hackney area?

The Hon. S. C. BEVAN: The suggestion that an area near Hackney bridge should be considered for comprehensive redevelopment originated from the St. Peters council. The immediate area concerned comprises about 12 acres and is bounded by Hackney Road, Bertram Street, St. Peter's College boundary, Torrens Street and the Torrens River. The State Planning Office has carried out a review of a tentative scheme put forward by the St. Peters council and has made comparisons of cost and revenue between possible schemes of high residential density and medium residential density. Preliminary discussions are taking place between the St. Peters council, the Housing Trust, the State Planning Office and private developers with a view to determining whether redevelopment could be achieved by the Housing Trust, by private developers or by a combination of both. This involves the question of who will pay the difference between the cost of acquisition of land and the value the land will have for residential redevelopment.

A further question that arises is whether powers of acquisition of property under the Housing Improvement Act should be used, or whether it would be preferable for the State Planning Authority to be asked to use its

powers under the Planning and Development Act. None of these matters has yet been resolved, and until they are it will not be possible to state whether the project can proceed. If it does proceed, compensation to any persons displaced will be determined by law.

ELECTRICITY TRUST LOAN

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

Leave granted.

The Hon. C. R. STORY: I think most honourable members are aware that an Electricity Trust cash subscription loan is now current. It has always been the custom, so far as I know, for the public to be properly apprised when these loans are current. I do not think anyone disputes that the provincial press in South Australia does a magnificent job in the various local areas. I have a telegram from the secretary of the provincial press asking me to draw the Government's attention to the fact that country newspapers have not been given the opportunity to let the country people know by advertisements that this loan is current. In view of the fact that the daily press does not always circulate in certain country areas, will the Chief Secretary take up with the Government the question of advertising these loans through the provincial press? Many country people like to stick to their own newspaper because they feel it is usually close to fidelity.

The Hon. A. J. SHARD: I shall draw the attention of the appropriate Minister to this matter.

NURSES

The Hon. V. G. SPRINGETT: Has the Chief Secretary a reply to my question of September 21 regarding increased recruitment into the nursing profession?

The Hon. A. J. SHARD: No, but I shall endeavour to obtain a reply for the honourable member.

WATER SUPPLY

The Hon. C. M. HILL: Has the Minister of Labour and Industry, representing the Minister of Works, a reply to my question of September 21 regarding the water supply position in the Beulah Park area?

The Hon. A. F. KNEEBONE: The Minister of Works reports:

Beulah Park is located in the higher part of the R.L. 446 zone, which is fed from the Norwood and Glenside tanks. Due to the developments and consequent improvements that have had to be progressively made in the R.L. 446 zone in recent years, difficulties have been experienced in maintaining satisfactory pressures at periods of peak demand to all consumers in Kensington, Beulah Park and Trinity Gardens. A close watch has been kept on this position, and steps have been taken and are currently in hand to improve the distribution system and so ensure a satisfactory supply at all times. In 1961-62 over 30,000ft. of new main were laid in Beulah Park and Trinity Gardens to improve the distribution system.

Early in 1967 approval was given for the expenditure of $50,700 on the laying of 2,600ft. of 8in. main in Gage Street, Firle, 1,650ft. of 6in. main in Gurrs Road, Beulah Park, 2,580ft. of 6in. main in The Parade, Beulah Park, and 2,750ft. of 8in. main in Glynburn Road, St. Morris. This work has been completed and has considerably improved the water supply in this general area.

On October 16, 1967, Cabinet approval was given for the expenditure of $95,000 on the erection of a 2,000,000-gallon concrete surface storage tank in Knightsbridge Road, Leabrook. This tank, which will be built with a full supply level the same as those of the Norwood and Glenside tanks, will considerably improve the availability of water to the R.L. 446 zone and should further improve the supply to the Beulah Park area.

POLICE POWERS

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. L. R. HART: In last Friday's *Advertiser* appeared an article headed "C.I.B. warns on crime." The article stated that the chief of the Adelaide Criminal Investigation Branch, Superintendent N. R. Lenton, had said:

The police are slowly losing the fight against crime in all affluent countries. . . . This is because of most unrealistic protections of the criminal element. . . . The battle against crime is slowly being lost, so police powers must be increased or there should be a reduction of the protection offered to the criminal element to balance the scales of justice.

He went on to say that the public must be prepared to foot the bill involved in building up and maintaining an efficient force. Can the Chief Secretary assure this Council that the South Australian Police Force is having made available to it the finance required to keep the force up to the required strength and that the Government will not introduce legislation that will in any way reduce the powers of the Police Force?

The Hon. A. J. SHARD: Nobody has a greater admiration of the Police Force than I; it is a force of which we can all be proud.

Its members are doing a magnificent job. The Government considers that the strength of the force is adequate to do the job required of it. I hasten to add that the finance made available to this department has not been sufficient to be completely satisfactory to the Commissioner. That will always be so because no head of a department is ever satisfied that he gets enough money or people to do the work he is set. My Cabinet colleagues and I, since we have been in Government, have never done anything detrimental to the Police Force. We have placed no obstacles in its way and have never directed it as to what it should or should not do.

The Hon. Sir Arthur Rymill: There was something about "moving on".

The Hon. A. J. SHARD: It is still the same position as under the Liberal Government.

The Hon. Sir Arthur Rymill: Thanks to this Council.

The Hon. A. J. SHARD: If the honourable member wants to come in on this, let him, because I know this subject. Since we have been in Government we have done nothing to hinder the police; neither have we directed it in any way. The Commissioner of Police is a man of ability who knows where he is going and what he wants to do.

The Hon. R. C. DeGaris: He has to have protection, too, hasn't he?

The Hon. A. J. SHARD: My word, he has! He is not the only one who needs protection at times either. Only yesterday I discussed with a prison authority what Superintendent Lenton had said. He knows something about this, which is a world-wide trend. The Commissioner of Police and I have agreed, during my term of office, at conferences overseas and in Australia on things that could improve the work of the force. The additional assistance necessitated by an increasing technical knowledge has been readily granted to the police by me, as Chief Secretary, with the backing of Cabinet.

The Hon. R. C. DeGARIS: Will the Chief Secretary say whether it is not a fact that at least two Bills have been before Parliament that would have seriously affected the powers of the Police Force in the performance of its duties, particularly in relation to moving on certain people?

The Hon. A. J. SHARD: Not as far as I can remember, but I should like to check this.

LOCAL GOVERNMENT ACCOUNTING

The Hon. C. D. ROWE: I ask leave to make a short statement prior to asking a question of the Minister of Local Government.

Leave granted.

The Hon. C. D. ROWE: Last week, on behalf of my colleagues in Midland and myself, I asked two or three questions about the local government accounting regulations. The last request I made was that consideration be given to extending the time for the implementation of these regulations to July 1, 1969, in the case of certain councils. I think the Minister agreed he would look at that matter and let me know his views. Since then all members in Midland have received a further letter from the District Council of Clinton. I do not propose to read it to the Council but will make it available to the Minister, as it raises certain points. Has the Minister considered extending the time for the commencement of the regulations?

The Hon. S. C. BEVAN: I have lengthy reports. So that I can place them all before the Council, I seek leave to make a Ministerial statement on this matter.

Leave granted.

The Hon. S. C. BEVAN: I have been questioned about this matter and asked to consider it. Last week the Hon. Mr. Dawkins followed the Hon. Mr. Rowe with questions and said that I should be more explicit. I have looked at the matter further and now report that it is not possible to assess the probable cost of the introduction of the proposed accounting regulations to any council. In many areas that maintain adequate records the cost would, in the opinion of the Local Government Accounting Committee, be negligible. In other areas where the insufficient recording of expenditures has given rise to inadequate records, it may be necessary for councils to purchase stationery to maintain records of the required standards. The extent of the purchases will depend, of course, on the types of prescribed records which are not at present kept. The cost in any case will not be considerable. The committee considers it essential that adequate records are maintained to record the expenditures of public moneys and accordingly any expenditure for these purposes is warranted. It is again pointed out that the provision by regulation of standard forms and records will, when these become available from printers, result in reduced costs of stationery for council use. The committee considers that the regulations will not in themselves require the incurring of other costs to

a council. The committee has no doubt that adequate recording of financial transactions must result in many areas in savings to councils through up-to-date reporting of all aspects of their financial affairs which in turn will give rise to more economic operations. The draft proposals which were submitted and discussed with council representatives at meetings held earlier this year did include the regulation referred to by the honourable member.

Following these meetings the committee reconsidered the matter and came to the conclusion that, to improve the standard of accounting in local government which falls below desirable levels in many areas, it was not prudent to give exemptions from the requirements of the regulations. As pointed out previously, the regulations have been designed as minimum requirements for councils no matter how small. In any case, I have been informed that a regulation, as referred to by the honourable member, could be challenged as being outside the powers contained in the Act. The doubt as to the legality of such a regulation was drawn to the attention of the council representatives at the meetings referred to. (I think that was regulation No. 42.)

This is the opinion of the Crown Solicitor and is why the particular clause was deleted from the final draft. By questions, it has been suggested in the Council that some councils oppose the operation of these regulations. I have many letters here but do not want to delay the Council by reading them all. However, if any honourable member is interested, as I said earlier in reply to questions about these regulations, they are on file in my office and he is free to see them if he so desires. They are from not only metropolitan but also other councils; they are asking for the regulations to have a speedy passage through both Houses of Parliament so that they can be implemented for the benefit of the councils. So there are two sides to the question. I have here, for instance, a statement by the Chairman of the District Council of Willunga. I do not want to quote it all, but he is highly delighted, and so is his council. He was speaking on behalf of this council, which has approved the regulations and desires them to be given effect to as soon as possible.

I have another letter from Mr. T. Rodda, Chairman of the District Council of Cleve, who fully supports these regulations. There is another from Port Augusta. I hope Parliament will approve these regulations without delay. The regulations provide that they shall come into operation on July 1, 1968. I have no intention of trying to railroad anything through any council. I can appreciate councils' difficulties in the changeover, especially in the case of a small district council, but I think that eight months is adequate time in which to obtain other stationery and books to comply with the regulations. I imagine that is all that would be involved. My officers are willing to visit any council offices, sit down with the officers, and go fully into all these matters; they are prepared to stop there all day explaining. This has been done previously, and, on one occasion, after it had been done the town clerk said to my officers, "I did not understand it previously, but now you have cleared it up and I am quite happy." My officers will be happy to do this at any time for any council. Any honourable member can peruse these documents and see where they have come from.

The regulations must be accepted by both Houses of Parliament before they become operative. Because they are necessary, I believe it is reasonable that they come into operation on July 1, 1968. I hope they will be accepted. I point out that they have been generally accepted. I do not intend to stand over any council; I think all councils in this State are aware of this, and have been for the last 2½ years.

TEA TREE GULLY TO PARA HILLS MAIN

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Tea Tree Gully to Para Hills Water Main.

HOSPITALS ACT AMENDMENT BILL

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Hospitals Act, 1934-1966. Read a first time.

The Hon. A. J. SHARD: I move:

That this Bill be now read a second time.

It makes similar amendments to sections 53 and 54 of the principal Act dealing with payment of the cost of hospital treatment of persons injured as a result of the use of motor vehicles. Those sections provide that, where an insurer pays any amount under an insurance policy or any person pays any amount by way of damages in respect of the death or bodily injury of a person caused by or arising out of

the use of a motor vehicle, the insurer, or person concerned (if he has had notice), shall pay the cost of treatment direct to the hospital in which the treatment took place. However, in both cases the extent of this direct liability is limited to $200 for a person treated as an in-patient and $50 for treatment as an out-patient—amounts fixed some years ago and now completely out of line with hospital fees and charges.

Since the enactment of the Supreme Court Act Amendment Act earlier this year, it has become possible, as honourable members know, to obtain interim payments of special damages. However, the liability of insurers to hospitals remains limited in terms of the Hospitals Act to the relatively small amounts I have mentioned. The amendments made by the Bill will remove the limitations and provide that the amount payable to a hospital shall not exceed the total amount of its claim or the total amount payable by the insurer or person concerned, whichever is the lesser. It is considered that this provision will meet the situation that the original provision was designed to ensure, namely, that when a claim is settled wholly or in part the hospital account will be paid directly rather than left at large to be settled by the patient, if at all, at some future date. Clauses 3 and 4 make the necessary amendments to sections 53 and 54 of the Act.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

SHEARERS ACCOMMODATION ACT AMENDMENT BILL

The Hon. A. F. KNEEBONE (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Shearers Accommodation Act, 1922-1958. Read a first time.

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

That this Bill be now read a second time.

It makes a number of amendments to the Shearers Accommodation Act, 1922-1958, in respect of the minimum standard of accommodation to be provided for shearers. The Act was last amended in 1958 to give effect to the terms of an agreement that had then been reached between the Stockowners Association of South Australia and the Australian Workers Union (South Australian Branch), which were the principal organizations concerned. Last year the Government received a request from the Australian Workers Union for a number of further alterations to be made to the Act. The views of the Stockowners Association of South Australia were sought on the amendments requested by the union, and that association subsequently indicated its agreement to all but one of those requests. Following discussions with both organizations, complete agreement was reached between them.

Most of the matters contained in the Bill concern the standard of accomodation to be provided for shearers. Of those that deal with other matters, the amendment to section 3 is the most important. This section now provides that the Act does not apply in respect of any shearing shed in or about which fewer than six shearers are employed. Having regard to the definition of "shearer", which excludes members of the employer's family as well as persons who are employed on the property when shearing is not in progress, the Bill gives effect to the request of the Australian Workers Union, agreed to by the Stockowners Association of South Australia, that accommodation for shearers on properties where more than two shearers are employed should comply with the provisions of the Act. This provision is inserted in the principal Act by clause 3 but, to enable the owners of those properties that will be subject to the Act for the first time to have a reasonable time to conform with it, the terms of the amendment are such that the provision extending the operation of the Act will not apply until two years after the Act comes into operation. The definition of "employer", which has remained unaltered since 1905, has been amended, by clause 4, to express it in terms of current conditions, and penalties provided in the Act have been expressed in decimal currency by clauses 6 and 7.

The provision of the present Act that requires separate sleeping and dining accommodation to be provided for persons of any Asiatic race is a relic of the past and out of keeping with modern thinking throughout the world. This has been removed by the Bill. Apart from these matters, all of the other provisions of the Bill concern the accommodation to be provided for shearers, and for the first time provision has been made for details of certain matters to be prescribed by regulation rather than set out in detail in the Act.

As the Bill provides for an extension of the operation of the Act to smaller properties, the views of the United Farmers and Graziers Association of South Australia were sought. Although that organization does not object to the widening of the scope of the Act to some

extent, it has expressed disagreement with the extent of the alteration contained in the Bill. However, it does not object to the other provisions of the Bill on the understanding that it will be given the opportunity to comment on the regulations when drafted and before they come into force. I might add that, although provision has existed in the Act since 1905 for inspections to be made to ensure compliance with the Act, no inspector has ever been appointed specifically for the purpose of policing the Act and all inspections have been undertaken by members of the Police Force. Although police officers have undertaken inspections whenever required of them, there is no system of regular inspection, and with the frequent changes of police officers from one station to another many of the officers are not familiar with the provisions of the Act. The Government has therefore decided to appoint a full-time inspector to ensure that the Act is complied with. Provision has been made in the Estimates of Expenditure for the current financial year for such an appointment to be made, and I expect that an inspector will be appointed and commence duty early in the new year.

I now come to the provisions of the Bill in detail. Clause 1 is formal and provides that the Bill will not come into operation until the expiration of six months from the day on which it is assented to. This will give persons who are at present subject to the Act a reasonable opportunity to conform with the amendments. Clause 2 is merely formal. Clause 3 provides that, after the expiration of two years from the commencement of the amending Act, the principal Act will apply where three or more shearers are employed. A new paragraph (*c*), which provides that the Act does not extend to accommodation provided by an employer in a hotel, motel, boarding or lodging house in a city, town or township, is inserted in section 3 of the principal Act.

Clause 4 amends the definition of "employer" in section 4 of the principal Act. Under the Act, the employer is charged with the duty of providing accommodation for his shearers. The Act was passed before the advent of shearing contractors, and in many instances the obligation of providing adequate accommodation will fall more appropriately upon the owner or lessee of the holding on which the shearing shed is situated rather than upon the overseer or superintendent of the shearers as at present. The Act thus includes the owner or lessee of the holding in the definition of "employer", thus enabling an inspector to prosecute the appropriate person for a breach of the Act.

Clause 5 amends section 6 of the principal Act, which specifies the nature of accommodation that must be provided. New paragraph I provides that a sleeping compartment must contain 480 cubic feet of air space for each **person sleeping therein. This is in accordance** with the legislation of other States, and the 1958 amendment to the Act required any building erected after the commencement of that Act to comply with this specification. The amendment provides that a building erected before the commencement of the 1958 Act will, during a period of one year after the commencement of the Act, be deemed to comply with the Act if it contains not less than 300 cubic feet of air space for each shearer. This gives an employer at present subject to the Act a total of 18 months to comply with the Act after the date on which it is assented to.

Paragraph II is struck out. This paragraph provided that persons of the Asiatic race should be accommodated separately from Europeans and should not eat in the same room. New paragraph IIa provides that sleeping accommodation shall be provided in compartments designed to accommodate not more than two shearers in each. However, in the case of an existing building accommodation shall, for one year after the commencement of the Act, be deemed to comply with the Act if three persons are accommodated in each compartment. New paragraph IIb provides for separate and suitable accommodation for cooks and cooks' assistants. Paragraph IIc is amended to provide that the type of bed to be provided for shearers is to be prescribed by regulation.

