LEGISLATIVE COUNCIL

Wednesday, October 25, 1967

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

QUESTIONS

FLAMMABLE CLOTHING

The Hon. V. G. SPRINGETT: Earlier this session, when I asked the Chief Secretary a question concerning inflammable clothing, I was told that the matter would be discussed at a meeting of State Ministers of Health to be held in this State on September 29. Can the Chief Secretary inform me of the outcome of this meeting and whether we are any nearer a procedure for warning the public of the danger of the materials used, particularly in children's clothing? If no uniform legislation is being prepared, is the Government willing to pioneer legislation on this matter?

The Hon. A. J. SHARD: I do not think I stated that this matter would be discussed at the conference of Ministers of Health in September. However, this matter was raised at the conference of Ministers of Labour and Industry. My colleague has a reply.

The Hon. A. F. KNEEBONE: I am happy to come to the assistance of the Chief Secretary. At a meeting held in Adelaide on September 29 the six State Ministers of Labour considered the use of flammable material in children's clothing, particularly night attire. I am using the expression "flammable material" because it was used by the Ministers at the conference; some people think "inflammable" means "non-flammable". The Ministers considered reports containing information obtained from overseas and the various States, including technical advice on the matter.

The technical advice received was to the effect that the British standard of flammability could not be applied to overall Australian conditions in view of the marked variations in humidity in the various parts of Australia. The British standard of flammability is based on a relative humidity of 65 per cent plus or minus 2 per cent, and while 65 per cent relative humidity might be a reasonable approach to average climatic conditions in the United Kingdom and the east coast of Australia, including Tasmania and Queensland coastal areas, conditions are normally much drier in Adelaide and Perth and certainly over most of the continent, away from the coast, including inland areas in Queensland. Therefore, fabrics that pass the United Kingdom test could unexpectedly be hazardous in the drier parts of Australia. After careful consideration of all facets of the problems involved in enacting adequate uniform legislation on this matter, the Ministers came to the following conclusions:

1. The prerequisite to the enactment of any legislation concerning this matter is the establishment of a proved and reliable standard for Australian conditions for the testing of the flammability of fabrics.

2. The Standards Association of Australia, through its Committee TX/1, Physical Testing of Textiles, is currently preparing standard test procedures for determining flame resistance of fabrics used for the manufacture of children's night attire.

In view of this, the Ministers decided to acquaint the Standards Association of their interest in this matter and the need for an adequate Australian standard test of flammability to be evolved as quickly as possible. When this standard has been established, the Ministers will then consider the desirability and practicability of enacting appropriate legislation in each State, on a uniform basis, governing the manufacture and marketing of flammable material used in clothing.

In the meantime, the Ministers agreed that approaches would be made to the Australian clothing manufacturers and other organizations and importers with a view to seeking their co-operation in adequately publicizing the danger of flammability of certain garments by the use of adequate legible labels, with words such as, "warning, keep away from fire". In addition, the Ministers urge the public to read carefully all tags or labels on garments and all materials purchased regarding the precautions to be followed when washing fireproofed garments by the use of soap powder, by boiling and by bleaching, as indiscriminate washing is liable to destroy the fire protection ingredient contained in certain of these materials. As soon as advice is received from the Standards Association on what is considered to be an adequate Australian standard test of flammability, the Ministers will give the matter urgent further attention.

MOSQUITOES

The Hon. L. R. HART: Has the Minister of Health a reply to my question of September 12 regarding the aerial spraying of mosquitoes?

The Hon. A. J. SHARD: In the three years prior to 1966, the Public Health Department co-ordinated and supervised the aerial spraying of about 7,000 acres of swamp land in the St. Kilda and Port Adelaide area for the control of mosquitoes. The department met the administrative expenses and cost of supervision, whilst the cost of materials and aerial spraying (amounting to about $8,000 per annum) was shared between the Electricity Trust of South Australia, the corporations of Port Adelaide, Enfield and Salisbury, and the Commonwealth Department of Health. The Electricity Trust of South Australia met about 80 per cent of this cost. Although the period of protection was reduced in 1965 owing to adverse weather conditions, it has been generally acknowledged that this method of control has proved of benefit to people living and working in the area concerned.

In 1966, the Electricity Trust indicated that it would not contribute to the cost of aerial spraying but would rely on local spraying in the vicinity of Torrens Island. It was not possible to proceed with even a limited operation, as the remaining contributors indicated that it was unlikely that additional funds would be available for this purpose. Although it is difficult accurately to assess the extent of the mosquito nuisance, it would appear from information available to officers of the Public Health Department that mosquitoes were more prevalent in the Port Adelaide and St. Kilda area last summer than in previous years when the area was sprayed from the air. As the mosquito breeding grounds are generally in the more inaccessible swamp areas, aerial spraying with insecticides appears to be the most practicable method of control.

In view of the approaches to the Public Health Department for the resumption of aerial spraying, the Electricity Trust has again been approached to ascertain whether it would be prepared to contribute to the costs on a similar basis to that which applied previously. If a favourable reply is received from the Electricity Trust, and the other organizations that contributed previously agree to participate on the same basis as previously, immediate arrangements can be made by the department for the areas concerned to be aerially sprayed before the commencement of summer. Unless these organizations are prepared to meet the cost of materials and aerial spraying, the department will not be able to undertake this work as funds have not been specifically provided for this purpose.

LOCAL GOVERNMENT ACT REVISION COMMITTEE

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the activities of the Local Government Act Revision Committee, in which all honourable members are interested. Some considerable time ago I inquired of the Minister whether an interim report would be available, and he told me no report was available. However, I understand that one is now. Does he intend to present this report to Parliament and make copies available to honourable members?

The Hon. S. C. BEVAN: I do not intend to table the interim report of the committee. True, an interim report is now available, copies of which can be obtained from my office by any honourable member who would like to apply for them.

GAS

The Hon. R. A. GEDDES: I ask leave to make a short statement prior to asking a question of the Minister of Mines.

Leave granted.

The Hon. R. A. GEDDES: There is a letter to the editor in today's *Advertiser* in which the writer expresses concern that a time limit may be imposed by the Government for the construction of the Gidgealpa-Adelaide gas pipeline. The writer considered that, should the Government impose such a time limit, it would preclude Australian companies from submitting tenders for the job. Will the Minister give an assurance that reasonable consideration will be given, when calling for tenders for the gas pipeline, to allowing Australian companies to participate?

The Hon. S. C. BEVAN: That is outside my jurisdiction; it is within the jurisdiction of the pipeline authority, which will be calling tenders. I can assure the honourable member that every Australian interest will have ample opportunity of tendering for the construction of the pipeline and for the supply of the pipes. The companies will know the terms of the tender and the formula and whether or not they will be able to supply the pipes or carry out the construction within the time stipulated.

TRANSPORT STUDY

The Hon. C. M. HILL: My question concerns the Metropolitan Adelaide Transportation Study. Can the Minister of Roads indicate when the plans for the freeway proposed

to be constructed in the vicinity of or surrounding the city of Adelaide will be made public?

The Hon. S. C. BEVAN: They will be made public when the report is available.

BRINKWORTH SCHOOL

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question of the Minister of Labour and Industry representing the Minister of Education.

Leave granted.

The Hon. L. R. HART: I have been informed by members of the Brinkworth School Committee that that school was to have been provided with two new classrooms during the month of September, 1967. I understand that these were to be a boys' craft centre and a girls' domestic arts centre. At this stage there is no sign of any materials being delivered to the site. Will the Minister ascertain from his colleague when it is expected that the two proposed classrooms will be provided?

The Hon. A. F. KNEEBONE: I shall be happy to refer the question to my colleague.

BUSH FIRES

The Hon. H. K. KEMP: I seek leave to make a statement prior to asking a question of the Minister representing the Minister of Agriculture.

Leave granted.

The Hon. H. K. KEMP: Yesterday, there was a very dangerous fire in the vicinity of the Cleland Reserve, but it was contained as a result of the excellent work of the fire fighters. The pine forests in the South-East are under threat from an equally bad fire. Recently I had the unpleasant duty of warning the Council of the very dangerous conditions in the Adelaide Hills. That warning was immediately confirmed and added to by the highest authorities in South Australia. The Adelaide Hills are in an extremely dangerous condition, especially in the Bridgewater, Stirling and Aldgate areas, where there could be a serious outbreak of fire within an hour or two when there is a strong hot wind. There are in this area masses of fuel, which is feet deep in very vulnerable places along the roadside, and there is a hot wind blowing at the moment.

This matter is above Party politics. As far as I can see nothing has been done from the time of my warning until now, except for some references to general bush fire danger in various television programmes and newspaper articles. The position is extremely urgent. Much of the land in those areas is directly under the control of the Government and, without any doubt, it is wholly the Government's responsibility. There is a strip (one might call it a fuse) from Bridgewater, our most vulnerable area, right through Aldgate and Stirling. There is no private ownership involved or district council responsibility. This area is crowded with furze, blackberry bushes and similar material; it could not be a more appalling danger.

Many attempts have been made by individuals in the area to clean up and reduce the fire danger, and many such landholders have done an extremely good job, but their efforts have been nullified by the complete neglect of blocks immediately adjacent to their properties. The blocks so neglected are, in many cases, held by absentee owners, some are held by the Government and some are in reserves. Some of these reserves have been cleaned up by the local people, and a good job has been done, but an acute danger still remains across the road.

Within an hour or two this danger could lead to very heavy loss of life and property. It has been a year in which general bush fire control has never been better, but also a year that has brought an acute bush fire danger at least three months earlier than normal, as has been shown by experience of the past three days.

My question is: in the short time that remains in which it is safe to carry out bush fire control work in the hills, cannot a drive be made to bring some security to householders?

The Hon. S. C. BEVAN: I understand that the honourable member is asking whether it is possible to bring some security to householders, but it appears that he is not suggesting any line of action that can be invoked by the Minister of Agriculture. However, I shall convey the question to the Minister, at the same time pointing out the matters raised by the honourable member, and obtain a reply as soon as possible.

SALISBURY NORTH TECHNICAL HIGH SCHOOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Salisbury North Technical High School.

MENTAL HEALTH ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

GOODS AND LIVESTOCK FREIGHT RATES

The Hon. R. A. GEDDES (Northern): I move:

That the regulations under the South Australian Railways Commissioners Act, 1936-1965, in respect of goods and livestock rates, made on September 14, 1967, and laid on the table of this Council on September 19, 1967, be disallowed.

Part of the regulations submitted to Parliament for consideration for inclusion in the goods and livestock freight rates for the South Australian Railways included the following:

The interior of waggons used for the carriage of superphosphate shall be swept clean by the consignee promptly after discharge, failing which the Commissioner shall arrange for such sweeping to be carried out at a charge of $1 per four-wheeled waggon or $2 per bogie waggon, payable by the consignee.

I understand that a request has been made by the grain bulk-handling authorities of this State on various occasions to the Railways Commissioner asking that trucks used for the carriage of bulk wheat should be swept clean before grain is put in them, and this is a legitimate request. Surely, if the primary producer is expected to sweep out the truck his superphosphate comes in, it is reasonable that other people who use the railways for the carriage of bulk products should bear equal responsibility? A case in point is Broken Hill Associated Smelters, who use the railways to bring lead concentrates from Broken Hill to Port Pirie. After being mechanically unloaded at Port Pirie, those trucks are then used on the Peterborough Division for the carriage of superphosphate, and on many occasions quantities of lead concentrates have been left in them. In the evidence submitted to the Parliamentary Joint Committee on Subordinate Legislation by the Railways Commissioner the following comment appeared:

Further, the build-up of superphosphate has frequently rendered impracticable the satisfactory closing of the waggon doors, with the result that bulk grain is lost in transit. The incrustation of superphosphate around the door openings and fittings has been such that the department has been obliged to undertake a programme of attention to the waggons in an endeavour to rectify the position. As at 12/10/67 a total of 261 waggons had received attention at a cost of $715.

That is a fraction over $2 a waggon. The doors are hinged on the side of the waggon and they open outwards, not downwards as in the four-wheeled bogie type of waggon. If this is the problem the Commissioner is experiencing, I cannot see how sweeping out the truck will help the position. In fact, in view of the Commissioner's evidence that the edges around the doors are causing the problem, I cannot see that it is legitimate that the primary producer should be required to sweep out the truck.

What is the definition of "sweeping out"? Is its purpose to stop the encrustation of superphosphate around the hinges of the doors, or to stop superphosphate from encrusting the sides of the waggons, so that there is not the same danger of contamination when bulk wheat is being carried? Also, I should like to raise the problem of policing this regulation. How will the primary producer get on in the case of a multiple consignment in one truck? How will he get on when superphosphate is at one end of the truck, and groceries and hardware are at the other end?

The Hon. A. F. Kneebone: Is the honourable member talking about bagged superphosphate?

The Hon. R. A. GEDDES: Yes, but the regulation is all-embracing; it applies as much to bagged superphosphate as it does to bulk superphosphate. It will not only break down the responsibility that must be fully assumed by any public carrier but also condone inefficiency at a time when the South Australian Railways should be doing everything possible to promote public confidence, especially in the light of the competition they are facing. I therefore move the disallowance of this regulation.

The Hon. G. J. GILFILLAN (Northern): I second the motion. This important issue strikes at the very principle of the obligations of a public carrier and of the consignee. Year after year the Auditor-General's Report states that revenue from the carriage of wheat and superphosphate comprises a large proportion of the revenue earned by the South Australian Railways. I believe that the public relations of the Railways Department are vital to its financial position. The trend towards bulk carriage of many materials is rapidly growing; bulk superphosphate and bulk wheat are the two types of material most concerned in this regulation. Bulk wheat is relevant because of the complaints received from South Australian Co-operative Bulk

Handling Limited regarding trucks that had previously carried bulk superphosphate. I understand that in Western Australia almost all superphosphate is carried in bulk form; it is the exception rather than the rule for bagged superphosphate to be carried on the railways there.

We must look at the problems involved, and I point out that to solve them we need a far more positive approach than that outlined in this regulation. We are attempting to carry bulk materials in trucks designed for general goods. In other parts of the world there is a growing trend toward using hopper trucks for all types of bulk cargo. The third important form of bulk cargo in this State comprises minerals from Broken Hill; cement is another. Therefore, the hopper type of truck could be put to various uses, and it does not present the problems outlined in the Commissioner's evidence.

The approach involved in this regulation is completely negative. I recognize the problem created through many railway stations in South Australia not being manned or being manned only at certain times of the day. However, the regulation itself states that where a consignee does not sweep out the truck it will be swept out at his cost; so it is obviously contemplated that there will be a means of cleaning these trucks. The railways at present are facing growing competition from road transport. Most people on the land are realizing that bulk superphosphate can be spread on their land at a cost very little greater than that of having bagged superphosphate taken to their properties.

We should note the entry into this field of road transport and this regulation would encourage farmers to consider the economics of road transport. Large hopper trucks and large tipper trucks are very suitable for carrying bulk goods by road. Indeed, they are carrying an ever-increasing volume because they are constructed for the purpose. In addition, they do not involve the consignee in any work.

The danger is that once this type of vehicle comes on the road it will also carry bulk wheat from the farm to the terminal port at harvest time. Through harming public relations in one field we are encouraging a far more serious threat to the railways. I realize that this provision has been introduced in Victoria but, as honourable members are aware, transport control exists in Victoria, and therefore the railways can be something of a law unto themselves in that State. I admit that unmanned stations with bulk grain silos present a problem, but this is the carrier's problem, not that of the consignee. I draw attention to the number of trucks carrying bulk superphosphate and the number that backload with wheat. The superphosphate trucks would comprise only a small proportion, because the volume of incoming superphosphate to any wheatgrowing centre is only a small proportion of that of the outgoing wheat crop. Therefore it does not apply to all trucks used for wheat.

Every person on a farm who uses superphosphate in any form knows quite well that it will build up on metal where there is any pressure at all; that is the normal thing, whether or not the superphosphate gets wet. In the present type of truck there are several doors, not all of which would be opened for the removal of the superphosphate. I should point out, too, that the Railways Department is only the haulier of this class of freight, the loading or unloading equipment being supplied from elsewhere.

Even if the trucks were swept out, this would not solve the particular problem relating to hinges, certainly not on those doors that were not opened. It is well known among people who use superphosphate that a little waste oil applied to the metal surfaces will stop the build-up that occurs. I would think that as a very simple solution to the problem of hinges the railways could have someone with a paint brush and a pot of waste oil going along the trucks before they were loaded. This would involve only a matter of seconds on each truck. I think a fully positive approach has not been made to this problem. I consider that the principle of putting the responsibility on the consignee, who is the customer, is completely wrong. I support the motion.

The Hon. Sir NORMAN JUDE (Southern): I, too, support the motion. I base my objection to the regulation on two grounds, one of which has not yet been dealt with whereas the other has been fairly well covered by the Hon. Mr. Gilfillan. In my opinion, this set of regulations was brought forward in the worst possible manner to the Subordinate Legislation Committee, which is the watchdog of this Parliament. The regulations comprise a mixture of freight increases or variations of loadings together with this rather unusual (I think even the Minister would admit this) regulation requiring the sweeping out of railway trucks. We do not often run across that type of regulation.

I cannot see why a set of regulations embracing freight rate structures and so forth could not have been brought in separately from regulations dealing with such matters as the labelling of and the sweeping out of trucks. I do not blame the Minister for this, because they were presented to him in a lumped form and no doubt he awaited them. However, I say that obviously no thought was given in the secretarial department to the fact that it would have been much better to have two distinct sets of regulations tabled and sent to the committee. That is my first objection.

I have no wish deliberately to interfere with the Government's regulations regarding freight rates. The members of the committee do not make the policy in that regard, because generally speaking they all realize that these rates, particularly those that run to a schedule, have to be raised from time to time. However, I draw the attention of honourable members to the impracticability of the regulations regarding the sweeping out of trucks. The Hon. Mr. Gilfillan mentioned the idea quite well known to farmers of applying sump oil to hinges. Under these regulations, every farmer will need to have a paint brush and a pot of oil, and every carrier will need a dust brush and pan to do something about these trucks. A wind may be blowing, and a truck could be covered with dust before it left the station. Trucks are loaded with wheat and other trucks are going backwards and forwards with superphosphate, which has to be loaded and unloaded by the consignor and consignee.

The Railways Department says that its job is to haul, and I agree with that. However, there is worse to come with these regulations. As I see it, this is the thin end of the wedge for the consignee. It would be just as logical to expect him to clean out trucks that have been used by sheep or cattle. When cattle have not been herded the night before, a truck carrying them would be in a far more disgusting state. A consignee will be required to pay for cleaning out a truck when it arrives. A farmer may get commodities such as seed or seed oats, and it would be just as logical to expect him to have to clean out the grain when a few bags get torn, as they do.