The amendment to paragraph IIe prevents the practice of some employers of providing old packing cases as chairs and wardrobes. The amendment also requires that a sleeping compartment be illuminated by electric lighting or power lights. New paragraph IV makes more effective provision in relation to sanitary conveniences. New paragraph VIIaa requires that a kitchen be provided with a kitchen sink. New paragraph VIIb substantially reproduces the existing paragraph VIIb, but adds to it the requirement that the surface of a dining table shall be of dressed timber closely cramped or some other material approved in writing by an inspector. This provision is inserted because a number of employers have been making tables out of old packing cases. New paragraph VIId brings the existing paragraph VIId up to date. New paragraph Xa requires the

employer to provide a room for washing clothes. New paragraph XI specifies the number of tubs that a washing room must contain. New paragraph XIa requires the employer to provide clothes lines. New paragraph XIb requires that, if the effluent from a washing room does not pass through a septic tank, the washing room shall be not less than 30ft. from sleeping quarters, a kitchen or a dining room. New paragraph XIc requires the employer to provide basins for the ablutions of shearers. Clauses 6, 7 and 8 make decimal currency amendments. I commend the Bill for the consideration of honourable members.

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

IMPOUNDING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 19. Page 2825.)

The Hon. A. M. WHYTE (Northern): I support the Bill. As stated by the Minister in his second reading explanation, the amendments made by clauses 3, 4 and 5 provide a safeguard for the new milking strains of goat. Section 14 (5) of the principal Act exempted only angora goats, but today we find an emphasis on better type milking strains. Several of these types of goat have been imported from overseas and it is thought that extra protection is needed. Those of us who happened to visit the goat section at the Adelaide show appreciated the value of these new goats, namely, Saanen, Toggenburg, British Alpine and Anglo Nubian, together with the angora, which is already protected.

The Minister said that one way of identifying a goat was by counting its legs! If these newer types of goat should find their way into the outback where goats abound, I, too, hope they have some quick means of identification. There is nothing wrong with the protection given these new types of goat, and I agree with it. I agree also with the provision in clause 6 to amend section 46 of the Act. This amendment is a most necessary one that has been sought for some years by the various primary producer organizations. The anomalies in the Act were highlighted last year or perhaps late in 1965 when the case of Bowey *versus* the Crown was disputed and eventually taken to the Full Bench of the Supreme Court. Mr. Bowey unfortunately lost his appeal, but this case highlighted the necessity for a review of this section of the Act. This has now been done and I hope it will receive the support of honourable members because it is long overdue. I am sure that had section 46 of the Act read as it will now read after the inclusion of new subsection (2*a*), Mr. Bowey and other members of the community who have been penalized unjustly would have been provided for. New subsection (2*b*) does nothing more than make an owner responsible for his servants. I commend the speedy passage of this Bill to the Council.

The Hon. L. R. HART (Midland): I think it could safely be said that the kernel of this Bill is clause 6, which amends section 46 of the Act. As the Hon. Mr. Whyte has stated, the legislation sets out to rectify a decision that was given in relation to Mr. D. J. Bowey, a landowner of Paskeville. He is a very good stockman and a reputable landowner; however, on a certain date last year he was prosecuted as a result of an accident involving one of his straying sheep. The case was heard at Kadina by a magistrate. The charge was dismissed. The police then appealed to the Supreme Court, where the case was heard by Justice Chamberlain, who upheld the appeal.

In doing so he reversed the previous judgments in relation to this particular section of the Impounding Act. At that stage, with the support of the Stockowners Association and the Farmers and Graziers Association, Mr. Bowey lodged an appeal to the Full Bench of the Supreme Court. That appeal was heard by Justice Hogarth, Acting Justice Walters and, I believe, one other Justice. They upheld the judgment of Justice Chamberlain, but in doing so they each handed down a separate judgment in which they indicated that the wording in the Act did not really provide for what was the original spirit of the Act.

At this stage a delegation from the producer bodies waited on the Attorney-General and suggested an amendment to the Impounding Act. A draft amendment was drawn up and submitted to the bodies concerned, which approved of it. In the meantime, as a result of a question asked by me of the Minister in this Council, an assurance was given that there would be no further prosecutions under this section of the Act until such time as the Government had had the opportunity of bringing down an amending Bill. The Bill clearly sets out the requirements of the Stockowners Association, the Farmers and Graziers Association and other producer bodies in relation to straying stock on roads. I commend the Government for introducing the Bill, even at this late hour. This is one

occasion when I will not complain about legislation being introduced in the dying hours of the session. I have pleasure in supporting the second reading.

The Hon. H. K. KEMP (Southern): I did not intend to speak to this Bill after previous speakers had spoken, except to express the thanks of many landholders for its introduction. This matter has been like Damocles' sword hanging over many people's heads, as they did not know where they were going. I support the Bill.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

DISTINGUISHED VISITORS

The PRESIDENT: I notice in the gallery distinguished visitors from the United Kingdom Parliament in the persons of the Rt. Hon. Lord Stow Hill, Q.C., the Rt. Hon. John Boyd-Carpenter, M.P., Sir Donald Kaberry, Bt., T.D., M.P., and Messrs. Bert Hazell, C.B.E., J.P., M.P. and Ernest Armstrong, M.P. As leaders of the delegation, I invite the Rt. Hon. Lord Stow Hill and the Rt. Hon. John Boyd-Carpenter to take seats on the floor of the Council, and ask the Chief Secretary and the Hon. Mr. DeGaris to escort the distinguished visitors to seats on the right-hand side of the Chair.

The honourable gentlemen were escorted by the Hon. A. J. Shard and the Hon. R. C. DeGaris to seats on the floor of the Council.

BUILDERS LICENSING BILL

Adjourned debate on second reading.

(Continued from October 19. Page 2833.)

The Hon. R. A. GEDDES (Northern): I rise to support the principles of this Bill. If the registering of builders produces a better quality house for the average South Australian, then it should be given our support. The family home is of paramount importance to every married couple in the State, particularly the Australian single-unit type with its garden, which is the envy of many other countries. However, will the Bill result in a house of good quality without any increase in cost, which is already causing embarrassment?

I believe the Bill raises four major problems and each could make it difficult for its provisions to operate for the benefit of the community. First, the interpretation of "building work" reads, in part:

(*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 of, or incidental to, the erection, construction, alteration of, addition to, or the repair or improvement of any building or structure.

Those are wide terms, and it seems possible that a person contracting to supply 500 parking meters to the Adelaide City Council would have to obtain a builder's licence if the estimated cost exceeded $2,500. Further, in compliance with that interpretation, a contractor would need to possess a full builder's licence in order to build a road because of the wide meaning that could be attached to the words "building work". Surely there must be a simple method of stipulating requirements when a building is to be constructed as distinct from those where a building merely has to be altered?

Secondly, I deal with the appointment of members of the advisory board, and the relevant portion of the Bill reads:

(4) Subject to this Act, the board shall 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 shall be a legal practitioner as defined in the Legal Practitioners Act, 1936-1964, of not less than five years' standing, who shall be the chairman of the board;

(*b*) one shall be a resident of this State who is a member of the South Australian Chapter of the Royal Australian Institute of Architects;

(*c*) one shall be a resident of this State who is a corporate member of the Australian Institute of Building; and

(*d*) one shall be a resident of this State who is a member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants.

The Hon. A. J. Shard: Is the honourable member talking about the board? You have said "the advisory board".

The Hon. R. A. GEDDES: I used the wrong word; I am referring to the principal board. These people would have virtual control of the building industry. That industry would be ruled by decisions of the board and yet it has not the right to nominate people for the board: they are appointments made by the Government. I think this would be a retrograde step for the building industry because it will not have the right to submit a panel of names from the various organizations in order that the Government may select representatives who could be, in effect, spokesmen for the trade. A further point concerns the appointment of the advisory committee, and here the Bill reads:

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.

We are aware that advisory committees are purely advisory and that there role is to advise the board; the board does not necessarily have to take notice of the recommendations of the advisory committee. Although the trade will have representatives on the committee, I think it would be wiser if those representatives were members of the board.

The other quibble I have with the advisory committee concerns the words "such number of members as shall be prescribed". To take this to absurd lengths, there could thus be any number of men appointed to the committee as "grace and favour" appointments. Such members are to be paid and given certain powers under the Bill, but no restriction is placed on the number of appointments. I think this should be written into the Bill, and there should be a stipulated number of members on the advisory committee representing the trade, members who are capable of detecting faults in the administration of the Act, the workmen and the builder. The board could then be advised of the committee's recommendations.

My third point is that the Bill should apply only where the Building Act applies in South Australia. As drafted the Bill is all-embracing and covers every structure throughout the entire State.

The Hon. A. J. Shard: There is an amendment on the file to stop your argument.

The Hon. R. A. GEDDES: I thank the Chief Secretary for stopping my argument while in full flight.

The Hon. C. R. Story: But the amendment may not suit the honourable member.

The Hon. A. J. Shard: It is 100 per cent perfect, from his point of view.

The Hon. R. A. GEDDES: May I remind the Council that nothing is 100 per cent perfect.

The Hon. A. J. Shard: This one is.

The Hon. R. A. GEDDES: Clause 18 (1) (*b*) provides:

If the holder of the licence is convicted of any offence, the commission of which would in the opinion of the board render him unfit to be the holder of the licence,

the board may, by order, cancel or suspend the licence for any period it thinks fit. These terms seem to be too wide. Surely we can spell this out more clearly, and provide for "any offence" in relation to a malpractice in the building industry for which he has a licence. For instance, if a man committed a serious driving offence would the board say, "You cannot have a licence to remain a builder"? I can cite many instances of New Australians, especially of European stock, coming to this country and desiring to get on and improve their lot in this world. A New Australian goes out into the country to set himself up as a builder. His ability to build is good; his ability to understand English is not so good; and his ability to quote for a job in the building industry is, in many instances, far from good. Particularly on Eyre Peninsula many builders of European extraction or heritage are faced with the problem that they can do a job but the minute they have to enter into a contract they are up against it. People try to help them. Such builders do not work as this board would approve; yet they are capable of doing a job. "Any offence" could mean that such people could lose a licence because all they were trying to do was to get on with the job and better themselves for their own benefit and that of the community.

The Hon. Mr. DeGaris has given a good reason why there should be an alteration in the provision about not selling a property if one has spent a certain sum of money on it during the previous 18 months. There is no need to elaborate on that. I understood that one of the principles behind this Bill was that it would promote employment within the building industry. I do not want to be a prophet in my own time but I cannot see how we can improve employment by imposing restrictions on subcontractors. That will considerably increase building costs. It is a further example of legislation bearing no relationship to the needs of the public. After all, our aim is to build better houses, of good quality and within realistic prices. The restrictions imposed by this Bill will mean that the industry will be hamstrung in its attempts to achieve these things. I support the second reading in order to be able to participate in debating in Committee some amendments foreshadowed for the improvement of the Bill.

The Hon. C. M. HILL (Central No. 2): I understand that this Bill has been instigated by the Master Builders Association. I believe the master builders thought that registration of builders was needed in this State; their purpose was to maintain and improve the

standards of building construction here. This is a worthy motive that I completely support. I agree with the action of any trade association or institute in seeking to license or register its members so that it may improve their educational standards and the standards of their work.

This requirement of high standards is relevant to both commercial building and house-building; it is not associated only with house-building, as has been implied by some honourable members. Complaints about poor house construction have been with us for many years. The common expression "jerry built" means "built of poor standard". In the 1920's the red brick bungalow which we know in the metropolitan area was built. There were many stories then that those houses were poorly built, but I think most of these reports were untrue; I think history has proved this, because the bungalows built 45 years ago are now comfortable homes of reasonable standard.

In addition to the normal effect of the passage of time, these houses have stood the test of the great depression, when many unfortunate people in such houses had to go to the lengths even of using the skirtings and architraves for firewood. Despite that era, these homes have been renovated and many which it was claimed were jerry built have come through very well. Therefore, we must be very cautious when we hear rumours concerning poorly built houses.

There is a trend in building nowadays that is being confused with the question of poor construction, and it should be noted as a background to this topic. This trend is that of project building, which is simply the situation where a builder builds houses to cover a complete estate, or he may build houses on either side of a street, say, 50 or 100 houses at a time.

There may be only four or five basic designs in the group, but the houses are switched around in different angles on different blocks, and the elevations are changed slightly, so that the whole estate is made most attractive. However, the standards of construction, substantially, are by no means the same as those that existed 20 or 30 years ago. The houses are not built to last as long as was the case 20 or 30 years ago. They are built down to a price because the purchaser's means are limited.

There is also a trend today whereby young couples do not remain for the rest of their lives in the houses they first occupy, unlike the situation of many years ago. All these changes are coming. There is a tendency to criticize the co-ordinator or executive organizer who is capable of mustering the many sectors of the building industry, indeed, without a great deal of experience of actual construction, and who is capable of developing an estate of this kind. This operator has been criticized during the debate on this measure.

Of course, the Housing Trust was this kind of operator; it was not a builder but it sublet work and employed builders to build its houses. I am not criticizing it in any way; I am simply using it as an example. There is a trend towards frailer construction than that which occurred many years ago. Also, there are trends towards cheaper construction and towards contemporary construction, some of which must be tried for the first time before it can be proved. All these tendencies give some people the impression that standards of construction are being lowered in respect of the builder's workmanship, but it does not always apply.

Whilst I support the general principle of the legislation, it is a pity it is being introduced at this time. It is the kind of measure best introduced in times of boom. Unfortunately, at present we are in a period of economic plight in the building industry, and the introduction of this measure may cause a further check in the progress of some builders. However, I sincerely hope this will not be the case.

I have been interested in the Western Australian registration system, and I have found that people in the building industry there are generally quite happy with the operation of that State's legislation, mainly because it deals only with building standards and it is restricted to the Perth metropolitan area. I shall now deal with the Bill and mention a few points that concern me particularly.

The first is the composition of the board. I commend the Government for altering its original plan and introducing this machinery of a board of four people, but I am somewhat concerned that the Government has still retained the right to appoint each of those four people. I am reminded of the practice that the Government followed in the Planning and Development Bill a short time ago when it gave various institutes the opportunity to nominate three persons to be considered for appointments of this kind, and then it chose one of them.

For example, if someone representing the Institute of Chartered Accountants of Australia or the Australian Society of Accountants

is appointed to this board, I can well imagine that these institutes would know some of their members who might be well experienced in financial matters, particularly relevant to builders. They may have some members within their ranks who have the time for this work and who may have been involved in some investigation into builders' affairs. They would be ideal as members of this board so, if the names of three people of that kind were submitted, the Government's choice of one of them could not be other than ideal.

The same applies to the person who shall be a member of the Australian Institute of Building. That institute may know people within its ranks with a particular administrative ability who may, in the opinion of that institute, be ideally suited for this role. I am sure they would be prepared to submit three names if the Government asked them to. The same applies also to the Royal Australian Institute of Architects. The legal practitioner should be a direct appointment, as intended, because that person will be the chairman of the board.

I pass now to Division 2 dealing with the advisory committee. I cannot help but ask myself each time I read clause 13 whether or not there is any real need for this committee. If we are principally concerned with the registration of builders and if an excellent board to govern, to administer, and to police this whole measure is appointed (as I am sure will be the case) I have grave doubts whether such an advisory committee will be needed.

I notice that the Chief Secretary has an amendment on file to clause 15. I was concerned about the position that might arise where a corporation that had a registered builder either as a director or as a member of its board of management might find that he simply left his employment and then, as the Bill read, within 21 days all the operations of that building company would have to cease. However, as I interpret the Chief Secretary's amendment, it appears that the intention is to provide the board with the opportunity of saying to that building company, "You can have longer than 21 days; indeed, you can have a resonable time in which to find another employee to manage your concern."

Clause 16 deals with the restricted builder's licence. My thoughts on this are similar to those on the advisory committee: I wonder whether there is any need for restricted builder's licences to be issued. Two avenues are involved here. One is that the builder himself, if he is registered, is registered on an annual basis and must manage his building operations along proper businesslike lines in construction and management; and he must employ subcontractors of repute, of a type we want to see in our building industry.

If a builder has this responsibility, he most certainly will see to it that his subcontractors do the job they should. In those circumstances, is there a need for those subcontractors to be registered?

The second avenue is that, if it is intended that the Bill go wider in its scope and that all tradesmen who operate on their own account must be licensed (for example, the painter who knocks on a suburban door and offers to paint the roof of the house) for the purpose of policing his standards and business operations, it should be set out differently so that that is made quite clear. At this stage in the building industry there is no need for that rather small operator working on his own account to be registered.

I know that some people in this category do not do as good a job as they should, while others cannot afford to do a particularly good job for the money offered them. They explain the situation to the householder, who later sometimes complains although the complaint is not altogether justified. So there are many angles to this. The whole question of licensing subcontractors of that kind is different from the overall question which I approve and which I think is the intention of this measure —the registering of master builders.

Clause 19 deals with appeals. An appeal can be made by a builder who is not granted registration by the board or whose registration is cancelled or not renewed. Subclause (8) of this clause deals with an order postponing the effect of the decision of the board, which order can be made by the court. The board itself, when it disqualifies or does not renew, ought to give the builder adequate time in which to complete his existing contract work.

This postponement should not be left to an appeal. A builder may not want to appeal to the local court. He may realize that an error has been made in one of his houses, and when he is faced with disqualification he may have two or three other building jobs under construction.

What is such a builder going to do about this situation? He is under contract to build these houses within a certain time. There may be nothing wrong with the construction of these particular houses. He might have been caught by the actions of a subcontractor on, say, another job; he might have employed a new subcontractor he had not employed before;

or he might have been lax in his supervision and as a result a complaint might have been lodged resulting in his disqualification.

That person might then decide that he would rather get out of the building trade altogether than appeal to the court. Surely, he must be given reasonable time to complete his other work, even if it had to be completed, on instructions from the board, under some other supervision. I think it is only fair that some machinery should be written into the Bill to cover the work which he had not completed and which under contract he must complete.

I turn now to clause 21, which deals with offences. Subclause (9) (*b*) provides:

> A person, . . . shall not state or imply in any advertisement of a building offered by him or on his behalf for sale that the building was constructed by or under the directions or supervision of a person who then was 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. Penalty: Four hundred dollars.

That will be the position on or after the appointed day. Therefore, it appears that every land agent who advertises a speculative house built by a master builder after this Bill has been proclaimed will have to include in his advertisement the name and address of the master builder. I cannot see why that is necessary. A rather similar position arises in subclause (10), which states:

> 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 directions or supervision of the holder of a general builder's licence shall not advertise the building for sale by him or 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 had not been carried out by or under the directions or supervision of the holder of a general builder's licence. Penalty: Four hundred dollars.

It appears to me that if a farmer in an area in which this Act does not apply (and it seems that these areas will be all the country areas in which the Building Act does not apply) wishes after 18 months to sell a house that he has built himself by subcontracting he must still show in his advertisement for the sale of the house that the work was not carried out by or under the supervision of the holder of a general builder's licence.

It is not an Act that involves that person in any way at all, for indeed he is excluded from the Act. Yet a person could quite unintentionally offer his house for sale and simply because he had not notified the purchaser in writing or put in the advertisement that the building was not erected by a registered builder he could be faced with a penalty under this Act of $400. I think that clause is very severe and that possibly it could be improved upon.

What is the position regarding an applicant for registration who at present is a builder and who might have 10 or 12 houses in various stages of construction? In some instances he is under contract with people to build these houses. If he is refused registration, what happens to his current work at that point?

I think the Bill should provide that a building contractor shall not accept any new contract work after the appointed day until such time as he receives registration. If that was the approach (and I think it is a very commonsense approach) it would mean that all existing builders who had work under construction could complete that work.

The Hon. A. F. Kneebone: A person might get three years' work out of it.

The Hon. C. M. HILL: Not in the house building industry; he might get six or nine months' work, but he would certainly not get three years' work. Some commercial builders might have fairly extensive contracts. However, their position can be quite serious.

Such a person might quite recently have signed a very extensive contract to erect a commercial building, and he might be in the process of clearing the site. If when he applied for registration he was not given a licence, his position would be very serious indeed. I think it would be reasonable for any existing builders to be given the opportunity to complete the work they had under contract.

The Hon. S. C. Bevan: If he is a *bona fide* builder, surely he has nothing to worry about.

The Hon. C. M. HILL: I hope that is true, and I see no reason why it should not be.

The Hon. S. C. Bevan: It is true.

The Hon. C. M. HILL: The Minister cannot be quite as sure as all that, because he is not the board. If the Minister was as sure as all that, he would not disagree to an amendment to give registration to all existing builders.

The Hon. S. C. Bevan: I would disagree to such an amendment, for some people claim to be builders when they are not.

The Hon. C. M. HILL: I hope the Minister's confidence is completely justified, and that every *bona fide* builder who has work

under construction at present will be registered without any query from the board. If that happened, the problem to which I referred would not eventuate.

The last point I wish to make concerns clause 22, which deals with the right of officers or inspectors of the proposed board to enter local government offices and to inspect books and obtain information. I wonder whether the Minister of Local Government is as confident about this clause as he was a few seconds ago. This provision represents a pretty rough deal for local government. If the board required information from a Council it could write to it, and I am sure that it would provide the information sought. It is as simple as that.

The Hon. A. J. Shard: I wish it were. You try to get information from them; they don't want to give it to you.

The Hon. S. C. Bevan: I asked for information last week and was told it was not available to me.

The Hon. C. M. HILL: I am surprised that the Minister cannot get information. In a small country council an inspector can come into the town and without any advice to the town clerk can inspect buildings in the town about which he has heard complaints. He can go to the council and demand that books be opened up and all the information be made available to him. I consider that the inspector, by having the right to do that, is being clothed with too much power.

On the other hand, large municipal councils discuss many subjects in committee: that is, in strict confidence. Minutes of the committee meetings, in at least one instance, are kept for information purposes but their extreme confidence has always been honoured.

I do not agree with any legislation that sets up an authority that, in turn, employs inspectors who can go in and demand information of that kind. I do not think any honourable member would agree with that. There should be some way in which the proper and adequate information can be obtained from local government by this authority. It could be obtained by means other than the means that clause 22 gives to the inspectors. I look forward to further debate on that clause when the Bill is in the Committee stage.

In general terms I support the principle of the registration of builders and I am prepared to vote for the second reading of the Bill. However, I look forward to further debate on some aspects when the Bill reaches the Committee stage.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

MINING (PETROLEUM) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 19. Page 2836.)

The Hon. M. B. DAWKINS (Midland): I support this Bill. The Minister in his second reading explanation said that its purpose was to modernize and bring up to date the Act and repair certain deficiencies in it. Although I agree with one of my colleagues who said that those words were perhaps somewhat unusual in introducing a Bill, I think this Bill, which seeks to repair certain deficiencies and amend the original Act, is introduced at an appropriate time, because we are now doing everything possible to find oil or petroleum. We have been successful in finding natural gas and it is sincerely to be hoped that we shall be successful also in finding oil in this State, because we need oil perhaps more than any other commodity outside normal primary produce and industrial activities. I have scrutinized this Bill and find it to be generally acceptable. It has been dealt with in some detail, first by the Hon. Mr. Whyte and later by the Hon. Mr. DeGaris, the Hon. Mr. Geddes and the Hon. Sir Arthur Rymill. They have all scrutinized the various clauses and commented upon them. I do not intend at this stage of the debate to go through these processes again and largely repeat what has been said. Therefore, generally, I endorse the comments of my colleagues.

However, I have a query about clause 13, which states:

The heading "Oil Exploration Licences" is struck out and sections 15 to 18 (inclusive) of the principal Act are repealed and the following heading and new sections are enacted and inserted in lieu thereof.

Petroleum Exploration Licences

15. (1) The area comprised in a petroleum exploration licence shall not exceed 10,000 square miles.

Ten thousand square miles may seem to some people (and possibly to our honourable distinguished visitors) a very large area but in relation to the very large outback areas of this country it is not perhaps so large. I am sure we have to give every encouragement to the organizations prepared to spend large amounts of money on exploration in this field. So far as I can see, there does not appear to be anything in the Bill providing that one licence only shall be issued for 10,000 square miles. I hope that more than one licence will be

issued to companies approved by the Government and with the necessary resources to work the area thoroughly; even several licences could be issued to one company if necessary. I ask the Minister to explain this matter in his reply.

The Hon. S. C. Bevan: I could answer this question now.

The Hon. M. B. DAWKINS: There is no need to do so at this moment, because I do not intend to spend any more time on this matter.

The Hon. S. C. BEVAN (Minister of Mines): I appreciate the honourable members' attention to this Bill. I point out to the Hon. Mr. Dawkins that there is nothing in the Bill that provides that not more than one licence can be issued to one licensee. If an application is made by one exploring company, there is nothing to prevent its being given another licence under the terms set out in the licence. So, the company could have a multiplicity of licences, each for 10,000 square miles.

The Hon. Sir Arthur Rymill: Could they adjoin each other?

The Hon. S. C. BEVAN: Yes; depending on the application and the area, this is a possibility. Delhi-Santos has 176,000 square miles, and I cannot see anything to stop anybody else from having several licences, if desired. If the licences were for adjoining areas they could be issued to one company. There is nothing in the Bill to stop this.

In reply to the Hon. Mr. Whyte, I point out that, under the old Act, no provision was made for a statutory reduction in the area of a licence on renewal. The exploration industry appreciates the desirability of providing a turnover of area, as this principle stimulates exploration activity and provides an opportunity for new companies to enter the field. To overcome this deficiency in the old Act, it has become the practice to negotiate with the applicant for an agreed surrender of portion of the area at each renewal. The industry expressed its strong preference for a statutory surrender requirement rather than a negotiated one and, as this principle is certainly a simpler one to administer, it has been included in the amending Bill.

In reply to the Hon. Mr. Whyte's remarks about prospecting licences, I point out that the reason for the elimination of the intermediate prospecting licence was dealt with in the second reading explanation, and needs no amplification. The prospecting licence served no purpose except as a heavy-handed means of forcing an unsatisfactory licensee to reduce the size of his area. This device is no longer necessary under the amending Bill.

The Hon. Sir Arthur Rymill and other honourable members dealt with the advisory committee, which was included in the Bill at the request of the industry itself. The committee is proposed in order to provide the industry with an independent and disinterested tribunal in any case where industry considers that an injustice has been done. Such a situation is unlikely to arise, as all decisions affecting a company are thoroughly thrashed out with the company at a technical level before they are imposed as a Ministerial order. However, the industry requested this further safeguard and it has been provided; the industry has expressed itself as satisfied with this provision, having regard to the administrative traditions in this country.

The transition provisions provide that existing licensees may continue under their existing terms and conditions until the expiration of the current terms. Upon renewal, they come immediately within the provisions of the amended Act, as though the licences were initial licences. This is a reasonable concession that applies to all licensees. Thereafter, of course, they are subject to the surrender arrangements of the amended Act.

Under the old Act, it was competent for the Minister under the provisions of section 40 to require an applicant for renewal of an exploration licence to accept, instead, a prospecting licence with a limit of 200 square miles. It was also competent for him to covenant with a licensee not to exercise his power under this clause for a specified period. The previous Government made such a covenant with Delhi-Santos in order to encourage the American group into laying out very large sums in exploration in what was at that stage virgin country.

The covenant effectively covers a period of 20 years from February 28, 1959. At the expiration of this period, on February 28, 1979, Delhi-Santos will come fully under the amending provisions in respect of the surrender of the area, as though it was occupying an area under an initial licence, and on February 28, 1984, it will be obliged to surrender 25 per cent of the area. It will be seen that the special situation occupied by Delhi-Santos arises only from the covenant and not from the amending Bill.

It should be pointed out that the amending Bill provides for payment of rental on the basis of 10c a square mile for an initial licence,

15c for a first renewal, and so on. This provision is not affected by the covenant with Delhi-Santos, so that on its next renewal on March 1, 1969, it will be required to pay annual rental at 10c a square mile, rising to 15c in 1974, 20c in 1979, and 25c in 1984. This provision will, to some extent, encourage voluntary surrender of area by the two companies, which are jointly occupying 176,000 square miles.

Another query dealt with petroleum production licences. I point out that the term of a petroleum production licence is fixed under the amending Bill for a period of 21 years, whereas section 32 of the principal Act had the anomalous provision of a discretionary initial term not exceeding 21 years and a right of renewal for mandatory periods of 21 years. In all cases of licences it is competent, of course, for a licensee to surrender the licence at any time. This right is set out in section 38 of the principal Act, which is not amended under this Bill.

The method by which a licensee defines his area of occupation for production purposes is dealt with in section 52 of the principal Act. This provides that a licensee shall define the area either by a fence or in any other way approved by the Minister, and it further provides that such an area shall be limited to that which he requires for exclusive occupation for effective production purposes. It should be emphasized that the requirement here is exclusively on the licensee to either erect a fence or otherwise define the area to the satisfaction of the Minister and, having done this, he may bring an action for trespass within the area so defined. The amendment gives the licensee a discretionary right to do the same thing if he wishes to do so but, if the owner or occupier is happy with a less formal arrangement, there is no compulsion on him. On the other hand, the owner or occupier has the right to require that the area be fenced if he so wishes. The amendment is thought to be one that landowners would appreciate. From memory, I think the Hon. Mr. DeGaris said that oil exploration and drilling operations fascinate some people, and that they trespass on the owner's land. Under this Bill this is definitely trespassing, and such people can be removed by the landowner himself from the land under his control or by the licensee if they trespass within the fenced area where the licensee is operating. This is a further protection for the landowner.

Sir Arthur Rymill raised a question about the deletion of the word "helium". The deletion of this word from the provisions of section 4 of the principal Act follows from the inclusion of "helium" as one of the substances effectively covered by the word "petroleum". The status of helium as a substance that is the property of the Crown is not affected by the Bill. I hope I have answered all the queries that honourable members have raised.

Bill read a second time.

In Committee.

Clauses 1 to 24 passed.

Clause 25—"Restrictions on rights of licensee over certain lands."

The Hon. L. R. HART: I move:

To strike out all words after "amended" and insert:

"(*a*) by striking out the passage 'or dairy farm' in paragraph (*a*) thereof and inserting in lieu thereof the passage 'dairy farm, poultry farm or stud farm:'"

The Minister, when introducing the Bill, said that its main purpose was to modernize and repair deficiencies in the original Act, which had been in its present form largely since 1940. I believe some modernization is still required in relation to section 49, subsection (1) of which states:

A licensee shall not be entitled to enter upon or conduct any operations upon any of the lands hereunder mentioned unless he has first obtained the consent in writing of every owner and occupier of that land, or, in the case of an appeal, the consent of the Minister.

The lands referred to above are the following:

(*a*) Land lawfully and *bona fide* used as a garden, orchard, vineyard, or dairy farm:

I believe that provision should be extended. In today's agricultural pursuits a new form of farming has grown up. I refer to the practice of poultry farming. Poultry is susceptible to nervous stress, and we could find ourselves in a situation where a person sought permission to prospect for oil on an area adjacent to a poultry farm.

The Hon. Sir. Arthur Rymill: What is a "stud farm"?

The Hon. L. R. HART: That term could cover a number of categories. For instance, it could be a sheep stud, or it could be a racehorse stud. It is a form of animal husbandry that needs to be protected from the intrusion of people who do not normally visit these properties. Such an intrusion by an unknown number of people, especially people who are not accustomed to handling animals, could

well spell disaster for those properties. Therefore, I consider we should provide for a more modern concept of farms under this category. The Minister may object to the amendment, but in the final analysis, if there is objection by the property owner in giving consent to certain people to explore for oil on his property, the Minister still has the overriding say, as his consent is still required. My amendment will not alter the clause; it will merely enlarge and modernize it.

The Hon. S. C. BEVAN (Minister of Mines): As the honourable member has forecast, I oppose the amendment. This is legislation of a serious nature, yet the honourable member has said, in effect, that he has not clarified the position and that someone else will have to do that. It was his duty to do that when he placed the amendment on the file. The encouragement of exploration for oil and gas is the concern of us all. We have been attempting for many years to attract capital to this State for its advancement. This amendment deals with stud farms and poultry farms. It is bordering on the ridiculous to suggest that if oil were discovered beneath a poultry farm wells should not be sunk. However, there would not be much room to do this on a poultry farm; perhaps the well could be sunk outside on another property or on Crown land.

The Hon. R. C. DeGaris: Many poultry farms are of about 20 acres.

The Hon. S. C. BEVAN: But the actual poultry farm would not occupy the whole area. In any case, the oil-bearing structure would probably extend beyond this area and a well could be sunk outside the boundaries of the farm. The honourable member has not said what he means by a stud farm. He said that it could be a farm for the breeding of stud sheep or horses. There are many farms which, although they may not be strictly stud farms, breed stud sheep. They have stud rams and ewes, and they export rams. Therefore, sheep farms consisting of hundreds of square miles could be regarded as stud farms.

The Hon. L. R. Hart: This would not apply to Merino rams, because there is an embargo on their export.

The Hon. S. C. BEVAN: It remains to be seen whether the embargo stands or the Commonwealth Government does something about it. The properties I have mentioned could be regarded as stud farms, and exploration could be prevented on them if the amendment were carried. I am not concerned about poultry farms, because I do not think there would be enough room to erect an oil rig on such farms. However, there is no definition of "stud farm", and the amendment could prevent exploration on large tracts of land. Nobody has complained about the activities of the companies now operating. The honourable member has spoken about the rights of landowners, but nobody has complained to me about the activities of Delhi-Santos, Continental Oil or French Petroleum, or said that they have gone in anywhere. In relation to Aboriginal reserves, after an examination was made of the position these people were given permission to go on to a reserve. This was done so that exploration work could be carried out. I believe that there is oil in this State and that it is only a matter of time before it is found. I hope the Committee rejects the amendment.

The Hon. L. R. HART: I am surprised at the Minister's attitude, as I always thought that the Labor Party was an upholder of the rights of the small man and that it always looked after the interests of the individual. When I moved my amendment regarding poultry farms I anticipated that a poultry farm would be owned by a small man. After all, a poultry farm would only be "chicken feed" in comparison with an oil exploration company. If the Minister is sincere in what he says then he should have eliminated all categories in section 49.