This is an impractical regulation. As the Hon. Mr. Gilfillan has pointed out, it is all right for the Commissioner to argue that it is done in Victoria. The railways have transport control to protect them there, and the railways here used to have it. The Minister cannot afford to lose business today. He would know of the instances in which two people last Christmas were charged some hundreds of dollars for demurrage in circumstances over which they had no control; neither, in a sense, did the carrier. It was the Christmas holidays, and he had had a bad breakdown with his truck. As a result, these two landholders contributed some hundreds of dollars in demurrage. No-one gained by that except the railways cashier. I can tell the Minister that the railways lost business over that. It is often said that road transport cannot handle superphosphate, but I assure the Minister that it can. The railways lost this business because some junior officer did not notify the fertilizer officer who arranges the transport. That was a case of maladministration, as a result of which business was lost by the railways.

If we are going to do this sort of thing we are going to lose the Railways Department much more business. None of us wants to see the railways lose any further business. I have no hesitation in suggesting that the Minister make arrangements to withdraw this part of the regulations or immediately put in an amendment. I suggest that if he does not he will lose his increased freights.

The Hon. A. F. KNEEBONE (Minister of Transport): Several honourable members have spoken on this motion for disallowance. Apart from a charge for the sweeping out of waggons used for the carriage of superphosphate, the regulations make a number of minor alterations to previous regulations for the carriage of goods. The present motion is in respect of the charge for the sweeping out of waggons used for the carriage of superphosphate. Open waggons used for the transport of manures may be used subsequently for the movement of grain and, with the current practice of handling both commodities in bulk, the likelihood of the grain becoming contaminated has increased. At attended stations the procedure has been for the station staff to clean the waggons after they have been used for superphosphate and before being loaded with another commodity. However, this is not practicable at unattended stations, of which there is the greater preponderance on the South Australian Railways. As a result a great deal of inconvenience has been occasioned to shippers of commodities such as grain.

Further, the build-up of superphosphate has frequently rendered impracticable the satisfactory closing of the waggon doors, with the result that bulk grain is lost in transit. The

incrustation of superphosphate around the door openings and fittings has been such that the department has been obliged to undertake a programme of attention to the waggons in an endeavour to rectify the position. As at October 12, 1967, a total of 261 waggons had received attention at a cost of $715. This expense, as well as the utilization of manpower, would have been obviated had the consignee shown enough consideration for subsequent users of the waggon by sweeping it clean. A similar situation arose in Victoria and, as a result, on November 1, 1963, a by-law was introduced providing for the levy of a charge of $2 a waggon against the consignee where the latter fails to sweep clean a waggon used for the carriage of superphosphate. In the light of circumstances applying on the South Australian Railways, it is desirable to have a similar regulation. However, whereas the Victorian by-law provides for a charge of $2 a waggon, in South Australia the charge is $1 for a four-wheeled waggon and $2 for a bogie waggon.

The Hon. D. H. L. Banfield: That seems reasonable.

The Hon. A. F. KNEEBONE: Yes. The regulation is designed not as a source of revenue but rather to encourage consignees to respect the requirements of subsequent users of the waggon concerned. It is appropriate to point out that in South Australia the freight charges on manures are substantially below those applying on other State railway systems. The following table illustrates this:

COMPARISON OF THE MILEAGE RATE A TON FOR CARRIAGE OF MANURES (SUPERPHOSPHATE) BY RAIL IN VICTORIA, NEW SOUTH WALES, QUEENSLAND, WESTERN AUSTRALIA AND SOUTH AUSTRALIA.

	Rate a ton at various mileages				
	50 miles	100 miles	200 miles	300 miles	400 miles
	$	$	$	$	$
Victoria	1.75	2.75	3.95	5.30	5.95
New South Wales	3.30	4.40	5.25	5.90	6.75
Queensland	2.52	4.30	7.00	8.28	9.72
Western Australia—					
Rate (*a*)	3.42	4.08	5.41	6.70	7.36
Rate (*b*)	2.88	3.44	4.56	5.64	6.20
South Australia	1.38	2.10	3.29	3.74	4.14

Note: Western Australian rate (*a*) applies January to June; rate (*b*) applies July to December.

So our rate is $1.81 a ton lower than the Victorian rate, and the rates in other States are even higher. It appears that honourable members opposite are going through the usual procedure of saying, "Lower your rates, do work that costs you more and make the railways pay." That is what they always say about the railways. Then they add, "There should be no losses on the railways." When we carry goods more cheaply than the other States do, honourable members opposite say, "If this charge is imposed on the persons who transport commodities by railway, it will be a greater charge." It is only when the consignees do not do the right thing that they have to pay extra. So, although our railways are carrying manure much more cheaply than it is carried in other States and although Victoria in addition to carrying manure at a higher rate also charges the persons concerned if they do not clean out the railway waggons—

The Hon. D. H. L. Banfield: Double our charges.

The Hon. A. F. KNEEBONE: Yes; our rates are cheaper—they say the railways should be involved in a cost of about another $2.70 a truck because the person transporting the superphosphate after getting a cheaper rate than that operating in any other State is still too careless to realize that the stuff he leaves in the truck is a cost to the railways. I cannot understand honourable members who are always complaining about the railways. I believe they are concerned that the railways should not make a profit. They regard the railways as a service to the farmers, and say that the railways should carry at a lower rate than that applicable to any other State. Besides this, there is the carelessness of those people using the trucks.

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

FAUNA CONSERVATION REGULATIONS: GUN LICENCES

The Hon. Sir NORMAN JUDE (Southern): I move:

That the regulations under the Fauna Conservation Act, 1964-1965, in respect of gun

licence fees, made on September 28, 1967, and laid on the table of this Council on October 3, 1967, be disallowed.

This regulation increases fees for gun licences by some 800 per cent over the last few years. Some time ago I read the unfortunate document called the Financial Statement of the Premier and Treasurer, for this year. I found in it this paragraph:

For the Fisheries and Fauna Conservation Department receipts from licences are expected to increase by $37,000, of which $35,000 will arise from increased gun licence fees to come into force at the beginning of 1968.

I ask honourable members to note the following sentence particularly:

The increased revenue will be applied primarily to the development of the facilities and work of the department . . .

Later, the Treasurer pointed out that it was desirable to increase the fisheries and fauna conservation programme at Bool Lagoon. I do not know whether we are going from bad to worse (I know we are fairly bad now) but the only taxation increase in the Budget this year was one of about $35,000 for gun licences, which means an increase of 800 per cent over a comparatively few years. When we analyse these figures, we see that they mean that with a $2 increase we shall affect some 17,000 gun owners in the State. What did the Chief Secretary tell me in answer to a question a few weeks ago? He informed me that there were over 50,000 shot guns and a further 110,000 rifles in the State (totalling 160,000 together) plus other fire-arms in respect of which he has indicated an amnesty for a period. There are many thousands of others, if we could check on them.

The Hon. A. J. Shard: How many do you think you will get?

The Hon. Sir NORMAN JUDE: Some thousands; it is surprising what you can get for nothing. My point is that here we are right up against it this year and all we dare risk budgeting for is $35,000 in additional taxation taken from some 17,000 gun owners. It is a paltry sum, yet it became one of the main paragraphs in the Treasurer's Budget speech. If the Government does not want to subject itself to a charge that this is a tax imposed on a very few people (and not privileged people, either) surely with 110,000 rifles that are registered, a fee of $1 would have brought in $110,000, as against $35,000; yet the $35,000 is to apply only to these people who are keen enough to license their guns.

I remind the Chief Secretary that a large proportion of those people license their guns in order to shoot in gun clubs and not at game; they are often people in the city who like to go out to Bolivar, where there is one club with 400 members. If this is not a sectional tax, I do not know what is. The licence fee has increased from 50c to $4 in the course of a very few years, and to place the burden of that, the only tax increase in the State, on a handful of people who surely pay enough taxes in general in other directions seems to me a most unfair impost; but the excuse given by the Treasurer in his latest statement and by the Minister recently that nothing could be done at Bool Lagoon by way of building islands there or something for game or birds, that nothing could be done, unless we had an increase in gun licences, was the most rubbishy statement I have heard in either place for months.

We have been talking about drought relief. Yesterday the Minister concerned said it would cost this State $86,000,000 in losses, and we have spoken of asking the Commonwealth for $6,000,000; yet here we are raising $35,000 from a few people, and we offer as the excuse for collecting it that we want to do some work at Bool Lagoon instead of wanting to put some work in front of the farmers, who are destitute for their grocery provisions. Therefore, I have no hesitation in protesting strongly. Having done so, I ask leave to withdraw the motion.

Leave granted; motion withdrawn.

MENTAL HEALTH ACT AMENDMENT BILL (CRIMINAL DEFECTIVES)

The Hon. A. J. SHARD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Mental Health Act, 1935-1967. Read a first time.

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

That this Bill be now read a second time.

This measure deals with certain classes of persons who are detained in mental institutions in consequence of the operation of the criminal law. A person may be ordered to be detained in a mental institution if—

(*a*) the court which convicts him of certain sexual offences is satisfied on the report of two or more medical practitioners that he "is incapable of exercising proper control over his sexual instincts";

(b) the court which convicts him of any of these sexual offences is satisfied on the report of two or more medical practitioners that, while he is not incapable of or exercising control over his sexual instincts, he requires supervision in his own interests or the interests of others;

(c) he is found not guilty of an indictable offence on the ground of insanity;

(d) on being charged with an indictable offence he is found to be insane so that he cannot be tried; or

(e) being already detained in a prison, gaol or other place of confinement he is found on the report of a medical practitioner to be mentally defective or he is otherwise ordered to be detained in a hospital for criminal mental defectives pursuant to Division II of Part III of the Mental Health Act, 1935-1967.

A problem arises in relation to escapes of such persons from the institution in which they were ordered to be detained and an examination of the law in this matter suggests that it is not entirely clear what steps may be taken to effect their recapture.

Generally, any person who "escapes from lawful custody on a criminal charge" is guilty of a common law misdemeanour and is liable under section 270 of the Criminal Law Consolidation Act to imprisonment for a term not exceeding two years. However, the degree of criminal responsibility, if not the actual sanity, of persons to whom this measure relates has often been determined already, so it appears inappropriate that any escape from their confinement should be visited by further criminal proceedings. The only issue of importance is to ensure that they are returned to the place from which they escaped. Clauses 1 to 3 are formal. Clause 4 amends section 43 of the principal Act, which deals with escapes of ordinary patients by relating that section to the proposed new section dealing with escapes by persons of the special classes referred to in the Bill.

Clause 5 strikes out a subsection of section 54 of the principal Act that related to the failure of patients, permitted to be absent on trial leave from a hospital for criminal mental defectives, to return within the period of the leave or to comply with any conditions to which the leave was subject. This situation is now dealt with in the extended definition of "escape" in proposed new section 56a (4). Clause 6 repeals section 55 of the principal Act, which relates to escapes of persons from hospitals for criminal mental defectives. The substance of this clause is now contained in proposed new section 56a. Clause 7 enacts a new Part IIIA, which contains one section only. Subsection (1) provides that any person of the classes referred to therein who escapes from any institution may be taken at any time without warrant and returned to the institution.

Subsection (2) provides for the obtaining of a warrant for the apprehension of such a person, the purpose of this subsection being to facilitate the apprehension of an escaped person who is outside the State but within the Commonwealth. The warrant so issued is available to be executed in another State under the Service and Execution of Process Act of the Commonwealth. Subsection (3) provides for the execution of that warrant, and subsection (4) provides for a definition of an "institution", which is intended to cover any place where a person referred to in subsection (1) can be confined, and an extended definition of the expression "escape" to cover breaches of any leave conditions. Clause 8 provides for the form of a warrant of apprehension provided for under proposed new section 56a (2).

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

PHARMACY ACT AMENDMENT BILL

The Hon. A. J. SHARD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Pharmacy Act, 1935-1965. Read a first time.

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

That this Bill be now read a second time.

The amendment made by this Bill is necessary because of the changing pattern of tertiary education in South Australia and in Australia generally. The Pharmacy Act was last before Parliament in 1965, when several unconnected amendments were made. One of those amendments provided for the holding of a degree in pharmacy of any university in South Australia to be an acceptable qualification for registration under the Act. The present situation is that the South Australian Institute of Technology, under a special arrangement with the University of Adelaide, provides the teaching in technology, applied science and pharmacy, while the degree is actually

awarded by the university. Under new arrangements entered into between the Commonwealth and the States, following recommendations of the Martin Committee on Tertiary Education, the Institute of Technology has become a "college of advanced education" and will eventually sever its present connection with the University of Adelaide.

It was envisaged by the Martin committee that the awards of colleges of advanced education be known as diplomas and that the term "degree" be limited to awards by universities. This view has been endorsed by the Commonwealth and the States generally, and its adoption has been pressed by the Commonwealth as an integral part of its agreement to share in the future with the States the costs of colleges of advanced education in much the same manner as it has shared for a number of years the costs of universities. As the first stage in implementing the new arrangements the Institute of Technology has, commencing this year, offered courses in technology and applied science for which it will in due course make its own independent award of a diploma. These courses will for a period operate parallel with the continued teaching of courses qualifying for comparable university degrees, and are in fact fully comparable in content and standard with the degree courses. In many cases the subjects are identical and the students for both diploma and degree attend the same lectures. No new enrolments will be accepted by the institute from students for degree courses after 1969, and when the degree students at that time have had reasonable opportunity to complete their courses the special arrangement between the university and the institute will come to an end.

The introduction and timing of the diploma courses and the cessation of enrolments for comparable degree courses are being undertaken in accordance with detailed assurances given by the State and the Commonwealth. The State has also given an assurance that no new enrolments for the degree course in pharmacy will be accepted after 1969 but has indicated that a diploma would not be introduced until 1968 because an amendment to the Pharmacy Act would first be necessary. The Institute of Technology has made preparations for the introduction of the diploma in pharmacy as from 1968. To give effect to the assurance given to the Commonwealth Government that an approved course in "diploma in pharmacy" will be introduced by the Institute of Technology in 1968, designed eventually to take the place of the present degree course, it is necessary to legislate now so that the holding of the proposed diploma will be an acceptable qualification for registration under the Pharmacy Act. Accordingly, in section 22 (1) of the principal Act, paragraph (va) (*b*) is amended by adding the words "or holds a diploma in pharmacy of the South Australian Institute of Technology". This provision is made by clause 3.

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

IMPOUNDING ACT AMENDMENT BILL

Read a third time and passed.

MINING (PETROLEUM) ACT AMENDMENT BILL

Read a third time and passed.

PARKIN TRUST INCORPORATED ACT AMENDMENT BILL

Read a third time and passed.

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

Read a third time and passed.

FISHERIES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

In July, 1967, representatives of crayfishermen's associations from all sections of the South Australian crayfishing industry held a meeting at Millicent at which the Minister of Agriculture and the then Director of Fisheries (Mr. A. C. Bogg) were present. All representatives expressed their concern at the state of the crayfishing industry and in particular stressed the need for control of the number of crayfishing boats operating and the number of craypots in use on each boat. Indirectly as a result of this meeting and because of other complicated management problems, a Parliamentary Select Committee was formed to consider the need for amendment to the Fisheries Act, 1917-1962.

The Select Committee gathered evidence from many people who desired to present evidence, including individual fishermen, representatives from all professional fishermen's associations in the State, representatives from the processing sector of the industry, representatives from amateur angling bodies in the State, representatives from interstate Fisheries Departments and a representative

from the South Australian Fisheries Department. After considering the evidence placed before it, the committee prepared a report that outlined many recommendations for amendments to the Fisheries Act. Effective implementation of these amendments can be accomplished only if the Fisheries Act is completely redrafted. This will not be possible during the current session of Parliament. However, the fishery for southern crayfish is so valuable to the South Australian fishing industry and the provisions of the Fisheries Act relating to its management are so urgently in need of revision that this Bill has been prepared as an interim measure.

The main recommendations that the Select Committee made in relation to management of the southern crayfish fishery are contained in paragraphs 73 to 82 of its report. The committee, while hesitant to prohibit the taking of crayfish by other than professional fishermen, considered that some immediate action was necessary to ensure that over-fishing of the known crayfish areas of the State did not take place. For this reason, it decided to recommend that a boat limit and a pot limit be imposed in this industry for an experimental period of three years. It was the opinion of the committee that in conjunction with the proposed boat limits and pot limits, the licence held by a person who takes crayfish for sale should be endorsed to indicate that the licence holder is a licensed crayfish fisherman. The committee was also of the opinion that after September 1, 1967, no boats other than those engaged commercially in crayfishing at that date should be permitted to engage in crayfishing with more than three cray pots or three drop nets, unless it could be proved that a boat under construction at that time was intended to be used for crayfishing. The committee stressed that its recommendations relating to limiting the number of boats and the number of crayfish pots that might be used by persons working these boats should be brought into effect as soon as possible, preferably for the crayfish season, which will commence on November 1, 1967.

It is realized that the legislation presented in this Bill will not give complete effect to the Select Committee's recommendations relating to crayfish. It is presented as a preliminary means of controlling effort in the southern crayfish fishery until all the recommendations of the Select Committee can be implemented. The Bill accordingly provides by clause 5 that it will be an offence to use more than three crayfish pots or drop nets at any one time in taking crayfish without a permit. Provision for permits is made by new section 15c, inserted by clause 4. The new section limits their issue to persons holding licences on September 1, 1967, who were prior to that date engaged in commercial crayfishing, with the exception that a licensee who had a vessel under construction on August 31 for the purpose of crayfishing commercially may be granted a permit.

Clause 6 empowers the Governor by regulation to prescribe the maximum number of crayfish pots that may be used in taking crayfish. This provision is considered to be desirable. As the Bill is an interim measure, clause 7 provides that it shall expire on May 31, 1969, which will be the end of the main crayfishing season for 1968-69.

The Hon. H. K. KEMP secured the adjournment of the debate.

BUILDERS LICENSING BILL

Adjourned debate on second reading.

(Continued from October 24. Page 2883.)

The Hon. G. J. GILFILLAN (Northern): I support this Bill, which has been debated at some length in this Chamber and which has received some publicity in the press. I believe most honourable members have seen a programme on television on which a poorly constructed house was shown and have heard a statement made that a Bill was before Parliament that would help to rectify such matters. Those are not the exact words used, but I have given the context of the statement.

After some days of debate and various representations being made it is becoming increasingly obvious that one of the main considerations in introducing the Bill is to regulate the building industry. Although the reason given publicly was that the Bill is intended to protect the public, it becomes increasingly obvious, on studying the Bill and listening to various opinions, that its main concern is to regulate and bring some stability to the building industry. I believe that the Bill has some good points, but when an attempt is made to regulate and discipline this industry, which covers such a wide field, obviously trouble will be encountered.

Members have given the Bill much consideration and spent much time in research into the problems associated with the building industry. I believe many aspects still cause honourable members concern. As the Bill now stands, it covers a wide field and contains a wide range of powers. Virtually, the building

industry is placing itself in the hands of a board of four members appointed by the Government. We also find that the field of operations that this Bill has been designed to cover is very wide. Many things that were not thought of when this legislation was first envisaged can be brought within its provisions. I believe this Bill has gone beyond the purpose for which it was designed and beyond the purpose expected by many people who favoured the principle of registering builders; I believe that many of them are not aware of this.

The definition of "building work" in clause 4 needs close scrutiny; the wide construction that can be placed on this definition can bring within the ambit of this legislation many fields of activity not even remotely connected with the stated purpose of the Bill. A board comprising four members is proposed, one of whom shall be "a legal practitioner as defined in the Legal Practitioners Act, 1934-1964, of not less than five years standing, who shall be the chairman of the board". Because of the difficulties that may be experienced in interpreting this legislation, it is wise to have a legal practitioner as chairman, but he has not only a deliberative vote but also a casting vote; this means that he and one other member can make decisions that affect the whole building industry.

Although the other three members represent organizations of high standing in the community, they are not the nominees of those organizations: they are members of those organizations selected by the Government. So, although this clause was substantially amended in another place, the board's powers have been altered very little. True, regulations have yet to be made, which will need close scrutiny. This is primarily a Committee Bill, but we must first decide whether we are prepared to support the principles behind it. Provided there are safeguards in the interpretation of "building work" and in the composition of the board, I believe the licensing of builders should assist to stabilize the industry.

The Hon. F. J. Potter: Do you think the consumer will pay for this stabilization?

The Hon. G. J. GILFILLAN: Yes, the consumer will certainly pay something for this claimed protection. In the television programme to which I have referred much was made of the aspect of protection, but this Bill does not lay down the standards of work required of licensed builders. Clause 29 prescribes the qualifications, courses of training and examinations for the purposes of the Bill's provisions; it makes it clear that those registered will have to meet certain requirements, but this is a different thing from the actual quality of the work they do in the field. The only control in the Bill regarding this aspect is that builders run the risk of deregistration.

If protecting the public was the main purpose of this legislation, I believe the most direct approach would have been through a review of the Building Act, particularly as regulations specifying higher qualifications for building inspectors are now before honourable members. In most cases where complaints have been made, it is obvious that the full provisions of the Building Act have not been enforced, but this Bill will do nothing to rectify this problem.

People in classifications other than that of licensed builders are to be licensed; it is this part of the legislation that the Government and the board will find most difficult to administer. This provision is too complicated in its present form and will eventually bog the industry down. It will tend to restrict legitimate competition and contribute towards increased costs in the building industry. The limits of the classifications need liberalizing. I support the Bill.

The Hon. A. M. WHYTE (Northern): This is a large and unwieldy Bill designed to control the building industry. I believe it was designed largely by the trade unions (I am not saying this is a terrible thing) with the aim of providing added protection to the person having a house or other structure built.

The Hon. D. H. L. Banfield: The master builders, not the trade unions, wanted this.

The Hon. A. J. Shard: The honourable member should not say what he has just said because he is wrong in doing so.

The Hon. A. M. WHYTE: Be that as it may, the point I am making is that we are faced with a most unwieldy piece of legislation. I know that there are many suggested amendments, and I hope that these will trim this Bill to size.

Clause 4 contains perhaps one of the most open explanations imaginable. To restrict a person to a point where any excavation, alteration, construction, repair or improvement to any building has to be done by a registered builder is just too ridiculous for words. As I say, I know that amendments will be moved, and I will sincerely support some of them. However, I oppose the Bill in its present form.

Clause 15 provides for the granting of a general builder's licence, which will be a pretty comprehensive type of licence. A person granted this licence will be able to perform

any class of building work. Clause 16 provides for a restricted builder's licence. Just what the point of this is, I am not too sure. The Bill provides that such a person will be registered in respect of a certain specified trade. However, I do not know just what protection a general builder would have in the event of his not being satisfied with the work of, say, an electrician. Who would be the person to express disapproval of the electrician's work, and who would be the authority to say whether it was the general builder or the restricted builder who was not doing the job properly?

I would think this would cause some headaches to the holder of a general builder's licence, who no doubt would be the contractor. The Bill is so wide in its implications that any building whatever would have to be erected by the holder of a licence. The provision is very wide, for it could be applied to windmills, tanks, troughs, fencing, fowl houses or anything else. A person might erect a washhouse on his property 100 miles the other side of Oodnadatta; he could be prevented from selling the property for 18 months, and then when he wanted to sell he would have to make sure that he set out in any advertisement that the washhouse had not been erected by a registered builder. That is just too ridiculous.

I do not oppose the registration of builders. In fact, I believe this provision could result in many benefits both to the builders and to the purchasers of buildings. However, before I fully support the Bill I will listen very carefully during Committee when amendments are moved. With those reservations, I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I do not know the motives that have prompted members opposite to oppose the Bill.

The Hon. C. R. Story: Who opposed it?

The Hon. A. J. SHARD: I have not heard one Opposition member fully support it. They support the registration of builders, but that is as far as they go.

The Hon. C. R. Story: That is what the Bill is for, isn't it?

The Hon. A. J. SHARD: I heard one honourable member yesterday support a Bill and then spend 45 minutes opposing the Bill.

The Hon. C. R. Story: He was debating it.

The Hon. Sir Arthur Rymill: Isn't this a Bill for the registration of builders? That is what I thought it was.

The Hon. A. J. SHARD: I have sat here patiently and refrained from interjecting. However, if members opposite want to have a bun fight, they can have it. They have used extravagant language, and they have been somewhat ridiculous in some of the things they have said. I ask them to keep quiet now. In their attempts to misrepresent the objects of this Bill, members opposite, who like to label themselves as members of a House of Review, have displayed a colossal ignorance of the legal effects of the Bill's provisions. I will point out specifically the instances where members have, by drawing wrong conclusions and making unwarranted presumptions, misrepresented not only those objects but also the true effect of the Bill.

The Leader of the Opposition said he saw nothing wrong with the registration of builders. This is fundamentally what the Bill is designed to do. However, to be effective in improving the quality and standard of building, in affording protection to the home buyer and the home builder, and in protecting the building industry and the public from exploitation by unqualified persons, the legislation must certainly go further than merely giving the licensed builder a cloak of respectability: it must discourage the unqualified person from imposing on and exploiting the public. How can this be achieved unless effective sanctions are imposed against that kind of operator? It would certainly appear from the speeches of most members opposite that while they are willing to go along with the licensing of builders they would also like to see the person who is imposing on the public with shoddy work continue in business with impunity. A considerable amount of time was wasted in this Council by uninformed and foolish comments on the definition of "building work". As some members are aware, the purpose of defining an expression in an Act is to provide a means of interpreting that expression when used in the body of the Act.

The Hon. Sir Arthur Rymill: I wonder who wrote this.

The Hon. A. J. SHARD: The purpose of defining "building work" was to provide a basis for licensing and to enable the legislation effectively to draw a distinction between a general builder's licence, which would authorize the holder to carry out building work of any kind, and a restricted builder's licence, which would authorize the holder to carry out building work within a classified trade. It is for this reason that a power is conferred on the Governor to make regulations classifying

building work into various trades. Only the trades that need to be brought under control would be classified trades.

The Hon. R. C. DeGaris: The general builder's licence covers all these.

The Hon. A. J. SHARD: I did not interrupt the Leader when he was speaking and he is not going to interrupt me. The expression "building work" is not used in the Bill in any other context. Thus, the carrying out for fee or reward of any building work within a classified trade is prohibited except by a person who is the holder of a general builder's licence (which authorizes the holder to carry out building work in its widest class) or an appropriate restricted builder's licence. Other provisions expressly refer to the construction of buildings which, if properly understood, has quite a different meaning from, and should not be confused with, the carrying out of building work within a classified trade.

The amendments foreshadowed by the Leader of the Opposition attempt to remove from the Bill all references to a restricted builder's licence. The reason for this seems to be to exempt subcontractors from the operation of the legislation, despite the fact that the more responsible subcontractors' organizations are in favour of the legislation. However, the amendments, if agreed to by this Council, will have exactly the opposite effect to that intended by the Leader—namely, the requiring of all subcontractors to qualify for and obtain general builder's licences. Much misinformed comment was made to the effect that, because of the width of the definition of "building work", all work, including the erection of fences, drains and shearing sheds, and the moving of earth, etc., is restricted. I suggest that honourable members read their Bills more intelligently or seek the advice of competent advisers on the effect of a measure before attempting to speak on it.

The Hon. Sir Arthur Rymill: This is quite a fighting speech!

The Hon. A. J. SHARD: I know that. This reply gives a little bit back. Honourable members opposite said a lot and I said nothing when they were speaking.

The Hon. R. A. Geddes: Who is the architect of your speech?

The Hon. A. J. SHARD: He is a great architect. Honourable members opposite used extravagant language and put up exaggerated and imaginary things but, when they get back a few home truths, they do not like it.

The Hon. M. B. Dawkins: You said you would not be rude.

The Hon. A. J. SHARD: I am not being rude; I am stating the facts. This Bill controls building work only if it is within a classified trade such as plastering, bricklaying, etc., and then only if it is carried out for fee or reward. The objection to the Housing Trust being deemed to be the holder of a general builder's licence is not valid, because every builder engaged by the trust under contract to build a house would have to be licensed. Much uninformed comment was also made to the effect that a farmer would be prevented from selling his farm for 18 months after he had built his own shearing shed. The Bill clearly provides a defence to a person who builds a building for his own use and occupation and the administration would be most foolish to charge any person where such circumstances existed. Members opposite have criticized the Government for not keeping this Bill in line with the Western Australian legislation on the same subject.

The Hon. M. B. Dawkins: That works very well.

The Hon. A. J. SHARD: Wait until you hear what I have to say, and then you will not be so pleased. My answer to that criticism is that the Western Australian legislation was studied very carefully before this Bill was drafted and many weaknesses were found to exist in that legislation. This Bill avoids those weaknesses while adopting the principles embodied in it where those principles can be applied to conditions in South Australia. In spite of this fact, there are many instances where members opposite have even criticized the provisions of the Western Australian legislation that have been incorporated in this Bill. For instance, the Leader has objected to clause 22, which has the same effect as a provision of the Western Australian legislation. Members opposite are either impossible to please or are determined (and I think this may be it) to obstruct the passage of this measure because it has been introduced by the Government.

The Hon. C. R. Story: No; the Western Australian legislation—

The Hon. A. J. SHARD: No. You are following the same pattern. You have been obstructive and have tried to delay this Bill and would do anything to embarrass the Government.

The Hon. C. R. Story: Is that in your brief?

The Hon. A. J. SHARD: No; I do not need a brief all the time.

The Hon. C. M. Hill: Only most of the time!

The Hon. A. J. SHARD: Only as the basis of a reply.

The Hon. Sir Arthur Rymill: Is this a reply or an inter-office memorandum?

The Hon. A. J. SHARD: The Leader referred to a provision of the Western Australian legislation giving an applicant for registration whose application has been refused a right to demand from the board its reasons for such refusal and suggests that no similar provision exists in this Bill. Here again is a case of misrepresentation of the effect of the Bill, because clause 19 (1) requires the board to give its reasons for its decision in every case where there is a right of appeal against such decision. Objection has been taken to the necessity for the appointment of an advisory comittee to advise the board. It must be remembered that the members of the board would be professional men who would need advice and guidance from technical experts. For instance, clause 17 (2) gives the board power to require any applicant for a licence to undergo tests or examinations or conduct tests and examinations or arrange for them to be conducted. It would be in the matter of technical advice that the board would need the advice of the advisory committee.

I have been asked to explain why the amount of $100 is referred to in subclause (4) of clause 21 and $500 in subclauses (7) and (12). The difference is quite obvious to anyone who takes the trouble to read the Bill intelligently. The first reference relates to building work within a classified trade while the second refers to the construction of a building for immediate sale or for fee or reward. With regard to clause 24 (the clause with which we had some trouble) I propose to move an amendment that will restrict its application to house building contracts of a value up to $20,000; this has the support of a wide section of the building industry.

The Hon. R. C. DeGaris: Our opposition to that clause was right, then?

The Hon. A. J. SHARD: Anything reasonable that is suggested we look at but, when members opposite are only trying to obstruct the passage of a Bill and make misrepresentations, that is a different matter. In conclusion, I sincerely ask honourable members opposite, before embarking on any action in voting against this Bill or amending it in a way that would defeat its purpose, to ensure that such action is endorsed by their own supporters who were responsible for their election to this Council. I hope the Bill will have a speedy passage and retain its basic form.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

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

After "2." to insert "(1)".

As I propose to add a new subclause, this amendment is self-explanatory.

The Hon. R. C. DeGARIS: I have a similar amendment on file, which there is no need for me to move, seeing that the Chief Secretary has moved his amendment. In the second reading debate Opposition members drew attention to the fact that the Bill applied to the whole of the State from border to border and from border to coast. I am pleased to see that the Chief Secretary has taken the advice of so many honourable members when they spoke along those lines. I have pleasure in supporting the amendment.

The Hon. C. R. STORY: I am not entirely satisfied with the amendment. The Chief Secrtary has obviously done much research on the Bill, as his second reading reply indicated. Before voting I should like to know just how the amendment will affect country areas. Under the Building Act, is there a provision for certain areas within municipalities to be excluded and provisions of this nature? This amendment would be absolutely useless if it were just taken on the Building Act where country municipalities were enmeshed in it and if the rural areas could not be exempted. Is there provision in this Bill or in the Building Act to get me off the hook on this problem?

The Hon. A. J. SHARD: The amendment means what it says: it does not operate outside the areas where the Building Act applies. This will not take away any authority from local government. The honourable member would be the first to complain if we did that.

The Hon. C. R. Story: I am not being facetious.

The Hon. A. J. SHARD: The honourable member can vote against the amendment and defeat it if he wishes.

The Hon. C. R. STORY: We have just had a criticism from the Chief Secretary about honourable members not having done their homework. I wish to know whether or not there is provision in the Bill to exempt certain people who would be within the areas covered by the Building Act. If the Chief Secretary has taken such keen interest in the Bill, he should be able to give me an answer.

The Hon. A. J. Shard: The answer is "No".

The Hon. C. R. STORY: My answer is "Yes".

Amendment carried.

The Hon. A. J. SHARD moved to insert the following new subclause:

(2) This Act does not apply to or in relation to the carrying out of any building work, or the construction of any building, outside the portions of the State to which the Building Act, 1923-1965, applies.

Amendment carried; clause as amended passed.

Clause 3—"Arrangement."

The Hon. Sir ARTHUR RYMILL: I move:

To strike out "12a" and insert "13"; to strike out "13-18" and insert "14-19"; and to strike out "19-28" and insert "20-29".

Those figures relate to clause numbers in the Bill. I listened with great interest to the rather stirring address by the Chief Secretary, who said how ignorant members of the Opposition were and how wonderfully thorough the Government was; how carefully the Government had examined the Bill, and how everything the Opposition had said was wrong and everything the Government had said was right. The clauses have been renumbered further on in the Bill, but the Government in its thoroughness has overlooked this small matter!

Amendments carried; clause as amended passed.

Clause 4—"Interpretation."

The Hon. R. C. DeGARIS: Does the Chief Secretary wish to report progress? Some members have amendments on file that require alteration and I wish to have time to examine them.

The Hon. A. J. SHARD: The Leader approached me on this matter earlier and we agreed to report progress so that he could examine the amendments.

Progress reported; Committee to sit again.

SENATE VACANCY

His Excellency the Governor's Deputy, by message, intimated that the President of the Senate of the Commonwealth of Australia, in accordance with section 21 of the Constitution of the Commonwealth of Australia, had informed him that in consequence of the death on October 24, 1967, of Senator Douglas Clive Hannaford, a vacancy had happened in the representation of South Australia in the Senate of the Commonwealth. The Governor's Deputy had been advised that, by such vacancy having happened, the place of the Senator had become vacant before the expiration of his term within the meaning of section 15 of the Constitution of the Commonwealth of Australia, and that such place must be filled by the Houses of Parliament, sitting and voting together, choosing a person to hold it in accordance with that provision of the said section.

The PRESIDENT: I have to inform the Council that I will arrange with the Speaker of the House of Assembly to call a general meeting of the two Houses for the purpose of complying with section 15 of the Commonwealth of Australia Constitution Act.

INDUSTRIAL CODE BILL

Adjourned debate on second reading.

(Continued from October 24. Page 2899.)

The Hon. JESSIE COOPER (Central No. 2): First of all, I wish to emphasize that the Bill before us is not a series of amendments to the Code which may be dealt with piecemeal. It is a re-writing of the whole Code. In view of the fact that this re-written Code will, if passed, not only force preference for unionists (so much for the rights of freedom of the individual in our community) but will also remove the penalty clauses, thus virtually destroying the basic parts of our system of legal determination of the rights and conditions of employment, it is clear to me that this Bill cannot possibly be re-designed by amendments to make it acceptable to many people in South Australia.

I believe that the provisions for preference for unionists and for abolition of penalty clauses are not acceptable to 90 per cent of the people of this State, and I also believe that the clause dealing with equal pay for women (which I support) is not acceptable to 90 per cent of the male unionists of South Australia. I would go further and say I am convinced that the Labor Party does not expect these provisions to become law nor has it any great desire for them to do so. In fact I am convinced that this Bill has been loaded for the simple purpose of embarrassing this Council.

With regard to equal pay for equal work by men and women, I sincerely hope that, either by this Bill or very soon under some other Bill, justice to women in this matter will be accomplished. The history of equal pay could be regarded as extremely laughable if it also did not mean that for many years thousands of competent and hardworking women have had to suffer injustice and frustration. There have been more pious words spoken and smug platitudes expressed on this subject and indeed less action achieved than surely in connection with any other subject of such importance.

Usually in any discussion on equal pay we are referred back to convention No. 100 of the International Labour Organization. This convention, which called for equal pay for men and women for work of equal value, was adopted by the I.L.O. (as we heard yesterday) in 1951. It had taken the I.L.O. 30 years to reach that stage of decision, however. As early as 1919, when the original constitution of the I.L.O. was adopted, it proclaimed "the special and urgent importance of the principle that men and women should receive equal remuneration for work of equal value". Such noble expressions remained with the I.L.O.—that was in article 41—more or less unchanged until 1948, when we find in the preamble of the amended constitution the proclamation that the improvement of conditions of labour is "urgently required by recognition of the principle of equal remuneration for work of equal value". Please note the continued use of the word "urgent": in 1919 and again in 1948. Time may be relative, but surely an end comes to all things.