As Sir Arthur Rymill interjected, it goes further than I have suggested, because it includes fields cultivated for the production of crops and pasture land that has been top-dressed or sown with any plants or grasses for pasture. This could and does include thousands of acres, particularly in the higher rainfall country, and could well be in country where there is oil exploration. All I have set out to do is take care of the individual, and in most cases this would be the small producer, the man who could lose the whole of his project by oil exploration on his property. This would relate especially to a modern poultry farm, where production would practically cease if an oil exploration company operated within several chains of the poultry shed.

After all, the Minister's consent must be obtained if the consent of the owner or occupier is not given. Therefore, my amendment should be accepted or all reference deleted to the categories relating to section 49 of the principal Act.

Amendment negatived; clause passed.

Clause 26—"Notice of entry to be given to occupiers."

The Hon. L. R. HART: I move:

To strike out "subsection (4) of" and all words after "amended" and insert:

(*a*) by inserting after subsection (3) thereof the following subsection—

(3a) Every notice under this section shall specify the rights, under this Act, of a person having an estate or interest in the land, to compensation for the injurious affection of the land in consequence of any operations conducted, or other action taken, by the licensee in pursuance of the licence or this Act;

This clause deals with notice of entry being given to occupiers. Any licensee before entering any property shall give notice specifying the land upon which he proposes to enter and the purpose for which such entry is to be made. I believe it is necessary to insert the amendment because many property owners would not understand their rights in relation to the Mining (Petroleum) Act, particularly those relating to compensation. When a licensee issues a notice to a landowner he stipulates the conditions as set out in this Act relating to compensation, and I believe that would be a more satisfactory arrangement. It would prevent misunderstanding that could occur regarding compensation required at the time, and in future, from mining companies operating on private land.

It is difficult to readily establish a claim for compensation early in the issue. In speaking to my other amendment I mentioned loss that could be incurred by a landowner because of lack of production on, say, a poultry farm. In such a case compensation could not readily be established in the early stages, and by the time a landowner established his rights and the amount of his losses it might be too late for him to claim compensation. Therefore, to give protection to the landowner and because there is likely to be more oil exploration in future, there could be more need to make a landowner aware of his rights under the Act.

Tht Hon. R. C. DeGARIS: I support the amendment, and I see no disability in it. In this State we have seen a good deal of exploratory work carried out and I heard of some expressions of ill-feeling simply because an exploration company approached a landholder without the latter being aware that under legislation he had certain established rights. If the landholder were made aware of those rights I think that would remove some of the difficulties.

The Hon. S. C. BEVAN: I oppose the amendment, and I do not know whether all honourable members fully understand the original amendment. The first portion of the amendment is not so objectionable, but the second portion seeks to delete words that should remain in the Bill. I refer to subclause (4), and if this is removed then what is the use of the clause? This amendment requires a licensee to serve notice on every owner and occupier of land and is presumably intended to advise him of his rights under the Act. In many cases such a statement would confuse the occupier, because the only persons entitled to compensation are those who own or occupy:

(*a*) Land lawfully and *bona fide* used as a garden, orchard, vineyard, or dairy farm:

(*b*) Fields cultivated for the production of crops:

(*c*) Pasture land which has been top-dressed or sown with any plants or grasses for pasture:

Thus an occupier who merely has grazing rights and is not a leaseholder or owner is not entitled to compensation under the Act. This amendment would involve a protracted legal inquiry. It would merely place an impossible burden upon the licensee. That is the position. The honourable member is asking that the company shall serve these notices upon the occupier of the land. What effect will it have? The occupier is the occupier of the land perhaps on a rental basis and is not entitled to any compensation for damage done: it is the owner or part-owner who would be entitled to that.

What will happen as far as the companies are concerned? I can appreciate the remarks of the Hon. Mr. DeGaris because of his personal contact with the case of an owner of a property. I can appreciate his support there, but how can we give effect to it? What will it cost the company? We want not to drive the companies away but rather to encourage them to explore in South Australia. Apparently, the honourable member is setting out to put more hazards in the way of exploration companies—that they must do this, that and the other. This amendment will not achieve what the honourable member sets out to achieve. The notice goes to the occupier of the land; he would not understand it, so what does he do about it? He puts it away on a shelf somewhere and when something happens and the owner (who should have received the notification) does not get it, it will be claimed that he did not know his rights at the time;

and that if he had he would have done something about it. I hope this amendment will not be carried.

The Hon. R. C. DeGARIS: I do not follow what the Minister is getting at. Section 49 of the principal Act provides:

(1) A licensee shall not be entitled to enter upon or conduct any operations upon any of the land hereunder mentioned unless he has first obtained the consent in writing of every owner and occupier of that land . . .

It will not place any great hazard in front of the exploration company because, as the legislation is now written, the company must go to the owner or the occupier and get his consent in writing to occupy a particular piece of land for the purpose of oil exploration. As I understand this amendment, all it does is to say to the exploration company, "When you give notice in writing to every owner and every occupier of that land, you shall also inform them of the right that the owner or occupier of that land has under this legislation." That is all that is sought by this amendment. Unless I am mistaken, that is what the first part of it achieves. If it does not, I am prepared to see it changed, if the Minister agrees with me that it places no great difficulty in the way of an exploration company, when it seeks the consent "in writing of every owner and occupier of that land" (according to section 49(1)), acquainting every occupier of his right under the legislation.

What happens is that landholders say, if an exploration company comes on to their property, "We did not know we had any rights under the legislation. We signed those rights away without knowing." This amendment allows the landlord to know of his rights and it gives him no ground for complaining after the company comes on to his land. Will the Minister comment on this? The landlord is entitled to know what is contained in this legislation as regards a licence.

The Hon. S. C. BEVAN: Section 49 imposes an obligation on the licensee. I draw the attention of honourable members to subsection (4), which states:

Subject to the regulations, where the owner or any occupier of any land is not known, or is absent from the State and has no known agent in the State, or is dead and has no personal representatives, any person requiring the consent of that owner or occupier under this section, may appeal to the Minister as if that owner or occupier had refused his consent, and on the appeal the Minister may refuse his consent, or grant his consent either unconditionally . . .

A notice placed on the land is sufficient notice to the occupier or owner. These conditions will prevail under this amendment because he has to be notified under this provision—"Every notice under this section shall specify the rights under this Act". Returning to the argument about section 49, a notice of intent could be put on the land, containing the conditions, and the rightful owner of the property entitled to compensation still would not know anything about it. I do not know whether the Hon. Mr. DeGaris is happy about this; he quoted the beginning of section 49 (of which we are all aware) but there are other subsections. The section states that it is mandatory upon a licensee to do a particular thing as regards the owner or occupier of the property—not merely in relation to cultivated fields and pastures but also in relation to all matters. Section 49 deals only with those matters, so it has not much bearing on this amendment. We shall have great difficulty here. After all, we are making decent provisions for other matters. Under this Bill the Minister has discretionary powers. A condition can be inserted in the lease under the regulations rather than by trying to write in something in the Bill that will be almost impracticable, for the reasons I have already given.

The Hon. C. M. HILL: If certain words were added in the amendment, the point made by the Minister originally would be properly covered. I suggest "for compensation of the injurious affection of the interest in the land" instead of "to compensation for the injurious affection of the land". I agree with the Minister when he says that an occupier of the land (who, of course, is a person who has an interest in the land) cannot be given compensation for the injurious affection of the land: only the owner can obtain that in consequence of the operations conducted on the land.

The Hon. R. C. DeGaris: The occupier from the point of view of a lease, with grazing rights, etc.

The Hon. C. M. HILL: Yes. He can be given compensation by way of injurious affection but it is not injurious affection of the land; it is only injurious affection of his interest in the land, which is his lease. Only the owner can obtain compensation for injurious affection of the land, but an occupier (who we shall assume has a tenancy agreement or a lease) could obtain injurious affection of his interest in the land. I think this may have

been the point the Minister was making when he said, in effect, the amendment would confuse a person having an estate or interest in the land. We know he could be either an owner of an occupier.

The Minister said that the amendment continued to compensate for injurious affection of the land. He quite rightly said that only the owner could obtain compensation for injurious affection of the land. If the words "interest in the" were added where I have suggested, I think the intention of the amendment would be fulfilled.

The Hon. L. R. HART: The Hon. Mr. Hill raised an interesting point. I am not sure whether we should not go further, and after "land" insert "or any stock or chattels for the time being therein". It is injurious affection not only of the land itself but also of the stock and the chattels of the occupier; that should be covered, too. The Minister said that all the licensee needed to do was to put a notice in a conspicuous place on the land, but this is not quite correct, because section 51(2) of the principal Act provides:

A notice to any occupier under the last preceding subsection may be given by delivering it to the occupier personally, or by putting it up in a conspicuous place on the land and posting a copy of it by registered letter addressed to the occupier at his last-known place of abode or business in the State or to the agent or representative of the occupier.

The Minister should seriously consider the intention of the amendment, because we are not endeavouring to hinder the prospecting companies in any way; we are merely asking them to acquaint the landowner with the rights he has under this legislation. I believe the Minister should assist us in doing this.

The Hon. C. D. ROWE: I believe we could get over this difficulty by altering the provision to read:

Every notice under this section shall specify the rights under this Act of a person to whom the notice is delivered to compensation.

The notice should specify the rights of the person who receives it. People come to Yorke Peninsula from time to time and go on to farmers' properties. I receive telephone calls at all hours asking what the farmers' rights are. My suggestion would not create hardship and it would assist administration.

The Hon. Sir ARTHUR RYMILL: Honourable members generally may not be aware that the section in the principal Act really under discussion is section 75, which provides:

(1) A licensee shall be liable to compensate in accordance with this Act every person having any estate or interest in any land injuriously affected by reason of any operations conducted or other action taken by the licensee in pursuance of this Act or his licence.

Obviously the Hon. Mr. Hart's amendment has been drawn to conform to the wording of this section but, in the new context, this has produced ambiguities. A simple way of overcoming the difficulty would be to omit from proposed new subclause 3(a) "for the injurious affection of the land". That would clear up any ambiguity in the provision.

The Hon. L. R. HART: I am quite happy to amend my amendment along the lines suggested by the honourable member. This will overcome the problem to my satisfaction and, I think, to the satisfaction of other honourable members. I seek leave to amend my amendment accordingly.

Leave granted.

The Hon. S. C. BEVAN: I oppose the amendment.

Amendment carried.

The Hon. L. R. HART moved to insert the following new paragraph:

(*b*) by striking out the passage "any mining operations" in subsection (4) thereof and inserting in lieu thereof the passage "any operations in connection with the exploration for or production of petroleum".

Amendment carried; clause as amended passed.

Remaining clauses (27 to 40) and title passed.

Bill reported with an amendment.

Committee's report adopted.

INDUSTRIAL CODE BILL

Adjourned debate on **second reading.**

(Continued from October 19. Page 2843.)

The Hon. F. J. POTTER (Central No. 2): When speaking last week I left until now the last important matter, which is the provision in clause 80 for equal pay, because I consider that this is one of the most important parts of this measure. The concept of equal pay for equal work sounds very simple, but it really is a most complex matter. I think we must all try to understand some of the issues involved in this clause. In some respects I suppose it can be said that the concept of equal pay for equal work is the light on the hill, as it were, that the arbitration courts in this country have been striving to achieve ever since we started this unique system of wage fixation by arbitration.

I think it can be said that it has been achieved in only a very limited way in this country because equal pay for equal work has

not been achieved even amongst the male members of the working community. Our Commonwealth arbitration court system and our State systems, are said to be unique in the world, and indeed that is so. Wage fixation has been largely under the jurisdiction of the Commonwealth court.

The concept of the basic wage, which was developed by the Commonwealth court back in 1907, had nothing at all to do with equal pay for equal work: it was conceived by the court at the time and for many years thereafter as a minimum wage for an unskilled person who was living as a human being in a civilized community and who had a wife and children to support. It was fixed by the Commonwealth court for many years on that basis, which was fundamentally the basis of the needs of a man and wife and two children.

It is interesting to note that when the basic wage was fixed on that needs basis women were awarded 50 per cent of the basic wage. Gradually the courts changed their concept of the basic wage, and we all know that not so many years ago the Commonwealth Conciliation and Arbitration Commission decided that after that time the wage would be fixed not on the basis of needs but on the basis of the capacity of industry to pay. When we moved away from the old needs basis, women were upgraded from 50 per cent to 75 per cent of the basic wage, and that is the position that now applies: we grant women 75 per cent of the basic wage and 75 per cent of margins above the basic wage.

Those margins were fixed for skill. Here in this particular field the arbitration tribunals really tried to apply the principle of equal pay for equal work. In this respect, I repeat now what I have said before, namely, that in trying to do that the courts have found that comparisons cannot be made at large. How does one assess a dustman compared with a dentist, a carpet layer compared with a carpenter, or, for that matter (and this is perhaps a little nearer the bone), a politician compared with a public servant?

The plain fact of the matter is that their value cannot be assessed by these comparisons. So, the courts in this country have made inquiries and comparisons and, eventually, awards within certain industries or callings that have certain common features from both the employees' and the employers' points of view. They have, as it were, set up a series of circles, large and small, where one looks around and makes comparisons between employees working within the ambit of a particular industry or where one can make valid comparisons. In other words, one compares carpenters with carpenters, and politicians in South Australia with politicians in New South Wales and other States, etc.

That is our industrial set-up today. This is what has been developed in this country and this is the climate into which we are now asked to introduce another concept altogether. I mentioned earlier the basic wage and how it was originally fixed on a needs basis. The idea ultimately moved away from this concept and the basic wage was fixed on the capacity of industry to pay, but in fixing it (even right up to the last time it was fixed), although the courts professed to say that they were fixing the wage on the capacity of industry to pay, they never really overlooked the old concept of the male worker with family responsibilities. This can plainly be seen in the last basic wage judgment delivered by the court, when it said that it was perturbed about the wage being paid to the male adult worker who had family responsibilities. It conceived the idea of giving him a minimum wage over and above the basic wage because of its concern for his position.

The Hon. D. H. L. Banfield: Hasn't a female the same problems?

The Hon. F. J. POTTER: I shall come to that later. Somewhere in this process the women in our country came to think that they had missed out. I think they have reached the point now where they see the arbitration system as the nigger in the woodpile. If one looks at the various cases and the summaries of the cases one sees that many arguments have been taken to the arbitration courts in one State or another or in the Commonwealth field, but they have not met with very much success. I think some of the organizations that are very active in relation to equal pay have come to think that if only the court could see the light in this matter everything would be all right.

This Bill provides that the court must be told by the Legislature what is must do. This means it is to be told by the Government of the day that equal pay must be given, irrespective of certain consequences that society must shoulder in the best way it can. I have been talking about the concept of equal pay for equal work, but it seems to me that we now have a refinement of this concept that is being advanced publicly: that what is sought is equal

pay for work of equal value, which is not exactly the same thing as was originally contended for. The courts can award equal pay for work of equal value, or, if you like, equal pay for equal work. The Bill will compel that this be done in certain circumstances.

I contend that the main reason why the courts have not awarded equal pay for work of equal value is that this is basically a social problem, not an industrial one. It is a problem that is very hard to solve, and it is harder still because what is now being contended for is not equal pay for work of equal value but equal pay for men and women in all ranks of employment. In this way, and because of this factor, it seems to me that this has become a kind of fight between the sexes. This is probably one of the worst possible developments that could have arisen, because in order to look at this problem and solve it we must eliminate the sex factor. One might ask why I have concluded that what is being sought is not equal pay for work of equal value but equal pay for men and women. I suppose that all honourable members have had sent to them a circular issued by the South Australian Equal Pay Council.

The Hon. A. F. Kneebone: The Bill does not provide this.

The Hon. F. J. POTTER: I am not saying it does. I said what was being asked for was this. This matter concerns me and I think it should concern every honourable member because, after all, we are being asked to take what is virtually the first step in this direction. The circular is headed "The Case for equal pay in South Australia", and it contains a number of things to which I shall refer. The Government has said that it has put this legislation forward as an expression of its Party's policy. I presume there must be some reasons for the construction of this policy in the first place. Some arguments must have been put forward by the powers that be in the Labor Party that somehow persuaded the Government that this legislation was necessary, just and desirable. I suggest there are several inaccuracies in the circular, which states:

What is the likely cost? Could industry stand it? The difference in the total wage as between comparable men and women stands at $428 per annum. If all women in employment had this salary difference eliminated over a period of five years (a period acceptable to most advocates of equal pay) the amount would be $85 per annum.

The increase would lie approximately halfway between the last increase for the total wage and the previous increase to the basic wage. But already many women in the community are receiving equal pay, so the sum required is less than that mentioned. Industry has been judged able to pay the other charges; it could absorb those.

It begins by saying that the difference between the comparable wage received by men and women stands at $428 per annum. Where was that figure obtained? It is the difference between the male basic wage and the female basic wage, which has nothing to do with equal pay. It is a wage awarded to people in all ranks of industry, irrespective of the work performed and any comparisons made. What is being sought is the elimination of the difference between the male and female basic rates of pay. If that is not a claim for equal pay for men and women in all walks of life, then I do not know what is.

The position is not as simple as that statement implies, however. I refer honourable members to the situation in the retail and wholesale trade, where the difference amounts to far more than $428 a year. Margins are applied in this trade. I will give figures that will illustrate the important point I made earlier; that is, that social issues are at stake in this concept. Official statistics indicate that 25,000 women are employed in the retail and wholesale trade in South Australia. Because it has been estimated that between one-quarter and one-third of that work force would be juniors, it can be assumed that there are 20,000 adult females in that type of employment.

The male wage for shop assistants is $41.70 a week compared with a female wage of $31.50 a week—a difference of $10.20. In other words, the yearly difference is not $428 but $520. Multiply $520 by 20,000, and the resultant amount is $10,500,000. That is the amount that will be added to the wages bill in the retail and wholesale trade if equal pay is granted to men and women. My submission is that $10,500,000 would be added to the costs of goods and services supplied in retail establishments. If that happens, do not think that this additional amount will be absorbed: it will not be.

Some retail establishments are not making any profit at present; I have in mind one Rundle Street store. I pose this problem: if $10,500,000 is added to the retail price structure, who will suffer? It will not be the married or single women who will receive this increase in pay, but married women who stay at home looking after their children and trying to balance the family budget.

An earlier statement in the pamphlet reads, "Women constitute 50 per cent of the work force". I do not know the basis for that statement. I believe that if it said "women constitute 50 per cent of the population" it would be nearer the mark. The September figures for South Australia indicate a work force of 243,400 males and 99,700 females; in fact, only 29 per cent of that work force consists of females. In Australia, the total number of married women is 2,423,121, and of that number 444,680 comprise the work force. In other words, one out of every five married women in Australia is working and four out of five are not working but are at home. In those circumstances, if the additional cost of $10,500,000 is injected into the retail price structure then the four married women out of five will be the sufferers.

In the local courts of Adelaide, Port Adelaide and Elizabeth there is an all-time high in the number of summonses for debt—so much so that the courts (particularly the Adelaide Local Court) can hardly keep up with the flow of people being summoned for debt and those issued with unsatisfied judgment summonses. Who are the people involved in these court actions? Not the single people in the community who are working, but the married people (fathers and mothers particularly) who are trying to get along as best they can on a fairly low income and who have family responsibilities. They are the people who will be affected if, in fact, costs go up either directly (by the injection of the extra money mentioned) or indirectly because extra costs will be involved without a corresponding increase in productivity. Because of that, prices will rise. That is the kind of social problem that exists. It can go even further because, where a woman has to give up what is virtually $41 a week compared with $31 a week to get married and raise a family, the chances are that her inclination to do this will be greatly lessened; and, even if she does get married and has a child, there will be an inclination to get back to a job at the earliest opportunity, and thereby the country's birthrate may well be affected. These social problems have worried the courts for a long time. I could give many instances that have been forcibly drawn to the attention of the courts. I will quote a sentence or two from a judgment delivered in Western Australia by the Chief Commissioner there in 1950. This again dealt with the problem of the male and female basic wages. He said:

To adopt the male basic wage, determined as it is in this State on the basis of a family of four, as a component of the total wage of a female would be to create a specially privileged group in the community, a group which no doubt would not appreciate the position to the same extent when later as housewives they had to manage the family budget and purchase commodities on a higher cost basis for a whole family and on the same income previously enjoyed as a single female.

So grave social problems are involved here. It must not be forgotten that this legislation, taken practically verbatim from the New South Wales legislation, has been applied in that State to shop assistants, although not universally because of certain difficulties that have arisen there. It may be interesting for honourable members to hear a list of the people in New South Wales who have benefited in some way or another from this legislation. The list includes teachers, draftswomen, shop assistants (although, as I have said, it is not universal in that State), lift attendants, clerks working for councils, cooks in hospitals and clubs, some employees in the drug manufacturing business, scientific officers in the Department of Agriculture and public hospitals, musicians, actors, meat preservers in canning factories, drivers, caretakers, medical technical staff, laboratory assistants, certain printing employees, and the latest group is nurses in mental institutions. Those categories have benefited in one way or another from the New South Wales legislation. I know it has not contributed to a very happy state of affairs for the women.

I have heard it said that about 10 per cent of the women in New South Wales have achieved equal pay under the legislation, and as a result the other 90 per cent are hopping mad about it. That is probably a fairly true assessment of the situation. I was talking a little while ago about this pamphlet that was circulated to all honourable members. I should like to say a little more about it because, after all, it is headed as a case, an argument, a submission (if you like), and one would have thought it would be a strong case and constitute a solid argument. The first paragraph reads:

It is sometimes argued that because in most cases the male is the breadwinner, with family responsibilities, he should received a higher salary than the female. This is an invalid argument. The rate of pay is decided by the value of the work performed or the capacity of industry to pay, not on the basis of family responsibilities.

This is only partially correct because I have already pointed out that we fix basic wages for men and women on the basis that the men are

family supporters. This has never really been departed from by the Commonwealth court.

The Hon. S. C. Bevan: But a bachelor gets it, too.

The Hon. F. J. POTTER: I will deal with that in a minute. The wording is "The rate of pay is decided by the value of the work performed." What is the value of the work of a policeman, of a teacher, of what you or I do? We should be realistic about this because very few wages or salaries are decided on the value of the work performed. "Work value" has been something of a catch phrase tossed around in the Arbitration Court for many years and many articles have been written about it. Often it has been called a misnomer. We assess salaries not on the value of the work performed but by making the widest possible comparisons, and the only case I can think of where we can really get down to working out what the value of the work performed by a person would be is that of a man on the production line if we could get down to an ultra cost accounting system and investigate his work there. The next paragraph states:

If salaries were decided on the basis of family responsibilities then clearly bachelors should receive less than married men and widows with children more than bachelors. This would create a chaotic situation, and, furthermore, employees would be tempted, if such a salary-fixing system existed, to employ the cheapest labour, namely, the single men and women, or at least those with small families.

This ignores the fact that in any wage unit system we have to find a basis for the family man with family responsibilities, and it is interesting to note (and this is referred to later in the pamphlet) that in 1951 the International Labour Organization adopted Convention No. 100, which called for equal pay for women for work of equal value. If honourable members look at the convention they will see that it required member States to promote and, *so far as is consistent with their existing methods for determining rates of remuneration* (I emphasize this) to ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value. It is common knowledge that this has not been adopted in Australia—

The Hon. D. H. L. Banfield: Was that convention supported by the Australian delegates?

The Hon. F. J. POTTER: I do not know. It has never been actually adopted by the Australian Government. The pamphlet continues:

Since 1951 nearly 60 countries have ratified convention No. 100 and applied the principle of equal pay . . .

It is interesting to note which countries did this; they were Peru, Indonesia, Brazil, the Soviet Union, Syria and India. Incidentally, Argentina also adopted the convention. I have here a copy of the International Labour Review for September, 1966, which deals with the minimum wage Act for Argentina, which was passed to give effect to this convention. The Act is described as follows:

The Act incorporates family allowances in the wage. For practical reasons and in view of the general characteristics of the average Argentine family, the minimum living wage fixed by the board must be in respect of an average family consisting of a wife and two children. Of the total, 70 per cent is the minimum wage for a single worker and the remaining 30 per cent is attributed at the rate of 10 per cent to the wife and 10 per cent to each of the children. In other words, if the minimum wage were 20,000 pesos, a single worker would receive 14,000 pesos and a married one would be entitled, in addition, to family allowances at the rate of 2,000 pesos for his wife and 2,000 pesos for each of his children, regardless of their number.

This is the way Argentina has applied equal pay: it is equal pay, but there is a loading for family responsibilities. What I want to know is this: does this Government propose, if this measure is passed and universal equal pay is applied, to make available family allowances from its funds for wives who are at home trying to balance the family budget? This fact is acknowledged in the third paragraph that I should like to read from this pamphlet; it states:

To compensate those men and women with family responsibilitites, taxation concessions, child endowment, and other social service benefits are used now and can be further extended.

I should like to ask: is it thought possible that the Commonwealth Government, which controls child endowment and taxation concessions, will make special arrangements in South Australia if equal pay is applied here? I do not think it will, and I do not think there is any possibility that special taxation concession will be extended. It is little enough now; we only receive an allowance of $312 for supporting a wife. Will the State Government come to the party and do what the Commonwealth Government obviously will not do? The next paragraph states:

It has been suggested that the financial needs of men are greater than the financial needs of women. This is untrue. The cost of food,

clothing, rent, board, entertainment, transport, holidays, and other things is the same for women as for men.

This would be absolutely true if we were all single people, but, even if we were, we have the social custom that men take out girls, but girls do not take out men. Some of the social aspects of this matter are not as evident as we might think. The pamphlet states:

There is evidence that the granting of equal pay is beneficial socially, industrially, and economically.

I do not know where the evidence is; it does not say where it is. I have already outlined what may happen in South Australia to the retail price structure in South Australia if this measure comes into effect.

The Hon. C. M. Hill: Did the honourable member give an estimate regarding the retail price structure?

The Hon. F. J. POTTER: Yes. If 20,000 women are employed in the retail and wholesale trade in South Australia it would add $10,500,000 to the retail price structure in five years. Of course, the pamphlet says it would cost only $85 a head a year but if we take the figure of 100,000 females, which is the figure for women in the work force in South Australia, and apply it completely throughout industry. In the first year $8.500,000 would be added to our costs, taking the pamphlet figures, which I suggest are not correct.

The Hon. A. J. Shard: Is it too much or too little?

The Hon. F. J. POTTER: The figure of $428 is not in fact the difference between the male rate and the female rate: it is only the basic wage difference. The female basic wage is $428 below the male basic wage. If we take that figure of $85 a year and apply it to the 100,000 women in the South Australian work force, in the first year $8,500,000 will be added to our price structure, in the second year $17,000,000, in the third year $25,500,000, in the fourth year $34,000,000 and in the fifth and last year $42,500,000, which is the greatest sum that has ever been added at one time in all our wage history. I am taking the figures from this pamphlet.

The Hon. D. H. L. Banfield: How many of those women would already be receiving equal pay in South Australia?

The Hon. F. J. POTTER: Very few. There are many situations where equal pay is already provided. Teachers, some public servants, and men and women in certain sections of the retail trade (for instance, in men's clothing) have equal pay. Also, barmaids will now receive equal pay, although I do not think many barmaids will be employed. We must not forget that in the employment of barmaids we are not adding anything to the retail cost structure affecting the housewife.

The Hon. D. H. L. Banfield: What about the clothing trade and the dry cleaning industry?

The Hon. F. J. POTTER: I am quoting from the pamphlet, and I am just saying that the case that has been put there needs some investigation. As I said earlier, the concept of equal pay is a most complex matter. If this is such an important matter that it warrants the preparation of a case stating that we are all out of step, I would have thought we would find in this some pretty solid argument, not inaccuracies and not arguments which do not seem to hold water.

The Hon. D. H. L. Banfield: You are using them, so they must be pretty good.

The Hon. F. J. POTTER: I am analysing them, and I hope I have explained some of the difficulties arising from them.

The Hon. A. J. Shard: If you don't support them, I can understand you, but if you do support them I cannot understand you.

The Hon. F. J. POTTER: I am pointing out some of the difficulties that arise in this concept. I will tell the Minister presently what my attitude is to this.

The Hon. R. C. DeGaris: Is it apparent at all that the Government is in favour of equal pay?

The Hon. F. J. POTTER: I do not know, but apparently it has been given a case and it thinks this is a good idea.

The Hon. A. F. Kneebone: Is there equal pay for equal work value in the legal profession?

The Hon. F. J. POTTER: There are not many women in the legal profession. Indeed, I suppose there are many professions in which not many women are employed.

The Hon. D. H. L. Banfield: Do women in the legal profession charge the same fees as the men?

The Hon. A. F. Kneebone: Does the Hon. Mr. Potter support equal pay in the legal profession?

The Hon. F. J. POTTER: We are not talking about self-employed people: we are talking about the rates of wages awarded by the courts. Our wage system is chaotic, and we

must not run away with the idea that it is anything else. I once heard a leading Queen's Counsel say that our arbitration system was weaving ropes of sand, and I do not think that is very far from the actual position. With this chaotic wage system, we have to be very clear about what we are doing when we introduce and in fact force constituted tribunals to adopt a certain line of action, because at present we do not have equality of wage rates even amongst males. In fact, I could give many examples of unqualified people getting higher rates of wages than those received by properly qualified people. Although that may seem strange, it is true.

Let us look at the provisions of this Bill and at the situation that we find here in South Australia. The Bill requires certain things to be done by the South Australian Industrial Commission. It should not be forgotten that the largest group under the jurisdiction of the commission is the group comprising the people employed in the retail trade. The second largest division under the jurisdiction of our courts comprises clerks. Of course, not all the clerks work under the provisions of our State award, for some of them are subject to Commonwealth awards.

I think the Government has introduced this measure with its fingers crossed and that it is hoping against hope that the situation in South Australia will be exactly the same as the situation that has arisen in New South Wales. I think it hopes that the impact of this legislation will be no greater than was the impact of similar legislation in New South Wales, and that only about 10 per cent of women in South Australia will qualify for extra pay. I am sure this is the only reason why the Government has introduced the measure at this stage, for it has shown in other circumstances that it does not hesitate to try to get some measure of popularity with certain sections of the community. If in fact this Bill does not have any greater impact in South Australia than similar legislation had in New South Wales, I think the Government will be happy. Also, I think that if that happened no great harm would be done to our economy. We are going to ask our court to interpret this legislation, and there is no guarantee that the court will in fact interpret the legislation in the same way as the New South Wales court interpreted that State's legislation.

The Hon. A. F. Kneebone: Your amendments won't give it the scope.

The Hon. F. J. POTTER: We see in clause 80 the words "performing work of the same or a like nature and of equal value". The point is: equal value to whom? This is the difficulty that the New South Wales tribunals ran into. For years it thrashed around with this problem. If one reads some of its judgments one will see that it came to decide that it really could not say to whom it was of equal value. The core of the concept of equal pay for equal work is equal value to the employer concerned, who is then able to make the choice whether he will take a man or a woman. In other words, the sex factor has been eliminated, the pay is equal, and the employer takes the man or the woman as he sees fit.

Leading industrial writers on both sides of politics will say that is the ideal, and that is what the International Labour Organization's concept was all about. New South Wales came to the conclusion that the only way it could solve the problem was to fix minimum rates only; it was not concerned with over-award payments. The figures I quoted the other day show that there is a differential in wage rates of about $5.50 between South Australia and New South Wales.

The Hon. A. F. Kneebone: Don't the courts fix minimum rates? They do not fix over-award payments.

The Hon. F. J. POTTER: That is not the concept behind this. The Bill provides for equal pay for equal work.

The Hon. D. H. L. Banfield: They are minimum rates. That is what the court would fix, and you know it.

The Hon. F. J. POTTER: In the biggest industry in this State (the retail industry) the minimum rates fixed by the court become the maximum rates paid. That has always been the case.

The Hon. D. H. L. Banfield: They are not the maximum rates. The award says, "This shall be the minimum rate".

The Hon. F. J. POTTER: If the same *ratio decidendi* is not followed by our State tribunal as was given in New South Wales and if all shop assistants in South Australia were awarded equal pay, I should like to know whether the Government would be prepared of its own volition to compensate the persons who would really suffer: that is, the married women who have to stay home and not enjoy this wage. That is the problem I see here. I have certain amendments on file that I hope will do something to solve the difficulties that might arise. I shall see later what support I can get for

their passage. I have never opposed the principle of equal pay for equal work so far as I have been able to understand it.

The Hon. A. J. Shard: You've been doing a good job this afternoon.

The Hon. F. J. POTTER: I do not think any honourable member has ever opposed this principle. The courts have never opposed it.

The Hon. A. J. Shard: Your Party has opposed it for years.

The Hon. A. F. Kneebone: You have fooled me.

The Hon. F. J. POTTER: This is what the courts have already been about and this is what they are trying to do now, but the very complexity of the problem has meant that they have never been able to solve the problem of what is equal work and what is equal value.

The Hon. R. C. DeGaris: Do you think the courts could solve it now as a result of this Bill?

The Hon. F. J. POTTER: I do not think the courts could solve it, and the Government knows that. I am certain the Government hopes and prays that the courts will not solve it in any way different from the way it has attempted to be solved in New South Wales. I support the second reading.

The Hon. V. G. SPRINGETT (Southern): Every honourable member of this Council will agree that modern industrial processes are so complex that they demand a degree of control far in excess of anything in days gone by. Then, the lowly paid pieceworker was at the mercy of any unscrupulous employer and, further, the only bargaining power he had was to exploit and sell his own personal labour. From this arose the trade union movement. In the Middle Ages there were guilds, which were like modern professional associations, existing to maintain a standard of work and secure justice for their members within their own framework.

This justice was based upon the maintenance of professional standards, and these two things went hand in hand. I suppose that at best it can be said that the trade unions' whole object is to secure and safeguard the rights of their members who, in return, make a full and honourable contribution to society through individual industry. That applies to any union, whether it is a so-called blue-collared or white-collared union. In modern society there is a tendency to think first of our rights, and a bit more, and then, coming second, is our duties.

As I read through this Bill, it was impressed upon me that any man who was coerced into any practice could not really be called free. When similarly minded people band together to achieve worthy ends, they serve themselves and society. The unions cannot really divorce a sense of responsibility from their objects. It is right that legislation should exist to prevent an employer from exploiting an employee because he joins a suitable operative or craft union but I suggest that any legislation that imposes restrictions on membership to make it well-nigh impossible for a man to earn his living if he does not join the union, has left the path of freedom and entered on a course of restriction of human rights and the lowering of personal dignity. It can be argued that it is only right and fair that the privileges won by the combined actions of unions should be enjoyed only by full participation in union membership and activity but, if that is followed to its logical conclusion, there is little, if any, personal liberty left to society. It then goes completely outside the scope of the rights of individuals and true non-conformists.