One faltering step, of course, had been taken in 1928 when the International Labour Conference had called the attention of Governments of the world to the principle, and in December, 1948 (20 years after that) more substantial recognition was given the principle at the General Assembly of the United Nations when the Charter of the Universal Declaration of Human Rights was adopted. In the Charter, these words appear:

Everyone, without any discrimination, has the right to equal pay for equal work.

That is contained in article 23 (2). Now we come to the I.L.O. Conference of 1950 (its 33rd session). In the report of the discussions on the fifth item of the agenda, which was the equal pay principle, we read (and in that surely is the crux of the whole matter):

To a large extent the distinction between men's jobs and women's jobs, with lower rates attached to the latter, has been fostered by men workers in order to protect their wage rates, thus freezing the employment market to a substantial extent, restricting the free choice of the individual worker and hampering a rational utilization of the available labour supplies.

Although that was stated 17 years ago, it still holds good in most industrial countries today. Honourable members may ask: what is I.L.O. and what is its importance to Australia? I will remind them that in 1957, when our Prime Minister, the Hon. Harold Holt (then Minister for Labour and National Service), took office as President of the 40th Conference of I.L.O., he said:

Australia is a foundation member of I.L.O. We like to feel that we have played a very active part in its affairs throughout the years of existence. No country attaches more importance to the matters which are the concern of I.L.O., such as the cultivation of good industrial relations and the establishment of international co-operation for these purposes.

To my mind, Australia cannot continuously talk about these matters of industrial relations and employment—and surely equal pay stands out as a vital issue—if she is not prepared in some respects to set an example in any of them. For many years successive Commonwealth Governments, both Labor and Liberal, have issued statements that they are not opposed to the principle of equal remuneration for men and women for work of equal value but then qualify that statement by such words as "it would be undesirable and unsound to propose legislation to the Commonwealth Parliament for the adoption of this principle before a determination is made by the Commonwealth Conciliation and Arbitration Commission." This sort of situation can go on for ever. This court (the Comonwealth Conciliation and Arbitration Commission) has the power to rule for equal pay if an application should be made to it, but not once, I am given to understand, has any trade union or any other organization attempted to do so on this matter. That is why I say that 90 per cent of male unionists are not in favour of equal pay, and women, professional and working women, know it.

The Hon. D. H. L. Banfield: Do you mean the State court or the Commonwealth court?

The Hon. JESSIE COOPER: The Commonwealth court.

The Hon. D. H. L. Banfield: An application has been made to the State court.

The Hon. JESSIE COOPER: They have not forced that issue in the Commonwealth court. It is the Commonwealth people I am criticizing at the moment.

The Hon. D. H. L. Banfield: An application has been made to the court.

The Hon. JESSIE COOPER: No real effort has been made by any Commonwealth Government in Australia to bring about equal pay. In October, 1953, when asked in relation to the ratification or otherwise of the decision made by I.L.O. (Convention No. 100—Equal

rights for equal work, 1951) the Minister for Labor and National Service said:

The Commonwealth Government does not oppose the principle of equal remuneration for men and women for work of equal value.

I hope honourable members will remember those words, because they will turn up again unexpectedly. He continued:

In the view of the Commonwealth, however, it would be undesirable and unsound to propose legislation to the Commonwealth Parliament for the adoption of this principle in advance of a determination to like effect by the Commonwealth Court of Conciliation and Arbitration, which is the supreme arbitral tribunal in Australia.

In September, 1967 (a month ago), when the Council of the Australian Federation of University Women, which is at present centred in Adelaide and of which I am a member representing my old university (Sydney), asked for the present position concerning the ratification of the International Labour Organization convention No. 100, the Minister for Labour and National Service, Mr. Bury, said:

The Commonwealth Government does not oppose the principle of equal remuneration for men and women for work of equal value. However, it considers that implementation of the principle within the limited competence of the Commonwealth would be—

wait for it—

undesirable and unsound in advance of a determination to this effect by the supreme arbitral authority, the Commonwealth Conciliation and Arbitration Commission.

The Hon. D. H. L. Banfield: I understand he played back a record.

The Hon. F. J. Potter: Or he may have been saying exactly what the I.L.O. had said.

The Hon. JESSIE COOPER: Wait a minute. Honourable members will notice that in 14 years the situation has not been advanced by so much as a change of adjective or of phrase. This also has not escaped the notice of professional and employed women.

Dealing with cases, I point out that there has been a plethora of argument and discussion on the matter of equal pay, as honourable members know. This ultimately resolves itself into the fact that women who have had a university education or who have qualified through long-term diploma courses to do work in the same field as men and of the same value as men should receive equal salaries. There seems to be no great difference of opinion on this question, but it must be realized that the number of cases falling in this limited category is a very small percentage of the whole.

The real problem today is this: what is to be done about women's pay in the vast range of jobs falling in the weekly wage group, from the senior clerk to the junior counter assistant? In much factory work today, where the labour involved requires light, physical control of machinery (whether it is a matter of supervising the feeding of fruit cans into machines or operating automatic presses in plastics industries or controlling various types of machine in the clothing industries), these jobs can be done equally well by men and women. I believe that if men insist on filling jobs that can be done equally well by women they must be prepared to accept the same wages as those received by women. Our unions have never been prepared to face this problem, despite all their lip-service.

What should we do about the woman in a large office who controls a large number of employees working on bookkeeping machines, typewriters, etc.? She is performing the duties of what is usually known as a senior clerk. Is she or is she not entitled to a wage equivalent to that of a man controlling the same number of people? Is the woman who manages a dress department or a floor of young shop assistants entitled to the same wage as that of a man who manages a small business, office or tin-pot concern?

These are the real problems which legislators today are being asked to resolve. Pious platitudes and airy-fairy talk about male and female doctors and lawyers will never resolve it.

I believe that a genuine attempt to discuss and resolve this problem is frequently inhibited by an unexpressed belief that to give women equal pay for equal work would produce an unsupportable increase in the costs of our labour market, whereas the truth of the matter is that the number of spheres of employment in which men and women truly perform the same tasks requiring the same abilities is rather limited. There is a vast range of jobs in which, although superficial examination would suggest that the work is the same, closer examination would reveal that the men engaged in the field have, in fact, the responsibility of a considerable number of secondary tasks which involve physical strength and individual capacity. This is also the matter referred to by the Hon. Mr. Springett last night.

There is no need to fear that legislation such as this will mean that every employed woman will be on a man's wage. I have just said that a genuine attempt to discuss and resolve this problem is frequently inhibited by

an unexpressed belief that to give women equal pay for equal work would produce an unsupportable increase in the costs of our labour market. However, yesterday we had a very definitely expressed belief along those lines. In fact, it was a real old-fashioned jeremiad: it was a prophecy of doom.

The Hon. D. H. L. Banfield: This sounds like the Hon. Mr. Potter.

The Hon. JESSIE COOPER: The honourable member is right. Yesterday the Hon. Mr. Potter stated:

> 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 basic wage of $31.50 a week—a difference of $10.20. In other words, the yearly difference is not $428 but $520.

The Hon. F. J. Potter: Not the basic wage: the base wage.

The Hon. JESSIE COOPER: I am quoting from the *Hansard* pull.

The Hon. F. J. Potter: I have not corrected the proof.

The Hon. JESSIE COOPER: The honourable member continued:

> 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.

Let us now examine these figures quietly and unemotionally. In the financial year 1965-66 (the latest period available) the value of retail sales in South Australia (that is, sales of the type handled by our retail stores and trading houses generally—food and groceries, clothing and drapery, footwear, hardware, china and glassware, electrical goods, furniture and floor coverings, chemists goods, newspapers, books and stationery, but excluding beer, wines and spirits, motor vehicle parts and petrol)—was $535,300,000. I hope all honourable members have their slide rules out.

The Hon. Sir Arthur Rymill: The answer is 2 per cent.

The Hon. JESSIE COOPER: Good work! I think the honourable member must have done his homework. I had to borrow a slide rule. Answer in costs of $10,500,000, as given by the Hon. Mr. Potter, comes out at just under 2 per cent, or less than 2c in the dollar.

The Hon. F. J. Potter: The honourable member is adding that to turnover, but she should add it to overhead.

The Hon. JESSIE COOPER: I am referring to exact sales. The honourable member is not going to win on this matter. I told the honourable member it was small, but the Hon. Mr. Potter said, "Oh dear, no," and he then went into his jeremiad. Whether the Bill becomes the new Code, introducing any degree of equal pay for men and women or not, I believe that the question of equal pay is so important that every opportunity should be taken to examine it in all its details, free of bias and in the knowledge that 50 per cent of the world's population is made up of women, that a bigger and bigger proportion of them are at present working in some profession or industry, and that more than one-third of Australia's work force is composed of women. I was so carried away by Sir Arthur Rymill's getting to 2 per cent before I did that I forgot to say that I was assuming that the figures we were given yesterday were accurate. These figures suggested that there are over 20,000 senior women in the retail trade in South Australia who would be assessed by the court as doing work in all respects equivalent to that done by men.

The Hon. F. J. Potter: My figures were based on that assumption.

The Hon. JESSIE COOPER: It was an unwise assumption. Quite apart from the fact that this seems to have been an exercise in pre-judging in a few minutes or hours something that would probably take the courts many months or years to resolve, I still find the figure unlikely. However, if the figure is not exaggerated but is correct and these 20,000 people are doing exactly the same work as men, then I emphasize once again that the figures I have given today would show the cost to the market of the order of something less than 2c a dollar. Riding along on the old traditional beliefs and platitudes will not suffice for the legislators of the second half of the 20th century.

I would reiterate that I believe that the major alterations which this Bill attempts to make in the Industrial Code of this State would be anathema to the majority of people in South Australia. Therefore, it appears to me impossible to amend it in such a way as to make it acceptable generally. This, to me, is a tragedy, because I consider that the good qualities that may have been extracted from this type of legislation are in danger of being lost with the bad.

The Hon. D. H. L. BANFIELD (Central No. 1): I have counted the heads and I see that we have five supporters of clause 80, so this gives me some heart. True, the Hon. Mr. Potter said he agreed with the principle of equal pay. However, he could have fooled me, because he went on so long that we had to sit at night. He went on for a long time telling us about the virtue of equal pay, but then I think he got narked because the word got around that we were going to sit at night and he changed his tune. He is like the Commonwealth Government and employers generally: they all agree with the principle of equal pay, but the time never seems to be right to apply it. The Commonwealth Government uses the excuse that it has the arbitration court to deal with the matter, therefore it does not think it should do anything about it. Employers generally say that they agree with the principle and that it is a good idea, but the time is never right to apply it. As the Hon. Mrs. Cooper pointed out, it would mean 2c in every dollar on an article.

We find right through the ages that any increase that is applied for is opposed by the employer on the ground that "now" is not the time to implement it. This was so in the first basic wage case in 1907, and it was the same in 1966. Whether it be an application for an increase in margins, an application for equal pay, or an application for any other amenity, the principle is always quite all right but the time is never right. The Bill is not granting equal pay: it is granting the court the right to consider implementing equal pay.

The Hon. F. J. Potter: It is doing more than that.

The Hon. D. H. L. BANFIELD: It gives the court the right to grant equal pay only if it finds that the work is comparable.

The Hon. F. J. Potter: Don't you think it twists the arm of the court?

The Hon. D. H. L. BANFIELD: I do not think so. On other occasions honourable members have said, "Let us trust the court; it is for the court to decide the issue." Now we find that the same members want to tie the hands of the court. All the Bill does is allow the court to consider applications for equal pay for equal work.

The Hon. F. J. Potter: Can't the court do that now?

The Hon. D. H. L. BANFIELD: No; if it had that power now, we would not be putting the provision in the Bill. Also, if it had that power now there should be no objection to this clause. The honourable member cannot have it both ways. The courts are getting around to the question of equal pay. A document was handed down by the Commonwealth Conciliation and Arbitration Commission on April 21 this year in respect of the Clothing Trades Award. That union had applied for equal pay provisions. The commission, consisting of Kirby, C.J., Moore, J., and Commissioner Findlay, gave reasons for the decision and conclusions as to general principles. It said:

> There is no dispute between the parties that persons performing the same work should be paid the same margin for skill, irrespective of sex. We endorse this agreement as to principle. It seems to us to be industrially unjust that women performing the same work as men should be paid a lower margin.

The Hon. F. J. Potter: That was an award by consent, not a decision.

The Hon. D. H. L. BANFIELD: It was not; the commission had to decide whether to grant equal pay.

The Hon. F. J. Potter: If you read it carefully, you will find that the parties agreed.

The Hon. D. H. L. BANFIELD: What I read out was the judgment. It may have been consented to by the parties, but the commission said, "We endorse this agreement as to principle." It went on to say:

> It seems to us to be industrially unjust that women performing the same work as men should be paid a lower margin.

The commission studied the various classifications in that award and it brought down an equal margin in a number of the classifications for males and females. True, it said it was difficult to decide in many cases what was equal work, but in the cases it decided it had no hesitation in granting margins.

The Hon. Mr. Potter yesterday gave us some history of the origin of the basic wage and also some details of the various judgments handed down in the past. However, he very carefully omitted (I asked him about it but he did not give me an answer) to tell the Council that the last decision of the commission took away all references to the basic wage. It was argued that the basic wage should be fixed on the basis of a husband, wife and two children, but that does not now apply because the Bill has deleted all reference to the basic wage. Further, an increase of $1 to both males and females has been made.

The Hon. F. J. Potter: That is the new total wage.

The Hon. D. H. L. BANFIELD: Of course it is. In the courts they are moving towards equal pay and removing all reference to the

basic wage. In the past it has been said that the basic wage is related to a man, his wife, and two children. Here again, the honourable member would not give me an answer when I asked, "What about a bachelor?" The honourable member was not prepared to say whether he should or should not get the same rate of pay as a man with a wife and two children. Also, he was not prepared to tell me why a widow supporting a family should not get the same rate of pay as a male supporting a family. The Hon. Mr. Springett, too, did not answer a question. If there is to be equal pay, why should not women get equal pay for the work they do? We need not go into the matter of the basic wage or any other type of wage. If the work is the same, the rate of pay should be the same.

The Hon. C. R. Story: What does the Taxation Department say about that?

The Hon. D. H. L. BANFIELD: The Taxation Department believes in equality of the sexes: it imposes the same rate of taxation for men and women. After all, the honourable member in his business dealings makes no discrimination between the sexes. If he sells me a bunch of grapes for $1, he will also sell a bunch to my wife for the same money. There is no discrimination there. The only field in which woman is not recognized as equal to man is pay. Women pay the same price as men to go to a football match or to a picture theatre; they also pay the same rate of tax as men do—and so it goes on.

The Hon. C. R. Story: But in the payment of maternity allowances they still have the advantage over men.

The Hon. D. H. L. BANFIELD: When the time comes for men to enter the maternity field, they will have to pay equally as much as women do when they enter hospital; there is no doubt about that! So much for the equal pay argument. The Hon. Mrs. Cooper has convinced many people that at least we are moving in the right direction there. I do not propose to deal with the 213 clauses separately, but will refer to a few of them. I am pleased that under clause 157 no new factory can be erected without the approval of the Secretary for Labour and Industry of the plan of the factory building. It is amazing how in the past we have found that, for some reason or another when an employer or an architect has drawn up plans for a new building, rest rooms, lunch rooms, etc., have been omitted from the plan, and that is not noticed until the employees commence work in that factory.

All too frequently the employer does not think of the amenities for his employees, as he should under the award. Once a factory has been erected, it is difficult then to install the necessary amenities. This clause will eliminate any future argument on that. The Hon. Mr. Springett spoke very well about the safety measures that should be adopted in factories but which, unfortunately, have been abused in the past. Clause 165 prohibits any person from selling, letting on hire, or offering to sell or let on hire, etc., machinery for use in a factory unless it complies with certain safety requirements. That should overcome some of these complaints, because an employer has his obligations. It is up to him to see that he buys a machine that complies with the safety requirements, but unfortunately once a machine is installed in a factory the owner is anxious to put it into operation and is prepared to take chances with safety. This clause will help considerably to remedy that. It will mean that machines cannot be sold unless they comply with certain safety requirements.

Clause 28 authorizes the commission to fix the rates to be paid to subcontractors. For many years subcontractors for labour-only have found it necessary to work seven days a week and sometimes 12 or 14 hours a day before they can make award rates of pay; also, they have had no provision for holiday pay, sick pay, long service leave, etc. In future the commission will be able to fix a rate and, as a result, a subcontractor will not have to work under such odious conditions as he has in the past. That should result in better building. Previously, the subcontractor has had to take short cuts to make a job pay at the quoted rate, which has resulted in shoddy work being done.

So far, no farmers have spoken on this Bill. The court will be able to make an award for agricultural workers. South Australia is the only State in the Commonwealth that does not empower a court to make an award for agricultural workers. In spite of what the Hon. Mr. Dawkins says—that employees in the agricultural industry do not want awards—the Trades and Labor Council and the Australian Workers Union are still receiving correspondence from farmers' employees who wonder why they have not an award under which they can claim their just rights. The Hon. Mrs. Cooper spoke of preference to unionists. If a person is entitled to receive the same rate of pay for the same amount of work, he should pay his share for the better

working conditions obtained for him by the unions, to which certain workers contribute in order to get those better conditions. The honourable member said that this was compulsory unionism. It is nothing of the sort. It only enables the court to consider inserting such a clause into an award when considering an application. As I said earlier, when it suits members of the Opposition they are quite happy to let a matter go to the court. The Hon. Mr. Springett said that a person should not be compelled to join a union. I should like to know the position with regard to the British Medical Association and the Australian Medical Association.

The Hon. V. G. Springett: You don't have to belong to it.

The Hon. D. H. L. BANFIELD: The only doctor who does not belong to it is one who has been struck off the roll. We want the court to put in a preference clause for unionists. This applies in a number of Commonwealth awards today. In the clothing trades award of 1960 there is a preference of employment clause that reads as follows:

> As between members of the Clothing and Allied Trades Union of Australia and other persons offering or desiring service or employment at the same time, preference shall be given to such members at the time of engagement or retrenchment, other things being equal.

That union is not a 100 per cent union shop as the result of the preference clause. There have been no complaints regarding the application of the award. To say that that clause brings compulsory unionism is so much bunkum.

All we are saying is that the person who pays to have the conditions put in the award should be the one to have first preference to reap the benefits of it. Why should any person have the right to reap the benefits of something for which he has not paid when others have paid? I suggest to the Hon. Mr. Springett that if he were asked to treat a paying patient and a non-paying patient he would give his services to the paying patient in preference to the non-paying patient. That is all we are asking for in this clause. If there is to be a preference, it should be given to the man who pays and not to the man who does not pay. The same thing should apply to the unionist because he is the one who, by means of his weekly contribution, has had the conditions put in the award. A person is not compelled to join a union, but I point out that he does not have to enter the industry. He goes into the industry of his own free will and because of the conditions it offers. Why is there a shortage of domestics at present? Simply because there is no award for them: there are no decent conditions, nor is there a union to look after their interests. If the unions let up there will be an attempt by the employer to take away the conditions that have been obtained for the workers at the union's expense. Is it asking too much that the person who pays his dues should have some preference in employment?

Returning to the question of a person having a claim for wages owing or for money due, at present an employee cannot make a claim for wages ouside a 12-months' period. Under the Bill this period will be extended to six years, which is the term for the collection of civil debts. Here again why should not the employee have the same right as anybody else who has a justifiable claim in regard to an amount owing? Wages not paid is an amount owing to him.

If somebody does not pay his debt to John Martin and Company Limited or the Hon. Mr. Potter, they have the right after six years to make a claim for the amount owing. Records of debtors must be kept by shops and other businesses. If the employer paid the employee the correct rate of pay there would never be a claim. But not having done the right thing, the employer should be liable to action at law the same as the employee who does not pay his own debts. The Bill goes a long way toward bringing the Industrial Code up to present-day conditions. If one looks at it unemotionally, as the Hon. Mrs. Cooper said, 212 of the 213 clauses of the Bill will be passed. I have pleasure in supporting the second reading.

The Hon. A. M. WHYTE (Northern): Nothing in the Bill will take precedence over the Commonwealth Pastoral Award, which was brought in by Commissioner Donovan in September and which covers all aspects of the rural industry in South Australia.

The Hon. D. H. L. Banfield: Fair go! You know very well it doesn't.

The Hon. A. M. WHYTE: The exceptions would be very few.

The Hon. D. H. L. Banfield: A person must have 2,000 sheep.

The Hon. A. M. WHYTE: Are you conversant with the award.

The Hon. D. H. L. Banfield: I'm more conversant with it than you are if you say it covers all aspects of rural industry in South Australia. Will you support the Bill so that

those not covered now can be covered by the South Australian Industrial Commission?

The ACTING PRESIDENT (Sir Norman Jude): Order! The honourable member will address the Chair.

The Hon. A. M. WHYTE: I suggest the Hon. Mr. Banfield examines the Commonwealth award to see what it contains.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I appreciate the way honourable members have applied themselves to the Bill. The last two speakers seem to have answered most of the points put forward by other speakers. As I said earlier, the Bill is primarily a Committee one. First, I shall refer to the matters raised by the Hon. Mr. Potter. Although he said that he gave some sort of support to the equal pay provisions, he spoke for some time yesterday on a circular that most honourable members have received, but that circular mentioned equal pay in a way different from that provided for in the Bill. The honourable member placed some amendments on file which, despite the fact that he said that he supported equal pay in principle, make it evident that he thinks the Bill goes too far, and he has endeavoured to cut down its effectiveness in this regard.

I think the Hon. Mrs. Cooper answered most of the queries put forward concerning equal pay. I am not as pessimistic as my colleague who has just finished speaking, because he has limited the number of members who support equal pay to one more than the four members of the Government Party. I do not think that is right, particularly when we consider the attitude of another place towards the principle of equal pay. Although members there would not go so far, or be so daring, as to say it, it seemed obvious that they thought the Government was not going far enough. However, when it was put to some members that, if the Government did not go far enough in its proposals, they should amend it and go further, they did not do so. I am sure that the eloquence of the Hon. Mrs. Cooper has removed any doubt that may have existed in other members' minds when she supported the principle of equal pay.

Another matter strongly opposed by some honourable members concerned unionists. I must be critical of the Hon. Mr. Potter's references on that subject. In my opinion, it was a sarcastic reference concerning one of the commissioners on the South Australian Industrial Commission. I have had comments made to me by various employers who have said that the commission is working very well and doing a pretty good job. I deplore the action of some people, from whatever ranks they come, to rubbish a properly constituted tribunal, because such action does not help industrial relations.

Continuing with my comments on preference to trade unionists, I point out that this is not, as the Hon. Mr. Banfield said, compulsory unionism: it is something that has existed, as far as the Commonwealth Court is concerned, for a considerable time. In fact, the wording of this Bill has been taken from the Commonwealth Arbitration Commission Act, and many of its conditions have been included in the Commonwealth awards. I support the principle of preference to trade unionists. Enormous sums of money have been spent by both employer organizations and trade unions in obtaining awards to cover industry. If it is fair enough for employers to expect all their industries to belong to certain organizations, then it is fair enough to say that preference should be given to trade unionists in this respect. One instance occurred with a union with which I was associated at one stage where its members were able to get preference clauses inserted in their awards, not on the basis of having equal efficiency, but on the basis that preference should be given to trade unionists because they had gone to the expense of securing awards for their members, thus bringing about greater harmony in industry.

Some employer organizations put pressure on employers to belong to those organizations. I know of an employer organizing a "corner" on some materials required by the industry. That organization arranged for a considerable discount to be given on the materials required, but that discount applied only to members of the organization. It thus became uneconomic for employers not to belong to that organization and they were forced to join it. If that is not a case of pressure being put on people to join an organization, and making it compulsory to join such an organization, then I do not know what is. If it is fair enough for the employers to do this, it is fair enough for us to leave it to the court, in its judgment and after hearing both sides of the argument, to decide whether preference should be given. This is not compulsory trade unionism; it is a preference that may be given. There are various types of preference clauses; this provision does not mean that a preference clause will be a straight-out preference, irrespective of ability. The

court could insert a clause providing that, all things being equal, the preference should go to the trade unionist. This has been done in many awards. We are asking for preference for trade unionists, and the court is left to decide what sort of clause should be put in.

The Hon. C. R. Story: Those awards which have a clause of this nature have been negotiated, have they?

The Hon. A. F. KNEEBONE: I know of a clause that was put in a Commonwealth award by agreement; the employers and the unions decided they wanted a direct clause that gave a straight-out preference. This was submitted to the Commonwealth court, and the Commissioner on his own volition altered the preference clause to something weaker, despite the fact that the unions had given away something for it.

The Hon. D. H. L. Banfield: The court was not fettered in any way.

The Hon. A. F. KNEEBONE: No, it could do what it liked. The objection has been raised that the provision regarding payments to subcontractors in the building industry breaks new ground. On many occasions we have been told that we should introduce new and imaginative legislation; this is what we are doing here. The provision enables labour-only subcontractors, who in the past received rates lower than award rates, to benefit, because the Industrial Commission will be able to fix their rates. People who have objected to this provision say, "This will increase building costs because the commission fixes a minimum wage." Surely this proves that the labour-only subcontractors are not at present receiving a proper reward for their labour. If this is so, surely this provision is justified. The Hon. Mr. Banfield covered this matter.

I have no objection to legitimate subcontractors and I do not wish to discriminate against anyone. This is what has brought subcontracting into disrepute: in the past people submitted a price for bricklaying or something else, and the price was either accepted or rejected. The practice today has got away from this and people are told, "Here are three houses. Your gang can do the bricklaying, and the price is this: take it or leave it."

The Hon. R. C. DeGaris: Would this be due to the very drastic downturn in the building industry and to nothing else?

The Hon. A. F. KNEEBONE: No; it has gone on all the time, but it is more serious when the building industry may be suffering a slight recession. People offer to subcontract on a labour-only basis, and the employer supplies the materials. In the past prices were submitted by subcontractors, but prices are not submitted in many instances today; this is the worst feature of it. Some people say to a subcontractor, "This is the price you get for doing all the brickwork in these three houses," and the subcontractor must work like blazes seven days a week to make a living out of it. It is a matter of take it or leave it.

The Hon. C. R. Story: Don't they get more than the weekly wage?

The Hon. A. F. KNEEBONE: If they do, the honourable member has no fear. If the people are offered a rate that does not give them a reasonable wage, the commission can consider it and say, "This rate should be so much." Where plasterers or bricklayers are prepared to do a job they submit a quote, but, because they are not skilled in working out rates, they do not realize that in a weekly wage there is provision for the fact that a worker may become ill at some time. If men are working in an industry where work comes and goes, this is provided for in their weekly or hourly rate, which also covers sick leave, annual leave, and long service leave. When some of these labour-only subcontractors submit a rate they do not take into consideration the fact that they may fall ill at some time; they work seven days a week and it is not very long before they are sick. What happens to their children then? We have put in this provision so that this matter can be looked at and so that these people can be protected from themselves as well as from rapacious employers who are trying to get something out of them with labour-only contracts.

The Hon. L. R. Hart: Do you agree that the primary producers should get fixed prices for their products?

The Hon. A. F. KNEEBONE: I am talking about labour-only contractors. Does the Hon. Mr. Hart say that simply because there is a drought at present and as a result someone is not getting a return for his work we should not give adequate justice to other people? In fact, we are doing something at the present time with the assistance of the Commonwealth, to take care of the primary producers.

The Hon. C. R. Story: That was not the argument.

The Hon. A. F. KNEEBONE: It was the implication. I consider that this provision is completely justified. Our concern is to see that these people are not affected by their own

inexperience or by the actions of some employers in the building industry who are seeking to keep down the rate these people can get. A person who has the necessary skill and who wishes to engage in these labour-only contracts will tender on the basis of a fair return for his work, but he may have in opposition to him a semi-skilled or unskilled person. The Hon. Mr. Potter, when speaking in a previous debate some time ago, said that the way a person could learn in the building industry was by watching someone else do the work; therefore, those people did not need to serve an apprenticeship. Some people will do shoddy work for low rates on labour-only contracts. I am sure that the majority of honourable members would agree that we should protect the interests of the people engaging in building work.

The Hon. R. C. DeGaris: What about the labour-only contractor who makes a mistake when tendering and as a result gets less than wages?

The Hon. A. F. KNEEBONE: I do not know whether there are many of those people, but if there are such people they should be protected from their own foolishness.

The Hon. R. C. DeGaris: What if it is the other way around?

The Hon. A. F. KNEEBONE: A person putting in too high a price would not get the job, for there is cut-throat competition regarding labour-only work in this State at present.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. H. K. KEMP: I move:

Before the definition of "allowances" to insert: "'agriculture' (without limiting its ordinary meaning) includes horticulture, viticulture, and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry, or bees, and the growth of trees, plants, fruit, vegetables, and the like:".

I do not think it is necessary to emphasize the need for the inclusion of this definition. Agriculture today is answerable to awards over a very large field. The greater part of agriculture in Australia is answerable to Commonwealth awards and in a few instances to State awards under a very responsible union: I refer to the Australian Workers Union. This very largely regulates our shearing industry, our pastoral industry, our agriculture, most of the fruitgrowing under irrigation, and most of the dairying industry. The only fields that have been left outside this all-embracing entry of award rates in agriculture have been those in which the labour component in the cost of production is very high indeed.

Those fields to which I have referred are particularly difficult because of the conditions in those industries. I think it was quite definitely accepted by the A.W.U., when the extension of Commonwealth awards to cover these industries was raised, that there was a very high labour component in fruitgrowing away from the irrigation districts, in vegetable growing, in bee keeping and in dairying. It realized that the conditions varied tremendously in these many different forms of production and that each had peculiar difficulties.

Only recently I was speaking to a producer from the Adelaide Hills who had brought to Adelaide a full load of cauliflowers. Only a very small proportion of that load was sold, and the rest was taken back home to waste. Vegetables taken to the Adelaide markets on a Monday have been gathered on the Sunday. No other community in the world has a supply of fresh vegetables on its tables usually within 24 hours of their being gathered. This is a remarkable achievement. If one was purchasing a lettuce in New York, for instance, probably it would have been cut about 10 days previously, chilled by being immersed in water under a highly organized system of packing and brought to a temperature at which it could be carried. It would then be transported for about 2,500 miles by train and delivered to the New York market and a long time after being cut it would reach the supermarket.

The Hon. R. A. Geddes: Does not that apply also to Australia in respect of vegetables that come to Adelaide from Western Australia and Queensland?

The Hon. H. K. KEMP: Yes, and that is a difficulty we are facing. Seasonal production is valuable to people who grow vegetables in the Virginia area, at Murray Bridge and in the Adelaide Hills. Those growers are meeting competition from small farmers, not only within the Adelaide market but also from the rest of Australia. Most of the costs in these industries are labour costs. They are being met in a good spirit but it is a risky, hurly-burly game. The average employee at Virginia or in the Adelaide Hills has full access to employment in Adelaide when it is available, and he can make a living in the Adelaide Hills. He does that, but not under the straitjacket of an Industrial Code and the strict organization of industry. I am sure that it will be almost impossible for the court to work out a code

that will meet the tremendous variations in conditions and needs. Agricultural workers have to work on Sunday afternoons to meet the needs of the Adelaide market on Monday mornings. That is normal working for a person employed in the Piccadilly Valley or at Virginia or Murray Bridge.

The Hon. D. H. L. Banfield: Would not the court take that into consideration in hearing an application for an award?

The Hon. H. K. KEMP: It would be most difficult for these people to work under an award, because an award cannot provide for the cows to be put out to grass while the man goes on four weeks' holiday. When the beekeeper comes up against a honey flow, everybody involved in maintaining the hives works day and night while that flow persists. I have mentioned only three small kinds of production.

The Hon. A. F. Kneebone: Don't you trust the courts?

The Hon. H. K. KEMP: Yes. This again is merely a case of the present Government not understanding the position.

The Hon. A. F. Kneebone: The Commonwealth commission put the pastoral industry under an award.

The Hon. H. K. KEMP: The Commonwealth commission had a responsible union to work with, and those awards are spread through the agricultural industries that can stand this.

The Hon. A. F. Kneebone: The same union looks after these people here.

The Hon. H. K. KEMP: That union has refused to enter into the odd fields—and this has been admitted by those union representatives here in conversations or negotiations with the department that looks after these industries. They have said that it is hopeless for them to lay down rules for working because of the great complexities and difficulties in these agricultural industries, in which a high percentage of hand labour is employed.

The Hon. D. H. L. Banfield: The court did not go into the complexities because it has not been in a position to make an award.

The Hon. H. K. KEMP: The interjector has no knowledge of what has happened in the past.

The Hon. D. H. L. Banfield: I have. That is why the amendment has been moved.

The Hon. H. K. KEMP: These industries employing hand labour are nearly all faced with the necessity of making profound changes difficult to effect. Industries involved in this matter, organized by the union, are our citrus industry and our dried fruits industry.

The Hon. A. F. Kneebone: What does every other State do?

The Hon. H. K. KEMP: In most cases other States have found this so difficult that there is just no enforcement of the codes.

The Hon. A. F. Kneebone: That is not my information.

The Hon. H. K. KEMP. Every one of our fruit industries (I refer not to the vegetable-growing industry now but to the honey, dried fruits, and fresh fruits industries) is facing an evolutionary change difficult to cope with. Labour is the chief component of those costs. Our markets are set by free competition from world markets. This means that, when we export a fairly high proportion of our produce, inevitably the domestic price settles in close to the export price on world tariffs. Attempts have been made to avoid this, but even in the dried fruits industry, in which export has been under statutory control for many years it has been impossible to break this connection between export parity and local prices settling in close together. So that all of these industries inevitably have this difficulty: their major cost is based on Australian costs and wage levels. Their export market, which sets the price, is determined by countries that are usually willing to sell because their wage levels are so much lower than ours.

There is no reason why the Industrial Code should not be enforced in these industries, because this is a problem which they have to face and to which South Australia has no solution. Only recently a Statute was proclaimed to enable the citrus industry to organize itself to see whether it could break the nexus that exists between the value of fresh fruit exported and its labour costs in South Australia, but it has been impossible to do this.

The citrus industry has not enjoyed a great level of prosperity, although the widest possible powers were given to it to regulate its sales and production. Very few of the people engaged in these industries realize that this is the fundamental difficulty that faces them. I know there are ways out of this problem that have been found elsewhere in the world, but they are ways that I hope South Australia, in particular, does not follow. In other parts of the world where this problem has occurred it has been overcome. One can see what is occurring in some of the countries that have about the same standard of living as we enjoy.

One half of the industry goes to a peasant form of existance (which we have already seen in South Australia), where a high proportion

of the production is done by means of part-time work: a man takes a small block, starts growing vegetables, and works during the day while his wife and children do the work on the block. As a result of this the industry is depressed.

I regret that we are already seeing this in South Australia. The man in the middle, who knows what used to be an economical unit and who made a fairly good living until this problem became important in the fruit industry, has gone to the wall. This is the man who, in the past, had an economical unit of about 15 acres for apple-growing or who had about 10, 12 or 15 acres of trees and five or six acres of vines in the Murray River area. Members in similar circumstances have gone out of the industry in many parts of the world. The only people who have been able to remain in these industries have been the very large man who is very highly mechanized and who works with a very high capital investment, and the man at the other end of the line who is working on a peasant form of production.

I do not bring up these matters idly, but I think that the Committee in considering this amendment should realize that these are the pressures these industries are up against. To bring them under an award will greatly increase the rate at which these changes must be made. One can appreciate that while these changes are going forward there will be a tremendous amount of disturbance, even distress, in our industries. Many people who in the past have been able to make a respectable living and who have worked with their heads up will have to take the peasant's way out. Other producers will get bigger and bigger, and smaller and smaller numbers of responsible people will reap the reward. These changes cannot be stopped.

There is one other matter which I should like to mention and which is something the Government obviously has not been able to understand. It is most aptly shown by the fact that there is still a shipload of our apples sitting in the Suez Canal that we have been told will be there for another 12 months.

Last year the whole industry geared up to provide a good export to Britain at very good prices. The fruit was sold and packed to everyone's satisfaction, but suddenly the fruit could not be exported because in the opinion of certain people it was not up to standard, despite the fact that the fruit was more than satisfactory on market standards when it arrived in Britain. Last year about 25 per cent to 30 per cent of the potato crop that normally comes into the Adelaide area was sent to the cows and pigs, again as a result of Governmental regulation.

The Hon. G. J. Gilfillan: A pity we didn't have some now.

The Hon. H. K. KEMP: Under the present administration there is a risk attached to these high labor component lines of production. In addition, there is an enormous risk in market variation. There is great uncertainty and risk that the people who work on wages have no conception of. There is also the problem of rainfall and whether pests will be controlled.

All these things point to a sector in agriculture, which the responsible people in the Labor Party have considered is beyond the practical application of an industrial award. The proposal is to bring it under an award with an administration that is incapable of understanding the difficulties.

The Hon. G. J. GILFILLAN: Because the amendment has been before this Committee for only the last 20 minutes, I ask whether the Minister will report progress.

The Hon. A. F. KNEEBONE: I suggest that we report progress at this stage.

Progress reported; Committee to sit again.

Later:

The Hon. A. F. KNEEBONE: The Hon. Mr. Kemp mentioned the situation of the agricultural worker and the need for his elimination from the benefits of going to the State Industrial Commission in regard to his wages and conditions. In every other State the agricultural worker is not debarred from this benefit.