It has been said that this is the age and day of the common man. I suppose that is true of most of us, that we are common men and women, but is it not the outstanding, the uncommon and the extraordinary person who leads society in its onward and upward quest? Compulsion kills initiative. To penalize a man for believing in a principle, or set of principles, is a denial of his liberty. We do not do that even in the case of national conscription for military service: there is always a right of appeal. To deny a man the right to earn his living or so to treat him that he is regarded as unacceptable to the local working community is, at its highest level, unkind by intent and less than worthy of mankind.

I believe that guilds and unions should exist. Ideally, they should exist to set standards and to maintain the dignity of labour and work, but I ask honourable members: if these ideals were put first and only afterwards were put the personal rights and advantages we sought, what would be the numerical strength of today's union force? Is not any legislation which directly or indirectly pressurises people to join a society or band or group in order to gain a chosen livelihood really doing a disservice to a free society? Is it not unhealthy for any organization when a large part of its membership is press-ganged into joining simply because without doing so the alternative is the danger of dismissal or being treated like an outcast and shunned?

In this Bill we are concerned with preference to unionists, but preference to what degree or measure? When men on a job exert their united membership and make it clear that they will tolerate working only with another unionist, whatever is written in an Act, what chance has that individual or conscientious objector got? Also, in those circumstances the employer's voice becomes a voice in the wilderness.

I should like to say a word or two about equal pay, a subject that is bound up by emotions and prejudices. It is difficult to separate these factors from this subject. As emphasized this afternoon, it is essential to free the whole subject from a consideration of sex. A person, as a human being, is doing a job of work for which there is a rate, and that seems reasonable. It is the job for which a person shall be paid, not for having certain physical characteristics which we label "male" or "female". I have spent all my working life in a profession that recognizes equal pay for equal work, and I think it is reasonable that that principle should apply. A female doctor and a male doctor are on exactly equal terms, and they do equal work. The question, "Should a male worker earn more than a woman for the same job?" is perhaps a different way of asking, "Should a woman earn less than a man?" I think this point raises interesting speculations and possibilities.

Trying to be logical and keeping out emotional overtones, I say that it must be equal work or (as was emphasized this afternoon) at least relatively identical work for equal pay. But how do we equate equal work or relatively identical work? By the very laws of nature, our two sexes are unequal. Nature has endowed the male sex with a greater degree of physical strength, sometimes; nature has endowed the female part of the human race with more guile, probably always. Can these two qualities be equated? Under our social system, the majority of men have a longer expectation of working life than women because most women leave to get married. Should this affect the consideration of pay? I do not see why it should.

Physiological disturbances in the female metabolism cause variations and fluctuations in a woman's working capacity. Industrial medical officers in many parts of the world have studied the efficiency of groups of men and women over long periods of time. As one report summarizes it, in general women's absences are 50 per cent to 75 per cent more than men's. This does not necessarily reflect a lower general health standard, for women live longer than men, but homes, social pressures, emotional difficulties and physiological disturbances are among the causes. It furthr states that married men have less absences from work than bachelors because they cannot afford to be away from work; but wives tend to be absent more than single women.

The Hon. D. H. L. Banfield: Should there be less pay for bachelors?

The Hon. V. G. SPRINGETT: I will come to that. Should these physiological differences militate against equal pay? To me there would seem to be two main issues. What effect does this have on the type of community in which we have succeeded and in which we have reared our children? This is the community in which the father is the worker and the earner, the mother being the focal point of a family unit. Today, more and more women work after marriage as well as before. Most of them say they work because it is necessary. However, I ask: do we seek such a society? If we do not accept this, then equal pay must be balanced with marriage and child allowances to protect family life and must be of such a magnitude as to enable a housewife to remain such and not a working woman if she so desires.

This subject of equal pay is usually discussed in the context of professional women or women with special skills. With the majority of women, how long would it be the case that instead of equal pay for equal work it would become equal work if they were going to get the same amount of pay, work for which physiologically they are very often unsuited? I am thinking of some of the heavier work which those of us who have been in other parts of the world have seen women doing and about which we have said, "Thank God it does not happen in our country." If a decision of what tasks are compatible is left to an appropriate court, I think there is more wisdom in such a step as is contemplated in this Bill.

The second question I ask is this: how well can this State's present economy carry not only the monetary cost but be sufficiently geared and sufficiently stable to bear the socialogical implications? I think the principle of one wage for one job, irrespective of sex, is irrefutable, for it is really of some advantage to society. The one question I have in my mind is: can we bear it socialogically, keeping in mind the type of life with which we have grown up and with which we expect to continue, and can we bear it financially? I think it can be put in that order: what effect

it has on the social life of society, and what effect it has on the cost to society.

I should like to turn for a moment to clauses 165 to 173 of the Bill dealing with safety provisions. As an ex-industrial medical officer, I have been aware of the effect on workers of ill-constructed and unsafe machinery, of the unguarded flywheel and the unguarded drill and press. I do not think however well an Act is drawn it will ever answer all the problems. I have seen presses used in cleaning with one button so that people get their other hand caught in the press. So then two buttons were put on the press and then the operator would use a piece of wood to hold against one arm, and the thumb of the other hand holding a button, so he would have one hand free for the press. We cannot aim too high in seeking safety of machinery and work. Any machine which has moving parts and which is not adequately and properly safeguarded is a menace to society and is expensive to society in the long run.

The necessity of clear spaces in the vicinity of machinery cannot be emphasized too strongly. Again in my capacity as a works doctor I have seen the mistakes of leaving items of working tools, timber, containers, etc., too near to windows so that the light is not very clear and the operator cannot see what he is doing, so that before he knows where he is his hand or her hair is caught in the machinery. The question of lead processes is covered by clause 170. Lead is a dangerous substance in industry and there have been many tragedies in many parts of the world where provisions are not very strict either in their implication or execution. I draw honourable members' attention to the provisions in clause 171 regarding protective equipment. Protective equipment is not necessarily a sophisticated and advanced array of apparel. It can be a simple head-dress worn by a woman to keep her hair out of a machine. This should often be worn by men as well as women.

The Hon. A. F. Kneebone: I think the Act now provides that it shall be worn by both.

The Hon. V. G. SPRINGETT: The wearing of rings at work is not always appreciated. The number of eye injuries that occur in industry is staggering, because people who have been issued with goggles wear them on their forehead. All too frequently the employer is held responsible for such accidents when it is really the fault of the careless operator. Clause 172 draws attention to another very important cause of accidents, namely, hoists and things that can fall or slip from above. Honourable members have probably had experience of cases of people who have fallen from above or have had things fall on to them from above. When the total earning capacity of the man is lost and the compensation is added to this, it can be seen that the cost of protection is not all that high.

Clauses 174 to 184 are more strictly devoted to health and welfare. These sections go further and fit in with emotional happiness. People work much better if they are happy in their work. Working conditions (including the amount of floor space per worker), ventilation (including exhaust ventilation for noxious fumes and products), lighting and heating, facilities for working, facilities for eating, etc., are covered by these clauses. It is surprising how often facilities for eating go by default. Clause 179 states:

(1) The occupier of a factory or warehouse shall provide and maintain for the use of females employed in the factory whose work is done standing such seating facilities as may be prescribed.

(2) The occupier of the factory or warehouse shall allow any such female employed as aforesaid to make use of the said facilities at all reasonable times when that use would not necessarily interfere with the proper discharge of her duties.

(3) Where work in a factory or warehouse is performed sitting down the occupier shall provide the prescribed type of seating for females.

One section of the Bill deals with equal pay, so why should men not be able to sit when convenient.

The Hon. D. H. L. Banfield: They are not prohibited from doing that under the Act.

The Hon. V. G. SPRINGETT: Neither are women.

The Hon. D. H. L. Banfield: They are getting the same rate as men under equal pay.

The Hon. A. F. Kneebone: Men still get up to allow ladies to sit down in the buses.

The Hon. V. G. SPRINGETT: I agree that should happen. Both sexes should be treated equally on this point. Clause 180 states in part:

Sufficient and suitable sanitary conveniences for the persons employed in any factory, shop, office or warehouse . . . .

This is always a problem, particularly in factories involved in dirty processes that soil the hands and skin. There is a tendency for the minimum number of basins to be provided. Of course, they are never adequate at the times of the day when the majority of people come off shift and want to wash so as to go home in a clean condition. The number of

sanitary conveniences to be provided are not expressed in the Bill and I ask that the Minister give an assurance that this will be laid down. The matter of safe egress and ingress is dealt with in the Bill.

Clauses 185 to 188 provide for the protection of young people in industry. One of the most important things today is that more and more young people are being taught industrial processes of increasing complexity. It is a well-known fact that youngsters who are taught under an apprenticeship system or by a short breaking-in period in a factory become better and safer workers than those who are pitch-forked into complete industrial processes. It cannot be over-emphasized that the happy, harmonious worker of the future is usually one who has had the assistance of sympathetic older workers and sympathetic employers. There is much in this Bill that cannot but be of benefit to the State, but there are one or two points that I shall raise in the Committee stage.

The Hon. JESSIE COOPER secured the adjournment of the debate.

TRAVELLING STOCK RESERVE: KOORINGA, BALDINA AND KING

Consideration of the following resolution received from the House of Assembly:

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.

(Continued from October 19. Page 2843.)

The Hon. G. J. GILFILLAN (Northern): I support the resolution. This reserve is the remaining portion of a much larger area comprising about 5,950 acres. It has been found, as in other such cases, that, because of the present methods of transporting stock by road, this reserve is no longer necessary for travelling stock and it has become an embarrassment to adjoining landholders because of the weed and vermin problem. In this particular area it is proposed to resume a portion, and to leave a road varying in width from 3 chains to 10 chains, which is quite generous for the purpose of travelling stock.

This resumption will mean that this area will no longer be available as a grazing area to those few people who sometimes used it in adverse conditions, nor will it be available to those who used it more regularly. I have conducted a thorough check in the area and I have found there is no objection from adjoining landholders. In fact, it is thought that the narrowing of this area will actually facilitate the movement of stock by road. As one person said, the large area at present involved, in this age of mechanization when most people drive sheep from a vehicle, makes it almost impossible to work sheep along the road from a vehicle, because of the scrub. The person driving sheep has to leave the vehicle and follow on foot through the scrub. This resumption will not only overcome to a large extent the problem of weed and vermin infestation but will also make the movement of stock easier for people genuinely taking stock through the area. I support the resolution.

Resolution agreed to.

PACKAGES BILL

Adjourned debate on second reading.

(Continued from October 19. Page 2838.)

The Hon. R. A. GEDDES (Northern): One of the basic economic facts is that the law of supply and demand shall prevail, There is an old saying coined in the United States of America that when one can build a better mousetrap the world will beat a path to one's door to buy it. Therefore, standards must be set in the manufacture of goods, and the manufacturer must constantly strive to make a better product in order to stay in business. In our system of private enterprise more than one manufacturer can produce and sell a certain type of product, and this creates a greater supply and demand problem for the trade and for the housewife. Therefore, even though a product may be a better mousetrap, there are so many similar products that advertising must play an important part in promoting its sale.

In the past, selling to the public was done by salesmen and by press advertising. However, because of the wages spiral, the day of the salesman has passed and advertising has become the prime medium of selling. Of course, advertising was once done solely through newspapers but today there is a wide range of advertising media that promote compulsive buying. This is why the names "big gallon" and "king size" and similar extravagant names have been used to catch the eye of gullible people, and they have thereby created this era of compulsive buying. Even though a firm may claim it can catch big gallons of mice in "king size" mousetraps, it cannot stay in the market unless it creates compulsive buying. This reverts back to the beginning, with the law of supply and

demand and how to create a demand and how to sell. This Bill goes only part of the way because the problem of the advertising medium (the press) still has to be met by the Government if it wishes to help (if that is wanted) to foster these things and to show the gullible public which way to go. "Use my soap to retain your schoolboy complexion" or "remove your wrinkles with a certain face cream" is so much my eye and Betty Martin; yet there is no restriction upon these media of promotion of compulsive buying.

This Bill is aimed at prohibiting certain expressions being used on packages and at controlling the size of containers compared with their contents. Some aspects of the Bill are satisfactory but overall, because of the complexity of the Australian manufacturer, the importation of goods from overseas, and the fact that the seller must be allowed to make a profit, some parts of this Bill will be difficult to apply. If the policy of the Government when it was facing the electors at the last election and it said, "Live better with Labor" had been printed on a carton, it would not have been allowable under the provisions of this Bill.

The Hon. S. C. Bevan: We will put it on in a bigger and brighter way.

The Hon. R. A. GEDDES: I have been interested for a long time in the problems of containerization in respect of exports or the movement of goods inside and outside Australia. In a way, this Bill is another facet of the problem of containerization—the small container that the public buys at the supermarket or the little corner shop.

The Hon. S. C. Bevan: You could call this localization.

The Hon. R. A. GEDDES: First of all, there was containerization and then palletization.

The Hon. G. J. Gilfillan: And standardization.

The Hon. R. A. GEDDES: I suppose we can add another name to the list of "izations". I turn now to the clauses of the Bill. Clause 2 (3) provides:

A proclamation shall not be made under subsection (1) of this section fixing a day on which this Act shall come into operation until the Governor is satisfied that all of the other States of the Commonwealth have enacted legislation substantially similar in effect to this Act.

It is interesting to note that the Government sees this need for uniformity. I agree with that, as I am sure that section 92 of the Commonwealth Constitution would have made the application of this Bill purely for South Australia most difficult.

The Hon. S. C. Bevan: That is not the point. We would not have any control without complementary legislation in the other States.

The Hon. R. A. GEDDES: Thank you. It is a shame that other legislation introduced by this Government could not have had similar treatment; if it had had, things would have been a little more realistic. There are many interesting facets of this Bill. I do not wish to confuse honourable members unduly on this, but one of the problems of the manufacturer in the packaging of articles is the mechanical act of placing things in containers. Where once upon a time labour did the job, today machinery does it. In clause 4 "bottle" is defined as "a hollow vessel of glass, synthetic resin or other similar material but does not include a jar or tumbler". This has been written in because we cannot fill those little cheese glasses accurately by mechanical means. This point will arise again later in the Bill. "Pack" is defined as including:

any thing by means of which any article is packed for sale, or any articles are packed for sale as a single item, and in particular without limiting the generality of the foregoing expression includes any wrapper or confining band or any label attached to any pack.

The words "or confining band" mean that the Minister responsible for the administration of this legislation will have to be careful that he does not become too involved, because so many of our products from the land and other sources are packed in containers. For instance, floor boards from the South-East nowadays do not come in loose bundles; they are wired together. Steel fence posts come wired together, and so do impregnated fence posts, wired in bundles of 50. They are bound together with steel bands. There will be a need for a large list of exemptions under the definition of "pack" in this Bill. Clause 5 states:

(1) The Minister may from time to time by notice published in the *Gazette* exempt an article from the provisions of this Act and may by a like notice revoke that exemption.

Will the Minister give an assurance in due course that wool coming from the woolshed of the primary producer for forwarding to the wool store will be excluded from the provisions of this Bill? I do not ask that the primary producer himself be exempted in any way, because there could be occasions when the packaging of superphosphate and of seed (especially specialized small seeds) could need

the assistance of this Bill in the future. I ask for an assurance on that point. Clause 8 states:

An inspector may—

(*a*) enter or be upon any place or premises or stop and search any vehicle where he has reasonable cause to believe that articles are packed, marked, sold . . .

That is making the powers of the inspector a little too wide. I suggest that at least he be required to show some certificate if he is going to stop a vehicle or enter any place or premises.

The Hon. S. C. Bevan: He will carry an authorization.

The Hon. R. A. GEDDES: He must have a certificate, but he should be compelled to show it. Also, I question why he should be able to enter any place. I am thinking particularly of the private home. Clause 8 (*c*) states that an inspector may:

require any person, whom he finds in or about the place or premises in charge of the vehicle referred to in paragraph (*a*) of this section, to answer any question in relation to any vehicle . . .

I hope the inspectors never get into trouble by asking the office boy what goes on around the place, because I am sure the office boy would not have a clue. "Any person whom he finds" seems to be going from the sublime to the ridiculous. Inspectors have very wide powers, especially regarding their right to do the same things in shops as in factories. I query whether it would not be better for the inspector to inspect articles at the point of manufacture or packing, for I consider that the procedure laid down in this Bill should not apply to the same extent regarding the shopkeeper. I shall return to that point later.

Clause 9 says that the Minister may, on receiving an application, by notice in writing approve of a brand specified in that approval, and clause 10 says that the application for approval of a brand shall be in the prescribed form, shall contain the prescribed particulars, and shall be accompanied by the prescribed fee. There again, the question comes up: will it be necessary for every producer of wool in the State to have his brand on his wool pack registered purely for the purpose of sending it from the woolshed to the place of sale? Does it mean that the well-known brand names of "Persil" and "Lux" will need to be registered in every State under the requirements of this Act? I think it would be wiser if the provisions of this Bill were to apply only to products manufactured in South Australia.