The Hon. Sir Norman Jude: Are you sure it is a benefit?

The Hon. A. F. KNEEBONE: Of course it is. I do not know from what angle the honourable member is looking at it: I suppose he is looking at it from the property owner's or station owner's angle, not from the employee's angle.

The Hon. M. B. Dawkins: It's doubtful that it is a benefit.

The Hon. A. F. KNEEBONE: I do not expect all honourable members to agree with me. A Commonwealth award covers the pastoral industry and every other industry.

The Hon. H. K. Kemp: Why the need for a State award?

The Hon. A. F. KNEEBONE: That shows how much the honourable member knows about industrial matters. A Commonwealth

award cannot be made a common rule. Therefore, in the State sphere it is necessary to have a provision to cover that industry, too. Where a dispute extends beyond the boundaries of one State the matter can be taken to the Commonwealth court. If it is a log of claims, the log is served on all the employers nominated and the award is made binding on the parties to the dispute. The people who have not been served with a log of claims and those not joined to the dispute by a roping-in award are award-free. This is not a good situation from either the employers' or employees' point of view. To cover this situation in the State an award is generally made as near as possible in the same terms as the Commonwealth award so employers not covered by the award have no advantage over those covered by it. This is in the employers' interests. Therefore, the State court brings down awards to cover the people not covered by Commonwealth awards.

Some agricultural workers are covered by Commonwealth awards and some are award-free. It is necessary to have an award of the State court to cover the people not covered by a Commonwealth award. I have never heard so much rot talked about industrial matters as was talked by the Hon. Mr. Kemp. All he talked about was not the need to cover people but that this might affect our exports. In every other State the agricultural worker can go to the State court if he is not covered by a Commonwealth award. Why should this State be so backward in this regard? These people should have the same rights as similar people in every other State have. I oppose the amendment.

The Hon. M. B. DAWKINS: The Minister has stated that honourable members do not know much about industrial matters and said that the Hon. Mr. Kemp spoke so much rot. The Minister must accept the fact that, if we say he does not know very much about agricultural scene, he also must accept that statement as being true. I support the amendment, not because of the effect it may have on the general agricultural worker but because of the special categories mentioned by the Hon. Mr. Kemp. A situation could arise in these special sectors of the agricultural industry, particularly as a result of weekend and Sunday work, which could result in overpayments that would throw a big economic spanner into the situation. The Minister has mentioned the benefits to these people. He rather resented the fact that some honourable members thought that this was doubtful, but I am sure it is doubtful. The Minister also mentioned that South Australia is backward: it is the only State that has no agricultural award from the State level. I am not sure that it is.

The Hon. A. F. Kneebone: I said the agricultural worker hasn't the advantage of going to the court. I didn't say he didn't have an award.

The Hon. M. B. DAWKINS: I do not believe the State is backward, because with the majority of agricultural workers the relationship that exists between the employer and the employee cannot be bettered in any other field of industry. Some of these people are partially share farmers at present. The Hon. Mr. Banfield told me privately that people had complained about the situation, and I believe he was speaking the truth. I am sure that in every industry, and the agricultural industry is no exception, some people are not as competent as are others. Undoubtedly some people who are not so well established or competent are complaining and are dissatisfied. However, I believe that the agricultural worker, generally speaking, is better off in the situation he now experiences than he would be if this amendment were not included in the Bill. Most agricultural workers are very competent and very well paid, and any award that might be made might not serve them as well as they are served at present.

The Hon. R. A. GEDDES: A problem is associated with the following words in the amendment: "Use of land for any purpose of husbandry, including the keeping or breeding of livestock." Such use of land would come under the Australian Workers Union award in the great majority of cases, and therefore we are in conflict with what the A.W.U. is doing for the worker on sheep and cattle properties. I believe the Hon. Mr. Kemp is trying to help another section of the industry altogether.

The Hon. H. K. KEMP: There is no conflict here. The agricultural industry generally has welcomed the responsible attitude that the A.W.U. has brought to agricultural matters. We must ensure that there is no gap, but rather that there is an overlap. I am sure there is no possibility of a State award overriding Commonwealth awards, under which most A.W.U. industrial action is taken.

The Hon. A. F. Kneebone: Constitutionally, it cannot.

The Hon. H. K. KEMP: I agree. There is no mention in A.W.U. awards of goats and other types of livestock that make up the silly little corners of agriculture in South Australia

that we are trying to keep in effective productive condition. There is no intention of taking away the spheres of action already operating. However, there is a clear intention to preserve from irresponsible action and lack of understanding those sections of the industry already in trouble.

The Hon. S. C. BEVAN (Minister of Local Government): I oppose the amendment; it is taken word for word from the present Code. It has been moved for the specific purpose of preventing agricultural workers from ever attempting to have their working conditions decided by the State Industrial Commission. We have heard the Hon. Mr. Kemp use the term "irresponsible organizations". This legislation gives the commission power to decide the working conditions and wages of agricultural workers. This provision would apply only to workers not covered by a Commonwealth award at present. A Commonwealth award takes precedence of a State award.

The Hon. Mr. Kemp is objecting to the State Industrial Commission having jurisdiction to make an award following an approach to it. An individual cannot ask for an award to be made but an organization can approach the commission for an award. The honourable member's obvious intention is to debar these people from approaching the commission and to debar the commission from deciding these matters. He said that agricultural workers work seven days a week, and I do not dispute this; they may work 60 to 70 hours a week at a rate of pay fixed by negotiation between them and their employers. The standard working week nowadays is of 40 hours and it is ridiculous to say that, where it is necessary to work seven days a week, it would result in considerable cost to the employer. These arguments can mean only that some honourable members do not desire the commission to fix a fair and equitable working week and a wage conforming to it. The Hon. Mr. Dawkins referred to a share farmer; such a person certainly would not be covered if the commission made an award, because he would not be an employee. The share farmer himself would not be covered and would not be affected at all.

The Hon. Sir Norman Jude: Have you ever heard of a farm employee working on a share basis as well as wages?

The Hon. S. C. BEVAN: In my earlier days I worked for a farmer for $1 a week.

The Hon. Sir Norman Jude: So did I.

The Hon. D. H. L. Banfield: They haven't improved much on that now.

The Hon. S. C. BEVAN: They would not pay much more now if they could get someone foolish enough to work for so little.

The Hon. Sir Norman Jude: I was very glad to have the job in those days.

The Hon. S. C. BEVAN: The Hon. Mr. Dawkins said that in all probability the employees would be better off working as they are doing now.

The Hon. M. B. Dawkins: So they would, too.

The Hon. S. C. BEVAN: Then why does the honourable member oppose this amending legislation? I was the Federal Secretary of a union and I think I know a little about the attitude of employers in these matters. My experience is that if an employer thought he was going to have an advantage as a result of his employees being covered by an award he would be very pleased about it. I think it is clear that the Hon. Mr. Kemp is really advocating the employment of cheap labor. His intention is to have these people debarred from approaching the court regarding their working conditions and wages. He wants the employer to be in a position to employ people on any terms he likes.

The Hon. H. K. KEMP: The Minister's interpretation is complete and utter twisting of the truth. I say that we have at present an administration which last year cost us 28 per cent of our potato crop.

The CHAIRMAN: Is the honourable member raising a point of order?

The Hon. S. C. BEVAN: I understood that the Hon. Mr. Kemp wanted to raise a point of order, and I sat down for him.

The CHAIRMAN: It is not a point of order. The Minister is entitled to finish his remarks.

The Hon. S. C. BEVAN: Thank you, Mr. Chairman. I said that the honourable member was advocating the employment of cheap labour. That is really what it means.

The Hon. Sir Norman Jude: That is a grossly unfair remark.

The Hon. S. C. BEVAN: If the honourable member does not like it he can lump it. I am entitled to express my opinion, just as he is entitled to express his. In effect, the Hon. Mr. Kemp by this amendment is advocating debarring these people from going to a legal tribunal and debarring the court from adjudicating on wages and working conditions for these employees.

The Hon. Sir Norman Jude: The court would be making an award which on certain occasions it would be impossible for farmers in drought conditions to observe, so they could not employ men at all. You people cannot see that.

The Hon. S. C. BEVAN: What the honourable member does not like is being told quite frankly what the Opposition is trying to do by this amendment.

The Hon. Sir Norman Jude: You ought to go out to the Mallee and have a look for yourself.

The Hon. S. C. BEVAN. I have. Apparently the honourable member thinks he is the only one who has had experience on the land. I spent 7½ years straight, without a break, working on cattle and sheep stations in the Far North and the Northern Territory, so I have had some experience on the land, too. Also, I know from my experience the wages paid to people working on the land.

The Hon. H. K. Kemp: When there is no other work around.

The Hon. S. C. BEVAN: I am not talking about that. Just after the last war, when there was an acute shortage of labour everywhere in Australia, employees were able to pick and choose jobs, and a great squeal went up because these people would not accept work in the country areas. They could get better wages and conditions elsewhere.

The Hon. H. K. Kemp: Some people like to go out there.

The Hon. S. C. BEVAN: In my younger days I wanted to go out to the country and, like many other people, I did so. I cannot see any reason why those people should not have the opportunity of having a legal authority determine their pay and working conditions. However, the Hon. Mr. Kemp is trying to prevent the commission in this State from adjudicating on these matters. I hope honourable members will have a good look at this matter. This is 1967, and surely in these enlightened times these people should be able to approach the court on these matters.

The Hon. A. M. WHYTE: The Minister's explanation about including the group not covered by the Pastoral Industry Award is fair, but at the same time I can see what the Hon. Mr. Kemp is driving at. There are two awards. The scope of the new Pastoral Award has been widened to a point where it covers the management or rearing of sheep, cattle, horses or other livestock; and the sowing, raising or harvesting of crops and the preparation of land for any purpose. That is a wide coverage. Land would have to be prepared for such crops. Few parts of the agricultural industry are not now covered by the Commonwealth award. I can understand the Hon. Mr. Kemp's concern about the policing of awards in some industries where people work long and late hours. Where is this "cheap labour" obtainable? We have to pay a man good money to work in the agricultural industry today. There is no cheap labour. I do not support this amendment although I fully understand the reasons for it.

The Hon. R. C. DeGARIS: I am surprised at the accusations made in respect of this amendment. I support Mr. Whyte when he says that it is not intended by this amendment to use cheap labour. It was never mentioned. What areas of the State are not covered by the Commonwealth Pastoral Award? As I understand the amendment, the reason for it is that this area is already almost completely covered by that award.

The Hon. A. F. KNEEBONE: As regards the Commonwealth award, the position is that, when there is a dispute in an industry and it becomes a Commonwealth matter, it being a dispute created by the serving of a log of claims for an award, only the people who have been served with that log of claims and have been joined to the dispute are bound by the award. A Commonwealth award cannot be made a common rule. It is the State award that covers such people as are not covered by the Commonwealth award.

The Hon. R. C. DeGaris: Which people are not covered by the Commonwealth award?

The Hon. A. F. KNEEBONE: Those people not made a party to the original dispute. The award covers not area but the respondents to it. Subsequently, a "roping-in" award is made, taking in people who were missed the first time.

The Hon. H. K. Kemp: Is this a "roping-in" award?

The Hon. A. F. KNEEBONE: No. If the Hon. Mr. Whyte had a property and was a respondent to a Commonwealth award and sold his property, the person who bought it would not be a respondent to that award; he would be award-free.

The Hon. H. K. Kemp: But what about a manager?

The Hon. A. F. KNEEBONE: The honourable member was not talking about a manager. I understand that this amendment is based upon cost to the industry of any improvements in the conditions of the workers as a result of their being able to go to the State court.

This is the second time I have heard the State tribunal rubbished. This is again criticizing the State court by saying it is not a responsible organization. That is not true. The honourable member emphasized cost to the industry and dealt with exports.

The Hon. H. K. Kemp: Not cost, but the existence of the industry.

The Hon. A. F. KNEEBONE: If that is not an argument that this will give somebody better conditions, I have never heard one. The Hon. Mr. Dawkins said that as a result of this provision the workers in the agricultural industries would be worse off. If that is so, their conditions now must be so good that this will not affect them so much—so what is he opposing it for?

The Hon. M. B. Dawkins: I said I supported the amendment because of the special category that the Hon. Mr. Kemp mentioned.

The Hon. A. F. KNEEBONE: The honourable member should not be opposing it at all. All that the Hon. Mr. Kemp can think of is that it will add to the costs of the industry.

The Hon. C. R. STORY: Can the Minister tell me why the Australian Workers Union has not served claims on those people in these industries that Mr. Kemp wants at this stage to exclude from the provisions of this legislation, when the A.W.U. has served its log of claims upon people in the Upper Murray and many other people in the State, including those covered by the Pastoral Industry Award? Is this because the A.W.U. has not been able to get down to a basis of collecting these people and finding out who they are? There are areas that are just as closely populated as some of the areas on the Upper Murray. Why have they not been brought under a Federal award in the same way?

The Hon. A. F. KNEEBONE: Why should it be that in every other industry in South Australia there is provision that its workers can go to the State court and get an award complementary to an award in the Commonwealth sphere? It can then be made a common rule to take in everybody not covered by the Federal award. The procedure of getting employers listed in the Commonwealth sphere and serving on others a roping-in award is a tremendous and costly task. Why should one industry have to go through this procedure when it need not be followed in any other industry?

The Committee divided on the amendment:

Ayes (6)—The Hons. Jessie Cooper, M. B. Dawkins, Sir Norman Jude, H. K. Kemp (teller), C. D. Rowe, and Sir Arthur Rymill.

Noes (13)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, A. F. Kneebone (teller), F. J. Potter, A. J. Shard, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 7 for the Noes.

Amendment thus negatived.

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

To strike out the definition of "building work".

This is the first of three amendments to the definition of "contractor" and to clause 28. These are three separate amendments but they all relate to the one matter. Perhaps the Committee could treat the first amendment, namely, to eliminate the definition of "building work", as a test case. I think I explained clearly in the second reading debate the reason why I considered that the bringing of a contractor, albeit only one who is supplying his own labour, under the provisions of the Code so that under clause 28 he may be subject to an award of the court is in some way an infringment of the liberty of a subcontractor who wishes to continue to be such.

If he wishes not to be an employee I see no reason why he should be made an employee under the provisions of the Code. The provisions of clause 28 and the fact that subcontractors have been included is something more than a coincidence when we consider the provisions of the Builders Licensing Bill, which will provide certain controls over and limitations on the activities of persons who must be licensed, or who do not wish to become licensed but who wish to contract for labor only. I cannot see any reason for these people being brought under the Code and I have not yet heard any arguments favouring this provision from people with whom I have discussed this matter.

The Hon. A. F. KNEEBONE: The honourable member has moved this amendment as one of several dealing with the same principle, and I shall treat this amendment as a test. I oppose it because of the situation in the building industry that I described in my second reading explanation; this situation has existed for a considerable period. When the system of subcontracting first operated in the industry there was not much wrong with it, because it was truly subcontracting: people submitted a tender for doing certain work for which they provided their skill, the necessary tools and perhaps some of the materials. However, labour-only subcontracting has grown up, has become worse and worse and has been open to much abuse.

When a relaxation in activity in the building industry occurred (the period recently experienced was not the first slight relaxation in activity; this has happended off and on over a long period) labour-only subcontracting developed; it has now reached the stage where it is not contracting at all.

The Hon. R. A. Geddes: Surely supply and demand has created this.

The Hon. A. F. KNEEBONE: No; it is piece-work under another name, and the piecework rates are fixed not by any tribunal but by the employer or by an organizer who knows nothing about the industry—he has simply set up an organization in which everybody else does the work and in which he merely sublets contracts. He simply says to the subcontractor, "You do the bricklaying and you will be paid so much."

The Hon. R. A. Geddes: Is the person who takes on the job compelled to do so?

The Hon. A. F. KNEEBONE: Yes, if he wants work in the building industry today; some master builders, much against their wishes, have been forced into this situation. They would prefer to have weekly workers on whom they could rely and whom they could confidently expect to do a good job.

The Hon. R. A. Geddes: Why don't they have weekly workers?

The Hon. A. F. KNEEBONE: Because they cannot compete with people who are cutting their throats. I do not know what honourable members fear. Some people say this will increase the cost of building in South Australia. If it does, this justifies what we are doing; however, I cannot see that it will increase building costs to that great an extent if the fair thing is done to the worker.

We want the people to whom I have referred to be treated as workmen and not to be told they are employers, simply because they are subcontractors. They are worse off than is the worker who is receiving a weekly wage. This provision overcomes the difficulty concerned with their going to the State Industrial Commission; there has been doubt whether these people are piece-workers, and this provision is being inserted in the Code to clarify the fact that, if they are working for labour only, they are workmen within the industry, not contractors.

The Committee divided on the amendment:

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

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

Majority of 9 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER moved:

To strike out the definition of "contractor".

Amendment carried.

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

In paragraph (*b*) (xiv) of the definition of "employer" to strike out "proclamation" and insert "regulation".

I think this is a desirable amendment. "Any body or person constituted under any Act" could mean any company or any body incorporated under the Associations Incorporation Act or the Industrial and Provident Societies Act. I consider that any persons should be brought under the Act by regulation and not by proclamation.

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

Amendment carried.

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

In paragraph (2) (*a*) of the definition of "industrial matters" to insert "any loading or amount that may be included in such wages, allowances, remuneration or prices as compensation for lost time; and".

This paragraph differs in one respect from the definition at present in the Industrial Code. It has been the practice for many years to include in awards of the Industrial Commission provisions to compensate employees in the building industry (who are generally employed on an hourly contract of hiring) for time lost on account of wet weather and other conditions peculiar to the building industry. Recently the jurisdiction of the commission to include such allowance in those awards was queried, although in the end the commission did not have to make a decision on the matter. The amendment is to place beyond all doubt the fact that the commission does have jurisdiction to include a loading or amount in wages of employees as compensation for lost time, in the course of employment with an employer. Consideration has been given to comments made since this Bill was introduced into the House of Assembly. The amendment is of a drafting nature; it is considered that it removes the ambiguity in the Bill and more effectively gives effect to the intention.

Amendment carried.

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

In paragrpah (2) (*a*) of the definition of "industrial matters" to strike out "including the allowances payable to any person in respect or on account of time lost between times of employment".

Following the inclusion of words as a result of the previous amendment, it is necessary to delete these words.

Amendment carried.

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

In paragraph (2) (*a*) of the definition of "industrial matters" to strike out "including" last occurring.

This is consequential on the previous amendment.

Amendment carried.

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

To strike out paragraph (2) (i) of the definition of "industrial matters".

This is the first of a series of amendments designed to restore to this Bill the present provisions of our Industrial Code, namely, that there shall not be granted any preference to unionists. During the second reading debate I pointed out that there were circumstances in which a mere preference became something that was compulsory. Many members have spoken on this topic, and they have all expressed disapproval of any thought that there will be any compulsory unionism.

The Hon. G. J. Gilfillan: Or discrimination.

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

The Hon. A. F. KNEEBONE: Although I agree that much has been said on this subject, I do not agree that all members who have spoken have opposed this provision. Certainly, members of the Government have not opposed it. I spoke strongly on this matter. This provision does not in itself grant preference to unionists: it provides that the court will have the right to award preference to unionists if it decides, after hearing the arguments for and against it, that this provision should be included in awards. The Hon. Mr. Potter is trying to insert a provision that denies the commission the right to do this, even if it thinks it ought to do it.

The Hon. R. C. DeGaris: Isn't this giving the court the right to discriminate?

The Hon. A. F. KNEEBONE: It does not direct the court to do anything: it merely gives the court the right to decide whether or not the provision should be included in awards. The commission can state under what conditions preference shall be given. All things being equal, preference can be given by the commission after it has heard the arguments of both sides. This only gives the commission the right. Previously, the Industrial Code debarred the court (as it then was) from giving preference in an award to trade unionists. Why should the court be debarred from giving preference if, after examining the facts, it thinks there should be preference?

The Hon. D. H. L. BANFIELD: Although honourable members have indicated their opposition to preference, no clear reasons have been given why a person who pays for something should not be more entitled to it than somebody who has not paid for it. This clause gives the person who pays for something first choice, all things being equal. Not one good reason has been adduced why the commission should not be entitled to give preference in an award. This provision is in many Commonwealth awards and there have been no complaints about it. Is our commission less competent than the Commonwealth body? Have we no faith in our State commission? Why should not our commission have the same power as the Commonwealth commission in these matters? If an employer does not want a preference clause in an award, he can oppose the application, the union will press for it and it will then be for the commission to decide after hearing arguments for and against. There is a preference clause in the Clothing Trades Award, which is nowhere near 100 per cent. That indicates that it is not compulsory unionism. There has been no complaint about the way in which that award has been operating over the years.

The Hon. F. J. POTTER: The honourable member has posed the question, "Why should those people who do not pay for the benefits that the union gets for them not be forced to be members of the union?"

The Hon. D. H. L. Banfield: I did not say that they should be forced; I said "Why should not they have first preference?"

The Hon. F. J. POTTER: Some people do not, on conscientious grounds, wish to belong to a union. On the point of "making their contribution", this has been handled neatly in one of our States, where employees who do not wish to belong to a union are allowed to make an equivalent contribution to the Industrial Court by payment to the Registrar or the equivalent officer of the amount they would otherwise be compelled to pay as union dues.

The Hon. R. A. Geddes: It is a sort of conscience money?

The Hon. F. J. POTTER: No; it is a sort of *quid pro quo*. I see no objection to that method being used. It has been asked, "Why

should the commission not decide it?" I think this matter should not get to the commission. There should be, as there is now, a prohibition on any employer dismissing his employee because he is or is not a member of a particular union or association. Sometimes that is an employer's only counter to strong pressures brought to bear upon him in this matter of compulsory unionism.

The Hon. C. R. Story: Can the Minister, from his wide knowledge of the trade union movement, say how many unions have this provision written into their Commonwealth awards?

The Hon. A. F. KNEEBONE: I cannot say how many but I know there are some and the Commonwealth commission has proved that it has the right to do this if it so desires, after hearing arguments from the parties concerned, or as a result of agreement between them. Agreement has been reached between the employer organization and the trade union for this clause to go into awards.

The Hon. F. J. Potter: An agreement is reached first.

The Hon. A. F. KNEEBONE: Yes; it often happens. For instance, in the paper mills in Tasmania there is a direct reference to the trade union people and the employer collects the contribution. In fact, anybody who applies for a job there is told by the employer to join a union, which shows he thinks it is a good idea.

The Hon. Sir Arthur Rymill: That happens here often enough.

The Hon. A. F. KNEEBONE: Sir Arthur talks from experience. He is a director of the newspaper company that, as a result of discussions, gave the union to which I used to belong direct preference for its members. Therefore, I hope he will support me in this. I am looking forward to his coming over to me on this occasion!

The Hon. Sir Arthur Rymill: I think it is a very good thing provided it is not compulsory.

The Hon. A. F. KNEEBONE: Sir Arthur's newspaper company would not engage an employee unless he was a member of a union.

The Hon. L. R. HART: If unions obtain so many privileges for their members, unionism in itself should be attractive enough to encourage people to join unions. There is virtually compulsory unionism in many industries at present: if a person does not join a union, then there are industrial problems in that industry. Unless the person joins the union there is virtually a strike. If two persons come to an employer and one is not a unionist and the employer wishes to employ him, he is forced to say, "Unless you belong to a union I cannot employ you." That is compulsory unionism. Possibly the Labor Party has an ulterior motive in bringing this matter forward, as it is undoubtedly in its interests to have as many unionists as possible because of the financial advantage it gets from the unions. If a person is required to join a union, he should be entitled to say to which political Party his contributions should go.

The Hon. D. H. L. Banfield: He has that right.

The Hon. L. R. HART: He has not that right when the union uses his funds for the benefit of a political Party. That is why many people do not join unions.

The Hon. A. J. Shard: Not his contributions.

The Hon. L. R. HART: His contributions may be used for the benefit of a Party with which he has no affiliation. If the Labor Party could eliminate that aspect I have no doubt that more people would join a union.

The Hon. A. J. SHARD: The Hon. Mr. Potter said that an employer should not have the right to say to an employee he shall not join a union. If I have that right, it is most unfair to the employer. There are some very obstinate people on the matter of trade unionism. An employee in the industry I was in might quite conscientiously employ someone who was not a union member but who would be approached to join the union, possibly a month after engagement. If this amendment is passed the employer must employ a member of the union. A non-unionist knows which are the best industries and which pay the best money, but he wants to get those good conditions for nothing. He is told that this is a free country and that if he wants to enjoy the conditions the union employees have paid for and stop in his job, he should join the union, or else. But there is no compulsion! He can please himself.

The Hon. Sir Arthur Rymill: It is a free country!

The Hon. Sir Norman Jude: He is already employed.

The Hon. A. J. SHARD: An individual came to me and said that he had been forced to apply to join the union. I tore up his application and threw it at him and said, "If you do not want to apply properly, it is too bad." Mr. Potter has said that the employer cannot dismiss a non-unionist when the other employees will not work with him. I am not 100 per cent in favour of compulsory trade

unionism. I went to an employer who had two or three individuals who would not join the union. It was in an industrial area. I said, "We will not take any action, but you will lose." He said, "How will I lose?" I said, "Are you aware that certain bakers in the district are 100 per cent union shops? I have appealed to people to deal with them and your name will not be on the list." Within a week all of his employees had joined the union.

I belonged to one of the weakest unions in the State but we never forced anybody to join. No portion of the contribution of any member of a union affiliated with the Labor Party must go to the Party. The reason people do not want to join unions is that they want the benefits for nothing. Many years ago there was a New Australian at Islington who would not join a union. It was decided that the unionists would get overtime but that the non-unionists would not. The man turned up for work on a Saturday morning, but he could not be given overtime. He joined the union the following Monday! I agree with the principle that if people want certain benefits they should be prepared to pay for them.

The Hon. A. F. KNEEBONE: We are talking now of preference to unionists, not compulsory unionism.

The Hon. C. D. Rowe: Are you supporting the Chief Secretary?

The Hon. A. F. KNEEBONE: No, he is supporting me. This is not compulsory unionism. I have always supported preference for trade unionists. I know what has happened in places where there has been compulsory unionism. As a trade unionist I want the opportunity to say to a person, "You should not be a member of this union because you have not observed the rules." Under compulsory trade unionism I would be forced to have this man in my union, but I would not want him there because he had not supported the principles of trade unionism. Because this provision gives preference to trade unionists I support it.

The Hon. C. R. STORY: I was inclined to go along with the Minister. However, now that I have learned some of the background I do not think it is necessary. If people can do the things I have heard about without any power, what would they do if they had some power?

The Committee divided on the amendment:

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

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

Majority of 11 for the Ayes.

Amendment thus carried.

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

After the definition of "living wage" to insert:

> "lock-out" (without limiting its ordinary meaning) includes a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees with a view to compel his employees, or to aid another employer in compelling his employees, to accept terms of employment:

This is the first of a series of amendments designed to restore to the Code penalties for strikes and lock-outs; it is necessary to define a strike and a lock-out and to define the procedures relating to them. These definitions and the amendments as a whole have been taken from the New South Wales legislation, which, I believe, has worked very well. It is essential to have penalties for strikes and lock-outs in our Code, although they may not be used very often. I think the Code is deficient without them, and a serious situation could arise in the absence of provisions regarding strikes and lock-outs.

The Hon. A. F. KNEEBONE: I hope I shall receive support from honourable members who spoke so much about the freedom of the individual in regard to the previous amendment. This amendment is against all ideas of freedom of the individual. The Labor Party has always stated it is against the penal clauses of industrial legislation and of awards. The person who has nothing but his labour to sell should have the right to sell or to withhold his labour without being penalized. If these provisions are put back into the Code, if two people leave a job together it can be said, "You can be fined and penalized because your action is in the nature of a strike." This can happen simply because the two people have said to an employer, "We prefer to work for somebody else, and therefore we are withdrawing our labour from you." If penalizing such people is not an infringement of the freedom of the individual, I have never heard of such an infringement. Honourable members who have said so much about the freedom of the individual should get up and talk about that freedom now.

The Committee divided on the amendment:

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

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

Majority of 8 for the Ayes.

The CHAIRMAN: The Hon. Mr. Kemp's name appears on both lists. I ask the honourable member to come to the table and explain which way he wants to vote.

The Hon. H. K. KEMP: Mr. Chairman, I stand on the side on which I vote.

The CHAIRMAN: Is the honourable member voting for the Ayes or the Noes?

The Hon. H. K. KEMP: The Ayes, Mr. Chairman.

The CHAIRMAN: Then there are 14 Ayes and five Noes, a majority of nine for the Ayes.

Amendment thus carried.

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

To strike out the definition of "subcontractor".

This amendment is consequential on the matter voted on earlier by the Committee.

Amendment carried.

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

To insert the following definition:

"'strike' (without limiting its ordinary meaning) includes the cessation of work by any number of employees acting in combination, or a concerted refusal or a refusal under a common understanding by any number of employees to continue to work for an employer with a view to compel their employer, or to aid other employees in compelling their employer, to accept terms of employment, or with a view to enforce compliance with demands made by them or other employees on employers:"

This definition is taken from the New South Wales legislation.

The Hon. S. C. Bevan: Why do you take it from there and not from a section that was embodied in the Code in this State for many years?

The Hon. F. J. POTTER: I think this is a much better definition and a much better method of handling penalty clauses. The Labor Party in New South Wales, which was in Government for many years, did not see fit to alter this provision. Under this definition, all the necessary ingredients will have to be proved.

The Hon. S. C. BEVAN: I oppose the amendment. Under this definition, it would constitute a strike if two employees told their employer that they were dissatisfied with the wages he was prepared to pay and that unless he paid more they would go elsewhere. In those circumstances, the employer could put the penal machinery into operation.

The Hon. A. F. Kneebone: Another employer could have offered them extra wages.

The Hon. S. C. BEVAN: Yes, and that could constitute a strike. I hope the Committee will not accept this definition.

The Committee divided on the amendment:

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

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

Majority of 9 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 6 to 24 passed.

Clause 25—"Jurisdiction of commission."

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

In subclause (1) (*b*) to strike out subparagraph (i).

This amendment is consequential upon the amendment dealing with preference, already accepted by the Committee.

Amendment carried.

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

To insert the following new subclause:

(2a) Notwithstanding anything contained in subsection (1) of this section the Commission shall not have power to order or direct that, as between members of associations of employers or employees and other persons offering or desiring service or employment at the same time preference shall in any circumstances or manner be given to members of such association or to persons who are not members thereof.

Again, this is a consequential amendment.

Amendment carried; clause as amended passed.

Clauses 26 and 27 passed.

Clause 28—"Building subcontractors."

The Hon. F. J. POTTER: I gave notice that I would move an amendment to strike out the whole clause. However, the normal procedure is merely to vote against it, which I shall do.

Clause negatived.

Clauses 29 to 32 passed.

Clause 33—"Representation of parties."

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

To strike out subclause (2).

This may appear to be a minor matter. I know that the clause as printed is similar to the existing provision but it is important that there should be a clear right for all parties to appear before an industrial commission at their own expense and be represented by a solicitor or agent, and that there should not be any business of having to get the consent of the other party to that, because most of the cases brought before the commission are conducted by either an association or a union, which cannot appear except when represented by a solicitor or agent. On the hearing of any matter, whether in the first instance or on appeal, the association, whether on the union side or the employer side, should have the right to be represented by a solicitor or agent at its own expense. Indeed, that is the only way they can be represented.

The Hon. A. F. KNEEBONE: This provision is a continuation of what has been done before. It was considered by the trade union that, if the consent of all parties had to be obtained, this kept the matter as formal as possible. I think this practice has worked well in the past; therefore, I oppose the amendment.

Amendment carried.

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

In subclause (3) to strike out "other".

This is a consequential amendment.

Amendment carried.

The Hon. F. J. POTTER moved:

In subclause (3) to strike out "with the consent of both" and insert "all"; and to strike out "but not otherwise" and insert "or".

Amendments carried; clause as amended passed.

Clauses 34 to 36 passed.

Clause 37—"Recovery of amounts due under awards and agreements."

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

In subclause (1) to strike out "six years" and insert "one year".

I cannot see any analogy between claims for wages and claims at civil law. Trouble arises in connection with these claims because of extraneous circumstances as to whether or not claims for wages are due and payable. If it were a clear amount one could put one's hand on and say that it was $20, $50 or $500, it would not matter so much, but the real argument that often has to be determined is whether or not the true rate of pay is applicable to the office concerned, whether or not on a certain day at a certain time legitimate overtime was worked, or whether or not something happened on a particular day that caused an absence and perhaps a loss of pay.

All these things are the real difficulties that face the court when it has to determine whether or not an amount is due for wages. If an employer did not know that the employee claimed a certain classification and a higher rate and the matter was not drawn to the employer's attention at the time, $1,000 a year could be involved. When the whole matter came to dispute the employer could say, "Why did you not claim that you should be in a higher capacity? I would not have employed you in that capacity when I intended to employ you in a lower capacity."

If, say, $1,000 a year difference were involved an employer could be faced with a claim for $6,000. That is very undesirable when, in fact, the situation has been brought about by the employee's deliberately failing to bring his claim to the notice of the employer. I would not be so opposed to the six-year period if the employee had to give notice within one year of the alleged amount becoming due. There is nothing in the Bill about that. The simple way of dealing with the problem is to leave it as it is at the moment, namely, a claim for one year, which I think is adequate.

The Hon. S. C. Bevan: Why not use the New South Wales Act in this matter?

The Hon. F. J. POTTER: I think that Act provides that notice of the claim must be given.

The Hon. A. F. KNEEBONE: I cannot follow the honourable member's argument. A worker's wages are just as important to him as a debt is to a storekeeper. I have known cases where an employer has cheated apprentices out of their rightful earnings. An apprentice who had been signed up for a five-year term was paid a rate applicable to a six-year term, for which the rate was lower. When a trade union official called on the employer he found that for three or four years the apprentice had been paid at the wrong rate, but a claim could not be made for a period of more than one year. If a person can claim in a civil court in respect of a period of six years, why should the worker not be able to claim for that period? The fact that the claim may be for $6,000 indicates it is the cost that is troubling the honourable member. If the claim is for $10 or $6,000 the worker should be able to claim, if it is a debt rightfully owing to him. People can be cheated out of their rightful earnings if the period is limited to one year.

The Committee divided on the amendment:

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

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

Majority of 7 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 38 passed.

Clause 39—"Power of Governor to declare living wage."

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

In subclause (2) (*a*) to strike out "rates of" and insert "basic or living".

This whole clause dealing with the proclamation of the living wage may in future be subjected to important revisions, particularly in the light of the judgment of the Commonwealth Conciliation and Arbitration Commission favouring a total wage. This judgment is at present the subject of an appeal to the High Court of Australia. If the High Court finds that the commission has no power to award a total wage, the commission may have to revert to fixing a basic wage and margins, which system operated previously. When the old system was in vogue, for many years it was a common practice for the Governor by proclamation to adjust the State living wage by adding to it the addition to the Commonwealth basic wage. Last time, when the Commonwealth Conciliation and Arbitration Commission awarded a total wage increase, some difficulties arose here; the immediate difficulty was solved by adding the amount of the increase to the State living wage. If the old system is retained, the State living wage must be adjusted by proclamation in this way. However, if the total wage system comes into operation, this procedure cannot apply. My amendment accurately sets out what ought to be done by way of proclamation.

The Hon. A. F. KNEEBONE: I do not agree with the honourable member. The last decision of the commission was not in respect of a basic or living wage. I agree that we may have to do something regarding the living wage provision as a result of what may happen after August next year. However, in the meantime there is a case before the High Court about whether there should be a total wage or a basic wage and margins. I have refrained from amending this provision because the matter is *sub judice*.

The Hon. F. J. POTTER: The choice is an alternative one. The Minister says, in effect, that if my amendment is carried the Government will not be able to use these provisions to increase the living wage if the Commonwealth Court increases the total wage. To that I say that the Government should not increase the State living wage, as it did last time purely as a matter of expediency by adding an increase in the total wage to the State living wage. That is completely wrong in principle; in a very short time it will put us completely out of step, for it will make a difference to the margin above the State living wage that is applicable.

That is the difficulty my amendment is designed to cure. I agree that if my amendment is carried it could become necessary for the Government to provide some alternative to these provisions. I do not agree that the Minister by proclamation should be able to add to the State living wage an increase in the total wage awarded by the Commonwealth. People would soon be able to make comparisons between margins in South Australia and elsewhere, and it would not be very long before the whole concept of adjustment would be completely out of order in South Australia. I agree that if the total wage persists the Government will have to bring in some amending legislation to deal with the situation, and indeed it should do this.

The Hon. A. F. KNEEBONE: The present provisions in the Bill are in line with the Code and have not been altered. This clause will have to be amended again if the High Court upholds the action of the Commonwealth court, and in that case the amendment the honourable member is moving now will have to be re-amended. I have purposely not done anything about this provision because the matter is before the High Court. I consider that we should make no alteration to it while the matter is *sub judice*. Once we start to alter this we are taking it for granted that something is going to happen on a matter that is *sub judice*.

The Committee divided on the amendment:

Ayes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter (teller), Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

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

Majority of 5 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 40 to 51 passed.

Clause 52—"Tribunal to be guided by equity and good conscience."

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

To strike out subclause (2).