This Bill is designed to be a Bill producing uniform legislation, therefore it will need uniform confirmation by the departments in every State. I think this will create hardship for the small manufacturer. I wonder how the Ministers will agree to some of the provisions of this type of legislation. I was privileged to sit in the Lower House of the New South Wales Parliament last year when the Mrs. Jones and the Marrickville margarine problem was at its height. This matter was of great importance to New South Wales, and it certainly was important to both the Government and the Opposition. There was talk of much unemployment.

The Hon. S. C. Bevan: It was important to the dairying industry, too.

The Hon. R. A. GEDDES: I am glad the Minister thinks that way. Our thinking in this State is entirely different from the thinking in New South Wales. The thinking there was not so much of the dairying industry but of the unemployment problems that could arise. I imagine that the Ministers from Western Australia to Queensland, in conforming with all manner of things such as allowable quotas or restrictions, would have a great deal of fun as a result of the insular or sectional ideas in their own States.

The Hon. S. C. Bevan: The aim of the Bill is to see that a label on a package shows the true weight.

The Hon. R. A. GEDDES: It also says that the Minister may approve a brand. I am putting forward the argument that it could be that we would not care so much if the Marrickville company had its name in 2in. letters even though the New South Wales Act might want it in 1in. letters. That is the point I want to make.

Part III deals with the packing of articles. I have no quibble with the principles outlined in this Part. I think there is a need to prevent or control compulsive buying by people who are taken in by the "5c off" or the "big gallon" or any other gimmick that the manufacturer or packer can devise in order to make a sale. However, I have reservations regarding Part IV, which I shall come to later. Clause 15 provides that a packer shall not pack an article unless the pack in which that article is contained is marked in the prescribed manner with an approved brand or the name and address of the person on whose behalf the article was packed, when that person has an address within the State. The penalty prescribed for a first offence is $200. Many products are marketed today. The Bill does not

list the products that will be exempt, but bagged wheat is one article that comes to my mind. It would be quite illogical to have an approved brand on wheat. Also, what happens with the plastic type of bags used for oranges and vegetables? In the past they have not had a name on them. Will it mean they must have on them the name of the packer?

The Minister, in his second reading explanation, said:

Certain articles must be packed in certain prescribed denominations; this is to facilitate consumer comparison of the price of similar articles.

This concerns me, because I cannot see how it is going to work. The Minister may from time to time by notice published in the *Gazette* remove an article from the list of those articles that have to comply with the Act. I am thinking again of the Australia-wide problems that will arise. How can the consumer compare prices when a Minister here in South Australia, because of problems with a local manufacturer in, say, the fish canning industry, removes the name of a certain product from the list? The manufacturer in South Australia would know the circumstances of this and would be allowed to market his product in a certain way, but how could the consumer know about it? Also, how would the shopkeeper know what was going on? How will a packer know of these things that are appearing in the *Gazette* if these great variations are taking place?

There is a delightful play on words in clause 17, which states:

The Minister may by notice published in the *Gazette* declare a day appointed . . . not to be a day appointed under this section . . . and thereupon the day so declared shall cease to be a day appointed under this section in respect of that article.

Although I know what it means, the wording seems most peculiar. I was interested this afternoon to notice in the Builders Licensing Bill a definition that surely would be a little better understood by the chap outside who has to work under the legislation when it is proclaimed. Clause 27 of that Bill states:

The board may, with the approval of the Minister, by order published in the *Gazette*, exempt any person, firm or any class of person or any building work or class of building work from the operation of all or any of the provisions of this Act either generally or subject to such conditions as the board specifies in the order.

In the Bill now before us there is this glorious play on words that days shall cease to be days. The only appropriate reference I could find was one my wife made and one that was typical of a female: she does not want anyone to know when it is her birthday. The Bill deals with the problem of the mechanical packing of small glasses of cheese. Clause 20 (1) (*a*) states:

any deficiency of weight or measure does not exceed five parts per centum of the stated weight or measure or where the article is contained in a bottle, the stated contents of which do not exceed eight fluid ounces or eight ounces, seven and one-half parts per centum of the stated contents;

It is an interesting method that has been contrived where the inspector, in trying to find out whether there has been a deficiency in the packing of any article, may use the average of the contents of 12 boxes containing the article selected. This is necessary because of the problem that the mechanism cannot see when to stop packing. Clause 21 (1) states:

A packer shall not pack an article, other than a prescribed article, in a pack marked with the words "net weight when packed" or other words capable of bearing a like meaning.

This is necessary because of the problems in the packing of soap, which gains or loses weight depending on the climatic conditions. Section 49 of the Weights and Measures Act provides that if someone sells an article by weight, measure or number, he shall be prosecuted if the weight is short. This clause of the Bill is virtually in conflict with that section of the Weights and Measures Act and I should like the Minister to clarify the problems in relation to this matter. I often wonder how a layman could understand the wording of the Bill. Clause 21 (2) states:

A packer shall not pack an article, other than a prescribed article in relation to which there has been prescribed an alternative expression, in a pack marked with any alternative expression or words capable of bearing a like meaning.

I understand that on the lowly matchbox it is stated that the box contains an average of 50 matches, or words to that effect. There is a $200 fine if one does not understand that part of the legislation. I have no quibble about the fines as far as the packers are concerned. This legislation could affect some big business, but I doubt that a $200 fine would worry any big packer.

The Hon. A. J. Shard: He could pay the fine today, do it again tomorrow, and laugh about it.

The Hon. R. A. GEDDES: That is right. I think the penalty could be higher. Clause 24 (1) states:

A packer shall not pack an article in a pack—

(*a*) marked with a restricted expression.

Clause 24 (2) states:

Where a restricted expression is marked on a pack containing an article—

(*a*) there shall be marked on every part of the pack on which the restricted expression appears a statement of the true weight or measure of the article . . .

So, if there is a six-sided packet of cigarettes marked "king size" on six sides, it also has to have the number of cigarettes marked on all sides of the pack. We are not only helping the consumer in this problem but we are letting him see what is there all along the line. Clause 24 (2) states:

Where a restricted expression is marked on a pack containing an article—

(*c*) each of the letters or figures contained in the statement referred to in paragraph (*a*) of this subsection—

(i) shall be of a size of not less than the minimum size of print prescribed under section 18 of this Act in relation to the size of the package.

I cannot see how we shall ever get the size of the print in relation to clauses 18 and 24. I have no doubt that the Minister will be able to administer this better than I can.

The Hon. Sir Norman Jude: Tell us about the prohibited expression.

The Hon. R. A. GEDDES: Clause 24 (3) states:

For the purposes of this section—

"prohibited expression" means any expression, whether consisting of a single word or of more words than one and whether in an abbreviated form or not, that directly or indirectly relates to or qualifies a unit of measure of physical quantity and without prejudice to the generality of the foregoing includes any expression, within the meaning of this provision, prescribed as a prohibited expression for the purposes of this section;

The Hon. D. H. L. Banfield: There cannot be any misunderstanding about that.

The Hon. R. A. GEDDES: I am reminded of Eliza Doolittle who said, "Why can't the English learn to speak?" What about a New Australian at, say, Carrieton in his grocery shop? Will he be able to understand what this means? The Bill says that the seller is equally liable as the packer.

The Hon. Jessie Cooper: He will come and ask you.

The Hon. R. A. GEDDES: Yes. Of course, prohibited expression means big gallon, long foot or Tom Thumb, etc. Part III deals with the packing of articles and the problem of the packer and how he can be prevented from using trickery or roguery. Part IV deals with the person who sells articles, whether he be big or small. I agree there is need to have control of the packer, but I consider that the provisions in Part IV are unnecessary in the administration of this legislation. I think the fines are unrealistic, particularly with regard to the smaller man.

Part IV lays down in cold black and white all sorts of things that a storekeeper cannot do. As our stores nowadays buy from the manufacturer 99.9 per cent of the time, except for imports from overseas, it is unrealistic for an inspector to say to the storekeeper, "You have so many cases of a product on your shelves that are short in weight." Is it believed that there are storekeepers in this country who deliberately take material out of packs? I ask this question particularly in the light of the way in which packs are sold today. Just about everything, with the exception of sugar and salt, is done up in cellophane or other materials that are difficult to tamper with. I cannot see any point in having Part IV in this Bill at all. It is the big fish that we are after.

I am mindful of the days when the Victorian Government prohibited the sale of certain books in that State. It was difficult to buy such a book in Adelaide within 24 hours of such a Victorian prohibition, because of the demand created by it. With modern road and rail transport, if a product bearing the words "king size" is not approved by the Minister in South Australia, it would not take a wholesaler long to get his surplus products into Victoria.

The Hon. S. C. Bevan: This Bill is introduced on the basis of uniform legislation.

The Hon. R. A. GEDDES: I agree. I will take uniform legislation down to the common family unit of husband and wife; it does not always work there. Clause 38 deals with permits in relation to the export or import of goods. The wording is designed particularly in relation to imports; subclause (2) states:

A permit granted under this section shall be held subject to—

(*a*) such conditions as are specified in the permit with respect to—

(i) the number of individual articles the sale of which is authorized by the permit;

(ii) the form and manner in which the weight or measure of the article contained in each pack shall be indicated; and

(iii) the weight or measure of the article contained in each pack;

and

(*b*) such other conditions, if any, whether or not of the same kind as the conditions referred to in paragraph (*a*) of this section as the Minister in his discretion specifies in the permit.

(3) A person to whom a permit is granted shall deliver or forward by post to the Warden of Standards on or before the fifteenth day in each month, until all the articles specified in the permit have been sold, particulars in a form approved of by the Minister of all articles, the sale of which is authorized by the permit, sold by him during the month preceding that month.

Those provisions seem very messy. I turn now to the big Rundle Street type of enterprise that imports its own goods to a large extent. If it imports goods that come under the ambit of this Bill for which a permit must be obtained in order to sell them, then on the fifteenth of the month it must take stock of all the sheets and towels (or whatever it may be) and inform the Warden of Standards accordingly. Surely in this modern age, if a permit is granted for the import and sale of so many gross of articles, that should suffice. Clause 43 intrigues me; it states:

Where a body corporate does any act or makes any omission that is an offence against this Act—

(*a*) every director;

(*b*) every member of the governing body; and

(*c*) every person concerned in the management;

of that body corporate who authorized or knowingly permitted that act or omission, as the case may be, shall, for the purposes of this Act, be deemed to have committed that offence.

This can be looked at in two ways. How does one get on when the management says, "Sales are falling. We must sell more products." The order comes from the top echelon to the rank and file, the actual salesmen and the designers. I wonder how deeply we could go in uniform legislation in regard to this!

It seems to me that it is necessary to be able to control the difficult, ruthless types who do not give a tinker's curse for the product or how they sell it. However, in legitimate cases, where an order goes out; "We must sell to survive," surely there must be some leeway. I wonder whether this legislation will ever see the light of day throughout Australia. The problems of co-ordination between State and Commonwealth Governments will need much patience and perseverance.

I realize that Ministers and officials have met to work out the beginnings of this project and I shall be very interested to see whether this legislation works. I agree that packers should be policed but I do not think it is fair and reasonable that storekeepers should also be policed. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Exemptions."

The Hon. R. A. GEDDES: Can the Minister now give an assurance that the problem of wool going from the woolshed to the store will be considered?

The Hon. S. C. BEVAN (Minister of Local Government): I cannot give the honourable member an assurance that something will not be done. I do not intend to tell the woolgrower that he must alter his system to a better one of wool packing and marking. The grower of the wool is known by the markings on the pack. It is not intended to alter that.

The Hon. R. A. GEDDES: Clause 4 provides:

"Article" includes, but without limiting the generality of the meaning of the expression; liquids, goods, chattels, wares, merchandise and any other goods of any description, normally sold by weight . . . but does not include an article which is for the time being exempted from the provisions of this Act.

It is also necessary later in the Bill for every brand, where the article is sold in this way, to be registered. It would be quite unnecessary for wool to be registered so that every woolgrower in the State had to pay a prescribed fee, because it is a product sold by weight and a product that is branded. If the Minister cannot give me an assurance on this, I shall have to seek to amend this provision later.

Clause passed.

Clause 6—"Inspectors."

The Hon. H. K. KEMP: Can the Minister say whether it is proposed to have another department to administer this legislation and another set of inspectors going around the shops, or will this be done by a present instrumentality?

The Hon. S. C. BEVAN: This legislation comes under the Minister of Lands, and inspectors of weights and measures will administer it. It is not intended to create another department. The inspectors already employed to police the Weights and Measures Act will continue to be used.

The Hon. H. K. Kemp: How many more inspectors is it expected will be required to administer this Act?

The Hon. S. C. BEVAN: I think the honourable member will appreciate that I cannot answer that question. This matter does not come within my jurisdiction and I do not know whether or not it will be necessary to employ any additional inspectors.

Clause passed.

Clauses 7 to 20 passed.

Clause 21—"Net weight when packed."

The Hon. R. A. GEDDES: Section 49 of the Weights and Measures Act, which is equivalent to clause 21 of this Bill, provides that if someone sells an article by weight, measure or number, he shall be prosecuted if the weight is short, whereas this Bill provides:

A packer shall not pack an article, other than a prescribed article in relation to which there has been prescribed an alternative expression, in a pack marked with any alternative expression or words capable of bearing a like meaning.

Can the Minister say what will happen as those two provisions conflict?

The Hon. S. C. BEVAN: According to present law, the net weight has to be stamped on a package at the time it is filled. Some things vary in weight from the time they are packed to the time they are sold. However, this does not apply to many articles bearing the stamp "net weight when packed". This clause will prevent people who pack these latter articles from misleading the consumer.

The Hon. H. K. KEMP: Dried fruits are packed to a weight but, no matter what precautions are taken, variations occur, and they gain weight in wet weather and lose weight in dry weather. Will these things be automatically prescribed or have all these products to be exempted one by one? This applies to most of our fresh foods. One can weigh out 1 lb. of whiting and two hours later it is 2oz. underweight because of evaporation.

The Hon. A. F. Kneebone: Bread manufacturers have to have bread that is overweight to ensure that it is the correct weight when sold.

The Hon. H. K. KEMP: Is it expected that that will be applied to fruit?

The Hon. A. F. Kneebone: I do not say that; I am merely saying what happens with bread.

The Hon. S. C. BEVAN: The Hon. Mr. Kemp has referred to the possible variation in the weight of fruit. However, the items known to vary in their weight would be the "prescribed packages" under this clause. Some items could be missed, but they would be picked up afterwards. A packer may say that fruit varies in weight according to climatic conditions; then someone else may come along and say the same thing about something else, and it would be never-ending.

The Hon. R. A. GEDDES: This Bill is a complex one. Being a country member, it has not been easy for me to find out much about its details. Will the Minister supply me with a list of the type of goods that will be exempt? For instance, will certain foodstuffs be exempt? I can imagine that with dried fruit there could be quite a variation in weight. Would the Minister consider reporting progress to enable us to get further information?

The Hon. H. K. KEMP: This question is tremendously important to the fruit industry. I do not see how the dried fruits trade could be carried on if the term "net weight when packed" was excluded from commercial use. Many articles have the capacity of either losing moisture or taking up moisture according to the humidity. Even our grains vary tremendously in weight. I think we should have an opportunity to look at the implications of this matter.

The Hon. F. J. Potter: Would it vary as much as 5 per cent?

The Hon. H. K. KEMP: It could vary by more than that.

The Hon. C. M. HILL: I can recall that when the Weights and Measures legislation was before us some time ago quite strong representations were made by smallgoods manufacturers on this very point. Items such as continental sausages, metwurst and smallgoods of that kind were shown to lose weight before they were actually sold, and it seemed to me then that the only fair way to handle the problem was to mark such products under the "net weight when packed" principle. Rather than our moving away from that principle, as I sense that this Bill is endeavouring to do, I think we should be keeping that principle well and truly in front of us and, indeed, concentrating more on it.

Many foodstuffs lose weight, and it is not fair for the housewife to have to buy a product that is stamped "1-lb weight" when it does not weigh 1-lb. If it was marked "1-lb. weight when packed" there could be a general appreciation of the whole situation. Articles to be exempt will be specified by regulation at a later date. However, if we could obtain some information about the range of goods the Government envisages as being "prescribed articles" I think we would be in a far better position than we are now to consider the clause.

The Hon. G. J. GILFILLAN: Exemptions were brought out under the Weights and Measures Act in respect of the goods the Hon. Mr. Hill has mentioned. It seems to me that this Bill will cut across some of the provisions of that Act. Therefore, I ask the Minister to report progress to enable us to check on what could be contradictions between the two Acts.

The Hon. S. C. BEVAN: I thought I had explained the position. It has been recognized everywhere for many years that certain products vary in weight. The Hon. Mr. Hill says it is unfair that the housewife should be buying an article that is short weight. The purpose of this clause is to stop the very thing that the honourable member is complaining about. The exemption granted under the Weights and Measures Act has been abused, and the housewife has been exploited. The "net weight when packed" principle lets the packer out, for often the weight specified has never been there.

Clauses 22 and 23 deal with deficient weights of articles when packed. In short, this form of marking will not be available to cover the deficiencies in the true weight of articles. Surely all honourable members can understand that. This is to stop the exploitation that has been going on under this guise for many years.

The Hon. R. A. GEDDES: The Minister has put up a good smokescreen. I asked what would happen to section 49 of the Weights and Measures Act, but the Minister did not say. That Act provides that if someone sells an article by weight, measure or number he shall be prosecuted if the weight is short. We are now debating the opposite to that. Which provision will apply, regardless of the fact that we have to wait for uniform legislation?

The Hon. S. C. BEVAN: I resent the honourable member's saying that I was attempting to throw a smokescreen around this clause. I have explained the purport of the clause. The Weights and Measures Act will come before Parliament later. This clause will get over the anomalies that have existed under previous legislation. It is not necessary to report progress. The intention of the clause is plain. If honourable members feel that the housewife should continue to be exploited (I use the Hon. Mr. Hill's expression)—

The Hon. H. K. Kemp: That's a nice twist.

The Hon. S. C. BEVAN: That is what this clause is trying to prevent. The only construction I can put on this matter is that the Opposition does not want this provision in the Bill, and this means that exploitation will continue.

The Hon. R. C. DeGARIS: I am sorry that the Minister has taken this attitude. He has said that he has been accused of putting a smokescreen around the debate on this clause. I believe he has, because no mention was made by the Hon. Mr. Geddes or the Hon. Mr. Hill of the exploitation of housewives. There has been no opposition to the clause.

The Hon. A. F. Kneebone: Then why do they oppose the clause?

The Hon. R. C. DeGARIS: There has been no opposition to it. The Hon. Mr. Geddes made a long speech, in which he asked many questions. The Minister did not make any reply to the second reading debate, so the request to report progress is reasonable. I think this Committee is entitled to information, and I ask the Minister to report progress.

The Hon. H. K. KEMP: This legislation brings in a large number of very important materials sold in the retail trade that are inevitably influenced by the weather conditions under which they are handled. Wide claims have been made that the housewife has been exploited by the use of the words "net weight when packed". I should like the Minister to say what materials are involved in these charges and how real are the charges. I have heard vague reference to soap powder being one of the materials, but the importance of soap powder as against the importance of the large group of food items that come under this category is fantastically different. If we are going to use this expression, it cannot be discarded in the merchandising of these materials.

The Hon. A. F. Kneebone: You are opposing the clause.

The Hon. H. K. KEMP: I am not.

The Hon. A. F. Kneebone: You are saying that the words should still be used.

The Hon. H. K. KEMP: That is a good twist. It is a dramatic appeal to the press to tell the housewife that she is being exploited. This is not the case. If there is one brand of soap powder being sold under false pretences because it evaporates after it has been packed, this is no excuse to interrupt commerce on other materials.

The Hon. C. M. HILL: What confuses me is that not very long ago, when the Weights and Measures Bill was before the Council, the Government supported the principle that goods should be marked "net weight when packed". After this short period of time it is supporting something directly opposite and substantiating its submission by saying that it is protecting the housewife. What was it doing before?

The second point concerns inspectors, whom I think should concentrate on carrying out their inspections at the point of manufacture.

The Hon. A. J. SHARD: I rise on a point of order, Mr. Chairman. This clause has nothing to do with inspectors.

The CHAIRMAN: The honourable member is speaking to the matter of weights at a particular time, and I think it is relevant.

The Hon. C. M. HILL: I am dealing with clause 21, which provides heavy penalties. Subclause (1) provides that for a first offence the penalty is $200, and for a second offence or subsequent offence $400. In subclause (2) there are further penalties. These offences must be proved as a result of inspectors' reports, and this brings me to the point that inspectors should carry out their work primarily at the point of manufacture, not the point of sale. A definite check can be made at the point of manufacture. If a continental sausage is marked "Net weight when packed", it can be checked there and then by the inspectors whether the weight is correct. This is why I ask for information about the goods to be included in the list of prescribed articles.

Are we to reverse the policy approved a short while ago, or are we to have a fairly comprehensive list of prescribed articles? Are the articles mentioned tonight to be in this list? If these goods are to be struck off the list we previously discussed, and if the prescribed goods are to be few in number, then this is a complete reversal, and it will cause me to reconsider this matter, and I cannot do so unless I have information on what the prescribed articles will be.

The Hon. S. C. Bevan: The Bill has been with you for some time.

The Hon. C. R. STORY: The Minister has said the Bill has been here for some time, but I point out that it first came before this Council on October 19. There have not been many sitting days between that date and the present time. Had I not been otherwise engaged a short while ago, this Bill would not have reached the Committee stage tonight. I ask the Minister whether dried fruits could be exempted completely under any provision in the Bill.

The Hon. S. C. BEVAN: It is quite evident from clause 21 that they could be exempted. Such a product could become a prescribed article and it would therefore be marked in the way it is marked today, "Net weight when packed". This could be used on a package of a prescribed article.

The Hon. C. R. STORY: If this so, would it apply to most commodities capable of drying out under packaging, or capable of picking up moisture? It matters tremendously to the grower. Barley and some other commodities pick up weight. In fact, the pick-up in barley paid the administration costs of the Barley Board, and the same applies to some other commodities. Heavy penalties are imposed on people who sell overseas but do not attain the required standard. I want to know definitely that these goods capable of drying out will be exempted. It seems to me that, except for Crispies, which are dried out as far as possible, many commodities will have to come into the prescribed list. Is the Minister prepared for a fairly formidable list along these lines? I believe he will be amazed. I am particularly interested in celophane packs; perforations must be made to let off sulphur. If they are not exempted there will be real difficulty in the dried fruit industry.

The Hon. H. K. KEMP: Apparently there have been offences that have aroused the ire of the Government as a result of people giving short measure. Our contention is that it would be much better to prescribe those articles for which the term shall not be used than having a whole long list of materials that can be merchandized only by some recognition of the fact that they do lose or gain weight in the course of being handled. I do not think the Government has given us the information we want on the articles involved in a correct net weight being stamped on the package. We cannot think of prohibiting the use of that term in connection with a large range of commodities.

The Hon. L. R. HART: According to the Minister, this provision conflicts with section 49 (3) of the Weights and Measures Act, which will have to be repealed if and when this Bill passes. That being so, I presume it will have to be done during this session of Parliament. I refer now to the packing of superphosphate. A bag of superphosphate has marked on it a net weight of 187 lb. It does not say "when packed"—merely "187 lb. net weight". That is its average weight when packed, but anyone who has seen superphosphate bagged at the works knows that by the very nature of the bagging arrangements it is difficult to get two bags of identical weight. It appears there is a let-out in subclause (4). However, I assume that the packers of superphosphate will now be required to mark their bags "net weight when packed". They will

then be allowed a certain permissible deficiency in parts per centum. I should like clarification of this, because there is much variation in the weight of superphosphate when bagged. To a large extent, it depends on its condition when packed. When weighing bags I have never yet found two of exactly the same weight. The allowable deficiency will be difficult to arrive at. Can the Minister explain the position?

The Hon. S. C. BEVAN: I did not know that superphosphate was marked "net weight when packed". It is news to me that it is marked at a given weight when packed in a bag.

The Hon. L. R. Hart: At present the bags do not have "when packed" on them.

The Hon. S. C. BEVAN: Yes, but this clause provides for that. The honourable member has referred to other clauses that allow a deficiency. They have not yet been reached so I shall not now attempt to explain them as we are not dealing with them. The Hon. Mr. Story has raised queries on this. What has clause 21 to do with superphosphate? The Hon. Mr. Hart has spoken of other clauses dealing with deficiencies.

The Hon. L. R. Hart: I have been talking about clause 21 (4).

The Hon. S. C. BEVAN: The wording is "in each prescribed article". That allows the package to be marked at present "when packed". It means that it was of the prescribed weight when packed and not a lesser weight. An inspector could pick up a package that did not approximate the prescribed weight. Allowing for the deficiency, the packer would not be within the prescribed weight and he would be liable for prosecution. The Hon. Mr. Story has said that whoever the packer may be he should be entitled to the benefit of any doubt. If the package was overweight because of climatic conditions affecting it (perhaps additional moisture content) the packer would not be breaching any provision of the legislation but, when he packed it, he would have to pack it according to the state of the product at the time. He would pack it at its true weight—"1 lb. when packed", with moisture content.

The Hon. L. R. Hart: Superphosphate works out on an average over a number of bags, but the packer would be in difficulty confining it to one pack.

The Hon. S. C. BEVAN: Variations do take place and, for that reason, they would be prescribed articles. That is why we use this phraseology. Many commodities are packed today where these variations take place. The clause as it stands is self-explanatory; it allows for this sort of thing. The honourable member is entertaining fears that are groundless. This legislation does not come into operation until similar legislation is passed by the other States. These exemptions will be looked at by all States.

The Hon. C. M. Hill: There will be a common list?

The Hon. S. C. BEVAN: Yes. They will be looked at from the point of view of uniform legislation; otherwise this legislation would be useless. It would defeat its purpose, because an article could be packed in another State, where it might be under weight, and under section 96 of the Constitution it could be marketed in this State and we could do nothing about it. That is why this legislation has been brought down after conferences with the State Ministers. It is uniform legislation. It has been agreed that the legislation will not be enacted until the other States have passed similar legislation. In fact, there would be a common operative time.

The Hon. M. B. Dawkins: It would not be proclaimed?

The Hon. S. C. BEVAN: No, it would not be proclaimed unless every other State proclaimed similar legislation. I think clause 21 is self-explanatory.

The Hon. C. R. STORY: I thank the Minister for his explanation. However, there are one or two things I am not happy about. This legislation is to be complementary to the legislation of all the other States, and I take it that the regulations also will be complementary. If this Parliament was not satisfied with those regulations, it would be perfectly within its rights in moving to disallow them. Therefore, the matter could go on for quite a long time with Parliaments throughout Australia rejecting the regulations. I point out that it would not be much use having a uniform Act if we did not have uniform regulations.

The Minister in charge of the Bill, in collaboration with the Attorney-General, I take it, will have to decide which commodities are to become "prescribed articles". I want to make sure that these matters are taken into account when the regulations are framed, otherwise we could find ourselves without uniform regulations, in which case all the Minister's efforts in bringing in uniform legislation

would be of no avail. I assure the Government that it does not have a complete mortgage on the brains of this Parliament, as it seems to think it has.

The Hon. H. K. KEMP moved:

In subclause (1) to strike out all words before "Penalty" and insert "The Minister may prescribe articles for which the words 'net weight when packed' or other words capable of having like meaning may not be used."

The Hon. A. J. SHARD (Chief Secretary): I oppose the amendment. I have sat here listening patiently to the debate on this clause, and I am sorry to say that I have not heard much common sense from honourable members.

The Hon. C. R. Story: You ask the fruitgrowers up the river about it.

The Hon. A. J. SHARD: Clause 47 covers the whole thing, and if honourable members had studied the Bill the argument going on at present would not have been necessary. Clause 47 gives power to make regulations, and Parliament has the right to disallow any of those regulations. If the regulations do not go far enough, the legislation will be useless. Clause 21 is quite clear. If honourable members want to upset things and delay the Committee, they will go on as they are going on now.

The Hon. H. K. KEMP: The Leader of the Government in this place has said that we are unnecessarily upsetting the work of this Committee. I say that the Government is interfering unnecessarily with a large section of the food trade. It is doing that because of one or two nebulous charges, about which no evidence of proof has been adduced. Therefore, I think the Government's action is questionable. It seems that Government members cannot get into their heads that a very large trade and many people are involved in this matter. Perhaps one or two vendors have been sliding past under this "net weight when packed" principle.

The Hon. R. C. DeGARIS: Once again I ask the Minister whether he will report progress at this stage. The Chief Secretary said a moment ago that members of this Committee had not read the Bill properly. I say that honourable members in this place do understand the Bill, and that the Chief Secretary's statement that we are worrying about nothing because clause 47 covers the matter is so much rot. Clause 47 provides that regulations can be made by the Government in respect of "prescribed articles". However, these prescribed articles are articles to which this section shall not apply. The Chief Secretary said it was in the hands of Parliament to decide what articles would come under this clause, but the reverse is true: everything is covered until such time as there is an exemption by regulation, so the position is totally different from that outlined by the Chief Secretary. What the amendment does is to put the boot on the other foot. This may be the correct way of doing it.

The Hon. S. C. BEVAN: If the amendment is carried, the legislation will not work.

The Hon. F. J. Potter: There will have to be further amendments to other clauses, too.

The Hon. S. C. BEVAN: Yes, many more. This is uniform legislation to deal with the anomalies mentioned. It would pay the Hon. Mr. Kemp to make inquiries to ascertain just how many instances there have been. All these matters will be cleared up by the States before the Bill is proclaimed or before the regulations are brought down. The Bill will not become operative until these matters have been dealt with by all the States. The articles to be exempted will have to be ironed out by the States themselves in regulations. Surely the honourable member knows it is impossible for me to name these articles: this must be done by all the States, not by one individual State. The clause is clear in its intentions. I think the amendment was moved because I insisted on not reporting progress. If the amendment is carried the whole Bill will be ineffective.

The Hon. L. R. HART: The Minister has referred to regulations that will be made prescribing certain articles and the Chief Secretary has referred to clause 47. I refer to clause 38, under which the Minister may give permits in relation to certain articles, particularly articles which are in contravention of the Act or which fail to comply with the Act. Here a regulation is not required, so the Bill is not governed by regulations. I consider that progress should be reported so that honourable members may have time to study the amendment.

The Hon. C. M. HILL: I am concerned about the wording of the amendment. I consider that the word "may" should be "shall", otherwise it is not definite enough, especially when it is immediately followed by a fairly strong penalty clause. The second point that worries me is the wording of the penalty clause, which states that the penalty for a first offence is $200. As the amendment reads, who is the offender? The packer is not mentioned in the amendment. The Hon. Mr. Kemp has asked for time to study the

amendment but he has not been given that courtesy.

The Hon. M. B. DAWKINS: I request that progress be reported because considerable progress has been made. There is a considerable difference of opinion on the clause. The Minister did not reply to all the questions that were asked in the second reading debate. It is reasonable that he should reconsider his decision and report progress.

The Committee divided on the amendment:

Ayes (8)—The Hons. M. B. Dawkins, R. C. DeGaris, Sir Norman Jude, H. K. Kemp (teller), C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (11)—The Hons. D. H. L. Banfield, S. C. Bevan (teller), Jessie Cooper, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, A. F. Kneebone, F. J. Potter, A. J. Shard, and C. R. Story.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 22 passed.

Clause 23—"Deficient weight of certain articles after day on which they were packed."

The Hon. C. R. STORY: The only reason I did not vote in favour of the amendment to clause 21 was that it would not fit this clause, simply because the honourable member concerned did not have time to consider it properly. Will the Minister now report progress?

The Hon. S. C. BEVAN: In the circumstances I shall accede to the honourable member's request.

Progress reported; Committee to sit again.

FISHERIES ACT AMENDMENT BILL

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

PARKIN TRUST INCORPORATED ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 19. Page 2839.)

The Hon. JESSIE COOPER (Central No. 2): I support the Bill, which was referred to a Select Committee in another place. As the Minister stated in his second reading explanation, this Bill gives the governors of the Parkin Trust power to arrange for the establishment of a residential college at Flinders University. The plan proposed is for a college to house 200 students, men and women, of whom 10 per cent will be theology students. In this way the interests of the trust will be protected.

I am glad to have this opportunity of speaking on this matter. Ever since the offer was made known to the members of the Flinders University Council, we have been greatly impressed by the vision and true Christian spirit that inspired it. Earlier, when the Bill to establish the Flinders University was before this Council, I spoke of the need for university colleges endowed by the churches. It is very heartening to realize that the Congregational Church has taken up the challenge to the community that comes from the setting up of a new university, and to realize that this church is prepared to make a very real effort to help our young people in a practical way.

The population of South Australia is widely spread. Many of our students have homes hundreds of miles from a university. Where a university such as the Flinders University has been established in a newly developed section of the Adelaide metropolitan area, particularly in a district where there is a shortage of boarding establishments, it is absolutely essential that we establish colleges and halls of residence so that students from all over South Australia and beyond should have equal opportunities of living and studying under the most advanced conditions.

It is indeed fortunate that a private institution finds itself in a position to make possible the setting up of a residential college in association with the Flinders University. It is regrettable that the hall of residence as recommended in the first place by the Australian Universities Commission for this triennium could not be proceeded with from purely Government funds, Commonwealth and State, because of the lack of finance at the time and notably because of a very weak State Treasury. This generous offer by Parkin Trust is therefore all the more to be appreciated. I commend this Bill to honourable members.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

ST. MARTIN'S LUTHERAN CHURCH, MOUNT GAMBIER, INCORPORATED BILL

Adjourned debate on second reading.

(Continued from October 19. Page 2840.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill vests in St. Martin's Lutheran church of Mount Gambier land situated in Boandik Terrace, Mount Gambier. The property was purchased in, I think, 1863 by the Lutheran Church in Mount Gambier.

There was existing at the time a deed of trust vesting it in certain trustees, to be held on behalf of the church. Soon after this there was a division in the Lutheran Church and there were two branches existing in Australia —the Evangelical Lutheran Church and the United Lutheran Church. A dispute arose back in the 1930's between the two branches of the Church as to which body was entitled to this land. Most honourable members realize also that recently the two branches of the Lutheran Church existing in Australia for many years have been reunited into the Lutheran Church of Australia. Because the original congregation and the original deed no longer exist, a special Act of Parliament is necessary to cover this matter. This Bill was referred to a Select Committee in another place, which Committee recommended its passage. Therefore, I see no reason to hold the Bill here for any length of time. I support the second reading.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

ADJOURNMENT

At 10.58 p.m. the Council adjourned until Wednesday, October 25, at 2.15 p.m.