An amendment was made to subclause (1) in another place, which means that all but the last line of subclause (2) is redundant as the commission does not have jurisdiction in respect of offences against the Act or appeals from courts of summary jurisdiction. The purpose of clause 37 (which is at present section 132c of the Code) is to enable persons who claim they have not been paid the proper wage to have a quick and inexpensive method of recovery before the commission and one in which they need not be represented by a solicitor. To require that these proceedings shall be conducted in the same manner as a court (that is, having regard to the technicalities, the legal forms and the practice of other courts) defeats the whole purpose of the procedure of clause 37.

Amendment carried; clause as amended passed.

Clauses 53 to 68 passed.

Clause 69—"Jurisdiction of committees."

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

In subclause (1) to strike out paragraph (*c*).

This is consequential on the amendments already accepted in relation to preference to unionists.

Amendment carried; clause as amended passed.

Clauses 70 to 79 passed.

Clause 80—"Equal pay for males and females in certain circumstances."

The Hon. F. J. POTTER: At this late hour, I do not intend to answer the points raised by the Hon. Mrs. Cooper on this matter, but she is so convinced that the New South Wales provisions will achieve important results in South Australia that I intend to change my amendments from the form in which they appear on honourable members' files. Therefore, I move:

In subclause (2) before "commission" first occurring to insert "Full"; and to strike out "or a committee" first occurring.

The second amendment is consequential on the first.

The Hon. A. F. KNEEBONE: I am interested to hear that the Hon. Mrs. Cooper has made such an eloquent appeal to the honourable member that he has decided not to proceed with his original amendments. I would have hoped that my eloquence would prevent the honourable member from proceeding now with these amendments. To preserve the Bill in its present form the commission or a committee should have the power to provide for equal pay under the conditions set out in the Bill.

The Government was criticized by members of the Opposition in another place, who said that the Bill in its present form did not go as far as many people wished it would go nor as far as the press stated it would go. I see no reason why the Committee should agree to an amendment that reduces the Bill's effectiveness. I ask honourable members to vote against the amendment.

The Hon. Sir ARTHUR RYMILL: I do not consider that the amendment reduces the effectiveness of the Bill one iota. It merely provides that this important matter will be decided by the top tribunal. I do not think anybody would argue with that.

The Committee divided on the amendment:

Ayes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

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

Majority of 10 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER moved:

In subclause (2) to strike out "or a committee" second occurring, and before "commission" second occurring to insert "Full"; in subclause (3) before "commission" to insert "Full", and to strike out "or a committee"; and in subclause (4) (*a*) before "commission" twice occurring to insert "Full", and to strike out "or a committee" twice occurring.

Amendments carried; clause as amended passed.

Clauses 81 to 89 passed.

Clause 90—"Employees to be paid in money."

The Hon. F. J. POTTER moved:

In subclause (3) to strike out "six years" and insert "one year".

Amendment carried; clause as amended passed.

Clause 91 passed.

Clause 92—"Employer not to dismiss employee because unionist or taking benefit under the Act."

The Hon. F. J. POTTER moved:

In subclause (1) to strike out "Except pursuant to an award or order"; in subcaluse (1) (a) after "is" to insert "or is not"; and in subclause (2) after "whilst" to insert "he was or was not".

Amendments carried; clause as amended passed.

Clause 93 passed.

Clause 94—"Employers to keep certain records."

The Hon. F. J. POTTER moved:

In subclause (1) (*b*) to strike out "six years" and insert "one year".

Amendment carried; clause as amended passed.

Clauses 95 to 110 passed.

Clause 111—"Continuance of agreement unless terminated by notice."

The Hon. F. J. POTTER moved:

In subclause (2) after "of" first occurring to insert "the term of".

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

Amendment carried; clause as amended passed.

Clauses 112 to 116 passed.

New clauses 116a to 116i.

The Hon. F. J. POTTER moved to insert the following new clauses:

116a. If any association or person does any act or thing in the nature of a lock-out, or takes part in a lock-out, unless the employees working in the industry concerned are taking part in an illegal strike, such association or person shall be guilty of an offence against this Act and be liable to a penalty of one thousand dollars.

116b. The following strikes and no others shall be illegal—

(*a*) Any strike by employees of the Crown or by employees of any of the employers referred to in paragraph (*b*) of the definition of employer contained in section 5 of this Act.

(*b*) Any strike by the employees in an industry, the conditions of which are for the time being wholly or partially regulated by an award or by an industrial agreement; but any association of employees may render an award which has been in operation for a period of at least twelve months no longer binding on its members or their employers by the vote of a majority of its members, working in that industry, at a secret ballot taken in accordance with rules made hereunder by the President, in which not less than two-thirds of the members engaged in such industry take part.

(*c*) Any strike which has been commenced prior to the expiry of fourteen clear days' notice in writing of intention to commence the same, or of the existence of such conditions as would be likely to lead to the same given to the Minister by or on behalf of the persons taking part in such strike.

116c. In the event of an illegal strike occurring in any industry, the Industrial Court, or a court of summary jurisdiction, may order any association, whose executive or members are taking part in or aiding or abetting the strike, to pay a penalty not exceeding one thousand dollars.

116d. It shall be a defence in any proceedings under the last preceding section that the association by the enforcement of its rules and by other means reasonable under the circumstances endeavoured to prevent its members from taking part in or aiding or abetting or continuing to take part in, aid or abet the illegal strike.

116e. (1) The Minister may at any time or from time to time during the progress of any strike, or whenever he has reason to believe that a strike is contemplated by the members of any association, direct that a secret ballot of such members shall be taken in the manner prescribed by Rules made under section 116b of this Act for the purpose of determining whether a majority of such members is or is not in favour of the institution or continuance of the strike.

(2) Whenever the Minister has made a direction for the taking of a ballot the Registrar shall be the returning officer, who shall have power to supervise, direct and control, subject to the provisions of this Act and the Rules made hereunder, all arrangements for the taking of such ballot; and the Minister may appoint a sufficient number of scrutineers, who shall be officers or members of the association affected.

116f. If any person—

(i) aids or instigates an illegal strike; or

(ii) obstructs the taking of a ballot under this Act; or

(iii) counsels persons who are entitled to vote at such ballot to refrain from so voting; or

(iv) being an officer of an association refuses to assist in the taking of such a ballot by acting as a scrutineer or providing for the use of the returning officer and his assistants such registers and other lists of the members of the association as the returning officer may require or otherwise; or

(v) directs or assists in the direction of an illegal strike or acts or purports to act upon or in connection with a strike committee in connection with an illegal strike;

he shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars or imprisonment for a period not exceeding six months.

116g. The proprietor and publisher of any newspaper which advises, instigates, aids or abets an illegal strike, shall for each offence be liable to a penalty not exceeding two hundred dollars.

116h. Any person who induces or attempts to induce any person to take part in an illegal strike shall be liable to a penalty not exceeding twenty dollars or to imprisonment, with or without hard labour, for a term not exceeding one month.

116i. (1) No person or association shall, during the currency of any strike, do any act or thing to induce or compel any person to refrain from handling or dealing with any article or commodity in the course of transit thereof or in the process of the manufacture, sale, supply, or use thereof.

(2) The penalty for any breach of this section shall as against any association be a sum not exceeding two hundred dollars and as against any person a sum not exceeding twenty dollars, or imprisonment for a period not exceeding one month.

The Hon. A. F. KNEEBONE: These proposed new clauses are all part of the penal provisions to which I have already objected. When one considers the New South Wales legislation, one realizes it is almost impossible to have a legal strike there. I oppose the proposed new clauses.

New clauses inserted.

Clauses 117 to 133 passed.

Clause 134—"Power for registered association to change name."

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

In subclause (3) after "secretary" to insert "director".

This amendment and the others that follow arise as the result of a request by the Director of the Employers Federation, who asked me to say that he had been appointed the director and was no longer the secretary. Therefore, this is purely formal.

The Hon. A. F. KNEEBONE: I know of one trade unionist who has been appointed the manager of a branch and is now no longer the secretary, but I have not received any similar request from him. I see no real difficulty in this, as I should think the director would be the secretary anyway. I do not oppose the amendment.

Amendment carried; clause as amended passed.

Clauses 135 and 136 passed.

Clause 137—"Printed copies of rules to be supplied."

The Hon. F. J. POTTER moved:

After "Secretary" to insert "or director".

Amendment carried; clause as amended passed.

Clause 138—"Evidence of rules."

The Hon. F. J. POTTER moved:

After "secretary" to insert "director".

Amendment carried; clause as amended passed.

Clause 139—"Registered office and branch office of association."

The Hon. F. J. POTTER moved:

In subclause (2) after "secretary" to insert "or director"; and in subclause (4) after "secretary" to insert "or director".

Amendments carried; clause as amended passed.

Clauses 140 to 145 passed.

Clause 146—"Registered association to send yearly financial statement to Registrar."

The Hon. F. J. POTTER moved:

In subclause (1) after "secretary" to insert "or director".

Amendment carried; clause as amended passed.

Clauses 147 and 148 passed.

Clause 149—"Mode of executing deeds and instruments."

The Hon. F. J. POTTER moved:

After "secretary" to insert "or director".

Amendment carried; clause as amended passed.

Clauses 150 to 188 passed.

The Hon. A. F. KNEEBONE: Mr. Chairman, I think this would be an appropriate time to report progress. I express my appreciation to the Committee for the way it has worked on this matter.

Progress reported; Committee to sit again.

HOSPITALS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 24. Page 2875.)

The Hon. V. G. SPRINGETT (Southern): In the principal Act sections 53 and 54 provide that up to $200 for an inpatient and $50 for an outpatient can be paid by an insurer of a victim of motor vehicle accident directly to the hospital or hospitals that treated the victim. These sums of money were the maxima laid down. It was further provided that the total amount to be paid to the hospital could not exceed one-third of the total amount paid by the insurer in respect of an injury, and this figure has remained unchanged. Honourable members will be as aware as anyone else that costs have certainly rocketed since then and that all matters relating to hospitals and treatment therein have increased in cost enormously. However, doctors, like hospitals, have experienced the problem of treating victims of motor accidents; they are the types of patient whom no-one wants to treat because the doctors do not get much for it, as the Hon. Mr. Banfield would appreciate.

This type of treatment has become increasingly unprofitable as the years have passed.

This Bill amends sections 53 and 54 of the principal Act. It provides that the amount to be paid is limited only by the hospital's bill or the amount for which the person is insured, whichever is the lesser. This is in keeping with modern trends of costs and with the legislation recently enacted to enable interim payments for special damages to be paid to accident victims. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Payment by insurer of cost of hospital treatment."

The Hon. H. K. KEMP: Has the matter of the cost of this provision been taken into consideration by the committee that sets the rates of third party insurance in South Australia?

The Hon. A. J. SHARD (Chief Secretary): I should think so.

The Hon. H. K. KEMP: This is scarcely a satisfactory reply. Has this matter been referred to that committee?

The Hon. A. J. SHARD: I do not know what honourable members expect of me. This Bill provides for a simple amendment. I shall not say "Yes" or "No" to the question. All I am prepared to say is, "I should think so." If honourable members want answers to this kind of question they will never get the business finished.

The Hon. H. K. KEMP: This is most unsatisfactory. Opposition members have been accused today of not giving proper consideration to legislation and of being irresponsible. I point out that this measure will seriously affect the rates of insurance in South Australia. Third party insurance rates in South Australia are set by a committee on which the Government is represented, and these rates affect everybody who insures a car in South Australia. We should receive a responsible answer from the Minister.

The Hon. Sir NORMAN JUDE: I support the remarks of the Hon. Mr. Kemp. This Bill was introduced only yesterday. Very few people have had a chance of seeing the second reading explanation. Whilst I support the Bill I think that, where a leading question has been asked, it should be answered properly. Whilst I do not expect the Chief Secretary necessarily to have an answer on the tip of his tongue, I think he could well inquire from the responsible officers and obtain an answer.

The Hon. A. J. Shard: The honourable member, with his experience, knows very well it would be done.

The Hon. Sir NORMAN JUDE: I do not know this, in view of the rate with which legislation is being put through this Council. We are asking only that progress be reported. The Chief Secretary could reply tomorrow; the Bill would be passed in due course.

Clause passed.

Clause 4 and title passed.

Bill reported without amendment. Committee's report adopted.

SHEARERS ACCOMMODATION ACT AMENDMENT BILL

Adjourned debated on second reading.

(Continued from October 24. Page 2877.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill. Certain provisions have been included after consultation between the Stockowners Association of South Australia and the Australian Workers Union. The main clause in this amending Bill deals with the shearing sheds and the accommodation that hitherto were exempted from the Act. Section 3 of the principal Act states:

> This Act shall not apply—
> (*a*) in respect of any shearing-shed in or about which less than six shearers are for the time being employed, or
> (*b*) to the shearing of sheep in any city, town, or township.

This amending Bill will mean, in effect, that the old provision of exemption is to be superseded by this Bill, with a two-year break to allow people to meet the new requirements. It virtually means that all people who work in a shearing shed (excluding those who are employed on the property permanently) will be included in the definition of "shearers", and this will bring almost every shearing shed in South Australia within the legislation.

I understand that the Stockowners Association is completely in accord with this Bill. In fact, I believe it has to some extent initiated the idea, with a view to making the industry more attractive and encouraging more people to enter the occupation of shearing. However, I believe that one or two points may have been overlooked. Although the minimum figure given for exemption is "less than three", the exemption figure is "less than three shearers or people employed in the shearing shed". This, of course, means that practically every shed will be subject to this Act. Some properties are somewhat scattered, with perhaps several hundred acres in one district and another portion somewhere else. Also, there are small sheds dotted about some of these

large properties used as crutching sheds. I think the definition of "shearing" would cover crutching".

Therefore, I consider that this matter should be closely examined. Many of these small sheds are used perhaps by three men for two or three days at a time. On the smaller properties, even with one actual shearer there could easily be three people working in the shed. Therefore, where accommodation is provided these people would be brought within the ambit of this Act.

The Hon. A. F. Kneebone: Only if they were not permanently employed on the property.

The Hon. G. J. GILFILLAN: Quite. I know that many of these small sheds employ people who reside locally and the question of accommodation is not relevant. I would think that occurs in the majority of these sheds. On the other hand, many shearers have a run of small sheds through the various districts in the closer settled areas, and they prefer this type of shearing because keep is supplied free of cost, whereas in the larger sheds shearers have to pay for their accommodation in the form of their mess accounts.

However, these are minor matters to which I do not have any real objection, except that I ask the Minister to look at the question of crutching sheds, which I believe serve an entirely different purpose from that of the general shearing sheds. I feel reasonably sure that this matter has not been considered either by the Stockowners Association or by the A.W.U., and I think a clearer definition is desirable. I also believe that the A.W.U. has made a tactical error in altering the scope of the Act to cover such small shearing sheds as we have provided for here, because from a practical point of view any future moves to improve accommodation for shearers through this Act will of necessity be held down to the ability of the small properties to provide the better type of accommodation.

I really believe that in trying to widen the scope of this accommodation the union could, in fact, be doing its members a disservice by limiting the quality of the accommodation in the future to that which can be economically supplied by the smaller units. Clause 5 (*e*) contains regulation-making powers dealing with sleeping accommodation and various other amenities. The original definition of "bed" is replaced by the phrase "a bed that complies with the regulations". From some years of experience in the shearing sheds, I know only too well that suitable sleeping accommodation and a good cook go a long way towards preserving industrial harmony. Section 2 (1) (*c*) of the Act of 1947 provides:

> Each shearer shall be provided with a clean and dry mattress and pillow filled in each case with wool-flock, flock, or kapok and with a washable cover to the mattress and pillow.

In this present day and age I am surprised that, in provisions specifying a certain type of bed, the more important part of the mattress (the filling) has been restricted. I think a mattress of flock or kapok would now be out of date and some better material could be purchased these days at no extra cost.

The Hon. A. F. Kneebone: That is possibly because many mattresses are made of those materials at the moment.

The Hon. A. J. GILFILLAN: I agree, but the provision could have been widened, still retaining those words in the definition. It seems illogical to make detailed regulations about beds, wardrobes, chairs, etc., and yet retain out-of-date fillings for the actual mattresses, when so many new types of filling could be purchased at the same or perhaps a lower cost.

The Hon. C. M. Hill: You mean an innerspring mattress?

The Hon. G. J. GILFILLAN: Not necessarily, but the provision could be widened to include a choice of fillings. I understand different materials are being provided in many sheds which would not comply with the provisions of the present Act. For instance, there are foam plastic materials. Clause 5 provides that buildings hitherto approved as suitable for sleeping three persons to a compartment will have to be altered to comply with the new legislation, which provides shearers shall not sleep more than two to a compartment. This will entail expensive alterations to accommodation buildings, because it is impracticable to move solid-construction partitions; so more rooms will have to be built. I raise these matters for the Minister's consideration. Clause 5 (1) provides:

> XIb. If the effluent from a bathroom or a washing room does not pass through an effective septic tank or a bacteriolytic tank, and is not subjected to any other method of treatment approved by the Central Board of Health, the bathroom or the washing room shall be situated not less than 30ft. from any building used as sleeping quarters or for the preparation or consumption of meals.

It seems illogical, when we are applying these provisions to the smaller sheds in the settled areas, where often shearing takes place in cold weather, the sheds being used from 7.30 a.m. to 5.30 p.m. (which means that usually the person working in the shearing shed is using the washing room or bathroom either in the early morning or late at night), to stipulate that such a room shall be at least 30ft. from the sleeping quarters. Surely it is not the bathroom but the drainage outlet that should be 30ft. away. What is important is the distance of the drainage outlet from the building when no septic tank is provided. Surely that is the whole reason for this provision.

The Hon. A. F. Kneebone: It is because of the water lying around.

The Hon. G. J. GILFILLAN: The distance of the bathroom from the sleeping quarters has no connection with the drainage water and its method of disposal. A soakage pit or a long length of pipe could be used. It is the disposal of the water that matters.

The Hon. M. B. Dawkins: The outlet could be closer to the quarters than the bathroom is.

The Hon. G. J. GILFILLAN: Yes. This clause is illogical. The framers of the Bill must have intended that the drainage water from the building should be some suitable distance from the sleeping quarters. That point should be expressed clearly, so that common sense could dictate where the bathroom should be.

The Hon. R. C. DeGaris: A soakage pit is used in many places.

The Hon. G. J. GILFILLAN: Yes; it would meet with the regulations of the Public Health Department, to the best of my knowledge. Certainly, it would be situated some distance away from the sleeping quarters. After all, these buildings are used for short periods. With my objection to those provisions in clause 5, I support the Bill.

The Hon. L. R. HART secured the adjournment of the debate.

PUBLIC SERVICE BILL

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

ADJOURNMENT

At 11.33 p.m. the Council adjourned until Thursday, October 26, at 2.15 p.m.